

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
DOMINADOR DE LA ROSA, JR., ELLY DAPADAP ALIAS TABA AND
JOSE DAPADAP, ACCUSED.**

G.R. No. 133443. September 29, 2000

Ponente: BELLOSILLO, J.

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BELLOSILLO, J.:

DOMINADOR DE LA ROSA, JR., ELLY DAPADAP alias Taba and JOSE DAPADAP were charged before the Regional Trial Court of Pasig City with murder committed on 31 July 1992. The Information alleged that conspiring together, with treachery, abuse of superior strength and armed with bolos, they inflicted various wounds on Rogelio Canatoy which directly caused his death.[1] Since Elly Dapadap and his father Jose Dapadap have remained at large the trial could proceed only against Dominador de la Rosa, Jr.

On 11 April 1995 Dominador de la Rosa Jr. was found guilty by the trial court of homicide aggravated by abuse of superior strength. He was sentenced to twelve (12) years of prision mayor as minimum to twenty (20) years of reclusion temporal as maximum, and ordered to indemnify the heirs of Rogelio Canatoy P50,000.00 for his death and P8,000.00 for funeral expenses, and to pay the costs. With respect to Jose Dapadap and Elly Dapadap who both, even up to now, continue to elude the authorities the trial court ordered the issuance of warrants for their arrest.[2]

On 17 September 1997 the Court of Appeals modified the trial court's decision by convicting accused-appellant of murder as charged, and sentencing him to reclusion perpetua. The Decision of the trial court was affirmed in all other aspects.[3] On 31 March 1998 reconsideration was denied.[4]

The factual backdrop: In the morning of 31 July 1992 Rogelio Canatoy arrived home after peddling taho. He was residing at 14 Dita St., Western Bicutan, Taguig, Metro Manila. Rogelio noticed that his dog was weak so he decided to butcher it. Dominador de la Rosa Jr. and a certain Dolphy helped him and together they cooked the dog meat. Then they transferred to the nearby house of Rogelio's nephew and drank gin with the cooked meat as pulutan. A certain Rudy also joined them. The drinking session started at noon and lasted until four o'clock in the afternoon.

At around six o'clock in the evening Rogelio's wife Linda who was cooking taho syrup inside their house heard Dominador, whom she had known for six (6) months, shout: "Magsolian na tayo ng kandila!" She went outside and from a distance of ten (10) meters she saw Dominador box Rogelio, hitting him twice in the mouth. As Rogelio fell down Dominador stabbed him but the latter evaded the thrust. Then Rogelio got away from Dominador to rest on a bench inside their store in front of their house. By then Rogelio's lips were already bleeding. Dominador went home.

At around eleven o'clock that evening, while Rogelio was lying on the bench inside their store, Dominador appeared and stabbed him with a bolo. Linda saw the incident from the window of their house. Her husband asked in a loud voice, "Pare, bakit mo ako sinaksak?" Jose, likewise armed with a bolo, then aimed at Rogelio but hit the

MERALCO post instead. Rogelio fled towards the street but Dominador together with Jose and Elly, all armed with bolos, chased him. After traversing about ten (10) meters, the three (3) caught up with Rogelio. Linda had known the Dapadaps for only a month.

Villardo Ramirez, who was seated in front of Aling Fely's store about thirty (30) meters away from Linda, saw Rogelio being pursued by Dominador, Jose and Elly. All four (4) were new acquaintances of Villardo. Villardo noticed blood flowing from Rogelio's head down to his chest. He was pursued by his three (3) assailants with bolos on hand. When they were about five (5) arms length away from him, they caught up with Rogelio and hacked him to death then hurriedly left.

Some fifteen (15) minutes after the incident Dominador, Jose and Elly passed by the house of Canatoy and shouted, "Putang-ina ninyo, tapos na si Gelio!"[5] Linda rushed to the crime scene and saw her husband sprawled on the ground. Villardo helped her take Rogelio to the hospital. But Rogelio was pronounced dead on arrival. The Autopsy Report disclosed the following injuries sustained by Rogelio -

Contused abrasion, frontal area, 4.0 x 5.0 cms., preauricular area, left, 1.5 x 2.5 cms., shoulder, left, posterior aspect, 14.0 x 16.0 cms., knee, right, 3.0 x 3.0 cms.

