

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
CHRISTOPHER (POPOP) PADUA, ALEJANDRO (ANDOY) PADUA AND
MICHAEL (MIKE OR MEKE) DULLAVIN, ACCUSED-APPELLANTS.**

G.R. NO. 169075. February 23, 2007

Ponente: GARCIA, J.

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GARCIA, J.:

For automatic review is the decision[1] dated February 21, 2005 of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 00262 which affirmed, with modification, an earlier decision[2] of the Regional Trial Court (RTC) of San Pedro, Laguna, Branch 31, in Criminal Case No. 0055-SPL, finding appellants guilty beyond reasonable doubt of the crime of Rape With Homicide and sentencing them to suffer the extreme penalty of death.

Pursuant to our pronouncement in *People v. Mateo*[3] which modified the provisions of the Rules of Court insofar as they provide for direct appeals from the RTC to this Court in cases where the penalty imposed by the trial court is death, reclusion perpetua or life imprisonment, this case was earlier[4] referred to the CA for appropriate action and disposition whereat it was docketed as CA-G.R. CR-H.C. No. 00262.

Consistent with our decision in *People v. Cabalquinto*,[5] the real name of the rape victim in this case is withheld and instead fictitious initials are used to represent her. Also, the personal circumstances of the victim or any other information tending to establish or compromise her identity, as well as those of her immediate family or household members, are not disclosed in this decision.

In the court of origin, appellants Christopher ("Popop") Padua, Alejandro ("Andoy") Padua and Michael ("Mike" or "Meke") Dullavin were charged with Rape With Homicide in an Information[6] worded as follows:

That on or about the 21[st]day of August, 1995 in the City of Muntinlupa, the said accused conspiring, confederating together and mutually helping one another prompted with lewd designs, did then and there, willfully, unlawfully and feloniously abduct, take and carry away XXX, a 10-year old minor, while walking together with her younger brothers YYY and ZZZ, along a narrow street leading to their house at Purok ABC, Muntinlupa City, by means of force, violence and intimidation to wit: by pulling her and carrying her at the same time covering her mouth and succeeded in forcibly bringing said XXX away to Pacita Complex I, San Vicente, in the Municipality of San Pedro, Province of Laguna, Philippines and within the jurisdiction of this Honorable Court, where the said accused, by means of force, violence and intimidation, succeeded in having sexual intercourse with her against her will, and on the occasion thereof, accused with intent to kill, with the use of superior strength and conveniently armed with a blunt instrument, did then and there willfully, unlawfully and feloniously attack, hit and choke by inserting inside the mouth of XXX with the said instrument, thereby inflicting upon the latter several wounds on her body, which had caused her death, to the damage and prejudice of her surviving heirs.

CONTRARY TO LAW.

Arraigned on November 22, 1995, all three appellants, assisted by their respective counsels, pleaded "Not Guilty"

to the crime charged. Thereafter, trial on the merits ensued, in the course of which the prosecution presented the oral testimonies of YYY and ZZZ, younger brothers of the victim; their mother; Felicisima Arroyo, the victim's neighbor; SPO3 Myrna Olegario, a member of the Criminal Investigation Group in Laguna; PO2 Ernani Mendez, a member of the Philippine National Police (PNP); and Dr. Rolando Victoria, medico-legal officer of the National Bureau of Investigation (NBI).

For its part, the defense presented a total of 11 witnesses, including the appellants themselves.

The People's version of the incidents is succinctly summarized by the Office of the Solicitor General (OSG) in its Appellee's Brief[7] as follows:

About 9:00 o'clock in the evening of August 21, 1995, XXX, together with her younger brothers YYY and ZZZ, was watching television at the house of Felicisima Arroyo (Aling Fely). When the program ended, the siblings left Aling Fely's house.

The house of Aling Fely is some distance away from their house, with several pathways that can be used in going to and leaving the place. YYY and ZZZ left the place first and waited for their older sister XXX at the back of the house of Lalo, one of their neighbors. However, YYY saw XXX take another route home, going by the house of Kuya Nestor, another neighbor. The place was illuminated by the lights coming from the nearby Nescafe factory compound.

YYY was about to call his sister when he saw the three accused approach XXX and snatch her. The illumination provided by the lights of the Nescafe compound allowed YYY to see appellant Dullavin cover XXX's mouth to prevent her from making any sound. YYY also saw Christopher and Alejandro Padua hold XXX's hands.

