

ROGELIO SOPLENTE, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. No. 152715. July 29, 2005

Ponente: TINGA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-152715/>

TINGA, J.:

Self-preservation is the first law of nature.

- Samuel Butler

A person acting in self-defense is apt to unleash with lightning speed the terrible swift sword. It is perhaps the speed with which the relevant actions transpire that poses some difficulty in the adjudication of many self-defense claims. The events in this case involve several actors and a series of assaults, all occurring within the span of several blinks of the eye. The totality of the picture convinces us that the accused was enmeshed in a web of danger which convulsed him into a reasonable fear for his life. It is under that dark cloud that the accused, as he readily admits, ended the life of Joel Notarte. The loss of life is cause for grief, but the facts dictate that the killing was justified under the circumstances.

Rogelio Soplente (Rogelio) seeks the reversal of the Decision[1] and the Resolution[2] denying his motion for reconsideration thereof, rendered by the Court of Appeals (CA) in CA-G.R. No. 20446. The CA affirmed the Decision[3] of the Regional Trial Court (RTC) of General Santos City, Branch 22 acquitting Rogelio of the crime of frustrated homicide in Criminal Case No. 5093 but convicting him of homicide in Criminal Case No. 5094.

The antecedent operative facts follow.

Originally, Rogelio and his first cousin Nicanor Soplente (Nicanor) were jointly charged with frustrated homicide for the wounding of Eduardo Leyson VI (Leyson) and with homicide for the killing of Joel Notarte (Notarte) under informations with the following accusatory portions:

I. Criminal Case No. 5093

That on or about 12:30 o'clock in the early morning of May 4, 1988 at Purok Santa Cruz, San Pedro Street, Lagao, General Santos City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping one another, with intent to kill and with the use of a knife, did then and there willfully, unlawfully, and feloniously stab one Eduardo Leyson VI hitting him on his left arm (through and through), which wound ordinarily would cause the death of said Eduardo Leyson VI, thus 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 causes independent of his will and the timely and able medical assistance rendered to said Eduardo Leyson VI which prevented his death.[4]

II. Criminal Case No. 5094

That on or about 12:30 o'clock in the early morning of May 4, 1988 at Purok Santa Cruz, San Pedro St., Lagao, General Santos City, Philippines and within the jurisdiction of this Honorable Court, the above-named

accused, conspiring, confederating and mutually helping one another, with intent to kill and armed with a deadly weapon, did then and there willfully, unlawfully and feloniously stab Joel Notarte, thereby inflicting upon the latter stab wound which caused his instantaneous death.[5]

The prosecution's evidence, culled mainly from the oral testimonies of Gracidio Gulle (Gulle), Renato Besinga (Besinga) and Leyson, revealed the following:

A group consisting of Leyson, Notarte, Besinga, Gulle, Ewing Bayani, Ralowe Velayo, Ebol Bayani, Reynaldo Jamerlan and Bond de Vera were drinking and conversing in the early evening of 3 May 1988 which was the occasion of the fiesta at Purok Sta. Cruz, San Pedro St., Lagao, General Santos City. They were at the store of a certain Diola which was situated near the stage where the amateur singing contest was to be held.[6]

During the singing contest, which started at around ten o'clock in the evening (10:00 p.m.), Bepong Cambarijan (Cambarijan) approached Gulle to tell him that Rogelio and Nicanor Soplente (the two accused) had asked him and Estoy Provido (Provido), who was tough among the group. Without telling anybody except Leyson and Notarte about the incident, Gulle went to the house of policeman Rudy Penequito (Penequito) to get help. Penequito instructed Gulle to refrain from accosting the Soplente cousins to avoid disturbing the singing contest. Penequito also approached Rogelio and Nicanor and admonished them not to make trouble, but despite the intervention, Gulle, Notarte and Leyson watched the Soplente cousins still. Gulle, along with Bebing Go, then accosted the Soplente cousins and inquired where they came from. Nicanor politely answered that they were staying with Susing Cafi (Susing). Since Gulle and the others knew that Susing was a local resident, they were satisfied with the answer and they left the Soplente cousins alone. Gulle however noticed that Nicanor smelled of liquor.[7]

The group of Leyson and the Soplente cousins continued to watch the singing contest being held nearby. Some of Leyson's companions were barangay tanods and volunteers, thus, they were equipped with canes while Leyson was armed with a handgun.[8]

While awaiting the announcement of winners at about twelve thirty in the early morning (12:30 a.m.) of 4 May 1988, the group of Leyson repaired to a place away from the stage to relieve themselves. Some of the spectators began dispersing at this point. Notarte and Besinga were along one side of San Pedro St. while the others, including Gulle, were on the left side. Suddenly, a commotion ensued as the Soplente cousins passed by.[9] Gulle, Besinga and Leyson offered the following accounts of what had transpired then.

