

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
EMMANUEL ROCHA ALIAS “NOPOY” AND RUEL RAMOS
ALIAS “AWENG,” ACCUSED-APPELLANTS.**

G.R. NO. 173797. August 31, 2007

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

On 12 May 1994, an Information was filed against herein accused-appellants Emmanuel Rocha y Yeban alias Nopoy (Rocha) and Ruel Ramos y Alcober alias Aweng (Ramos), along with Romeo Trumpeta y Aguaviva (Trumpeta), in the Regional Trial Court (RTC) of Quezon City, Branch 215. Another accused, Eustaquio Cenita y Omas-As (Cenita), was impleaded in the Amended Information. The Amended Information alleged a crime committed as follows:

That on or about the 28th day of September, 1993, in Quezon City, Philippines, the above-named accused, conspiring and confederating with several others, whose true identities, whereabouts and personal circumstances have not as yet been ascertained and mutually helping one another, all armed with high power (sic) guns, with intent to gain and by means of violence and intimidation against person (sic), did then and there, wilfully, unlawfully and feloniously rob the Bank of the Philippine Islands (BPI) represented by ALEX BABASA, JR. in the following manner, to wit: on the date and place aforementioned, while Alex Babasa, Jr. was placing the money contained in two (2) duffle bags inside the vault of the armored van, with the two (2) security guards on the watch, the said accused pursuant to their conspiracy and with intent to kill, opened fire at them hitting S/G ROGER TARROQUIN and S/G TITO HOMERES, thereby inflicting upon them serious and mortal wounds which were the immediate cause of their death and thereafter, accused took, robbed and carried away the said two (2) duffle bags containing P1.5 million pesos, Philippine Currency, and the 12 gauge shotgun with SN 1048245 worth P11,000.00 issued to S/G Roger Tarroquin and the cal. 38 revolver with SN 23238 worth P6,500.00 issued to S/G Tito Henares and owned by Eaglestar Security Services, Incorporated to the damage and prejudice of the offended parties in the amount aforementioned and to the heirs of the said victims.[1]

On 6 February 1996, the RTC promulgated its Decision in Criminal Case No. Q-93-49474 finding Trumpeta, Cenita and herein accused-appellants Rocha and Ramos guilty of the crime of Robbery with Homicide, and imposing upon them the penalty of reclusion perpetua. The RTC disposed of the case as follows:

WHEREFORE, the accused ROMEO TRUMPETA y AGUAVIVA, EMMANUEL RIOCHA y YEBAN, RUEL RAMOS y ALCOBER and EUSTAQUIO CENITA y OMAS-AS, are found GUILTY of the crime of Robbery With Homicide as charged, the prosecution having proven their guilt beyond reasonable doubt. In accordance with Article 294 of the Revised Penal Code, paragraph 1 thereof, all of the above-named accused are sentenced to suffer the penalty of reclusion perpetua with all the accessory penalties attendant thereto. They could have been sentenced to death but for the fact that the death penalty was suspended, then the crime was committed.[2]

In addition, all the accused are jointly and severally ordered to pay the heirs of deceased Roger Tarroquin and

Tito Henares P50,000.00 each, respectively. Further, all the accused are jointly and severally ordered to indemnify the Bank of the Philippine Islands the sum of P1,600,000. With costs against the accused.[3]

Trumpeta, Cenita and accused-appellants appealed to this Court. On 13 September 1999, however, Trumpeta filed an Urgent Motion to Withdraw Appeal,[4] which was granted by this Court on 11 October 1999.[5] On 29 May 2001, Cenita filed his own Urgent Motion to Withdraw Appeal,[6] which was granted by this Court on 15 August 2001.[7]

On 25 August 2004, pursuant to the Decision of this Court in *People v. Mateo*,[8] we transferred the case to the Court of Appeals.

On 31 March 2006, the Court of Appeals promulgated its Decision[9] in CA-G.R. CR H.C. No. 01765 affirming with clarification the Decision of the RTC, thus:

Wherefore, the appealed Decision is AFFIRMED with CLARIFICATION. Appellants Emmanuel Rocha @ "Nopoy" and Ruel Ramos @ "Aweng" are found guilty as co-principals in the crime of Robbery with Homicide and each is hereby sentenced to suffer the penalty of reclusion perpetua. Each one of them is ordered to pay civil indemnity in the amount of [Fifty Thousand Pesos] (P50,000.00) each to the heirs of Roger Tarroquin and Tito Homeres. All other aspects of the appealed Decision are MAINTAINED.[10]

On 18 April 2006, accused-appellants Rocha and Ramos, through the Public Attorney's Office (PAO), appealed the Decision of the Court of Appeals to this Court.

