PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.BEN AQUINO AND ROMEO AQUINO, ACCUSED-APPELLANTS.

G.R. No. 145371. September 28, 2001

Ponente: DAVIDE, JR., C.J.

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DAVIDE, JR., C.J.:

Accused-appellants Ben Aquino (BEN) and Romeo Aquino (ROMEO) were charged with and tried for murder before the then Court of First Instance (now Regional Trial Court) of Lemery, Batangas, Branch 3, in Criminal Case No. 792-L under an information[1] the accusatory portion of which reads as follows:

> That on or about the 25[th] day of November, 1980, at about 11:00 o'clock in the evening, at Barangay Ayao-iyao, Municipality of Lemery, Province of Batangas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, armed with guns, conspiring and confederating together, acting in common accord and mutually aiding one another, with intent to kill and without justifiable cause and with treachery and evident premeditation did then and there wilfully, unlawfully and feloniously attack, assault and shot one Geminiano Belo alias "Jaime Belo" who was then sleeping, suddenly and without warning, thereby inflicting upon the latter multiple gunshot wounds in the different parts of his body, directly causing the death of the said Geminiano Belo.
>
> Contrary to law.

BEN and ROMEO entered a plea of not guilty upon arraignment.[2]

At the trial, the prosecution presented as witnesses Rogelio Belo, Maria Garcia, Felipe Garcia and Dr. Arthur Tolentino. For its part, the defense presented BEN, ROMEO, Igmidio Medina, Pat. Pablito Holgado, Pat. Armando Villavicencio, and Pat. Rosauro Balboa.

Rogelio Belo testified that on 25 November 1980, at about 11:00 in the evening, he was in the house of his uncle Roman Garcia in Ayao-iyao, Lemery, Batangas. He was lying and resting below the house on a papagan (bamboo cot) near the feet of his brother Geminiano Belo (GEMINIANO) who was then sleeping on top of a table when, suddenly, gunshots rang out. Rogelio stood up. Through the illumination produced by the lights in and below the house, Rogelio saw BEN and ROMEO fire shots at the sleeping GEMINIANO. BEN and ROMEO were standing side by side with each other armed with handguns. ROMEO pointed his gun at Rogelio. Then BEN and ROMEO ran away. Rogelio helped in rushing the wounded GEMINIANO to St. Patrick Hospital where he expired the next day.[3]

Rogelio's testimony was substantially corroborated by his mother Maria Garcia vda. de Belo. Maria narrated that on 25 November 1980 at about 11:00 in the evening, she was doing some embroidery work in her house which was about ten (10) meters away from the house of her brother Roman Garcia. Her sons Rogelio and GEMINIANO were in the house of Roman. Suddenly she heard gunshots. She immediately ran out towards Roman's house. There, she witnessed BEN and ROMEO shoot GEMINIANO who was lying on a table. BEN and ROMEO then ran away when she was about to approach them.[4]

Felipe Garcia, GEMINIANO's uncle, confirmed that GEMINIANO was sleeping in the house of his brother Roman on the night GEMINIANO was shot.[5]

Dr. Arthur Tolentino, the consultant-surgeon of St. Patrick Hospital in Batangas City, recounted that when GEMINIANO was admitted in the hospital on 26 November 1980, he was still conscious but was mumbling.[6] Upon examination, he discovered that GEMINIANO sustained three gunshot wounds located (1) at the fifth rib, mid clavicular line (right below the right nipple); (2) at the seventh intercoastal space anterior axillary line (right below the first gunshot wound and also below the right nipple); and (3) on the wrist postero-medial aspect, right. He conducted an operation to explore the thoracic and abdominal cavity, a hepatectomy of the lungs and segmentectomy of the interior lobe right. The first and second gunshot wounds hit the lower portion of the lung, part of the liver and diaphragm. GEMINIANO died a few hours after the operation due to hemorrhage caused by the injuries on the lungs, diaphragm and liver.[7]

BEN and ROMEO interposed alibi and denial.

