

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. NILO BAUTISTA AND HENRY BAUTISTA, ACCUSED-APPELLANTS.*G.R. No. 131840. April 27, 2000*

Ponente: MENDOZA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-131840/>**MENDOZA, J.:**

This is an appeal from the decision,[1] dated June 23, 1997, of the Regional Trial Court, Branch 79, Morong, Rizal, finding accused-appellants Henry and Nilo Bautista guilty beyond reasonable doubt of murder and sentencing them to suffer the penalty of reclusion perpetua and to pay jointly the amounts of P24,839.00 as actual damages and P30,000.00 as civil indemnity to the heirs of the victim, Igmidio Grajo.

The Information alleged --

That on or about the 7th day of June, 1995 in the Municipality of Tanay, Province of Rizal, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together, armed with a bladed weapon, with intent to kill and with evident premeditation and treachery, did then and there willfully, unlawfully and feloniously attack, assault and stab one Igmidio Grajo y Sinasin inflicting mortal wounds on the different parts of the body of the said victim which caused his instantaneous death.

The evidence for the prosecution shows that, at around 9:30 in the evening of June 7, 1995, Richard Grajo, the son of the victim, Igmidio Grajo, was with a group of friends in front of the store of Edgardo Cruz on Rodriguez Street, Tanay, Rizal. When he saw his father coming, Richard hid inside the store thinking he would be sent home. From where he was hiding, Richard saw accused-appellants Henry and Nilo Bautista walking behind his father. Apparently sensing the presence of accused-appellants, Igmidio ran inside the house of Cruz, which adjoins the store. But as accused-appellants were pursuing him, Igmidio ran outside the house.[2]

Accused-appellants caught up with Igmidio in front of the house of Cruz. Henry tried to stab him with a knife ("balisong") but Igmidio was able to evade the thrust. At this point, Richard came out of the store to help his father. However, Noli held him and pushed him to the ground.[3] Three prosecution witnesses, Joseph Manansala, Armando Alalid, and Jerry Fontanos, testified that Noli punched Richard in the stomach,[4] while Henry stabbed Igmidio several times with the "balisong", causing the latter to fall to the ground on his back. Accused-appellants then ran away. Igmidio was taken to a hospital, where he died.[5]

On the other hand, the defense presented evidence showing the following. Henry Bautista met Igmidio Grajo on his way home on Rodriguez Street, Tanay, Rizal in the evening of June 7, 1995. Igmidio appeared to be drunk and began cursing Henry without any provocation. To avoid trouble, Henry turned back, but Igmidio hit him from behind with a lead pipe. As Henry staggered, Igmidio continued to hit him on the head and arms, causing him to retreat further back. In self-defense, Henry gave Igmidio a kick which threw the latter against a tricycle parked nearby. But Igmidio got a knife from the tricycle. Seeing this, Henry grappled with Igmidio for possession of the weapon. Henry succeeded in wresting the knife from Igmidio and with it stabbed the latter in the chest.[6]

At this point, Noli arrived at the scene and pacified Henry, who allowed himself to be brought to his house. However, as he was apprehensive that relatives of Igmidio might seek revenge, Henry went to the house of Noli and then to that of a friend, but as both were not home, Henry hid in the cemetery, and from there took a ride to his hometown, Sta. Cruz, Laguna. On June 9, 1995, Henry was told by relatives that Noli had been taken into custody for the killing of Igmidio. He was prevailed upon to surrender to the Mayor of Tanay, Rizal, who that same day sent his driver to Sta. Cruz, Laguna to fetch him.[7] Upon reaching Tanay, Rizal, Henry surrendered at the municipal police station.[8]

Dr. Owen J. Lebaquin, who performed the autopsy on the body of Igmidio, issued a medical certificate, dated August 4, 1995, containing the following findings:

FINDINGS:

POST MORTEM FINDINGS:

Fairly developed, fairly nourished previously embalmed male cadaver with an embalming incision at the right anterior neck.

