

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ARNULFO QUILATON ALIAS “ARNOLD,” PATRICIO QUIYO, DIDING MAMALINGPING, AVELINO AHAO Y LATIMBANG, HILDO BUACON Y EMPONG, ACCUSED;

G.R. No. 131835. February 03, 2000

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

The burden of proof rests upon the prosecution. Unless it succeeds in proving the guilt of the accused beyond reasonable doubt, the constitutional presumption of innocence remains. Mere passive presence at the crime scene does not prove participation in the conspiracy.

Statement of the Case

Arnulfo Quilaton appeals before us the February 5, 1996 "Judgment"[2] of the Regional Trial Court of Kidapawan, Cotabato (Branch 17), in Criminal Case No. 1560 which disposed as follows:[3]

"WHEREFORE, prescinding from all the foregoing considerations, the Court hereby pronounces the accused Avelino Ahao, Hildo Buacón and Arnulfo Quilaton guilty of the crime charged beyond reasonable doubt and accordingly hereby sentences each to undergo [the] prison term of [r]eclusion [p]erpetua for the death of Pio de Juan and Arturo Laos,[4] to indemnify the heirs of Arturo Laos and Pio de Juan and for [the] frustrated murder of Jerry de Juan, Arnel Laos and Carlito Taping, the Court hereby sentences each to suffer an indeterminate penalty ranging from eight years of prision mayor, as minimum, to seventeen years and four (4) months of Reclusion Temporal as maximum and to pay medical expenses incurred by the victim.

"The criminal liability of Patricio Quiyo and Diding Mamalingping is extinguished pursuant to Art. 89 of the Revised Penal Code."

On September 23, 1982, acting Second Assistant Provincial Fiscal Camilo O. Fulvadora filed an Information dated September 17, 1982, charging herein appellant and the other accused as follows:[5]

"That on or about August 9, 1980, at Barangay Kauswagan, Municipality of Magpet, Province of North Cotabato, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a 20 gauge pistol, ax, claw bar, and a hoe, with intent to kill, conspiring, confederating together and mutually helping one another, with treachery and evident premeditation, did then and there willfully, unlawfully and feloniously attack, assault, ax and wound Arturo Laos and Pio de Juan, thereby hitting and inflicting upon the latter mortal wounds on the vital parts of their bodies which caused their instantaneous death, and on the same occasion, the same accused with intent to kill, and in treacherous manner, did then and there willfully, unlawfully and feloniously beat Jerry de Juan, strike Arnel Laos, hack and shoot Carlito Taping, hitting and inflicting on the vital parts of their bodies, thus performing all the acts of execution which would have produced the crime of Triple Murder, as a consequence, but nevertheless, did not produce it by reason of causes independent of the will of the perpetrators, that is, by the timely and able medical assistance

rendered to Jerry de Juan, Arnel Laus and Carlito Taping which prevented their death."

Accused Diding Mamalingping and Patricio Quiyo died during the pendency of the proceedings in the trial court.[6] On June 16, 1983, the three other accused, with the assistance of Attys. Gregory Yarra and Jorge Zerrudo, entered a plea of not guilty.[7] A rather lengthy trial ensued. On March 20, 1996,[8] the trial court promulgated its "Judgment" dated February 5, 1996. In an Order dated June 17, 1996, the court a quo denied Quilaton's Motion for Reconsideration.[9]

Hence, this appeal filed by Quilaton only.[10]

The Facts

Version of the Prosecution

In its Brief,[11] the prosecution summarized the facts of this case as follows:[12]

"[O]n the evening of August 9, 1980, Erlinda Taping, her husband Carlito Taping, and their children were sleeping at the sala of the second floor of her father's house in Kauswagan, Magpet, North Cotabato (p. 13, TSN, March 14, 1985). Downstairs, Arturo Laus (Erlinda's father), Hildo Buacon, appellant Arnulfo Quilaton, Diding Manalingping, Avelino Ahao, Arnel Laus, Gerry de Juan, and Pio de Juan were sleeping (p. 11, TSN, March 4, 1985). Buacon, Quilaton, Ahao, Pio de Juan and Mamalingping were laborers in Arturo Laos' rubber plantation (pp. 3-4, TSN, March 14, 1985).

