

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. RODRIGO SALCEDO ALIAS “DIGOL,” APPELLANT.

G.R. No. 178272. March 14, 2011

Ponente: PERALTA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-178272/>

PERALTA, J.:

This is an appeal from the Decision[1] of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 00113, affirming with modifications the judgment of the Regional Trial Court (RTC) of San Miguel, Jordan, Guimaras in Criminal Case No. 0122 finding appellant Rodrigo Salcedo alias Digol guilty beyond reasonable doubt of the crime of Murder.

The Information against the appellant reads as follows:

That on or about the 6[th] day of November 1994, in the Municipality of Jordan, Province of Guimaras, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused with evident premeditation and treachery and with intent to kill, taking advantage of his superior strength and the darkness of the night, did then and there willfully, unlawfully and feloniously attack, assault, and stab with a knife one Analyn Elevencione, who is pregnant at the time, hitting said Analyn Elevencione at the vital parts of her body which caused her instantaneous death.

CONTRARY TO LAW.[2]

Appellant was arraigned on March 22, 1995[3] and pleaded not guilty to the crime charged. Trial on the merits thereafter ensued.

The evidence of the prosecution follows:

Geraldino Galido (Geraldino) testified that at 9 o'clock in the evening of November 6, 1994, while he was in his house together with his two brothers, his brother-in-law and second cousin, they heard three (3) shouts for help coming from the house of Efren Galido (Efren). They immediately went to the place and at the distance of about 7 to 8 meters,[4] he saw appellant stabbed the victim Analyn twice while she was lying on her back. He was able to identify the appellant because of the torch being carried by the women near him.

Efren, live-in partner of Analyn, testified that appellant is known as "Digol" in their place. At 9 o'clock in the evening of November 6, 1994, he was at the house of his elder brother Geraldino, which is about 100 meters away from his house. While at the house of his brother, he heard a shout coming from his niece, Ivy Jean Borra. Upon hearing Ivy, he immediately ran home. When he arrived home, he saw his son sleeping, so he went downstairs and proceeded to the road where he met his sister-in-law holding a torch. He got a torch from his sister-in-law, went ahead and looked for Analyn. He found Analyn lying and moaning on the grassy portion of the side of the road about 20 meters away from their house. He lifted Analyn and saw blood coming from her breast. He asked Analyn who did it to her and Analyn answered, "Digol." He placed Analyn on the ground and tried to run after the person who did it to her, but he was restrained by his brother.

Dr. Edgardo Jabasa testified that he conducted an autopsy on the body of Analyn. He found nine (9) stab wounds in the body of Analyn. Two of the stab wounds penetrated the heart, making it impossible for the victim to survive. He also testified that Analyn's uterus was enlarged at 6 to 7 months gestation with a dead male fetus. He further testified that the wounds appear to have been inflicted by a single sharp bladed and pointed instrument.

Upon the other hand, the defense adduced the testimonies of the appellant, Felimon Salcedo, Marcelina Lecta and Mario Manatoc. Appellant's main defense is alibi.

Felimon Salcedo, father of the appellant, testified that in the evening of November 6, 1994, before going home, he was at the house of his daughter, Marcelina Lecta. While there, appellant arrived and when Felimon left Marcelina's house at around 8:30 o'clock in the evening, appellant was still there.

Marcelina Lecta testified that the appellant is her younger brother. She said that at around 8 o'clock in the evening of November 6, 1994, appellant arrived at their house and slept there. Appellant then left the following morning and reported for work at the highway. At around 9 o'clock in the morning, the policemen arrived at their house looking for the appellant. Thereafter, she learned that appellant was arrested when he reported for work.

Mario Manatoc testified that he was a detainee at the Municipal Jail of Jordan. At around 2 o'clock in the morning of November 7, 1994, Efren arrived at the police station to report the killing of his wife. Investigator George Galon then interviewed Efren. After the interview, the police officers left the police station to look for the person who killed Analyn. At 10 o'clock in the morning of the same day, Police Officer George Galon arrived with the appellant and brought the latter to the investigation room. During the investigation, he heard moaning and thudding sounds. Mario said that appellant was mauled and was made to admit the killing of Analyn.