- 1) Incised wound, right anterior neck, measuring 6.5 x 2 cm, 9 cm from the anterior midline.
- 2) Stab wound, point of entry, left anterior chest, measuring 5.2 x 0.8 cm, 4.8 cm from the anterior midline, passing thru the left 4th intercostal space, 8.5 cm deep, directed posteriorwards, medialwards, slightly downwards, lacerating the lower lobe of the left lungs.
- 3) Stab wound, point of entry, sternal region of the chest, measuring 3.4 x 0.8 cm, along the anterior midline, passing thru the level of the 4th intercostal space, 5.5 cm. deep directed posteriorwards, lateralwards, slightly upwards lacerating the pericardial sac.
- 4) Linear abrasion, right anterior chest extending to the left anterior chest, measuring 20.8 x 0.4 cm, 5 cm left of the anterior midline.
- 5) Stab wound, point of entry, left infrascapular region, measuring 1.5 x 0.3 cm. 10 cm from the posterior midline passing thru the 8th left intercostal space, 5.5 cm deep, directed anteriorwards, upwards, medialwards, lacerating the lowerlobe of the left lung.
- 6) Stab wound, point of entry, inter spiral region of the back of the level of the 9th thoracic ribs, measuring 3.4 x 0.4 cm, along the posterior midline, 6 cm deep, directed anteriorwards, slightly upwards and lateralwards, lacerating the lower lobe of the left lung.
- 7) Abrasion, distal 3rd of the right thigh, measuring 2 x 0.6 cm, 2.5 cm lateral to its anterior midline.
- 8) Abrasion, right knee, measuring 2 x 1.3 cm along its anterior midline.

There are about 1,500 cc of blood and blood clots admixed with formalin at the thoracic cavity.

CONCLUSION:

Cause of death is Hemorrhage as a result of multiple stab wounds of the chest and back.[9]

In the decision, dated June 23, 1997, the trial court found:

A careful reading of the evidence on record induces this court to believe with approval the testimonies of Richard Grajo, son of the victim, corroborated by the testimony of witness Joseph Manansala.

....

In contrast, the court finds the defense version incongruous with reality.

....

The foregoing narration by accused Henry Bautista is an outright fabrication to shield him from liability by attempting to show that it was the victim who was about to get the knife from the parked tricycle when he suddenly grabbed the knife and used it in stabbing the victim. It was obviously designed by the accused Henry Bautista to provide himself the justifying circumstance of self defense.

....

The qualifying circumstance of treachery is present in the case at bar. The victim was stabbed when pursued by accused Henry Bautista. The stabbing took place when the victim has no means to defend himself. As testified to by Dr. Owen J. Lebaquin, the medicolegal officer of the PNP Crime Laboratory who autopsied the cadaver of the victim, he said that of the several wounds inflicted upon the said victim, wounds number 5 and 6 which are located at the back are both fatal wounds. These two wounds affected the lower lobe of the left lung. Wound number 3 appears according to the Dr. to be the most fatal because it lacerated the pericardial sac of the heart.

As to the amount of damages suffered by the widow of the victim, Purita Grajo, her deceased husband was earning P300.00 a day for repacking bleaching liquid (chlorox). The funeral expenses she incurred were P7,000.00 for seven (7) days wake, P9,000.00 for funeral services (Exhibit "F"); P8,000.00 for memorial lot, (Exhibit "F-1"); P204.00 construction materials, (Exhibit "H"); and P635.00 for hospital bill with a total of P24,839.00.

The accused were charged of murder as defined and penalized under Article 248 of the Revised Penal Code as amended by R.A. No. 7659, the penalty of which is reclusion perpetua to death, the qualifying circumstance of treachery having been proven. In this case, no mitigating nor aggravating circumstance is present. The proper penalty in accordance with Article 63, second paragraph of the Revised Penal Code is the lesser penalty of reclusion perpetua.

The dispositive portion of its decision reads:

WHEREFORE, accused HENRY BAUTISTA and NILO BAUTISTA having been found to be GUILTY beyond reasonable doubt of the crime of murder are hereby sentenced to suffer the penalty of reclusion perpetua. Both accused are further ordered to pay the heirs of the victim the amount of P24,839.00 by way of actual damages and the further sum of P50,000.00 by way of civil indemnity both amounts to be paid jointly by them.

