

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. CARLOS MANANSALA, APPELLANT.

G.R. No. 147149. July 09, 2003

Ponente: VITUG, J.

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VITUG, J.:

For review by the Court is the decision of 21 February 2001, in Criminal Case No. C-53156, rendered by the Regional Trial Court of Caloocan City, Branch 127,[1] finding appellant Carlos Manansala guilty beyond reasonable doubt of the crime of murder, imposing on him the penalty of death, and ordering him to pay P50,000.00 civil indemnity, P80,000.00 moral damages and P90,000.00 exemplary damages.

The information that charged Carlos Manansala with murder read:

"That on or about the 21[st] day of January, 1997 in Kalookan City, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without any justifiable cause, with treachery and evident premeditation and with deliberate intent to kill, did then and there willfully, unlawfully and feloniously attack and shoot with a .45 caliber pistol one EDGARDO MANANSALA, thereby inflicting upon the latter serious physical injuries which injuries caused his death upon arrival at the Martinez Memorial Hospital, this city."[2]

The indictee having pleaded not guilty to the charge, the trial ensued for the reception of evidence.

The spouses Edgardo and Elizabeth Manansala lived at the ground floor of the two-storey residence of Juliana, Edgardo's mother, in 186 P. Zamora Street, Caloocan City. The room where they slept was 9 x 9 feet in area with a height of around 4 feet. In entering the room, one had to come down the stairs from the second floor and take two steps up to the 3 x 2 feet door, and to the left of the door was the waterbed of the couple with its headboard aligned with the door along the same wall.

It was around eight o'clock on the morning of 21 January 1997, when Elizabeth, still being in bed with her husband, heard someone knock at the door and Marivic saying, "Nandito po si Kuya Calo at magbabayad ng utang." When she opened the door, Elizabeth saw appellant, a first cousin of her husband, just outside the room. She woke up her husband, Edgardo, who was lying on his left side with his back towards the door, turned to lay flat on his back (tumihaya), looked up (tumingala), and said, "Oh, Calo." Then he resumed sleeping. Just as Elizabeth sat at the foot of the waterbed, she saw appellant in a squatting position (nakatingkayad), holding a gun aimed at Edgardo. Appellant remarked, "Ed, papatayin na kita." Edgardo, turning up a bit (tumihaya), said, "Calo, huwag kang magbiro ng ganyan." Appellant pulled the trigger but the gun did not fire. He cocked it once again and then fired two successive shots. Edgardo rolled from the waterbed down to the cemented floor. Elizabeth held Edgardo, and she pleaded appellant to stop. The latter did. When appellant left, and seeing that her husband was hit, she decided to forthwith bring him to the hospital. On her way to the sala of the house, Elizabeth saw Edgardo's nephew, Roger Sundiam, and asked him to get the jeepney so that they could take his "Tito" Ed to the hospital. The victim did not make it to the hospital; he was dead on arrival at the Martinez Memorial Hospital.

Two responding police officers were briefed by Elizabeth on what had happened. At home, Elizabeth found in their room one live .45 caliber bullet, two empty shells of .45 caliber bullets, one .45 slug on the floor and another .45 slug inside the waterbed that had burst. She had the presence of mind to mark the bullet, slugs and shells "Beth 1, Beth 2, Beth 3 and Beth 4," with a pointed object.

Rosalie Sundiam and her husband, Roger, lived in a room separated by a cemented wall from that of Edgardo's. She was on a telephone conversation at the sala of the house when appellant went past her. After replacing the telephone receiver, she went downstairs to her room where she heard two successive shots from the direction of the room of Edgardo. She and her husband rushed upstairs. Elizabeth requested the Sundiam couple to prepare the vehicle that would take Edgardo to the hospital.

Upon the request of Ma. Rosario Manansala, a sister of the victim, Dr. Ravel Ronald Baluyot, a medico-legal officer of the National Bureau of Investigation (NBI), conducted an autopsy on the body of 40-year-old Edgardo at the Floresco Funeral Homes, along MacArthur Highway, in Caloocan City. Autopsy Report No. N-97-140 of Dr. Baluyot indicated the following findings:

"Pallor, nailbeds, conjunctivae and integument.