Appellant testified that in the afternoon of November 6, 1994, he was invited by the group of Efren, Geraldino, Ludrito, Pablo, Virgilio and Luis to drink, so they all proceeded to the house of Botchoy Galia located at Barangay Alaguisoc. They arrived there at 5 o'clock in the afternoon and they finished drinking four bottles of whisky at around 7 o'clock in the evening. After drinking, they all went home going their separate ways. Appellant went to the house of his sister, Marcelina Lecta, which is one (1) kilometer away from the house of Botchoy. He arrived at his sister's house at about 8 o'clock in the evening where he met his father. He immediately went upstairs to sleep. He woke up at 6 o'clock in the morning the following day and went home to his father's house where he learned that Analyn died. He reported to work and was arrested by the policemen. At the police station he was mauled and was threatened to be killed if he will not admit killing Analyn. He was then forced to admit that he killed Analyn.

On August 18, 2000, the RTC of San Miguel, Jordan, Guimaras rendered a Decision[5] finding appellant guilty beyond reasonable doubt of the crime of murder. The dispositive portion of the Decision is as follows:

WHEREFORE, premises considered, judgment is rendered finding the accused RODRIGO SALCEDO alias "DIGOL" GUILTY beyond reasonable doubt of the crime of MURDER, defined and penalized under Article 248 of the Revised Penal Code. Said accused is penalized to suffer a penalty of imprisonment of twenty (20) years and one (1) day to forty (40) years of Reclusion Perpetua, together with all accessory penalties attached thereto.

Said accused is directed to pay the heirs of Analyn Elevecione the amount of:

PhP50,000.00 - for the death of Analyn Elevecione;
PhP10,000.00 - as reimbursement for burial expenses;
PhP40,000.00 - as moral damages;

or a total of PhP100,000.00.

The detention of the accused during the pendency of the case shall be credited in his favor.

SO ORDERED.

Appellant filed a Notice of Appeal and the case was elevated to this Court for review. However, pursuant to this Court's ruling in *People v. Mateo*,^[6] the case was transferred to the CA. The CA rendered a Decision dated November 30, 2006 affirming with modification the decision of the RTC in Criminal Case No. 0122. The CA ruled that the appellant is guilty of murder qualified by abuse of superior strength. The CA did not appreciate the other aggravating circumstances alleged in the information for failure of the prosecution to establish them during the trial. The CA deleted the award of burial expenses amounting to PhP10,000.00 for failure of the prosecution to present receipts in support thereof. Further, the award of moral damages was increased from PhP40,000.00 to PhP50,000.00 and exemplary damages in the amount of PhP25,000.00 was also awarded, both in consonance with existing jurisprudence.

On January 3, 2007, appellant, through the Public Attorney's Office (PAO), appealed the Decision of the CA to this Court. Appellant had assigned two (2) errors in his appeal initially passed upon by the CA, to wit:

I

THE COURT A QUO ERRED IN GIVING FULL WEIGHT AND CREDENCE TO THE TESTIMONIES OF EFREN GALIDO AND GERALDINO GALIDO.

II

THE COURT A QUO GRAVELY ERRED IN FINDING THAT THE GUILT OF THE ACCUSED-APPELLANT FOR THE CRIME OF MURDER HAS BEEN PROVEN BEYOND REASONABLE DOUBT.

In the main, appellant put in issue the credibility of Efren and Geraldino. He contends that the testimonies of said witnesses did not establish his guilt for murder.

The Court affirms the appellant's conviction. There is no cogent reason to disturb the finding of guilt made by the RTC and affirmed by the CA anent the credibility of the prosecution witnesses who testified during the trial of the case. The Court gives great weight to the trial court's evaluation of the testimony of a witness, because it had the opportunity to observe the facial expression, gesture, and tone of voice of a witness while testifying, thus, making it in a better position to determine whether a witness is lying or telling the truth.^[7]

Geraldino's testimony was categorical, convincing and unequivocal. He positively identified the appellant as the author of the crime. This witness declared, thus:

Public Prosecutor Rolando Nielo:

Q. While you were there in your house, did you hear anything unusual?

A. Yes, sir.

Q. What was that, that came to your attention?

A. I heard three (3) shouts.

Q. What was the nature of that shout that you heard?

A. Three (3) shouts for help.

Q. What did you do when you heard those shouts for help?

A. We jumped out of our house and went to the place where the shouts came from.

Q. Where did the shout came (sic) from, if you know?

A. At the house of Efren Galido.

Q. How far is this house of Efren Galido from your own house?

A. About 100 meters.[8]

x x x x

Q. Were you able to reach the place where those shouts came from?

A. Yes, sir.

Q. What did you witness or what did you see when you reached the place where the shouts came from?

A. I have seen Digol Salcedo stabbing Analyn Elevencione.[9]

x x x x

Q. How did you happen to see Rodrigo Salcedo stabbed Analyn Elevencione since it was already 9:00 o'clock in the evening of June 4, 1994?[10]

