PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ARMANDO RODAS AND JOSE RODAS, SR.,ACCUSED-APPELLANTS.

G.R. NO. 175881. August 28, 2007

Ponente: CHICO-NAZARIO, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-no-175881/

CHICO-NAZARIO, J.:

Assailed before Us is the Decision[3] of the Court of Appeals in CA- G.R. CR-HC No. 00289 which affirmed in toto the decision[4] of the Regional Trial Court (RTC) of Sindangan, Zamboanga del Norte, Branch XI, convicting accused-appellants Armando Rodas and Jose Rodas, Sr. of the crime of Murder.

For the death of one Titing Asenda, accused-appellant Jose Rodas, Sr., together with his sons Charlito, Armando, and Jose Jr., all surnamed Rodas, were charged with murder in an information which reads:

> That, in the evening, on or about the 9[th] day of August, 1996, in the municipality of Siayan, Zamboanga del Norte, within the jurisdiction of this Honorable Court, the above-named accused, armed with a hunting knife, firearm, chako and bolo, conspiring, confederating together and mutually helping one another, with intent to kill, by means of treachery and evident premeditation, did then and there willfully, unlawfully and feloniously attack, assault, beat, stab and hack one TITING ASENDA, thereby inflicting upon him multiple wounds on the vital parts of his body which caused his death shortly thereafter; that as a result of the commission of the said crime the heirs of the herein victim suffered the following damages, viz:
>
> a) Indemnity for victim's death . . . P50,000.00
> b) Loss of earning capacity P30,000.00
> P80,000.00
>
> CONTRARY TO LAW (Viol. of Art. 248, Revised Penal Code), with the aggravating circumstances of nocturnity and abuse of superior strength.[5]

When arraigned on 22 November 1996, the four accused, assisted by counsel de oficio, pleaded not guilty to the crime charged.[6]

By agreement of the parties, pre-trial conference was terminated on 6 December 1996.[7] Thereafter, trial on the merits commenced.

The prosecution presented five witnesses, namely: Alberto Asonda, Danilo Asenda, Ernie Anggot, Blessie Antiquina and PO1 Pablo Yosores.

Before the prosecution could rest its case, accused Charlito Rodas[8] and Jose Rodas, Jr. [9] withdrew their previous pleas of "NOT GUILTY" and entered their respective pleas of "GUILTY" for the lesser crime of Homicide. Both were sentenced to suffer the indeterminate penalty of 17 years, 4 months and 1 day to 20 years and were each ordered to indemnify the heirs of the victim in the amount of P12,500.00 as damages.[10]

The prosecution formally offered Exhibits "A" to "H," inclusive, with sub-markings.[11]

From the evidence adduced, the prosecution's version of the killing is as follows:

On 9 August 1996, Titing Asenda, a resident of Boyos, Sindangan, Zamboanga del Norte, was at Milaub, Denoyan, Zamboanga del Norte, to help his brother, Danilo Asenda, in the harvesting of the latter's corn.

On the same day, at around 8:00 in the evening, a benefit dance at Milaub, which was sponsored by Boboy Raquilme,[12] was being held. Among those roaming in the vicinity of the dance hall were Alberto Asonda and Ernie Anggot. They stopped and hung out near the fence to watch the affair. Titing Asenda was standing near them. They saw Charlito Rodas, Armando Rodas, Jose Rodas, Jr., and Jose Rodas, Sr. surround Titing Asenda. Suddenly, without a word, Charlito Rodas, armed with a hunting knife, stabbed Titing at the back. Armando Rodas then clubbed Titing with a chako hitting him at the left side of the nape causing him to fall. Thereafter, Jose Rodas, Sr. handed to Jose Rodas, Jr. a bolo which the latter used in hacking Titing, hitting him on the left elbow. Alberto Asonda and Ernie Anggot tried to help Titing but Armando Rodas prevented them by pointing a gun at them and firing it towards the sky.

After the assailants left, Alberto Asonda and Ernie Anggot approached Titing Asenda who was already dead. They informed Danilo Asenda that his brother was killed. The police arrived the following day after being informed of the incident.

On the part of the defense, accused-appellants Armando Rodas and Jose Rodas, Sr., and Vilma Rodas, the former's wife, took the witness stand. The defense rested its case without marking and offering any documentary evidence.

