

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. EDMUNDO BRIONES AYTALIN, APPELLANT.

G.R. No. 134138. June 21, 2001

Ponente: PANGANIBAN, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-134138/>

PANGANIBAN, J.:

Absent any qualifying circumstance, the crime should be merely homicide, not murder. In order to qualify the killing as murder, evident premeditation or treachery must be established as clearly as the killing itself.

The Case

Before us is an appeal filed by Edmundo Briones Aytalin, assailing the May 13, 1998 Decision[1] of the Regional Trial Court of Quezon City (Branch 97) in Criminal Case No. Q-91-26824. The Decision convicted him of murder, sentenced him to reclusion perpetua, and ordered him to indemnify the heirs of the victim in the amount of P500,000.

In the Information dated November 25, 1995, Assistant City Prosecutor Nelson E. Kallos charged appellant with murder allegedly committed as follows:

"That on or about the 23[rd] day of December 1990, in Quezon City, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, with evident premeditation and by means of treachery, did, then and there willfully, unlawfully and feloniously and without any justifiable cause, attack, assault and employ personal violence upon the person of one ELEAZAR AQUINO, by then and there shooting [the victim] with a gun (cal. 22, Rev. SN 683541) several times, hitting him on the different parts of his body, thereby inflicting upon him serious and mortal wounds which were the direct and immediate cause of his death, to the damage and prejudice of the heirs of said victim in such amount as may be awarded under the provisions of the New Civil Code."

Upon his arraignment on September 30, 1992, appellant, assisted by Counsel de Oficio Voltaire Agas, pleaded not guilty.[2] Trial ensued and, thereafter, the court a quo rendered its Decision, the dispositive portion of which reads as follows:

"WHEREFORE, in view of the foregoing facts and considerations, and the positive identification by the prosecution witnesses, this court finds the accused Edmundo Briones Aytalin guilty beyond reasonable doubt as charged in the above information of the crime of murder as defined in Article 248 of the Revised Penal Code and sentences him to suffer the penalty of reclusion perpetua and indemnify the heirs of the victim in the amount of P500,000."

Hence, this appeal.[3]

The FactsVersion of the Prosecution

The Office of the Solicitor General, in its Brief,[4] narrates the factual incidents of the case in this manner:

"At around 4:20 o'clock in the afternoon of December 23, 1990, appellant Edmundo Aytalin shot Eleazar Aquino four times along Iba St., Brgy. San Isidro Labrador, Quezon City. After shooting the latter, appellant looked at the crowd and the prostrate victim. He then entered a house, came out with a long gun, and boarded a taxi with his wife. Aquino was rushed to the National Orthopedic Hospital, where he died the following day.

"After the incident, Captain Philmore Balmaceda brought appellant and his (appellant's) .22 caliber revolver used in the shooting, as well as four (4) empty shells and two live ammunition of the gun to the Quezon City Police.

"An autopsy (was) conducted on the body of Aquino by Dr. Emmanuel Aranas of the PNP Crime Laboratory. After examining the cadaver, Aranas found a gunshot wound on the left side of the forehead of Aquino, and recovered a deformed caliber .22 slug embedded on the left side of the brain of the deceased, which slug the doctor submitted to the Ballistics Division of the crime laboratory for examination. Aranas concluded that based on his findings, the cause of death of the victim [was] hemorrhage due to the gunshot wound in the head. The ballistics test conducted by the PNP Crime Laboratory revealed that the deformed slug recovered from the brain of the deceased was fired from the gun of the appellant."

Version of the Defense

On the other hand, appellant presents this version of the facts:[5]

"Upon being arraigned, accused entered a plea of 'NOT GUILTY'. A trial on the merits was conducted, and after the prosecution ha(d) rested its case, accused, through counsel, and with leave of court, filed a DEMURRER TO EVIDENCE. The same was denied. The accused opted not to present evidence in his defense. Hence, a decision was rendered finding him guilty beyond reasonable doubt of the crime of MURDER, for which he was sentenced to suffer a penalty of imprisonment of 'reclusion perpetua.'

