

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. FLORANTE PADRONES, ACCUSED-APPELLANT.*G.R. NO. 150234. September 30, 2005*

Ponente: CARPIO MORALES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-150234/>**CARPIO MORALES, J.:**

On review is the Court of Appeals Decision[1] dated October 18, 2001 affirming with modification the consolidated judgment of Branch 52 of the Regional Trial Court (RTC) of Puerto Princesa convicting accused-appellant of three offenses in Criminal Case Nos. 10104, 10314, and 10315.

On April 9, 1992 at around 10:00 o'clock in the evening, a grenade exploded near the Northern Operators and Drivers Association (NODA) terminal at Malvar Street, Puerto Princesa City, Palawan, killing Elias Laurente (Elias) who was at the second floor of his 2-storey house nearby, and slightly injuring two children and an elderly lady in the vicinity.

The following day, April 10, 1992, at close to midnight, Elpedio Presto (Presto) of Barangay Matahimik, Puerto Princesa City gave a sworn statement[2] before the Puerto Princesa police alleging that the night before, while he was watching television at his house, he was fetched by his wife's cousin to extend help to one Ome Pareja, who was being awaited at the terminal by some persons; and as soon as Ome emerged from the terminal, he (Ome) and the persons waiting for him including accused-appellant Florante Padrones (appellant) had an altercation and as he (Presto) attempted to pacify the parties, appellant at once pulled the pin of a grenade and threw it at his adversaries.

At the same time and day, April 10, 1992, Anastacio Lastrella and Domingo Lastrella (the Lastrellas) also gave a joint sworn statement before the police alleging that the night before, while they were standing by the NODA terminal, "may dalawang taong lasing na sina ANGGAY PADRONES at ROMEO PAREJA 'ALIAS OME' na may dalang granada at si [appellant] ANGGAY PADRONES ang may hawak ng nasabing granada;" that appellant warned "na huwag kang (sic) lalapit sa akin at ikaw (sic) ay madadamay lang dito sa gulong ito;" and that appellant threw the grenade towards a carinderia which landed and exploded on the ground, following which he immediately fled, and while they chased him, they failed.

More than two months after Presto and the Lastrellas gave their sworn statements or on June 17, 1992, they executed their respective Pagbabawi ng Salaysay.

In their Pagbabawi ng Pinagsamang Salaysay, the Lastrellas alleged that, inter alia, they did not "gaanong naintindihan" what were incorporated in their earlier joint statement as they were drunk during the incident and had a hang-over at the time it was taken, and they were not certain that appellant was the one who threw the grenade as "may kadiliman" at the spot where the person threw the grenade.

x x x

- Na kami ay nagsagawa ng isang Pinagsamang Salaysay noong ika-10 ng Abril, 1992 tungkol sa isang

insidente na nagyari noong ika-9 ng gabi ng Abril, 1992 sa Malvar Street, Puerto Princesa City;

- Na ang nga nakasaad sa nasabing salaysay ay hindi namin gaanong naunawaan dahil kami ay naka-inom noong gabi at may hang-over noong ginawa ang nasabing salaysay;

- Na hindi namin sigurado na si Anggay Padrones nga ang taong nagtapon ng granada dahil noong mangyari and insidente ay medyo may kadiliman sa bahaging kinaroroonan ng taong naghagis at hindi namin gaanong maaninag kung sino ang nagtapon ng granada;

- Na ang sinsabi naming Anggay Padrones na nagtapon ng granada ay ayon lamang sa aming mga narinig na usap-usapan ngunit ito ay hindi naming tiyak;

- Na kami ay nagkasundo na hindi na magtitistigo laban kay Florante "Anggay" Padrones at aming pinawalang saysay ang aming naunang ginawang Pinagsanib na salaysay sapagkat talagang hindi namin sigurado na si Anggay Padrones nga ang naghagis ng granada.[3] (Underscoring supplied)

And Presto, in his Pagbawi ng Sinumpaang Salaysay, similarly alleged that he did not "gaanong naunawaan" the contents of his sworn statement "dahil sa bilis ng panahon."

x x x

- Na ako ay nagbigay ng isang Salaysay sa himpilan ng Pulisya ng Lungsod ng Puerto Princesa sa pagsisiyasat ni SPO1 Virgilio Alvarez noong ika-9 ng Abril, 1992 sa ganap na ika-11:30 ng gabi;

- Na ang mga nakasaad sa nasabing salaysay ay hindi ko gaanong naunawaan dahil sa bilis ng pangyayari at agarang pagbibigay ko ng aking malayang salaysay;

