PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. REYNALDO BARDE, ACCUSED-APPELLANT.

G.R. No. 183094. September 22, 2010

Ponente: PEREZ, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-no-183094/

PEREZ, J.:

On appeal is the Decision[1] dated 24 September 2007 of the Court of Appeals in CA-G.R. CR-H.C. No. 01245, which affirmed with modifications, the Decision[2] dated 29 January 2005 of the Regional Trial Court (RTC) of Legazpi City, 5[th] Judicial Region, Branch 1, in Criminal Case No. 8661, finding herein appellant Reynaldo Barde (appellant) guilty beyond reasonable doubt of the complex crime of multiple murder with multiple frustrated murder. The appellate court, however, increased the penalty imposed upon the appellant by the court a quo from reclusion perpetua to the ultimate penalty of death, being the maximum penalty prescribed by law, for the crime of murder. In view, however, of the subsequent passage of Republic Act No. 9346[3] prohibiting the imposition of the death penalty, the appellate court reduced the penalty to reclusion perpetua. The appellate court further increased the amount of moral and temperate damages awarded by the court a quo to the heirs of each of the deceased victims from P30,000.00 to P50,000.00 and from P5,000.00 to P25,000.00, respectively. The heirs of each of the deceased victims were also awarded exemplary damages of P25,000.00. With respect to the surviving victims, Purisima Dado (Purisima) and Ligaya Dado (Ligaya), the appellate court similarly increased the temperate damages awarded to them by the court a quo from P5,000.00 to P25,000.00 each. They were also awarded exemplary damages of P25,000.00 each.

On the other hand, appellant's co-accused and brother, Jimmy Barde (Jimmy), was acquitted for failure of the prosecution to prove conspiracy and for insufficiency of evidence to prove his guilt for the crime charged. No civil liability has been adjudged against him as there was no preponderance of evidence to prove the same.

Appellant and Jimmy were charged in an Information[4] dated 13 August 1999 with the complex crime of multiple murder and multiple frustrated murder, the accusatory portion of which reads:

> That on or about the 15[th] day of April, 1999 at more or less 12:30 o'clock in the morning, at Sitio Santo Niño, Barangay Liguan, Municipality of Rapu-Rapu, Province of Albay, Philippines and within the jurisdiction of this Honorable Court, the above-named [appellant and Jimmy], conspiring and confederating and acting in concert to achieve a common purpose, willfully, unlawfully and feloniously, with intent to kill and committed with the qualifying circumstances of treachery (alevosia), evident premeditation, and by means of explosion, did then and there roll and explode a hand grenade (M26-A1 Fragmentation grenade) inside the dance area which exploded and resulted to the instantaneous deaths of the following persons, to wit:
>
> - FRANCISCO BIAGO, JR. alias Tikboy[5]
>
> - ROGER SISO[6]
>
> - NICANOR OLOROSO
>
> - MARGIE BAÑADERA

- VICTOR BAÑADERA

- BIENVENIDO BAÑADERA

- DIOSDADO BAÑADERA[7]

- WILLIAM BUTIAL

- MARYJANE BECHAYDA

- RICHARD BLANSA[8]

- EFREN YASUL[9]

- JOSE BOMBALES[10]

- DEONY BALIDOY[11]

- DAISY OLOROZO[12]

- ROLLY BELGA[13]

This single act of exploding the hand grenade (M26-A1 Fragmentation grenade) by the above-named [appellant and Jimmy] also caused and resulted in the injuries and wounding on the different and various parts of the bodies of at least seventy six (76) persons, namely, to wit:

1. JOEL MORALES

39. WILLIAM BALUTE, JR.

2. MARGARITA YASOL

40. JESUS CAÑO

3. SANTOS BAÑADERA, JR.

41. BIENVENIDO CAÑO

4. LEA BAÑADERA

42. VICTOR BORJAL

5. LIGAYA DADO[14]

43. VIRGILIO BALINGBING

6. VIRGILIO BAÑADERA

44. ALEJANDRO BALUTE

7. MANUEL BAÑADERA

45. GIL BINAMIRA, JR.

8. RODOLFO GALANG, JR.

46. RODELITA BARNEDO

9. PURISIMA DAO[15]

47. SANTIAGO BARNIDO

10. MELCHOR BALIDOY

48. LEVI MAGALONA

11. ABUNDIO BARCENILLA

49. JUANITO CAÑO

12. LOURDES BALIDOY

50. ARELFA BETCHAYDA

13. JULIO ROMANGAYA

51. EDITHA BELCHES

14. FRANDY SANGCAP

52. JANET BOMBALES

15. LOLIT BERSABE

53. MARILOU BETCHAYDA

16. DONDON BERSABE

54. MARIFE BETCHAYDA

17. FERMIN BARNEDO, JR.

55. ROSEMARIE BEQUIO

18. THERESA BAJARO

56. ALEXANDER BASALLOTE

19. ANTONIO ECAL

57. VICTOR BALLARES

20. FLORENCIA ECAL

58. LUIS OLOROSO, JR.

21. MA. NETOS ECAL

59. DOMINGO SISO

22. VENUS ECAL

60. DOMINGO MICALLER

23. NELIZ MORALINA

61. JENIFER OLOROSO

24. NORMA BAJARO

62. CATALINO ARCINUE

25. ALEX BAÑADERA

63. VIOLETA BUEMIA

26. ALADIN MORALINA

64. TIRSO BARBERAN

27. PEDRO BIÑAS, JR.

65. NELLY BUEMIA

28. ROMEO MORALINA

66. RODOLFO BOMBITA

29. PABLITO FORMENTO

67. BIENVENIDO BAÑADERA

30. ANGELES BOMBALES

68. BERNARDINO BARBERAN, JR.

31. SARDONINA BERSABE

69. MYLEN CERILLO

32. DOLORES BAÑADERA

70. DIONY BALIDOY

33. CATALINO BARRAMEDA

71. PO3 SAMUEL BATAS

34. ABIGAEL BROSO

72. LITO BERMAS

35. NILDA YASOL

73. JOSEPHINE BEJORO

36. ESPERANZA BARDE

74. ROGER BELARO

37. RYAN BALUTE

75. ADELA VERGARA

38. ROBERTO BETITO

76. VINCENT BERMEJO

these wounds and injuries caused being fatal and mortal; and thus the above-named [appellant and Jimmy] have already performed all the acts of execution which would have produced the crime of Multiple Murder but which nevertheless did not produce it by reason of causes independent of the will of the [appellant and Jimmy], that is, the able and timely medical assistance given to these victims which prevented their deaths, to the damage and prejudice of the legal heirs of those who died herein and also those who suffered injuries on the various parts of their bodies.[16] [Emphasis supplied].

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

Upon arraignment,[17] appellant and Jimmy, assisted by counsels de oficio, pleaded NOT GUILTY to the crime charged. Thereafter, trial on the merits ensued.

As culled from the records and testimonies of prosecution witnesses, the facts of this case are as follows:

On 14 April 1999, at around 9:00 p.m., Elmer Oloroso (Elmer), one of the prosecution witnesses and first cousin of appellant and Jimmy, was at a dancing place[18] at Sitio Sto. Niño, Liguan, Rapu-Rapu, Albay, to attend a dance held in connection with the feast day celebration thereat. The dancing place, which was more or less ten (10) meters long and eight (8) meters wide, was enclosed by bamboo fence and properly equipped with long benches. It was well-lighted by the fluorescent lights surrounding it and an oscillating light located at the center thereof. While sitting on the bench inside the dancing place, near the front gate thereof, Elmer saw appellant and Jimmy outside holding flashlights and focusing the same toward the people inside.[19]

At around 11:00 p.m., Jimmy entered the dancing place and approached the person sitting beside Elmer. The latter overheard Jimmy telling the person beside him to go out and look for their companions. Not long after, Jimmy went out of the dancing place and it was the last time Elmer saw him on that particular day.[20]

Then, at around 12:00 midnight, which was already 15 April 1999, Elmer spotted appellant, who was wearing maong pants and maong jacket with a belt bag tied around his waist, entered the dancing place and walked towards the people who were dancing. At that time, Jimmy was no longer there. Elmer, who was only more or less three (3) meters away from the appellant, saw the latter get a rounded object from his belt bag, which he believed to be a hand grenade as he has previously seen one from military men when he was in Manila. Later, appellant pulled something from that rounded object, rolled it to the ground towards the center of the dancing place where the people were dancing, and left immediately. Five seconds thereafter, the rounded object exploded. At that moment, appellant was already one-half meter away from the gate of the dancing place.[21]

The lights went off, people scampered away, and many died and were seriously injured as a result of the said explosion. Elmer went out of the dancing place, together with the crowd, through the destroyed bamboo fence. Realizing his brothers and sisters might still be inside the dancing place, Elmer went back, together with the people carrying flashlights and torches, to look for his siblings. There he saw the lifeless body of his brother, Nicanor Oloroso (Nicanor). His other brother, Luis Oloroso (Luis), on the other hand, was seriously injured. Elmer's two other siblings, Jenny and Edwin, both surnamed Oloroso, was slightly injured. Elmer immediately brought Luis at Bicol Regional Training and Teaching Hospital (BRTTH), Albay Provincial Hospital, where the latter was confined for almost three months.[22]

The second prosecution witness, Antonio Barcelona (Antonio), corroborated Elmer's testimony on material points. Antonio first met appellant on 20 March 1999 as the latter's brother, Rafael Barde (Rafael), invited him to their house to attend a dance in Mancao, Rapu-Rapu, Albay. There they had a little conversation and appellant told Antonio that he would not enter any dancing place without creating any trouble. On 14 April 1999 at around 9:30 p.m., Antonio again met appellant at the dancing place at Sitio Sto. Niño, Liguan, Rapu-Rapu, Albay. While Antonio was inside the dancing place, appellant saw him and summoned him to go out. Then, Antonio and appellant, who was then with his brothers, Jimmy and Joel, both surnamed Barde, conversed about their work.[23] Suddenly, appellant uttered, "Diyan lang kamo, dai kamo maghale sa Tokawan na iyan, to kong may ribok man, yaon kami sa likod lang."[24] Appellant told Antonio that he would just be behind him and his companions because there might be a trouble. Thereafter, Antonio went inside the dancing place. [25]

At about 11:30 p.m., the dance was declared open to all. At this juncture, appellant and his two brothers went inside the dancing place. Jimmy then approached Antonio. Then, at around 12:30 a.m. of 15 April 1999, Antonio noticed appellant walking slowly towards the crowd inside the dancing place with his hands partly hidden inside

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

his maong jacket with an eagle figure at the back thereof. Suddenly, appellant stopped, looked around, got something from his waist line, rolled it to the ground towards the crowd and hastily left. Antonio confirmed that what was rolled to the ground by appellant was a grenade because after more or less four seconds that thing exploded. Appellant was already in front of the gate of the dancing place when the explosion occurred. Antonio was not injured as he was more or less four (4) meters away from the place where the explosion occurred. Darkness followed after the explosion as the lights went off. People bustled. Many died and were injured.[26]

Other prosecution witnesses, Alexander Basallote (Alexander) and Nilda Yasol (Nilda) - the Barangay Captain of Liguan, Rapu-Rapu, Albay, also corroborated the testimonies of Elmer and Antonio.