BEN declared that from 7:00 o'clock in the evening of 25 November 1980 to 1:00 o'clock in the morning of 26 November 1980, he and his brother ROMEO were at the house of his father Nicomedes Aquino at Balangon, Agoncillo, Batangas. At that time, his father was entertaining guests who included Igmidio Medina, former mayor of Agoncillo, Batangas and electricians who had earlier in the afternoon installed electric lines in the house. Since the electricians would be sleeping in his father's house to continue the project the next day, they engaged in merry making while preparing "lupakan" and other food items. He left his father's house on 26 November 1980 at about 1:00 A.M.[8]

BEN asserted that he and ROMEO did not kill GEMINIANO. It was only six months after the shooting incident that he learned that he and ROMEO were accused of killing GEMINIANO.[9] They were obviously implicated because of a previous stabbing incident between ROMEO and GEMINIANO which resulted in the filing of a frustrated murder case against the latter.[10]

For his part, ROMEO vehemently denied that he and his brother BEN killed GEMINIANO. His testimony corroborated BEN's statements.[11] He claimed that he left his father's house at about 2:00 a.m. of 26 November 1980. Upon cross-examination, however, he said he left at about 1:00 a.m.[12]

Igmidio Medina corroborated the testimonies of BEN and ROMEO. He attended the "lupakan" and observed that BEN and ROMEO were in their father's house until 4:00 in the morning of 26 November 1980.[13]

Pat. Pablito Holgado, Pat. Armando Villavicencio and Pat. Rosauro Balboa, all policemen of Lemery Police Station, substantially testified on the authenticity of the entries on the police blotter regarding the shooting of GEMINIANO.[14] Pat. Holgado declared that on 26 November 1980, he and Patrolman Cerilino Bendaña inspected the scene of the crime and examined the bullet marks at the side of the house. They failed to get the names of the possible suspects upon inquiry.[15]

The trial court gave full faith to the testimonies of prosecution witnesses Rogelio Belo and Maria Garcia vda. de Belo. It found them credible, convincing and trustworthy as against the disavowals of the defense witnesses, for four reasons: First, their positive identification of BEN and ROMEO as the assailants rendered implausible the latter's alibi. Second, the proximity of the houses of BEN and ROMEO and that of GEMINIANO would make it possible for the two to saunter and walk unseen to the house where GEMINIANO was sleeping, shoot GEMINIANO and nonchalantly return to their house.[16] Third, the motive for the killing was the existing feud between GEMINIANO and brothers BEN and ROMEO. Fourth, the testimony of defense witness Igmidio Medina as to the time the brothers left their father's house on the night GEMINIANO was attacked was inconsistent with

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the brothers' version.

The trial court held that treachery attended the killing of GEMINIANO. He was sleeping when he was shot. However, it ruled out the presence of evident premeditation. Thus, in its decision[17] of 10 November 1989, it decreed:

> WHEREFORE, the Court finds accused Ben Aquino and Romeo Aquino guilty beyond reasonable doubt of having committed the crime of Murder and hereby impose on them the penalty of imprisonment from TWELVE (12) YEARS and ONE (1) DAY to TWENTY (20) YEARS; and to pay the heirs of deceased Geminiano Belo the sum of P30,000.00 as indemnity.

BEN and ROMEO seasonably appealed to the Court of Appeals, which docketed the appeal as CA-G.R. CR No. 12261. In its decision[18] of 20 October 2000, the Court of Appeals affirmed the challenged decision of the trial court but increased the penalty to reclusion perpetua. The dispositive portion of the decision reads:

> WHEREFORE, the Decision dated November 10, 1989 finding accused BEN AQUINO and ROMEO AQUINO guilty beyond reasonable doubt of the crime of Murder is hereby AFFIRMED WITH Modification that the penalty of RECLUSION PERPETUA is hereby imposed.

In a Resolution issued on the same day of 20 October 2000, the Court of Appeals refrained from entering judgment, certified the case and elevated the entire records thereof to us for review pursuant to Rule 124, Section 13, of the Rules of Court.[19]

In our resolution of 7 February 2001, we required the parties to file supplemental briefs, if they so desire. In their Supplemental Brief dated 22 May 2001, BEN and ROMEO contended that:

> I
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> THE COURT A QUO COMMITTED GRAVE REVERSIBLE ERROR WHEN IT PLACED HEAVY RELIANCE ON THE SUPPOSED POSITIVE IDENTIFICATION BY ALLEGED EYEWITNESSES AND IN TOTALLY DISREGARDING THE EVIDENCE FOR THE DEFENSE IN RENDERING THE VERDICT OF CONVICTION.
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> II
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> THE COURT A QUO GRAVELY ERRED IN DISREGARDING SUPREME COURT DECISIONS CONSTITUTIVE OF EXCEPTIONS TO THE POSITIVE IDENTIFICATION RULE AND IN IGNORING THE PRINCIPLE OF STARE DECISIS.
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> III
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> THE COURT A QUO GRAVELY ERRED IN FINDING THAT THE ACCUSED KILLED THE DECEASED AND IN RULING THAT ACCUSED ACTED IN CONSPIRACY WITH EACH OTHER.
>
> IV
>
> THE LOWER COURT ERRED IN ACCORDING CREDENCE TO THE ALLEGED EYEWITNESSES; and
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> V
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> THE SOLICITOR GENERAL IS WRONG IN ASSERTING THAT:
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> "Even if there is a feud between the families of the victim and of appellant, it is doubtful if such feud is sufficient to motivate the eyewitnesses brother and mother of the victim to falsely implicate appellants, in the light of the fact that to falsely accuse an innocent person would mean that the real culprit will go scot-free."

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BEN and ROMEO assail the credibility of prosecution witnesses Rogelio Belo and Maria Garcia because they failed to spontaneously disclose to the police authorities the identity of the assailants. Their defense of alibi must therefore be given weight in default of an immediate, positive and proper identification of them as the offenders. They also theorize that they were accused of the crime mainly because of the existing "bad blood" between their families and that of the victim. They also claim that Rogelio committed inconsistencies in his testimony as to when he disclosed to the police the identity of the assailants of his brother. At first, he said that he revealed their identities on the very night of the investigation. Then he said that he did not make the disclosure at all. And, when asked again, he stated that he made the disclosure the following morning.

BEN and ROMEO likewise assert that Maria did not see the actual shooting. Based on her narration, she rushed out of the house after she heard the shots. This clearly shows the shooting was already fait accompli by the time she was going down her house. Thus, she could not have seen the assailants fire their guns at her son.

Further, BEN and ROMEO maintain that many persons have reasons to kill GEMINIANO as he was facing a string of criminal cases. Insofar as they are concerned, they could have earlier killed GEMINIANO. They did not. They chose to follow the rule of law by filing a case against GEMINIANO. But, there were other persons who harbored hatred against GEMINIANO and opted to keep silent about it. They then conclude that human experience has shown that when the victims of violence or crime do not apply to the courts for redress, the likelihood is that they would take the law into their own hands.

BEN and ROMEO also insist that the courts below erred in considering their alleged positive identification by Rogelio and Maria in light of People v. Bulawin[20] and People v. Cunanan,[21] thereby disregarding precedents established by us.

Finally, BEN and ROMEO argue that the court a quo erred in ruling that they acted in conspiracy. No proof was adduced at the trial that one of them fired the fatal shots. Hence, the killing of GEMINIANO could not be attributed to either of them.

We rule against BEN and ROMEO.

As often happens in criminal cases on appeal, we are asked to disregard the testimony of the prosecution witnesses for being incredible, and, instead, give full credence to those of the defense. It is, however, doctrinally settled that, as a general rule, appellate courts choose to believe the trial judge's ascertainment on the credibility of witnesses because he had the distinct advantage of having personally heard the testimonies of the witnesses and observed their deportment and manner of testifying during the trial. Appellate courts would disturb the trial judge's assessment of credibility of witnesses only if he plainly overlooked certain facts of substance and value that, if considered, might affect the result of the case,[22] or if the trial court acted arbitrarily.[23] None of the exceptions have been shown to exist in the instant case.

Rogelio and Maria categorically identified both BEN and ROMEO as the assailants of GEMINIANO. They unwaveringly declared that they saw the brothers shoot GEMINIANO who was oblivious of the attack as he was sleeping. They were firm in their identification even under rigid cross-examination.[24]