Gulle testified that he saw Notarte fall to the ground, which was followed by a gun burst which he presumed came from Leyson's handgun. He saw Leyson, by then clearly wounded, chasing Rogelio. However, Gulle did not see the actual stabbing of either Notarte or Leyson.[10]

Besinga testified that he saw the commotion at a distance of about thirty (30) meters while he was walking towards the group of Leyson at the right side of San Pedro St. When he was barely three (3) meters away from them, he saw Rogelio and Leyson approaching each other saying something unintelligible. Notarte was beside Leyson at this juncture. Rogelio then stabbed Leyson, who drew a gun and fired in the air. Besinga did not notice the others but his companions were nearby mingled with the people going home.[11]

Leyson, who survived the attack and sustained a wound on his left arm, claimed to have been taken by surprise when the Soplente cousins suddenly attacked Notarte and himself. The assault was so sudden and fast that while he was standing with arms akimbo, he was stabbed by Rogelio. Leyson reacted by drawing his gun and firing a shot in the air to prevent further attack. Notarte who was a little to the rear but very near his right side was attacked by Nicanor at the same instant that Rogelio had attacked his companion, Leyson. The assaults were done simultaneously with lightning speed, with Rogelio concentrating on Leyson and Nicanor on Notarte. Rogelio fled

after the firing of the gun. (But Leyson did not testify whether Nicanor had also taken flight.) Leyson tried to go after Rogelio used but since he was bleeding profusely, a policeman assisted him in going to the Canda clinic for medical treatment. He learned the next day that Notarte died as a result of the stabbing.[12]

On the other hand, Rogelio admitted having stabbed both Leyson and Notarte, but claimed that he did so in self-defense.[13] The testimony of Rogelio and Nicanor themselves were presented as well as that of their cousin Elena Cafi (Bukay) and store owner, Joy Malig-on (Malig-on). Based on the findings of the lower court, the defense's version of the incident is condensed as follows:

The cousins, Rogelio and Nicanor, watched the amateur singing contest being held near the Sta. Cruz Chapel at San Pedro St. which started at about nine thirty in the evening (9:30 p.m.). They were standing only a few meters away from the group of people who were drinking in the store of Diola. While engrossed with the singing contest, they were approached by two (2) persons from the group of Leyson who then tapped Nicanor's shoulder. They insisted on bringing Nicanor along with them so Nicanor called for Rogelio's help. The latter immediately intervened to stop the two from harassing Nicanor.[14]

A few minutes after the incident, Nicanor went to the adjacent store of Malig-on and "ordered orange." [15] When Malig-on asked him what happened, Nicanor explained that the strangers were provoking him by deliberately stepping on his feet. He claimed however that the incident was nothing to him.[16]

At about past eleven o'clock in the evening (11:00 p.m.), before the conclusion of the amateur singing contest, Rogelio and Nicanor decided to go home. They related to their cousin, Susing and his wife, Bukay, how Nicanor was harassed near the stage of the amateur show.[17]

At past midnight, Bukay asked Rogelio and Nicanor to accompany her in looking for her children who had watched the singing contest. They obliged but before they had gone about three hundred (300) meters, Nicanor separated from them to buy cigarettes from a nearby store. Rogelio and Bukay went onwards but at a distance of about fifty (50) meters from the stage, Rogelio stopped and Bukay proceeded alone to look for her children. A few minutes later, Bukay appeared with the children and they all headed home.[18]

While on the way home, Rogelio suddenly found himself surrounded by around ten (10) persons led by Leyson. He shouted at Nicanor to run and the latter immediately scampered away. Leyson drew his gun and fired at Rogelio but the latter was able to parry it by tapping the base of Leyson's hand holding the gun. Forthwith, Rogelio stabbed Leyson once. As Notarte had started mauling Rogelio after Leyson had fired his gun, Rogelio also stabbed Notarte. He stabbed both Leyson and Notarte to protect himself from being killed by the group who were armed with canes and a lead pipe aside from Leyson's gun. Rogelio managed to escape after that and he sought refuge in the house of Susing.[19]