"Abrasions: 7.5 x 2.0 cms., left side of the face; 1.0 x 0.2 cm.; left forearm, upper 3[rd], postero-lateral aspect; 8.5 x 0.4 cms., left leg, lower half, antero-lateral aspect.

"Contusion, 4.0 x 2.0 cms., left cheek.

"Lacerated wounds, two (2) in numbers, one is 1.8 cms. the other 1.7 cm., right shoulder.

"Gunshot wound, entrance, 0.9 x 0.7 cm., right shoulder, ovaloid with inverted edges, abrasion collar widest at its supero-medial border, located at the right shoulder, 8.0 cms. from the posterior median line and 147.0 cms. from the right heel, directed forward, downward and laterally, involving the skin and soft tissue, fracturing the middle third of the clavicle (comminutely), lacerating the subclavian blood vessels and soft tissues of the anterior chest wall, making an exit wound, 1.9 x 0.6 cm., ovaloid with everted edges, anterior chest, right side, 15.0 cms. from the anterior median line and 118.0 cms. from the right heel.

"Brain and visceral organs, mild congestion.

"Stomach, contains a small amount of whitish fluid."[3]

According to Dr. Baluyot, the gunshot wound hit the victim's soft tissue, fracturing the collarbone (clavicle). The laceration caused massive and profuse bleeding that made the gunshot wound fatal. The trajectory of the gunshot wound was "forward, downward and laterally" which meant that the entrance wound was "towards the back of the victim" and that the firearm used in inflicting the wound was "higher than the point of entrance or towards the head of the victim and going downward from the shoulder to the exit wound at the right chest."[4] The abrasions on the victim could have been caused by his fall to the cemented floor which could also explain the contusion on his left cheek. The laceration on the right shoulder could have been due to the fracturing of the collar bone that shattered upon impact by a slug.

NBI forensic chemist Salud Rosales took a paraffin cast on Edgardo's hands upon the request of Elizabeth. The cast was taken to the NBI laboratory for the diphenylamine test which yielded a negative result for nitrates. The forensic chemist was not informed that the body had already been cleansed before she took the paraffin cast.

SPO3 Reynaldo Domingo and PO3 Renato de Leon of the Philippine National Police (PNP) assigned in Caloocan City, responding to a call made by the Martinez Memorial Hospital, rushed to the hospital and examined the body of the bloodied victim. SPO3 Domingo learned, from the interviews he had conducted, that the victim was shot by

Carlos Manansala. At the crime scene, they later found the waterbed that had burst and the floor flooded with water and blood. The police officers tried to locate the suspect but he was nowhere in sight. The officers assumed that he had meanwhile left the place, taking with him the weapon used in the commission of the crime. The police failed to locate the suspect during follow-up investigations.

Realizing that appellant had friends and a brother-in-law in the police force, the relatives of the victim did not execute sworn statements before the police, choosing to instead seek the help of "higher authorities." [5] On 23 January 1997, Elizabeth went to the NBI to lodge a complaint for murder against appellant. She executed a sworn statement [6] and gave to the NBI the two empty shells, one live bullet and one slug that she had previously taken and marked. The pieces were, in turn, forwarded to the NBI Firearms and Investigation Division for ballistic examination. The PNP Firearms and Explosives Division, upon the request of the NBI, issued a certification, dated 27 January 1997, which stated that appellant had "applied for (a license to possess) Pistol, Ithaca, Cal .45, with serial number 242619 and PRFL, Elisco, Cal .5.56, with serial number RP157922 based on index cards dtd. 7 and 8 Sep 1996." [7] The NBI sent another request to the PNP-FED for comparative examination of the test bullet of the firearm of appellant. On 12 February 1997, the PNP-FED wrote back to the NBI; it said:

"Please be informed that said firearm was licensed/registered to Mr. Carlos F. Manansala under EO 122 otherwise known as Amnesty on Loose Firearms. Ballistic Test of said firearm was conducted prior to the issuance of license. Unfortunately, the Ballistic Test Envelope was destroyed by some foreign elements and this office cannot determine as to whether said test bullets and shells belongs (sic). (Italics supplied)." [8]

A record check conducted by the NBI revealed that appellant was likewise involved in various criminal cases of frustrated murder, murder, malicious mischief, and slight physical injury. SA Danielito Lalusis and two other agents of the NBI went to appellant's house in 105 P. Gomez Street, Caloocan City, but, convinced, that appellant had gone into hiding, the agents referred the matter to the NBI Legal Division.

