

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. CLARENCE ASTUDILLO, CRISANTO ASTUDILLO, ALIAS “ANTENG” OR “ENTENG”, HILARIO ASTUDILLO, ALIAS “BODA”, APPELLANT.

G.R. No. 141518. April 29, 2003

Ponente: YNARES-SANTIAGO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-141518/>

YNARES-SANTIAGO, J.:

This is an appeal from the decision[1] of the Regional Trial Court of Bangued, Abra, Branch 2, in Criminal Case No. 1698, convicting appellants Clarence Astudillo, Crisanto Astudillo and Hilario Astudillo of the crime of Murder; sentencing them to suffer the penalty reclusion perpetua and ordering them, jointly and severally, to pay damages to the heirs of the deceased, Silvestre Aquino, Jr.

The Information filed against the appellants reads:

That on or about November 12, 1995, at around 7:30 o'clock in the evening at Zone 7, Municipality of Bangued, Province of Abra, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping one another, with intent to kill, with treachery and evident premeditation and while armed with a sharp-pointed instrument (unrecovered) did then and there, wilfully, unlawfully and feloniously stab one SILVESTRE AQUINO, JR., thereby inflicting multiple stab wounds on the different parts of his body, which caused his death and thereafter, the accused rode on an unregistered motorized tricycle (recovered) with Municipal Plate No. 7077, which they used in escaping from the crime scene.

CONTRARY TO LAW.[2]

Upon arraignment on November 21, 1995, appellants pleaded not guilty.[3] Trial on the merits thereafter ensued.

The prosecution's account of the antecedent facts are as follows: At around 7:00 p.m., of November 12, 1995, brothers Clarence, Crisanto and Hilario Astudillo, went to house of Alberto Damian who was celebrating the eve of his birthday. Clarence greeted Alberto and thereafter asked the victim, Silvestre Aquino, who was one of the visitors, to go with him.[4] Silvestre acceded and the two walked towards Floras' Store, where they were later joined by Crisanto and Hilario. While at the store, Crisanto and Silvestre had an argument.[5]

At around that time, prosecution eyewitnesses Manuel Bareng and Eduardo Bata, 12 and 11 years of age, respectively, were selling balut in front of Floras' Store. They saw Clarence stab Silvestre with a bolo while Crisanto and Hilario held him by the wrists. Clarence delivered several stab blows at the back and on the chest of the victim until the latter fell to the ground. Thereafter, the three appellants fled on board a tricycle.[6]

Silvestre was rushed to the Municipal Health Office of Bangued, Abra, where he was pronounced dead on arrival. The Autopsy Report prepared by Dr. Milagros Cardenas-Burgos revealed that the victim sustained 15 stab wounds and 1 abrasion, as follows:

EXTERNAL FINDINGS:

Stab wound 2 cm., Antero-lateral aspect, neck, [r]ight

Stab wound

#2, penetrating 3 cm., each. Antero-lateral aspect, neck, left [2 cm.], penetrating ..., 3rd Intercostal space, parasternal area, left

2 cm., 7th mid axillary line, left

1.5 cm., anterior superior iliac spine, left

1.5 cm., upper outer quadrant, left

1.5 cm., Antero-lateral aspect, middle third thigh, left

2.0 cm., infrascapular area, left

3.0 cm., dorsolateral aspect, forearm, middle third, left

2 cm., dorsomedial aspect, forearm, middle third, left

2.0 cm., suprascapular area, right

1.5 cm., infrascapular area, paravertebral area, right

1.5 cm., paravertebral area, right

2.5 cm., Level of T8, midscapular area, right

#2, 1.5-2.0 cm., lumbar area, paravertebral area, right

Abrasion #2 1.0 – 2.0 cm., Level T7, paravertebral area, left and right

INTERNAL FINDINGS:

Pericardium, 1.5 liter

LW, Right atrium traversing the right ventricle

Hemothorax, left 1 liter

LW, 1.0 cm., posterior lobe, lung left

CAUSE OF DEATH:

Cardiac Tamponade, secondary to Stab Wound.[7]