Since YYY was only ten years old and ZZZ much younger than him, the two were not able to do anything to help their sister. They saw XXX being dragged towards the house of Alejandro Padua. XXX was struggling to free herself or "pumapalag" as she was being dragged away.

Fearful that the trio might also snatch them, the two boys ran home. The two boys, however, did not relate what they saw to their parents since they feared that if they told their parents what they saw, the same fate might befall them also.

The next time YYY saw his sister XXX was inside the morgue of the Veronica Funeral Homes. He noticed that the body of his sister was still wearing the same clothes she had on the night she was abducted.

On August 23, 1995, the Criminal Investigation Command at Pacita Complex, San Pedro Laguna, received a report that a body of a child was found at the unfinished Pacita I Complex, San Pedro, Laguna. Policemen were dispatched by that station to investigate. Among them was PO2 Ernani Mendez. When the police reached the area, they saw the naked body of a girl lying spread-eagled in the grassy area, with a piece of wood stuck in her mouth. There was a sleeveless blouse near the upper body while the panty was placed near the dead child's private part. The place was full of tall grass and sampaguita plants. PO2 Mendez opined that a person lying on the ground in that place could not be seen by passersby because of the sampaguita plants and tall grass.

After recovering the body, the police took the cadaver to the Veronica Funeral homes. [The victim's father] came to the CIC Office and when taken to the morgue, identified the dead body as his missing child, XXX.

Pursuant to the Request for Examination dated August 23, 1995, signed by Police Chief Inspector Jesus Florentino, Dr. Rolando Victoria, medico-legal officer of the NBI, examined the cadaver of XXX on the same day. He found hematoma at the back of the head and back of the right ear, genital laceration at 6:00 o'clock position of the hymen and the laceration of the vaginal wall. He opined that the victim died within the 48 hours preceding his examination. He gave the cause of death as traumatic injuries resulting from fracture blood vessels in the intracania, sub-dural and sub-arachnoidal portions of the skull.

On the other hand, the defense' version is hinged mainly on the following testimonies of the appellants:

Alejandro Padua testified that on August 21, 1995, the date the crime was committed, he was at his house at Ilaya Street, Alabang, Muntinlupa taking care of his three-year old grandchild whose mother was then confined in the hospital. At around 9 o'clock in the evening of said date, he went to sleep and did not leave their house. He was 73 years old at that time, had a failing eyesight and was also suffering from rheumatism and hypertension, hence he could no longer work or go out at night. He started losing his sexual urge when he was 72 years old as his knees became weak and his eyes blurred. The main reason for the filing of the complaint against him was the long-standing feud between his family and family of the victim.

Christopher Padua, grandson of Alejandro, declared that he was at his parents' house at Ilaya, Alabang, Muntinlupa on August 21, 1995 and stayed there the whole day. At around 8 o'clock in the evening, his sister Cristina arrived along with her husband Michael Dullavin. They had dinner together as it was Cristina's birthday. He slept at around 9 o'clock and did not at all see his grandfather Alejandro that evening.

Michael Dullavin, brother-in-law of Christopher, testified that on August 21, 1995, he was at the house of his parents at Bayanan, Muntinlupa as he was then repairing his passenger jeep. He went home at around 8 o'clock in the evening of that date. Then, together with his wife Cristina, the two of them went to the house of his parents-in-law at Ilaya Street, Alabang, Muntinlupa where he saw his co-appellant Christopher. His house and that of his parents-in-law are merely separated by a wall. They all had dinner together at the house to celebrate Cristina's birthday. He and his wife went home around 9 o'clock that evening as he was not feeling well.

The other witnesses for the defense merely corroborated appellants' testimonies that they were home when the incident happened, and that the possible reason for the filing of the complaint against appellants was the fact that the respective families of the victim and appellants were not in good terms.

On November 24, 1998, the trial court rendered its decision[8] convicting appellants of the crime charged and sentencing them as follows:

WHEREFORE, finding accused Alejandro Padua y Cabalquento @ Andoy Padua, Christopher Padua y Videna @ Popop Padua and Michael Dullavin y Valencia @ Mike or Meke guilty of the crime of rape with homicide, the Court hereby sentences each of them to suffer the penalty of death, to pay the heirs of XXX the following sums: P100,000.00 as civil indemnity, P30,000.00 for the wake, burial, coffin of XXX, and P50,000.00 as moral damages. Costs against the accused. However, pursuant to Article 83 of the Revised Penal Code, as amended, the death sentence shall not be inflicted upon accused Alejandro Padua who is over 70 years of age and the same shall be commuted to the penalty of reclusion perpetua with the accessory penalty provided for in Article 40.

