

## PEOPLE OF THE PHILIPPINES, APPELLEE, VS. ANTONIO REYES Y MAGANO, APPELLANT.

*G.R. No. 153119. April 13, 2004*

Ponente: CALLEJO, SR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-153119/>

---

### CALLEJO, SR., J.:

Before us on automatic appeal is the Decision[1] of the Regional Trial Court of Sta. Cruz, Laguna, Branch 28, convicting the appellant Antonio Reyes y Magano of robbery with homicide and sentencing him to suffer the penalty of death.

#### The Indictment

The appellant was charged with robbery with homicide in an Information, the accusatory portion of which reads:

That on or about June 11, 1998, in the municipality of Lumban, Province of Laguna, and within the jurisdiction of this Honorable Court, the above-named accused, with intent to gain, and while conveniently armed with a bolo, by means of violence against or intimidation of person, did then and there willfully, unlawfully and feloniously take, steal and carry away one (1) ladies wristwatch marked Rolex; one (1) gold bracelet; one (1) gold ring with birthstone of Jade; one (1) Pass Book in the name of the victim/Aurora Lagrada, in the total amount of P80,000.00, all belonging to Aurora Lagrada, to her damage and prejudice, in the aforementioned amount, that by reason or on the occasion of the said robbery accused with intent to kill and while conveniently armed with a bolo, did then and there willfully, unlawfully and feloniously attack, assault and stab one AURORA LAGRADA several times in the different parts of her body, which directly caused her instantaneous death, to the damage and prejudice of her surviving heirs.

CONTRARY TO LAW.[2]

The appellant was arraigned, assisted by counsel, and entered a plea of not guilty.

#### The Case for the Prosecution[3]

Dr. Aurora Lagrada, a spinster of about seventy years old, lived alone in her two-storey house located at General Luna Street, Barangay Balimbangan, Lumban, Laguna. The doctor was the sole proprietor of the Neal Construction and Supplies located at No. 90 General Luna Street, Lumban, Laguna.[4] The appellant's house was about four to five meters away from the doctor's house. He lived with his mother and brother.

At around 11:00 p.m. on June 11, 1998, Barangay Captain William Magpantay received a radio report from barangay kagawad that someone managed to gain entry into the house of Lagrada, and that she had shouted for help. Magpantay, a barangay councilman and a barangay tanod responded and proceeded to the house of the doctor. When they knocked on the door, no one responded. The barangay captain then proceeded to the Lumban Police Station and reported the matter to the policemen. SPO2 Maximo Gonzales and SPO1 Pedro Nacor, Jr. responded to the report and, accompanied by Magpantay, proceeded to the house of Lagrada. [5]

When they arrived at the house, the policemen passed by the garage and opened the door. They saw the bloodied Lagrada, naked from the waist up, sprawled sidewise on the floor opposite the sink near the kitchen.[6] Near the cadaver was a bolo (itak). Gonzales took custody of the bolo.[7] Magpantay noticed that Lagrada's neighbors, anxious to know what had happened, were in the vicinity. The appellant, however, was nowhere to be found.[8]

Magpantay and the policemen went to the appellant's house. The appellant's mother and brother informed them that the latter was in Barangay Concepcion.[9] Magpantay, Barangay Chairman Floro Bulderon and the policemen proceeded to the place, but failed to locate the appellant. They then returned to the Lumban Police Station where Noel Saniste (Samonte) told them that the appellant was in the vicinity of the town plaza in Sta. Cruz, Laguna.[10] In a mobile police car, the policemen and Magpantay rushed to the place and saw the appellant in the town plaza on board a tricycle, apparently on his way to the Kapalaran Bus Station in that town. The appellant was handcuffed and boarded in the mobile police car. He was told that he was a suspect in the killing of Lagrada.[11] While the car was on its way to Lumban, Gonzales ordered Magpantay to frisk the appellant. Magpantay did so, and found the following: two watches - a Rolex and Wittnauer in the right pocket of the appellant's pants; bank passbook no. 164764 issued by the Solid Bank under the name of Lagrada; a gold bracelet and a gold ring; and in the appellant's left pocket, the amount of P130.00. Magpantay turned over the articles and money to Gonzales.[12]

