PEOPLE OF THE PHILIPPINES, PETITIONER, VS. VICTOR SUBIDA, RESPONDENT.

G.R. NO. 145945. June 27, 2006

Ponente: CALLEJO, SR., J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-no-145945/

CALLEJO, SR., J.:

Before the Court is a Petition for Review on Certiorari of the Decision[1] of the Court of Appeals (CA) in CA-G.R. SP No. 54571 granting the petition for certiorari and prohibition of Victor C. Subida and nullifying the assailed Order[2] of the Regional Trial Court (RTC) of Pasig City, Branch 158, in People v. Victor C. Subida, Criminal Case Nos. 108742-44.

The Antecedents

On September 8, 1995, Victor C. Subida was charged with illegal possession of ammunitions and two counts of frustrated homicide under separate Informations with the following accusatory portion:

> Criminal Case No. 108742
> (for Illegal Possession of Ammunition)
>
> "That on or about the 3[rd] day of September 1995, in the City of Pasig, Philippines, and within the jurisdiction of this Honorable Court, the abovenamed accused, without any lawful purpose, legal authority of (sic) justifiable motive, did then and there, willfully, unlawfully and feloniously have in his possession, custody and control seven (7) live ammunitions of .38 cal. revolver outside his residence, without first securing the necessary license or permit therefor, in violation of the aforecited law.
>
> CONTRARY TO LAW.
> City of Pasig."
>
> Criminal Case No. 108743
> (for Frustrated Homicide)
>
> "That on or about the 3[rd] day of September 1995, in the City of Pasig, Philippines, and within the jurisdiction of this Honorable Court, the abovenamed accused, armed with a .38 caliber with intent to kill, did then and there, willfully, unlawfully and feloniously attack, assault and shot one Marilyn Galos y [Villesa] of her right forearm and left hip of her body, thereby inflicting upon the latter gunshot wounds, which would ordinarily cause her death, performing all the acts of execution which should have produced the crime of Homicide as a consequence but, nevertheless, did not produce it by reason of cause or causes independent of her will, that is, due to the timely and able medical attendance rendered to said Marilyn Galos y Villesa.
>
> CONTRARY TO LAW.
> City of Pasig."
>
> Criminal Case No. 108744
> (for Frustrated Homicide)

> "That on or about the 3[rd] day of September 1995, in the City of Pasig, Philippines, and within the jurisdiction of this Honorable Court, the abovenamed accused, conspiring and confederating together and mutually helping and aiding one another with one Celso Subida, who is still at large, armed with a firearm, with intent to kill, did then and there, willfully, unlawfully and feloniously attack, assault and shot one Pedro Galos y Escartin on the different parts of his body, thereby inflicting upon the latter gunshot wounds, which would ordinarily cause his death, performing all the acts of execution which should have produced the crime of Homicide as a consequence but nevertheless did not produce it by reason of cause or causes independent of his will, that is, due to the timely and able medical attendance rendered to said Pedro Galos y Escartin.
>
> CONTRARY TO LAW.
> City of Pasig."[3]

Upon arraignment, the accused pleaded not guilty to all the charges. On March 17, 1999, the People rested its case. The Court set the continuation of the trial of the accused to adduce his evidence on March 25, 1999.[4] The accused was present, but trial did not proceed because the Presiding Judge was sick. The trial was reset to April 7, 1999.[5] However, despite the presence of the accused, it did not proceed anew because the counsel of the accused was purportedly sick. Trial was again reset to April 22, 1999 subject to the latter's presentation of a verified medical certificate.[6] The accused testified on April 22, 1999, and his testimony was terminated also that day.[7]

Trial was set on May 5 and 12, 1999 for the accused to present his other witness, Jobel Mantes, who, however, failed to appear. On motion of the accused, the trial was cancelled and reset, for the last time, on May 12, 1999.[8] Because the public prosecutor was indisposed, trial was once again reset to May 27 and June 3, 1999, as additional setting.[9] The trial on May 27, 1999 had to be canceled because the counsel of the accused failed to appear again, and there was no proof that said counsel was sick. The trial court thereafter considered the accused to have rested his case and that the cases were deemed submitted for decision.[10]