A. Because the women from our house were carrying torch and I was following them that is why I saw Analyn Elevencione.

Q. You were able to know Analyn Elevencione and Rodrigo Salcedo from that light coming from that torch?

A. Yes, sir.[11]

x x x x

Q. And you said you saw Analyn Elevencione stabbed by Rodrigo Salcedo. How many times [did] you saw (sic) this Rodrigo Salcedo stabbed Analyn Elevencione?

A. Only twice.

Q. What was the position of Analyn Elevencione when you saw her being stabbed by the accused?

A. She was lying on her back.[12]

x x x x

Geraldino on cross examination by Atty. Padilla.

Q. How about you? When you saw the accused stabbed Analyn Elevencione, how far were you from Analyn Elevencione and the accused.

A. About 7 to 8 meters.[13]

Clearly, Geraldino positively identified the appellant as the author of the crime. He testified that with the aid of the light cast by the torch carried by the women near him, he was able to see the appellant stab Analyn twice while she was lying on her back. Thus, even if the crime was committed during the night, it was not totally dark, as a torch illuminated the place where Analyn was stabbed by the appellant. The Court has consistently held that the illumination produced by a kerosene lamp, a flashlight, a wick lamp, moonlight, or starlight in proper situations is considered sufficient to allow the identification of persons.[14]

Appellant's allegation that there were inconsistencies in the testimony of the prosecution witnesses, as Geraldino could not have seen the appellant stabbing Analyn because his brother Efren said in his testimony that Analyn was alone when he saw her lying on the ground.[15]

The Court finds no inconsistencies in the testimonies of Efren and Geraldino. The CA correctly explained the events that transpired on the fateful night:

It could be gleaned from [the] records that when the Galidos heard the shouts coming from their niece Ivy Jean Borra, they went outside and Efren went directly to his house to check his family. Geraldino and his other

companions were not far behind him. When they reached the crime scene, Geraldino witnessed appellant (petitioner herein) stabbed (sic) Analyn Elevecione twice, then he tried to follow the perpetrator until the latter reached a dark place. So, when Efren arrived to (sic) the place coming from his house, he did no (sic) longer see the aggressor but was able to ask his live-in partner who her assailant was.[16]

x x x x

It could be understood that when Efren was still inside his house, that was the time Geraldino saw appellant (petitioner herein) stabbed the victim.x x x[17]

Clearly, Geraldino, after witnessing the incident was no longer at the scene of the crime when Efren arrived because he tried to pursue the appellant. That is the reason why Efren saw Analyn alone as she laid on the ground.

Appellant also averred that the alleged dying declaration of Analyn was merely concocted in order to pin the blame upon herein appellant. Appellant argued that there is no chance for Efren to have talked to Analyn since he became hysterical[18] when he saw Analyn lying prostrate on the ground. The appellant's arguments are unavailing.

Appellant misconstrued the correct sequence of events that transpired that night. Efren testified as follows:

Public Prosecutor Rolando Nielo:

Q. What did you do when you heard your niece Ivy Jean Borra shouting for help?

A. I ran immediately towards my house.

Q. And, were you able to reach your house?

A. Yes, I reached my house and I only found my son sleeping.

Q. What did you do when you found your son sleeping, when you reached your house?

A. I placed him near the door and went down.

Q. What did you do after you went downstairs?

A. I went to the road where I met my sister-in-law holding a torch.

Q. Who is that sister-in-law of yours whom you met?

A. Melanie Galido.

Q. What kind of torch was she holding?

A. A torch made of a pocket size whisky bottle.

Q. What did you do when you met Melanie Galido, your sister-in-law having a torch there?

A. I also got a torch to look for my wife.

Q. Where did you get that torch you used?

A. From my sister-in-law.

Q. And then, after that, when you got the torch were you able to see your wife?

A. Yes. When I got the torch, I went ahead then I later on saw her near the side of the road, she was moaning.[19]

x x x x

Q. You said you saw Analyn Elevecione. Where was she lying when you saw her?

A. On the grass beside the road.[20]

x x x x

Q. What did you do when you saw Analyn lying? What was her position when you saw your wife?

A. She was lying on the ground.

Q. What did you do when you saw her lying on the ground?

A. I lifted her and asked her who did it.

Q. What was the condition of Analyn your wife when you lifted her?

A. She was moaning and the blood is coming out of her wounds.

Q. Have you seen the wounds where the blood was oozing from?

A. Yes, sir. It was coming from below her breast because her breast was open.[21]

x x x x

Q. Did your wife say anything to you?

A. Yes, sir.

Q. What did your wife tell you if any?[22]

x x x x

A. I asked her who stabbed her, and she answered, "Digol."

Q. That was all that your wife said?

A. Yes, sir.

Q. After that, what did you do?

A. I laid her down and ran.

Q. What was your purpose in putting her down and ran (sic)?

A. To run after the person who did it to her.

Q. Did you have a specific person in mind to run after when your wife told you about the statement?

A. Yes, but I was restrained by my brother not to go to their house.[23]

Clearly, before Efren became hysterical and was restrained by Geraldino,[24] he was able to talk to Analyn, who identified the appellant as the person who stabbed her. As correctly found by the CA:

When Efren went to the crime scene, Analyn was still alive and she was able to utter the name of her attacker. But when Efren came back after he failed to catch her aggressor, she was already dead and that was the time he became hysterical.[25]

Having established that Analyn indeed uttered the name of her assailant, the question to be resolved is whether her statement can be considered as a dying declaration.

Section 37, Rule 130 of the Rules of Court, provides:

The declaration of a dying person, made under the consciousness of impending death, may be received in any case wherein his death is the subject of inquiry, as evidence of the cause and surrounding circumstances of such death.

Generally, witnesses can testify only to those facts derived from their own perception. A recognized exception, though, is a report in open court of a dying person's declaration made under the consciousness of an impending death that is the subject of inquiry in the case.[26]

In order for a dying declaration to be held admissible, four requisites must concur: first, the declaration must concern the cause and surrounding circumstances of the declarant's death; second, at the time the declaration was

made, the declarant must be under the consciousness of an impending death; third, the declarant is competent as a witness; and fourth, the declaration must be offered in a criminal case for homicide, murder, or parricide, in which the declarant is the victim.[27]

All the requisites for a dying declaration were sufficiently met. First, the statement of the deceased concerned the cause and circumstances surrounding her death. When asked who stabbed her, Analyn uttered the name of the appellant. Further, as proven during trial, appellant was the only person referred to as "Digol" in their place. Second, the victim must have been fully aware that she was on the brink of death, considering her bloodied condition and the gaping wounds on her chest when Efren saw her. True, she made no express statement showing that she was conscious of her impending death, however, the degree and seriousness of the wounds and the fact that death occurred shortly afterwards may be considered as sufficient evidence that the declaration was made by the victim with full realization that she was in a dying condition.[28] Third, the declarant, at the time she uttered the dying declaration, was competent as a witness. Fourth, the victim's statement was being offered in a criminal prosecution for her murder. Thus, Analyn's condemnatory ante mortem statement naming appellant as her assailant deserves full faith and credit and is admissible in evidence as a dying declaration.

The dying declaration is given credence, on the premise that no one who knows of one's impending death will make a careless and false accusation.[29]

Going now to the appellant's main defense of alibi, appellant claims that at the time of the incident he was at the house of his sister Marcelina. Marcelina corroborated appellant's testimony, while Felimon alleged that before he left Marcelina's house at around 8:30 in the evening, appellant was still there.

Aside from the foregoing testimonies of the defense witnesses, the defense was unable to show that it was physically impossible for appellant to be at the scene of the crime. Basic is the rule that for alibi to prosper, the accused must prove that he was somewhere else when the crime was committed and that it was physically impossible for him to have been at the scene of the crime. Physical impossibility refers to the distance between the place where the appellant was when the crime transpired and the place where it was committed, as well as the facility of access between the two places.[30] Where there is the least chance for the accused to be present at the crime scene, the defense of alibi must fail.[31]

During the trial of the case, Marcelina testified that Analyn's house, which is near the crime scene, is one (1) kilometer away from her house.[32] In *People v. Cristobal*,[33] the Court ruled out alibi when it was proven that the appellant was only three kilometers from where the crime was committed, "a manageable distance to travel in a few minutes." Thus, it was not physically impossible for the appellant to be at the locus criminis at the time of the incident.