Hence this appeal. Accused-appellants assign the following errors as having been allegedly committed by the trial court:

I. THE COURT OF ORIGIN ERRED SERIOUSLY IN NOT CONSIDERING THE JUSTIFYING CIRCUMSTANCE OF SELF-DEFENSE POSED BY ACCUSED-APPELLANT HENRY BAUTISTA WHICH IN EFFECT, NOT EXCULPATING HIM OF THE CRIME CHARGED IN THE CASE AT BAR.

II. THE TRIAL COURT HAS COMMITTED A SERIOUS ERROR IN NOT EXCULPATING ACCUSED-APPELLANT NILO BAUTISTA OF THE CRIME CHARGED DUE TO LACK OF SUFFICIENT EVIDENCE TO PROVE THAT THERE WAS CONSPIRACY TO COMMIT A CRIME AGAINST THE ALLEGED VICTIM IN THE CASE IN BENCH.

The instant petition is without merit.

First. Richard Grajo, the son of Igmidio Grajo, testified:

Q On June 7, 1995 at around 9:30 P.M., tell this court where were you at that time?

A At Rodriguez Street, Tanay, Rizal, sir.

Q What were you doing at Rodriguez St., Tanay, Rizal?

A We were telling stories with my friends, sir.

Q At whose house were you talking with your friends at that time?

A At the store of Egay, sir.

Q Do you know the full name of this Egay?

A Edgardo Cruz, sir.

Q You mentioned that you and your friends were talking, inside or outside the store?

A Outside, sir.

Q Tell the name of your friends who were with you at the store?

A Joseph Manansala, Jessie Bolaño, Jess Buenaventura, Eric Jasmin, June Austria, Tots Dizon and Joel Nacor, sir.

Q Do I understand from you that this is a big store?

A Not so big, sir.

Q While you and your companions were talking, do you recall if there was an unusual incident that happened at that time?

A Yes, sir.

Q What is that unusual incident?

A I witnessed how they killed my father, sir.

Q Tell us the incident of how your father was killed?

A My father went to me at the store, sir.

Q After that, what happened next?

A And following him were brothers Henry and Nilo, sir.

Q Tell us the surname of these two brothers?

A Bautista, sir.

Q When you noticed that Danilo Bautista and Henry Bautista were following your father, what took place next?

A Henry Bautista stabbed my father and I was pushed by Nilo Bautista so that I can't extend help to my father, sir.

Q How many times did Henry Bautista stab your father?

A At the first stab, my father was able to evade and ran but he followed my father and he was able to approach him outside of the house, sir.

Q What happened after that?

A They ran in and out of the house, sir.

Q What happened after they ran in and out of the house with Henry Bautista pursuing your father?

A When Henry overtook my father, he stabbed him for several times and when he saw blood, he ran together with Nilo Bautista, sir.

Q While Henry Bautista was stabbing your father, where were you at that time?

A I was there at the place of the incident, sir.

Q How far were you from your father while he was being stabbed by Henry Bautista?

A About five meters, sir.

Q While you were five meters from your father and who at that time was being stabbed by Henry Bautista, where is Nilo Bautista at that time?

A He was holding me and refraining me to come near to my father, sir.

Q In what manner was he preventing you from coming to the rescue of your father?

A He hit me with his both hands and I rolled on the ground, sir.

Q You mentioned that he hit you, what part of your body was hit?

A On my hands, sir.

Q Was that the only thing which he did to restrain you?

A Yes, sir.

Q When you saw that your father was being stabbed by this Henry Bautista, what action if any did you take?

A I was trying to come near him and I was crying and shouting to Henry to stop stabbing my father, sir.

Q Considering that this incident happened at around 9:30 in the evening, how were you able to see this incident?

A There was light at the place and also there is moonlight, sir.

Q You mentioned that there is light at that time. Where is this light coming from?

A From the store, sir.

Q How far is the store from the place where your father was being stabbed by this Henry Bautista?

A Three meters, sir.

Q You mentioned that there are several persons who were present at that time. What did your friends do if any while your father was being chased?

A My friends ran because they thought they were the ones being chased, sir.

Q After Nilo Bautista and Henry Bautista left, what did you do if any?