"Between 10:00 p.m. and 11:00 p.m. of the same night, Erlinda was sleeping when she was struck by an ax (p. 14, TSN, March 14, 1985). She shouted at her husband, Carlito, and woke him up (p. 14, TSN, August 20, 1984).

"Carlito Taping stood up. Erlinda, on the other hand, got a flashlight and, with it, saw her husband push Hildo Buacon and Diding Mamalingping (p. 15, TSN, August 20, 1984).

"Carlito Taping was hacked by Hildo Buacon on the head (p. 16, TSN, August 20, 1984). Carlito then pushed Buacon and Mam[a]lingping down. The two men fell to the elevated floor portion of the stairs before reaching the ground floor (pp. 18-19, TSN, August 21, 1984).

"Thereafter, Patricio Quiyo who was downstairs handed a gauge 20 firearm to Buacon (p. 21, TSN, March 14, 1985) who then went upstairs and shot Carlito Taping. The latter was hit [i]n the stomach (p. 20, TSN, August 21, 1984). Erlinda Taping was almost 1 1/2 meters from her husband, and 3 to 4 meters from Buacon at the time of the shooting (p. 21, TSN, August 21, 1984).

"After the shooting, Buacon gave the gun to Patricio Quiyo (p. 21, TSN, August 21, 1984). Thereafter, these two men with Diding Mamalingping ran out of the house (p. 22, TSN, August 21, 1984).

"When Erlinda, with Carlito and their children, went downstairs, she saw her father (Arturo Laus) already dead, with a wound on the face just above the nose. Pio de Juan was lying face down on the cemented floor, also dead. Erlinda also saw Arnel Laus wounded on the head, but still alive, as well as Gerry de Juan who was likewise wounded (pp. 22-25, TSN, August 21, 1984). Carlito saw appellant Quilaton come out from under the bed (p. 8, TSN, January 4, 1984).

"Erlinda brought Arnel Laus and Carlito Taping to the Brokenshine Hospital. She did not bring Gerry de Juan along since she thought he was already dead (p. 26, TSN, August 21, 1984).

"De Juan was brought to the Madonna Hospital. It was appellant who paid for his hospitalization (pp. 26-28, TSN, August 21, 1984)."

Version of the Defense

In his Brief, appellant submits the following statement of facts:[13]

"On August 9, 1980 at Barangay Kauswagan, Magpet, North Cotabato, a group of malefactors attacked/assaulted the occupants of a house and committed the following crimes: double murder and triple frustrated murder.

"It was established that these persons were also occupants of the house that night and were sleeping there being workers/laborers, and in the case of Arnulfo Quilaton, a houseboy, 16 years of age.

"The victims of the crimes were ARTURO LAUS and PIO DE JUAN who were killed[;] JERRY DE JUAN, ARNEL LAUS and CARLITO TAPING, Arturo Laus' son-in-law were seriously injured.

"Accused of the crimes were: PATRICIO QUIYO, DIDING MAMALINGPING, AVELINO AHAO, HILDO BUACON and ARNULFO QUILATON alias ARNOLD.

"It was also established that in the afternoon of that day there was a drinking spree in the rubber plantation attended by the accused. But while Buacon declared that Arnulfo Quilaton was with the group, this was denied by Avelino Ahao, who omitted Arnulfo's name in his testimony, but Carlito Taping, principal witness and offended party declared that Quilaton was not a participant in the spree, confirmed by Quilaton himself when he testified in his behalf. There is therefore serious doubt as to the participation of ARNULFO QUILATON in the conspiracy, thus he can not legally be responsible for the acts of his co-accused, especially [since] it is a basic rule of evidence that conspiracy must be proved like the crime itself beyond reasonable doubt.

"Carlito Taping who was seriously injured during the incident was first treated at Sto. Niño Hospital in Makilala town but was transferred to the Brokenshire Hospital in Davao City.