- Na noong pagbigay ko ng aking Malayang Salaysay sa himpilan ng Pulisya ay hindi ko pa gaanong naunawaan ang puno at dulo ng pangyayari at ang pangalang Anggay Padrones ay narinig ko lamang sa mga taong nag-uusap-usap na yon daw ang pangalan ng naghagis ng granada;

- Na matapos kong makita ang sinasabi nilang Anggay Padrones ay natitiyak kong hindi siya ang taong nakita ko na naghagis ng granada, at maaaring napagkamalan lamang siya ng ibang tao at ang pangalan niya ang sinasabi na naghagis ng granada;

- Na ako ay kusang loob na nagsagawa ng salaysay na ito upang ipaliwanag saysay ang aking naunang ginawang salaysay at hindi na ako magtetistigo laban sa pagkatao ni Ginoong Florante "Anggay" Padrones.[4] (Underscoring supplied)

About five months after the grenade blast incident or on September 4, 1992, three Informations for Homicide, Violation of Presidential Decree No. 1866,[5] and Violation of COMELEC Resolution No. 2323[6] were filed against appellant before the RTC of Puerto Princesa City. The Informations, which were consolidated and lodged at Branch 51 of the RTC, respectively read as follows:

CRIMINAL CASE NO. 10104 (for Homicide)

That on or about the 9[th] day of April 1992, in the evening, at Malvar Street, Puerto Princesa City, Philippines and within the jurisdiction of this Honorable Court, the said accused conspiring and confederating together with John Doe and William Doe whose true identities and present whereabouts are still unknown, and mutually helping one another, did then and there willfully, unlawfully and feloniously with intent to kill, exploded (sic) a hand grenade which hit one Elias Laurente thereby inflicting upon the latter mortal wounds which were the direct and immediate cause of his death.

CONTRARY TO LAW.[7] (Underscoring supplied)

CRIMINAL CASE NO. 10314

(for violation of COMELEC Resolution)

That on or about the 9[th] day of April 1992, in the evening, at Malvar Street, Puerto Princesa City, Philippines and within the jurisdiction of this Honorable Court, the said accused, did then and there willfully, unlawfully and feloniously have in his possession, custody and control one (1) handgrenade without first securing the necessary permit and/or license to possess the same which is in violation of COMELEC Resolution No. 2323, dated December 11, 1991, in relation to Section 261, paragraphs (p) (q) (r) (z) (t) and (u), Sections 32 and 33 of Republic Act No. 7166 (Omnibus Election Code).

CONTRARY TO LAW.[8] (Emphasis and underscoring supplied)

CRIMINAL CASE NO. 10315

(for violation of P.D. 1866)

That on or about the 9[th] day of April, 1992, in the evening, at Malvar St., Puerto Prinsesa City, Philippines, and within the jurisdiction of this Honorable Court, the said accused, did then and there willfully, unlawfully and feloniously have in his possession, custody and control one (1) hand grenade without first securing the necessary permit and/or license from the proper authorities to possess the same, which is in violation of PD 1866.

CONTRARY TO LAW.[9] (Emphasis and underscoring supplied)

Listed in each of the three informations were the following five common witnesses, Presto and the Lastrellas (the three who had previously executed sworn statements dated April 10, 1992 pointing to appellant as the person they saw hurling the grenade but who subsequently executed affidavits of June 17, 1992 recanting said sworn statements), the victim's brother Ruben T. Laurente, and one Abet Valeña.

Upon arraignment, appellant entered a plea of not guilty.[10]

On the scheduled hearing of the cases on June 8, 1993, the prosecution manifested that three (Presto and the two Lastrellas) of the five witnesses listed in the informations had executed (on June 17, 1992) "affidavits of desistance" before the NBI. The prosecution thereupon called to the witness stand, without offering the purpose of his testimony,[11] Nathan Hermosura (Hermosura), a resident of 20-B Malvar St., Puerto Princesa City. No objection to the admission of Hermosura's testimony was, however, raised by the defense.

Hermosura, a tricycle driver, for the first time since the incident occurred more than a year earlier, gave an account of what he claimed to have witnessed, as follows:

About 10:00 o'clock in the evening of April 9, 1992, while he was resting by the roadside fronting the NODA terminal at Malvar Street,[12] he, at a distance of ten meters, saw appellant, also known in the place as "Anggay Padrones," arrive on a tricycle with a companion. On stepping down from the tricycle, appellant "suddenly approached his companion while some w[ere] trying to pacify them." [13] An altercation ensued following which appellant, holding a hand grenade with his left hand and the safety pin thereof with his right,[14] threatened to throw it to the persons with whom he was quarrelling. Appellant, who was at the middle of the road, soon pulled the safety pin of the greande and threw it to his enemies[15] who were more or less two to three meters away.[16]