On the other hand, the version of the defense is as follows: On November 12, 1995 at around 7:00 p.m., Clarence passed by the house of Alberto Damian where Silvestre and several others were playing cards. Silvestre offered Clarence a glass of gin, which he declined. Silvestre got embarrassed and cursed him so he decided to leave the house. However, Silvestre followed him in front of Floras' Store and pushed him twice, causing him to fall on the ground. Then, Silvestre struck him on the head and arm with an empty one-liter softdrink bottle.[8]

Hilario arrived and tried to pacify Silvestre but the latter attacked him. As he retreated, he saw a knife which he then swung at the victim. Silvestre was hit but continued to attack him. Left with no choice, Hilario stabbed Silvestre 2 or 3 times. When the latter collapsed to the ground, Hilario rushed to the succor of his elder brother, Clarence.[9] Meanwhile, Clarence suffered from shock and remained seated on the ground while their other brother, Crisanto, stood on the roadside and called for help.[10] The appellants left the scene on board a tricycle and proceeded to the house of Clarence's in-laws. On the same night, they surrendered to the Philippine National Police, stationed at Bangued, Abra.[11]

On March 16, 1998, the trial court rendered a decision convicting appellants of the crime of Murder qualified by abuse of superior strength.[12] Appellants filed a motion for reconsideration contending that the prosecution failed to prove their guilt beyond reasonable doubt and, assuming that it did, the qualifying circumstance of abuse

of superior strength, not having been alleged in the information, cannot be appreciated against them.[13] Appellants' motion for reconsideration was denied in an Order dated July 13, 1998.[14] However, an Amended Decision[15] was rendered where the phrase "abuse of superior strength" was replaced with "TREACHERY" in the body of the Decision and in the decretal portion thereof, which reads:

WHEREFORE, the Court finds all the accused guilty beyond reasonable doubt of murder, defined and penalized under Article 248 of the Revised Penal Code as amended by Rep. Act No. 7659, qualified by TREACHERY AND for having conspired together and helping one another to kill Silvestre Aquino, Jr., with the aggravating circumstance of use of motor vehicle, [which is] however, offset by the ordinary mitigating circumstance of voluntary surrender and sentences them to suffer the penalty of reclusion perpetua and to pay jointly and severally the heirs of Silvestre Aquino, Jr., the amount of P65,288.50 [as] actual damages, P50,000.00 for his death and suffering plus P500,000.00 [as] moral and exemplary damages and to pay the costs of this suit.

SO ORDERED.[16]

Hence, appellants interposed the instant appeal, raising the following errors:

THE TRIAL COURT COMMITTED A REVERSIBLE ERROR WHEN IT DID NOT ACQUIT THE ACCUSED-APPELLANTS ON THE GROUND OF REASONABLE DOUBT.

THE TRIAL COURT LIKewise COMMITTED A REVERSIBLE ERROR WHEN IT CONVICTED THE ACCUSED-APPELLANTS OF MURDER.

THE TRIAL COURT FURTHER COMMITTED A REVERSIBLE ERROR AND ACTED WITH GRAVE ABUSE OF DISCRETION WHEN IT RENDERED THE SECOND DECISION DATED JULY 10, 1998.

THE TRIAL COURT ALSO ERRED WHEN IT CONVICTED ALL THE ACCUSED-APPELLANTS.

THE TRIAL COURT FURTHER ERRED WHEN IT RULED THE ACCUSED-APPELLANTS GUILTY OF CONSPIRACY AND SENTENCED THEM TO A UNIFORM PENALTY.[17]

The resolution of the instant case hinges on the credibility of the witnesses. The settled rule is that the matter of assigning value to a declaration on the witness stand is more competently performed by a trial judge who had the front-line opportunity to personally evaluate the witnesses' demeanor, conduct, and behavior while testifying. In the absence of a clear showing that some fact or circumstance of weight or substance had been overlooked, misunderstood or misapplied, the trial judge's assessment of the witnesses' testimonies shall not be disturbed on appeal.

