

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. CLEMENTE CASTA Y CAROLINO, ACCUSED-APPELLANT.

G.R. No. 172871. September 16, 2008

Ponente: BRION, J.

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BRION, J.:

This is an appeal from the March 10, 2006 Decision[1] of the Court of Appeals (CA) in CA-G.R. CR-HC No. 01217. The CA affirmed the August 18, 1999 Decision[2] of the Regional Trial Court (RTC), Branch 55, Alaminos, Pangasinan, finding the appellant Clemente Casta y Carolino (appellant) guilty beyond reasonable doubt of the crime of murder and sentencing him to suffer the penalty of reclusion perpetua.

ANTECEDENT FACTS

The prosecution charged the appellant before the RTC with the crime of murder under an Information that states:

That on or about the 20[th] day of August, 1989 in the afternoon, at barangay Goyoden, municipality of Bolinao, province of Pangasinan, New [sic] Republic of the Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill and by means of treachery, did, then and there, willfully, unlawfully and feloniously, suddenly and without warning attack and stab DANILO CAMBA with a knife, inflicting upon the victim the following injuries to wit:

-

stab wound, 3 inches in length, 4 inches in depth, located at the back, left side, 5 inches (level) below the armpit;

-

stab wound at the left forearm, 3 cm. length and 1 inch depth.

which caused his instantaneous death to the damage and prejudice of the heirs of Danilo Camba.

CONTRARY to Article 248 of the Revised Penal Code.[3]

The appellant pleaded not guilty to the charge upon arraignment. The prosecution presented the following witnesses in the trial on the merits that followed: Marlyn[4] Cister; Modesto Cardona; Domingo Camba; Dionisia Camba; and Dr. Prudencio C. de Perio. The appellant took the witness stand for the defense.

Marlyn Cister (Marlyn) testified that in the afternoon of August 20, 1989, while seated on the steps of the stairs of their house, she saw Danilo Camba (Danilo) and Modesto Cardona (Modesto) standing by the roadside.[5] Suddenly, the appellant appeared from behind Danilo and stabbed him (Danilo).[6] Danilo fell and died on the spot. Thereafter, the appellant fled.[7]

Modesto narrated that at around 3:00 o'clock in the afternoon of August 20, 1989, he was walking along the road at Sitio Makber, Goyoden, Bolinao, Pangasinan when Danilo emerged from a small road and joined him. Along

the way, they met Marcos Gumangan (Marcos) and Angel Gatchalian (Angel) with whom they exchanged greetings; it was Danilo's first time to visit Goyoden after several years. They all walked towards the west with Marcos and Angel walking behind them. Suddenly, the appellant appeared from behind Danilo and stabbed him using a double-bladed knife.[8] Danilo turned around and then fell; the appellant fled still holding the knife he used in stabbing Danilo.[9]

On cross-examination, he testified that he was at about "two (2) arms length" away from Danilo when he was stabbed, while their other companions were behind them.[10]

Senior Police Officer I Domingo Camba (SPO1 Camba), a member of the Bolinao Police Station, narrated that on August 20, 1989, Barangay Captain Igmedio Gatchalian went to the Bolinao Police Station to report the stabbing of Danilo by the appellant; the incident was entered in the police blotter as Entry No. 4300.[11] He and other police officers promptly went to Barangay Goyoden and conducted an on-the-spot investigation at the crime scene.[12] The next day (August 21, 1989), the appellant's uncle came and told him that the appellant was at his (the appellant's) house. He went with the appellant's uncle to the appellant's house where the appellant gave himself up. He forthwith brought the appellant to the police station for investigation.[13]

At the police station, the appellant confessed to the killing of Danilo after being informed of his constitutional rights and in the presence of counsel, a certain Atty. Antonio V. Tiong,[14] The confession was reduced to writing and was signed by the appellant and Atty. Tiong.[15]

Dionisia Camba (Dionisia), Danilo's widow, testified that her husband was an employee of the Office of the Register of Deeds, Lingayen, Pangasinan at the time of his death, earning more than P3,000.00 a month.[16] They have four (4) children and that her husband was the sole breadwinner of the family. According to her, she spent a total of P13,500.00 for the funeral and burial expenses of her husband[17] but the receipts for these expenses have all been lost.[18]

Dr. Prudencio C. de Perio (Dr. de Perio), the Municipal Health Officer of Bolinao, Pangasinan, narrated that he conducted an autopsy on the remains of Danilo at the request of the police,[19] and made the following findings:

AUTOPSY REPORT

x x x x

III. Findings

A male cadaver undergoing rigor mortis, around 5'6" in height, and around 145 lbs. in weight.