Hermosura went on to declare as follows:

Before the grenade could explode, appellant fled, and the intended victims chased him. Roughly ten seconds after the grenade was thrown, it exploded at which time appellant and the intended victims were already far, hence, none of them was injured by the blast.[17]

The prosecution also presented the doctor who attended to the fatality Elias at the hospital, as well as Elias'

brother Ruben Laurente who testified on the civil aspect of the case consisting of claims for actual damages in the amount of P20,000.00 to P25,000.00[18] representing expenses for interment, and moral damages in the amount of P200,000.00 on account of his brother's death.[19]

The prosecution furthermore presented SPO1 Rolando Amorao of the Firearm and Explosive Unit of the Philippine National Police (PNP) who declared that appellant was not duly licensed or authorized to possess any firearm or explosive, as borne out by the certification issued by the Provincial Director of PNP of Palawan.[20]

This Court notes that the fifth listed witness in the informations, Abet Valeña, was not subpoenaed to testify. Nor was he presented by the prosecution.

Appellant, who gave his occupation as cockpit referee, a resident of Libis, San Pedro, Puerto Princesa City, denied the accusations. Admitting that he was at the NODA terminal at Malvar Street on April 9, 1992 at around 10:00 o'clock in the evening, he gave his version of the incident as follows:

While he was at the NODA terminal about to board a vehicle bound for Roxas, three strangers who were drunk approached him, asking him where he was going, to which he replied that he was going to Roxas. Without any provocation, the strangers uttered invectives at him and they "quarreled," drawing him to retreat. As he was retreating, he noticed that something was thrown at him by one of the three. He thus "ran and that thing exploded." He then decided to go home.[21]

The following day he was apprehended by the police who told him that he was pointed to as the suspect by witnesses Presto and the Lastrellas.[22] When he confronted the three, however, they told him that they just heard his name mentioned by the police and that they were even drunk when they made their statements. That explains why the three repaired to the National Bureau of Investigation (NBI) to withdraw their statements implicating him.[23]

The defense also presented Romeo Pareja[24] (Pareja), the father of the two girls, Annalyn and Genelyn, who were slightly injured by the explosion.

At the witness stand, Pareja declared as follows:

On the date and time of the incident, he, together with his wife and his two daughters were walking on their way home from Mendoza Park.[25] As they were passing through Malvar Street, he noticed that appellant was engaged in a conversation with three persons. He soon heard an explosion[26] but he did not see who was responsible therefor. While he later came to know that appellant was accused for the incident, he did not lodge any complaint against him as the injuries of his children were only slight.[27]

By the assailed consolidated judgment, the trial court convicted appellant of the three charges. The decretal text of the trial court's decision reads:

"WHEREFORE, premises considered, a consolidated judgment is hereby rendered declaring that in:

- CRIMINAL CASE NO. 10,104, the accused FLORANTE PADRONES is found and pronounced guilty beyond reasonable doubt as principal of the crime of homicide and there being no modifying circumstances appreciated, and applying the provisions of the Indeterminate Sentence Law, he is hereby sentenced to an indeterminate penalty ranging from a minimum of EIGHT (8) YEARS and ONE (1) DAY of prison mayor in its medium period, to a maximum of FOURTEEN (14) YEARS and TEN (10) MONTHS of reclusion temporal in its medium period; to pay the heirs of Elias Laurente;

a) Actual and compensatory damages
for funeral and interment expenses -----P25,000.00;

and

b) Civil indemnity for the death of the victim, Elias Laurente -----P50,000.00.

- CRIMINAL CASE NO.10,314, the accused Florante Padrones is found and pronounced guilty beyond reasonable doubt of the crime of Violation of COMELEC RESOLUTION NO. 2323, and there being no modifying circumstances appreciated, and being entitled to the benefits of the Indeterminate Sentence Law, he is hereby sentenced to an indeterminate penalty ranging from a minimum of ONE (1) YEAR and ONE (1) DAY to a maximum of FOUR (4) YEARS, and shall not be qualified for probation nor from holding public office and from the right to suffrage.

- CRIMINAL CASE NO. 10,315, the accused FLORANTE PADRONES is found and pronounced guilty beyond reasonable doubt of the crime of illegal possession of explosives in violation of Sec. 3, Presidential Decree 1866, and there being no modifying circumstances appreciated, he is hereby sentenced to SEVENTEEN (17) YEARS, FOUR (4) MONTHS and ONE (1) DAY of reclusion temporal in its maximum period, to twenty (20) years of reclusion temporal also in its maximum period; and to pay the costs in each of the three cases.