A careful review of the records of the case at bar shows that the trial court did not miss any such material circumstance, nor did it commit any palpable error in upholding the facts as established by the prosecution. We see no reason to doubt the positive and straightforward testimonies of the prosecution eyewitnesses, Manuel Bareng and Eduardo Bata, that the appellants ganged up on the defenseless victim. These witnesses were not shown to have been impelled by ill-motive to falsely testify against the appellants, hence, their testimony is entitled to full faith and credit.[18]

Moreover, the alleged inconsistencies between the testimony of the prosecution witnesses and their affidavit are too inconsequential to merit consideration. Specifically, appellants point to the failure of Eduardo Bata to state in his sworn statement that appellants Crisanto and Hilario restrained the victim while Clarence stabbed him, as well as the alleged unfamiliarity of prosecution witness Manny Bareng with the Ilocano words "bagsol" and "binagsol" (which mean stab and stabbed, respectively), in his sworn statement. Suffice it to state that inconsistencies between the sworn statement and direct testimony given in open court do not necessarily discredit

the witness since an affidavit, being taken ex-parte, is oftentimes incomplete and is generally regarded as inferior to the testimony of the witness in open court. Judicial notice can be taken of the fact that testimonies given during trial are much more exact and elaborate than those stated in sworn statements, usually being incomplete and inaccurate for a variety of reasons, at times because of partial and innocent suggestions or for want of specific inquiries. Additionally, an extrajudicial statement or affidavit is generally not prepared by the affiant himself but by another who uses his own language in writing the affiant's statement, hence, omissions and misunderstandings by the writer are not infrequent. Indeed, the prosecution witnesses' direct and categorical declarations on the witness stand are superior to their extrajudicial statements. This is especially so because their testimony to the effect that Crisanto and Hilario held the victim's wrists while Clarence stabbed him remained consistent even under cross-examination.[19]

The trial court correctly rejected the appellants' self-defense theory. When an accused invokes self-defense, he thereby admits authorship of the crime. The burden of proof is thus shifted on him to prove all the elements of self-defense, to wit: (1) unlawful aggression on the part of the victim; (2) reasonable necessity of the means employed to repel the aggression; and (3) lack of sufficient provocation on the part of the accused.[20]

In the instant case, even if it was true that the initial act of aggression came from the deceased, still the appellants' plea of self-defense will not prosper. As stated above, the evidence overwhelmingly shows that appellants Crisanto and Hilario were able to restrain the victim by the wrists. At that point, any unlawful aggression or danger on the lives of the appellants ceased, hence, it was no longer necessary for appellant Clarence to repeatedly stab the victim. Verily, their act could no longer be interpreted as an act of self-preservation but a perverse desire to kill.[21] Furthermore, the number of wounds sustained by the victim negates self-defense. It certainly defies reason why the victim sustained a total of 15 wounds on the different parts of his body if appellants were only defending themselves. Parenthetically, the number of wounds was eloquently established by the physical evidence, which is a mute manifestation of truth and ranks high in the hierarchy of trustworthy evidence.[22]

From the attendant circumstances, it is evident that appellants' collective and individual act of holding the victim's wrists and delivering several stab blows demonstrated the existence of their common design to kill the victim. Direct proof of an agreement concerning the commission of a felony and the decision to commit it is not necessary. Conspiracy, as in the instant case, can be inferred from the acts of the three appellants which clearly manifest a concurrence of wills and a common intent or design to commit a crime.[23]

Anent the qualifying circumstance of treachery, we find no merit in appellants' contention that the trial cannot validly appreciate the same in its amended decision because the attendance of treachery was not one of the issues raised in their motion for reconsideration. Otherwise stated, appellants posit that the reconsideration of the judgment of conviction should be limited only to the issues raised in their motion for reconsideration, i.e., their guilt or innocence and/or the propriety of appreciating the qualifying circumstance of "abuse of superior strength" which was not alleged in the information.

