

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
NICOLAS CUNANAN, ET AL., DEFENDANTS, NICOLAS CUNANAN,  
DEFENDANT-APPELLANT.**

*G.R. No. 17599. April 24, 1967*

Ponente: SANCHEZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-17599/>

---

**SANCHEZ, J.:**

The dossier of this case discloses that:

May 16, 1957. - On the night of this day, between barrios Anao and San Juan near Km. post 80, in Mexico, Pampanga, 25-year old Jose David, while driving a jeep, received a gunshot wound at the left side of his back. Taken to the provincial hospital in San Fernando, Pampanga, he there expired at about 3:30 a.m. the following day, May 17, 1957. Dr. Crisostomo Y. Reyes, in his medico-legal necropsy report prepared on the same day, found one gunshot wound, as follows:

"Gunshot wound, with contusion collar, point of entrance about 3/4 inch in diameter at the scapular region, left, 1 inch medial to the lateral border of the scapula and about 1-1/2 inches below the superior border of the scapula, left, with dressings."

This gunshot wound has no point of exit. Cause of death:

"1. Shock, severe, irreversible due to profuse pulmonary hemorrhage.

"2. Traumatic shock, severe.

"3. Gunshot wound of chest, left."

May 20, 1957. - About 6:00 o'clock p.m. this day, 1st Lt. Jose Bautista, P.C., filed with municipal mayor Marcos L. Padilla of Mexico, Pampanga, a criminal complaint[1] for the murder of Jose David, against Nicolas Cunanan - alone. Following a preliminary investigation, that same night Mayor Padilla issued an order of arrest.

May 21, 1957. - On this day, that is, the morning following the filing of the criminal complaint, the papers of the case were brought to the attention of Mexico municipal judge Antonio Bondoc. He examined the record, made a partial investigation of his own. On the same day, he issued an order lifting the order of arrest.

Judge Bondoc took up his vacation leave. Judge Xerxes Garcia of the neighboring municipality of San Luis acted in his place.

May 28, 1957. - At the behest of Mexico chief of police Felipe P. Salas and acting upon a letter of the provincial fiscal, Judge Garcia forwarded the expediente to the Clerk, Court of First Instance of Pam-panga.

May 20, 1957. - Meanwhile, prosecution witness Miguel Laxamana, on May 20, 1957, gave Sgt. Francisco Baliñgit, PC, a statement sworn to on May 21, that the only man found at the scene of the crime - at the time of the commission thereof - was the second accused Clemente Manaloto.

May 30, 1957. - The provincial fiscal filed direct in the Court of First Instance of Pampanga an information, this time against both Nico-las Cunanan and Clemente Manaloto, for the murder of Jose David. The fiscal charges conspiracy, night time, treachery and evident premeditation.[2]

June 15, 1957. - Nicolas Cunanan surrendered to the provincial fiscal, was lodged in jail. Since July 6, 1957, he is on provisional liberty upon a P30,000.00 bond.

August 25, 1960. - After trial, the Court of First Instance of Pam-panga rendered judgment. Clemente Manaloto was acquitted "for lack of evidence." But, Nicolas Cunanan was found guilty of murder, and sentenced to life imprisonment, to indemnify the heirs of Jose David in the sum of P6,000.00, and to pay one-half (1/2) of the costs.

Nicolas Cunanan appealed.

Appellant's brief assails the probative value of the People's evidence, challenges the Court's findings, and seeks acquittal.

1. The People's case was built mainly on the testimony of four (4) witnesses: the three (3) pointing the finger of guilt at Nicolas Cunanan alone; the fourth solely at Clemente Manaloto. Repro-duced here is the version of each.

LUCIANO PUNZALAN - The afternoon of that day, his wife Maria Musñgi suffered stomach ache with abnormal bowel movements, in their home in barrio Anao, Mexico, Pampanga. He went to the house of Juan David located in the same barrio, and borrowed the latter's jeep to take his wife to Dr. Logan at San Fernando, Pampanga. At about 7:30 that same night, the jeep started from Anao on its way to San Fernando. Following were the occupants of the jeep: Jose David, son of Juan David, was at the wheel. To his right on the driver's seat was Maria Musñgi. To the right of Maria Musñgi on the same seat was Constancia Gonzales. Behind Constancia Gonzales on the right side of the jeep was Luciano Punzalan. To the left of Luciano was Gregorio Guevara. To the left of Gregorio was Miguel Laxamana. On the left side of the jeep opposite the last three, were Antonia Malla-ri who sat immediately behind Jose David. To the right of Antonia was a vacant seat; and occupying the left rear corner seat of the jeep was Andres David, brother of Jose David.