The prosecution likewise presented Senior Police Officer 2 Hipolito Talagtag (SPO2 Talagtag),[27] who was assigned at R-4 Division, Explosive and Ordinance Disposal, Police Regional Office 5 at Camp Simeon Ola, Legazpi City. On 15 April 1999, SPO2 Talagtag received a call from Colonel Delos Santos (Col. Delos Santos), Chief of R-4 Division, Supply of RECOM 5, informing him about the explosion incident happened in a dancing place at Sitio Sto. Niño, Liguan, Rapu-Rapu, Albay, and asking assistance from them. In response thereto, a team was organized composed of members from the Crime Laboratory, IID Investigators, CIS Investigating Agents and the Explosive Ordinance Team. Thereafter, the team proceeded to the scene of the crime. They reached the place at more or less 11:00 a.m. of 16 April 1999. The team found a crater inside the dancing place that served as their lead in determining the kind of explosive used. In the course of their investigation, they interviewed people living nearby who told them that the explosion was loud. Later, SPO2 Talagtag placed a magnet in the crater inside the dancing place and recovered several shrapnels similar to those that can be found in an M26-A1 fragmentation grenade. By reason thereof, SPO2 Talagtag concluded that the explosion was caused by an M26-A1 fragmentation grenade. Thereafter, the recovered shrapnels were turned over to the crime laboratory at Camp Simeon Ola, Legazpi City, for examination.[28]

Engineer Ma. Julieta Razonable (Engr. Razonable), Police Senior Inspector and Forensic Chemical Officer assigned at Camp Simeon Ola, Legazpi City, received the specimen, i.e., the shrapnels recovered at the scene of the crime, for physical examination. Her examination yielded positive result, meaning, the specimen submitted to her were part of a hand grenade fragmentation, M26-A1.[29] This result was subsequently reduced into writing as evidenced by Physical Identification Report No. PI-601-A-99 dated 16 April 1999.[30]

In his defense, appellant vehemently denied the charge against him and offered a different version of the incident.

Appellant asseverated that at around 7:00 p.m. on 14 April 1999 he was at home in Mancao, Rapu-Rapu, Albay, organizing the plates, spoons, forks and other kitchen utensils that they were about to bring to the house of Teodora Arsenue (Teodora) at Sitio Sto. Niño, Liguan, Rapu-Rapu, Albay, in connection with the feast day celebration in the said place. Then, at around 7:30 p.m., the appellant, together with his mother Gloria Barde (Gloria) and brothers Jimmy, Joel, Rafael, Jovito, Jr., all surnamed Barde, proceeded to the house of Teodora and reached the same before 9:00 p.m. Teodora offered them food. After eating, they acceded to the suggestion of Jovito, Jr., to go to the dancing place also located at Sitio Sto. Niño, Liguan, Rapu-Rapu, Albay, only a ten minute-walk away from the house of Teodora.[31]

Upon reaching the dancing place, they stayed outside as they had no tickets. At around 11:30 p.m., through the help of William Gutchal (William),[32] appellant and his brothers Joel and Jimmy, both surnamed Barde, were able to enter the dancing place while his mother and other brothers remained outside. They immediately proceeded to the left side of the dancing place near the baffles of the sound system and stood behind the benches as the same were already occupied. The three of them remained in that place until the explosion occurred inside the dancing place, which was more or less twenty-five (25) meters away from them. The people dancing in the

area of the explosion died and some were injured.[33]

Appellant claimed that he had no idea how the explosion started because at that time he and his brother Jimmy were talking to Roger Springael (Roger), who was standing outside the bamboo fence surrounding the dancing place, as the latter was interested in buying a fighting cock from him. His other brother, Joel, was also with them, but he was sleeping. In the course of their conversation, he suddenly heard an explosion. All lights went off and there was a total blackout inside the dancing place. People were then pushing each other in order to get out. Appellant was able to go out and run towards a lighted place nearby. When the people carrying torches came, appellant went back to the dancing place to look for his mother and brothers. It was already 2:00 a.m. of 15 April 1999, when he saw his mother and brothers. They went home afterwards. When they reached their house, appellant and his father went to the house of his injured cousin to inform the latter's family of what happened.[34]

The following day, or on 16 April 1999, appellant and Jimmy were invited by Police Officer, Efren Cardeño (Cardeño), at Camp Simeon Ola, Legazpi City, to be utilized as witnesses to the explosion incident happened on 15 April 1999. They refused the invitation as they did not actually witness the explosion. But, Cardeño insisted. On 17 April 1999, appellant and Jimmy went with Cardeño at Camp Simeon Ola, Legazpi City. Thereafter, they did not see Cardeño anymore.[35]