Under Rule 121, Section 1 of the Revised Rules on Criminal Procedure,[24] a motion for reconsideration of a judgment of conviction may be filed by the accused, or initiated by the court, with the consent of the accused. Likewise, under Rule 120, Section 7,[25] a judgment of conviction may be modified or set aside only upon motion of the accused.[26] These provisions changed the previous rulings[27] of the Court to the effect that such modification may be made upon motion of the fiscal, provided the same is made before a judgment has become final or an appeal has been perfected.[28] The requisite consent of the accused to such motion for reconsideration or modification is intended to protect the latter from having to defend himself anew from more serious offenses or penalties which the prosecution or the court may have overlooked.[29] Accordingly, once the judgment has been

validly promulgated, any reconsideration or amendment to correct a manifest substantial error, even if unwittingly committed by the trial court through oversight or an initially erroneous comprehension, can be made only with the consent or upon the instance of the accused. Errors in the decision cannot be corrected unless the accused consents thereto, or himself moves for reconsideration of, or appeals from, the decision.[30]

It must be stressed, however, that the protection against double jeopardy in the foregoing rules may be waived by the accused. Thus, when the accused himself files or consents to the filing of a motion for reconsideration or modification, double jeopardy cannot be invoked because the accused waived his right not to be placed therein by filing such motion.[31] His motion gives the court an opportunity to rectify its errors or to reevaluate its assessment of facts and conclusions of law and make them conformable with the statute applicable to the case in the new judgment it has to render.[32] The *raison d'être* is to afford the court a chance to correct its own mistakes and to avoid unnecessary appeals from being taken.[33] In effect, a motion for reconsideration or modification filed by or with consent of the accused renders the entire evidence open for the review of the trial court without, however, conducting further proceedings, such as the taking of additional proof.

Clearly, therefore, appellants cannot dictate upon the trial court which aspects of the judgment of conviction should be reviewed. Having filed a timely motion for reconsideration asking the court to acquit, or in the alternative, convict them of the lesser offense of homicide, appellants waived the defense of double jeopardy and effectively placed the evidence taken at the trial open for the review of the trial court. At any rate, the issue of the attendant qualifying circumstance in the case at bar was squarely raised by the appellants in their alternative prayer for conviction for the lesser offense of homicide in view of the erroneous appreciation of the qualifying circumstance of abuse of superior strength which was not alleged in the information. Hence, the court *quo* is not only empowered but also under obligation to rectify its mistake in appreciating the qualifying circumstance of abuse of superior strength instead of treachery. Verily, it is precluded from considering the attendance of a qualifying circumstance if the complaint or information did not allege such facts.[34] Even before the Revised Rules on Criminal Procedure[35] took effect on December 1, 2000, qualifying circumstances were required to be so specified in the complaint or information, otherwise they cannot be appreciated against the accused.

In order that treachery may be considered, the following requisites must concur: (1) the employment of means, method or manner of execution which would ensure the safety of the malefactor from defensive or retaliatory acts on the part of the victim, no opportunity being given to the latter to defend himself or to retaliate; and (2) the means, method, or manner of execution were deliberately or consciously adopted by the offender.[36] Here, it is clear that treachery qualified the killing of the deceased to murder, considering that the appellants deliberately restrained the victim so as to enable one of them to successfully deliver the stab blows without giving the latter a chance to defend himself or to retaliate.

As regards the generic aggravating circumstance of use of motor vehicle, the trial court erred in appreciating the same inasmuch as the prosecution failed to show that the tricycle was deliberately used by the appellants to facilitate the commission of the crime or that the crime could not have been committed without it. The use of motor vehicle is not aggravating where the use thereof was merely incidental and was not purposely sought to facilitate the commission of the offense or to render the escape of the offender easier and his apprehension difficult.[37]

The mitigating circumstance of voluntary surrender was correctly appreciated in favor of appellants. To benefit an accused, the following requisites must be proven, namely: (1) the offender has not actually been arrested; (2) the offender surrendered himself to a person in authority; and (3) the surrender was voluntary. A surrender to be voluntary must be spontaneous, showing the intent of the accused to submit himself unconditionally to the authorities, either because he acknowledges his guilt, or he wishes to save them the trouble and expense

necessarily incurred in his search and capture.[38]

In the case at bar, appellants voluntarily surrendered to the authorities on the same night of the incident when they learned that the authorities were looking for them.[39] Though they did not give a statement regarding the stabbing incident, the mitigating circumstance of voluntary surrender should nonetheless be considered in their favor. What matters is that they spontaneously, voluntarily and unconditionally placed themselves at the disposal of the authorities. This act of respect for the law indicates a moral disposition favorable to their reform.[40]