On 13 September 2006, this Court required the parties to submit their respective supplemental briefs.

On 14 November 2006, accused-appellant Rocha, having been detained for more than seventeen years, filed a Motion to Withdraw Appeal, stating that he intends to apply for parole. He also manifested that his co-accused on this case, Romeo Trumpeta and Estaquio Cenita, had already withdrawn their appeal.

On 14 February 2007, plaintiff-appellee People of the Philippines, through the Solicitor General, filed a Comment opposing accused-appellant Rocha's Motion to Withdraw Appeal.

On 28 February 2007, accused-appellant Ramos followed suit and filed his own Manifestation with Motion to Withdraw Appeal. He likewise manifested that he had already served fourteen years in prison and that all his other co-accused had already withdrawn their appeal, and applied for executive clemency to avail himself of parole.[11]

We are therefore determining herein whether or not the Motions to Withdraw Appeal of accused-appellants Rocha and Ramos should be granted.

According to the plaintiff-appellee,

- It is well-settled that in cases where the penalty imposed is reclusion perpetua, appeal in criminal cases to this Honorable Court is a matter of right. A review of the trial court's judgment of conviction is automatic and does not depend on the whims of the convicted felon. It is mandatory and leaves the reviewing court without any option.

- In *U.S. v. Laguna* [17 Phil. 533 (1910)], this Honorable Court first enunciated the rationale behind the Court's power of automatic review. The High Court ratiocinated:

The requirement that the Supreme Court pass upon a case in which capital punishment has been imposed by the sentence of the trial court is one having for its object simply and solely the protection of the accused. Having received the highest penalty which the law imposes, he is entitled under that law to have the sentence and all the facts and circumstances upon which it is founded placed before the highest tribunal of the land to

the end that its justice and legality may be clearly and conclusively determined. Such procedure is merciful. It gives a second chance of life. Neither the courts nor the accused can waive it. It is a positive provision of the law that brooks no interference and tolerates no evasions. (emphasis supplied)

- No less than this Honorable Court recognizes the value of human life that it provided an intermediate appeal or review in favor of the accused. In *People vs. Mateo*, this Honorable Court held:

While the Fundamental Law requires a mandatory review by the Supreme Court of cases where the penalty imposed is reclusion perpetua, life imprisonment, or death, nowhere, however has it proscribed an intermediate review. If only to ensure utmost circumspection before the penalty of death, reclusion perpetua or life imprisonment is imposed, the court now deems it wise and compelling to provide in these cases a review by the Court of Appeals before the case is elevated to the Supreme Court. Where life and liberty are at stake, all possible avenues to determine his guilt or innocence must be accorded an accused, and no care in the evaluation of the facts can ever be undone. A prior determination by the court of Appeals on, particularly, the factual issues, would minimize the possibility of an error in judgment. If the court of Appeals should affirm the penalty of death, reclusion perpetua or life imprisonment, it could then render judgment imposing the corresponding penalty as the circumstances so warrant, refrain from entering judgment and elevate the entire records of the case to the Supreme Court for its final disposition.

- Appellant's motion to withdraw appeal, therefore, contravenes this Honorable Court's power to automatically review a decision imposing the penalty of reclusion perpetua or life imprisonment. Neither appellant nor this Honorable Court can waive by mere motion to withdraw appeal, the Court's power to review the instant case.

- Based on the above disquisition, the review by this Honorable court of appellants' conviction is mandatory and the withdrawal of his appeal can not be granted as it will contravene the applicable rules and jurisprudence.[12]

Plaintiff-appellee also claims that accused-appellant Rocha's motion is "actually a scheme to evade the supreme penalty of reclusion perpetua"[13] and that it is "obviously merely an afterthought designed to trifle not only with our procedural law, but more importantly, our judicial system." [14] Plaintiff-appellee continues that "if indeed, appellant Emmanuel Rocha was acting in good faith, he should have withdrawn his appeal at the first opportunity. Instead, he waited for the "intermediate review" of the RTC Decision to be first resolved and after an unfavorable decision thereon that he now decides to withdraw his appeal." [15]

We resolve to grant the Motions of accused-appellants Rocha and Ramos.