While appellant was at Camp Simeon Ola, Legazpi City, he was brought in one of the offices there and was told to be a witness to the explosion incident happened at Sitio Sto. Niño, Liguan, Rapu-Rapu, Albay. Shortly thereafter, the investigator showed him a typewritten document and was ordered to sign the same but, he refused because he did not understand its contents. Appellant maintained that he was even promised money and work should he sign it and testify but, once again, he refused. Due to his incessant refusal, he was ordered to go out. There he saw Jimmy who told him that he was also made to sign a certain document but, he also refused.[36]

Between 10:00 p.m. to 11:00 p.m. of 17 April 1999, appellant and Jimmy were awakened but the latter continued sleeping. As such, it was only appellant who was brought in another room and was made to drink wine by persons in civilian clothes. When appellant declined, he was then accused as the person responsible for the explosion incident. Appellant, however, strongly denied the accusation. At this instance, appellant was kicked and boxed and was ordered to admit the accusation but he refused to admit it. Appellant was subsequently brought inside a detention cell. When he met Jimmy, the latter told him that he was also tortured.[37]

The next day, or on 18 April 1999, appellant and Jimmy were brought at the office of a certain General Navarro and they were ordered to stand up with more than 30 people. Later, Antonio arrived. Appellant avowed that a certain person in civilian clothes instructed Antonio to point at them as the perpetrators of the explosion incident, which Antonio did. When they were pinpointed as the authors of the crime, they neither reacted nor denied the accusations. Afterwards, appellant and Jimmy were brought back inside their detention cell.[38]

Appellant similarly denied having met Antonio on 20 March 1999 at a dance in Mancao, Rapu-Rapu, Albay. Appellant likewise denied having told Antonio that whenever he enters a dance hall he would always create trouble. Appellant maintained that he saw Antonio for the first time when the latter pinpointed him and Jimmy at the office of a certain General Navarro. The second time was when Antonio testified in court. Appellant, however, confirmed that Elmer is his first cousin and he did not know any reason why he would accuse him with such a grave offense. [39]

Other defense witnesses, Roger, Jimmy and Gloria corroborated appellant's testimony.

Wilfredo Echague (Wilfredo), a radio broadcaster at Radio Filipino, DWRL, since 19 February 1991, testified that on 11 August 2001 while conducting series of interviews in relation to the explosion incident that happened on 15

April 1999 at Sitio Sto. Niño, Liguan, Rapu-Rapu, Albay, he met Violeta Buemia (Violeta) at the latter's residence in Cabangan, Villa Hermosa, Rapu-Rapu, Albay, who claimed personal knowledge about the explosion incident. Wilfredo's interview on Violeta was recorded by the former. On 17 August 2001, he accompanied Violeta to the National Bureau of Investigation (NBI), Legazpi City, where she executed her sworn statement before Atty. Raymundo D. Sarga, Jr. (Atty. Sarga), Head Agent of NBI, Legazpi City.[40]

Violeta affirmed that Wilfredo had interviewed her regarding the explosion incident and he had also accompanied her in executing her sworn statement before the NBI, Legazpi City.[41] During her testimony, she disclosed that at around 10:00 p.m. of 14 April 1999, she and her daughter entered the dancing place at Sto. Niño, Liguan, Rapu-Rapu, Albay. Her daughter sat down while she stood near the gate. At round 12:00 a.m., which was already 15 April 1999, she went out to urinate. In a distance of more or less two (2) meters, she saw Eddie Oloroso (Eddie) standing outside the dancing place and then throw something inside that hit the wire beside a fluorescent bulb causing some sparks. The place became very bright and she confirmed that it was really Eddie who threw that something. Eddie then ran away. The thing exploded when it fell on the ground. The place became dark thereafter. She was hit by the flying pebbles coming from the explosion. She then looked for her daughter and was able to find her. Many died and seriously injured in the said explosion incident.[42]

Violeta also explained that it took her more than two years after the incident happened to come out and testify because she was afraid. Her conscience, however, kept bothering her so she decided to divulge what she knew about the incident.[43] Later in her testimony, Violeta admitted that she saw Eddie outside the dancing place and it was appellant and Jimmy, whom she saw sitting inside the dancing place at the far end of the fence.[44]

Finding the defense of appellant and Jimmy unmeritorious vis-a-vis the evidence proffered by the prosecution, the trial court rendered its Decision on 29 January 2005 finding appellant guilty of the complex crime of multiple murder with multiple frustrated murder and imposing upon him the penalty of reclusion perpetua. He was also ordered to pay the legal heirs of each of the deceased victims the amount of P50,000.00 as civil indemnity, P30,000.00 as moral damages, and P5,000.00 as temperate damages, as well as each of the surviving victims, Purisima and Ligaya, the amount of P20,000.00 as moral damages and P5,000.00 as temperate/actual damages. Jimmy, on the other hand, was acquitted of the crime charged for the prosecution's failure to prove conspiracy and for insufficiency of evidence. No civil liability was adjudged against him there being no preponderance of evidence to prove the same.[45]

Aggrieved, appellant moved for the reconsideration of the aforesaid RTC Decision but it was denied in an Order[46] dated 15 June 2005 for lack of merit.