A We brought my father to the hospital, sir.

Q To what hospital?

A Tanay General Hospital, sir.

Q What happened at the hospital?

A He was dead upon arrival, sir.

The testimony of Richard was substantially corroborated by Joseph Manansala,[10] Armando Alalid,[11] and Jerry Fontanos.[12] Joseph Manansala was one of Richard's companions on the night in question. Armando Alalid is a member of the Junior Police Group of Tanay, Rizal, which is assigned to direct traffic in that municipality. He was passing by the area with Jerry Fontanos when accused-appellants allegedly attacked Igmidio.

It is settled that because of its opportunity to observe the facial expressions, gestures, and tones of voice of a witness while testifying, the trial court's evaluation of the testimony of witnesses is entitled to great respect.[13] In the instant case, accused-appellants have not shown that the trial court erred in giving weight to the testimony of the witnesses for the prosecution.

Moreover, although proof as to the motive of the accused is not essential when there is direct testimony regarding the commission of the offense, motive may nevertheless aid in establishing his guilt.[14] In this case, the evidence shows that Henry and Igmidio had a dispute regarding their adjacent properties two weeks prior to the commission of the offense. Richard thus testified:

FISCAL:

Q Do you know of any reason why Henry and Nilo Bautista will kill your father?

A What I know was that one day, there was an incident that my father saw "balat ng aso" [dumped into] in our lot which came from the adjacent lot owned by Henry and Nilo Bautista and my father confronted them and asked wh [you] are throwing dirt on said vacant lot of which my father is the caretaker and then Henry Bautista showed a knife and said "anong gusto mong mangyari" and my father answered, "hindi naman ganyan bakit tayo aabot sa ganyan".

Q When did that incident happen?

A Two weeks before the incident, sir.

Q Will you please look inside the courtroom and tell us if this Nilo and Henry Bautista are present?

A Yes, sir.[15]

In contrast, the testimony of the witnesses for the defense is marked by contradictions, as the following portion of Henry's testimony shows:

FISCAL:

Q Now, during your testimony last June 26, 1996 you were asked by your counsel the following question, at least try to recall which one was first hit by the said person which part of your body?

A My right arm.

Q You said "kanang kamay"?

A Yes, sir.

Q A while ago you testified that the first part of your body that was hit is your head, which of the two statement are correct?

A The correct one is that part of my head. (Witness indicating by his left hand the left back portion of his head

was the first one hit).

Q And so why did you tell your lawyer during the previous hearing that it is your right arm that was hit first?

A Because when I testified first on June 26, 1996 I was "nataranta."

Q Now, also on the same date, the question was propounded, then which part was the next one hit by Igmidio Grajo and you answered my left arm, do you remember having made that statement?

A Yes, sir I was asked that question.

Q A while ago you stated that the second part of your body that was hit was your right arm near the wrist portion?

A Yes, sir.

Q Which of the two is the correct one?

A The right wrist portion of my arm.

Q And why did you say that in your answer to Atty. dela Cuesta is that it is your first arm that was hit by Igmidio Grajo?

A I was also dizzy at the time I answered Atty. dela Cuesta.

Q During the same testimony you were again asked a question and then after that what other part of your body was hit and you answered my back, do you recall having made that statement?

A Yes, sir.

Q Now, during your testimony a while ago you mentioned that the third part of your body that was hit was your right arm, is that also correct?

A Yes, sir.

Q Which of that statement is correct?

A The right arm.

Q In other words, all the question asked of you by your lawyer and answered by you were not correctly answered by you and it is only now that you are answering correctly?

A Yes, sir.[16]

The defense presented a medical certificate, dated June 9, 1995 and signed by Dr. Daniel M. Alagon, to the effect that he treated Henry for contusions on the chest, left shoulder, and right forearm.[17] But Dr. Alagon could not remember examining Henry or issuing the medical certificate.[18] Nor could he find any record in the files of his clinic that he treated Henry.[19] Moreover, Dr. Alagon stated that he could not deduce with any certainty from the medical certificate that the alleged injuries of Henry had been sustained on the night of June 7, 1995 when Igmidio was killed.[20] Hence, the medical certificate is insufficient to establish the allegation of the defense that Henry was attacked by Igmidio.