The confusion in the case at bar seems to stem from the effects of the Decision of this Court in *People v. Mateo*. [16] In *Mateo*, as quoted by plaintiff-appellee, it was stated that "[w]hile the Fundamental Law requires a mandatory review by the Supreme Court of cases where the penalty imposed is reclusion perpetua, life imprisonment, or death, nowhere, however, has it proscribed an intermediate review." [17] A closer study of *Mateo*, however, reveals that the inclusion in the foregoing statement of cases where the penalty imposed is reclusion perpetua and life imprisonment was only for the purpose of including these cases within the ambit of the intermediate review of the Court of Appeals: "[this] Court now deems it wise and compelling to provide in these cases [cases where the penalty imposed is reclusion perpetua, life imprisonment or death] review by the Court of Appeals before the case is elevated to the Supreme Court." [18]

We had not intended to pronounce in *Mateo* that cases where the penalty imposed is reclusion perpetua or life imprisonment are subject to the mandatory review of this Court. In *Mateo*, these cases were grouped together with death penalty cases because, prior to *Mateo*, it was this Court which had jurisdiction to directly review reclusion perpetua, life imprisonment and death penalty cases alike. The mode of review, however, was different. Reclusion perpetua and life imprisonment cases were brought before this Court via a notice of appeal, while death penalty

cases were reviewed by this Court on automatic review. Thus, the erstwhile Rule 122, Sections 3 and 10, provided as follows:

SEC. 3. How appeal taken.-

(a) The appeal to the Regional Trial Court, or to the Court of Appeals in cases decided by the Regional Trial Court in the exercise of its original jurisdiction, shall be taken by filing a notice of appeal with the court which rendered the judgment or final order appealed from and by serving a copy thereof upon the adverse party.

(b) The appeal to the Court of Appeals in cases decided by the Regional Trial Court in the exercise of its appellate jurisdiction shall be by petition for review under Rule 42.

(c) The appeal to the Supreme Court in cases where the penalty imposed by the Regional Trial Court is reclusion perpetua, or life imprisonment, or where a lesser penalty is imposed but for offenses committed on the same occasion or which arose out of the same occurrence that gave rise to the more serious offense for which the penalty of death, reclusion perpetua, or life imprisonment is imposed, shall be by filing a notice of appeal in accordance with paragraph (a) of this section.

(d) No notice of appeal is necessary in cases where the death penalty is imposed by the Regional Trial Court. The same shall be automatically reviewed by the Supreme Court as provided in section 10 of this Rule.

x x x x

SEC. 10. Transmission of records in case of death penalty.- In all cases where the death penalty is imposed by the trial court, the records shall be forwarded to the Supreme Court for automatic review and judgment within five (5) days after the fifteenth (15) day following the promulgation of the judgment or notice of denial of a motion for new trial or reconsideration. The transcript shall also be forwarded within ten (10) days after the filing thereof by the stenographic reporter.

After the promulgation of Mateo on 7 June 2004, this Court promptly caused the amendment of the foregoing provisions, but retained the distinction of requiring a notice of appeal for reclusion perpetua and life imprisonment cases and automatically reviewing death penalty cases. Thus, Rule 122, Sections 3 and 10, as amended by A.M. No. 00-5-03-SC (which took effect on 15 October 2004), now provides:

SEC. 3. How appeal taken.-

(a) The appeal to the Regional Trial Court, or to the Court of Appeals in cases decided by the Regional Trial Court in the exercise of its original jurisdiction, shall be by notice of appeal filed with the court which rendered the judgment or final order appealed from and by serving a copy thereof upon the adverse party.

(b) The appeal to the Court of Appeals in cases decided by the Regional Trial Court in the exercise of its appellate jurisdiction shall be by petition for review under Rule 42.

(c) The appeal in cases where the penalty imposed by the Regional Trial Court is reclusion perpetua, or life imprisonment, or where a lesser penalty is imposed but for offenses committed on the same occasion or which arose out of the same occurrence that gave rise to the more serious offense for which the penalty of death, reclusion perpetua, or life imprisonment is imposed, shall be by notice of appeal in accordance with paragraph (a) of this Rule.

(d) No notice of appeal is necessary in cases where the Regional Trial Court imposed the death penalty. The Court of Appeals automatically review the Judgment provided in section 10 of this Rule.

x x x x

SEC. 10. Transmission of records in case of death penalty.- In all cases where the death penalty is imposed by

the trial court, the records shall be forwarded to the Court of Appeals for automatic review and judgment within twenty days but not earlier than fifteen days from the promulgation of the judgment or notice of denial of a motion for new trial or reconsideration. The transcript shall also be forwarded within ten (10) days after the filing thereof by the stenographic reporter.