Accordingly, appellant elevated the 29 January 2005 RTC Decision to the Court of Appeals with the lone assignment of error, thus:

> THE TRIAL COURT GRAVELY ERRED IN FINDING [APPELLANT] GUILTY OF THE CRIME CHARGED DESPITE FAILURE OF THE PROSECUTION TO ESTABLISH HIS GUILT BEYOND REASONABLE DOUBT.[47]

On 24 September 2007, the Court of Appeals rendered its Decision, disposing:

> WHEREFORE, the Appeal is Denied. The Decision dated [29 January 2005] of the [RTC] of Lega[z]pi City, Branch 1, in Criminal Case No. 8661, is AFFIRMED with MODIFICATION in that:
>
> - The [appellant] shall suffer the penalty of Death. However, in view of the subsequent passage of R.A. No. 9346, which was approved on [24 June 2006], which repealed R.A. No. 8177[48] and R.A. No. 7659,[49] the penalty of Death is REDUCED to RECLUSION PERPETUA.

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

> - The [appellant] is hereby ordered to indemnify the heirs of the deceased the amount of P50,000.00, as moral damages, P25,000.00, as temperate damages and P25,000.00 as exemplary damages. [Appellant] is also ordered to pay each Purisima Dado and Ligaya Dado temperate damages in the amount of P25,000.00 and exemplary damages in the amount of P25,000.00.[50] [Emphasis supplied].

Appellant moved for the reconsideration of the aforesaid Court of Appeals Decision, but to no avail.[51]

Unable to accept his conviction, appellant appeals to this Court reiterating the same assignment of error he raised before the Court of Appeals, to wit: the trial court gravely erred in finding appellant guilty of the crime charged despite failure of the prosecution to establish his guilt beyond reasonable doubt.

Appellant asserts that his guilt was not proven beyond reasonable doubt because the evidence presented by the prosecution was not sufficient to overcome his constitutionally enshrined right to be presumed innocent. He casts doubts on the credibility of prosecution witness Elmer because his statements were replete with inconsistencies. According to appellant, Elmer, at first, declared that after the explosion, lights went off and he saw appellant leave the dancing place but Elmer later stated that immediately after appellant threw the grenade, the latter went out and upon reaching the gate, the explosion occurred. These inconsistent statements of Elmer allegedly created doubts as to what actually transpired and who the real culprit was. Appellant then claims that there is a possibility that Elmer is a rehearsed witness as such inconsistencies relate to material points.

Appellant's contentions are not well-founded, thus, his conviction must stand.

Primarily, it has been jurisprudentially acknowledged that when the issues revolve on matters of credibility of witnesses, the findings of fact of the trial court, its calibration of the testimonies of the witnesses, and its assessment of the probative weight thereof, as well as its conclusions anchored on said findings, are accorded high respect, if not conclusive effect. This is because the trial court has the unique opportunity to observe the demeanor of witnesses and is in the best position to discern whether they are telling the truth.[52] In this case, it is notable that the Court of Appeals affirmed the factual findings of the trial court, according credence and great weight to the testimonies of the prosecution witnesses. Settled is the rule that when the trial court's findings have been affirmed by the appellate court, said findings are generally conclusive and binding upon this Court,[53] unless the trial court had overlooked, disregarded, misunderstood, or misapplied some fact or circumstance of weight and significance which if considered would have altered the result of the case.[54] None of these circumstances is attendant in this case. This Court, thus, finds no cogent reason to deviate from the factual findings arrived at by the trial court as affirmed by the Court of Appeals.

Prosecution witnesses, Elmer and Antonio, actually witnessed the explosion incident. Both of them narrated in detail the events that transpired prior, during and after the explosion. They had a vivid recollection of how appellant entered the dancing place, walked towards the people who were dancing, got a rounded object from the belt bag tied on his waist, pulled something from it, rolled it to the ground towards the people who were dancing and left the place rapidly. Immediately thereafter, the explosion occurred. The trial court characterized their testimonies as candid, spontaneous and straightforward that despite rigid cross-examination their testimonies on who and how the crime was committed remained unshaken and undisturbed.[55]

With certainty, these prosecution witnesses positively identified appellant as the person who rolled a rounded object, which was later confirmed as an M26-A1 fragmentation grenade, towards the people who were dancing, the explosion killing and causing injuries to many. The identity of appellant was clear to the prosecution witnesses because the dancing place where the explosion occurred was well lighted. Besides, Elmer and Antonio knew the appellant well. Elmer is appellant's first cousin. Antonio met appellant prior to the explosion incident at a dance in Mancao, Rapu-Rapu, Albay, where they engaged in some conversations. Given these circumstances, the

prosecution witnesses could not have been mistaken as to appellant's identity.

The records were also wanting in evidence that would show that these witnesses were impelled by improper motive to impute such a grave offense against the appellant. Even appellant himself admitted that he did not know any reason why Elmer would accuse him with such an offense with pernicious consequences on his life and liberty, considering the fact that they are relatives.