SO ORDERED.

The records of the case were then transmitted to this Court on automatic review. While the case was pending review by the Court, the Court received a letter from one Ma. Victoria Diaz of the Philippine Jesuit Prison Service to the effect, among others, that appellant, Christopher V. Padua, was allegedly below eighteen (18) years old at the time of the commission of the crime. Acting thereon, the Court, in its Resolution of April 1, 2003,[9] referred the matter to the Executive Judge of Muntinlupa City for raffle among the RTC judges thereat for the reception of evidence as regards Christopher's alleged minority. The matter was eventually raffled for the purpose to Branch 204 thereof. After due consideration of the evidence presented, RTC Branch 204 found that, indeed, Christopher was 17 years old at the time of the commission of the offense. Accordingly, the privileged mitigating circumstance of minority was considered in his favor and the death penalty earlier imposed on him was thus reduced by the court of origin to reclusion perpetua.

As stated at the onset hereof, the Court, in its Resolution[10] of August 17, 2004 and pursuant to its ruling in *People v. Mateo*,[11] referred the case and its records to the CA for appropriate action and disposition.

In a decision dated February 21, 2005, the CA affirmed with modifications that of the trial court. Dispositively, the CA decision reads:

WHEREFORE, the Decision dated November 24, 1998 of the trial court is affirmed subject to the following modifications:

(i)

The death penalty upon accused-appellant Christopher Padua is reduced to reclusion perpetua; and,

(ii)

In addition to the civil indemnity, each of the accused-appellants is ordered to pay the heirs of the victim (i) moral damages in the increased amount of P75,000.00; and (ii) temperate damages in the amount of P25,000.00, in lieu of actual damages of P30,000.00

SO ORDERED.

From the CA, the case was then elevated to this Court for automatic review. In its Resolution of September 27, 2005, the Court resolved to accept the case and required the parties to submit their respective supplemental briefs.

In a Manifestation (In lieu of Supplemental Brief) dated December 6, 2005, appellants Alejandro Padua and Christopher Padua, through the Public Attorney's Office (PAO), informed the Court that they were no longer filing a supplemental brief and were merely adopting their appellants' brief before the CA as their supplemental brief. For his part, appellant Michael Dullavin filed his Supplemental Brief through his private counsel, Atty. Leodegario Barayang, Sr.

The OSG, on the other hand, filed on February 9, 2006 a Supplemental Brief for the People.

In their common Appellants' Brief[12] before the CA, all three appellants assign the following errors:

I

THE TRIAL COURT ERRED IN CONVICTING ACCUSED-APPELLANTS OF THE CRIME OF RAPE WITH HOMICIDE MERELY ON THE BASIS OF CIRCUMSTANTIAL EVIDENCE.

II

THE TRIAL COURT ERRED IN RENDERING A VERDICT OF CONVICTION DESPITE THE FACT THAT THE GUILT OF ACCUSED-APPELLANTS WAS NOT PROVEN BEYOND REASONABLE DOUBT.

On the other hand, appellant Michael Dullavin, in his Supplemental Brief, similarly faulted the trial court for relying solely on circumstantial evidence in convicting him and for giving credence to the alleged exaggerated and false testimonies of the victim's brothers, YYY and ZZZ.

Insisting that there was no direct evidence to link them to the crime, all three appellants stood to a man in asking the Court to review the sufficiency of the circumstantial evidence upon which their conviction was based, and to acquit them on ground of reasonable doubt.

The appeal must fail.

Direct evidence of the commission of a crime is not the only matrix wherefrom a trial court may draw its conclusion and finding of guilt.[13] The rules of evidence allow a trial court to rely on circumstantial evidence to support its conclusion of guilt. Circumstantial evidence is that evidence which proves a fact or series of facts from which the facts in issue may be established by inference.[14] At times, resort to circumstantial evidence is imperative since to insist on direct testimony would, in many cases, result in setting felons free and deny proper protection to the community.[15]

Section 4 of Rule 133 of the Rules of Court provides that circumstantial evidence is sufficient for conviction if the following requisites are complied with:

- (1) there is more than one circumstance;
- (2) the facts from which the inferences are derived are proven; and
- (3) the combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.