Meanwhile, Elmer Nelson D. Piedad, NBI Senior Ballistician, submitted FID Report No. 65-29-197, dated 13 February 1997, showing that the specimen consisting of a bullet and two empty shells were fired from one and the same firearm. [9]

Shortly after the information for murder was filed on 01 December 1997 against appellant, the trial court issued an order for his arrest. The trial court issued an alias order of arrest on 25 February 1998 but because appellant still had been able to elude arrest, it ordered that the case be archived without prejudice to its revival after he would have been apprehended. On 24 August 1998, the trial court issued a second order of arrest. On 28 July 2000, appellant was finally arrested by police intelligence officers along P. Zamora Street in Caloocan City. The trial court issued a commitment order on 31 July 2000 and an order, the following day, for the revival of Criminal Case No. C-53156 (97).

Appellant admitted his having been responsible for the death of Edgardo Manansala but he claimed that the victim was "accidentally killed in self-defense."

Appellant resided three blocks away from the house of the victim. He testified that, on 21 January 1997, appellant went to see his first cousin, Edgardo. Marivic, a "helper in selling shabu," allowed him to enter Edgardo's room. Appellant saw Edgardo repacking shabu. He was alone in his room. Appellant counseled, "Ed, tigilan mo na ang pagbebenta ng shabu kasi iyong kapatid ko saka iyong mga neighbors natin nalululong sa shabu." Taken aback by the remark, Edgardo, who was seated on the waterbed, took a gun underneath a pillow and poked it on appellant who was a meter away from him. Sensing that Edgardo was not joking, appellant twisted Edgardo's hand and grabbed the gun. Appellant succeeded in pointing the barrel of the gun at Edgardo when it accidentally fired. The cousins grappled for possession of the gun and were rolling on the floor when the gun again fired. Confused,

appellant left, not knowing what to do.

Appellant claimed that Edgardo, his wife Beth and a relative, named "Toying," were engaged in selling prohibited drugs. Concerned citizens in their barangay filed, in fact, a petition on 20 June 1997 asking Alex Jovero, the barangay chairman, to take "necessary action" against Maria Elizabeth Manansala and to eradicate the drug menace in the community, a matter which was reported in the Metro-provincial news issue of 24 May 1997,[10] under the heading "Bgy. 19 in Caloocan a haven for shabu pushers." The article named the alleged drug pushers to be "Beth M., Gil S., Rey F. and a certain Edna," in collaboration with one "Toying," a notorious shabu supplier, also mentioning a cop, a certain Sgt. Bienvenido Santos and a cousin of Elizabeth, as their protector.

On cross-examination, appellant averred that he did not see blood on Edgardo and did not realize that Edgardo was hit when the gun fired. He only later "got news" that Edgardo was shot. He left the room bewildered which prevented him from seeking help; besides, he said, there was no one outside the room. Appellant went straight home. He did not report the incident to anyone, not even his wife, but just sat down and stayed there the whole day. When he heard two days later that Edgardo had died, he left home and went to Sto. Niño, Bulacan, to stay with an aunt. He learned that a case had been filed against him when he was informed by long distance telephone of a subpoena for him.

The defense likewise presented Angelito Adriano, Alejandro Jovero and Josefina Manansala. Angelito Adriano testified that appellant, clad in sando and shorts, casually passed by him. He and appellant greeted each other. He saw appellant turn to an alley towards the house of Edgardo. Then he heard two shots. After that, he saw appellant walking briskly away from the place. He did not notice blood on his shirt but appellant's disturbed look caught his eye. Alejandro Jovero, barangay captain of Barangay 19, Zone II, P. Zamora Street, Caloocan City, confirmed that he did receive a petition of barangay residents to take action against Elizabeth Manansala but he had no personal knowledge about Elizabeth being involved in shabu trade. Josefina Manansala, a first cousin of both appellant and the victim, asserted that on 09 June 1991 Edgardo killed her brother George "Boy" Manansala. Her husband, Romy Diaz, also died in the hands of Edgardo. In both instances, she did not indict Edgardo for the offenses because she was afraid of him. As far as she knew, the spouses Edgardo and Elizabeth Manansala were engaged in the sale of shabu.