Some 14 or 15 meters from Km. post 80, at about 8:00 o'clock p.m., the jeep reached a depression in the road about 1-1/2 feet deep and 2 meters wide. As the jeep was moving down slowly into that hole, Nicolas Cunanan suddenly appeared between Antonia Mallari and Andres David on the left side of the jeep, outside, "holding a gun [which according to him was a revolver, with a barrel as big as his forefinger and about 4 inches in length], and pointing it at the back of Jose David." There was an interval of "[a]bout one (1) minute or even less" from the time Cunanan pointed the revolver to the time he fired the shot. The jeep traveled a distance of about 2-1/2 meters and stopped. After the shot, Cunanan ran to the left shoulder of the road, where there was cogon grass, and towards the field.

Four (4) of Punzalan's companions, Gregorio Guevara, Antonia Mallari, Miguel Laxamana and Andres David, alighted, went to the barrio to get help. Punzalan and his wife proceeded to San Fernando. After his wife was attended to by Dr. Logan that same night, he took her back to Mexico.

ANDRES DAVID - This 18-year old younger brother of Jose David corroborated Luciano Punzalan up to the point when the shot was fired. His version is that as they were nearing a hole in the road at the place indicated by Punzalan, he heard a shot or an explosion. He thought it was a blowout. He did not see Cunanan fire the shot. He stuck his head out of the left side of the jeep and, in so doing, "saw Nicolas Cunanan" more or less two meters away "somewhat facing us still." Cunanan ran to the ricefield. He did not notice whether Cunanan was carrying a gun. Having heard his brother Jose David moaning, he alighted. He saw Jose leaning for support on the steering

wheel and praying. Jose told him to fetch their father because he was injured and to get another jeep to take him away. The four riders heretofore mentioned proceeded to the barrio. Andres told everybody he met that his brother was shot. He asked his uncle Moises David to relay to the temporary policemen (T. P's.) the news "that my brother had been shot." Catching up with the jeep his father, the temporary policemen, and one Cayetano Tayag were on, they went back to Jose. He lifted his brother who was taken to the second station hospital in San Fernando where they were told to take him to the provincial hospital.

While his brother was in the emergency room, Mayor Padilla of Mexico and some companions came. He led them to the place of the incident, told the mayor: "Here is where they shot my brother."

GREGORIO GUEVARA. - Also one of those in the jeep, this witness declared that between barrios Anao and San Juan he heard a shot. Taken aback, his first impulse was to jump out. He did not do so, because he saw defendant Cunanan for the first time about 3 meters to the left towards the rear running away, and he feared Cunanan "might think I was chasing him." When the jeep stopped he, with others, left for the barrio. He did not notice if Cunanan was carrying anything. He only saw Cunanan.

MIGUEL LAXAMANA - This witness had another story to tell. As the jeep was about to go down a hole in the road in an uninhabited place, he heard an explosion from the left side of the jeep. He looked around. He saw "somebody lying face down towards the rear of the jeep," about two meters therefrom. He was about to alight. It was then that he recognized that person to be the defendant Clemente Manaloto. He did not see Manaloto do anything. Neither did he see where Manaloto went to. When Manaloto "was no longer" in the place he ran towards home.

2. We are at grips with the serious problem of ascertaining whether credence should be accorded the witnesses just mentioned.

Pertinent to recall is that only one, Luciano Punzalan, testified to having seen the actual act of shooting. The two who corroborated him, Andres David and Gregorio Guevara, allegedly took note of Cunanan's presence after the shot was fired and the fourth did not see Cunanan, only saw Manaloto, the acquitted defendant. The conduct observed by all of these witnesses following the shooting is quite revealing.

Despite the gruesome incident that Luciano Punzalan witnessed, he sealed his lips as to who shot Jose David. That night, he never mentioned the name of Nicolas Cunanan to his companions in the jeep or to anybody else, not even to Juan David, Jose's father who brought Jose to the hospital. The first time he revealed the identity of Cunanan was four (4) days after May 19 the day Jose was buried, and solely to one person, Juan David. His reason was that every member of the family of Juan David was very angry and he was afraid to reveal the identity of the culprit sooner as "something also untoward would even happen," and "[t]he situation might be aggravated."