"On December 23, 1990, at around 4:20 PM, the alleged victim Eleazar Aquino was shot along Iba Street, Brgy. San Isidro Labrador, Quezon City. Alleged eyewitnesses to the shooting pointed to accused as the person who shot the victim. No motive was established for the shooting. As to the cause of death, the decision assailed relied heavily on the opinion of the prosecution witness Anacleto Reyes, who testified thus: 'Ang pagkakaalam ko ho ay yung pagkabaril po sa kanya ni Edmund Aytalin.' (TSN p.12, 1/15/93)"

The Trial Court's Ruling

Finding the accused guilty beyond reasonable doubt, the trial court explained its ruling as follows:

"The Court finds that positive identification of the accused Edmundo Aytalin as the assailant of Eleazar Aquino by witnesses Antonio Ortega and Anacleto Reyes, whose credibility has not been impaired demonstrates the culpability of the accused beyond reasonable doubt.

"The cause of death of Eleazar Aquino has been sufficiently established by prosecution evidence other than the autopsy report. Oral testimony linking the death of the victim to the wound inflicted by the firearm which was wielded by the accused is sufficient. The firearm in question appears to be recovered from the accused and linked to him by the testimony of ballistics expert Reynaldo De Guzman. x x x

"Thus, it appears to this Court that on December 23, 1990, at around 4:20 o'clock in the afternoon, Eleazar Aquino was shot along Iba Street, Brgy. San Isidro Labrador, Quezon City. Being present at the scene of the incident, Antonio Ortega (TSN, October 28, 1992, p.21) [and] Anacleto Reyes (TSN, January 15, 1993, pp.8) have positively identified accused Edmundo Aytalin as the person who shot the victim. Both Anacleto Reyes (TSN, January 15, 1993, pp.3-4) and Antonio Ortega, (TSN, October 28, 1992, pp.16-20) knew the accused Edmundo Aytalin as well as the victim Eleazar Aquino before the shooting incident. Not long after the shooting, on December 24, 1990, the victim, Eleazar Aquino, died at the National Orthopedic Hospital to where he was earlier rushed. The fact of death and identity of the victim is admitted by the defense (TSN,

October 28, 1992, pp.3-4). The cause of death is as prosecution witness Anacleto Reyes testified, thus: "Ang pagkakaalam ko, ho, ay yung pagkabaril po sa kanya ni Edmundo Aytalin" (TSN, January 15, 1993, p.12).

"It appears further that after the shooting incident the Quezon City Police through SPO Rosito Calabucal conducted an investigation, taking the statements of witnesses, one of which is that of Anacleto Reyes (Exh. "B-6"; TSN, November 11, 1992, p.4), and receiving the person of accused Edmundo Aytalin for detention and the recovered firearm used in the shooting incident, .22 Caliber, revolver (Ruby) with serial number 693541, together with four (4) empty shells or fired cartridges and two (2) live ammunition of .22 caliber, both from Capt. Philmore E. Balmaceda, who brought the accused together with the said items to the Quezon City Police on December 24, 1990, (Exh. "C-1", TSN, November 11, 1992, p.18). x x x. On December 25, 1990, an autopsy was conducted on the cadaver of Eleazar Aquino (Exh. "B-7", "B-7-a") by Dr. Emanuel Aranas of the PNP Crime Laboratory (TSN; December 2, 1992, pp.38-40). In the process of examining the cadaver of the victim herein the medico-legal officer found a gunshot wound on the left side of the forehead (TSN, December 2, 1992, p. 40, 42) and recovered a deformed caliber x x x 22 slug (Exh., `G-3-B"), marked in his presence "EA" (Exh. "G-3-c), embedded [i]n the left side of the brain of Eleazar Aquino (TSN, December 2, 1992, p. 46), which he forwarded to the Ballistics Division of the PNP Crime Laboratory for ballistics tests (Exh "N", TSN, December 2, 1992, p.49). Based on his findings, Dr. Aranas concluded that the cause of death of Eleazar Aquino [was] hemorrhage due to gunshot wound in the head (Exh. "B-7", "B-7-a", TSN, December 2, 1992, p.49). x x x

"The identity and the fact of death of the victim and the identity of the accused as well as the incident being within the jurisdiction of this court have been stipulated in open court, as well as the fact that the incident had been investigated by the police and a report was rendered on the matter, and that the special power of attorney of the brother to represent the wife of the victim is genuine and authentic, (Exhibit "A") including the records of the autopsy, ballistics, hospital, subject to cross-examination. The defense also admitted in open court, without prejudice to the cross examination of the ballistics, that the gun used in the killing of Eleazar Aquino was the same gun which was submitted to the ballistics expert.