All the circumstances must be consistent with each other, consistent with the hypothesis that the accused is guilty, and at the same time inconsistent with the hypothesis that he is innocent.[16] Thus, conviction based on circumstantial evidence can be upheld, provided the circumstances proven constitute an unbroken chain which leads to one fair and reasonable conclusion that points to the accused, to the exclusion of all others, as the guilty person.[17]

After a careful scrutiny of the evidence presented in this case in the light of the standards set forth above, the Court holds that the evidence adduced by the prosecution adequately proved the guilt beyond reasonable doubt of the herein appellants. The following circumstances, when pieced together, lead to the ineluctable conclusion that appellants raped and killed the victim:

- At around 8 p.m. on August 21, 1995, the victim, XXX, along with her younger brothers YYY and ZZZ, watched television at the house of their neighbor, Aling Fely, located at Ilaya, Alabang, Muntinlupa.
- At around 9 pm., YYY and ZZZ left Aling Fely's house and waited for their sister XXX at the back of the house of another neighbor, Lalo Salapaz. Then, they saw XXX take the opposite route passing through a narrow alley.
- YYY was about to call his sister when he saw appellants Alejandro, Christopher and Michael pull and drag XXX who was then struggling to free herself. Michael even covered XXX's mouth as she was crying.
- The place where XXX was forcibly abducted was well-illuminated by the billboard lights of the Nescafe compound in Alabang, Muntinlupa, which made it possible for YYY and ZZZ to recognize appellants as the ones who abducted XXX.
- That night of August 21, 1995 was the last time XXX was seen alive by her two younger brothers, as after that night, XXX never returned home.
- Two days after or on August 23, 1995, the Criminal Investigation Command of San Pedro, Laguna received a report about a lifeless body found at the vacant lot in Pacita Complex, San Pedro, Laguna. Policemen and investigators were immediately dispatched to the place. There they saw the lifeless and naked body of a girl, with her legs spread-eagled and with a piece of wood stuck into her mouth. The body was later identified as that of XXX. Scattered beside her were the clothes she was wearing at the time she disappeared.
- The post-mortem examination of the body of XXX revealed that she sustained hematoma at the back of her head and right ear, and had been sexually abused as shown by the hymenal laceration at 6 o'clock position, and

other lacerations on her vaginal wall.

- Dr. Rolando Victoria, the medico-legal officer who conducted the autopsy, opined that, based on the injuries and lacerations sustained by XXX, the latter must have died within 48 hours prior to the autopsy on August 23, 1995, which time is compatible to the time when she was last seen alive and being dragged by appellants on August 21, 1995.

All the aforementioned circumstances have been duly proven and established. Circumstantial evidence is considered sufficient when the facts from which the inferences are derived are themselves duly proved. Clearly then, the prosecution has established appellants' culpability through these established facts which constitute an unbroken chain of events leading to the conclusion of guilt on the part of the appellants. There is thus moral certainty that they authored the crime charged.

Appellants also contend that the prosecution's principal witnesses, YYY and ZZZ, are not credible as they did not actually witness the commission of the crime.

We are not persuaded.

In previous decisions, the Court has had occasions to discuss the intrinsic nature of a rape case as one which involves only two parties, the rapist and the victim. Thus, conviction or acquittal in rape cases depends entirely on the credibility of the victim's testimony because only the participants to the crime can testify as to its occurrence.[18] Unfortunately in the instant case, the Court does not have the facility of hearing the victim's testimony as she did not survive the brutality of her assailants. Hence, the prosecution had to rely on the testimonies of its principal witnesses, YYY and ZZZ, younger siblings of victim XXX.

We have carefully gone over the testimonies of YYY and ZZZ and we agree with the trial court's finding that despite rigorous cross-examination by no less than three defense counsels, their testimonies remained unshaken. The brothers were consistent and unwavering in their declaration that they saw appellants drag their sister XXX on the night of August 21, 1995. The trial court was in the best position to assess the credibility of YYY and ZZZ, having had the direct opportunity to observe their demeanors and manner of testifying while on the witness' box. Well-entrenched is the rule that in the matter of credibility of witnesses, the trial court's findings are accorded finality and should not be disturbed on appeal, unless the court has overlooked certain facts of weight and substance, which if considered, would alter the result of the case.[19] We find nothing on record that would compel us to deviate from such rule or to overturn the trial court's assessment of the credibility of both YYY and ZZZ.