As pointed out by the Solicitor General,[21] the prosecution has established that Igmidio sustained four stab wounds and one incised wound,[22] which bely Henry's claim of self-defense.[23] In any event, even if Henry's testimony were true, he cannot be exonerated for the killing of Igmidio on the ground of self-defense. He testified on cross-examination:

Q Now, you mentioned that you retaliated by kicking Igmidio Grajo, is that right?

A Yes, sir.

Q And as a result of your kicking Igmidio Grajo was thrown back to the tricycle?

A Yes, sir.

Q And in fact, during your testimony during the last hearing you testified that "lumipad si Igmidio Grajo sa tricycle."

A Yes, sir.

Q In other words, the kick which you delivered to Igmidio Grajo was so strong that its effect was he flew to the tricycle?

A Yes, sir.

Q And as a result his back hit the tricycle, is that right?

A Yes, sir.

Q And that you also heard that when his back hit the tricycle there is a noise that was created as a result of impact?

A Yes, sir.

Q And so you'll admit that Igmidio Grajo was badly hurt by that impact?

A Yes, sir.

Q And after that you went to Igmidio Grajo to further inflict injuries on him, is that right?

A Yes, sir.

Q And you intend to do that because of those many blows which he delivered on your head, arms and chest?

A Yes, sir.

Q And then you rained blows on the different parts of the body of Igmidio Grajo?

A Yes, sir.

Q And as a result of that Igmidio Grajo was rendered helpless and defenseless?

A Yes, sir.[24]

To prove self-defense, the accused must establish three requisites, namely: (a) unlawful aggression on the part of the victim; (b) reasonable necessity of the means employed to prevent or repel such aggression; and (c) lack of sufficient provocation on the part of the accused.[25] If, as Henry said, Igmidio was badly hurt after receiving a kick from him, then the unlawful aggression which could have justified accused-appellant in inflicting injuries on Igmidio had ceased at that point. Henry admitted, however, that his intention was to retaliate. This clearly negates his claim of self-defense.[26] There was no longer any lawful reason for him to inflict further injuries on Igmidio. The allegation of self-defense is thus untenable.

Second. There was conspiracy between Henry and Noli as the trial court found. Conspiracy exists when two or more persons come to an agreement concerning the commission of a felony and decide to commit it. [27] It may be deduced from the manner in which the offense is committed, as when the accused act in concert to achieve the

same objective.[28] In the instant case, accused-appellants pursued their victim until they caught him. When Richard came out of the store to help his father, Noli turned to him and punched him in the stomach, knocking him down. These circumstances prove the existence of conspiracy between accused-appellants.

Third. However, we hold that the offense committed is not murder, but homicide.

The trial court found the killing of Igmidio to have been committed by means of treachery. There is treachery when the offender commits any of the crimes against persons employing means, methods, or forms in the execution thereof which tend directly and specially to insure its execution, without risk to himself arising from the defense which the offended party might make.[29] An example is when the accused attacks the victim from behind.[30] However, treachery cannot be appreciated when the victim was given time, no matter how fleeting, to retreat after seeing his attackers.[31]

31 In this case, although accused-appellants came from behind, Igmidio sensed their presence in time and was able to run away. There was thus no treachery.

Neither was there evident premeditation as alleged in the information. For evident premeditation to be considered, the following must be established: (a) the time when the accused determined to commit the offense; (b) the commission of an act manifestly indicating that the accused clung to his determination; and (c) the lapse of sufficient time between the moment the accused determined to commit the offense and its actual commission to enable him to reflect on the consequences of his intended act.[32] The prosecution has not established any of the above elements in the instant case.

Since it has not been shown that either treachery or evident premeditation attended the killing of Igmidio, accused-appellants should have been found guilty of homicide. Ms-esm

It is noted that the crime was attended by the aggravating circumstance of abuse of superior strength. This circumstance is present when the accused purposely used force out of proportion to the means available to their victim to defend himself.[33] In this case, accused-appellants, who were armed and who were in the prime of youth, attacked Igmidio, then 53 years old, who was alone and defenseless. Indeed, the existence of abuse of superior strength would have qualified the offense to murder, except that it was not alleged in the information. Consequently, it cannot be treated as a qualifying circumstance but only as a generic aggravating circumstance.