"The prosecution's Offer of Evidence/Exhibits will show that no doctor was presented, but the medical certificates of the wounded were identified by Carlito Taping and/or Erlinda Laus Taping.

"From the evidence adduced, it appears that the MOTIVE for the crimes committed were (1) tenancy disputes and (2) [the allegation that] Carlito Taping x x x boxed Patricio Quiyo in the presence of the Barangay Captain, Jesus Kionisala." [14]

The trial court summarized appellant's testimony in this wise:[15]

"ARNULFO QUILATON testifying in his behalf declared that he is 29 years old, married, farmer, a resident of Kauswagan, Magpet, Cotabato. That on 9 August 1980, he was in the house of his employer Arturo Laos. He denied having planned and participated in the killing of Laos and Pio de Juan. He admitted having struck Jerry de Juan believing that he was a bad man. The house of Arturo Laos is a two (2) storey [structure;] the upper portion is occupied by the Taping family, while the lower portion is occupied by Arturo Laos, Pio de Juan, Jerry de Juan and Arnel Laos. He denied having knowledge of the plan to kill Laos and de Juan as he was at the time in his employer's house."

Ruling of the Trial Court

In convicting the accused, the trial court explained:[16]

"From the mass of evidence, the prosecution has established the identity of the accused Hildo Buacon, Avelino Ahao and Arnulfo Quilaton as the perpetrators of the crime. Accused's pretended innocence x x x is overturned by the prosecution's evidence, particularly the testimonies of Carlito Taping and Erlinda Taping who positively identified all of the accused on that fatal evening. Conspiracy has been established in the instant case x x x.

"Accused failed to present an iota of evidence to at least corroborate their testimonies. No motive was established by the defense as to why they [were] being indicted for such a heinous crime."

Assignment of Errors

Appellant submits that the trial court committed the following errors:

(1)

X X X FINDING ARNULFO QUILATON GUILTY BEYOND REASONABLE DOUBT OF THE CRIMES CHARGED BASED UPON THE EVIDENCE PRESENTED DURING THE TRIALS;

(2)

X X X SENTENCING ARNULFO QUILATON TO THE MAXIMUM PENALTY OF RECLUSION PERPETUA DESPITE CONCLUSIVE PROOF WHICH IS OF JUDICIAL NOTICE THAT SAID ACCUSED, ARNULFO QUILATON was a minor of 16 years at the time of the incident, AS THE RECORDS SHOW THAT HE WAS IN THE CUSTODY OF HIS PARENTS;

(3)

X X X FINDING ARNULFO QUILATON IN CONSPIRACY WITH HIS CO-ACCUSED;

(4)

X X X NOT CONSIDERING THE DESISTANCE OF THE DE JUAN RELATIVES AND THE RETRACTION OF CARLITO TAPING, OFFENDED PARTY AND EYE-WITNESS.

In resolving this appeal, the Court will determine whether the prosecution has proven appellant's guilt beyond reasonable doubt.

This Court's Ruling

The appeal is meritorious.

Main Issue:

Sufficiency of Prosecution Evidence

The burden of proof rests upon the prosecution. Unless the guilt of the accused is proven beyond reasonable doubt, the constitutional presumption of innocence applies.[17]

In the present case, the prosecution presented two alleged eyewitnesses, Carlito and Erlinda Taping. Relying on their testimonies, the trial court ruled that appellant conspired with the other accused in attacking the victims on the night of August 9, 1980. While these two witnesses categorically established the criminal participation of the other accused, their very testimonies show, however, that appellant had no part in the conspiracy. There was no showing at all that he had confabulated with or assisted any of the other accused in committing the crime, or that he was even aware of their criminal design.

Erlinda Taping testified as follows:[18]

"Q At about between 19:00 o'clock to 11:00 o'clock that evening of August 9, 1980, was there any unusual incident that happened inside your house?

A Yes, sir, there was.

Q What happened?

A First, I noticed that I was struck by an ax.

Q When you were hit what did you [do] if you did anything?

A I shouted at my husband that there was a man.

x x x x x x x x

Q When your husband stood up, what did you do?

A I got a flashlight.

Q And what did you do with the flashlight?