x x x x x x x x

"The prosecution has proven through the testimony of its witness Antonio Ortega that he used to pass Iba Street while collecting bets for the horse races, and that he often [saw] the accused there, and that on the time and date in question he saw accused and that he knew the face of the accused because he often [saw] him there, and that he saw the accused shoot the victim four times, and that he was at that time only seven meters away from the place of the shooting. He moved back after the shooting, but still looked on and he saw the accused go up the house and go down later with a long gun and that the accused rode in a taxi with a woman. x x x.

x x x x x x x x

"The court finds the basic testimonies of the above prosecution witnesses as credible and unassailed, and therefore the court takes them as facts, namely that the victim, Eleazar Aquino died of the bullet wound inflicted in his head by the accused Edmundo Briones Aytalin, who wielded the fatal gun, (Exhibit "J") and that the bullet recovered from the head of the victim was indeed fired from said gun. The accused did not present evidence in his defense after all the years, since the prosecution rested its case. The Court further finds nothing in the testimonies of prosecution witnesses that is not factually based and in accordance with common human experience, thus convincing this court of the guilt of the accused beyond reasonable doubt." [6]

The Issue

In his Brief, appellant submits a single issue for the determination of this Court:

"Whether or not the accused is guilty of the crime charged beyond reasonable doubt" [7]

The Court's Ruling

Appellant should be convicted only of homicide, not murder, and the indemnity should be reduced to P50,000.

Main Issue

In challenging the sufficiency of the prosecution evidence, appellant avers that the testimonies of the prosecution witnesses are full of inconsistencies and contradictions, particularly with respect to the injury sustained by the victim. Appellant likewise assails the prosecution's supposedly dubious account of how he perpetrated the attack. Furthermore, he alleges that there was no documentary evidence presented to show the cause of the victim's death. Finally, he questions the trial court's admission of ballistic evidence presented by a witness who allegedly did not qualify as an expert.

Appellant disputes the trial court's appreciation of the prosecution evidence, but his contentions are bereft of merit. Generally accepted is the principle that factual findings and conclusions of the trial court are entitled to great weight and are generally not disturbed on appeal, considering that it had the opportunity to observe the demeanor of the witnesses and assess their credibility.[8] Absent any showing that it failed to appreciate a fact or circumstance that, if considered, would have changed the disposition of the case, its factual findings remain binding upon the Supreme Court.[9]

Nonetheless, we shall address the matters raised by appellant, if only to show the futility of his assertions.

First, he alludes to alleged inconsistencies in the prosecution witnesses' testimonies pertaining to the number of gunshot wounds sustained by the victim. However, this detail, being collateral, does not affect the undisputed fact that appellant killed the victim.

We stress that witnesses testifying on the same event do not have to be consistent in every detail. Slight differences in their recollections, viewpoints or impressions are inevitable.[10] They are in fact indicative of the truth and the sincerity of their testimonies.[11] So long as the witnesses concur on material points, slight variations in their recollections of minor details and other ancillary matters do not destroy the veracity[12] or the probative value[13] of their statements. Such inconsistencies do not impair their credibility, especially when they are consistent in relating the principal occurrence and in positively identifying the assailant.[14] In fact, even the testimony of a single witness, if found convincing and credible by the trial court, is sufficient to support a finding of guilt beyond reasonable doubt.[15]

The criminal liability of appellant is clearly indicated by the definitive statements of prosecution witnesses who were able to describe with reasonable certainty the fact of the killing, as well as to identify him positively as the assailant. Their minor inconsistencies in reporting the injuries or gunshot wounds sustained by the victim were not at all essential in establishing the crime committed. In a case of murder or homicide, it is enough that the death of the victim and the identity of the perpetrator be proven beyond reasonable doubt.[16]

Second, appellant claims that the prosecution evidence failed to provide a clear picture of how the killing actually happened and who the real culprit was. On the contrary, a perusal of the records of the case will reveal that the prosecution witnesses personally saw the actual shooting of the victim, as they were within relatively close proximity to the place where it occurred. Moreover, their account of the fatal shooting depicted how the accused, armed with a long gun, fled from the scene of the crime on board a taxi, with a woman in tow.

In narrating the events that transpired on that fateful day, Prosecution Witness Antonio Ortega explained how he came to know of the persons involved in the incident, as follows:

Q

"Mr. Witness, do you still remember where you were on December 23, 1990 at around 4:30 in the afternoon?"

A

Yes, Sir.

Q

Kindly tell the Honorable Court where were you on that date and time cited?