Under Article 248 of the Revised Penal Code, as amended by Republic Act No. 7659, Murder is punishable by reclusion perpetua to death. With no generic aggravating circumstance and one generic mitigating circumstance of voluntary surrender, the penalty imposable on the appellants, in accordance with Article 63 (3) of the Revised Penal Code, should be the minimum period, which is reclusion perpetua.[41]

With respect to the civil liability of the appellants, the award of moral and exemplary damages cannot be lumped together as was done by the trial court. These kinds of damages are different in nature, and require separate determination. Moral damages are awarded where the claimant experienced physical suffering, mental anguish, fright, serious anxiety, besmirched reputation, wounded feelings, moral shock, social humiliation, and similar injury as a result of the felonious act.[42] The award of exemplary damages, on the other hand, is warranted when the commission of the offense is attended by an aggravating circumstance, whether ordinary or qualifying. In *People v. Catubig*,[43] we explained:

The term “aggravating circumstances” used by the Civil Code, the law not having specified otherwise, is to be understood in its broad or generic sense. The commission of an offense has a two-pronged effect, one on the public as it breaches the social order and the other upon the private victim as it causes personal sufferings, each of which is addressed by, respectively, the prescription of heavier punishment for the accused and by an award of additional damages to the victim. The increase of the penalty or a shift to a graver felony underscores the exacerbation of the offense by the attendance of aggravating circumstances, whether ordinary or qualifying, in its commission. Unlike the criminal liability which is basically a State concern, the award of damages, however, is likewise, if not primarily, intended for the offended party who suffers thereby. It would make little sense for an award of exemplary damages to be due the private offended party when the aggravating circumstance is ordinary but to be withheld when it is qualifying. Withal, the ordinary or qualifying nature of an aggravating circumstance is a distinction that should only be of consequence to the criminal, rather than to the civil, liability of the offender. In fine, relative to the civil aspect of the case, an aggravating circumstance, whether ordinary or qualifying, should entitle the offended party to an award of exemplary damages within the unbridled meaning of Article 2230 of the Civil Code.[44]

As testified to by the widow of the deceased, the death of her husband brought grief and emotional suffering to their family.[45] Hence, they are entitled to moral damages in the amount of P50,000.00, pursuant to current jurisprudence.[46] Likewise, the presence of the qualifying circumstance of treachery in the killing of the deceased justifies the award of P25,000.00 as exemplary damages.[47]

The award of actual damages should also be modified. In order that actual damages may be recovered, the amount actually expended in connection with the death of the victim must be substantiated with a reasonable degree of certainty, premised upon competent proof and on the best evidence obtainable by the injured party. In the instant case, the records show that the amount of P65,288.50 awarded by the trial court as actual damages is not fully substantiated by receipts.[48] However, as the heirs of the deceased actually incurred funeral expenses, they are entitled to temperate damages.[49] In the recent case of *People v. Abrasaldo*,[50] we ruled that where the amount of actual damages cannot be determined because of absence or lack of receipts to prove the amount claimed, temperate damages in the amount of P25,000.00 should be awarded.

Finally, the civil indemnity in the amount of P50,000.00 is affirmed. In murder, the grant of civil indemnity which has been fixed by jurisprudence at P50,000.00, requires no proof other than the fact of death as a result of the crime and proof of the accused's responsibility therefor.[51]

WHEREFORE, in view of all the foregoing, the Decision of the Regional Trial Court of Bangued, Abra, Branch 2, in Criminal Case No. 1698, finding appellants, Clarence Astudillo, Crisanto Astudillo @ "Anteng" or "Enteng", and Hilario Astudillo @ "Boda", guilty beyond reasonable doubt of the crime of murder and sentencing them to suffer the penalty of reclusion perpetua is AFFIRMED with MODIFICATION as to the civil liability. As modified, appellants are ordered, jointly and severally, to pay the heirs of the deceased, Silvestre Aquino, Jr., the amounts of P50,000.00 as civil indemnity, P50,000.00 as moral damages, P25,000.00 as temperate damages, and P25,000.00 as exemplary damages.