Atty. Larry T. Iguidez, the counsel of record of the accused, withdrew his appearance on June 8, 1999.[11] On June 16, 1999, the law firm of Tan Acut & Madrid entered its appearance as new counsel,[12] and likewise filed a Motion for Reconsideration[13] of the May 27, 1999 Order on the following grounds:

> THE HONORABLE COURT'S ORDER UNDULY DEPRIVES THE ACCUSED OF HIS RIGHT TO BE HEARD AND TO PRESENT EVIDENCE IN HIS DEFENSE, CONSIDERING THAT:
>
> - FAILURE OF COUNSEL FOR THE ACCUSED TO EXPLAIN HIS ABSENCE OR TO TIMELY POSTPONE THE HEARING DOES NOT NECESSARILY IMPLY WAIVER OF THE RIGHT OF THE ACCUSED TO PRESENT EVIDENCE.
>
> - THE HONORABLE COURT SHOULD HAVE ADEQUATELY ENSURED THE RIGHT OF THE ACCUSED TO BE HEARD BY HIMSELF AND BY COUNSEL.
>
> - THE SUBMISSION OF THE CASE FOR RESOLUTION UPON A SINGLE UNEXCUSED NON-APPEARANCE OF COUNSEL AT THE PRESENTATION OF DEFENSE EVIDENCE IS NOT IN ACCORD WITH DUE PROCESS DEPRIVING AS IT DOES THE ACCUSED OF THE OPPORTUNITY TO FULLY PRESENT HIS CASE.[14]

The accused, through his new counsel, pointed out that his previous lawyer was absent only twice and that the first instance was justified by illness. He averred that the absence of his counsel on May 27, 1999, although without any supporting medical certificate, did not amount to a waiver of his right to adduce additional evidence. Appended to the motion were the Affidavits[15] of Asuncion Rabago and Jobel Mantes whom the accused intended to present as witnesses. However, on July 15, 1999, the trial court issued an Order denying the

motion.[16]

The accused, the petitioner therein, filed a Petition for Certiorari and Prohibition[17] with the CA assailing the May 27, 1999 and July 15, 1999 Orders of the RTC, thus:

> RESPONDENT JUDGE ACTED WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION IN ISSUING THE QUESTIONED ORDERS, CONSIDERING THAT:
>
> I
>
> AS ACCUSED IN A CRIMINAL CASE, PETITIONER HAD A CONSTITUTIONAL RIGHT TO BE HEARD IN HIS DEFENSE.
>
> II
>
> HAVING RELIGIOUSLY ATTENDED ALL THE HEARINGS SET FOR THE PRESENTATION OF DEFENSE EVIDENCE, PETITIONER NEVER WAIVED HIS CONSTITUTIONAL RIGHT TO PRESENT EVIDENCE IN HIS DEFENSE.
>
> III
>
> PETITIONER STANDS TO BE CONVICTED OF CRIMES AFTER BEING DENIED HIS CONSTITUTIONAL RIGHT TO BE HEARD IN HIS DEFENSE.[18]

In its Comment[19] on the petition, the Office of the Solicitor General (OSG) averred that

> At the outset, public respondents herein adopt the oral arguments presented during the hearing for the issuance of preliminary injunction last February 17, 2000, to constitute as integral part of this Comment.
>
> Now, contrary to petitioner's contention that he was deprived of due process, the record shows that he had actually finished his testimony (see TSN of April 22, 1999) in the court a quo to belie his claim. What he actually refers to as having denied admission by the trial court are merely corroborating testimonies attached as affidavits in his petition (Annex "O" and "P"). It cannot be gainsaid however that the trial court's Order to terminate the presentation of defense evidence was caused by the repeated and unexplained absences of petitioner's counsel in all the hearings where he was given the opportunity to present his corroborating witnesses. (Record, pp. 200, 221, 231, 244, 262, 293, 296, 299, 313, 317, and 369 – orders reflecting defense counsel's absence).[20]