The policemen proceeded to the house of the appellant where they found a pair of slippers and the green-colored t-shirt which the appellant wore when he broke into Lagrada's house.[13] At the police station, Gonzales and Nacor, Jr. turned over the appellant to SPO2 Benedicto del Mundo who was designated as the investigator-on-case.[14] By then, it was about 1:30 a.m. of June 12, 1998. The incident was placed in the police blotter.[15]

In the meantime, the appellant was bothered by his conscience and stated that he wanted to execute an extrajudicial confession.[16] Del Mundo informed the appellant of his right to be assisted by counsel of his own choice. He also asked the appellant if he had any lawyer. The appellant replied that he had none, and asked Del Mundo to procure a lawyer to assist him. Del Mundo managed to locate Atty. Wilfredo Paraiso, a practicing lawyer in Lumban, Laguna, then President of the Integrated Bar of the Philippines, Laguna Chapter, and a member of the Knights of Columbus. At that time, Atty. Paraiso was at the patio of the Catholic church talking with fellow knights after participating in the Independence Day parade.[17] Del Mundo informed Atty. Paraiso that policemen had just arrested and detained the appellant, and that the latter had expressed his desire to execute an extra-judicial confession for which the assistance of counsel was needed. Del Mundo asked Atty. Paraiso to assist the appellant. The lawyer informed the appellant of his constitutional rights, including his right to counsel, and told the appellant that he was volunteering his services to assist him. The appellant agreed to be assisted by Atty. Paraiso.[18]

Atty. Paraiso then explained to the appellant his constitutional right to remain silent; that if he did not want to make any confession, it was his right to do so; and that any admission he made in his confession may be used against him. The appellant told Atty. Paraiso that he would proceed with his confession because his conscience bothered him. Atty. Paraiso inquired from the appellant if he had been forced, coerced and intimidated into agreeing to give a confession, or if somebody had offered to give him any reward in consideration of any statement he would give to the investigator. The appellant replied that he was not intimidated, coerced nor forced into giving a confession.[19]

Del Mundo, nevertheless, enumerated and explained to the appellant his constitutional rights before commencing with his investigation in the presence of Atty. Paraiso.[20] After the investigation, Del Mundo showed the sworn statement to Atty. Paraiso and the appellant. Atty. Paraiso explained the contents of the sworn statement to the

appellant. The latter then signed on top of his typewritten name on page 1 thereof, on the left margin of page 2, and atop his typewritten name on page 3. Atty. Paraiso followed suit. However, it being a holiday, there was no public officer available in the municipal building before whom the appellant could swear to the truth of his confession. Del Mundo requested Atty. Paraiso, being a notary public, to notarize the sworn statement. Paraiso agreed and affixed his signature above his typewritten name on page 3 thereof, as Notary Public.[21]

Pictures of the articles seized from the appellant were taken, including the bolo, his green t-shirt and the pair of slippers. The appellant was made to stand beside a table on top of which the said articles were placed and photographed.[22]

On June 15, 1998, Dr. Leoncia M. delos Reyes, performed an autopsy on the cadaver of Lagrada and submitted her postmortem report which contained her findings, viz:

Autopsy Report – June 12, 1998, 2:30 AM

Subject: Aurora Lagrada y Macabuhay, 74 years old, female, single, retired government official who was found dead in her residence at Gen. Luna St., Brgy. Balimbingan, Lumban, Laguna, on June 11, 1998.

Findings: Cadaver in a state of rigor mortis, in right lateral position, both hands and arms clenched towards the chest. Both legs are flexed, tongue bitten and slightly protruding, bleeding from the mouth with clots. Said cadaver wearing bermuda short and blouse almost worn off exposing the upper half of the body. Pool of (sic) around the body and floor.