Neither does the Constitution require a mandatory review by this Court of cases where the penalty imposed is reclusion perpetua or life imprisonment. The constitutional provision quoted in *Mateo* merely gives this Court jurisdiction over such cases:

Up until now, the Supreme Court has assumed the direct appellate review over all criminal cases in which the penalty imposed is death, reclusion perpetua or life imprisonment (or lower but involving offenses committed on the same occasion or arising out of the same occurrence that gave rise to the more serious offense for which the penalty of death, reclusion perpetua, or life imprisonment is imposed). The practice finds justification in the 1987 Constitution -

Article VIII, Section 5. The Supreme Court shall have the following powers:

"(2) Review, revise, reverse, modify, or affirm on appeal or certiorari, as the law or the Rules of Court may provide, final judgments and orders of lower courts in:

"x x x x x x x x

"(d) All criminal cases in which the penalty imposed is reclusion perpetua or higher." [19]

For a clear understanding of this provision, the full text thereof provides:

Section 5. The Supreme Court shall have the following powers:

- Exercise original jurisdiction over cases affecting ambassadors, other public ministers and consuls, and over petitions for certiorari, prohibition, mandamus, quo warranto, and habeas corpus.
- Review, revise, reverse, modify, or affirm on appeal or certiorari as the law or the Rules of Court may provide, final judgments and orders of lower courts in:
- All cases in which the constitutionality or validity of any treaty, international or executive agreement, law, presidential decree, proclamation, order, instruction, ordinance, or regulation is in question.
- All cases involving the legality of any tax, impost, assessment, or toll, or any penalty imposed in relation thereto.
- All cases in which the jurisdiction of any lower court is in issue.
- All criminal cases in which the penalty imposed is reclusion perpetua or higher.
- All cases in which only an error or question of law is involved.
- Assign temporarily judges of lower courts to other stations as public interest may require. Such temporary assignment shall not exceed six months without the consent of the judge concerned.
- Order a change of venue or place of trial to avoid a miscarriage of justice.
- Promulgate rules concerning the protection and enforcement of constitutional rights, pleading, practice, and procedure in all courts, the admission to the practice of law, the Integrated Bar, and legal assistance to the underprivileged. Such rules shall provide a simplified and inexpensive procedure for the speedy disposition of cases, shall be uniform for all courts of the same grade, and shall not diminish, increase, modify substantive rights. Rules of procedure of special courts and quasi-judicial bodies shall remain effective unless disapproved by the Supreme Court.

- Appoint all officials and employees of the Judiciary in accordance with the Civil Service Law.

In this provision, only paragraphs (1) and (2) speak of jurisdiction over cases. However, this Constitutional provision does not enumerate cases involving mandatory review. Indeed, it would almost be silly to claim that this Court is mandatorily required to review all cases in which the jurisdiction of any lower court is in issue. Instead, the significance of the enumeration of this Court's jurisdiction in paragraphs (1) and (2) is that while Section 2 of the same Article VIII of the Constitution gives to Congress the power to define, prescribe and apportion the jurisdiction of various courts, it denies to Congress the power to deprive this Court of jurisdiction over cases enumerated in Section 5.[20]

Since the case of accused-appellants is not subject to the mandatory review of this Court, the rule that neither the accused nor the courts can waive a mandatory review is not applicable. Consequently, accused-appellants' separate motions to withdraw appeal may be validly granted.

The granting of a Motion to Withdraw Appeal, however, is addressed to the sound discretion of the Court. After a case has been submitted to the court for decision, the appellant cannot, at his election, withdraw the appeal.[21] In *People v. Casido*,[22] we denied the accused-appellant's Urgent Motion to Withdraw Appeal therein:

It is then clear that the conditional pardons separately extended to the accused-appellants were issued during the pendency of their instant appeal.

In the resolution of 31 January 1995 in *People vs. Hinlo*, this Court categorically declared the "practice of processing applications for pardon or parole despite pending appeals" to be "in clear violation of law."

Earlier, in our resolution of 21 March 1991 in *People vs. Sepada*, this Court signified in no uncertain terms the necessity of a final judgment before parole or pardon could be extended.