Further, the Court gives less probative weight to a defense of alibi when it is corroborated by friends and relatives. One can easily fabricate an alibi and ask friends and relatives to corroborate it. When a defense witness is a relative of an accused whose defense is alibi, courts have more reason to view such testimony with skepticism.[34] In addition, positive identification destroys the defense of alibi and renders it impotent, especially where such identification is credible and categorical.[35] Given the positive identification of the appellant by Geraldino, who is a credible witness, and the lack of physical impossibility for the appellant to be at the scene of the crime at the time of the killing, the defense of alibi must fail.

Appellant insisted that Efren and Geraldino's failure to immediately disclose the appellant's identity to the authorities show that they do not know the identity of the perpetrator. The argument does not hold water. Delay or vacillation in making a criminal accusation does not necessarily impair the credibility of witnesses if such delay is satisfactorily explained.[36]

In his testimony,[37] Efren explained that he did not inform the police of the identity of the appellant because he feared that the appellant might escape.[38] In his sworn statement executed before the police, Geraldino explained that he did not inform the police of the identity of the appellant because it might result in the escape of the appellant.[39] Apparently, Geraldino thought it best to wait for the right time to reveal to the police authorities that he saw the appellant stab the victim, so as not to alarm the appellant, who may not know that Geraldino saw him stab Analyn. Otherwise, the immediate revelation might compromise appellant's arrest.

Appellant also cites the testimony of Mario Manatoc that when he asked Efren, in the early morning of November 7, 1994 at the police station, who killed his wife, Efren allegedly answered "I do not know." [40] Thus, appellant would like to impress upon the Court that Efren did not know the identity of Analyn's attacker. The Court is inclined to believe that Efren's failure to divulge the identity of the perpetrator to Mario is consistent with his reasoning that he did not inform anybody of the appellant's identity because the appellant might escape. Mario is a total stranger to Efren and the latter cannot be faulted in not trusting Mario. The Court therefore finds that Efren and Geraldino have sufficiently explained their failure to immediately report the identity of the appellant.

Further, there was no considerable delay in reporting the incident to the police. As testified to by Mario, Efren went to the police station to seek assistance because his wife was killed.[41] After reporting the incident, Efren and the policemen went to look for the perpetrator,[42] and later on, the police arrested the appellant.[43]

Additionally, one thing which bolsters the prosecution witnesses' credibility is the fact that they had no motive to lie against the appellant. Where there is no evidence to indicate that the prosecution witnesses were actuated by improper motive, the presumption is that they were not so actuated and that their testimonies are entitled to full faith and credit.[44] In the present case, there was no shred of evidence to indicate that the witnesses for the prosecution were impelled by improper motives to implicate appellant in the crime.

The testimonies of Mario and appellant that the latter was forced to admit the killing of Analyn deserve scant consideration. As found by the trial court, the prosecution did not present evidence to show that the appellant admitted having killed the victim. The appellant interposed the defense of alibi.[45]

Appellant further argued that the trial court erred in ruling that the crime committed is murder. The fact that the victim is a woman and seven months pregnant cannot be considered as qualifying or an aggravating circumstance.

Abuse of superiority is determined by the excess of the aggressor's natural strength over that of the victim, considering the position of both and the employment of means to weaken the defense, although not annulling it. The aggressor must have taken advantage of his natural strength to insure the commission of the crime.[46]

In the present case, the Court finds that there was abuse of superior strength employed by the appellant in committing the killing. The evidence shows that the victim was a sixteen (16)-year-old female,[47] who is 6 to 7 months pregnant.[48] The victim was also stabbed by the appellant with a sharp bladed and pointed instrument while she was lying on her back. The victim was also unarmed when she was attacked. The Court has consistently held that an attack made by a man with a deadly weapon upon an unarmed and defenseless woman constitutes the circumstance of abuse of that superiority which his sex and the weapon used in the act afforded him, and from which the woman was unable to defend herself.[49] The circumstance of abuse of superior strength was, therefore, correctly appreciated by the CA, as qualifying the offense to murder.

From all of the foregoing, we hold that appellant is guilty beyond reasonable doubt of the crime of murder, qualified by abuse of superior strength.