Abrasions, temporal area, right, 4.0 x 5.0 cms., shoulder, left, posterior aspect, 6.0 x 7.0 cms., arm, right, distal third, postero-lateral, 4.0 x 8.0 cms., forearm, right, distal third, postero-lateral, 7.0 x 13.0 cms.

Incised wound, back, left flank, near the iliac crest 4.0 cms., wrist, right, antero-lateral, 3.0 cms. thigh, right, middle third, antero-medial, 14.0 cms. back, left, suprascapular area, 9.0 cms.

Hack wounds: (a) Elliptical, edges clean cut, 25.0 cms. oriented almost horizontally, both extremities sharp, at the back, right side, 3.0 cms. from the posterior median line, directed forwards, downwards, cutting the 11th and 12th ribs, then into the thoracic cavity, then cutting the diaphragm, then into the peritoneal cavity, cutting the liver, right lobe, approximate depth of 10.0 cms.; (b) 2. Elliptical, edges clean-cut, 21.0 cms. oriented almost horizontally, both extremities sharp, at the back, left side, 6.0 cms. from the posterior median line, directed forwards, downwards partially cutting the 1st lumbar vertebrae, approximate depth of 3.0 cms. x x x

CAUSE OF DEATH: Hack wounds.[6]

Dominador's version was that in the morning of 31 July 1992 he was invited by Rogelio to drink at his house. They started drinking "gin" at about nine o'clock that morning. There were four (4) of them and they consumed four (4) bottles. At about eleven-thirty Dominador went home to eat lunch. Afterwards his compadre Jun came and invited him to drink again at the house of Rogelio's nephew where there was cooked dog meat. As they were drinking, a commotion ensued outside the house. According to Dominador, he saw Taba run away while Linda was pacifying Rogelio who at that instance was holding a panghiwa ng mangga. Dominador approached Rogelio to inquire about the commotion, but instead of answering him, Rogelio asked him whether he knew Taba, and Dominador answered that Taba used to sleep in his house. Rogelio then apologized to Dominador because, according to him, he did not know Taba.

Further, Dominador narrated that at past five o'clock in the afternoon he went home and found Taba there. Taba had a bleeding nose and swollen eyes. Taba told him that he was supposed to buy vinegar when Rogelio boxed him for no reason at all. Dominador went to Rogelio's house, and for the second time, Rogelio apologized to him for what happened to Taba and then brought out two (2) bottles of beer Grande. They started to drink again at seven o'clock in the evening. At eleven o'clock Dominador left for home but not before assuring Rogelio that there was no problem with him.

On his way home Dominador met Elly Dapadap alias Taba and Jose Dapadap. He advised them to go home and

sleep but Jose told him that they were going to sleep at a cousin's house at the other street. Dominador watched them as they walked away. Moments later, he saw the Dapadaps chasing Rogelio. To avoid trouble, he went home. But on that same night, he and his mother left their place as they heard people warning those who hailed from Masbate to leave the place as they would seek revenge. His mother decided to go to Novaliches. On 7 May 1993 Dominador was arrested at the house of his wife in "MIA." Dominador imputed ill motive on the part of Linda since she supposedly resented his previous invitations to Rogelio to drinking sessions, and that she even volunteered the information that her husband would run amuck everytime he was drunk.

To the courts below the guilt of Dominador de la Rosa Jr. was primarily established by the positive testimonies of his wife Linda and Villardo Ramirez. We agree.

On his part, accused-appellant argues that he did not conspire with the Dapadaps since it was only the Dapadaps who had an axe to grind against Rogelio, and calling attention to the circumstance that no injury either on the lips or on top of the head of Rogelio was mentioned in the Autopsy Report. Accused-appellant submits that abuse of superior strength does not exist since no clear inference can be drawn from the prosecution's evidence regarding his and his alleged cohorts' strength vis-a-vis that of Rogelio.

We find no merit in the appeal. According to Linda, Rogelio drank with accused-appellant, together with Dolphy and Rudy from noon to four o'clock in the afternoon of 31 July 1992. At six o'clock that evening, while preparing taho syrup, she heard Dominador shout, "Magsolian na tayo ng kandila!" She went out of their house and saw accused-appellant some ten (10) meters away box Rogelio hitting him twice on the mouth. Accused-appellant also stabbed Rogelio but missed. With bleeding lips Rogelio proceeded to rest on a bench inside their store while accused-appellant went home.