Defense evidence showed that only Charlito Rodas and Jose Rodas, Jr. killed Titing Asenda. Appellant Jose Rodas, Sr. denied any participation in the killing of Titing Asenda claiming he was not present in the benefit dance and that he was in his home with his wife and infant granddaughter when the killing happened. He revealed that on the night of the killing, his son, Charlito Rodas, who was carrying a hunting knife, arrived and told him he killed somebody. He then brought his son to the municipal building of Siayan to surrender him to the police authorities.

Appellant Armando Rodas likewise denied he was one of those who killed Titing Asenda. He claimed that at the time of the killing, he was in his house sleeping with his children. He denied using a chako and firing a gun. He insisted it was his brothers, Charlito and Jose Jr., who killed Titing Asenda because they pleaded guilty.

To bolster the testimony of the appellants, Vilma Rodas testified that she was at the benefit dance when the killing happened. Armando and Jose Sr., she claimed, did not participate in the killing. She said Charlito stabbed Titing while Jose Jr. merely punched the victim.

On 9 July 1998, the trial court promulgated its decision finding accused-appellants Armando Rodas and Jose Rodas, Sr. guilty of the crime of Murder. The decretal portion of the decision reads:

> WHEREFORE, the Court finds the accused Jose Rodas, Sr. and Armando Rodas guilty beyond reasonable doubt of MURDER as defined and penalized under the Revised Penal Code, as amended under Section 6 of Republic Act No. 7659 and hereby sentenced them to RECLUSION PERPETUA each and to indemnify the heirs of the deceased, Titing Asenda, P12,500.00 each or a total of P25,000.00.
>
> COST de oficio.[13]

In finding accused-appellants guilty, the trial court gave credence to the testimonies of eyewitnesses Alberto Asonda and Ernie Anggot. It found accused-appellants and the other two accused conspired in the killing of the victim and that treachery attended the same. It gave no weight to accused-appellants' defense of alibi and denial

arguing that they were positively identified as the perpetrators and that they failed to adduce evidence that it was physically impossible for them to be present at the crime scene when the killing happened. It added that their unsubstantiated denial will not be given greater evidentiary value over the testimonies of credible witnesses who testified on affirmative matters.

With a Notice of Appeal[14] filed by accused-appellants, the trial court forwarded the entire records of the case to this Court.[15] However, pursuant to our ruling in People v. Mateo,[16] the case was remanded to the Court of Appeals for appropriate action and disposition.

In its decision dated 28 July 2006, the Court of Appeals affirmed in toto the RTC's decision.[17]

With the Court of Appeals' affirmance of their convictions, accused-appellants are now before this Court via a notice of appeal. With the appeal being timely filed, the records of the case were elevated to this Court.

In our Resolution[18] dated 19 February 2007, the parties were required to file their respective supplemental briefs, if they so desired, within 30 days from notice. Accused-appellants manifested that since they had already filed the Appellants' Brief, as well as Reply and Supplemental Reply Brief, they are dispensing with the filing of the Supplemental Brief because the latter will merely contain a reiteration of the arguments substantially discussed in the former.[19] On the part of the Office of the Solicitor General, it manifested that considering that the guilt of the appellants had already been discussed in the Appellee's Brief, it was waiving its right to file a Supplemental Brief.[20]

Accused-Appellants assign as errors the following:

> I
>
> THE TRIAL COURT ERRED IN FINDING THAT ACCUSED-APPELLANTS WERE ALSO PRESENT AT THE DANCE AND PARTICIPATED IN ATTACKING THE VICTIM.
>
> II
>
> ASSUMING ARGUENDO THAT THE ACCUSED ARE GUILTY, THEY ARE ONLY LIABLE FOR THE CRIME OF HOMICIDE.

On the first assigned error, appellants contend that the testimonies of prosecution witnesses Alberto Asonda and Ernie Anggot should not be believed because they did not see the start of the assault on Titing, and all they saw was him injured and lying down on the floor. They insist that Asonda and Anggot could not have seen the killing because only a Petromax lighted the place.

After a careful and meticulous review of the records of the case, we find no reason to reverse the findings of the trial court, as affirmed by the Court of Appeals. We affirm appellants' conviction.

We find the evidence of the prosecution to be more credible than that adduced by appellants. When it comes to credibility, the trial court's assessment deserves great weight, and is even conclusive and binding, if not tainted with arbitrariness or oversight of some fact or circumstance of weight and influence. The reason is obvious. Having the full opportunity to observe directly the witnesses' deportment and manner of testifying, the trial court is in a better position than the appellate court to evaluate properly testimonial evidence.[21]

It is to be noted that the Court of Appeals affirmed the findings of the RTC. In this regard, it is settled that when the trial court's findings have been affirmed by the appellate court, said findings are generally conclusive and binding upon this Court.[22] We find no compelling reason to deviate from their findings.