External Findings:

- Wound incised. 3x1 cms., superficial, submammary area, 3 cms. from the midline through and through to the back (point of entrance).
- Wound incised 2 cms. infra-scapular area, right. (point of exit).
- Wound incised, 3 cms. neck, left, oozing of blood.
- Hematoma, right neck.

Internal Findings:

No intra-thoracic nor intra-abdominal hemorrhage all internal organs intact.

Pelvic Exam:

Underwear intact, no signs of external violence, perineum intact and dry.

Cause of Death:

Hemorrhagic Shock.[23]

Dr. Delos Reyes also signed Lagrada's Certificate of Death.[24]

Gonzales and Nacor, Jr. executed a Joint Affidavit on the incident.[25] Norma Quetulio executed a sworn statement[26] in which she stated that her sister, Aurora Lagrada, owned the ring, the bracelet, and the two watches which were confiscated from the appellant, and that the said articles were worth P80,000.00.[27] She testified that before Lagrada was killed, the latter was employed by the AMA Computer College, Sta. Cruz, Laguna, as Professor 2, with a monthly salary of P2,000.00, later increased to P5,700.00 a month; and, being a retired public school teacher, she was also receiving a monthly pension of P3,000.00 from the Social Security System. The victim was also the sole proprietor of the Neal Construction and Supplies.[28]

### The Case for the Appellant

The appellant denied any involvement in the killing of Lagrada and of robbing her of money and pieces of jewelry.

The appellant testified that he was never investigated by Del Mundo. He did not hire Atty. Wilfredo Paraiso as his counsel to assist him while being investigated by the policemen. Del Mundo merely referred the lawyer to him.[29] The appellant claimed that he had no conference with the lawyer before and after his custodial investigation. He merely affixed his signature on a piece of paper with some writings on it when it was presented to him. This was after the policemen threatened him at the station. The signature above the typewritten name, Antonio Reyes, on the third page of the statement[30] was not his signature. Contrary to the extrajudicial confession, he finished third year in high school.

After trial, the court rendered judgment convicting the appellant of the crime charged. The decretal portion of the decision reads:

WHEREFORE, IN THE LIGHT OF ALL THE FOREGOING CONSIDERATIONS, the Court finds the accused ANTONIO REYES y MAGANO, GUILTY BEYOND REASONABLE DOUBT, as PRINCIPAL of the offense of ROBBERY WITH HOMICIDE as alleged in the Information and defined and punished under Art. 294, No. 1 of the Revised Penal Code, as amended by the DEATH PENALTY LAW, and further taking into consideration against the accused the aggravating circumstances of his commission of the offense in the dwelling of the offended party without any provocation given by the latter and the complete disregard of the respect due to the offended party on account of her age and sex and without any mitigating circumstance that would offset the same, hereby sentences the accused to suffer the SUPREME PENALTY OF DEATH and to pay the heirs of the deceased AURORA LAGRADA as represented by Maria, Godofredo, Norma, Herminia, Edna and Magdalena, all surnamed LAGRADA the sum of P50,000.00 as civil indemnity for the death of Aurora Lagrada and P65,000.00 for funeral expenses or a total amount of P115,000.00 and to pay the cost of the instant suit.

SO ORDERED.[31]

The appellant assails the decision of the trial court asserting that:

I

THE LOWER COURT ERRED IN NOT APPRECIATING THE DEFENSE INTERPOSED BY THE ACCUSED-APPELLANT.

II

THE LOWER COURT ERRED IN ADMITTING AS EVIDENCE THE STOLEN ITEMS ALLEGEDLY SEIZED FROM THE ACCUSED-APPELLANT WHICH, AS THE RECORDS DISCLOSE, WERE PRODUCTS OF AN ILLEGAL SEARCH.[32]

The Court shall delve into and resolve the assignment of errors jointly, being interrelated.

The appellant asserts that the extrajudicial confession[33] is inadmissible in evidence because the signature above his typewritten name on page 3 thereof is a forgery. He avers that he was forced by SPO2 Benedicto del Mundo and another policeman to sign a blank page at the town plaza in the presence of Atty. Wilfredo Paraiso. According to him, that blank page which he signed is now the first page of the extrajudicial confession. Furthermore, there is a patent and utter dissimilarity between his genuine signature on page 1 of the extrajudicial confession and his purported signature on page 3 thereof.