Having observed that the pronouncements in the aforementioned cases remained unheeded, either through deliberate disregard or erroneous applications of the obiter dictum in *Monsanto vs. Factoran* or the ruling in *People vs. Crisola*, this Court, in its resolution of 4 December 1995 in *People vs. Salle*, explicitly declared:

We now declare that the "conviction by final judgment" limitation under Section 19, Article VII of the present Constitution prohibits the grant of pardon, whether full or conditional, to an accused during the pendency of his appeal from his conviction by the trial court. Any application therefor, if one is made, should not be acted upon or the process toward its grant should not be begun unless the appeal is withdrawn. Accordingly, the agencies or instrumentalities of the Government concerned must require proof from the accused that he has not appealed from his conviction or that he has withdrawn his appeal. Such proof may be in the form of a certification issued by the trial court or the appellate court, as the case may be. The acceptance of the pardon shall not operate as an abandonment or waiver of the appeal, and the release of an accused by virtue of a pardon, commutation of sentence, or parole before the withdrawal of an appeal shall render those responsible therefor administratively liable. Accordingly, those in custody of the accused must not solely rely on the pardon as a basis for the release of the accused from confinement.

x x x x

This rule shall fully bind pardons extended after 31 January 1995 during the pendency of the grantee's appeal. (Italics supplied)

It follows then that the conditional pardons granted in this case to accused-appellants William Casido and Franklin Alcorin are void for having been extended on 19 January 1996 during the pendency of their instant appeal.

In the case at bar, however, we see no reason to deny accused-appellants' Motions to Withdraw Appeal. There is

no showing that accused-appellants had already applied for parole at the time of the filing of their Motions to Withdraw Appeal. On the contrary, they stated in their motions that they merely intend to apply for the same.

Plaintiff-appellee claims that the present Motion to Withdraw Appeal is actually a scheme to evade the penalty of reclusion perpetua and is meant to trifle with our judicial system. Plaintiff-appellee, however, does not explain how the withdrawal of appeal can be used by accused-appellants for these purposes. It seems that plaintiff-appellee is expecting that the granting of the Motions to Withdraw Appeal would nullify the Court of Appeals Decision, on the understanding that the Court of Appeals cannot enter judgments on cases remanded to them pursuant to Mateo. Such conclusion, however, is applicable only where the death penalty is imposed. Rule 124, Section 13 of the Rules of Court, which was likewise amended in A.M. No. 00-5-03-SC pursuant to Mateo, provides:

Section 13. Certification or appeal of case to the Supreme Court. - (a) Whenever the Court of Appeals finds that the penalty of death should be imposed, the court shall render judgment but refrain from making an entry of judgment and forthwith certify the case and elevate its entire record to the Supreme Court for review.

(b) Where the judgment also imposes a lesser penalty for offenses committed on the same occasion or which arose out of the same occurrence that gave rise to the more severe offense for which the penalty of death is imposed, and the accused appeals, the appeal should be included in the case certified for review to the Supreme Court.

(c) In cases where the Court of Appeals imposes reclusion perpetua, life imprisonment or a lesser penalty, it shall render and enter judgment imposing such penalty. The judgment may be appealed to the Supreme Court by notice of appeal filed with the Court of Appeals.

Plaintiff-appellee must have likewise observed that accused-appellants intend to apply not only for parole, but also for executive clemency. This is shown by the Manifestation and Motion to Withdraw Appeal of accused-appellant Ramos, where he affirmed that he intends to follow his co-accused who had already "applied for executive clemency to avail of parole."

It should be kept in mind that accused-appellants could not avail themselves of parole if their appeal is dismissed, unless they also apply for executive clemency and ask for the commutation of their reclusion perpetua sentences. Republic Act No. 4108, as amended, otherwise known as the Indeterminate Sentence Law, does not apply to persons convicted of offenses punishable with death penalty or life imprisonment. In several cases,[23] we have considered the penalty of reclusion perpetua as synonymous to life imprisonment for purposes of the Indeterminate Sentence Law, and ruled that said law does not apply to persons convicted of offenses punishable with the said penalty. As further discussed by Associate Justice Dante Tinga in his Concurring Opinion in *People v. Tubongbanua*[24]:

Parole is extended only to those convicted of divisible penalties. Reclusion perpetua is an indivisible penalty, with no minimum or maximum period. Under section 5 of the Indeterminate Sentence Law, it is after "any prisoner shall have served the minimum penalty imposed on him," that the Board of Indeterminate Sentence may consider whether such prisoner may be granted parole. There being no "minimum penalty" imposable on those convicted to reclusion perpetua, it follows that even prior to the enactment of Rep. Act No. 9346, persons sentenced by final judgment to reclusion perpetua could not have availed of parole under the Indeterminate Sentence Law.