The Court finds that Alberto Asonda and Ernie Anggot witnessed the killing of Titing Asenda by Charlito Rodas,

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

Armando Rodas, Jose Rodas, Jr. and Jose Rodas, Sr. When Titing was killed, Asonda and Anggot were near him. Contrary to the claim of the defense that the place where the killing occurred was not lighted enough for the assailants to be identified, the place was sufficiently lighted by a Petromax as testified to by Vilma Rodas.[23]

Appellants make a big issue about the absence of a medical examination. Should they be exonerated because of this? The answer is no.

A medical examination or a medical certificate is not indispensable in the case at bar. Its absence will not prove that appellants did not commit the cime charged. They can still be convicted by mere testimonial evidence, if the same is convincing. In the case at bar, the testimonies of the two eyewitnesses, which the Court found to be credible, are sufficient to prove the crime and its perpetrators.

Appellants' defense of denial and alibi must likewise fail. Mere denial, if unsubstantiated by clear and convincing evidence, has no weight in law and cannot be given greater evidentiary value than the positive testimony of a victim.[24] Denial is intrinsically weak, being a negative and self-serving assertion. [25]

Denial cannot prevail over the positive testimonies of prosecution witnesses who were not shown to have any ill motive to testify against appellants. Absence of improper motive makes the testimony worthy of full faith and credence.[26] In this case, appellants, who were positively identified, testified that Asonda and Anggot had no ill motive to testify against them.[27] Moreover, ill motive has no bearing when accused were positively identified by credible eyewitnesses. Motive gains importance only when the identity of the culprit is doubtful.[28]

Appellants also interposed the defense of alibi. No jurisprudence in criminal law is more settled than that alibi is the weakest of all defenses for it is easy to contrive and difficult to disprove, and for which reason it is generally rejected.[29] For the defense of alibi to prosper, it is imperative that the accused establish two elements: (1) he was not at the locus criminis at the time the offense was committed; and (2) it was physically impossible for him to be at the scene at the time of its commission.[30] Appellants failed to do so.

In the case at bar, both appellants claimed that on the night Titing Asenda was killed, they were one kilometer away. Thus, it was not possible for them to have been at the scene of the crime when the crime was committed. The defense witnesses, however, gave conflicting testimonies. Appellant Armando said his residence was more or less one kilometer away from the crime scene[31] but Jose Sr. said it was only 50 meters away.[32] Jose Sr.[33] said the house of Charlito was only 50 meters away from the crime scene but Armando said it was one kilometer away.[34] Armando said his wife was in Dipolog City when the killing happened,[35] but his wife said she witnessed the killing.[36] Armando said he and all the other accused lived in separate houses, [37] but his wife revealed that Charlito lives with Jose Sr.[38] Vilma Rodas said after the killing, she immediately went home and told Armando that his brothers killed somebody[39] but her husband said he only learned of it the next morning.[40] What is more incredible is the fact that despite the testimony of Vilma Rodas that she informed Armando of the killing, the latter never testified to this effect. All these negate appellants' claim that they were not at the crime scene when the killing took place.

The information alleged that appellants, together with Charlito and Jose Jr., conspired in killing Titing Asenda. Article 8 of the Revised Penal Code provides that there is conspiracy when two or more persons agree to commit a crime and decide to commit it. It is hornbook doctrine that conspiracy must be proved by positive and convincing evidence, the same quantum of evidence as the crime itself.[41] Indeed, proof of previous agreement among the malefactors to commit the crime is not essential to prove conspiracy. It is not necessary to show that all the conspirators actually hit and killed the victim; what is primordial is that all the participants performed specific acts with such closeness and coordination as to indicate a common purpose or design to bring about the victim's death.[42] Once conspiracy is established, all the conspirators are answerable as co-principals regardless of their

degree of participation. In the contemplation of the law, the act of one becomes the act of all, and it matters not who among the accused inflicted the fatal blow on the victim.[43]

In this case, conspiracy was convincingly proven beyond reasonable doubt. All the accused had the same purpose and acted in unison when they assaulted the victim. Surrounding the victim, Charlito stabbed Titing Asenda at the back with a hunting knife. Armando next clubbed the victim with a chako, hitting him on the left side of the nape, causing him to fall to the ground. Jose Sr. then handed a bolo to Jose Jr. who used it in hacking the victim.