On the other hand, accused-appellant Henry Bautista should be credited with the mitigating circumstance of voluntary surrender. The evidence for the defense shows that on June 9, 1995, after some relatives talked to him and told him that Noli had been arrested for the killing of Igmidio, accused-appellant surrendered at the municipal police station of Tanay, Rizal. In *People v. Bautista*, [34] the court appreciated the mitigating circumstance of voluntary surrender in favor of the accused who turned himself over to the authorities four days after the commission of the offense. Accused-appellant Henry Bautista is thus entitled to this mitigating circumstance.

Accused-appellant Noli Bautista, however, cannot similarly be credited with having voluntarily surrendered. The record shows that he was taken for questioning and later placed under arrest by the police. Since the existence of a conspiracy does not prevent the appreciation of a mitigating circumstance exclusively in favor of the co-conspirator to whom such circumstance may relate,[35] Noli cannot be credited with the mitigating circumstance of voluntary surrender.

Under Art. 249 of the Revised Penal Code, the penalty for homicide is reclusion temporal. Since both aggravating and mitigating circumstances are appreciated in favor of accused-appellant Henry Bautista, the penalty as to him should be fixed in its medium period.[36] Applying the Indeterminate Sentence Law, he should be sentenced to an indeterminate term, the minimum of which is within the range of the penalty next lower in degree, i.e., prison

mayor, and the maximum of which is that properly imposable under the Revised Penal Code, i.e., reclusion temporal in its medium period.[37]

On the other hand, since an aggravating circumstance was appreciated against accused-appellant Noli Bautista, without any mitigating circumstance, the penalty with respect to him should be fixed in its maximum period.[38] Applying the Indeterminate Sentence Law, Noli should be sentenced to suffer an indeterminate term, the minimum of which is within the range of the penalty next lower in degree, i.e., prision mayor, and the maximum of which is that properly imposable under the Revised Penal Code, i.e., reclusion temporal in its maximum period.[39]

Fourth. Every person criminally liable for a felony is also civilly liable.[40] We now discuss the nature and amount of damages that should be awarded to the heirs of Igmidio:

Indemnity for Death and Actual Damages. Art. 2206 of the Civil Code provides for the payment of indemnity for death caused by a crime. Initially fixed in Art. 2206 at P3,000.00, the amount of indemnity for death has, through the years, been gradually increased in view of the declining value of the peso. It is presently fixed at P50,000.00.[41] Hence, the trial court correctly awarded indemnity for death to the heirs of Igmidio in this amount.

Art. 2199 of the Civil Code provides that "except as provided by law or by stipulation, one is entitled to an adequate compensation only for such pecuniary loss suffered by him as he has duly proved." The prosecution submitted receipts[42] and presented the testimony[43] of Purita Grajo, the widow of Igmidio Grajo, showing that his family incurred expenses in the total amount of P24,839.00 for his wake and burial. Hence, the trial court likewise correctly awarded actual damages to the heirs of Igmidio in this amount.

The civil liability of accused-appellants for indemnity for death and actual and moral damages, however, is solidary and not joint as ruled by the trial court.[44]

Moral Damages. Under Art. 2206 of the Civil Code, the spouse, legitimate and illegitimate descendants and ascendants of the deceased are entitled to moral damages "for mental anguish by reason of the death of the deceased." Purita testified that she suffered pain from the death of her husband. Thus, in accordance with recent decisions[45] of this Court, accused-appellants should be awarded the additional amount of P50,000.00 as moral damages.

Exemplary Damages. Under Art. 2230 of the Civil Code, "exemplary damages as a part of the civil liability may be imposed when the crime was committed with one or more aggravating circumstances." As explained above, the aggravating circumstance of abuse of superior strength should be appreciated against Nilo. Thus, in accordance with decisions[46] of this Court, accused-appellant Nilo Bautista should be ordered to pay the heirs of Igmidio Grajo the additional sum of P30,000.00 as exemplary damages.