- Stab wound, 3 inches in length, 4 inches in depth, located at the back, left side, 5 inches (level) below the armpit.
- Left lung injured and also the heart, causing massive hemorrhages.
- Stab wound at the left forearm, 3 cm. length and 1 inch depth.

Wound is horizontal.[20]

According to Dr. de Perio, the victim's cause of death was "shock, due to massive hemorrhage brought about by the stab wounds." [21] He added that the stab wounds were caused by a sharp-pointed instrument such as a dagger.[22]

The appellant gave a different version of the events which the RTC summarized as follows

x x x that on August 20, 1989 in the afternoon, he went to Sitio Matber, Goyoden, Bolinao, to buy fish; that

before reaching the place where he will buy fish, he met a person whom he did not know.[23] This person called him by waving his hand and pointing to him. He responded to the call of this person by approaching him but when he was near him, this person boxed him but he was not hit. They grappled with each other and he did not notice if there were other persons around them; that he then noticed that his knife was already bloody so he ran away; that there was no person around that he noticed when he saw his knife bloody; that at that time, he did not know the identity of the person with whom he grappled; that when he was already detained, he learned that the person was Danilo Camba.[24]

The accused also declared that he was not arrested by the Police, but he surrendered to Pat. Domingo Camba on August 21, 1989 to whom his uncle relayed the information that he wanted to surrender and Pat. Camba fetched him. While under Police custody, he was investigated by Pat. Camba and said investigation was in writing and signed by him (Exhibit D, D-1 and D-2), but he said that the document was not his statement although it bears his signature.[25] He was forced to sign the investigation because he was afraid of the investigator who bears the same family name as the victim but he does not know if they are related; x x x [26]

On cross-examination, he declared that he did not plan to kill the victim and his killing was accidental.[27] He gave his affidavit in the Bolinao dialect in questions and answers (Exhibits D and series); that all the signatures bearing his name are his (Exhibit D-4, D-5, D-6); that this document has an English translation (Exhibit F); x x x that he admitted on direct examination that he stabbed Danilo Camba and he threw the knife into the sea when he rode on a motorboat and was confused; that he knew that the date when he stabbed Danilo Camba was August 20, 1989 and in the afternoon but he did not know the time.[28]

On re-direct examination, the accused declared that the reason for his stabbing Danilo Camba was that when they met on the road and Camba was drunk, without any provocation on his part, Camba positioned to box him so he drew his knife and stabbed him; that he did not know the reason why Camba wanted to box him; that at that time, Camba was with one Fedelino Gatchalian; that he had no previous grudge with Camba because he did not know him; that he did not see the victim with any weapon and he did not know if he was armed or not; and that he is bigger than Camba.[29] [Footnotes referring to the pertinent parts of the record supplied]

The RTC convicted the appellant of the crime of murder in its decision of August 18, 1999 as follows:

Wherefore, in view of the foregoing considerations, the Court hereby renders judgment, finding the accused Clemente Casta y Carolino, of Barangay Goyoden, Bolinao, Pangasinan, guilty beyond reasonable doubt of the crime of Murder for the death of Danilo Camba, of the same place, and hereby sentences him to suffer the penalty of reclusion perpetua and to indemnify the heirs of the deceased in the amount of P50,000.00 as compensation for the death of the victim, P100,000.00 as moral and exemplary damages and P13,000.00 as actual damages.

With costs de officio.

SO ORDERED.[30]

The records of this case were originally transmitted to this Court on appeal. Pursuant to our ruling in *People v. Mateo*, [31] we endorsed the case and its records to the CA for appropriate action and disposition.[32]

The CA, in a decision dated March 10, 2006, affirmed the RTC decision in toto.

In his brief,[33] the appellant argues that the RTC erred -

1. in convicting him of the crime of murder; and
2. in imposing upon him the penalty of reclusion perpetua.

THE COURT'S RULING

We resolve to deny the appeal but we modify the penalty imposed and the amount of the awarded indemnities.