On the second assigned error, appellants argue that assuming arguendo they are guilty, they are liable only for the crime of homicide, not murder. They contend that treachery was absent since they, together with Charlito and Jose Jr., met the victim casually in the dance hall.

The qualifying circumstance of treachery attended the killing. The essence of treachery is the sudden and unexpected attack by the aggressor on an unsuspecting victim, depriving the latter of any real chance to defend himself, thereby ensuring its commission without risk to the aggressor, and without the slightest provocation on the part of the victim. [44] In People v. Villonez,[45] we ruled that treachery may still be appreciated even when the victim was forewarned of danger to his person. What is decisive is that the execution of the attack made it impossible for the victim to defend himself or to retaliate.

In the case under review, the victim was completely unaware that he was going to be attacked.[46] He was not forewarned of any danger to himself as there was no altercation or disagreement between the accused and the victim. If treachery may be appreciated even when the victim was forewarned, more so should it be appreciated when the victim was not, as in the case at bar. The suddenness of the attack, the number of the accused and their use of weapons against the unarmed victim prevent the possibility of any defense or retaliation by the victim. The fact that the victim was already sprawled on the ground and still Jose Jr. hacked him with a bolo clearly constitutes treachery.

The information also alleged that evident premeditation, nocturnity and abuse of superior strength attended the killing.

For evident premeditation to be appreciated, the following elements must be established: (1) the time when the accused decided to commit the crime; (2) an overt act manifestly indicating that he has clung to his determination; and (3) sufficient lapse of time between decision and execution to allow the accused to reflect upon the consequences of his act. [47] Like any other circumstance that qualifies a killing as murder, evident premeditation must be established by clear and positive proof; that is, by proof beyond reasonable doubt.[48] The essence of premeditation is that the execution of the criminal act was preceded by cool thought and reflection upon the resolution to carry out the criminal intent during a space of time sufficient to arrive at a calm judgment.[49] In the case at bar, the prosecution failed to show the presence of any of these elements.

The aggravating circumstance of nocturnity cannot be considered against appellants. This circumstance is considered aggravating only when it facilitated the commission of the crime, or was especially sought or taken advantage of by the accused for the purpose of impunity. The essence of this aggravating circumstance is the obscuridad afforded by, and not merely the chronological onset of, nighttime. Although the offense was committed at night, nocturnity does not become a modifying factor when the place is adequately lighted and, thus, could no longer insure the offender's immunity from identification or capture.[50] In the instant case, the prosecution failed to show that nighttime facilitated the commission of the crime, or was especially sought or taken advantage of by the accused for the purpose of impunity. The crime scene was sufficiently lighted by a Petromax which led to the identification of all the accused.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

The aggravating circumstance of abuse of superior strength attended the killing. There was glaring disparity of strength between the victim and the four accused. The victim was unarmed while the accused were armed with a hunting knife, chako and bolo. It is evident that the accused took advantage of their combined strength to consummate the offense. This aggravating circumstance, though, cannot be separately appreciated because it is absorbed in treachery. In People v. Parreno,[51] we decreed:

> As regards the aggravating circumstance of abuse of superior strength, what should be considered is not that there were three, four, or more assailants as against one victim, but whether the aggressors took advantage of their combined strength in order to consummate the offense. While it is true that superiority in number does not per se mean superiority in strength, the appellants in this case did not only enjoy superiority in number, but were armed with a weapon, while the victim had no means with which to defend himself. Thus, there was obvious physical disparity between the protagonists and abuse of superior strength on the part of the appellants. Abuse of superior strength attended the killing when the offenders took advantage of their combined strength in order to consummate the offense. However, the circumstance of abuse of superior strength cannot be appreciated separately, it being necessarily absorbed in treachery.

As a final attempt to lower their conviction to Homicide, appellants, citing People v. Alba,[52] argue that although treachery was alleged in the Information and proven according to the trial court, the same was not specified as a qualifying circumstance. Such argument fails.