The appellant claims that SPO2 Benedicto del Mundo and Atty. Wilfredo Paraiso are not even in accord as to the precise time when the appellant signed the said confession. The appellant contends that Barangay Captain William Magpantay, SPO2 Maximo Gonzales and SPO1 Pedro N. Nacor, Jr. seized the money and articles from him in the mobile car and from his house without any search warrant therefor, when he was already arrested by the policemen. As such, the articles are inadmissible in evidence. Given the inadmissibility of the extrajudicial confession and the money and articles seized from him, the prosecutor failed to prove his guilt beyond reasonable doubt for the crime charged.

For its part, the Office of the Solicitor General asserts that the appellant failed to prove that the disputed signature is a forgery. Contrary to the appellant's claim, the signatures atop the typewritten name of the appellant on page 3 of his confession, and on page 1 and 2 thereof, are similar. Furthermore, the warrantless seizure of the money and articles from the appellant made by the barangay captain and the policemen was permissible as an incident to the appellant's lawful warrantless arrest.

### The Court's Ruling

The Court rejects the appellant's claim that his signature on page 3 of his extrajudicial confession is a forgery and that he affixed his signature on a blank paper, which is now on page 1 of the said confession.

The appellant was required to submit his counter-affidavit during the preliminary investigation before the MTC of Lumban, Laguna, but he failed to do so. Furthermore, in his Comment on the "Formal Offer of Exhibits" filed by the prosecution, the appellant did not claim that he was made to sign a blank paper and that his signature on page 3 of the extrajudicial confession was a forgery. The appellant made this claim for the first time, only when he testified before the trial court. Forgery cannot be presumed; it must be proved by clear, positive and convincing evidence. One who alleges forgery has the burden of proving the same.[34] The appellant failed to discharge his burden.

The extrajudicial confession of the appellant was notarized by Atty. Wilfredo O. Paraiso who certified that he had personally examined the appellant and that he was satisfied that the latter had voluntarily executed the same. The notary public's certification belies the appellant's claim that he was forced by the police officers to affix his signature on page 1 of his confession. Atty. Paraiso is an officer of the court. He is presumed to have regularly performed his duties as such notary public. The presumption cannot be overcome by the bare and uncorroborated claim of the appellant that the signature on page 3 of his extrajudicial confession is a forgery. It is hard to believe that Atty. Paraiso notarized the confession of the appellant at the town plaza without the appellant first affixing his signatures, not only on the left margin of pages 1 and 2, but also atop his typewritten name on page 3 thereof. We also note that the appellant's counsel cross-examined Atty. Paraiso, but failed to cross-examine the latter on the alleged dissimilarity of the signatures on page 3 of the confession and those on the left margin of pages 1 and 2 thereof. Finally, the appellant himself had initialed the corrections of typographical errors in his confession.[35]

In claiming that the signature atop his typewritten name on page 3 of the confession is a forgery, the appellant relied solely on the alleged dissimilarity between his signatures. In *Causapin vs. Court of Appeals*, [36] this Court held that an accurate examination to determine forgery should dwell on both the similarities and dissimilarities of the standard and questioned signatures. Professor Albert S. Osborn, a noted expert on "questioned documents," stated that in some measure, a forgery will be like the genuine writing, and there is always bound to be some variation in the different samples of genuine signatures of the same writer. He emphasized that the identification of a handwriting, as to its genuineness or lack of genuineness, or of a continued writing as to whether it was written by a certain writer, is based upon the fact that handwriting embodies various qualities and dissimilarities which in combination are sufficiently personal to serve as a basis of identification. These many attributes and

qualities are of varying degrees of force and evidence of identity, depending upon just what they are and their nature.[37]