Elizabeth, on rebuttal, denied that she and her husband were involved in the trade of illegal drugs; quite the contrary, she said, she and her husband were gainfully employed - he had a job and she was a cosmetics dealer - and neither had any police record. She was elected to the position of barangay treasurer from 1991 to 1997. She resigned from that position shortly following the death of her husband. She denied the imputation that her husband had any part in the untimely death of Boy Manansala and Romy Diaz. To buttress the claim of Elizabeth that appellant had a string of criminal cases to defend, the prosecution called Ma. Rosario Manansala, Edgardo's sister, to the witness stand to present documents evidencing the pendency of a number of criminal cases[11] filed against appellant.

The trial court gave credence to the evidence adduced by the prosecution and rejected the version given by the defense to the effect that appellant had merely acted in self-defense resulting in the accidental killing of the deceased.

When the focus boils down to how conflicting testimony of witnesses should be assessed, great reliance is made by the appellate court on the findings of the trial judge who has the means to observe the witnesses at the stand and to give his considered judgment on their credibility. Various indicia, like the demeanor of the person at the stand, the "forthright answer or the hesitant pause, the quivering voice or the angry tone, the flustered look or the sincere gaze, the modest blush or the guilty blanch" that almost always are not reflected in the record, can reveal

if the witness is telling the truth or is stating falsely.[12] The evaluation of the trial court gains immeasurable importance particularly where there is only one eyewitness to the commission of the crime whose testimony can make or break the prosecution case and uphold or derail justice. Indeed, the testimony of a single, trustworthy, and credible witness could be sufficient to convict an accused even when it is arrayed against several witnesses for the defense.[13]

In this case, the judgment of conviction by the trial court rested on the word of Elizabeth, whose testimony was described to be categorical, clear and convincing and, quite importantly, found to be in consonance with the findings of the medico-legal officer who conducted the autopsy on the body of the victim. Elizabeth testified that Edgardo was lying on the waterbed with his head against the headboard which was aligned to the door where appellant positioned himself in shooting Edgardo. The fatal gunshot wound had its entry in Edgardo's right shoulder eight centimeters "from the posterior median line" and "directed forward, downward and laterally." The exit wound was at the "anterior chest, right." These findings corroborated the testimony of Elizabeth on how the gunshot wound was inflicted by appellant on Edgardo:

"Q

Now, you said Calo was pointing his gun at your husband while the latter was lying down on your bed. What did Calo do with his gun after you saw him?

"A He pulled the trigger.

"Q Did the gun fire?

"ATTY. SARMIENTO:

Leading, your Honor.

"COURT:

Sustained.

"ATTY. DE VEYRA TO WITNESS:

"Q

By the way, before Calo squeeze(d) the trigger of his gun rather after Calo said, 'Ed, papatayin na kita,' do you know if Ed said anything?

"A Yes Sir.

"Q

What did your husband say?

"A Calo, huwag kang magbiro ng ganyan.

"Q

And then what happen(ed) after Calo said with the word (sic), 'Calo, huwag kang magbiro ng ganyan?'

"COURT:

"Q

Wait. What was the position of the victim when he uttered that?

"A ' Tumihaya na po siya.'

"Q

But still lying down?

"A Yes, your Honor.

"ATTY. DE VEYRA TO WITNESS:

"Q And then what happen(ed) after that?

"A `Kinalabit ni Calo ang baril.'

"Q What happen(ed) after Calo squeeze(d) the trigger of his gun?

"A It did not fire.

"Q

And when the gun of Calo did not fire or misfire(d) in (sic) that time what did Calo do with his gun if any?

"A

Ikinasa niya po at ipinutok kay Edgar.

"Q How many shots did you hear or see?

"A Two shots in succession.

"Q

At the time when Calo fired his gun in two succession what was again the position of your husband on the bed?

"A Nakatihaya pa rin siya.

"Q And then after Calo fired his gun twice in succession, what happen(ed) next?

"A

Gumulong po si Edgardo, pabagsak sa kama."[14]

Considering that appellant was in a squatting position when the gun fired, the bullet expectedly hit the shoulder of the victim who was lying on the waterbed with his head near the headboard eight centimeters from the posterior median line exiting from the anterior right chest of the victim. Dr. Baluyot opined thusly:

"Q

Now, on the basis of your postmortem examination or findings were you able to determine Doctor the angle or the trajectory of the bullet as it enter(ed) the right shoulder and passing on the left (sic) anterior chest?