This Court cannot review, much less preempt, the exercise of executive clemency under the pretext of preventing the accused from evading the penalty of reclusion perpetua or from trifling with our judicial system. Clemency is not a function of the judiciary; it is an executive function.[25] Thus, it is the President, not the judiciary, who should exercise caution and utmost circumspection in the exercise of executive clemency in order to prevent a

derision of the criminal justice system. We cannot and shall not deny accused-appellants' Motions to Withdraw Appeal just because of their intention of applying for executive clemency. With the Constitution bestowing upon the Executive the power to grant clemency,[26] it behooves the Court to pass the ball to the President and let her determine the fate of accused-appellants.

In sum, the mandatory review by this Court is only required for cases where the penalty imposed is death. Where the penalty imposed is reclusion perpetua or life imprisonment, a review of the trial court decision is conducted only when the accused files a notice of appeal. Neither the Decision of this Court in Mateo nor the abolition of the death penalty has changed this. As the penalty imposed by the trial court and the Court of Appeals in the case at bar is reclusion perpetua, the review by this Court is not mandatory and, therefore, the accused-appellants can validly withdraw their appeal.

The granting of a Motion to Withdraw Appeal is addressed to the sound discretion of the Court. In the case at bar, we see no reason to deny accused-appellants' Motion to Withdraw Appeal. Plaintiff-appellee's allegation that the Motion was for the purpose of evading the penalty of reclusion perpetua and trifling with our judicial system is unsubstantiated, as the Court of Appeals' imposition of reclusion perpetua, unlike an imposition of the death penalty, may be entered by said appellate court even without another review by this Court. Neither should we deny the Motions just because of accused-appellants' intention to apply for executive clemency, since the granting of such executive clemency is within the prerogative of the Executive Department, and not of this Court.

IN VIEW OF THE FOREGOING, the respective Motions to Withdraw Appeal of accused-appellants Emmanuel Rocha and Ruel Ramos are GRANTED, and the Court of Appeals Decision dated 31 March 2006 in CA-G.R. CR-H.C. No. 01765 is hereby deemed FINAL AND EXECUTORY.

SO ORDERED.

Ynares-Santiago, (Chairperson), Austria-Martinez, Nachura, and Reyes, JJ., concur.

[1] CA rollo, p. 51.

[2] The Information stated that the crime was committed on 28 September 1993 before the effectivity of Republic Act No. 7659 (the Heinous Crime Law) on 31 December 1993 (People v. Salazar, 334 Phil. 556, 574 (1997)).

[3] CA rollo, p. 70.

[4] Id. at 243.

[5] Id. at 246.

[6] Id. at 264.

[7] Id. at 276.

[8] G.R. Nos. 147678-87, 7 July 2004, 433 SCRA 640.

[9] Penned by Associate Justice Magdangal M. de Leon with Associate Justices Conrado M. Vasquez, Jr. and Mariano C. del Castillo, concurring; rollo, pp. 3-23.

[10] Id. at 22.

[11] Id. at 28-29.

[12] Id. at 43-44.

[13] Id. at 45.

[14] Id.

[15] Id.

[16] Supra note 8.

[17] Id. at 656.

[18] Id.

[19] Id. at 653-654.

[20] Bernas, The 1987 Constitution of the Republic of the Philippines, a Commentary (2003 Ed.), p. 935.

[21] People v. Belaro, 367 Phil. 90, 112-113 (1999), citing United States v. Sotto, 38 Phil. 666, 677 (1918).

[22] 328 Phil. 1149, 1153-1154 (1996).

[23] People v. Asturias, G.R. No. L-61126, 31 January 1985, 134 SCRA 405; Serrano v. Court of Appeals, 317 Phil. 242, 251 (1995); People v. Lampaza 377 Phil. 119, 137 (1999); People v. Enriquez, Jr., G.R. No. 158797, 29 July 2005, 465 SCRA 407, 418.

[24] G.R. No. 171271, 31 August 2006, 500 SCRA 727, 749.

[25] Supra note 20.

[26] CONSTITUTION, Article VII, Section 19.

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