In his Reply,[21] petitioner countered –

> - Public respondents argue that through repeated and unexplained absences of petitioner's [counsel] in all hearings where he was given the opportunity to present his corroborating witness, the abrupt and premature termination of the presentation of defense evidence is justified. However, the records of the case show a different story.
>
> - Records in possession of the petitioner show that petitioner's counsel was only absent twice (2) during the scheduled presentation of defense evidence – on 07 April and 27 May 1999, the first of which was excused.
>
> - In contrast, the records would show that the prosecution's witnesses and/or counsel were also absent on the hearings on 30 September 1997, 6 November 1997, 4 December 1997, 12 February 1998, 11 March 1998, 18 March 1998, 3 June 1998, 17 June 1998, 12 August 1998, 26 August 1998, 10 September 1998, 8 October 1998, 16 December 1998, and failed to produce the formal offer of evidence on 12 February 1999 and 16 February 1999. In fact, respondent judge himself reset the case on many occasions for attending conferences and for being indisposed.
>
> - The harshness of respondent judge's treatment of petitioner is further shown by the fact that the prosecution

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

> was given all the opportunity to present its case, to the end that it took the prosecution no less than two (2) years to complete its evidence. This is in stark contrast to only six (6) settings afforded to petitioner, which nonetheless spanned a period of only two (2) months.
>
> - The foregoing only highlights the fact that, while the prosecution was given all the opportunity to present their evidence, and much leeway in the form of continuations and re-settings, respondent judge was unduly strict and harsh on the accused when his turn to present defense evidence finally arrived. Worse, instead of giving the accused the benefit of doubt, and construing the law and the rules in his favor, respondent judge did not even provide a level playing field, and did not give the accused a sporting chance at fair play as the dictates of due process requires. Notably, at that fateful day respondent judge halted proceedings, he himself saw that a witness was ready to testify for petitioner. All he had to do was appoint a counsel de officio.[22]

On October 31, 2000, the CA rendered judgment granting the petition and set aside the assailed Orders. The fallo of the decision reads:

> WHEREFORE, the orders of the trial court, dated 27 May 1999 and 15 July 1999 are hereby SET ASIDE and NULLIFIED. The trial court is ordered to proceed with the continuation of reception of defense's additional evidence. No costs.
>
> SO ORDERED.[23]

It was the turn of the People of the Philippines to seek relief and file a petition for review on certiorari in this Court, contending that:

> I
>
> Respondent Court of Appeals gravely erred in law, when it found denial of due process despite private respondent's and his counsel's unjustified absences which manifest dilatory tactics.
>
> II
>
> Respondent Court of Appeals gravely erred in law when it unjustifiably upheld private respondent's patent repeated violations of the Speedy Trial Act of 1998 and SC Circular No. 38-98.[24]

In his Comment on the petition, respondent avers that trial on the merits of the case commenced on June 5, 1997 during which the witnesses of the prosecution and/or counsel were absent 13 times. The prosecution was scheduled to formally offer its evidence on February 9, 1999, February 12 and 16, 1999 and March 10, 1999 but it was only on March 17, 1999 that the prosecution finally rested its case. He insists that he did not adopt any dilatory tactics to delay the completion of his evidence. It was presumptive of the trial court to assume that the evidence he would adduce was merely corroborative, and while it had the discretion to stop further presentation of evidence, such discretion must be exercised with caution.

Petitioner asserts that the CA erred in finding that the RTC committed grave abuse of discretion amounting to excess or lack of jurisdiction in ruling that respondent had waived his right to adduce additional evidence, and in considering the case submitted for decision. Respondent indulged in dilatory tactics to delay the presentation of his evidence as shown by the fact that he had been absent 4 times, and his counsels about 12 times. Respondent had not been deprived of his right to due process. The trial court could not have ignored the timeline in Section 2, Rule 119 of the Revised Rules of Criminal Procedure, as it was mandated to comply with the provisions fixed by the Republic Act (R.A.) No. 8493 and the Rules of Court.