Sufficiency of Prosecution Evidence

An established rule in appellate review is that the trial court's factual findings, including its assessment of the credibility of the witnesses and the probative weight of their testimonies, as well as the conclusions drawn from the factual findings, are accorded respect, if not conclusive effect. These actual findings and conclusions assume greater weight if they are affirmed by the CA. Despite the enhanced persuasive effect of the initial RTC factual ruling and the results of the CA's appellate factual review, we nevertheless fully scrutinized the records of this case as the penalty of reclusion perpetua that the lower courts imposed on the accused demands no less than this kind of scrutiny.[34]

A striking feature of this case is that the appellant did not deny that he stabbed Danilo. He expressly made this admission in his testimony of January 18, 1995:

ATTY. ROMIE V. BRAGA:

Q:

In your direct-examination, you admitted having stabbed the deceased Danilo Camba, will you tell the Court where was that knife which you used in stabbing Danilo Camba?

CLEMENTE CASTA:

A:

I left it in the sea, sir.

Q:

You mean you threw it into the sea?

A:

Yes, sir.

Q:

Will you tell the Court why you threw the knife which you used in stabbing Danilo Camba into the sea?

A:

Because I rode in a motor boat and then I threw it into the sea, sir.

Q:

And will you tell the Court why you threw or drop it into the sea?

A:

Because I was confused, sir.

Q:

Now will you tell us what time was it more or less when you stabbed Danilo Camba?

A:

I do not know the time, sir.

Q:

But it was in the afternoon of August 20, 1989, is that correct?

A:

Yes, sir. x x x[35] [Emphasis ours]

This in-court admission confirms the separate admission he made at the Bolinao police station on August 22, 1989 in the presence of counsel, Atty. Antonio V. Tiong.

The petitioner sought to exculpate himself by claiming that the stabbing was an act of self-defense. In his testimony of May 3, 1994, he claimed:

ATTY. TEOFILO A. HUMILDE:

Q:

After Gumangan left and you continued walking, were you able to reach the place where you were to buy fish?

CLEMENTE CASTA:

A:

No, sir.

Q:

Why?

A:

I met the person whom I don't know, sir.

x x x

Q:

What did you do when you saw that person by the roadside after you have seen Gumangan?

A:

None, sir, he called me.

x x x

Q:

Will you tell us what you heard when you said that person called you?

A:

He called me by waving his hand and then he pointed me [sic].

Q:

After that, did you respond to his hand-waving by getting near?

A:

When I got near him, he boxed me, sir.

Q:

Were you hit when he boxed you?

A:

No, sir.

Q:

What happened next after that person boxed you?

A:

We fought each other by grappling, sir.

x x x

Q:

When you grappled with each other, who was the first who grappled against whom?

A:

He, sir.

Q:

What happened when he grappled with you and you grappled with him, what happened next?

A:

I did not notice that my knife has already blood so I ran away.

x x x

Q:

Did you come to know him later, that person whom you grappled with?

A:

When I was in prison, sir.

Q:

Who was that?

A:

Danilo Camba, sir.[36] [Emphasis ours]

Like the RTC, we do not believe that the appellant acted in self-defense.

As a rule, the prosecution bears the burden of establishing the guilt of the accused beyond reasonable doubt. However, when the accused admits the killing and, by way of justification, pleads self-defense, the burden of evidence shifts; he must then show by clear and convincing evidence that he indeed acted in self-defense. For that purpose, he must rely on the strength of his own evidence and not on the weakness of the prosecution's case.[37]

Article 11(1) of the Revised Penal Code spells out the elements that the accused must establish by clear and convincing evidence to successfully plead self-defense. The Article provides:

Art. 11. Justifying Circumstances. - The following do not incur any criminal liability:

1. Anyone who acts in defense of his person or rights, provided that the following circumstances concur:

First. Unlawful aggression;

Second. Reasonable necessity of the means to prevent or repel it;

Third. Lack of sufficient provocation on the part of the person defending himself.

x x x

There is unlawful aggression when the peril to one's life, limb or right is either actual or imminent. There must be actual physical force or actual use of a weapon. It is a statutory and doctrinal requirement to establish self-defense that unlawful aggression must be present. It is a condition sine qua non; there can be no self-defense, complete or incomplete, unless the victim commits unlawful aggression against the person defending himself.[38]

We find that the appellant miserably failed to prove that he had to defend himself against an unlawful aggression. Aside from his own claim (which we find under the circumstances to be self-serving), the appellant did not present any other evidence to corroborate his claim that the victim boxed him when they met on the road in Sitio Makber, Barangay Goyoden, Bolinao, Pangasinan. As against his bald claim, two eye-witnesses - Marlyn and Modesto - saw no unlawful aggression by the victim against the appellant. Marlyn testified that at the time he was stabbed, Danilo was merely standing near the roadside fronting her (Marlyn's) house. Modesto, on the other hand, narrated that, he, Danilo and several others were simply walking slowly along the Sitio Makber, Goyoden road towards the west when the appellant suddenly approached from behind and stabbed Danilo.