A

I was on Iba Street, Quezon City, Sir.

Q

And while you were at Iba Street, Quezon City, did you see or witness an unusual incident?

A

There was, Sir.

Q

Kindly tell this Honorable Court what that incident was[.]

A

I saw a person who was shot, Sir.

x x x x x x x x

Q

Why were you on Iba Street on that date and time you just mentioned?

A

Because that is the street I pass by when I am collecting bets for 'Karera.'

Q

Mr. Witness, do you know the accused in this case?

A

I do not know him but I can recognize his face, Sir.

Q

Under what circumstances were you able to recognize the face of the accused in this case?

A

Because I usually [saw] him on that street when I passed there, Sir.

Q

Now, if he is in this courtroom, will you be able to point him to this Honorable Court?

A

Yes, Sir; he's there. (Witness is pointing to a man wearing a gray shirt who answers by the name of Edmundo Aytalin, when he was asked to identify himself)

x x x x x x x x

Q

Mr. Witness, do you know the victim, Eleazar Aquino, in this case?

A

I know him, Sir.

Q

Under what circumstance or circumstances did you know this Eleazar Aquino?

A

I met him when I went to the place of my friend, Conrado Aquino, Sir.

Q

Who is this Conrado Aquino Mr. Witness?

A

He is the brother of the person who was killed, Sir?

Q

And when you said, the person who was killed, you were referring to Eleazar Aquino?

A

Yes, Sir, he is the person who died.

x x x x x x x x

Q

Now, you said you know about his being shot, do you know who shot him?

A

I know it, Sir.

Q

Have you seen his face?

A

Yes, Sir.

Q

How were you able to know the person who shot him, Mr. Witness?

A

I saw it, Sir.

Q

When you said you saw it, when did this incident happen Mr. Witness?

A

It was on December 23, 1990 between 4:30 [and] 5:00 in the afternoon[;] it was Sunday, Sir."[17]

"Q

Now, Mr. Witness, you stated that you saw the shooting on December 23, 1990 at around 4:00 to 5:00 in the afternoon[;] do you remember particularly where that shooting that you saw occurred?

A

After Laong Laan going towards Maria Clara, Sir, in the middle of Iba Street.

Q

And, how many shots were fired, Mr. Witness, if you know?

A

Four, Sir.

Q

How far were you from the shooting that you saw?

A

It is as [far] as the place where the person in stripes t-shirt is seated, Sir. (Witness is standing and pointing to a distance of seven (7) meters, more or less.)

Q

And, what did you do after the shooting?

A

After that, I moved back, Sir.

Q

And, after moving back, what did you do?

A

I still looked after the incident, and I even saw the man who [fired] go up the house and go down with a long gun and r[i]de a taxi with a woman."[18]

Corroborating the foregoing testimony of Antonio Ortega, another prosecution witness, Anacleto Reyes, gave a substantially similar account of the fatal shooting. The latter related the incidents he witnessed in this wise:

"Q

Now, in your visit on 23rd December 1990 at around 4:20 in the afternoon of said date, do you remember of any unusual incident which happened?

A

There was, Sir.

Q

Would you kindly tell this Honorable Court what was that unusual incident, Mr. Witness?

A

There was a shooting incident, Sir.

Q

Would you know who were involved in this shooting incident, Mr. Witness?

A

Yes, Sir.

Q

Would you kindly tell this Honorable Court who were involved Mr. Witness?

A

Edmundo Aytalin and Eleazar Aquino, Sir.

Q

How did this happen, Mr. Witness?

A

We were inside the house of Job Madayag, Sir, and [felt] like urinating, I went outside near the gate of Job Madayag, I heard two [gunshots] and then when I turned my back, I saw Edmundo Aytalin still shooting Eleazar Aquino while Eleazar Aquino was already lying down. (Witness demonstrating as if he [were] holding something with his right hand and pointing forward)

x x x x x x x x

Q

You mentioned that when you turned your back to where you heard the gunshots you still saw Edmundo Aytalin as you demonstrated holding a gun and pointing to Eleazar Aquino and you mentioned that Edmundo Aytalin [was] still and I quote: 'Binabaril pa si Eleazar Aquino.' Now, how many shots did you hear when you [saw] this situation between the two involved parties?

A

Four shots, Sir.

Q

When you say four shots, [do they] include the first two shots?

A

I heard two gunshots first and when I turned my back, I heard again two gunshots and the man was pointing to Eleazar Aquino who was already lying on the ground.