How about Andres David? Here is what he said: At the hospital at about midnight of May 16, he revealed to his brother, Attorney Res-tituto David, one of the four private prosecutors, that it was Nicolas Cunanan who shot his brother Jose. Atty. David counseled Andres not to talk too loud and not to tell their father about Cunanan's identity "because this thing might grow worse and it is impossible that he was alone." It was only after he was investigated by the Constabulary on May 19th that he told his father that Cunanan was the perpetrator of the crime. His reason for so divulging was that then he (father) "was no longer very angry after my brother had been interred." He did not tell Mayor Padilla the identity of the culprit because, again in his own words, "my secret plan was to get him man to man and take vengeance against him."

Along the same lines, the other witness Gregorio Guevara gave this version: Shortly after the shot was fired, he

"did not hear anyone talk" about the possible culprit. He was with the group of four who returned to the barrio. In the store where he sat in Barrio Anao he kept silent. That night he did not tell Andres David - a companion of his in the jeep, brother of Jose - that he saw Cunanan. Even his wife was not informed. Like the other witnesses, he feared vengeance of Jose's family. It was only on the 20th of May that he opened up. His reason was that the Constabulary was already investigating him and by that time he was confident that the ire of the David family would have subsided. And then, too, "[i]t was possible that after that period, I was no longer afraid [of Cunanan], because I was already with the authorities."

Miguel Laxamana, for his part, declared that that night he told Juan David that his son Jose met with some misfortune, not that he saw Manaloto; and that all that Andres David then informed his father Juan David was that "his elder brother [Jose] had been shot" - and no more. Laxamana further narrated that he told nobody that he saw Clemente Manaloto. It was only after Jose's burial that he revealed the presence of Manaloto to the private prosecutor and to the provincial fiscal.

Antonio Balajadia - who claims he saw Cunanan in the barrio short-ly after the crime holding a gun wrapped in a piece of spotted black and white piece of cloth - likewise mentioned to no one that he saw Cunanan on the night Jose David was treacherously killed. He divulged what he did allegedly knew only on May 19 when Jose was interred.

The pattern of conduct of the five witnesses just related, cannot but evoke comment. The four of them have one stock excuse for not revealing the culprit - afraid that the family of Jose David would wreak vengeance, take the law into their hands. This is quite difficult to believe. How easy would it have been for anyone of them to whisper to the mayor, to the chief of police, to the policemen, to the CCU's and to the temporary police, who were at the scene or, for that matter, to the barrio lieutenant Ernesto Gamboa - that the real culprit was Cunanan. And this, to the end that Cunanan could be safely held in prison or in the constabulary barracks, and thus prevent him from frustrating justice by flight or taking vengeance.

The threadbare excuse of Gregorio Guevara that he feared the ire of Cunanan is notches below the level of the probable. Right from the start, the Mayor, the Chief of Police and the Constabulary took a hand. On May 17, the barrio was patrolled by the Constabulary soldiers. Nothing in the record suggests that Cunanan is a violent man. If he was, the slashing of his carabao (he is a farmer) prior to this incident by prosecution witness Antonio Balajadia could have given him a *casus belli*. On the other hand, Guevara could well obtain protection from Juan David who, the record discloses, is a man who throws his weight around.

The recitals of these witnesses just mentioned - five of them - bordering on conspiracy of silence, raise grave doubts as to the veracity of their statement that they saw Cunanan that night the crime occurred. Indeed, reason exists for an impartial observer to say that all of them crossed the boundaries of credibility.

3. Quite apart from the foregoing, disturbing circumstances there are which induce rational belief that Nicolas Cunanan was not really identified as the man who shot at and killed Jose David.

First. In the verified statement given on May 20, 1957, by Miguel Laxamana, the following appear:

"Q - Aside from CLEMENTE MANALOTO were you not able to see whether he (C. MANALOTO) has any companion?

A - None, sir."[3]

Miguel Laxamana, it should be remembered, was on the right side of the jeep. The People's evidence is that Nicolas Cunanan appeared about two meters on the left side of the jeep between Antonia Mallari and Andres David and tarried for sometime before he fired the gun. Laxamana was facing the left side and Cunanan was in

the range of his vision. It stands to reason to say then that if Laxamana declared that he saw nobody except the other defendant Clemente Manaloto - who had no companion - we have a case where in reality Nicolas Cunanan was not identified as the one who shot Jose David.

Second. In the morning of the 17th of May, 1957, Clemente Manaloto and Luciano Punzalan were together in a jeep going from barrio Anao to San Fernando. They talked about the incident the night before. The following from the conversation between the two who are friends and compadres, as related by Manaloto, is indicative of lack of identification of the perpetrator, viz:

“Q What was your conversation with him?