SO ORDERED."[28] (Emphasis an underscoring supplied)

On appeal, the Court of Appeals affirmed with modification the consolidated judgment of the trial court, the dispositive portion of which reads:

"WHEREFORE, premises considered, the consolidated judgment dated November 20, 1995 is hereby AFFIRMED with MODIFICATION. The appellant is hereby convicted of the crime of murder penalized under Article 248, paragraph 3 of the Revised Penal Code, but the conviction of the appellant under Presidential Decree No. 1866 is hereby disregarded in view of the promulgation of Republic Act No. 8294.[29]

However, consonant with the findings of this Court increasing the penalty imposable upon the appellant from reclusion perpetua to death, and in relation to Section 13, 2[nd] paragraph, Rule 124 of the Revised Penal Code, We hereby certify and elevate the entire records of this case to the Supreme Court for further review.

SO ORDERED."[30] (Emphasis and underscoring supplied)

The appellate court before which the defense challenged the credibility of prosecution alleged eyewitness Hermosura held that his positive testimony, which reflected a straightforward recollection of what he witnessed at the time of the incident and was not rebutted by appellant's mere denial,[31] proved appellant's guilt beyond reasonable doubt.

Brushing aside appellant's claim that one of the three strangers with whom he had altercation before the explosion occurred was the one who threw the grenade, the appellate court held, quoted verbatim:

The appellant postulated the authorship of the bombing to one of the three male individuals whom he had altercation minutes before the explosion. To our bewilderment, it is inconceivable why the appellant, who had been a resident of the place for more than twenty (20) years, does not have a slight idea who were the said three male individuals. He did not even soliloquize the cause of their disagreement and altercation if only to give a convincing narration of the facts. More importantly, the appellant is facing an impasse signifying the termination of the very reason for his existence. His freedom for the remaining years of his life is at stake. If indeed his assertions are true, then, he should have been vigilant of finding the felon who threw the grenade and let him face the court to answer for all the consequences of the felon's evil actions. But he did not. He merely says he doesn't know them neither the reason for their dispute.[32]

Thus finding appellant to have thrown the hand grenade which exploded and resulted to the death of Elias, the

appellate court held that "the attendant explosion" qualified the crime to murder,[33] with the enactment of Republic Act No. 8294, it stressing that appellant should not be penalized for the separate offense of illegal possession of explosive under P.D. No. 1866.[34]

The appellate court was silent with respect to appellant's conviction for violation of COMELEC Resolution No. 2323.

In light of the 2[nd] paragraph of Section 13 of Rule 124[35] of the Revised Rules of Court, the case was certified and elevated to this Court for decision.

A review of the records of the case leaves much to be desired on the credibility of the testimony of prosecution witness Hermosura –main anchor of the conviction of appellant.

Consider the following testimony of Hermosura on direct examination on the facts surrounding the death of Elias – from the alleged altercation between appellant and the unidentified men through the alleged throwing of the hand grenade by appellant to his alleged bringing of the two children victims to a nearby hospital, quoted verbatim.

x x x

Q

What was that unusual incident that you have witnessed Mr. Witness?

A

When Anggay Padrones reached the place and had a quarrel with another man he throw a grenade and afterwards we also hid ourselves, after a while I look at the place the handgranade exploded.

Q

As a result of explosion of hand grenade, what happen?

A

I saw persons hit and brought them to the hospital.

Q

Who were these persons which you have brought to the hospital?

A

They were two children that was hit on the head and the back.

Q

Could you name them?

A

I do not know their name, sir.

Q

Were there other victim of that explosion if you know?

A

Yes, sir.

Q

Who were the other victim?

A

A certain Elias Laurente and an elderly one who is taking care of the store.

Q

About this Elias Laurente, what happen to him because of this injury?

A

He is dead on arrival at the hospital.

Q

Whom are you saying which you saw who throw the hand grenade?

A

Anggay Padrones, sir.

Q

Do you know the true name of Anggay Padrones?

A

Yes, sir.

Q

What is his true name?

A

Florante Padrones, sir.

Q

If this Florante Padrones is in the courtroom could you point to him out?

A

Yes, sir.

Q

Will you please point him out?

NOTE: Witness pointed to a person who stood up and identified himself as FLORANTE PADRONES.

Q

Mr. Witness, after this Elias Laurente was brought to the hospital what did you do next?

A

We brought him to the Samphaton funeral parlor in the morning.

Q

What was the injury sustain by Elias Laurente?

A

He was hit on the breast by sharpnail.

Q

Now, you said that you saw Anggay Padrones throw the handgranade, what place did he throw that granade?

A

At the middle of the road, sir.