In People v. Aquino,[53] we have held that even after the recent amendments to the Rules of Criminal Procedure, qualifying circumstances need not be preceded by descriptive words such as "qualifying" or "qualified by" to properly qualify an offense. We explained:

> Section 8 of Rule 110 requires that the 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." Section 8 merely requires the Information to specify the circumstances. Section 8 does not require the use of the words "qualifying" or "qualified by" to refer to the circumstances which raise the category of an offense. It is not the use of the words "qualifying" or "qualified by" that raises a crime to a higher category, but the specific allegation of an attendant circumstance which adds the essential element raising the crime to a higher category.
>
> In the instant case, the attendant circumstances of minority and relationship were specifically alleged in the Information precisely to qualify the offense of simple rape to qualified rape. The absence of the words "qualifying" or "qualified by" cannot prevent the rape from qualifying as a heinous crime provided these two circumstances are specifically alleged in the Information and proved beyond reasonable doubt.
>
> We therefore reiterate that Sections 8 and 9 of Rule 110 merely require that the Information allege, specify or enumerate the attendant circumstances mentioned in the law to qualify the offense. These circumstances need not be preceded by the words "aggravating/qualifying," "qualifying," or "qualified by" to be considered as qualifying circumstances. It is sufficient that these circumstances be specified in the Information to apprise the accused of the charges against him to enable him to prepare fully for his defense, thus precluding surprises during the trial. When the prosecution specifically alleges in the Information the circumstances mentioned in the law as qualifying the crime, and succeeds in proving them beyond reasonable doubt, the Court is constrained to impose the higher penalty mandated by law. This includes the death penalty in proper cases.
>
> x x x x
>
> To guide the bench and the bar, this Resolution clarifies and resolves the issue of how to allege or specify qualifying or aggravating circumstances in the Information. The words "aggravating/qualifying," "qualifying," "qualified by," "aggravating," or "aggravated by" need not be expressly stated as long as the particular attendant circumstances are specified in the Information.[54]

Under Article 248 of the Revised Penal Code, as amended by Republic Act No. 7659,[55] murder is punishable by reclusion perpetua to death. There being neither mitigating nor aggravating circumstance in the commission of the felony, appellants should be sentenced to reclusion perpetua, conformably to Article 63(2) of the Revised Penal Code.

We now go to the award of damages. When death occurs due to a crime, the following damages may be awarded: (1) civil indemnity ex delicto for the death of the victim; (2) actual or compensatory damages; (3) moral damages; (4) exemplary damages; and (5) temperate damages.[56]

Civil indemnity is mandatory and granted to the heirs of the victim without need of proof other than the commission of the crime.[57] We affirm the award of civil indemnity given by the trial court and the Court of Appeals. Under prevailing jurisprudence,[58] the award of P50,000.00 to the heirs of the victim as civil indemnity is in order. Both the trial court and the Court of Appeals awarded P25,000.00 as civil indemnity because the two accused who pleaded guilty to the lower offense of homicide were ordered to pay P25,000.00 or half of the P50,000.00 civil indemnity. Considering that half of the P50,000.00 was already paid, appellants should therefore pay only the difference.

As to actual damages, the heirs of the victim are not entitled thereto because said damages were not duly proved with reasonable degree of certainty.[59] However, the award of P25,000.00 in temperate damages in homicide or murder cases is proper when no evidence of burial and funeral expenses is presented in the trial court.[60] Under Article 2224 of the Civil Code, temperate damages may be recovered as it cannot be denied that the heirs of the victim suffered pecuniary loss although the exact amount was not proved.[61]

Anent moral damages, the same is mandatory in cases of murder and homicide, without need of allegation and proof other than the death of the victim.[62] The award of P50,000.00 as moral damages is in order.

The heirs of the victim are likewise entitled to exemplary damages in the amount of P25,000.00 since the qualifying circumstance of treachery was firmly established.[63]

WHEREFORE, all the foregoing considered, the decision of the Court of Appeals in CA-G.R. CR-HC No. 00289 is AFFIRMED WITH MODIFICATION. Appellants Armando Rodas and Jose Rodas, Sr. are found GUILTY beyond reasonable doubt of murder as defined in Article 248 of the Revised Penal Code, as amended by Republic Act No. 7659, qualified by treachery. There being no aggravating or mitigating circumstance in the commission of the crime, they are hereby sentenced to suffer the penalty of reclusion perpetua. The appellants are ORDERED to pay, jointly and severally, the heirs of Titing Asenda the amount of P25,000.00 as civil indemnity, P50,000.00 as moral damages, P25,000.00 as temperate damages and P25,000.00 as exemplary damages. Costs against the appellants.

SO ORDERED.

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

---

[1] Middle name is Martinez.

[2] Middle name is Marinduque.