Professor Osborn also points out that one of the principal causes of errors in determining whether the handwriting is genuine or forged, or in deciding whether a particular handwriting was or was not written by a certain writer is the incompetence of the observer who bases his conclusion entirely upon general appearance, or upon “general character” of handwriting as a whole; basing conclusions on forms or designs of letters alone; mistaking general characteristics of writing or individual characteristics and basing conclusions thereon; failure to reason correctly regarding the observed characteristics – he sees the evidence but does not know what it means.[38]

He went on to emphasize, thus:

The process of identification, therefore, must include the determination of the extent, kind and significance of this resemblance as well as of the variation. It then becomes necessary to determine whether the variation is due to the operation of a different personality, or is only the expected and inevitable variation found in the genuine writing of the same writer. It is also necessary to decide whether the resemblance is the result of a more or less skillful imitation, or is the habitual and characteristic resemblance which naturally appears in a genuine writing. When these two questions are correctly answered the whole problem of identification is solved.

It must also be kept in mind by one who is to identify handwriting correctly, that the attributes and qualities of writing are much more than the mere outline or forms of the letters. Writing becomes a nearly automatic and an almost unconscious act and has many physical and psychological qualities outside of the mere forms of letters. The consideration of a writing by all unskilled observers gives attention only to designs of letters. If the general designs are correct the writing is considered genuine, or, on the other hand, if they diverge in any way or any degree, the writing is thought to be a forgery.

One of the most distinctive qualities of writing is that about it which, by its execution as shown in its line quality, indicates whether it was freely and unconsciously written, or whether it was written in a constrained, slow, and unnatural manner. Unconscious writing is not necessarily skillfully written, but is written with a lack of attention to the act. If such unconscious, careless, free writing embodies the significant form habits shown in the genuine writing, this is conclusive proof of genuineness. It should, however, not be overlooked that a forgery by one with more muscular skill than the writer of the writing imitated may fail by showing a higher degree of skill than the genuine writing. As has been said, “One cannot write better than he can.”

There often is in handwriting many of these inherent evidences of genuineness, or evidences of lack of genuineness, that can be seen without comparison with any standard writing whatever. Carelessness, freedom, and indications of unconsciousness of the operation of writing, when they embody characteristic forms, are proofs of genuineness in handwriting. The opposite conditions, undue care, attention to detail, hesitation, indicating not lack of muscular control but attention to the process, and especially delicate, unnecessary repairs and overwriting, all point to a lack of genuineness without comparison with any genuine writing. A correct, scientific discussion of these points is necessary in effective testimony and should also form the basis of argument on the subject by the attorney.

In sum, therefore, the fact of forgery cannot be presumed simply because there are dissimilarities between the standard and the questioned signature.

The discordance between the testimonies of Atty. Paraiso and that of SPO2 Benedicto del Mundo as to the exact or precise time when the appellant signed his extrajudicial confession is of minor and inconsequential importance. Both agree that the appellant signed his extrajudicial confession in the morning of June 12, 1998.

The trial court correctly convicted the appellant of robbery with homicide defined and penalized in Article 294,

paragraph 1 of the Revised Penal Code, as amended by Republic Act No. 7659, which reads:

ART. 294. Robbery with violence against or intimidation of persons — Penalties. – Any person guilty of robbery with the use of violence against or any person shall suffer:

- The penalty of reclusion perpetua to death, when by reason or on occasion of the robbery, the crime of homicide shall have been committed, or when the robbery shall have been accompanied by rape or intentional mutilation or arson.

To sustain a conviction of the accused for robbery with homicide, the prosecution was burdened to prove the essential elements of the crime, viz:

(a) the taking of personal property with the use of violence or intimidation against a person; (b) the property thus taken belongs to another; (c) the taking is characterized by intent to gain or animus lucrandi and (d) on the occasion of the robbery or by reason thereof, the crime of homicide, which is therein used in a generic sense, was committed.[39]

The accused must be shown to have the principal purpose of committing robbery, the homicide being committed either by reason of or on occasion of the robbery.[40] The homicide may precede robbery or may occur thereafter. What is essential is that there is a nexus, an intrinsic connection between the robbery and the killing. The latter may be done prior to or subsequent to the former. However, the intent to commit robbery must precede the taking of the victim's life.[41] Furthermore, the constituted crimes of robbery and homicide must be consummated.[42]

A homicide is considered as having been committed on the occasion or by reason of the robbery when the motive of the offender in killing the victim is to deprive the latter of his property, to eliminate an obstacle to the crime, to protect his possession of the loot, to eliminate witnesses, to prevent his being apprehended or to insure his escape from the scene of the crime.