THE PENALTY

The penalty of murder under Article 248 of the Revised Penal Code is reclusion perpetua to death. Article 63 (2) of the same Code states that when the law prescribes a penalty consisting of two indivisible penalties and there are neither mitigating nor aggravating circumstances in the commission of the crime, the lesser penalty shall be imposed. Since the aggravating circumstance of abuse of superior strength already qualified the killing to murder, it can no longer be used to increase the imposable penalty. We note that while other aggravating circumstances, i.e., evident premeditation, treachery and nighttime, were alleged in the Information, the prosecution failed to adduce evidence to support the presence of these circumstances. Hence, the RTC and CA correctly imposed the penalty of reclusion perpetua. It must be stressed that under R.A. No. 9346, appellant is not eligible for parole.[50]

THE DAMAGES

The award of civil indemnity is mandatory and granted to the heirs of the victim without need of proof other than the commission of the crime.[51] The Court affirms the award of civil indemnity given by the trial court and the CA in the amount of PhP50,000.00.

Anent moral damages, the same are mandatory in cases of murder, without need of allegation and proof other than the death of the victim.[52] The CA correctly awarded moral damages in the amount of PhP50,000.00 in view of the violent death of the victim and the resultant grief to her family.[53]

Further, the CA correctly awarded exemplary damages. The award of exemplary damages is warranted because of the presence of the qualifying aggravating circumstance of abuse of superior strength in the commission of the crime.[54] The amount of PhP25,000.00 granted by the trial court and the CA should, however, be increased to PhP30,000.00 in line with current jurisprudence on the matter.[55]

The CA deleted the award of burial expenses for failure of the prosecution to substantiate the same with receipts. Although temperate damages may be awarded when the court finds that some pecuniary loss has been suffered but its amount cannot, from the nature of the case, be proved with certainty,[56] the Court is inclined to deny the award of temperate damages. Efren testified that he did not spend any amount for the burial of Analyn, as the expenses were shouldered by his employer and by other people he knew.[57]

On a final note, the prosecution should have been more prudent in determining the proper crimes that should have been filed against the appellant. Clearly, at the time of the death of the woman, she was carrying a 6 to 7-month-old fetus which probably died because of the stabbing incident. If indeed the fetus died at the time the woman was stabbed, then the crime of murder, defined in and penalized under Article 248 of the Revised Penal Code, complexed with unintentional abortion, defined in and penalized under Article 257 of the same Code, should have been filed against the appellant. Had this been done, the penalty of Death, which is the maximum penalty for the gravest offense among the two crimes committed as provided under Article 48[58] of the Revised Penal Code, should have been the proper penalty. Although, the penalty of death cannot be imposed in light of Republic Act No. 9346,[59] and that the same penalty of Reclusion Perpetua should be imposed, like in the present case,[60] the heirs of the victim should have been entitled to a higher civil indemnity and moral damages at PhP75,000.00[61] each.

WHEREFORE, the appeal is DISMISSED. The Decision of the Court of Appeals in CA-G.R. CR-H.C. No. 00113, dated November 30, 2006 is AFFIRMED with MODIFICATIONS. Appellant Rodrigo Salcedo, alias Digol, is found guilty beyond reasonable doubt of the crime of murder, and is sentenced to suffer the penalty of Reclusion Perpetua without any benefit of parole under R.A. No. 9346. He is further ORDERED to indemnify the

heirs of Analyn Elevecione the amounts of PhP50,000.00, as civil indemnity ex delicto, PhP50,000.00, as moral damages, and PhP30,000.00, as exemplary damages.

SO ORDERED.

Carpio, (Chairperson), Velasco, Jr.,[*]Abad, and Mendoza, JJ., concur.

[*] Designated as an additional member in lieu of Associate Justice Antonio Eduardo B. Nachura, per Special Order No. 933 dated January 24, 2011.

[1] Penned by Associate Justice Priscilla Baltazar-Padilla, with Associate Justices Isaias P. Dicdican and Romeo F. Barza, concurring; rollo, pp. 4-18.

[2] Records, p. 1.

[3] Id. at 45.

[4] TSN, May 2, 1995, p. 20.

[5] Records, pp. 297-317.

[6] G.R. Nos. 147678-87, July 7, 2004, 433 SCRA 640, modifying Sections 3 and 10 of Rule 122, Section 13 of Rule 124, and Section 3 of Rule 125 of the Revised Rules on Criminal Procedure.