We thus sustain the lower court's assessment of the credibility of the witnesses for the prosecution and likewise give them full faith and credence. Against their account BEN and ROMEO had nothing but alibi, which is easy to concoct and fabricate. Alibi is a weak defense; it cannot prevail over and is worthless in the face of positive identification by credible witnesses.[25] Further, for alibi to prosper it is not enough to prove that the accused was somewhere else when the crime was committed; the accused must also demonstrate by clear and convincing evidence that it was physically impossible for him to have been at the scene of the crime during its

commission.[26] In this case, BEN and ROMEO failed to prove that it was physically impossible for them to be at the place where GEMINIANO was shot at the time the shooting took place. In fact, defense witness Igmidio Medina declared that the distance from Barangay Balangon where BEN and ROMEO resided to Barangay Ayao-Iyao where GEMINIANO was shot is only about one (1) kilometer.[27] BEN even admitted that the distance could be negotiated by a thirty-minute walk.[28] He likewise admitted that using the same pathway, Barangay Ayao-Iyao could be reached by riding a vehicle.[29] Clearly then, the defense of alibi must fail.

Premised on the fact that GEMINIANO sustained three (3) gunshot wounds, BEN and ROMEO speculate that the shooting was fait accompli by the time Maria went down her house. While the medical operation conducted on GEMINIANO revealed only three (3) gunshot wounds, this does not mean that only three shots were fired as BEN and ROMEO would want us to believe. Maria's testimony proved that more than three gunshots were fired and that she personally saw the brothers fire shots at her son GEMINIANO.[30]

We cannot yield to the contention of BEN and ROMEO that the failure of the principal prosecution witnesses to immediately report the identity of the culprits rendered their testimonies unworthy of credit. We have always taken judicial notice of the fact that witnesses in our country are usually reluctant to volunteer information about a criminal case or are unwilling to be involved in or dragged into criminal investigations.[31] But, witness Rogelio satisfactorily explained that during the investigation he was so confused as GEMINIANO was still lying-in-state. He was also afraid that if he immediately divulge BEN and ROMEO as the attackers, they might flee.[32] However, when the policemen came back to see him, he voluntarily revealed to them that BEN and ROMEO were his brother's assailants.[33] It is settled that delay in divulging the name of the perpetrator of a crime, if sufficiently explained, does not impair the credibility of the witness nor destroy the probative value of his testimony.[34] In any event, Rogelio and Maria ultimately overcame their initial reluctance and fear to name GEMINIANO's killers when they voluntarily executed their sworn statements[35] and, then thereafter, when they testified in court.

Reliance by BEN and ROMEO on the entry in the police blotter that there was no suspect identified and reported is equally without merit. We have held that entries in the police blotter should not be given due significance or probative value, as they do not constitute conclusive proof of the identities of suspected assailants.[36]

BEN and ROMEO further argue that the legal maxim stare decisis et non quieta movere was violated since the lower courts failed to apply in this case our ruling on positive identification in the Bulawin and Cunanan cases. In other words, the brothers attempt to convince us to likewise reject the positive testimony and identification of them as the authors of GEMINIANO's death as we did in the Bulawin and Cunanan cases. Let us examine the two cases.

In Bulawin, the testimony of the sole eyewitness was considered dubious because: (a) he contradicted his direct-examination statements during cross-examination on the issue of whether he saw the victim before the latter was shot; (b) he neither mentioned the incident to the people in his house and the police authorities nor did he execute any written statement prior to the trial about what he has seen; and (c) he was not initially included in the list of prosecution witness.

In Cunanan, the testimonies of the four eyewitnesses were found to be incredible because: (a) they did not reveal the identity of the culprit for fear that the family of the victim would wreak vengeance on them and take the law into their hands; and (b) there was no motive on the part of the accused to kill the victim.

In the case at bar, we cannot discard the testimonies of prosecution witnesses Rogelio Belo and Maria Garcia. As earlier discussed, we afford them weight and full credence because: (a) despite the rigid cross-examination, they remained consistently firm in stating that BEN and ROMEO were the perpetrators of the crime; (b) Rogelio's

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delay in reporting the incident and the identity of the culprits to the police was satisfactorily explained; (c) Rogelio and Maria executed affidavits pointing to BEN and ROMEO as the assailants[37]; and (d) Rogelio and Maria were listed in the complaint as witnesses.