In this case, the prosecution adduced proof beyond reasonable doubt to establish the guilt of the appellant. In his extrajudicial confession, the appellant stated that he barged into the house of the victim to rob her, and that he stabbed the victim when she was about to shout and because he was drunk. Thus:

T (27): May mga ipakikita ako sa iyo ditong mga alahas, dalawang relas na pangkamay at pambabae, ang isa (1) ay may tatak na "Rolex" at ang isa (1) ay tatak "Wittnauer", isang (1) gintong pulseras; isang (1) gintong singsing na may batong kulay-berde at isang (1) libreta de bangko o Passbook na kulay-pula, may Numero 164764 sa pangalan ni Aurora Lagrada na Passbook ng Solid Bank (THIS INVESTIGATOR SHOWING TO THE AFFIANT/SUSPECT ALL ITEMS MENTIONED PLACED ON THE TOP OF THE INVESTIGATOR'S TABLE), ano ang masasabi mo dito?

S: Iyan na nga po ang mga ninakaw ko kina Aurora Lagrada.[43]

The appellant then took the victim's money and personal belongings and fled from the scene of the crime:

T (30): May ipakikita rin ako sa iyo ditong pera na halagang Isang Daan at Tatlung Piso (P130.00) ang numero ng Isang Daan ay PK-125726; ang Numero ng Beinte Pesos ay DS-554554 at ang Numero ng Sampung Piso ay BQ-936130 (THIS INVESTIGATOR IS SHOWING TO THE AFFIANT/SUSPECT CASH MONEY WITH THE DENOMINATIONS AND SERIAL NUMBERS STATED HERETO), ano ang masasabi mo dito?

S: Iyan na nga po ang perang nakuha ko sa ibabaw ng mesa sa ibaba ng bahay nina Aurora Lagrada.

T(31): Kailan at saan ito nagyari?

S: Mga humigit-kumulang po sa alas 11:20 ng gabi, ika-11 ng Hunyo 1998 sa loob ng bahay nina Aurora Lagrada, sa Gen. Luna St., Barangay Balimbingan, Lumban, Laguna. Ang pagkakapatay ko po sa kanya ay

doon sa ibaba ng bahay malapit sa kusina at ang mga alahas naman po ay doon ko ninakaw sa loob ng isang kahong maliit na naroroon naman sa itaas ng bahay ni Aurora Lagrada.[44]

The trial court sentenced the appellant to suffer the death penalty on its finding that the crime was aggravated by the fact that it was committed in the victim's dwelling and in complete disregard of the victim's sex and advanced age of seventy years old. According to the Office of the Solicitor General, however, the imposable penalty should be reclusion perpetua, because the foregoing aggravating circumstances were not alleged in the Information.

The ruling of the trial court is not correct.

First. Robbery with homicide is essentially a felony against property.[45] The aggravating circumstance of disregard of the victim's age is applied only to crimes against persons and honor.[46] The bare fact that the victim is a woman does not per se constitute disregard of sex. For this circumstance to be properly considered, the prosecution must adduce evidence that in the commission of the crime, the accused had particularly intended to insult or commit disrespect to the sex of the victim.[47] In this case, the appellant killed the victim because the latter started to shout. There was no intent to insult nor commit disrespect to the victim on account of the latter's sex.