The sole issue is whether the CA erred in granting the petition of Victor Subida, respondent herein, and in nullifying the assailed Orders of the trial court. The resolution of the issue is riveted to the issue of whether the RTC deprived respondent of his right to adduce evidence in his behalf, as well as his right to due process, when it

declared him to have waived his right to adduce further evidence.

The petition has no merit.

As gleaned from the decision of the CA, it granted the plea of petitioner therein for a writ of certiorari with the following ratiocination:

> Respondent court's conduct is tainted with grave abuse of discretion considering that petitioner's counsel was absent only twice during the trial of the case and petitioner's presentation of evidence was relatively unhampered by delays, covering as it did only a period of two (2) months.
>
> In the case of Moslares v. CA, the hearings in a criminal case were postponed several times and in the last scheduled hearing, the accused was absent although his newly retained counsel was present but was unprepared to proceed with the trial. The trial court therein deemed the case submitted for decision and set a date for promulgation, which was lifted four (4) times in the interest of justice. When the court finally promulgated its decision, the Supreme Court nullified such action and pronounced that the "grant of a reasonable continuance would have been sounder judicial discretion to ferret out the truth, than to have a speedy disposition of the case but at the expense of a fundamental right." If the Supreme Court found as arbitrary a trial court's termination of the hearings and the submission of the case for decision, even if the same was lifted four (4) times before finally deciding the case, with more reason must we, in the instant case, strike down the trial court's unyielding resolve to decide the case, which is not even mitigated by any semblance of leniency on the part of the respondent court.
>
> In the more recent case of People v. Diaz, all four settings for the reception of accused's evidence were postponed at the instance of the accused because his counsel was absent despite due notice. When the trial court therein terminated the trial and decided the case, the high court found denial of due process to the accused. The high court chided the trial court for being less circumspect in denying the accused the right to present his defense and considered the accused's presence during the hearing a strong indication that he was interested in presenting his defense. We could not agree more. The emerging trend in jurisprudence is to afford every litigant, more so the accused, ample opportunity for the just determination of his case, free from the constraints of technicality.
>
> In the few instances where a trial court was justified in terminating the trial due to frequent postponements by the accused, the number of postponements totaled forty (40) times and the case spanned ten (10) years as a result. The extent of the delays in the trial of the instant case, is nowhere near the magnitude of aforesaid benchmark. The trial court could have been more patient with the defense, as it had been with the prosecution in the instant case.
>
> The Office of the Solicitor General's (OSG) contention that petitioner was not deprived of his right to be heard because he had actually finished his testimony and the witnesses he had intended to present would merely provide corroborating evidence, is erroneous. Even the court's power to stop further evidence must be exercised with caution and it prohibits cumulative evidence, or evidence of the same kind to the same state of facts and not corroborative evidence or additional evidence of a different character to the same point. Regardless of the character or nature of the evidence to be presented by petitioner, the focal issue here is whether he was deemed to have waived its presentation. From the circumstances of the case, we hold that he did not since he was present during the scheduled hearing and the fault lay entirely with his counsel. Counsel's negligence, without any participatory negligence by the accused concerned, justifies the courts in making a more liberal interpretation of the rules in favor of the accused. (Citations omitted)[25]

This ruling is correct.

Section 6 of R.A. No. 8493, otherwise known as the Speedy Trial Act of 1998, provides:

> SECTION 6. Time Limit for Trial. – In criminal cases involving persons charged of a crime, except those

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

> subject to the Rules on Summary Procedure, or where the penalty prescribed by law does not exceed six (6) months imprisonment, or a fine of One thousand pesos (P1,000.00) or both, irrespective of other imposable penalties, the justice or judge shall, after consultation with the public prosecutor and the counsel for the accused, set the case for continuous trial on a weekly or other short-term trial calendar at the earliest possible time so as to ensure speedy trial. In no case shall the entire trial period exceed one hundred eighty (180) days from the first day of trial, except as otherwise authorized by the Chief Justice of the Supreme Court pursuant to Section 3, Rule 22 of the Rules of Court.