Costs de oficio.

SO ORDERED.

Davide, Jr., C.J. (Chairman), Vitug, Carpio, and Azcuna, JJ., concur.

[1] Penned by Judge Benjamin A. Boñgolan (Records, p. 421).

[2] Records, p. 1.

[3] Certificate of Arraignment, Records, p. 21.

[4] TSN, 14 November 1996, pp. 2-6.

[5] TSN, 31 January 1996, pp. 25-29 and 35.

[6] TSN, 31 January 1996, pp. 37-39; 1 February 1996, pp. 3-6.

[7] Exhibit "E", Records, p. 11.

[8] TSN, 27 October 1997, pp. 3-11.

[9] TSN, 18 September 1997, pp. 2-17.

[10] TSN, 27 October 1998, pp. 12-13.

[11] TSN, 18 September 1997, pp. 12-18; Letter of Chief Police Inspector Agcal S. Lupang informing the Office of the Provincial Prosecutor of Bangued, Abra, that appellants voluntarily surrendered on November 12, 1995 at around 9:00 p.m.

[12] The dispositive portion thereof reads:

WHEREFORE, the Court finds all the accused guilty beyond reasonable doubt of murder, defined and penalized under Article 248 of the Revised Penal Code as amended by Rep. Act No. 7659, qualified by abuse of superior strength for having conspired together and helping one another to kill Silvestre Aquino, Jr., with the aggravating circumstance of use of motor vehicle, [which is], however offset by the ordinary mitigating circumstance of voluntary surrender and sentences them to suffer the penalty of reclusion perpetua and to pay jointly and severally the heirs of Silvestre Aquino, Jr., the amount of P65,288.50 [as] actual damages, P50,000.00 for his death and suffering plus P500,000.00 [as] moral and exemplary damages and to pay the costs of this suit.

SO ORDERED. (Records, p. 264)

[13] Motion for Reconsideration, Records, p. 271.

[14] Order, Records, p. 404.

[15] Records, p. 421.

[16] Records, p. 430,

[17] Brief for the Appellants, Rollo, pp. 73-74.

[18] *People v. Eslabon*, G.R. No. 130170, 29 January 2002, citing *People v. Calonzo*, 331 Phil. 20 (1996); *People v. Villafuerte*, G.R. Nos. 93723-27, 6 May 1994, 232 SCRA 235.

[19] *People v. Yabut*, 370 Phil. 612, 620 (1999); citing *People v. Traverro*, 342 Phil. 263 (1997).

[20] *People v. Obzunar*, 333 Phil. 395, 416 (1996).

[21] *People v. Tampon*, 327 Phil. 729, 741 (1996), citing *People v. So*, 317 Phil. 826 (1995); *People v. Ganzagan, Jr.*, 317 Phil. 261 (1995); *People v. Jotoy*, G.R. No. 61154, 31 May 1993, 222 SCRA 801; *People v. Gomez*, G.R. No. 109146, 17 August 1994, 235 SCRA 444.

[22] *People v. Bonifacio*, G.R. No. 133799, 5 February 2002.

[23] *People v. Lenantud*, G.R. No. 128629, 22 February 2001, 352 SCRA 549, 563; citing *People v. Cortez*, G.R. No. 120920, 12 February 1998, 286 SCRA 295.

[24] SECTION 1. New trial or reconsideration. – At any time before a judgment of conviction becomes final, the court may, on motion of the accused or at its own instance but with the consent of the accused, grant a new trial or reconsideration.

[25] SEC. 7. Modification of judgment. – A judgment of conviction may, upon motion of the accused, be modified or set aside before it becomes final or before appeal is perfected. Except where the death penalty is imposed, a judgment becomes final after the lapse of the period for perfecting an appeal, or when the sentence has been partially or totally satisfied or served, or when the accused has waived in writing his right to appeal, or has applied for probation.