A I flash[ed] the flashlight [on] them.

Q And did you see anybody when you flash[ed] the flashlight?

A Yes, sir.

Q What [did] you [see]?

A I saw that he was push[ed] down by my husband.

Q Who was pushed by your husband?

A Hildo Buazon and Diding Mamalimping.

x x x x x x x x

Q When your husband stood up, what happened, if any?

A He was hacked by Hildo Buacan.

x x x x x x x x

Q After he was hit on the head by Hildo Buacan, what happened next?

A When he was hacked on the head, he pushed the two men down.

x x x x x x x x

Q Now when these two, Hildo Buacan and Diding Mamalimping fell on the elevated portion of the stair, what did your husband do, if any?

A He just watched them.

x x x x x x x x

Q While your husband was watching x x x that portion, of the house, what happened next, if any?

A Patricio Quiyo told Buacan to shoot.

Q Where was Patricio Quiyo at that time?

A He was down stairs.

x x x x x x x x

Q And what did Hildo Buacan do, if any?

A He went upstairs and then [fired a shot].

Q Who was shot?

A My husband, sir.

x x x x x x x x

Q Now, what did your husband do after he was shot[?]

A He just sat down.

Q What about these 3 persons, Hildo Buacon, Diding Mamalimping and Patricio Quiyo, what did they do if they did anything?

A They ran away.

Q You mean they went out of your house?

A Yes, sir.

Q [Did] you [see] Arnulfo Quilaton that time?

A Yes, sir, when we went downstairs already.

Q Where was Arnulfo Quilaton when you went downstairs?

A He was in the bodega."

Erlinda's direct testimony clearly shows that she saw appellant only after the incident. In fact, her averments during cross-examination established that she saw him only when he came out of hiding.[19]

"A

When we went down we saw Arnulfo Quilaton and Hildo Buacon [on] the cement. Hildo Buacon went out [from] under the bed. Arnulfo Quilaton [sought] cover at the corn mill.

Q

So, when you went down and when you saw these persons, Hildo Buacon and Arnulfo Quilaton, you saw them hiding?

A

Yes, sir

Q

And what did you do when you saw them?

A

We just proceeded to the car and Buacon and Quilaton went with us.

x x x x x x x x

Q

You mean to tell us that Arnulfo Quilaton and Hildo Buacon helped in bringing the victim Arnel Laos and load[ing] him in the car?

A Yes, sir."

Carlito Taping narrated the incident in this wise:[20]

"Q At about 10:00 o'clock in the evening of August 9, 1980, was there any unusual incident that took place in your house?

A There was, sir.

x x x x x x x x

Q Tell us, what [was] that incident?

A At around 10:00 o'clock x x x that evening of August 9, 1980, while I was sleeping all of a sudden I woke up when my wife told me that there was a person so I woke up and after I woke up, I stood and then a person hacked me.

x x x x x x x x

Q What followed next after you were hacked?

A When I was hacked by that person, I took hold of him and I pushed him down to the ladder.

x x x x x x x x

Q Who hacked you, if you know?

A Hildo Buacon.

Q If this Hildo Buacon is inside the courtroom now, could you point to him?

A Yes, sir.

Q Please do so[.]

A (Witness points to a person inside the room who when asked his name answered Hildo Buacon, one of the accused herein).

x x x x x x x x

Q On what part of your house were you when you were hacked?

A I was hacked at the sala of [the] upper floor of our house.

x x x x x x x x

Q After wiping your forehead because of blood oozing, what happened next?

A My wife tied my head with a piece of cloth.

Q What about Hildo Buacon, where was he when your wife was tying your forehead with a piece of cloth?

A They fell down x x x the stairs.

x x x x x x x x

Q You used the word 'they', who were they?

A Diding Mamalimping.

Q Before Diding Mamalingping fell together with Hildo Buacon, what did Diding Mamalimping do?

A He was able to come up the stairs.

Q Why did these Hildo Buacon and Diding Mamalimping f[a]ll [down] the stairs?