Additionally, while motive loses significance in the face of positive identification, there is reason to believe that BEN and ROMEO had a motive to kill GEMINIANO since he had earlier stabbed ROMEO. It is then logical and consistent with human experience that ROMEO would entertain a grudge, if not hatred, against GEMINIANO. In any event, we agree with the Solicitor General that the blood relationship of witnesses Rogelio and Maria to the victim GEMINIANO does not, by itself, impair the credibility of the former. On the contrary, relationship strengthens credibility, for it is unnatural for an aggrieved relative to falsely accuse someone else other than the actual culprit. The earnest desire to seek justice for a dead kin is not served should the witness abandon his conscience and prudence and blame one who is innocent of the crime.40 No convincing evidence was shown that Rogelio Belo and Maria Garcia had any reason to falsely implicate BEN and ROMEO in the death of GEMINIANO.

The maxim -- stare decisis et non quieta movere -- invokes adherence to precedents and mandates not to unsettle things which are established. When the court has once laid down a principle of law as applicable to a certain state of facts, it must adhere to that principle and apply it to all future cases where the facts are substantially the same.[38] But, it is clear that because of the disparity in the factual milieu of the Bulawin and Cunanan cases from this case, we cannot apply herein the justifications laid in said cases for rejecting the testimonies of the witnesses. The maxim is, therefore, not applicable in the case at bar.

We now proceed to the assigned error on conspiracy. There is conspiracy when two or more persons come to an agreement concerning the commission of a felony and decide to commit it.[39] Direct proof of a previous agreement to commit a crime is not necessary. 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 such point to a joint purpose and design, concerted action, and community of interest. It is, however, settled that the same degree of proof required for establishing the crime is likewise required to support a finding of conspiracy. In other words, conspiracy must be shown to exist as clearly and as convincingly as the commission of the offense itself in order to uphold the fundamental principle that no one shall be found guilty of a crime except upon proof beyond reasonable doubt.[40]

Upon perusal of the records, we find that conspiracy exists in this case. BEN and ROMEO, armed with short guns, went to the house where GEMINIANO was sleeping and shot him. After the shooting, both fled.[41] Evidently, their concerted acts showed a joint purpose and design to kill GEMINIANO.

In light thereof, the determination of who could have inflicted the fatal wounds on the victim is totally irrelevant. Where conspiracy has been established, it is unnecessary to pinpoint who among the accused inflicted the fatal blow, for the act of one is the act of all.[42]

Anent the presence of treachery, the trial court and the Court of Appeals correctly appreciated it. The appellate court affirmed the trial court's conclusion on the matter. Thus:

The crime committed is murder qualified by treachery because Geminiano Belo was lying in his sleep when shot by the two accused. Indeed, shooting a man who is asleep is evidently murder because the victim is utterly and completely defenseless.[43]

There is treachery when the offender commits any of the crimes against the person, employing means, methods, or forms in the execution thereof which tend directly and especially to ensure its execution, without risk to

himself arising from the defense which the offended party might make.[44] In this case, GEMINIANO was sleeping, totally unaware that he was to be attacked and of his actual attack. He was, therefore, in no position to defend himself. Indisputably, the attack was sudden and unexpected and done in a manner which directly and specifically insured the execution of the crime without any risk to BEN and ROMEO which may arise from the defense which GEMINIANO could have made.

Evident premeditation, which was alleged in the information as another qualifying circumstance, was properly rejected by the courts below. Before evident premeditation can be appreciated, the following elements must be proved: (1) the time when the offender determined to commit the crime; (2) an act manifestly indicating that the offender had clung to his determination; and (3) a sufficient lapse of time between the determination to commit the crime and the execution thereof, to allow the offender to reflect upon the consequences of his act.[45] None of these elements was established by the prosecution.

When BEN and ROMEO committed the crime in question, the penalty for murder under Article 248 of the Revised Penal Code was reclusion temporal in its maximum period to death.[46] There being no other modifying circumstance proven, the penalty imposable should be the medium thereof per Article 64 of the Revised Penal Code, which is reclusion perpetua. It may also be pointed out that at the time the trial court decided the case on 10 November 1989, the death penalty could no longer be imposed pursuant to Section 19(1) of Article III of the 1987 Constitution.

The award of indemnity is increased to P50,000 based on current jurisprudence,[47] to be paid to the heirs of GEMINIANO pursuant to Article 2206 of the Civil Code.