[26] In 1985, Section 7 of Rule 120 was amended to include the phrase “upon motion of the accused” – effectively resurrecting the ruling in *People v. Ang Cho Kio* (95 Phil. 475, 479-481 [1954]) prohibiting the prosecution from seeking a modification of a judgment of conviction. This amendment was retained in the 2000 Revised Rules on Criminal Procedure. See *People v. Viernes*, G.R. No. 136733-35, 13 December 2001; *People v. Potot*, G.R. No. 143547, 26 June 2002;

[27] See *People v. Tamayo*, 86 Phil. 209 (1950); *People v. Español*, 200 Phil. 388 (1982); *People v. Quibate*, G.R. No. L-54881, 31 July 1984, 131 SCRA 81.

[28] *Herrera*, Remedial Law, Vol. IV, 2001 edition, pp. 767-768, citing the Comments of Justice Feria, in *Philippine Legal Studies*, Series No. 2.

[29] *People v. Viernes*, G.R. No. 136733-35, 13 December 2001.

[30] *Regalado*, Remedial Law, Vol. II, Seventh Edition, p. 461.

[31] *People v. Enriquez*, 90 Phil. 423, 427 (1951).

[32] *Id.* at 426-427.

[33] Pamaran, The 1985 Rules on Criminal Procedure, 1998 Edition, p. 472.

[34] *People v. Solis*, 353 Phil. 721, 735 (1998), citing *People v. Escoto*, 313 Phil. 785 (1995).

[35] Rule 110, Sec. 8. Designation of the offense. – The complaint or information shall state the designation of the offense given by the statute, aver the acts or omissions constituting the offense, and specify its qualifying and aggravating circumstances. If there is no designation of the offense, reference shall be made to the section or subsection of the statute punishing it. (8a)

Sec. 9. Cause of the accusation – The acts or omissions complained of as constituting the offense and the qualifying and aggravating circumstances must be stated in ordinary and concise language and not necessarily in the language used in the statute but in terms sufficient to enable a person of common understanding to know what offense is being charged as well as its qualifying and aggravating circumstance and for the court to pronounce judgment. (9a)

[36] Revised Penal Code, Article 14 (16); *People v. Belbes*, G.R. No. 124670, 21 June 2000, 334 SCRA 161, 170; citing *People v. De Leon*, 330 Phil. 1028 (1996).

[37] *People v. Fortich*, 346 Phil. 596, 617 (1997); citing *People v. Mil*, G.R. Nos. L-28104-05, 30 July 1979, 92 SCRA 89; *People v. Garcia*, 192 Phil. 591 (1981).

[38] *People v. Nicholas*, G.R. No. 142044, November 23, 2001; citing Reyes, The Revised Penal Code, Book One, 14[th] Edition, p. 295; *People v. Lagrana*, G.R. No. L-68790, 23 January 1987, 147 SCRA 281; *People v. Lingatong*, G.R. No. 34019, 29 January 1990, 181 SCRA 424.

[39] TSN, 18 September 1997, pp. 17-18; 21 November 1997, pp. 18-22.

[40] *People v. De Gracia*, 332 Phil. 226, 237-238 (1996); citing *People v. Gelaver*, G.R. No. 95357, 9 June 1993, 223 SCRA 310; *People v. Camahalan*, 311 Phil. 637 (1995); Francisco, The Revised Penal Code, Book One, Third Ed., 1958, p. 375.

[41] *People v. Saure*, G.R. No. 135848, 12 March 2002.

[42] Civil Code, Article 2217.

[43] G.R. No. 137842, 23 August 2001, 363 SCRA 621.

[44] *Id.*, at 635.

[45] TSN, 3 October 1996, pp. 7-8.

[46] *People v. Alcodia*, G.R. No. 134121, 6 March 2003.

[47] *People v. Alfon*, G. R. No. 126028, 14 March 2003; citing *People v. Sicad*, G.R. No. 133833, 15 October 2002.

[48] Exhibit “H” - “H-9”, Records, pp. 137-146.

[49] TSN, 3 October 1996, pp. 4-5.

[50] G.R. No. 124392, 7 February 2003.

[51] *People v. Whisenhunt*, G.R. No. 123819, 14 November 2001, 368 SCRA 586, 610; citing *People v. Tan*, 411 Phil. 813 (2001).

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.