Before dawn, a policeman arrived at Susing's house and Rogelio voluntarily gave himself up. The knife he used was also turned over to the police. He was brought to the police substation at Lagao. A few hours later, Nicanor was also picked up by the police.[20]

In its assailed ruling, the RTC held that Nicanor had no participation in the fatal incident which occurred in the early morning of 4 May 1988.[21] It also found that there was no evidence of conspiracy.[22] Accordingly, it absolved Nicanor of the crimes charged in both Criminal Case Nos. 5093 and 5094.[23] On the other hand, Rogelio's claim of self-defense was deemed legally justified with respect to Leyson's injury but not with respect to Notarte's death. Thus, while Rogelio was acquitted in Criminal Case No. 5093, he was found guilty of the crime of homicide in Criminal Case No. 5094.[24]

Notwithstanding the above findings, the lower court ordered both Nicanor and Rogelio to jointly and severally

indemnify the family of Notarte for the latter's death and to pay the hospitalization expenses of Leyson in its decision dated 7 May 1996. The dispositive portion of the decision reads:

ACCORDINGLY, in the absence of proof of conspiracy, Nicanor Soplente is acquitted in both criminal cases nos. 5093 and 5094. Considering the admission and the evidence adduced, Rogelio Soplente is acquitted on reasonable doubt in Criminal Case No. 5093 for frustrated homicide but he is found guilty beyond reasonable doubt in Criminal Case No. 5094 for homicide with the attendance of the mitigating circumstances of provocation or threat and voluntary surrender and he is hereby sentenced to 6 years of PRISION CORRECCIONAL to 8 years and 1 day of PRISION MAYOR MEDIO, to jointly and severally indemnify with accused Nicanor Soplente the heirs of the deceased Joel Notarte the sum of P50,000.00, actual expenses of P12,500.00; they are also required to pay IN SOLIDUM the hospitalization expenses of Eduardo Leyson VI plus costs.

SO ORDERED.[25]

Initially, both Nicanor and Rogelio filed their respective notices of appeal from the above decision. Later however, Nicanor withdrew his notice of appeal and opted to merely move for a reconsideration of the portion of the decision making him solidarily liable for monetary awards in favor of the victims.[26]

In an Order[27] dated 26 June 1996, the lower court granted Nicanor's motion thereby totally absolving him from both criminal and civil liability. Thus, only Rogelio's appeal to the CA remained. Concluding that there was no unlawful aggression on the part of Notarte which would justify Rogelio's claim of self-defense, the CA affirmed the ruling of the RTC.[28] Hence, Rogelio's recourse to this Court.

In his petition, Rogelio claims that the CA erred when it held that on the basis of unlawful aggression alone, Rogelio's evidence fell short of being clear and convincing.[29] Rogelio vehemently argues that a holistic appreciation of the evidence as presented by both the prosecution and the defense will show that self-defense lies in his favor.[30]

Doctrinally, findings of fact of trial courts are accorded the highest respect and weight. It is the peculiar province of the trial court to determine the credibility of witnesses and related questions of fact because of its superior advantage in observing the conduct and demeanor of witnesses while testifying. Thus, it has become a well-settled rule that where the issue touches on the credibility of witnesses or factual findings, the appellate court will generally not disturb the findings of the trial court, unless some facts or circumstances that may affect the result of the case have been overlooked.[31]

In this case, a careful perusal of the records shows that the lower court overlooked material facts that would result in Rogelio's exculpation from liability. The lower courts failed to appreciate the fact that Rogelio's testimony relative to his claim of self-defense stands uncontradicted. His testimony coupled with the circumstances surrounding this case sufficiently proves the claim of self-defense.

The three main witnesses for the prosecution, Gulle, Besinga and Leyson categorically stated that it was Nicanor, not Rogelio who stabbed Notarte. Gulle testified thus:

Q

Mr. Gulle, do you still remember where were you on May 4, 1988 at about 12:30 o'clock early in the morning?

A

I was at San Pedro St., Lagao, General Santos City.

Q

What were you doing there at that particular time and place?

A

I was standing beside my friends, Joel Notarte and Eduardo Leyson VI.

Q

Aside from your friends, Joel Notarte and Eduardo Leyson VI, were there other persons present?

A

Yes, sir.

Q

What were you doing at that particular time?

A

We were conversing.

Q

While you were conversing with your friends which includes Eduardo Leyson VI and Joel Notarte, do you remember of any extraordinary incident that happened in that early morning and at that particular place and time?

A

Yes, sir.