WHEREFORE, the decision of the Regional Trial Court is hereby **AFFIRMED**, with the **MODIFICATION** that accused-appellants are found guilty of homicide. Accused-appellant Henry Bautista is sentenced to an indeterminate term of 10 years of prision mayor, as minimum, to 17 years and 4 months of reclusion temporal, as maximum. Accused-appellant Nilo Bautista is sentenced to an indeterminate term of 10 years of prision mayor, as minimum, to 20 years of reclusion temporal, as maximum. Accused-appellants are ordered to pay solidarily the heirs of the victim, in addition to indemnity for death and actual damages awarded by the trial court, moral damages in the amount of P50,000.00. Furthermore, accused-appellant Nilo Bautista is ordered to pay the heirs of the victim exemplary damages in the amount of P30,000.00.

SO ORDERED.

Bellosillo, (Chairman), Quisumbing, Buena, and De Leon, Jr., JJ., concur.

- [1] Per Judge Alejandro A. Marquez.
- [2] TSN, pp. 3-4, Oct. 24, 1995.
- [3] Id., p. 5.
- [4] TSN, p. 8, Nov. 14, 1995; p. 9, Jan. 16, 1996; p. 4, March 13, 1996.
- [5] TSN, p. 6, Oct. 24, 1995.
- [6] TSN, pp. 3-5, June 26, 1996; pp. 2-3, July 17, 1996.
- [7] TSN, pp. 4-10, July 17, 1996.
- [8] Exh. 3, Records, p. 188.
- [9] Exh. E, Records, p. 46.
- [10] TSN, pp. 3-10, Nov. 14, 1995.
- [11] TSN, pp. 6-10, Jan. 16, 1996.
- [12] TSN, pp. 2-6, March 13, 1996.
- [13] See Navarro v. Court of Appeals, G.R. No. 121087, Aug. 26, 1999.
- [14] U.S. v. Carlos, 15 Phil. 47 (1910)
- [15] TSN, p. 7, Oct. 24, 1995.
- [16] TSN, pp. 18-20, July 17, 1996.
- [17] Exh. 1, Records, pp. 184-185.
- [18] TSN, pp. 3-5, Dec. 17, 1996.
- [19] Id., pp. 9-10.
- [20] Id., p. 11.
- [21] Appellee's Brief, Rollo, p. 86.
- [22] TSN, p. 4, Dec. 12, 1995; Exh. 5, Records, p. 46.
- [23] See People v. Arroyo, 201 SCRA 616 (1991)
- [24] TSN, pp. 20-21, July 17, 1996.
- [25] Revised Penal Code, Art. 11 (1)
- [26] See I Luis B. Reyes, The Revised Penal Code 153-54 (1993); People v. So, 247 SCRA 708 (1995)
- [27] Revised Penal Code, Art. 8.
- [28] People v. Carmina, 193 SCRA 429 (1991)
- [29] Revised Penal Code, Art. 14 (16)
- [30] People v. Carpio, 282 SCRA 23 (1997)
- [31] People v. Ledesma, 250 SCRA 166 (1995)
- [32] People v. Lagarto, 196 SCRA 611 (1991)
- [33] People v. Asto, 277 SCRA 697 (1997)
- [34] 254 SCRA 621 (1996)
- [35] People v. Dela Cruz, 147 SCRA 359 (1987)
- [36] Revised Penal Code, Art. 64(1) and (4)
- [37] Act. No. 4103, §1.
- [38] Revised Penal Code, Art. 64(3)
- [39] Act No. 4103, §1.
- [40] Revised Penal Code, Art. 100.
- [41] People v. Atrejenio, G.R. No. 120160, July 13, 1999.

[42] Exhs. F, F-1, G, and H, Records, pp. 74-75.

[43] TSN, pp. 3-4, Jan. 16, 1996.

[44] Revised Penal Code, Art. 110; *People v. Tirol*, 102 SCRA 558 (1981)

[45] E.g., *People v. Suplito*, G.R. No. 104944, Sept. 16, 1999.

[46] E.g., *People v. Gapasin*, 231 SCRA 728 (1994)

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