We find no reason to disbelieve these straightforward narration of the events surrounding the stabbing that led to Danilo's death. Nor do we see anything on the record showing any improper motive that would lead the witnesses to testify as they did. In fact, the appellant never imputed any such motive on Marlyn and Modesto. The established rule, laid down in an already long line of cases, is that in the absence of evidence showing any reason or motive for the prosecution witnesses to falsely testify, their testimony can be given full faith and credit.[39] Thus, no actual or imminent threat to the appellant's life or limb existed when he stabbed Danilo to death.

The Crime Committed

Article 248 of the Revised Penal Code defines the crime of murder as follows:

Article 248. Murder. - Any person who not falling within the provisions of Article 246, shall kill another, shall be guilty of murder and shall be punished by reclusion temporal in its maximum period to death, if committed with any of the following attendant circumstances:

1. With treachery x x x x [40]

Treachery, the qualifying circumstance alleged against the appellant, exists when an offender commits any of the crimes against persons, employing means, methods or forms which tend directly or especially to ensure its execution, without risk to the offender, arising from the defense that the offended party might make.[41] This definition sets out what must be shown by evidence to conclude that treachery existed, namely: (1) the employment of such means of execution as would give the person attacked no opportunity for self-defense or retaliation; and (2) the deliberate and conscious adoption of the means of execution. To reiterate, the essence of qualifying circumstance is the suddenness, surprise and the lack of expectation that the attack will take place, thus

depriving the victim of any real opportunity for self-defense while ensuring the commission of the crime without risk to the aggressor.[42]

The evidence in the case shows that Danilo was by the roadside when the appellant, wielding a deadly weapon - a double-bladed knife - suddenly appeared from behind and stabbed him. The unsuspecting victim was hit at the back below the left armpit, puncturing his heart and lungs. As the witnesses testified, the attack was sudden and while the victim was in an unguarded position: from his rear so that the unsuspecting victim had practically no chance to defend himself. The location of the thrust - at the left side, below the armpit - shows that the heart was the targeted organ to immediately incapacitate the victim and render him unable to defend against or respond to the attack. As the evidence shows, the victim simply fell immediately after being stabbed, in the way that a raging bull immediately crumbles to its knees, spent and harmless, upon being hit by the matador's sword thrust, delivered from above, between its shoulder blades, targeting the heart. These mode, manner and execution of the attack, to our mind, bespeak of treachery.

Voluntary Surrender

Voluntary surrender, properly undertaken, is a mitigating circumstance that lowers the imposable penalty. It is present when the following elements concur: a) the offender has not been actually arrested; b) the offender surrenders himself to a person in authority or to the latter's agent; and c) the surrender is voluntary. To be sufficient, the surrender must be spontaneous and made in a manner clearly indicating the intent of the accused to surrender unconditionally, either because he acknowledges his guilt or wishes to save the authorities the trouble and expense attendant to the efforts of searching for and capturing him.[43]

We find all the requisites present in this case. The appellant testified that he had asked his uncle, Ediom Casta, to go to the police to signify his intention to surrender. At around 7:00 o'clock in the morning of August 21, 1989, SPO1 (then Patrolman) Camba came to his house to bring him back to the Bolinao Police Station for investigation. The appellant's testimony that he voluntarily surrendered was corroborated by the November 21, 1991 testimony of SPO1 Camba, which we quote:

ATTY. ROMIE V. BRAGA:

Q:

Now, as police investigator, will you inform the Court if Clemente Casta, the accused herein, ever presented himself to your office?

DOMINGO CAMBA

A:

Yes, sir.

Q:

And in relation with this incident and that appearance of Clemente Casta in your office, was it reflected and entered in your police blotter?

A:

Yes, sir.

Q:

Now, will you go over your police blotter and read into the record the fact of the appearance of Clemente in

your office in relation with this incident?