It bears stressing that Elmer's brother, Nicanor, died, his other brother, Luis, was seriously injured and almost died and his two other siblings were also injured because of the explosion. Elmer had more than enough reason to identify the appellant.[56] Indeed, his relationship to the victims cannot be taken against him and it does not automatically impair his credibility and render his testimony less worthy of credence since that no improper motive can be ascribed to him for testifying.[57] It would be unnatural for a relative who is interested in seeking justice for the victims to testify against an innocent person and allow the guilty one to go unpunished.[58] Rather, his inherent desire to bring to justice those whom he personally knew committed a crime against his close relative makes his identification of the appellant all the more credible.[59]

In comparison with the clear and straightforward testimony of prosecution witnesses, all that appellant could muster is the defense of denial and alibi. It is well-entrenched that alibi and denial are inherently weak and have always been viewed with disfavor by the courts due to the facility with which they can be concocted. They warrant the least credibility or none at all and cannot prevail over the positive identification of the appellant by the prosecution witnesses.[60] For alibi to prosper, it is not enough to prove that appellant was somewhere else when the crime was committed; he must also demonstrate that it was physically impossible for him to have been at the scene of the crime at the time of its commission. Unless substantiated by clear and convincing proof, such defense is negative, self-serving, and undeserving of any weight in law.[61] Denial, like alibi, as an exonerating justification is inherently weak and if uncorroborated regresses to blatant impotence. Like alibi, it also constitutes self-serving negative evidence which cannot be accorded greater evidentiary weight than the declaration of credible witnesses who testify on affirmative matters.[62]

In this case, appellant himself and all his witnesses admitted that appellant was at the scene of the crime until the explosion occurred. With that, the defense ultimately failed to meet the necessary requisites for the proper invocation of alibi as a defense.

Appellant's defense of denial cannot also be given any considerable weight as it was unsubstantiated. The testimony of Violeta pointing at Eddie as the real culprit is intended to bolster appellant's defense of denial. However, it cannot be given credence. Her testimony was given only after more than two years from the time the incident happened, and she failed to offer any convincing evidence to justify such delay. Records do not show that there was any threat on Violeta's life that might have prevented from coming out to testify. She herself admitted that after the explosion incident she did not see Eddie anymore. Eddie then could not have possibly threatened her. She could freely testify on what she knew about the explosion incident had she wanted to. Her alleged fear is unfounded. It cannot justify her long delay in disclosing it before the court a quo. Moreover, if she was, indeed, afraid, she would not have allowed herself to be interviewed by a radio broadcaster and would not have divulged to him all that she knew about the incident. Instead of directly disclosing it to the proper authorities, she had chosen to tell it first to a radio broadcaster. Further, the only reason she gave the court for her silence of more than two years was that she began to be bothered by her conscience as she recently kept on dreaming of those who died in the explosion incident especially during "All Souls Day." Violeta, in other words, cannot rely on the doctrine that delay of witnesses in revealing what they know about a crime is attributable to their natural reticence against involvement therein.[63]

More telling is Violeta's categorical admission that Eddie was outside the dancing place and it was appellant whom she saw inside the dancing place prior to the explosion incident. With this testimony, Violeta made appellant's defense of denial even weaker.

In light of the categorical and positive identification of the appellant by prosecution witnesses, without any showing of ill-motive on the part of the latter testifying on the matter, appellant's defense of bare denial and alibi cannot prosper.[64]

As regards the alleged inconsistencies on Elmer's narration of events, this Court considers the same trivial, inconsequential and do not affect the credibility of the statement that it was appellant who rolled the hand grenade towards the people dancing inside the dancing place, the explosion killing and injuring scores of victims. Furthermore, the alleged inconsistencies pointed to by appellant have been properly clarified in the course of Elmer's testimony. As the Court of Appeals stated in its Decision, thus:

> Records reveal that during the direct examination, Elmer testified that immediately after the [appellant] rolled the grenade, he went out and when he was about to reach the gate the grenade exploded, while on cross-examination, Elmer testified that he saw [appellant] leave the [dancing place] after the explosion. However, when the trial court and [appellant's counsel] asked him about the inconsistency, Elmer clarified and confirmed that [appellant] left the dance place before the explosion.[65]

Inconsistencies in the testimonies of witnesses which refer to minor and insignificant details do not destroy their credibility. They, instead, manifest truthfulness and candor and erase any suspicion of rehearsed testimony.[66]

All told, this Court affirms the findings of the trial court and the appellate court that, indeed, appellant was the author of the explosion incident that happened on 15 April 1999 inside the dancing place at Sitio Sto. Niño, Liguan, Rapu-Rapu, Albay, which took away the lives and caused injuries to the people thereat.

As to the crime committed. The trial court and the appellate court convicted appellant of the complex crime of multiple murder with multiple frustrated murder. This Court believes, however, that appellant should only be convicted of the complex crime of multiple murder with double attempted murder.

Appellant's act of detonating a hand grenade, particularly an M26-A1 fragmentation grenade, inside the dancing place at Sitio Sto. Niño, Liguan, Rapu-Rapu, Albay, resulted in the death of 15 people, namely: Francisco Biago, Jr., Roger Siso, Nicanor Oloroso, Margie Bañadera, Victor Bañadera, Bienvenido Bañadera, Diosdado Bañadera, William Butial, Maryjane Bechayda, Richard Blansa, Efren Yasul, Jose Bombales, Deony Balidoy, Daisy Olorozo and Rolly Belga. The fact of death of these deceased victims was evidenced by their respective certificates of death and testimonies of their respective relatives. The defense similarly admitted that these victims died as a result of the explosion incident.