The Court implemented the law by issuing Supreme Court Circular No. 38-98, which has been incorporated in the 2000 Rules of Criminal Procedure, Section 2 of Rule 119, which reads:

> SEC. 2. Continuous trial until terminated; postponements.—Trial once commenced shall continue from day to day as far as practicable until terminated. It may be postponed for a reasonable period of time for good cause.
>
> The court shall, after consultation with the prosecutor and defense counsel, set the case for continuous trial on a weekly or other short-term trial calendar at the earliest possible time so as to ensure speedy trial. In no case shall the entire trial period exceed one hundred eighty (180) days from the first day of trial, except as otherwise authorized by the Supreme Court.
>
> The time limitations provided under this section and the preceding section shall not apply where special laws or circulars of the Supreme Court provide for a shorter period of trial.

It bears stressing that in criminal cases, the public prosecutor, the Judge and the accused have sacrosanct duties and obligations geared towards the speedy administration of criminal justice. The prosecution and the Judge are mandated to see to it that justice is done, i.e., not to allow the guilty to escape nor the innocent to suffer. The Judge should always be imbued with a high sense of duty and responsibility in the discharge of his obligation to promptly and properly administer justice. He must view himself as a priest, for the administration of justice is akin to a religious crusade.[26]

Although the determination of a criminal case before a Judge lies within his exclusive jurisdiction and competence, his or her discretion is not unfettered, but rather must be exercised within reasonable confines. The action of the judge must not impair the substantial rights of the accused, nor the right of the State and offended party to due process of law.[27] Thus, the Court has emphasized –

> Indeed, for justice to prevail, the scales must balance; justice is not to be dispensed for the accused alone. The interests of society and the offended parties which have been wronged must be equally considered. Verily, a verdict of conviction is not necessarily a denial of justice; and an acquittal is not necessarily a triumph of justice, for, to the society offended and the party wronged, it could also mean injustice. Justice then must be rendered even-handedly to both the accused, on one hand, and the State and offended party, on the other.[28]

The task of the pillars of the criminal justice system is to preserve our democratic society under the rule of law. They must insure that all those who appear before or are brought to the bar of justice are afforded fair opportunity to present their side.

Indeed, the law and the Revised Rules of Criminal Procedure have set timelines for the completion of trials of criminal cases which must be followed except when extensions are granted by the Supreme Court. It must be borne in mind, however, that while justice must be administered with dispatch, the essential ingredient is that the proceedings must be orderly expeditious and not merely speedy. It cannot be definitely said how long is too long in a system where justice is supposed to be swift and deliberate, but it is consistent with delays and depends upon circumstances.[29] The Constitution and the Rules do not require impossibility or extraordinary efforts, diligence or exertions from the courts or the prosecution, or even the accused or his counsel.[30]

It goes without saying that Judges must be on guard against motions for postponements by the accused which are designed to derail and frustrate the criminal proceedings. Just as the accused is entitled to a speedy disposition of the case against him, the State should not be deprived of its inherent prerogative in prosecuting criminal cases and in seeing to it that justice is served.

In this case, the RTC issued its May 27, 1999 Order declaring that respondent was considered to have rested his case and that the charges against him was deemed submitted for decision because his counsel, Atty. Iguidez, was absent and did not file a motion for the postponement of the trial set on said date nor submitted any medical certificate attesting to his illness.

However, the records show that respondent was present during the trial and presumably was ready to continue with the presentation of his evidence and the testimony of his witnesses. He had no inkling why his counsel did not appear for trial. That the absence of counsel for respondent could not have been deliberate is evidenced by the fact that it was only he who was absent. The trial court did not inquire from such counsel why he failed to appear for the trial much less admonish him for failing to appear before it; respondent was likewise not advised to secure the services of a new counsel. Respondent eventually terminated the services of said counsel and proceeded to engage the services of another, the Tan Acut Madrid Law Office, which immediately filed a motion for the reconsideration of the trial court's May 27, 1999 Order.