A:

On entry 4302 21 August, 1989 07 hundred hours Clemente Casta y Carolino, 21 years old, single, fisherman, resident of Goyuden Bolinao, Pangasinan was brought into this station for investigation following his voluntary surrender to have allegedly killed Danilo Camba on or about 1500 hundred hours 20 August 1989 in Goyuden this municipality.[44]

That the appellant surrendered only in the morning of August 21, 1989 (or a day after the stabbing incident) does not diminish nor affect the voluntariness of his surrender. For voluntary surrender to mitigate an offense, it is not required that the accused surrender at the first opportunity.[45] Here, the appellant went voluntarily with SPO1 Camba to the police station within a day after the killing to own up to the killing. Thus, the police did not devote time and effort to the investigation of the killing and to the search and capture of the assailant.

Based on these considerations, we hold that the mitigating circumstance of voluntary surrender should be appreciated in appellant's favor.

The Proper Penalty

The Information in this case indicates that the crime of murder was committed by the appellant on August 20, 1989 which was before the effectivity of Republic Act No. 7659 on December 31, 1993 amending Article 248 of the Revised Penal Code on murder, raising the penalty to reclusion perpetua to death. Prior to its amendment the penalty for the crime of murder under Article 248 of the Revised Penal Code was reclusion temporal in its maximum period to death.

In light of the greater penalty that attaches under the amendment, the previous penalty of reclusion temporal in its maximum period to death will have to be imposed in order not to run afoul of the constitutional prohibition against ex post facto laws. Under Section 22 of Article III of the 1987 Constitution, no ex post facto law or bill of attainder shall be enacted. An ex post facto law, among others, is one that changes the penalty and inflicts a greater punishment than what the law annexed to the crime when committed[46] - the situation that would obtain if the amendment under Republic Act No. 7659 would be applied.

Considering that the appellant has in his favor the mitigating circumstance of voluntary surrender with no aggravating circumstance to offset it, the imposable penalty should be in the minimum period, i.e., reclusion temporal in its maximum period. Under the Indeterminate Sentence Law,[47] the maximum sentence shall be reclusion temporal in its maximum period (17 years, 4 months and 1 day to 20 years) and the minimum shall be taken from the next lower penalty, which is prision mayor maximum to reclusion temporal medium (10 years and 1 day to 17 years and 4 months).

Civil Liability

The RTC awarded the amount of P13,000.00 to the victim's heirs as actual damages in light of established jurisprudence that allows only expenses duly supported by receipts as proof of actual damages.[48] This RTC ruling has however been overtaken by our rulings in the landmark cases of *People v. Abrazaldo*[49] and *People v. Villanueva*. [50] In *Abrazaldo*, we ruled that where the amount of the actual damages cannot be determined because of the absence of supporting and duly presented receipts but evidence confirming the heirs' entitlement to actual damages, temperate damages in the amount of P25,000.00 may be awarded. This ruling was reiterated, with slight modification in *Villanueva*, where we held that when the actual damages proven by receipts during the trial amount to less than P25,000.00, we can nevertheless award temperate damages of P25,000.00. Thus, the heirs' entitlement is P25,000.00 of temperate damages.

We also modify the award of P100,000.00 as moral and exemplary damages which the RTC lumped together. Moral damages are mandatory in cases of murder and homicide without need of allegation and proof other than the death of the victim. We find the award of P50,000.00 as moral damages in order in accordance with established jurisprudence. [51]

The award of exemplary damages is justified by the duly proven qualifying circumstance of treachery; when a crime is committed with an aggravating circumstance, either qualifying or generic, an award of P25,000.00 as exemplary damages is justified under Article 2230 of the New Civil Code.[52]

We cannot award loss of earning capacity to the victim's heirs since no documentary evidence was presented to substantiate this claim. As a rule, documentary evidence should be presented to substantiate a claim for damages for loss of earning capacity. While there are exceptions to the rule, these exceptions do not apply as the victim, Danilo, was an employee of the Office of the Register of Deeds of Lingayen, Pangasinan when he died; he was not a worker earning less than the minimum wage under the prevailing labor laws.[53]

We affirm the P50,000.00 death indemnity awarded to the victim's heirs, in accordance with prevailing jurisprudence.[54]

WHEREFORE, in light of all the foregoing, we hereby AFFIRM the March 10, 2006 Decision of the Court of Appeals in CA-G.R. CR-HC

No. 01217 with the following MODIFICATIONS:

- (1) the appellant is sentenced to suffer the indeterminate penalty of imprisonment for (10) years and one (1) day of prison mayor maximum, as minimum, to seventeen (17) years four (4) months and one (1) day of reclusion temporal maximum, as maximum;
- (2) moral damages is REDUCED to P50,000.00;
- (3) exemplary damages is REDUCED to P25,000.00;
- (4) the award of actual damages is DELETED; and
- (5) the appellant is ORDERED to PAY the victim's heirs the amount of P25,000.00 as temperate damages.