Appellants argue that the failure of YYY and ZZZ to come to the rescue of their sister and to inform their parents of the incident are contrary to human experience. On this score, we agree with the Solicitor General's rationale to wit:

YYY and ZZZ are children. As such, they cannot be expected to deliberate and act as adults do. While an adult would normally come to the rescue of a child in distress, a minor cannot be expected to do the same. Children, under ordinary circumstances, would first think of their own safety, and not of rescuing another child in trouble. As explained by the brothers, they did not dare help their sister, or even tell their parents about the abduction, since they feared that appellants, who are definitely stronger than they are, would take them away like they did their sister. This fear was heightened by the fact that appellants were neighbors who lived thereby.[20]

Indeed, behavioral responses of witnesses are diverse when they are confronted with startling occurrences. In fact, there is no uniform reaction or standard behavioral response to grisly events. The sealed lips of witnesses are but a natural and spontaneous reaction. They may opt to remain silent rather than to imperil their own lives and those of

their own families.[21] As we see it, the imputed reaction of YYY and ZZZ is thus understandable and does not at all diminish their credibility.

Appellants then resort to pointing inconsistencies/inadequacies in the testimonies of YYY and ZZZ, such as the title of the movie they watched on television in the house of Aling Fely; the exact time they arrived at the house of Aling Fely; and whether ZZZ shouted at the appellants upon seeing their sister XXX being dragged by them. To the mind of the Court, the inconsistencies/deficiencies alluded to are too trivial to merit consideration, referring as they do to minor and irrelevant matters. For sure, it is of little or no significance at all as to what time the siblings arrived at the house of Aling Fely. It is too petty, as well, to quibble over the title of the movie they watched on Aling Fely's television. What is important is that YYY and ZZZ saw the three appellants perform the acts preparatory to their commission of the crime. The Court is thus consistent in ruling that minor incongruences even serve to strengthen, rather than weaken, the credibility of witnesses[22] as they dispel the testimonies as rehearsed. Too, ample margin of error and understanding must be accorded to young witnesses like YYY, 10 years old, and ZZZ, 7 years old, who, much more than adults, would be gripped with tension due to the novelty of the experience of testifying before a court.[23]

Appellants claim that the charge against them was triggered by the long-standing feud between them and the victim's parents, claiming that the parents were merely impelled by anger and revenge in implicating them. The Court finds such claim flimsy and inconceivable. For, it is highly unnatural for parents to impute such a serious crime as rape with homicide if their motive were other than a fervent desire to seek justice for their daughter.

At bottom, all that appellants could proffer by way of defense are denial and alibi, which, unfortunately for them, are inherently weak and cannot prevail over the positive and credible testimonies of the prosecution witnesses. A denial, unsubstantiated by clear and convincing evidence, is negative, self-serving and merits no weight in law.[24] On the other hand, for alibi to prosper, the hornbook rule requires a showing that the accused was at another place at the time of the perpetration of the offense and that it was physically impossible for him to be at the scene of the crime at the time of its commission.[25] The accused must not only prove that he was somewhere else when the crime was committed; he must also convincingly demonstrate that it was physically impossible for him to be at the locus criminis at the time of the incident.

A thorough examination of the evidence would show that appellants failed to meet the requirements of alibi. All three of them claim that they were in their respective houses when the crime happened. However, considering that their houses are located at Ilaya Street, Alabang, Muntinlupa, and the victim XXX was abducted in the same neighborhood, it is, therefore, not physically impossible for them to be present thereat when XXX was abducted, subsequently raped and killed. What is clear from the evidence is that Alejandro, Chrisotpher and Michael were all within the vicinity of Alabang, Muntinlupa on the night of August 21, 1995. Also, appellants' presence in San Pedro, Laguna where the lifeless body of the victim was found, cannot be ruled out considering that the distance between Alabang, Muntinlupa and San Pedro, Laguna can be negotiated in 30 minutes by land transportation. In short, appellants failed to establish by clear and convincing evidence the physical impossibility of their presence at the scene of the crime on the date and time of its commission.

From the evidence on record, it is beyond doubt that the three appellants conspired in the commission of the crime charged. Their concerted actions point to their joint purpose and community of interest. We, thus, hold all appellants guilty beyond reasonable doubt of the crime of Rape With Homicide.

The courts below imposed the death penalty upon appellants pursuant to R.A. No. 7659[26] which imposes the penalty of death whenever the victim is raped and at the same time killed on the occasion or by reason of the rape.

In view, however, of the passage of R.A. No. 9346,[27] otherwise known as the Anti-Death Penalty Law, which

prohibits the imposition of death penalty, the penalty of reclusion perpetua without eligibility for parole should instead be imposed.[28] Accordingly, appellants shall thus be sentenced with reclusion perpetua without eligibility for parole in lieu of the penalty of death.