Q

Tell this Honorable Court what happened?

A

Suddenly, Eduardo Leyson VI and Joel Notarte were stabbed.

Q

Did you see the person who suddenly stabbed Eduardo Leyson VI?

A

Yes, sir.

Q

Is this person present in Court now?

A

Yes, sir.

Q

Will you please point him out to the court?

A

He is there (witness is pointing to a person sitting on the accused bench who, when asked his name, answered Rogelio Soplente.)

Q

Did you see the person who stabbed Joel Notarte?

A

Yes, sir.

Q

Do you know that person?

A

Yes, sir.

Q

Is he present in Court now?

A

Yes, sir.

Q

Will you please point him out to the Court?

A

That person, sir. (Witness points to a person seated on the accused bench, who, when asked his name, answered Nicanor Soplente.)[32]

Besinga testified as follows:

Q

Were you standing somewhere in that street at that particular time at 12:30 o'clock in the early morning of May 4, 1988?

A

We were standing in front of the residence of Ventura.

Q

While you were there standing along that street in front of the residence of Ventura as you stated, do you remember if any extraordinary incident happened?

A

Yes, sir.

Q

Will you please tell this Court what happened?

A

I saw that Gingging and Joel were stabbed.

Q

When you said Gingging, whom are you referring to?

A

I am referring to Eduardo Leyson VI.

Q

Do you know who stabbed Eduardo Leyson VI?

A

Yes, sir.

Q

Will you please tell this Honorable Court who stabbed Eduardo Leyson VI?

A

Rogelio Soplente.

Q

Is this Rogelio Soplente present in court now?

A

Yes, sir.

Q

Will you please point him out to the Court?

A

That person, sir. (Witness is pointing to a person, who, when asked his name, answered Rogelio Soplente.)

Q

You said a certain Joel was also stabbed, what is the family name of Joel?

A

Notarte.

Q

And have you seen who stabbed Joel Notarte?

Atty. Vencer:

Leading, Your Honor.

Q

Who stabbed Joel Notarte?

A

Nicanor Soplente.

Q

Is this Nicanor Soplente present in Court now?

A

Yes, sir.

Q

Will you please point him out?

A

That person seated on the accused bench. (Witness is pointing to a person who, when asked his name, answered Nicanor Soplente.)[33]

Leyson, on the other hand testified thus:

Q

Will you please tell us what unusual incident was that?

A

There was trouble at the place where the amateur singing contest was held.

Q

Then, what happened next?

A

I was stabbed, sir. One of my companions was also stabbed.

Q

Where were you specifically when you were stabbed?

A

I was at the road, waiting for my younger brother.

Q

Were you able to identify the person who stabbed you?

A

Yes, sir.

Atty. Vencer:

Leading, Your Honor.

Q

The question is, were you able to identify the person.

Court:

Already answered.

Q

This person, you said, stabbed you, is he in court now?

A

Yes, sir.

Q

Will you point him out?

A

Those two persons sitting over there. (Witness is pointing to the two persons sitting on the accused bench, who, when asked their names, answered Rogelio Soplente and Nicanor Soplente.

Q

Of the two, Rogelio Soplente and Nicanor Soplente, who stabbed you?

A

Rogelio, sir.

Q

By the way, you said that two of them attacked you and you pointed to one of them as the Rogelio Soplente who personally stabbed you. How about the other one, what did he do?

....

A

He was the one who stabbed Joel Notarte.[34]

Based on the foregoing, it is glaringly apparent that none of the main prosecution witnesses ever identified Rogelio as the one who stabbed Notarte and caused his death. Rather, they pointed at Nicanor as the perpetrator of the crime against Notarte. The declarations made by the witnesses were categorical and they never even made an attempt to correct themselves. Yet, their categorical declarations were belied by the admission of Rogelio himself who candidly admitted his own acts. Said declarations were also belied by the findings of the trial court which held thus:

. . . The version given by Leyson that it was Rogelio who stabbed him and Nicanor who stabbed Notarte who was standing less than a meter from him a little bit to his back on the right side would not be supported by the actual happening because it would appear that the stabbing which he said happened simultaneously is against reality because if it were true that Rogelio and Nicanor were on the left side of Leyson and that Leyson was a little bit forward with Notarte on his right it would have been unlikely if not impossible for the two to simultaneously stab because he (Leyson) would be blocking the way of Nicanor. What is more logical and believable is that after stabbing Leyson Rogelio immediately stabbed Notarte hitting him on the left side of his

body below the armpit.[35]

It has been ruled that the very act of giving false testimony impeaches that witness' own testimony and the court is compelled to exclude it from all consideration.[36] The findings of the trial court coupled with the admission of Rogelio himself as to who actually stabbed Notarte discredits the testimony of the prosecution witnesses. The veracity of their testimonies had been effectively destroyed.