A Because I took hold of Hildo Buacon and pushed him [down] the stairs and at the same time kick[ed] him, that [was] why they fell.

x x x x x x x x

Q After pushing down Buacon and Mamalimping and they fell [down] the stairs, what did you do?

A I got my 'lagarao' which was place[d] about my pillow.

Q At that time, what was your wife doing, i[f]any?

A She took our flashlight.

Q What did she do with that flashlight?

A After I took hold of my 'lagarao' I wanted to follow them but when my wife flashed the flashlight, they were no longer there; they were already down the house.

Q After that?

A I ran upstairs because I heard Quiyo saying: 'pusila' meaning, '[shoot] him[.]'

Q Did you see Quiyo when he uttered 'shoot him'?

A Yes, sir.

Q Where was Quiyo that time?

A He was also there at the base of the stairs x x x.

Q How were you able to recognize him?

A Because my wife [trained the] flashlight [on] him.

x x x x x x x x

Q After you were shot, what did you do next?

A I ran to my room and hid.

Q How about your children, what did they do?

A They cried for help.

Q Your wife?

A She shouted for help.

Q And was there anybody who came to help you?

A None, sir.

Q Since nobody came to [your] succor x x x, what did you do?

A I told my wife that we will go down altogether so that I can be brought to the hospital.

Q How did you go down?

A I was not able to go down yet because there were people downstairs.

Q What did you do when you observed that there were persons below your house?

A I just sat inside my room.

Q And, finally, were you able to go down?

A Yes, we were able to go downstairs because I told x x x all of them that we will altogether go down the house.

Q When you were able to go downstairs, who were those people you saw downstairs?

A Hildo Buacon and Arnulfo Quilaton were there downstairs.

Q By the way, why was Arnulfo Quilaton there that time?

A Because he slept in our house.

Q Why, is Arnulfo Quilaton your employee?

A Yes, sir.

Q Employed with whom?

A With my father-in-law.

Q What was Arnulfo Quilaton doing that time [when you saw] him downstairs?

A They came out from under the bed."

Nothing in the foregoing testimony imputes any criminal act to appellant. Moreover, Carlito subsequently declared that, to his knowledge, appellant did not participate in the crime. In an affidavit dated May 23, 1994, he averred:[21]

"That I very well know Arnulfo Quilaton alias Arnold, he having grown up in our family and that I very well know and am convinced that he had nothing to do and was totally innocent of the gory and tragic incident that happened to our family on August 9, 1990 at nighttime;

"That I and my witnesses did not see or notice any participation or involvement of Arnulfo Quilaton relative to the crime, and as a matter of fact he assisted and accompanied me in going to the hospital, first [to] Sto. Nino, Makilala, Cotabato and later to the Brokenshire Hospital in Davao City; that I know him to be trustworthy and of good moral character."

Proof of Conspiracy

Citing the testimonies of Erlinda and Carlito, the trial court nonetheless convicted appellant on the basis of his alleged conspiracy with the other accused.

We disagree. The well-settled rule is that conspiracy must be proven as clearly as the commission of the offense itself.[22] True, direct proof is not essential, because conspiracy may be inferred from the conduct of the accused before, during and after the commission of the crime, showing that they had acted with a common purpose and design.[23]

Clearly, however, the prosecution failed to prove the elements of conspiracy. There was no evidence that appellant aided the other accused or that he participated in their criminal design. Conspiracy was not implied by his mere presence at the crime scene,[24] which could be explained by the fact that as an employee of the deceased, he had been told to sleep there. In fact, the two eyewitnesses saw him only after the incident.

The testimonies given to implicate appellant indicated only that he was seen coming out of hiding after the other accused had fled. There was nothing abnormal or sinister about his conduct. That he hid while the killing was being committed was not a crime. Some may damn him for cowardice but, just the same, the act of hiding did not prove participation or conspiracy in the crime.

Furthermore, appellant himself assisted Carlito Taping in bringing the wounded to the hospital that night. While this act did not necessarily prove that he was innocent, it nonetheless strengthened his contention that he had no part in the criminal design.