[3] Rollo, pp. 141-152; penned by Associate Justice Sixto Marella, Jr. with Associate Justices Teresita Dy-Liacco Flores and Rodrigo F. Lim, Jr., concurring.

[4] Records, pp. 85-104.

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

[5] Records, p. 13.

[6] Id. at 20.

[7] Id. at 22.

[8] Entered plea of guilty to the lesser crime of Homicide on 17 October 1997.

[9] Entered plea of guilty to the lesser crime of Homicide on 29 May 1998.

[10] Records, pp. 39-40 and 55-56.

[11] Id. at 60-66.

[12] Sometimes spelled as "Requilme."

[13] Records, pp. 103-104.

[14] Id. at 105.

[15] Id. at 106.

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

[17] Rollo, p. 151.

[18] Id. at 18.

[19] Id. at 19-20.

[20] Id. at 21-22.

[21] People v. Escultor, G.R. Nos. 149366-67, 27 May 2004, 429 SCRA 651, 661.

[22] People v. Aguila, G.R. No. 171017, 6 December 2006, 510 SCRA 642, 661; Rebucan v. People, G.R. No. 164545, 20 November 2006, 507 SCRA 332, 347.

[23] TSN, 30 April 1999, p. 9.

[24] People v. Esperas, 461 Phil. 700, 713 (2003).

[25] People v. Agsaoay, Jr., G.R. Nos. 132125-26, 3 June 2004, 430 SCRA 450, 466.

[26] People v. Brecinio, G.R. No. 138534, 17 March 2004, 425 SCRA 616, 625.

[27] TSN, 7 August 1998, pp. 6-7, 11 December 1998, pp. 11-12.

[28] People v. Orpilla, 425 Phil. 419, 428 (2002); People v. Sicad, 439 Phil. 610, 626 (2002).

[29] People v. Sanchez, 426 Phil. 19, 31 (2002).

[30] People v. Flora, 389 Phil. 601, 611 (2000).

[31] TSN, 11 December 1998, p. 4.

[32] TSN, 7 August 1998, p. 9.

[33] Id.

[34] TSN, 11 December 1998, p. 8.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

[35] Id. at 11.

[36] TSN, 30 April 1999, p. 3.

[37] TSN, 11 December 1998, p. 4.

[38] TSN, 30 April 1999, p. 6.

[39] Id. at 4.

[40] TSN, 11 December 1998, p. 8.

[41] People v. Montenegro, G.R. No. 157933, 10 August 2004, 436 SCRA 33, 41.

[42] People v. Amazan, G.R. Nos. 136251, 138606 & 138607, 16 January 2001, 349 SCRA 218, 234.

[43] People v. Tagana, G.R. No. 133027, 4 March 2004, 424 SCRA 620, 642.

[44] People v. Botona, G.R. No. 161291, 27 September 2004, 439 SCRA 294, 301.

[45] 359 Phil. 95, 112 (1998).

[46] TSN, 31 January 1997, p. 8.

[47] People v. Tan, 411 Phil. 813, 836-837 (2001).

[48] People v. Manes, 362 Phil. 569, 579 (1999).

[49] People v. Rivera, 458 Phil. 856, 879 (2003).

[50] People v. Cariño, G.R. No. 131117, 15 June 2004, 432 SCRA 57, 84.

[51] G.R. No. 144343, 7 July 2004, 433 SCRA 591, 608.

[52] 425 Phil. 666, 677-678 (2002).

[53] 435 Phil. 417 (2002).

[54] Id. at 426-427.

[55] An Act to Impose the Death Penalty on Certain Heinous Crimes, Amending for that Purpose the Revised Penal Code, as amended, other Special Laws, and for other Purposes. Took effect on 31 December 1993.

[56] People v. Beltran, Jr., G.R. No. 168051, 27 September 2006, 503 SCRA 715, 740.

[57] People v. Tubongbanua, G.R. No. 171271, 31 August 2006, 500 SCRA 727, 742.

[58] People v. Pascual, G.R. No. 173309, 23 January 2007; People v. Cabinan, G.R. No. 176158, 27 March 2007; People v. De Guzman, G.R. No. 176158, 27 March 2007.

[59] People v. Tubongbanua, supra note 57.

[60] People v. Dacillo, G.R. No. 149368, 14 April 2004, 427 SCRA 528, 538.

[61] People v. Surongon, G.R. No. 173478, 12 July 2007.

[62] People v. Bajar, 460 Phil. 683, 700 (2003).

[63] People v. Beltran, Jr., supra note 56.

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

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.