A I started the conversation, sir. I said, ‘You, my friend, were in the jeep. Will you please tell me the truth? What happened? Did you see anybody?’ The answer was, ‘I did not see anybody’.”[4]

Third. Contrary to the testimony of the People's witnesses, chief of police Felipe P. Salas assured the Court that that night of May 16th was "very dark." The chief added that "we could not write because it was very dark." And yet, prosecution witnesses Luciano Punzalan and Gregorio Guevara could say that on that night Cunanan was wearing yellow (culyawan) short-sleeved polo shirt, with khaki pants and with particularity that he wore no hat and was unshod. This shakes confidence on their truthfulness. They obviously overshot their mark.

Fourth. While Punzalan saw that Cunanan used a revolver the other two - Gregorio Guevara and Andres David could not say that Cunanan had a revolver.

Fifth. We come to Antonio Balajadia's narrative. This witness is a brother-in-law and a bodyguard of Juan David, father of the deceased Jose David. He testified that early in the evening of May 16, 1957 while he was in the house of Casimiro Guinto in barrio Anao, the wife of Michael del Rosario who was in a nearby house looked out of the window and told him that his compadre "Padil" (Jose David) was shot. He went down Guinto's house and proceeded home. Near the residence of Alfredo de Guzman he saw defendant Cunanan leaning against the fence, left hand in his left pants pocket and right hand behind him holding a gun wrapped in a piece of spotted (black dots) and white cloth. He declared that he saw the barrel of the gun which was black in color, protruding two inches, as also the butt of the gun which was held in the middle portion by Cunanan. Here is what Balajadia told the Court -

"COURT:

Q You saw the entire gun or you only saw the barrel, which is two inches long?

A The barrel was showing and also the butt of the gun.

Q Those were the only things that you had seen?

A Yes, sir.

ATTY. CONCORDIA:

Q What is the size of the butt that you saw?

A The butt that I saw was not too big, because it was curving and only the end of the butt was showing and also the barrel.

Q With what material was that gun wrapped?

A Rag.

Q What was the color of the rag?

A It was spotted black and white.

Q You are certain of that?

A I am sure, sir.

COURT:

Q What is the color, black and white?

A The rag, sir.

Q Yes?

A It was spotted with white and black dots, more of the latter.

Q What is the base or fondo white or black?

A It was not too white."<sup>[5]</sup>

Balajadia was trapped in the bogholes of exaggeration. The following from his affidavit given on May 19, 1957 betrays him, thus: -

"Q You stated that when you stepped out of your gate you saw Nicolas Cunanan leaning against the fence of Alfredo Guzman and that when he saw you he moved little backward and made himself closer to the fence thereby you saw him hiding his right hand at his back is that right?

A Yes, sir.

Q When he moved backward was he facing you squarely?

A He was facing me side-wise (slightly).

Q When he moved backward did you not notice him holding something with his right hand?

A He was holding something but I can not determine as to what was that because it was wrapped with a piece of cloth."<sup>[6]</sup>

Not that Balajadia's testimony given in court is surprising. He was previously accused by Cunanan for slashing Cunanan's carabao. He was prosecuted in court. Juan David intervened to settle the matter and Cunanan refused. He was convicted by the Municipal Court of Mexico.

Sixth. Let us pause to consider Cunanan's situation. If Cunanan had reason to believe that he was identified that night as the culprit, it is not likely that immediately after the crime he should have tarried and exposed himself to the danger of being caught, if not liquidated. This detracts any driving force from what Balajadia just related.

Andres David testified that on the morning of May 17th - the day after the crime - Cunanan alone visited the house where the deceased Jose David was lying in state. Andres started hitting Cunanan with his fists. He was held back by somebody. He tried to chase Cunanan. He was prevented. He hit Cunanan because "it was he who had shot my brother." It is interesting to note that then his father Juan David did not ask him why he gave fist blows to Cunanan.

The first instinct of man is self-preservation. If Cunanan was the author of the crime, or that he felt that someone could have seen him commit the crime, it is improbable that he should have the temerity to have exposed himself to the danger of being the object of vengeance.