WHEREFORE, in view of all the foregoing, the decision of the Court of Appeals of 20 October 2000 in CA-G.R. CR No. 12261, finding herein accused-appellants BEN AQUINO and ROMEO AQUINO guilty beyond reasonable doubt as principals of the crime of murder, defined and penalized under Article 248 of the Revised Penal Code, and sentencing each of them to suffer the penalty of reclusion perpetua, is AFFIRMED, subject to the modification that the indemnity is hereby increased from P30,000 to P50,000, to be paid by them, jointly and severally, to the heirs of the victim GEMINIANO BELO.

No pronouncement as to costs.

SO ORDERED.

Puno, Kapunan, Pardo, and Ynares-Santiago, JJ., concur.

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[1] Original Record (OR), 84.

[2] OR, 96.

[3] TSN, 10 March 1982, 3-6. 20-21; 13 March 1982, 14.

[4] TSN, 26 May 1982, 4-10.

[5] TSN, 13 December 1982, 4.

[6] TSN, 18 May 1983, 15-16.

[7] Id., 3-10.

[8] TSN, 4 April 1984, 3-6.

[9] Id., 7-8.

[10] TSN, 4 April 1984, 9-10.

[11] TSN, 16 October 1984, 6-8; 10-11.

[12] TSN, 15 August 1984, 39; TSN, 16 October 1984, 8,10.

[13] TSN, 10 January 1985, 8-10.

[14] Id., 11-15; TSN, 12 October 1993, 3-6; TSN, 26 March 1985, 3-6.

[15] TSN, 10 January 1985, 7-10; 16-17.

[16] CA Rollo, 66.

[17] Per Judge Glicerio Cruz, OR, 484-488.

[18] Rollo, CA-G.R. CR No. 12261, unpaginated.

[19] The Section pertinently provides:

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Whenever the Court of Appeals finds that the penalty of death, reclusion perpetua, or life imprisonment should be imposed in a case, the court, after discussion of the evidence and the law involved, shall render judgment imposing the penalty of death, reclusion perpetua, or life imprisonment as the circumstances warrant. However, it shall refrain from entering the judgment and forthwith certify the case and elevate the entire record thereof to the Supreme Court for review.

[20] 29 SCRA 710 [1969].

[21] 19 SCRA 769 [1967].

[22] People v. Naguita, 313 SCRA 292, 304-305 [1999]; People v. Conde, 330 SCRA 645 [2000]; People v. Antolin, 330 SCRA 656 [2000].

[23] People v. Quejada, 223 SCRA 77 [1993].

[24] TSN, 10 March 1982, 4-5; 26 May 1982, 5, 7-8.

[25] People v. Compendio, 258 SCRA 254 [1996].

[26] People v. Bernaldez, 294 SCRA 317, 331 [1998].

[27] TSN, 10 January 1985, 6.

[28] TSN, 4 April 1984, 8; 15 August 1984, 30.

[29] TSN, 15 August 1984, 23.

[30] TSN, 26 May 1982, 26.

[31] People v. Peñaflorida, 313 SCRA 563, 571 [1999].

[32] TSN, 10 March 1982, 8.

[33] Id., 11-14.

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[34] People v. Sion, 277 SCRA 127, 145 [1997].

[35] OR, 3-4.

[36] People v. Mansueto, G.R. No. 135196, 31 July 2000.

[37] OR, 3-4.

40 People v. Saulog, G.R. NO. 134310, 15 November 2000; See also People v. Villanueva, 302 SCRA 380, 398-399 [1999].

[38] Republic v. Sandiganbayan (Third Division), 269 SCRA 316, 332 [1997].

[39] Second paragraph, Article 8, Revised Penal Code.

[40] Pecho v. People, 262 SCRA 518, 530 [1996].

[41] TSN, 10 March 1982, 4-5.

[42] People v. Landicho, 258 SCRA 1 [1996].

[43] OR, 488.

[44] Paragraph 16, Article 14, Revised Penal Code.

[45] People v. Estrellanes, 239 SCRA 235 [1994]; People v. De la Cruz, 242 SCRA 129, 142 [1995], People v. Cruz, 262 SCRA 237, 243-244 [1996].

[46] Pursuant to the amendment introduced by Section 6 of Republic Act 7659, which took effect on 31 December 1993 (People v. Simon, 234 SCRA 555 [1994]), the penalty for murder is now reclusion perpetua to death.

[47] People v. Balamban, 264 SCRA 619 [1996]; People v. Tabag, 268 SCRA 115 [1997].

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