Q

What road Mr Witness?

A

At Malvar street, sir.

Q

And where was he when he throw the hand granade?

A

He was also at the middle of the road.

Q

How far were you from Anggay Padrones when he throw that hand grenade?

A

More or less five (5) meters.

COURT:

Q

You were only five (5) meters away?

A

Yes, sir.

COURT: Proceed Atty. Ruelo.

ATTY. RUELO: Thank your honor.

ATTY. RUELO:

Q

You also said that Anggay Padrones was in the middle of the road when he throw the grenade, how far from Anggay Padrones when the grenade exploded?

A

I can not determine, sir because he already run away and he also hid himself and I also hid myself.

Q

Where was Elias Laurente when the grenade exploded?

A

Elias Laurente was at the second floor of their house, he was upstairs inside the room.

Q

To where did you hid yourself when you saw grenade was thrown by Anggay Padrones?

A

When I hid it did not yet exploded then I peep it.

Q

Mr. Witness, were you hit by the sharpnail?

A

No, sir only the sand and small stones?

Q

And what part of your body was hit by the small stones?

A

My hand and my breast.

x x x

COURT: Proceed Atty. Ruelo.

ATTY. RUELO:

Q

Mr. Witness how far were you from the place where the grenade exploded?

A

More or less 10 meters, sir.

Q

And how long after the handgranade hit road and exploded?

A

More or less 10 seconds, sir.

COURT:

Q

Before that incident that evening did you already know the accused in this incident?

A

Yes, sir I used to see him at the cockpit.

x x x

ATTY. RUELO:

to witness)

Q

You said Mr. Witness a while ago that Elias Laurente was upstairs when the grenade exploded, how do you know that he was upstairs?

A

I used to pass by the house of the victim, I know that by that time he was asleep at his room upstairs.

x x x[36] (Emphasis and underscoring supplied)

On cross-examination,[37] Hermosura claimed that he brought the two children to the hospital, one of whom was hit on the temple by a shrapnel, and the other sustained a wound at her back.[38] When asked, however, who the children were, he could not furnish their names.

Hermosura's testimony that he brought the children to the hospital is belied by their father's claim that he brought them to the hospital. That he does not even know the names of the children, assuming that he assisted the father in bringing them to the hospital, betrays his prevarication, for it is incredible that he would not have come to know their names, given the usual procedure in hospitals to note down the names of patients.

As for Hermosura's claim that the children were more or less two (2) meters away from the explosion, it is likewise belied by their father's testimony that "he and his family were more or less 12 meters from the place where the blast occurred." [39] Not only that. It is incredible. For by the natural course of things, if the children were merely two meters away from the place where the blast occurred, they would have been killed or maimed or seriously wounded. But they merely suffered slight injuries.

Romeo Pareja's testifying for the defense, instead of for the prosecution, only indicates that he was not convinced of appellant's involvement.

More incredibilities. When asked where the fatal victim Elias was when the grenade exploded, Hermosura declared that the latter was "at the second floor of their house inside the room." [40] When pressed how he could have known of Elias whereabouts, he replied that he "used to pass by the house of the victim and he knew that by that time he was asleep at his room upstairs." [41]

And why Hermosura remained at the scene where the alleged warring parties were, despite his claim that appellant was dangling the grenade for 2 minutes before he threw it, [42] defies credulity. For the normal reaction of a person who is faced with a threat to his life with the possible throwing of a hand grenade in the vicinity

would be, in an instinct of self-preservation, to hie to a safe place to avoid being hit in case it is thrown as it was, in the case at bar, eventually.

On Hermosura's claim that appellant threw the hand grenade to his adversaries who were about 2 to 3 meters away:[43] Why a person in the offensive who tries to harm his enemies by throwing a grenade at such close distance, which undoubtedly could also cause him harm unless of course he wants to commit hara-kiri, further defies credulity.

Hermosura's lack of credibility becomes more pronounced on considering his belated posturing as a witness for the prosecution. Notatu digdum is his failure to immediately give any statement in connection with the case, like the three alleged eyewitnesses who were to recant their statements later. It was only more that a year from the occurrence of the incident on April 9, 1992 or on June 8, 1993 that he, for the first time, gave his account, when he took the witness stand, of what he allegedly witnessed. His explanation behind his failure to timely give a statement — that he took care of the deceased, who certainly did not lie in state for more than a year — betrays his absolute lack of knowledge of the incident.

To be credible, testimonial evidence should come not only from the mouth of a credible witness. The testimony must also be credible, reasonable and in accord with human experience.[44] No better test has yet been found to determine the weight of the testimony of a witness than its conformity to the knowledge and common experience of mankind.[45] This Court finds that Hermosura's testimony failed to pass this test.