At around eleven o'clock that same evening, while Rogelio was lying on the bench inside their store, Linda saw through the window accused-appellant stab Rogelio with a bolo. Rogelio even asked, "Pare, bakit mo ako sinaksak?" Then Jose aimed his bolo at Rogelio but hit the electric post instead. Rogelio ran away pursued by Dominador, Jose and Elly. After traversing about ten (10) meters, all three (3) accused caught up with Rogelio. Fifteen (15) minutes later, the three (3) aggressors passed by the house of Rogelio and shouted, "Putang-ina ninyo, tapos na si Gelio!" Rogelio was rushed to the hospital but was declared dead on arrival. Linda narrated in detail the events that transpired which culminated in the death of her husband -

FISCAL:

Now, will you please, Madam Witness, inform this Honorable Court the cause of death of your husband Rogelio Canatoy?

A:

My husband was tending our store when my compadre came over together with two other men and he was stabbed.

Q:

Now, these persons whom you said stabbed your husband, will you be able to identify them if you will see them again?

A:

Yes, Sir.

Q:

Please point to them if they are inside this courtroom?

A:

(Witness pointed to a man in yellow t-shirt who identified himself as accused Dominador dela Rosa) x x x x

FISCAL:

How about the two other accused who are at large, will you be able to identify them if you will see them again?

A:

Yes, Sir.

Q:

x x x Madam Witness, when did this stabbing incident happen?

A:

On July 31, 1992 x x x x My husband was lying inside our store when Dominador dela Rosa came and stabbed him, Sir, and when my husband opened his eyes, he shouted, "Pare, bakit mo ako sinaksak."

Q:

What did you do after your husband uttered those words "Pare, bakit mo ako sinaksak?"

A:

I shouted, Sir, and the companions of Dominador dela Rosa hacked my husband again but it hit the Meralco post so my husband went out of his store and they ran after him.

Q:

What happened next when your husband was being chased by Dominador dela Rosa and his companions?

A:

They were able to catch up (with?) my husband in the street and after around fifteen minutes Dela Rosa together with his two other companions passed by our house and he shouted "Putang-ina ninyo, tapos na si Gelio."

Q:

What happened x x x

A:

I kept on shouting and when I arrived at the scene of the incident, my husband was already lying dead.

Q:

x x x from your house and to the place where your husband finally died, how far was it?

A:

Around more or less ten meters away.

Q:

Was he brought to a hospital after he was hacked and stabbed?

A:

Yes, Sir, we still brought him to the hospital but he was already dead x x x x

Q:

x x x for how long have you known Dominador dela Rosa, Ely Dapadap and Jose Dapadap?

A:

As for Dominador dela Rosa, I have known him before the incident six months ago but the two, father and son Dapadap, I have known them for just a month x x x x[7]

On cross examination, Linda clarified -

Q:

But you said that you went inside your house and cooked sugar for the taho. Up to what time did you do that?

A:

I cooked up to 6:00 in the afternoon (sic) and my husband went home after he was boxed by Dominador dela Rosa and he was crying.

Q:

Did you see the boxing actually?

A:

Yes, sir.

Q:

But did you not say a while ago that after the drinking spree, your husband went to your house and Dominador dela Rosa was with him asking to continue the drinking?

A:

Yes, sir.

Q:

And then after that you said, you went inside your house in order to cook sugar?

A:

Yes, sir.

Q:

So, when did that boxing take place?

A:

While I was cooking the syrup, I heard the shout of Dominador dela Rosa. So, I went outside our house and I saw him boxed (sic) my husband and later on he went home to get his knife.

Q:

Who went home to get his knife?

A:

Dominador dela Rosa, sir.

Q:

How did you know that he was going to get a knife?

A:

I was there and when he went home after he boxed my husband, he even cursed my husband saying “Magsolian na tayo ng kandila.”

Q:

You saw him went (sic) home but how did you know that he is (sic) going to get a knife?

A:

Because when he returned he has (sic) already a knife.

Q:

x x x you said that before you came out of your house, you heard Dominador dela Rosa shout. What did he

shout?

A:

“Pare, magsolian na tayo ng kandila.”

Q:

And at this juncture, you mean to say, they are outside your house and they were in front of your store?

A:

No, near the house of our kumpare x x x x "Kumpareng Paul," I don't know his family name, sir.