Costs against the appellant Clemente Casta.

SO ORDERED.

Quisumbing, (Chairperson), Carpio Morales, Tinga, and Velasco, Jr., concur.

[1] Penned by Associate Justice Jose L. Sabio, Jr. and concurred in by Associate Justice Fernanda Lampas-Peralta and Associate Justice Arturo G. Tayag; rollo, pp. 3-18.

[2] Penned by Judge Lilia C. Español; CA rollo, pp. 17-24.

[3] Records, p. 1.

[4] In some parts of the record, her name is spelled as Marlene.

[5] TSN, November 5, 1991, p. 4.

[6] Id., p. 5.

- [7] Id., p. 7.
- [8] TSN, November 12, 1991, pp. 5-8.
- [9] Id., p. 10.
- [10] Id., p. 19.
- [11] TSN, November 21, 1991, p. 5.
- [12] Id., p. 6.
- [13] TSN, November 26, 1992, p. 12.
- [14] In some parts of the record, his name appears as Atty. Chiong
- [15] TSN, November 21, 1991, pp. 10-
- [16] TSN, December 3, 1991, p. 11.
- [17] Id., pp. 9-12.
- [18] Id., p. 14.
- [19] TSN, January 7, 1993, p. 8.
- [20] Records, p. 11.
- [21] TSN, January 7, 1993, p. 11.
- [22] Id., p. 24.
- [23] TSN, May 3, 1994, p. 3.
- [24] Id., pp. 5-6.
- [25] Id., pp. 6-7.
- [26] Id., p. 8.
- [27] TSN, July 28, 1994, p. 6.
- [28] TSN, January 18, 1995, pp. 3-5.
- [29] Id., p. 5-8.
- [30] CA rollo, pp. 23-24.
- [31] G.R. Nos. 147678-87, July 7, 2004, 433 SCRA 640, 656.
- [32] Per our Resolution dated September 20, 2004; CA rollo, p. 147.
- [33] Id., pp. 35-45.
- [34] *People v. Ballesteros*, G.R. No. 172696, August 11, 2008, citing *People v. Garalde*, 521 SCRA 327, 340 (2007).
- [35] TSN, January 18, 1995, pp. 4-5.
- [36] TSN, May 3, 1994, pp. 5-6.

- [37] See *People v. Santillana*, G.R. No. 127815, June 9, 1999, 308 SCRA 104.
- [38] *People v. Ansowas*, G.R. No. 140647, December 18, 2002, 394 SCRA 227.
- [39] *People v. Rada*, G.R. No. 128181, June 10, 1999, 308 SCRA 227.
- [40] Under R.A. 7659 (The Heinous Crimes Law), the penalty for murder is now reclusion perpetua to death.
- [41] *People v. Batin*, G.R. No. 177223, November 28, 2007, 539 SCRA 272, 288.
- [42] *People v. Felipe*, G.R. No. 142505, December 11, 2003, 418 SCRA 146.
- [43] *Ladiana v. People*, G.R. No. 144293, December 4, 2002, 393 SCRA 419.
- [44] TSN, November 21, 1991, p. 7.
- [45] *People v. Saul*, G.R. No. 124809, December 19, 2001, 372 SCRA 637.
- [46] See: *People v. Derilo*, G.R. No. 117818, April 18, 1997, 271 SCRA 633, 661-663.
- [47] Act No. 4103, as amended by Act No. 4225.
- [48] *Pleyto v. Lomboy*, G.R. No. 148737, June 16, 2004, 432 SCRA 329; *People v. Buenavidez*, G.R. No. 141120, September 17, 2003, 411 SCRA 202.
- [49] G.R. No. 124392, February 7, 2003, 397 SCRA 137.
- [50] G.R. No. 139177, August 11, 2003, 408 SCRA 571.
- [51] *People v. Eling*, G.R. No. 178546, April 30, 2008.
- [52] See *People v. Tolentino*, G.R. No. 176385, February 26, 2008.
- [53] *People v. Ballesteros*, *supra* note 34.
- [54] See *Licyayo v. People* G.R. No. 169425, March 4, 2008; *People v. Tabuelog*, G.R. No. 178059, January 22, 2008, 542 SCRA 301.

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