Article 248 of the Revised Penal Code provides:

> ART. 248. Murder. - Any person who, not falling within the provisions of article 246 shall kill another, shall be guilty of murder and shall be punished by reclusion perpetua to death if committed with any of the following attendant circumstances:
>
> 1. With treachery, taking advantage of superior strength, with the aid of armed men, or employing means to weaken the defense or of means or persons to insure or afford impunity.
>
> x x x x
>
> 3. By means of inundation, fire, poison, explosion, shipwreck, stranding of a vessel, derailment or assault upon a railroad, fall of an airship, or by means of motor vehicles, or with the use of any other means involving great

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

> waste and ruin. [Emphasis supplied].

From the afore-quoted provision of law, the killing of the aforesaid deceased victims with the use of explosive, i.e., hand grenade particularly M26-A1 fragmentation grenade, certainly qualifies the crime to murder.

Treachery, which was alleged in the Information, also attended the commission of the crime. Time and again, this Court, in a plethora of cases, has consistently held that there is treachery when the offender commits any of the crimes against persons, employing means, methods or forms in the execution thereof, which tend directly and specially to ensure its execution without risk to himself arising from the defense that the offended party might make. There are two (2) conditions that must concur for treachery to exist, to wit: (a) the employment of means of execution gave the person attacked no opportunity to defend himself or to retaliate; and (b) the means or method of execution was deliberately and consciously adopted.[67] "The essence of treachery is that the attack is deliberate and without warning, done in a swift and unexpected manner, affording the hapless, unarmed and unsuspecting victim no chance to resist or escape."[68]

As elucidated by the trial court in its Decision:

> The victims were completely unaware of the danger forthcoming to them as they were in the midst of enjoying a dance. The [appellant] who caused the rolling of the hand grenade was at a complete advantage knowing that no risk to his life was involved as he can immediately fled [and] run away from the scene of the crime before any explosion could occur. There was no defense so to speak of that may came from the victims because they were completely unaware of the danger about to happen in their midst resulting as it did to deaths and injuries to many people among the crowd dancing. The act of rolling the hand grenade is unpardonable. It is a treacherous heinous act of the highest order. The victims can do nothing but to cry to high heavens for vengeance.
>
> x x x x
>
> As supported by the evidence adduced at the trial, [it] is fully convinced that the crime charge was committed under a cloak of treachery, and there is no doubt about it. The attacker suddenly came armed with a live fragmentation grenade, removed its pin and threw it towards the crowd who were enjoying a dance, unsuspecting of any danger that larks in their midst, thereby depriving them of any real opportunity to defend themselves. The attacker has employed a swift and unexpected attack to insure its execution without risk to himself x x x.[69]

As the killing, in this case, is perpetrated with both treachery and by means of explosives, the latter shall be considered as a qualifying circumstance since it is the principal mode of attack. Reason dictates that this attendant circumstance should qualify the offense while treachery will be considered merely as a generic aggravating circumstance.[70]

The Information also alleged that evident premeditation attended the commission of the crime. For evident premeditation to be appreciated, the prosecution must prove the following elements: (1) the time when the accused decided to commit the crime; (2) an overt act showing that the accused clung to their determination to commit the crime; and (3) the lapse of a period of time between the decision and the execution of the crime sufficient to allow the accused to reflect upon the consequences of the act.[71] However, none of these elements could be gathered from the evidence on record.

Appellant's act of detonating a hand grenade, particularly M26-A1 fragmentation grenade, inside the dancing place at Sitio Sto. Niño, Liguan, Rapu-Rapu, Albay, likewise resulted in the wounding of several persons. But, out of the 76 injured victims named in the Information, only Purisima and Ligaya, both surnamed Dado, appeared personally in court to testify on the injuries and damages sustained by them by reason thereof.

Purisima affirmed that after the explosion she was brought to the hospital because she suffered punctured wounds on her legs and forehead by reason thereof. Also, she was not able to walk for two (2) weeks. She was not confined though.[72] She was issued medical certificate[73] dated 23 April 1999 in relation thereto stating that her injuries will incapacitate her or will require medical assistance for one to two weeks. Her testimony, as well as her medical certificate, however, never mentioned that the wounds or injuries sustained by her were fatal or mortal and had it not for the timely medical assistance accorded to her she would have died. In the same way, Ligaya stated that because of the explosion she suffered blasting injuries on her chest and right forearm. She was confined and treated for five days at BRTTH, Legazpi City,[74] as evidenced by her medical certificate[75] dated 26 April 1999. There was also no mention that her injuries and wounds were mortal or fatal.

Despite the fact that the injuries sustained by Purisima and Ligaya were not mortal or fatal, it does not necessarily follow that the crimes committed against them were simply less serious physical injuries,[76] because appellant was motivated by the same intent to kill when he detonated the explosive device inside the dancing place.[77] Since the injuries inflicted upon them were not fatal and there was no showing that they would have died if not for the timely medical assistance accorded to them, the crime committed against them is merely attempted murder.

As this Court has previously stated, the rest of the injured victims named in the Information failed to testify. Though their medical certificates were attached in the records, they were not marked as exhibits and were not formally offered as evidence by the prosecution. Consequently, this Court cannot consider the same to hold that the crime committed as to them is frustrated murder and to grant damages in their favor. This Court has held in People v. Franco,[78] thus:

> We thus reiterate the rule that the court shall consider no evidence which has not been formally offered. So fundamental is this injunction that litigants alike are corollarily enjoined to formally offer any evidence which they desire the court to consider. Mr. Chief Justice Moran explained the rationale behind the rule in this wise:
>
> The offer is necessary because it is the duty of a judge to rest his findings of facts and his judgment only and strictly upon the evidence offered by the parties to the suit.[79] [Emphasis supplied].