"A

The trajectory of the gunshot wound within the body is directed at the point of entrance (sic) was directed forward, downward and laterally. This means the entrance is more towards the back of the victim then and the firearms that more or less inflicted such gunshot wound is higher than the point of entrance or towards the head of the victim and going downward from the shoulder to the exit wound at the right chest.

"Q

Taking into consideration the trajectory of the bullets as you described can you determine the position or what was the position of the victim as he receive(d) the gunshot wound from the right shoulder and exiting at the anterior chest?

"A

There would be no medical basis to determine the actual position of the victim when he sustained the gunshot wound. He may not be standing, he may not be lying down, he may not be sitting as long as the firearms that inflicted such gunshot wound has to be higher than the gunshot wound of entrance towards the head portion of the deceased when he sustained the gunshot wound.

"Q

Are you saying that the gun wielder is located at the higher portion than the victim?

"A

Depending on the position of the deceased when he sustained such gunshot wound if he were more or less sitting or standing definitely the firearm used must be higher than the level of the victim himself in order to assume the trajectory within the body.

"Q Is it possible for the gunman to sho[o]t the victim while he was lying down on the basis of your findings?

"COURT:

To whom are you referring to as he? The victim or the assailant?

"ATTY. DE VEYRA:

The victim, Your Honor.

"WITNESS:

If the victim were lying down the trajectory within the body of the victim is more or less would be consistent if the victim were lying down and the assailant was towards the head portion of the deceased, Sir.

"COURT:

"Q

So, in other words it was consistent with your findings vis a vis the trajectory of the wounds?

"A

Yes, Your Honor. (Italics supplied.)"[15]

Appellant, by invoking self-defense, admitted authorship of the killing, and the burden of proof was on him to establish a convincing justification therefor. The asseveration that the killing was accidental and that he had no intention to kill his cousin hardly could be believed. He hurriedly left the victim's house right after the shooting with a "disturbed" look on his face. Instead of lending assistance to the fallen victim or at least asking others to help, he fled and went into hiding. The first impulse of an innocent man would certainly be not to flee.[16] Assuming that appellant was in a state of shock right after the incident, it could not have lasted for more than three years when, finally, he was apprehended by virtue of an alias order of arrest.[17]

Appellant would want it said that his purpose in confronting Edgardo was to stop him and his wife from dealing in illegal drugs. In pursuing this story and portraying Elizabeth as an illegal drug dealer and as a "menace" to the community, appellant obviously wanted to discredit her credibility as the sole eyewitness to the crime. The

attempt was correctly ignored by the trial court for what should have been pertinent, if at all, was her possible general adverse reputation for truth. The defense did not present evidence that Elizabeth had such a reputation. Evidence on her alleged trading in prohibited drugs would not necessarily mean that her testimony could not be relied on about an incident that had no direct relation to the supposed, although hazily touched upon,[18] illegal activity imputed by the defense. The prosecution was not thus obligated to prove that she had a good reputation for truth and veracity.[19]

The killing of Edgardo was attended and qualified by treachery, a circumstance alleged in the information. Treachery would be extant with the concurrence of two conditions; i.e., (1) the employment of means, methods or manner of execution that would ensure the offender's safety from any defense or retaliatory act on the part of the offended party, and (2) the offender's deliberate or conscious choice of the means, method or manner of execution.[20] Although there might have been a brief exchange of words between the victim and appellant before the latter executed his dastardly act, with the appellant brazenly declaring that he was going to kill the victim, the attack was too sudden that, otherwise, could have allowed the latter a chance to defend himself or to retaliate.[21] The victim was roused from sleep by the arrival of appellant. While he acknowledged the presence of appellant by uttering, "Oh, Calo!" the victim did not rise up from bed but immediately went back to sleep. Appellant deliberately chose means to ensure execution of his criminal intent by squatting by the door and aiming his gun at the victim who, half-asleep and still lying down, was completely vulnerable.

No evidence has been introduced to support the allegation of evident premeditation. Evident premeditation requires that the execution of the criminal act must be preceded by cool thought and reflection upon a resolution to carry out the criminal intent during the space of time sufficient to arrive at a calm judgment.[22] There is no such showing.