Q:

And how far is that from your house?

A:

Just ten meters away from our house.

Q:

Before, you said that you saw Dominador dela Rosa boxed (sic) your husband. How many times?

A:

Two times, sir.

Q:

Was your husband hit?

A:

Yes, sir. His lips bleed (sic).

Q:

So your husband (was?) hit on the mouth?

A:

Yes, sir.

Q:

Did he fall on the ground?

A:

Yes, sir. He fell beside the drum near the house of our “kumpareng Paul.”

Q:

And after Dominador dela Rosa boxed your husband twice, did Dominador dela Rosa do anything else?

A:

He stabbed my husband when he came near.

Q:

After he was boxed twice?

A:

Yes, sir x x x x

Q:

x x x how many times did Dominador dela Rosa stabbed (sic) your husband?

A:

He stabbed my husband once.

Q:

Was your husband hit?

A:

No, sir.

Q:

Why was your husband not hit?

A:

My husband was able to run away, sir.

Q:

And did Dominador dela Rosa pursue him?

A:

No, sir, it was early at that time so, Dominador went home but at around 11:00 in the evening, he together with Jose Dapadap and Elly Dapadap came back x x x I saw Dominador dela Rosa thru the window stabbed (sic) my husband first and when Jose Dapadap was going to stab my husband, my husband ran towards the street and the three of them Dominador dela Rosa, Elly Dapadap and Jose Dapadap ran after him, sir x x x x

Q:

While the one that you narrated before, I am referring to the boxing by Dominador dela Rosa of your husband and the stab which did not hit him, happened at 6:00 o'clock?

A:

Yes, sir.

Q:

So, you mean to tell us now that after that incident of 6:00 o'clock, your husband went inside the store and then rested. And after that, at around 11:00 the Dapadaps and Dominador dela Rosa came to your house and the stabbing occurred, is that what you mean?

A:

Yes, sir.

Q:

Now, this 11:00 o'clock incident, did you (see?) that actually with your own eyes?

A:

Yes, sir.

Q:

You mean, you saw Dominador dela Rosa stabbed (sic) your husband inside the store?

A:

Yes, because I was at the window.

Q:

How many times did Dominador dela Rosa stabbed (sic) your husband at that time?

A:

I saw Dominador dela Rosa stabbed (sic) my husband once in our store but I do not know how many times he stabbed my husband when they were on the street x x x x[8]

Although Linda did not witness the actual killing of Rogelio at close range, Villardo supplied the vital gap.

Villardo was seated on a chair in front of Aling Fely's store about thirty (30) meters away from Linda's store when he saw Rogelio being chased by accused-appellant Dominador de la Rosa Jr. and Jose and Elly Dapadap. Villardo saw that blood was flowing from Rogelio's head down to his chest with all three (3) aggressors wielding bolos. About five (5) arms length away from Villardo, they caught up with Rogelio. Their efforts at hacking Rogelio with bolos were collective. After achieving their common purpose, they hurriedly left the place. Villardo's narration was equally vivid -

Q:

While you were resting in front of the store of Aling Fely on July 31, 1992 along Duhat St. was there any unusual incident that happened x x x x

A:

I saw Mang Delio[9] running bloodied headed towards the street, sir.

Q:

Who were the persons chasing Mang Delio when you saw him running towards the street?

A:

Dominador dela Rosa, Ely Dapadap and Jose Dapadap, sir.

Q:

Did you notice Dominador dela Rosa, Ely and Jose Dapadap holding anything while they were chasing Mang Delio?

A:

Yes, sir x x x x Bolos, sir.

COURT:

All of them?

A:

Yes, your Honor.

FISCAL JABSON:

While they were chasing Mang Delio with their bolos, did they catch him?

A:

Yes, sir.

Q:

What happened next, if any, after they caught up with Mang Delio?

A:

They helped each other in hacking Mang Delio.

Q:

Did you notice if all of them hacked Mang Delio?

A:

All of them, sir x x x x

Q:

What happened after they hacked Mang Delio?

A:

They hurriedly left, sir.

Q:

What happened to Mang Delio?

A:

He died, sir.

Q:

Immediately after Mang Delio was hacked by Dominador dela Rosa and the Dapadaps, what happened to Mang Delio?

A:

I carried him and brought him to the hospital.