Since the prosecution must rely on the strength of its own evidence but it has failed to discharge its burden of prima facie proving the guilt beyond reasonable doubt of appellant, the burden of the evidence did not pass to the defense. This leaves it unnecessary to discuss the merits of the defense. Suffice it to state that appellant's tale is not incredible.

WHEREFORE, the Decision of the Court of Appeals dated October 18, 2001 is hereby REVERSED and SET ASIDE for failure of the prosecution to prove beyond reasonable doubt the guilt of appellant, Florante Padrones, who is accordingly hereby ACQUITTED of all the crimes charged against him.

Director Dionisio Santiago of the Bureau of Correction, Muntinlupa City, is hereby directed to forthwith cause the release of appellant Florante Padrones unless he is being lawfully held for another cause and to inform the Court accordingly within 10 days from notice.

Let a copy of this Decision be furnished Director Santiago.

Costs de officio.

SO ORDERED.

Davide, Jr., Puno, Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Callejo, Sr., Tinga, Corona, Azcuna, Chico-Nazario, and Garcia, JJ., concur.

[1] Rollo at 128-142.

[2] Records, Vol. I at 4.

[3] Exhibit "1", Folder of Exhibits.

[4] Exhibit "2", Folder of Exhibits.

[5] CODIFYING THE LAWS ON ILLEGAL/UNLAWFUL POSSESSION, MANUFACTURE, DEALING IN,

ACQUISITION OR DISPOSITION OF FIREARMS, AMMUNITION OR EXPLOSIVES OR INSTRUMENTS USED IN THE MANUFACTURE OF FIREARMS, AMMUNITION OR EXPLOSIVES, AND IMPOSING STIFFER PENALTIES FOR CERTAIN VIOLATIONS THEREOF AND FOR RELEVANT PURPOSES

[6] Issued on December 11, 1991, "IN THE MATTER OF PROMULGATING THE RULES ON: (A) BEARING, CARRYING OR TRANSPORTING FIREARMS OR OTHER DEADLY WEAPONS; (B) SECURITY PERSONNEL OR BODYGUARDS; (C) BEARING ARMS BY ANY MEMBERS OF SECURITY OR POLICE ORGANIZATION OF GOVERNMENT AND OTHERS; (D) ORGANIZATION OR MAINTENANCE OF REACTION FORCES, OR OTHER SIMILAR FORCES DURING THE ELECTION PERIOD IN CONNECTION WITH THE SYNCHRONIZED NATIONAL AND LOCAL ELECTIONS ON MAY 11, 1992"

xxx

WHEREAS, Section 261, paragraphs (p), (q), (r), (s) (t), and (u), Sections 32 and 33 of Republic Act No. 7166, prohibit: any person from bearing, carrying or transporting firearms and other deadly weapons, including the regular members or officers of the Philippines and other law enforcement agencies of the government who are not deputized in writing by the Commission for election duty; any candidate or other person from employing bodyguards of a candidate and others; any member of security or police organization of government agencies or the like or privately owned or operated security, investigative, protective or intelligence agencies from bearing arms; and any person from organizing or maintaining reaction forces or other similar forces during the election period;

xxx

SECTION 2. Prohibitions. — During the election period, it shall be unlawful for:

(a)

Any person, who although possessing a permit to carry firearms, carries any firearms outside his residence or place of business;

(b)

Any member or officer of the Armed forces of the Philippines, Philippine National Police, and any member or officer of other law enforcement agencies of the government to bear firearms outside of their respective barracks, garrisons, camps, offices, or such other military or police installations;

(c)

Any person who shall bear, carry or transport firearms or other deadly weapons in public places, including any building, street, park, private vehicle or public conveyance; and

(d)

Any candidate for public office, including incumbent officers seeking election to any public office or any other person who shall employ, avail himself of or engage the services of security personnel or bodyguards, whether or not such bodyguards are regular members or officers of the Philippine National Police, the Armed Forces of the Philippines or other law enforcement agency of the government;

(e)

Any person who acts as security personnel or bodyguard of any candidate or any other person;

(f)

Any member of security or police organization of government agencies, commissions, councils, bureaus, offices or government owned or controlled corporations or privately-owned or operated security, investigative, protective or intelligence agencies who bears arms outside the immediate vicinity of his place or work; and

(g)

Any person who organizes or maintains reaction forces, strike forces or similar forces. (Emphasis supplied)

[7] Records, Vol. I at 1.

[8] Records, Vol. II at 1.

[9] Records, Vol. III at 1.

[10] Rollo at 129.