[7] *People v. Pillas*, 458 Phil. 347, 369 (2003).

[8] TSN, May 2, 1995, p. 7.

[9] Id. at 8.

[10] The correct date should be November 6, 1994.

[11] TSN, May 2, 1995, pp. 9-10.

[12] Id. at 10-11.

[13] Id. at 20.

[14] *Marturillas v. People*, G.R. No. 163217, April 18, 2006, 487 SCRA 273, 301; *People v. Escote*, G.R. No. 151834, June 8, 2004, 431 SCRA 345, 351; *People v. Caraang*, 463 Phil. 715, 744 (2003).

[15] TSN, June 23, 1995, p. 24.

[16] Rollo, p. 10.

[17] Id. at 11.

[18] Prosecutor Nielo to Geraldino:

Q. How about your brother Efren? What did he do if he did anything?

A. He became hysterical and I restrained him. TSN, May 2, 1995, p. 11.

[19] TSN, June 23, pp. 9-10.

[20] Id. at 10-11.

- [21] Id. at 12.
- [22] Id. at 14.
- [23] Id. at 15-16.
- [24] TSN, May 2, 1995, pp. 10-11.
- [25] Rollo, p. 11.
- [26] Marturillas v. People, supra note 14, at 305.
- [27] People of the Philippines v. Jonel Fabrica Serenas and Joel Lorica Labad, G.R. No. 188124, June 29, 2010.
- [28] People v. Tañeza, 389 Phil. 398, 411 (2000).
- [29] Marturillas v. People, supra note 14, at 306.
- [30] People v. Delim, G.R. No. 175942, September 13, 2007, 533 SCRA 366, 379.
- [31] People v. Felipe Dela Cruz, G.R. No. 168173, December 24, 2008, 575 SCRA 412, 439.
- [32] TSN, January 14, 1997, p. 7.
- [33] 322 Phil. 551, 563 (1996).
- [34] People v Sumalinog, Jr., 466 Phil. 637, 651 (2004).
- [35] People v. Casitas, Jr., 445 Phil. 407, 425 (2003).
- [36] People v. Lovedorial, 402 Phil. 446, 460 (2001).
- [37] Records, p. 8.
- [38] TSN, June 23, 1995, p. 20.
- [39] Records, p. 7.
- [40] TSN, September 8, 1999, p. 5.
- [41] Id. at 4.
- [42] Id. at 5.
- [43] Id. at 6-7.
- [44] Vidar v. People, G.R. No. 177361, February 1, 2010, 611 SCRA 216, 226.
- [45] Records, p. 315.
- [46] People v. Loreto, 446 Phil. 592, 611 (2003).
- [47] Records, p. 9.
- [48] TSN, May 30, 1995, p. 13.
- [49] People v. Ventura, G.R. Nos. 148145-46 July 5, 2004, 433 SCRA 389, 411; People v. Loreto, supra note 46, at 612; People v. Barcelona, Jr., 438 Phil. 335, 348-349 (2002).
- [50] R.A. 9346, Section 3. Person convicted of an offense punished with reclusion perpetua, or whose sentences

will be reduced to reclusion perpetua, by reason of this Act, shall not be eligible for parole under Act No. 4103, otherwise known as the Indeterminate Sentence Law.

[51] *People v. Molina*, G.R. No. 184173, March 13, 2009, 581 SCRA 519, 542.

[52] *Id.*

[53] *People v. Balais*, G.R. No. 173242, September 17, 2008, 565 SCRA 555, 571.

[54] *Id.* at 571-572.

[55] *People of the Philippines v. Pedro Ortiz, Jr. y Lopez*, G.R. No. 188704, July 7, 2010.

[56] *People v. Delima, Jr.*, G.R. No. 169869, July 12, 2007, 527 SCRA 526, 540.

[57] TSN, June 23, 1995, pp. 20-21.

[58] Penalty for complex crimes. - When a single act constitutes two or more grave or less grave felonies, or when an offense is a necessary means for committing the other, the penalty for the most serious crime shall be imposed, the same to be applied in its maximum period.

[59] An Act Prohibiting the Imposition of Death Penalty in the Philippines.

[60] R.A. No. 9346, Section 2.

[61] *People v. Lopez*, G.R. No. 179714, October 2, 2009, 602 SCRA 517, 530.

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.