Thus, left uncontradicted is the testimony of Rogelio admitting the act of stabbing Notarte. With the core of said testimony being the exculpatory claim of self-defense, however, it is burdened by its own weight.

In order for self-defense to prosper, the following requisites must be present: (1) unlawful aggression; (2) reasonable necessity of the means employed to prevent or repel it; and (3) lack of sufficient provocation on the part of the person defending himself.[37]

The appellate court held that on the element of unlawful aggression alone, appellant's (Rogelio's) evidence relative thereto fell far short of being "clear and convincing." [38]

We do not agree.

Rogelio's testimony showed that there was indeed unlawful aggression on the part of Notarte. The pertinent parts of the transcript of stenographic notes provide thus:

Q

While you were walking, what happened?

A

Suddenly, people were running.

Q

Running towards what direction?

A

Towards me and they suddenly surrounded me.

Q

How many persons surrounded you?

A

More than ten (10) persons.

Q

And when these ten (10) persons surrounded you, what was the first thing that happened?

A

One of them pointed at me and said, "Do you want to fight?"

Q

And when he uttered those words, what did you tell him?

A

I told him, "We don't want a fight, we are here to watch the amateur singing contest."

Q

And after telling him that, what did this person who pointed to you and challenged you to a fight do?

A

That person pulled his revolver and said "Do you want this?"

Q

Simultaneously saying, "Do you want this," what happened?

A

When he pulled a gun from his waist, he immediately pointed his gun at me, and I simultaneously parried the gun and it burst.

Q

And what did you do?

A

After the gun burst, simultaneously I stopped (stabbed) him.

Q

Where was he hit?

A

On his left upper arm.

Q

That gun that burst, where was it directed at that time it was pulled?

Prosecutor Oco:

Already answered, Your Honor.

Court:

Yes, It was pointed at him.

Q

How far from your head was that gun when it burst?

Prosecutor Oco:

No, Your Honor, please. We object. It is misleading.

Court:

Sustained.

Q

Where was the gun, what part of your body was the gun pointed?

A

At my face.

Q

And when he was hit, what happened to him?

A

I did not know anymore, sir because simultaneous to that, I received kicks.

Q

From where, left or right?

A

From my right side.

Q

And that person who kicked you, after kicking you, what did he do?

A

He continued attacking me.

Q

So, what did you do?

A

I stabbed him.

Q

Was he hit?

A

Yes, sir.[39]

Based on the uncontradicted testimony of Rogelio, he was kicked by Notarte immediately after he stabbed Leyson. Viewed in an isolated context, the act of kicking Rogelio by Notarte might seem insufficient as an act of unlawful aggression, considering that Notarte just witnessed his friend, Leyson, being stabbed. Perhaps, this was the context in which the lower courts appreciated Rogelio's claim of self-defense. After all, the immediate vindication even of a stranger is recognized as a justifying circumstance.

However, there is a wider context which should be appreciated. As concluded by the trial court, the Soplente cousins were surrounded by Leyson and his companions, some of whom were armed.[40] Animosity between these two sets had been fostered just a few hours earlier. Leyson had drawn first and fired first. At this juncture, Rogelio had every reason to believe that it was not only Leyson who meant him harm, but that Leyson's companions were of the same mindset. The fact that Leyson's aggression had already been repelled did not eliminate the threat to Rogelio's well-being in the hands of Leyson's companions. The kicks employed by Notarte

did nothing but remind Rogelio that the threats to his life or limb had not ceased, even if those from Leyson's had.

The Court of Appeals implied that it has not been indubitably ascertained that Notarte had kicked Rogelio, or that Notarte was armed or otherwise attacked Rogelio. But the same time, it cannot be disputed that Notarte was no neutral bystander with no interest in the confrontation at hand. Notarte was one of Leyson's confederates, present at the crucial moment for the same malevolent intentions towards Rogelio as that of his cohorts'.