It must be borne in mind that respondent was charged with three serious crimes for which if convicted he would be meted long prison terms. There is no showing in the records that respondent ever waived his right to present witnesses to corroborate his testimony. At the trial set on March 27, 1999, respondent was present although his counsel was nowhere to be found because the latter was indisposed. At the trial on May 12, 1999, it was the public prosecutor's turn to call in sick. On all the occasions that the case was set for trial, respondent was present. The foregoing circumstances clearly negate the fact that respondent had waived his right to adduce evidence. In a similar case,[31] the Court declared:

> It was Atty. Tenorio's absences, then, rather than petitioner's, which appear to be the cause for the defense's failure to present its evidence. Atty. Tenorio's negligence did not consist in error of procedure or even a lapse in strategy but something as basic as failing to appear in court despite clear warning that such failure would amount to waiver of her client's right to present evidence in her defense.
>
> Keeping in mind that this case involves personal liberty, the negligence of counsel was certainly so gross that it should not be allowed to prejudice petitioner's constitutional right to be heard. The judicial conscience certainly cannot rest easy on a conviction based solely on the evidence of the prosecution just because the presentation of the defense evidence had been barred by technicality. Rigid application of rules must yield to the duty of courts to render justice where justice is due – to secure to every individual all possible legal means to prove his innocence of a crime with which he or she might be charged.[32]

The testimony of the two witnesses whom respondent wanted to present cannot be belittled. As gleaned from the Sinumpaang Salaysay of Asuncion M. Rabago, their account of what transpired would consist in the following:

> - Noong umaga ng ika-3 ng Setyembre 1999, nagpunta ako sa bahay ng aking kaibigan na si Gng. Mantes sa Pinagbuhatan, Pasig City upang umutang sa kanya. Dahil kasalukuyan silang nagluluto para sa kaarawan ng kanyang anak na si Irene Mantes, ako ay nakisama sa kanilang pagluluto upang maluwag na pagbigyan ni Gng. Mantes ang aking kahilingan.
>
> - Nang dumating ang kinagabihan, kasalukuyan akong nagluluto ng karagdagang pagkain [nang] may narinig akong sunud-sunod na malakas na busina ng kotse. Maya-maya, sinundan ito ng isang malakas na sirena.
>
> - Ilang sandali pa, may narinig akong sigawan sa labas ng bahay. Ito ay biglang sinundan ng isang malakas na

putok. Nang marinig ko ito, kaagad akong tumakbo patungo sa gate ng nasabing bahay upang tingnan kung ano ang nangyayari.

- Nang makarating (sic) ko ang gate, nakita ko si Celso Subida na bumabaril kay Pedro Galos, habang may mga taong nagsusuntukan sa kanilang tabi. Sa kasiwaang (sic) palad, hindi ko gaanong napansin ang mga taong ito sa dahilang nakatuon ang aking pansin sa nangyayaring barilan.

- Nang matapos mabaril ni Celso Subida si Pedro Galos, dali-dali itong sumakay sa kanyang taxi at umalis sa nasabing lugar.

- Matapos kong masaksihan ang mga pangyayari, kaagad akong pumasok sa loob ng bahay dahil sa takot na maaaring ako naman ang mabaril.

- Nalaman ko na lamang sa loob ng bahay, na si Victor Subida pala ang ginugulpe ng mga taong nasa tabi ni Pedro Galos noong siya ay binabaril ni Celso Subida.[33]

For her part, Jobel Mantes would testify as follows:

- On the early evening of 03 September 1995, while I was eating together with my uncle, Victor Subida, during the birthday party held in our residence, I heard a series of long and booming sound of a car horn near our residence.

- Later on, I heard the resonant sound of a loud speaker angrily stating, "kanino itong sasakyan na nakaparada dito." I then recognized the voice as belonging to my neighbor, Mr. Pedro Galos, who was well known in our neighborhood for making trouble.

- Remembering that my uncle's car was parked outside our residence, I immediately informed him that the apparently irritated speaker may be referring to his car. At that moment, Mr. Subida arose and immediately went out of the house, wearing only a shirt and a pair of short pants, while I resumed eating my meal.