Testimonies of the Other Accused Failed to Implicate Appellant

Noteworthy is the fact that not one of the other accused, after having admitted their participation in the crime, implicated herein appellant. Accused Hildo Buacan stated that he participated in the attack, because he had been threatened by Diding Mamalingping and Patricio Quiyo. He testified thus:

"Q.

After you ha[d] been already sleeping, what happened?

A.

This Diding Mamalimping awakened me.

Q.

What did he tell you?

A.

He told me, 'pag-mata na, naa na si Patricio Quiyo', meaning, wake up because Patricio Quiyo is already here.

Q.

After you woke up, what did you do?

A.

When I woke up, this Patricio Quiyo pointed a gun towards me.

Q.

What did Patricio Quiyo tell you after point[ing] a gun to you?

A.

He said, 'patyon nato si Arturo Laos ug Carlito Taping', meaning, let us kill Arturo Laos and Carlito Taping.

Q.

What did you tell him when you heard that?

A.

I answered, 'dili ko ana Nong kay wala siyang atraso nako', meaning, I will not, he has no differences with me.

Q.

What happened after that?

A.

If you will not accede, I will kill you.

Q.

What happened next?

A.

Because of fear, I acceded.

Q.

Now, what happened next when you acceded?

A.

He also called on Avelino Ahao to wake up.

Q.

Why? where was Avelino Ahao sleeping that time?

A.

In the other room [in] that same house.

Q.

After Avelino Ahao x x x already woke up, what happened next?

A.

He was threatened in the manner [in] which I was threatened.

Q.

Then what happened next?

A.

They killed Arturo Laos and Pio De Juan.

Q.

Who killed Pio De Juan and Arturo Laos?

A.

Patricio Quiyo and Diding Mamalimping killed Arturo Laos.

Q.

How about [Pio] De Juan? Who killed him?

A.

Avelino Ahao struck him with an iron bar on the portion below his left arm and then he was hacked by Patricio Quiyo.

x x x x x x x x

Q.

What were you doing that time?

A.

I just look[ed].

Q.

Then, after the two were already killed, what happened next?

A.

I was brought upstairs to the place where Carlito Taping was.

Q.

And you went with them upstairs?

A.

Yes, I went with them.

Q.

Who were with you when you went upstairs?

A.

Patricio Quiyo and Diding Mamalimping.

Q.

What happened when you went up?

A.

This Carlito Taping woke up and I hacked him.

Q.

Where was he hit?

A.

He was hit on his temple but because he resisted, he pushed me.

Q.

Where were you pushed?

A.

Towards the stairs.

Q.

Then what happened when you were pu[sh]ed downstairs?

A.

Immediately, this Patricio Quiyo handed me a gun and told me to shoot Carlito Taping

Q.

Was Carlito Taping hit when you [shot] him?

A.

Yes, [i]n his stomach.

Q.

Then what happened next after that?

A.

He fell then we, all of us, went down.

Q.

Then what happened next?

A.

Mrs. Taping [trained her flashlight on] us and I hid under the bed.

Q.

Then how about the others, Diding Mamalimping and Patricio Quiyo and Avelino Ahao, what did they do?

A.

I do not know anymore where they were."

Accused Ahao, on the other hand, also stated that he took part in the commission of the crime, together with Buacon, Quiyo and Mamalingping. Like Buacon, he made no mention that appellant was part of their group.

Testimony of Appellant

Even the solicitor general admitted that the two prosecution witnesses' testimonies, by themselves, "appear insufficient to establish appellant's guilt beyond reasonable doubt"; and that they "do not constitute adequate proof that appellant participated in the crimes committed [against] the victims." [25] The solicitor general maintains, however, that what linked appellant to the crime was this portion of the latter's testimony:

"Q.

And while there was a rumble, you were just sleeping?

A.

I was surprised regarding that commotion.

Q.

Isn't it that you were given an iron bar to hit one of the victims in the person of Jerry de Juan?

A.

Incidentally, I took hold of the 'sadol' hoe and upon seeing that the person I met [was] a bad person x x x I hit him and I discovered later that it was Jerry de Juan." [26]

The solicitor general argues that these statements constituted sufficient proof of appellant's participation in the conspiracy.