[11] Rule 132, Sec. 34.

Sec. 34. Offer of evidence. – The court shall consider no evidence which has not been formally offered. The purpose for which the evidence is offered must be specified.

Rule 132, Sec. 35.

Sec. 35. When to make offer. – As regards the testimony of a witness, the offer must be made at the time the witness is called to testify.

Documentary and object evidence shall be offered after the presentation of a party's testimonial evidence. Such offer shall be done orally unless allowed by the court to be done in writing.

[12] TSN, June 8, 1993 at 11.

[13] Id. at 4 and 11-12.

[14] Id. at 16.

[15] Id. at 6 and 16.

[16] Id. at 13.

[17] Id. at 14.

[18] Id. at 8.

[19] Id. at 10.

[20] TSN, September 14, 1993 at 3.

[21] TSN, August 18, 1994 at 3.

[22] Id. at 4.

[23] Id. at 5. The retraction was evidenced by a document entitled "Pagbabawi ng Pinagsamang Salaysay" signed by Anastacio and Domingo Lastrella and "Pagbabawi ng Sinumpaang Salaysay" executed by Elpidio Presto.

[24] The three listed prosecution witnesses who recanted their sworn statements referred to one Romeo or Ome Pareja as having engaged in an altercation with persons waiting for him.

[25] TSN, June 30, 1994 at 2.

[26] Id. at 2-3.

[27] Id. at 4-5.

[28] Rollo at 31-32.

[29] AN ACT AMENDING THE PROVISIONS OF PRESIDENTIAL DECREE NO. 1866, AS AMENDED, ENTITLED "CODIFYING THE LAWS ON ILLEGAL/UNLAWFUL POSSESSION, MANUFACTURE, DEALING IN, ACQUISITION OR DISPOSITION OF FIREARMS, AMMUNITION OR EXPLOSIVES OR INSTRUMENTS USED IN THE MANUFACTURE OF FIREARMS, AMMUNITION OR EXPLOSIVES, AND IMPOSING STIFFER PENALTIES FOR CERTAIN VIOLATIONS THEREOF, AND FOR RELEVANT PURPOSES," which took effect on July 6, 1997.

[30] Rollo at 142.

[31] Id. at 135.

[32] Id. at 137.

[33] Id. at 140.

[34] Id. at 141.

[35] Sec. 13, Rule 124 of the Revised Rules of Court provides:

Sec. 13. Quorum of the court; certification of appeal of cases to Supreme Court. – Three (3) Justices of the Court of Appeals shall constitute a quorum for the sessions of a division. The unanimous vote of three (3) Justices of a division shall be necessary for the pronouncement of a judgment or final resolution, which shall be reached in consultation before the writing of the opinion by a member of the division. In the event that the three (3) Justices can not reach a unanimous vote, the Presiding Justice shall direct the raffle committed of the Court to designate two (2) additional Justices to sit temporarily with them, forming a special division of five (5) members and the concurrence of a majority such division shall be necessary for the pronouncement of a judgment or final resolution. The designation of such additional Justices shall be made strictly by raffle and rotation among all other Justices of the Court of Appeal.

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. (*Italics in the original, underscoring supplied*)

[36] TSN, June 8, 1993 at 3-8.

[37] Id. at 12-19. On cross-examination, Hermosura testified as follows:

xxx

Q

When the accused Florante Padrones arrived what were they doing Mr Witness?

A

He suddenly approach his companion and one was trying to pacify them but he threaten that his holding grenade, after 3 minutes he did throw.

Q

You said Mr. Witness that when the accused Florante Padroness arrived and his companion at that place NODA terminal they had an altercation, can you identify that other person whom Florante Padrones had an altercation?

A

I do not know that person.

Q

Was that person Mr. Witness injured during that explosion?

A

No, sir.

x x x

Q

To whom was that grenade thrown by Florante Padrones?

A

For that person whom he had altercation.

Q

And what is the distance with that one he had altercation from Florante Padrones?

A

More or less 2 to 3 meters, sir.

Q

So in that condition when accused Florante Padrones throw to the intended person he was very near at about 2 to 3 meters?

A

Yes, sir.

Q

Now when the grenade was thrown by Florante Padrones towards his enemy what did Florante Padrones do at that very moment?

A

Florante Padrones was chase (sic) by his enemy.

x x x

Q

When Florante Padrones throw the granade (sic) to his intended enemy what was their distance to each other Mr Witness?

A

More or less 2 to 3 meters.

Q

So they were facing with each other?

A

Yes, sir.

Q

And where did the grenade fall, to his enemy or to him?

A

To his enemy, sir.

Q

And how many seconds did it take before it exploded when it was thrown?