With regard to the civil indemnity, we rule that the heirs of XXX are entitled to the amount of P100,000.00 in keeping with the current jurisprudence authorizing the mandatory award of P50,000.00 in case of death, and P50,000.00 upon the finding of the fact of rape.[29]

As to moral damages, the Court deems it just and reasonable that in cases of rape with homicide, the heirs of the victim should be awarded the amount of P75,000.00.[30]

As regards the actual damages, inasmuch as the actual amount of loss had not been proven, we grant the amount of P25,000.00 as temperate damages in lieu of actual damages on the ground that it was reasonable to expect that the family of the victim incurred expenses for the coffin, burial and food during the wake.[31]

Finally, exemplary damages in the sum of P100,000.00 are likewise imposed on appellants to serve as a deterrent to serious wrongdoings and as a vindication of undue sufferings and wanton invasion of the rights of a victim.[32]

WHEREFORE, the decision dated February 21, 2005 of the Court of Appeals is hereby AFFIRMED with the following MODIFICATIONS:

(1)

Appellants Christopher Padua, Alejandro Padua and Michael Dullavin are each sentenced to reclusion perpetua, conformably with R.A. No. 9346, without eligibility for parole; and

(2)

They are ordered to indemnify the heirs of XXX, the following: (a) P100,000.00 as civil indemnity; (b) P75,000.00 as moral damages; (c) P25,000.00 as temperate damages; and (d) P100,000.00 as exemplary damages.

Costs de oficio.

SO ORDERED.

Puno, C.J., Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Tinga, Chico-Nazario, Velasco, Jr., and Nachura, JJ., concur.

Carpio-Morales, and Callejo, Sr., JJ., on leave.

Azcuna, J., on official leave.

[1] Penned by Associate Justice Fernanda Lampas Peralta, with Presiding Justice Ruben T. Reyes and Associate Justice Josefina Guevarra-Salonga, concurring; Rollo, pp. 3-17.

[2] Penned by Judge Stella Cabuco Andres; CA Rollo, pp. 82-100.

[3] G.R. Nos. 147678-87, July 4, 2004, 433 SCRA 640.

[4] In our Resolution of August 17, 2004.

[5] G.R. No. 167693, September 19, 2006.

- [6] CA Rollo, pp. 14-15.
- [7] CA Rollo, pp. 288-309.
- [8] CA Rollo, pp. 82-100.
- [9] Administrative Matter No. 03-03-22-SC.
- [10] Rollo, p. 2.
- [11] Supra note 3.
- [12] CA Rollo, pp. 330-358.
- [13] *People v. Lopez*, G.R. No. 131151, August 25, 1999, 313 SCRA 114.
- [14] *People v. Ayola*, G.R. No. 138923, September 4, 1002, 364 SCRA 451.
- [15] *People v. Ramos*, G.R. No. 104497, January 18, 1995, 240 SCRA 191.
- [16] *People v. Pabiona*, G.R. No. 145803, June 30, 2004, 433 SCRA 301.
- [17] *People v. Lopez*, supra note 11.
- [18] *People v. Tacipit*, G.R. No. 109140, March 8, 1995, 242 SCRA 241; *People v. Ching*, G.R. No. 103800, January 19, 1995, 240 SCRA 267.
- [19] *People v. Abatayo*, G.R. No. 139456, July 7, 2004, 433 SCRA 562.
- [20] Rollo, p. 47.
- [21] *People v. Jamiro*, G.R. No. 117576, September 18, 1997, 279 SCRA 290.
- [22] *People v. De Leon*, G.R. No. 115367, September 28, 1995, 248 SCRA 609.
- [23] *People v. Abaño*, G.R. No. 142728, January 23, 2002, 374 SCRA 431.
- [24] *People v. Alviz*, G.R. Nos. 144551-55, June 29, 2004, 433 SCRA 164.
- [25] *People v. Gonzales*, G.R. No. 141599, June 29, 2004, 433 SCRA 102.
- [26] Otherwise known as the Death Penalty Law.
- [27] Approved on June 24, 2006.
- [28] Supra note 5.
- [29] *People v. Tablon*, G.R. No. 137280, March 13, 2002, 379 SCRA 280.
- [30] *People v. Magallanes*, G.R. No. 136299, August 29, 2003, 410 SCRA 183.
- [31] *People v. Abrazaldo*, G.R. No. 124392, February 6, 2003, 397 SCRA 137.
- [32] *People v. Larrañaga*, G.R. Nos. 138874-75, February 3, 2004, 421 SCRA 530.

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