We disagree. That alleged admission, by itself, did not show beyond reasonable doubt that appellant was part of the conspiracy. He himself explained that he thought he was hitting one of the "bad men." His explanation must be viewed in the light of the chaos that characterized the night. As testified to by the other accused, there were four attackers. It was dark and forbidding. It was not surprising that someone who was not a part of the conspiracy was confused and unable to think rationally. That appellant immediately concluded that the person he had hit was one of the attackers was not farfetched. To repeat, no other act was imputed to him. Verily, the circumstance cited by the solicitor general fails to produce moral certainty that appellant was part of the conspiracy.

In the present case, we are convinced that the prosecution evidence failed to overcome the constitutional presumption of innocence. The appellant deserves an acquittal and must forthwith be given back his liberty. [27]

WHEREFORE, the appeal is hereby GRANTED; and the Decision of the Regional Trial Court of Kidapawan, Cotabato, insofar as it convicted Appellant Arnulfo Quilaton, is hereby REVERSED and SET ASIDE. On reasonable doubt, appellant is hereby ACQUITTED. The director of the Bureau of Corrections and the head of the Davao Prison and Penal Farm are hereby directed to release appellant immediately, unless he is being lawfully held for another cause; and to inform the Court of the date of his release, or the reasons for his continued confinement, within ten days from notice. No costs.

SO ORDERED.

Melo, (Chairman), Vitug, Purisima, and Gonzaga-Reyes, JJ., concur.

[1] Sometimes spelled "Arnolfo" in the appealed Judgment and in some portions of the records.

[2] Written by Judge Rodolfo M. Serrano.

[3] Judgment, pp. 9-10; rollo, pp. 28-29.

[4] Also spelled "Laus" in other parts of the records.

[5] Rollo, pp. 4-5.

[6] Records, p. 60.

[7] Records, p. 69.

[8] Records, p. 796.

[9] Records, p. 805.

[10] The case was deemed submitted for resolution on October 12, 1999, upon the Court's receipt of the Appellee's Brief. The filing of a reply brief was deemed waived, as none was submitted within the reglementary period.

[11] This was signed by Assistant Solicitor General Mariano M. Martinez, Assistant Solicitor General Nestor J. Ballacillo and Associate Solicitor Tomas M. Navarro.

[12] Appellee's Brief, pp. 4-7; rollo, pp. 100-103.

[13] Appellant's Brief, pp. 3-4; rollo, pp. 70-71. This was signed by Atty. Juan G. Sibug.

[14] Also spelled "Kiunisala."

[15] Judgment, p. 7; rollo, p. 26.

[16] Ibid., p. 8; rollo, p. 27.

[17] *People v. Pidia*, 249 SCRA 687, November 9, 1995.

[18] TSN, August 21, 1984, pp. 14-23.

[19] TSN, March 14, 1985, pp. 29-30.

[20] TSN, January 4, 1984, pp. 3-8.

[21] Records, p. 428.

[22] *People v. Albao*, 287 SCRA 129, March 6, 1998; *People v. Obillo*, 284 SCRA 79, January 14, 1998.

[23] *People v. Sumalpong*, 284 SCRA 464, January 20, 1998; *People v. Timple*, 237 SCRA 52, September 26, 1994.

[24] *People v. Villagonzalo*, 238 SCRA 215, 230-231, November 18, 1994.

[25] Appellee's Brief, p. 11; rollo, p. 107.

[26] Appellee's Brief, p. 12; rollo, p. 108; citing TSN, April 13, 1994, p. 8.

[27] The crime happened on August 9, 1980; the Information was filed on September 23, 1982; the appealed "Judgment" was promulgated on March 20, 1996; the Motion for Reconsideration was denied on June 17, 1996; the appeal to this Court was perfected on June 20, 1996; and this appeal was deemed submitted for this Court's resolution on October 12, 1999. Fortunately for appellant, due to his minority, he had been placed under the custody of his parents and had not been detained during the lengthy proceedings in the trial court. Since April 19, 1996, he has been confined at the Davao Prison and Penal Farm.

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