Q:

Are you telling this Court that after they hacked Mang Delio and ran away, you immediately brought Mang Delio to the hospital?

A:

Yes, sir.

Q:

Who were with you when you brought Mang Delio to the hospital?

A:

His wife, sir x x x x

Q:

What happened when you brought Mang Delio to the hospital?

A:

He was already dead, sir x x x x

Q:

x x x how far were you when you saw Dominador dela Rosa and the Dapadaps hack Mang Delio?

A:

More or less about five (5) arms length, sir.

Q:

To whom do you refer to as Mang Delio?

A:

Rodelio (sic) Canatoy, sir.

Q:

Will you be able to identify Dominador dela Rosa and Elly and Jose Dapadap if you will see them again?

A:

Yes, sir.

Q:

If they are inside this courtroom, will you please point them out to this Court?

A:

There he is, sir.

INTERPRETER:

Witness, your Honor, points to a man seated inside the courtroom wearing yellow t-shirt, who when asked what his name was replied that his name is (sic) Dominador dela Rosa.

FISCAL JABSON:

For how long have you known dela Rosa, the Dapadaps and the victim Mang Delio?

A:

They are new acquaintances, sir.

Q:

Are you also a resident of that place?

A:

No, sir. I live at the other street x x x [10]

The trial court gave credence to the detailed and categorical testimonies of Villardo and Linda. On the other hand, the ill motive attributed by accused-appellant to Linda was disregarded by the trial court on the ground that it was not sufficient to disqualify her as an eyewitness. The trial court's evaluation of the credibility of witnesses is viewed as correct and entitled to the highest respect because it is more competent to so conclude, having had the opportunity to observe the witnesses' demeanor and deportment on the stand and the manner in which they gave their testimonies. The trial court therefore can better determine if such witnesses were telling the truth, being at a vantage position to weigh conflicting testimonies. Unless it plainly overlooked certain facts of substance and value which, if considered, might affect the result of the case, its assessment on credibility must be respected.[11]

No reason impels us to accord a contrary treatment to the testimonies of Linda and Villardo which we also find to have emanated from truthful and authentic eyewitnesses. Villardo had no malevolent motive whatsoever to implicate Dominador de la Rosa, Jr. With regard to Linda, her alleged resentment to accused-appellant's frequent invitations to Rogelio to drink with him, apart from being bare, is not of such value as to have moved her to point to accused-appellant as one of those liable for the death of Rogelio. More importantly, it would be unnatural for the relatives of the victim who themselves seek justice to commit injustice themselves by imputing the crime on persons other than those who are actually responsible.[12] When there is no evidence to indicate that the prosecution witnesses were actuated by improper motives, the presumption is that they were not so actuated and that their testimonies are entitled to full faith and credit.[13]

Against the positive declarations of Linda and Villardo is the denial of accused-appellant and the corroboration of his mother. But, a denial, if unsubstantiated by clear and convincing evidence, is a negative and self-serving evidence which deserves no weight in law and should not be given greater evidentiary value than the testimony of credible witnesses who testify on affirmative matters.[14] We agree with the trial court that the corroboration provided by the mother of accused-appellant is highly dubious because on the night of the incident, she together with accused-appellant fled to Novaliches. Flight is an indication of guilt.[15] Accused-appellant's claim that they fled on the night of the incident because there was talk that those who were from Masbate must leave the place as they were going to seek revenge, is flimsy. There is no showing that accused-appellant or his family was from Masbate. Moreover, the alleged warning to those who came from Masbate to leave the place is inconsistent with the objective of revenge. Vengeance would not be accomplished by telling the natives of Masbate to leave. Thus, as between the empty denials of accused-appellant and the categorical and detailed narrations of the prosecution witnesses, the trial court did not err in giving heavier weight to the latter.

Conspiracy may be deduced from the mode and manner in which the offense was perpetrated, or inferred from the acts of the accused themselves when these point to a joint purpose and design, concerted action and community of

interest.[16] That accused-appellant and the Dapadaps acted in unison in bringing about the death of Rogelio was aptly established through the testimonies of Linda and Villardo, i.e., accused-appellant initially stabbed Rogelio, followed by the hacking thrust of Jose while inside the store of the Canatoys, then accused-appellant and the Dapadaps in hot pursuit of Rogelio on the street and ultimately catching up with him and hacking him to death.