- While I was again eating, I heard a voice shouting through the same car loud speaker, "alisin mo nga yung kotse mo diyan! Taga-saan ka ba?" Seconds later, I heard a gunshot.

- I was about to dismiss the apparent commotion, when I heard my uncle frantically shouting for help. I instantly stood up and rushed towards our front gate to respond to my uncle's cry for help.

- As I drew near our front door, I heard successive bursts of gunfire coming from [the] outside our residence prompting me [to] step up my dash (sic) to where my uncle was.

- When I got out of the house, I saw my uncle lying unconsciously near the side of a car whom I recognized as the one belonging to Pedro Galos.

- Despite the tense atmosphere, I rushed to my uncle's side. While doing so, I saw Marilyn Galos standing near the vehicle whom I inquired, "Ano ba ang nangyari dito?" Unfortunately, Marilyn Galos simply gazed back at me with bewildered look.

- Seeing that my uncle was lying unconsciously, bloodied in the head and had bruises on his arms and body, I immediately dragged him into our house.

- Upon reaching our house, I directly dialed our barangay captain and reported to him that a shooting just took place in our residence. Seconds thereafter, I dialed the police and again reported the incident.

- Within three (3) minutes, Barangay Captain Boy Asilo arrived and saw my uncle's car and Mr. Pedro Galos' car in the same position as they were when the shooting incident happened. He then proceeded to our house where I informed him of what transpired. To this, he automatically replied, "Si Peter na naman!" referring to Pedro Galos, a known troublemaker.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

- When Barangay Captain Asilo investigated the crime scene, Mr. Galos' car was no longer there. Nevertheless, we went over my uncle's car and found a bullet hole on its front hood.

- As the barangay captain and I were heading back to our house, the mobile police arrived. Thereupon, Barangay Captain Asilo briefed them on the incident while I proceeded to our house to attend to my uncle. After a short while I brought my uncle to the hospital where he regained consciousness and was treated for injuries.

- I am executing this affidavit to narrate my account of the shooting incident should I be called upon to testify on the matter in Criminal Cases Nos. 108742-44.

I hereby reserve the right to supply more details of the event should the need arises (sic).[34]

The collective testimony of the two witnesses are substantial and thus, in the interest of justice, should be received by the trial court.

IN LIGHT OF ALL THE FOREGOING, the petition is DENIED. The Decision and Resolution of the appellate court are AFFIRMED.

No costs.

SO ORDERED.

Panganiban, C.J., (Chairperson), Ynares-Santiago, Austria-Martinez, and Chico-Nazario, JJ., concur.

---

[1] Penned by Associate Justice Buenaventura J. Guerrero (retired), with Associate Justices Jose L. Sabio, Jr. and Eliezer R. Delos Santos, concurring; rollo, pp. 30-36.

[2] CA rollo, pp. 37-38.

[3] Id. at 6-7.

[4] Id. at 43.

[5] Id. at 44.

[6] Id. at 45.

[7] Id. at 46.

[8] Id. at 47.

[9] Id. at 48.

[10] Id. at 37.

[11] Id. at 49.

[12] Id. at 50.

[13] Id. at 52-61.

[14] Id. at 52-53.

[15] Id. at 64-69.

[16] Id. at 37-38.

[17] Id. at 2-36.

[18] Id. at 14.

[19] Id. at 123-126.

[20] Id. at 123-124.

[21] Id. at 131-138.

[22] Id. at 135-137.

[23] Rollo, p. 36.

[24] Id. at 22.

[25] Rollo, pp. 34-36.

[26] Dimatulac v. Villon, 358 Phil. 328, 365 (1998).

[27] Id.

[28] Id.

[29] Corpuz v. Sandiganbayan, G.R. No. 162214, November 11, 2004, 442 SCRA 294, 312-313.

[30] Id. at 314.

[31] Reyes v. Court of Appeals, 335 Phil. 206 (1997).

[32] Id. at 215.

[33] Rollo, p. 37.

[34] Id. at 39-41.

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

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.