A

More or less 10 seconds.

Q

At about 10 seconds from the time it was thrown how far was Florante Padrones?

A

Very far because he already ran away.

Q

How about the enemy of Florante Padrones?

A

Far also because he was chasing Florante Padrones.

Q

Towards what direction were they running?

A

Toward the terminal of Roxas.

Q

Is it not a fact Mr Witness that there were several person during that time?

A

Yes, sir.

x x x

Q

At that time Mr. Witness at about 10:00 o'clock in the evening you said you recognized the said accused Florante Padrones, was there any light at the vicinity?

A

Yes, sir.

Q

Despite the presence of so many person waiting for ride on the NODA terminal?

A

Yes, sir.

Q

Can you to the Honorable Court how Florante Padrones hold the hand granade? (sic)

A

He was holding by his left hand and on the right hand is the pin.

Q

What was your distance from Florante Padrones?

A

More or less five meters, sir.

Q

And by that time which is a night time Mr Witness you were able to see the pin of the hand grenade? (sic)

A

It is covered by his hand.

Q

So in other words you did not actually see the pin of the hand grenade because it is covered by his hand?

A

Yes, sir.

Q

So it comes only to your mind that his holding hand grenade? (sic)

A

I saw it while he is till holding it because he show it to us.

Q

How could he show it to the people?

A

He hold it dangling on his hand.

x x x

Q

You also said Mr Witness that initially Florante Padrones was holding with his left hand the hand grenade (sic), and his right hand was holding the pin, how long did it he hold it on that position?

A

More or less 2 minutes, sir.

Q

And how long Mr Witness that you saw Florante Padrones holding the pin over his right hand?

A

Just seconds, sir.

Q

And how long from that last position before the hand grenade(sic) was thrown?

A

More or less one minute.

Q

Did you like to tell the court that when he throw (sic) the hand grenade (sic) with only his right hand?

A

Left hand, sir.

Q

What hand?

A

Left hand.

Q

When you said Mr. Witness that he was showing this hand grenade (sic) to the person around, what hand was he using that time?

A

The right hand, sir.

Q

But when he throw (sic) it he used the left hand?

A

Yes, sir.

x x x

Q

Mr. Witness have you executed any affidavit in connection with this case?

A

None, sir.

Q

When for the first time did you desire to testify in this case?

A

Since the time of the incident, sir.

Q

But since that time you have not executed your affidavit and reduce it into writing what you have witness (sic) during that time?

A

Yes, sir because we took care of the deceased.

Q

Why Mr. Witness are you related to the victim?

A

No, sir.

COURT:

To witness) Is he your neighbor?

A

Yes, sir.

ATTY. SERATUBIAS:

To witness)

Q

In fact you did not receive any subpoena to appear in this court today?

A

Yes, sir.

Q

And you were aware that the alleged eye witnesses have already retracted their statement?

PROS. PE:

To court) The witness is incompetent your honor.

COURT: Yes the witness is incompetent.

ATTY SERATUBIAS:

Q

By the way Mr. Witness what is your religion?

A

Catholic, sir.

Q

You testify a while ago Mr. Witness that there were 2 children you brought to the hospital and one elderly was injured of the explosion, do you (sic) if the victim filed a case against the accused?

A

I do not know, sir.

Q

You said Mr. Witness that the color of the hand grenade (sic) is black, how sure are you Mr. Witness when it is night time?

A

I saw it because there was light around.

Q

How far Mr Witness was the nearest light to the accused Florante Padrones when he show the hand grenade to the people?

A

More or less 3 to 5 meters.

Q

And how high is that post where that light was located?

A

More or less 10 meters in height.

Q

How far were you from the post where the light was?

A

More or less 10 meters because I was on opposite side of the road.

Q

From that distance could you discribe (sic) the color of hand grenade (sic) as you said black?

A

Yes, sir.

Q

Can you distinguish a green and black color in the night time?

A

Yes, sir.

Q

How about the other dark color Mr. Witness can you also recognize during night time?

A

Yes, sir.

Q

And do you know that this dark color appears to be black during night time?

A

No, sir.

ATTY. SERATUBIAS: to court)

That will be all for the witness your honor.(Emphasis and underscoring supplied)

[38] Id. at 11.

[39] Ibid.

[40] TSN, June 8, 1993 at 7.

[41] Id. at 8.

[42] TSN, June 8, 1993 at 16.

[43] Id. at 13.

[44] People v. Garillo 398 SCRA 118, 127 (2003); People v. Pano, 257 SCRA 274, 280 (1996).

[45] People v. Aldana 175 SCRA 635, 642 (1989).

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.