Q

What happened next after you saw Edmundo Aytalin shooting Eleazar Aquino who was lying on the ground

for two times?

x x x x x x x x

COURT: Witness may answer.

A

I saw him [look] at the crowd and [look] at the dead form, then I saw him [enter] the house, and then he came out with a long gun and boarded a taxi with his wife; they went away.

Q

What did you do after that?

A

We picked up Eleazar Aquino and then we saw a taxi, then we brought him to the hospital." [19]

The foregoing testimonies of the prosecution witnesses more than sufficiently established the fact of the killing and the identity of the person responsible therefor. Their statements, which were consistent with one another, were given in a simple, straightforward manner, mentioning details that could not have been merely fabricated.[20] Well-settled is the rule that between the positive assertions of prosecution witnesses and the negative ones of appellant, the former deserves more credence and evidentiary weight.[21] All in all, the prosecution has satisfied the quantum of evidence required in a criminal prosecution, and the trial court's finding that appellant committed the crime beyond reasonable doubt was indubitable and logical under the circumstances.

Third, appellant asserts that no documentary evidence was presented to prove the cause of the victim's death. Contrary to his claim, the records of the case show that the Certificate of Death[22] and the Autopsy Report,[23] marked Exhibits "B-7" and "M," respectively, were presented by the prosecution. Both documents clearly stated that the cause of death of Eleazar Aquino was hemorrhage due to a gunshot wound in the head. In this regard, we may well point out that, there being no rule requiring the production of these documentary proofs, the guilt of appellant may still be established even without them.

Finally, appellant argues that the court a quo should not have admitted the testimony of the purported ballistics expert, who was not really qualified to be an expert witness. It is worth mentioning that his testimony was not the basis of the trial court's conclusion that appellant was guilty. Rather, it relied more on the direct and positive testimonies of two eyewitnesses who had seen the shooting incident and identified appellant as the perpetrator.

In any event, when presented in court, the testimony of an expert witness does not serve the purpose of swaying the judgment in favor of any of the parties, but merely assists the judge in resolving the issue under consideration.[24] In the instant case, even without admitting the assailed expert testimony, the court a quo could still have arrived at a decision convicting appellant.

Additional Issue: No Clear Proof of Evident Premeditation or Treachery

This Court, however, disagrees with the ruling of the trial court that the qualifying circumstances of evident premeditation and treachery attended the killing. Notably, its assailed Decision made no reference to any of appellant's acts that supposedly constituted evident premeditation and/or treachery.

For evident premeditation to be appreciated, the prosecution must show the following: (1) the time when the accused determined to commit the crime, (2) an act manifestly indicating that the accused clung to their determination, and (3) a sufficient lapse of time between such a determination and its execution as would have

allowed them to reflect upon the consequences of their act. On the other hand, there is treachery when the offenders commit any of the crimes against persons by employing means, methods, or forms in the execution thereof, tending directly and specially to ensure its execution without risk to themselves arising from the defense which the offended party might make. It is present when the attack comes without warning, is sudden and unexpected, and the unsuspecting victim is not in a position to parry the assault.[25]

Evident premeditation, like other circumstances that would qualify a killing as murder, must be established by clear and positive evidence[26] showing the planning and the preparation stages prior to the killing.[27] Without such evidence, mere presumptions and inferences, no matter how logical and probable, will not suffice.[28] Hence, because the trial court failed to establish the presence of evident premeditation, it erred in using this circumstance to qualify the killing.[29]

Likewise, treachery cannot be established where no particulars are known regarding the manner in which the aggression was carried out, or how it began or developed.[30] Treachery must be based on positive or conclusive proofs, not mere suppositions or speculations.[31] Moreover, it must be proved as clearly and as convincingly as the killing itself.[32] In the present case, such evidence is wanting.[33]

Absent any qualifying circumstance, the crime committed is not murder, but homicide.[34]

Amount of Damages to Be Awarded

The trial court also erred in awarding the amount of P500,000 as indemnity to the victim's heirs. It gave no basis or explanation for that award.

In accordance with current jurisprudence, when death occurs as a result of a crime, the victim's heirs are entitled to the amount of P50,000 as indemnity ex delicto, without need of any evidence or proof.[35] Accordingly, we reduce such indemnity to that amount.