Seventh. On the night of the crime - May 16 - chief of police Felipe P. Salas of Mexico was notified thereof. With

his policemen Pacifico Musngi, Melencio Nicdao and Lorenzo Gozon, together with Mayor Padilla, he rushed to the scene of the crime. They came upon a parked jeep, and there he met the victim's brother Andres David. He interrogated him. David told the chief that he did not know who the culprit was. He investigated five passengers of the jeep. They likewise disclaimed knowledge of the identity of the assailant. He went to the house of Luciano Punzalan. When asked who shot Jose David, Punza-lan's answer to Chief Salas, like that of Andres David and others, was that he did not know, and that "they did not see (other) persons other than the passengers of the jeep." That same night he went to the hos-pital but the doctor on duty told him that the victim was in a serious condition. On the following day, he instructed Sgt. Gozon to prepare a report for the PC and to enter the incident in the police blotter. The report was made, checked and signed by the chief. There he stated that Jose David was shot by an unknown assailant. The entry in page 40 of the Mexico police blotter for May 16, 1957, reads:

"At about 8:35 p.m. of this date one Jose David of Anao, this municipality, was reported shot by unknown assailant near Km. 80 of said barrio Anao. The victim succumbed at the Provincial Hospital where he was brought for medical treatment. The victim who was driving a passenger jeepney at the time of the crime was shot at the back at close range."[7]

The chief of police had no motive to falsify the facts. Why, he even asked municipal judge Xerxes Garcia to forward the papers to the fiscal. The least that can be said is that he had regularly performed his duties.[8]

Eighth. Proof of motive is unnecessary to pin a crime on the ac-cused if evidence of identification is convincing.[9] Here, proof of identification is not convincing.

And, nothing in the record would as much as intimate such a mo-tive on the part of Nicolas Cunanan to kill Jose David. Jose David's widow, Bella Guevara Vda. de David, assured the court that there was no misunderstanding between Jose David and Cunanan, and that they were intimate barriomates.

In *People vs. Hajan*, supra - a case for murder - this court said (p. 547) that "though proof of motive is not indispensable to conviction, yet a void in the evidence in this respect discloses a weakness in the case for the prosecution."

4. Why then was the accusing finger pointed at Cunanan and Manaloto? Juan David, father of the deceased, is the local President of the Catholic Action. Nicolas Cunanan and Clemente Manaloto are the followers of the religious group known as "Iglesia Ni Kristo." The following culled from the decision below is interesting:

"As disclosed by the prosecution, the people of Anao, Mexico, Pampanga, have taken sides and have divided them-selves into two groups on a religious issue - the Catholic segment, on the one hand; and the members of the Iglesia Ni Kristo, on the other. Such has been the feeling engen-dered by the feuding factions that personal violence seemed inevitable. Thus, it has been shown by the testimony of the barrio lieutenant of Anao, Ernesto Gamboa, a witness of the prosecution, that Benjamin Sinamban, a follower of the Iglesia, stabbed Pascual Tiamson, a Catholic.

Another incident with a religious taint occurred in con-nection with the image of the Virgin de los Remedios for which the Catholics gaily decorated the barrio. It seems that the bamboo fence that was erected along the road thru which the image would pass, was pulled out by Nicolas Cu-nanan in front of his house. On being asked the reason for this conduct, Cunanan, according to Ernesto Gamboa, sar-castically inquired of him why he had allowed himself to be fooled by "Mariang Bulugan", alluding to the virgin.[10]

What appears, however, to have heightened the pas-sion came about as a result of the public meeting which was organized and held by the Catholics in which Juan David, father of the victim, Jose David, was elected their spokes-man and in which it was agreed that the Catholics shall re-frain from dealing directly with members of the Iglesia. This action, which the opposing sect called a boycott, was so resented that one of their active members, Primo del Rosario, was said to have remarked, according to Casimi-ro Guintu, another

witness of the prosecution, to the effect that until they succeeded in killing one of the Davids, they would not stop."

As to Cunanan, in addition to the incident about the virgin just related, there is the circumstance that Juan David tried to settle the criminal case between his brother-in-law and bodyguard Antonio Balajadia and defendant Cunanan in reference to the slashing by Balajadia of Cunanan's carabao mentioned earlier. Cunanan refused and Juan David got angry. Motive to kill can hardly be deduced from the facts just recited. But the axe has to fall on someone.

No wonder, when asked why he was charged with the instant crime, Nicolas Cunanan could only surmise - "it was said [by "our barrio mates there"] that we were the ones who killed."