The aggravating circumstance of dwelling, given the facts found by the trial court, would have been correctly appreciated had this circumstance been alleged in the information. It was not.

The trial court meted the death penalty, apparently still unaware of the provisions of Section 8 and Section 9 of the Revised Rules of Criminal Procedure that took effect on 1 December 2000 just days before it promulgated its decision on 21 February 2001.

The pertinent provisions of Rule 110 state:

"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.

"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 circumstances and for the court to pronounce judgment."

The above rules are founded on constitutional and statutory reasons. To impose the death penalty on the basis of a qualifying circumstance that has not been alleged in the information is rightly perceived as being violative of the right of the accused to be informed of the nature and cause of the accusation against him.[23] Although a crime is committed prior to the approval and effectivity of the Revised Rules of Criminal Procedure, its provisions, however, the same being favorable to the accused, may be given retroactive effect to actions pending and undecided at the time of its passage. Additionally, procedural rules are generally retroactive in nature.[24]

The crime of murder is punished by the penalty of reclusion perpetua to death.[25] Inasmuch as no aggravating circumstance or mitigating circumstance can be appreciated in this instance, appellant must only be held to suffer the lesser penalty of reclusion perpetua than the penalty of death.[26]

Pursuant to prevailing jurisprudence, the award by the trial court to the heirs of the victim of P50,000.00 civil indemnity is sustained; the sum of P80,000.00 moral damages is reduced to P50,000.00, and the amount of P80,000.00 exemplary damages[27] is decreased to P25,000.00.

WHEREFORE, the assailed decision of the trial court is AFFIRMED with MODIFICATION. Appellant Carlos Manansala is found guilty beyond reasonable doubt of the crime of murder and is adjudged to suffer the penalty of reclusion perpetua. The civil indemnity awarded to the heirs of the victim is SUSTAINED but the awards of P80,000.00 moral damages and P90,000.00 exemplary damages are reduced to, respectively, P50,000.00 and P25,000.00. Costs de oficio.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Puno, Panganiban, Ynares-Santiago, Carpio, Austria-Martinez, Corona, Carpio-Morales, Callejo, Sr., Azcuna, and Tinga, JJ., concur.
Quisumbing, and Sandoval-Gutierrez, JJ., on leave.

[1] Presided by Judge Myrna Dimaranan Vidal.

[2] Records, p. 2.

[3] Records, p. 21.

[4] TSN, 25 September 2000, p. 12.

[5] TSN, 16 October 2000, pp. 4-15.

[6] Exh. T.

[7] Exh. V.

[8] Records, p. 29.

[9] Exh. R.

[10] Apparently People's Journal.

[11] Exhs. Z to Z-11.

[12] People vs. Mayor Sanchez, 361 Phil. 692, 715-716 (1999).

[13] People vs. Quijon, 382 Phil. 339, 348-349 (2000).

[14] TSN, 19 September 2000, pp. 11-12.

[15] TSN, 25 September 2000, pp. 12-14.

[16] People vs. Alba, G.R. Nos. 130627 & 139477-78, 31 May 2001, 358 SCRA 361, 369.

[17] People vs. Geneblazo, 414 Phil. 103, 110 (2001).

[18] Interestingly, the testimony of defense witness Alejandro Jovero, the barangay chairman, that as far as he was

concerned, he did not know that Elizabeth was an illegal drugs financier (Sa akin po hindi, hindi ko po nalalaman yung sinasabi nila.)

[19] 98 C.J.S. 389 citing State vs. Blackburn, 114 N.W. 531, 136 Iowa 743 and State vs. Scott, 188 P. 860, 55 Utah 553.

[20] People vs. Domingo, 414 Phil. 628, 634 (2001).

[21] People vs. Arizala, 375 Phil. 666, 680-681 (1999).

[22] Aquino, citing cases on the Revised Penal Code, 1997 Ed., Vol. 1 p. 360.

[23] People vs. Panganiban, 412 Phil. 98, 113 (2001).

[24] People vs. Salalima, G.R. Nos. 137969-71, 15 August 2001, 363 SCRA 192, 205.

[25] Art. 248, Revised Penal Code, as amended by Rep. Act No. 7659.

[26] Art. 63 (2), Revised Penal Code.

[27] People vs. Catubig, 363 SCRA 621.

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