Proper Penalty

Considering that the crime committed by appellant was only homicide, and there being no mitigating or aggravating circumstance, the imposable penalty as provided in Article 249 -- in conjunction with Article 64(1) of the Revised Penal Code -- is reclusion temporal in its medium period. Applying the Indeterminate Sentence Law, the proper penalty should be ten (10) years of prison mayor, as minimum; to seventeen (17) years and four (4) months of reclusion temporal, as maximum.

WHEREFORE, the assailed Decision is AFFIRMED with the following MODIFICATIONS:

1. Appellant is hereby found GUILTY of homicide, not murder.
2. The penalty imposed by the lower court is hereby reduced to ten (10) years of prison mayor, as minimum; to seventeen (17) years and four (4) months of reclusion temporal, as maximum.
3. The indemnity ex delicto awarded to the victim's heirs is reduced to P50,000.

SO ORDERED.

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

[1] Rollo, pp. 12-19; penned by Judge Oscar L. Leviste.

[2] Records, Vol. I, p. 47.

- [3] This case was deemed submitted for resolution on January 8, 2001, upon receipt by this Court of Appellee's Brief. The filing of a reply brief was deemed waived, as none had been submitted within the prescribed period.
- [4] Rollo, pp.77-91. This was signed by Sol. Gen. Ricardo P. Galvez, Asst. Sol. Gen. Magdangal M. de Leon and Solicitor Renan E. Ramos.
- [5] Appellant's Brief; rollo, pp.40-52; signed by Atty. Cesar D. Clemente.
- [6] Assailed Decision; supra, pp.16-19.
- [7] Appellant's Brief; supra, p.3.
- [8] *People v. Soriano*, 272 SCRA 760, May 29, 1997; *People v. Daquipil*, 240 SCRA 773, January 31, 1995.
- [9] *People v. Valles*, 267 SCRA 103, January 28, 1997; *People v. Lapuz*, 250 SCRA 250, November 23, 1995.
- [10] *People v. Alas*, 274 SCRA 310, June 19, 1997.
- [11] *People v. Patawaran*, 274 SCRA 130, June 19, 1997.
- [12] *People v. Somooc*, 244 SCRA 731, June 2, 1995.
- [13] *People v. Balad*, 274 SCRA 695, June 30, 1997.
- [14] *People v. Panganiban*, 241 SCRA 91, February 6, 1995.
- [15] *People v. Lacosta*, 275 SCRA 591, July 17, 1997.
- [16] *People v. Serzo, Jr.*, 274 SCRA 553, June 20, 1997.
- [17] TSN, October 28, 1992, pp.14-21; Records, pp.352-359.
- [18] TSN, October 28, 1992, pp.27-28; Records, pp.365-366.
- [19] TSN, January 15, 1993, pp.6-9; records, pp.472-475.
- [20] *People v. Villanueva*, 242 SCRA 47, March 1, 1995.
- [21] *People v. Padre-e*, 249 SCRA 422, October 24, 1995.
- [22] Records, p.243.
- [23] Records, p.19.
- [24] *Espiritu v. CA*, 242 SCRA 362, March 15, 1995.
- [25] *People v. Pallarco*, 288 SCRA 151, March 26, 1998; *People v. Batidor*, SCRA 335, Feb 18, 1999.
- [26] *People v. Manes*, 303 SCRA 231, February 17, 1999.
- [27] *People v. Platilla*, 304 SCRA 339, March 9, 1999.
- [28] *People v. Mahinay*, 304 SCRA 767, March 17, 1999.
- [29] *People v. Macuha*, 310 SCRA 743, July 20, 1999.
- [30] *People v. Bahenting*, 303 SCRA 558, February 24, 1999; *People v. Mantung*, 310 SCRA 819, July 20, 1999; *People v. Borreros*, 306 SCRA 680, May 5, 1999.
- [31] *People v. Tavas*, 303 SCRA 86, February 11, 1999; *People v. Silva*, 321 SCRA 647, December 29, 1999.

[32] *People v. Eribal*, 305 SCRA 341, March 25, 1999.

[33] *People v. Academia Jr.*, 307 SCRA 229, May 18, 1999.

[34] *People v. Nemeria*, 242 SCRA 448, March 20, 1995; *People v. Ganzagan, Jr.*, 247 SCRA 220, August 11, 1995.

[35] *People v. Obello*, 284 SCRA 79, January 14, 1998; *People v. Borreros*, 306 SCRA 680, May 5, 1999; *People v. Cayago*, 312 SCRA 623, August 18, 1999.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.