5. The defense is alibi. Witness Ricardo Escoto, a student teacher of Iglesia Ni Kristo who was assigned to Anao, testified that Nicolas Cunanan and Clemente Manaloto arrived at the chapel of the Iglesia Ni Kristo about 6:00 o'clock in the afternoon of May 16, 1957. This Iglesia Ni Kristo chapel was in the house of Primo del Rosario in Anao. The two of them did not leave the chapel until about 8:30 or 9:00 in the evening after the services. May 16, 1957 was a Thursday. And, the services of the Iglesia Ni Kristo is held on Thursdays and Sundays. The presence of Nicolas Cunanan and Clemente Manaloto was necessary because they were deacons. The two of them made the collections between 8:30 and 9:00 o'clock that evening. Thereafter, the services ended. This testimony finds corroboration in Emiliano del Rosario, another Iglesia Ni Kristo member, who was also in the chapel. Of course, the two defendants similarly testified.

6. Alibi is known to be the weakest of all defenses. Easy to concoct, it is difficult to disprove.[11]

We do say however, that here the defense of alibi assumes importance and looms large because evidence of appellant Cunanan's identification is weakened and rendered unreliable.[12] This court recently, in *People vs. Fraga, et al.*, No. L-12005, August 31, 1960, had occasion to say the following, through Mr. Justice J.B.L. Reyes:

"x x x an accused cannot be convicted on the basis of evidence which, independent of his alibi, is weak, uncorroborated, and inconclusive. The rule that alibi must be satisfactorily proven was never intended to change the burden of proof in criminal cases; otherwise, we will see the absurdity of an accused being put in a more difficult position where the prosecution's evidence is vague and weak than where it is strong."

7. The natural reaction of one who witnesses a crime is to reveal it to the authorities, unless, of course, he is the author thereof. It defies credulity that not one or two but five such witnesses made no effort to expose Cunanan if they really knew that he was the author thereof. This stultified silence casts grave doubts as to their veracity.

In the end, we have here a specific case where evidence of identification is thoroughly unreliable. Reason: No valid explanation was given why the People's witnesses did not report the identity of appellant Nicolas Cunanan to the authorities during a long period of time.[13]

As we look in retrospect, we come to the conclusion that the remaining defendant Nicolas Cunanan was convicted below more on evidence riddled with serious doubts and not entirely free from suspicion, than the commanding weight of proof beyond reasonable doubt. The crime here involved is serious. It is murder. This calls to our mind what Alfonso El Sabio was reputed to have said a long time ago: "Mas vale que queden sin castigar diez reos presuntos, que se castigue uno inocente." [14] And we say that the guilt of Nicolas Cunanan has not been established beyond reasonable doubt.

Upon the view we take of this case, the judgment below as against defendant Nicolas Cunanan is hereby reversed, and he is hereby acquitted of the crime of murder, with costs de oficio.

**SO ORDERED.**

Concepcion, C.J., Reyes, J.B.L., Dizon, Regala, Makalilntal, Bengzon, J.P., Zaldivar, and Castro, JJ., concur.

---

[1] Criminal Case No. 234, Justice of the Peace Court of Mexico, Pampanga, entitled "People of the Philippines, plaintiff, versus Nicolas Cunanan, accused."

[2] Criminal Case No. 2889 of the Court of First Instance of Pampanga, entitled "People of the Philippines versus Nicolas Cunanan and Clemente Manaloto, accused."

[3] Exhibit E, p. 3.

[4] Tr., Magat, August 6, 1959, p. 18 (158).

[5] Tr., Lagman, pp. 206-207.

[6] Exhibit 7, p. 2, emphasis supplied.

[7] Exhibits 3-A, 3-B; emphasis supplied.

[8] Sec. 5(m), Rule 131, Revised Rules of Court.

[9] People vs. Hajan, 50 Phil. 545, 547; People vs. Dalmani, 63 Phil. 188, 195; People vs. Taneo, 58 Phil. 255, 256-257; People vs. Zamora, 59 Phil. 568, 569.

[10] This was denied by Cunanan. Emphasis supplied.

[11] U.S. vs. Olais, 36 Phil. 828, 829; People vs. Pili, 51 Phil. 965, 966; People vs. Dizon, 76 Phil. 265, 272; People vs. Bautista, L-17772, October 31, 1962; People vs. Dayday, L-20806 & L-20807, August 14, 1965.

[12] People vs. Rafallo, 86 Phil. 22, 29-30.

[13] People vs. Felicisimo, 44 Off. Gaz., (No. 8), pp. 2770, 2773; People vs. Gani, 81 Phil. 139, 143-144.

[14] Frases, Ideas y Pensamientos de Varios Autores recopilados por Pablo Buill, p. 112.

**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.