Second. The fact that the crime was committed in the victim's dwelling, without provocation on the part of the latter, is aggravating in robbery with homicide.[48] However, such circumstance was not alleged in the Information as mandated by Section 8, Rule 110 of the Revised Rules of Criminal Procedure.[49] Although the crime was committed before the effectivity of the Revised Rules of Criminal Procedure, the said rule should be applied retroactively as it is favorable to the appellant.[50]

The appellant failed to prove that any mitigating circumstance attended the commission of the crime. Although he claimed that he was drunk when he gained entry into the victim's house, killed her and divested her of her properties, the appellant failed to prove that his intoxication was not habitual or subsequent to the plan to commit the felony charged.

There being no modifying circumstance to the crime, the appellant should be sentenced to suffer reclusion perpetua, conformably to Article 63 of the Revised Penal Code.

The trial court was correct in not awarding moral damages to the heirs of the victim. The prosecution failed to present any of them to testify on the factual basis for such circumstance. However, the heirs are entitled to exemplary damages of P25,000.00,[51] in accordance with current jurisprudence.

IN LIGHT OF ALL THE FOREGOING, the Decision of the Regional Trial Court of Sta. Cruz, Laguna, Branch 25, finding appellant Antonio Reyes y Magano guilty beyond reasonable doubt of robbery with homicide under Article 294, paragraph 1 of the Revised Penal Code, as amended by Republic Act No. 7659, is **AFFIRMED** with **MODIFICATION** in that the appellant is sentenced to suffer reclusion perpetua and is ordered to pay P25,000.00 to the heirs of the victim, as exemplary damages.

### **SO ORDERED.**

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

---

[1] Penned by Judge Fernando M. Paclibon, Jr.

[2] Records, p. 2.

[3] The prosecution presented Norma Quetulio, Atty. Wilfredo G. Paraiso, SPO2 Benedicto del Mundo, SPO2 Maximo Gonzales, SPO1 Pedro Nacor, Jr., Dr. Leoncia M. delos Reyes, as witnesses.

[4] Exhibit "L-4."

[5] TSN, 21 January 1999, pp. 4-5

[6] Exhibits "D," "D-1" to "D-5."

[7] Exhibits "D," to "D-2."

[8] TSN, 21 January 1999, pp. 6-7.

[9] TSN, 22 September 1999, p. 7.

[10] Id. at 8-9.

[11] Id. at 9.

[12] Id. at 9-12.

[13] Exhibits "E" and "E-1."

[14] TSN, 17 December 1998, p. 4.

[15] Id. at 8-9.

[16] TSN, 25 November 1998, p. 4.

[17] Id. at 2-3.

[18] Id. at 3-5.

[19] Id. at 4-5.

[20] Id. at 5; Exhibit "A."

[21] Exhibit "A-3."

[22] Exhibits "E" and "E-1."

[23] Exhibit "F," Records, p. 14.

[24] Exhibit "G." Id. at 15.

[25] Exhibit "C."

[26] Exhibit "B."

[27] Ibid.

[28] Exhibits "L-2" to "L-4."

[29] TSN, 15 April 1999, p. 7.

[30] Exhibit "A-1."

[31] Records, pp. 131.

[32] Rollo, pp. 58-59.

[33] Exhibit "A."

[34] *Fernandez vs. Fernandez*, 363 SCRA 811 (2001).

[35] Exhibit "A."

**[36] 233 SCRA 615 (1994).**

[37] Osborn, *Problem of Proof*, 6[th] ed., pp. 480-481.

[38] *Id.* at 478-479.

[39] *People vs. Nang*, 289 SCRA 16 (1998).

[40] *People vs. Mendoza*, 284 SCRA 705 (1998).

[41] *People vs. Ponciano*, 204 SCRA 627 (1991).

[42] *People vs. Nang*, *supra*.

[43] *Records*, p. 6.

[44] *Id.* at 7.

[45] *People vs. Escote*, G.R. No. 140756, April 4, 2003.

[46] *People vs. Padilla*, 301 SCRA 265 (1999).

[47] *People vs. Braña*, 30 SCRA 307 (1969).

[48] *People vs. Fabon*, 328 SCRA 302 (2000).

[49] 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.

[50] *People vs. Escote*, *supra*.

[51] *People vs. Catubig*, 363 SCRA 621 (2001).

**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.