The Autopsy Report may have failed to mention the injuries sustained by Rogelio on his lips yet such failure refers to a trivial detail pitted against the more important issue regarding the circumstances surrounding Rogelio's death. Also, although Villardo's testimony that Rogelio was hacked at the top portion of his head is not supported by the Autopsy Report, we perceive such circumstance as due to an innocent mistake or omission. From a distance of five (5) arms length, an attack on the head of Rogelio by his three (3) assailants might have given the impression to Villardo that the victim was also hit on top of his head. Witnesses cannot be expected to recollect with exactitude every minute detail of an event. This is especially true when the witnesses testify as to facts which transpired in rapid succession, attended by flurry and excitement.[17]

The trial court correctly ruled out treachery because with the first attack on Rogelio inside their store, he was thereby forewarned of the danger to his life; in fact, he managed to escape although he did not succeed in the end.[18] On the other hand, the trial court properly appreciated abuse of superior strength because accused-appellant and the Dapadaps who were all armed with bolos took advantage of their combined strength to overpower the unarmed victim and thereby consummate their objective to kill him.[19]

We note however that the trial court merely convicted accused-appellant of homicide aggravated by abuse of superior strength. This is obvious error. Abuse of superior strength, which was alleged in the Information, qualified the killing to murder. Thus accused-appellant was properly held liable by the Court of Appeals, not for homicide aggravated by abuse of superior strength, but for murder and sentenced to reclusion perpetua. However, the Court of Appeals failed to discuss the basis therefor. When the crime was committed on 31 July 1992 Art. 248 of The Revised Penal Code punished murder with reclusion temporal in its maximum period to death.[20] Correlating Art. 248 with Art. 64, par. (1), of the same Code, there being neither mitigating nor any other aggravating circumstance that attended the commission of the crime, the proper penalty is reclusion perpetua.

WHEREFORE, the appealed Decision of the Court of Appeals finding accused-appellant DOMINADOR DE LA ROSA, JR. guilty of murder and sentencing him to reclusion perpetua and to indemnify the heirs of Rogelio Canatoy P50,000.00 for his death and P8,000.00 for funeral expenses plus costs, is **AFFIRMED**.

SO ORDERED.

Mendoza, Quisumbing, Buena and De Leon, Jr., JJ., concur.

[1] Information dated 30 September 1992; Records, p. 1.

[2] Decision penned by Judge Jose R. Hernandez of RTC-Br. 158, Pasig City; Records, p. 104.

[3] Decision penned by Associate Justice Artemio G. Tuquero with the concurrence of Associate Justices Ramon A. Barcelona and Maximiano C. Asuncion; CA Rollo, pp. 132-133.

[4] CA Rollo, pp. 158-159.

[5] "Gelio," alias of Rogelio Canatoy, is also mentioned in the transcript of stenographic notes as "Delio," alias of Rodelio. Both aliases refer to the same Rogelio Canatoy.

[6] Exh. "F;" Folder of Exhibits, p. 6.

[7] TSN, 23 June 1993, pp. 3 - 5.

[8] TSN, 30 June 1993, pp. 3 - 6.

[9] See Note 5. In this narration of Villardo he kept referring to Rogelio Canatoy or "Gelio" as Rodelio Canatoy or "Delio."

[10] TSN, 7 July 1993, pp. 2 - 3.

[11] *People v. Julian*, G. R. Nos. 113692-93, 4 April 1997, 270 SCRA 733.

[12] *People v. Gapasin*, G. R. No. 73489, 25 April 1994, 231 SCRA 728.

[13] *People v. Tabaco*, G. R. Nos. 100382-85, 19 March 1997, 270 SCRA 32.

[14] *People v. Amaguin*, G. R. Nos. 54344-45, 10 January 1994, 229 SCRA 166.

[15] *People v. Javar*, G. R. No. 82769, 6 September 1993, 226 SCRA 103.

[16] *People v. Sion*, G. R. No. 109617, 11 August 1997, 277 SCRA 127.

[17] *People v. Alolod*, G. R. Nos. 117506-07, 7 January 1997, 266 SCRA 154.

[18] *People v. Flores*, G. R. Nos. 103801-02, 19 October 1994, 237 SCRA 655.

[19] *People v. Soriano*, No. L-32244, 24 June 1983, 122 SCRA 740.

[20] As amended by R. A. 7659, murder is now punished by reclusion perpetua to death.

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