At the commencement of the attack, Rogelio could not have been obliged to view Notarte, or any other member of the posse for that matter, as a less menacing threat than Leyson. We have to understand that these events occurred spontaneously in a matter of seconds or even simultaneously. Rogelio bore no superhuman power to slow down time or to prevent the events from unfolding at virtual warp speed, to be able to assess with measured certainty the appropriate commensurate response due to each of his aggressors. Even those schooled in the legal doctrines of self-defense would, under those dire circumstances, be barely able to discern the legally defensible response and immediately employ the same. Our laws on self-defense are supposed to approximate the natural human responses to danger, and not serve as our inconvenient rulebook based on which we should acclimatize our impulses in the face of peril.

It would be wrong to compel Rogelio to have discerned the appropriate calibrated response to Notarte's kicking when he himself was staring at the evil eye of danger. That would be a gargantuan demand even for the coolest under pressure. The Court has been reasonable enough to recognize some unreason as justifiable in the law of self-defense. As stated in the case of *People v. Boholst-Caballero*.^[41]

The law on self-defense embodied in any penal system in the civilized world finds justification in man's natural instinct to protect, repel and save his person or rights from impending danger or peril; it is based on that impulse of self-preservation born to man and part of his nature as a human being.^[42]

The second element which is reasonable necessity of the means employed to prevent or repel the unlawful aggression was likewise present in the case at bar. The knife Rogelio habitually carried was the only weapon he had in his person.^[43] It was but logical that the knife would be the only thing he could use against his attackers since the latter were collectively armed with canes and a handgun.

Anent the third element of self-defense, there was no evidence to show that Rogelio had provoked Notarte into a fight. The lower court's finding on this point is backed by the evidence on record. As the lower court held, it is a fact that Rogelio had not done anything to provoke the victim prior to or at the time of the fatal encounter.^[44]

All the elements of self-defense having been established through the uncontradicted testimony of Rogelio, the reversal of the lower courts' decision is in order. Under the law, a person does not incur any criminal liability if the act committed is in defense of his person; thus, Rogelio is entitled to an acquittal in this case.

WHEREFORE, the decision appealed from is REVERSED and appellant Rogelio Soplente is ACQUITTED of the crime charged. His immediate release is hereby ORDERED unless he is detained for some other lawful cause. No costs.

SO ORDERED.

Puno, (Chairman), Austria-Martinez, Callejo, Sr., and Chico-Nazario, JJ., concur.

[1] Penned by Associate Justice Cancio C. Garcia (now a member of the Supreme Court), concurred in by Associate Justices Jose L. Sabio, Jr. and Hilarion L. Aquino (retired).

- [2] Promulgated on 7 September 2001.
- [3] Judge Abednego O. Adre, Presiding Judge; Promulgated on 28 February 2002.
- [4] Ibid.
- [5] Records, Vol. 2, p. 1.
- [6] Rollo, p. 47.
- [7] Ibid.
- [8] Ibid.
- [9] Id. at 48.
- [10] Ibid.
- [11] Ibid.
- [12] Id. at 48-49.
- [13] Id. at 49.
- [14] Ibid.
- [15] TSN, 24 September 1991, p. 150.
- [16] Supra note 13.
- [17] Ibid.
- [18] Id at 49-50.
- [19] Id at 50.
- [20] Ibid.
- [21] CA Records, p. 103.
- [22] Id. at 104.
- [23] Id. at 104-105.
- [24] Ibid.
- [25] RTC Records, Vol. 2, p. 164-165.
- [26] Id. at 175-176.
- [27] Id. at 180.
- [28] Rollo, pp. 52-55.
- [29] Id. at 131.
- [30] Id. at 132.
- [31] *Jacobo v. Court of Appeals*, 337 Phil. 7, 18-19 (1997).
- [32] TSN dated 28 November 1998, pp. 11-13.
- [33] TSN dated 9 May 1988, pp. 44-46.

[34] TSN dated 30 March 1990, pp. 83-84, 87.

[35] CA Records, p. 37.

[36] *People of the Philippines v. Mangahas*, G.R. No. 118777, July 28, 1999, citing *Mondragon v. CA*, G.R. Nos. L-35978 & L-36069, December 26, 1974.

[37] *People v. Galit*, G.R. No. 97432, 1 March 1994, 230 SCRA 486, 496 citing Art. II, par. 1, Revised Penal Code.

[38] Rollo, p. 52.

[39] TSN, 24 February 1992, pp. 182-185.

[40] CA Records, p. 104.

[41] G.R. No. L-23249, 25 November 1974, 61 SCRA 180, 185.

[42] *Ibid.*

[43] *Supra* note 39 at 198.

[44] CA Records, p.38.

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.