Without the testimonies of the other injured victims or their medical certificates, the court will have no basis to hold that appellant committed the crime of frustrated murder as to them.

Given the foregoing, it is clear that this case falls under the first clause of Article 48[80] of the Revised Penal Code because by a single act, that of detonating an explosive device inside the dancing place, appellant committed two grave felonies, namely, (1) murder as to the 15 persons named in the Information; and (2) attempted murder as to Purisima and Ligaya.

Therefore, this Court holds appellant guilty beyond reasonable doubt of the complex crime of multiple murder with double attempted murder.

As to penalty. Article 48 of the Revised Penal Code explicitly states:

> ART. 48. 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. [Emphasis supplied].

A complex crime is committed when a single act constitutes two or more grave or less grave felonies. Appellant's single act of detonating an explosive device may quantitatively constitute a cluster of several separate and distinct offenses, yet these component criminal offenses should be considered only as a single crime in law on which a single penalty is imposed because the offender was impelled by a single criminal impulse which shows his lesser degree of perversity.[81] Thus, applying the aforesaid provision of law, the maximum penalty for the most serious

crime, which is murder, is death. Pursuant, however, to Republic Act No. 9346 which prohibits the imposition of the death penalty, the appellate court properly reduced the penalty of death, which it previously imposed upon the appellant, to reclusion perpetua.

As to damages. Article 2206 of the Civil Code provides that when death occurs as a result of a crime, the heirs of the deceased are entitled to be indemnified for the death of the victim without need of any evidence or proof thereof.[82] Moral damages like civil indemnity, is also mandatory upon the finding of the fact of murder.[83] To conform with recent jurisprudence on heinous crimes where the proper imposable penalty is death, if not for Republic Act No. 9346, the award of civil indemnity and moral damages to the heirs of each of the deceased victims are both increased to P75,000.00 each.[84]

It is settled that exemplary damages may be awarded in criminal cases as part of civil liability if the crime was committed with one or more aggravating circumstances.[85] In this case, the generic aggravating circumstance of treachery attended the commission of the crime. The award of exemplary damages, therefore, is in order. To conform to current jurisprudence, this Court likewise increased the award of exemplary damages given by the appellate court to the heirs of each of the deceased victims to P30,000.00 each.[86]

Actual damages cannot be awarded for failure to present the receipts covering the expenditures for the wake, coffin, burial and other expenses for the death of the victims. In lieu thereof, temperate damages may be recovered where it has been shown that the victim's family suffered some pecuniary loss but the amount thereof cannot be proved with certainty as provided for under Article 2224 of the Civil Code.[87] This Court finds the award of P25,000.00 each to the heirs of each of the deceased victims proper.

The surviving victims, Purisima and Ligaya, are also entitled to moral, temperate and exemplary damages.

Ordinary human experience and common sense dictate that the wounds inflicted upon the surviving victims, Purisima and Ligaya would naturally cause physical suffering, fright, serious anxiety, moral shock, and similar injuries. It is only justifiable to grant them moral damages in the amount of P40,000.00 each in conformity with this Court's ruling in People v. Mokammad.[88]

This Court affirms the appellate court's award of P25,000.00 as temperate damages to each of the surviving victims, Purisima and Ligaya. It is beyond doubt that these two surviving victims were hospitalized and spent money for their medication. However, Purisima failed to present any receipt for her hospitalization and medication. Nevertheless, it could not be denied that she suffered pecuniary loss; thus, it is only prudent to award P25,000.00 to her as temperate damages.[89] Ligaya, on the other hand, presented receipts for her hospitalization and medication but the receipts were less than P25,000.00. In People v. Magdaraog[90] citing People v. Andres, Jr.,[91] when actual damages proven by receipts during the trial amount to less than P25,000.00 as in this case, the award of temperate damages for P25,000.00 is justified in lieu of actual damages of a lesser amount.

Finally, the award of exemplary damages is also in order considering that the crime was attended by the qualifying circumstance of treachery.[92] The award of exemplary damages to Purisima and Ligaya is increased to P30,000.00 to conform to current jurisprudence.

WHEREFORE, premises considered, the Decision of the Court of Appeals in CA-G.R. CR-H.C. No. 01245 dated 24 September 2007 is hereby AFFIRMED with MODIFICATIONS. Appellant is found guilty of the complex crime of multiple murder with double attempted murder. In view, however, of Republic Act No. 9346 prohibiting the imposition of the death penalty, appellant is hereby sentenced to suffer the penalty of reclusion perpetua without the benefit of parole. The award of civil indemnity, moral and exemplary damages to the heirs of each of the deceased victims are hereby increased to P75,000.00, P75,000.00, and P30,000.00, respectively. The surviving

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

victims, Purisima and Ligaya, are also awarded moral damages of P40,000.00 each. The award of exemplary damages to these surviving victims is likewise increased to P30,000.00 each.

SO ORDERED.

Corona, C.J., (Chairperson), Carpio Morales,[*] Velasco, Jr., and Del Castillo, JJ., concur.

---

[*] Per Special Order No. 884, Associate Justice Conchita Carpio Morales is designated as an additional member of the First Division in place of Associate Justice Teresita J. Leonardo-De Castro, who is on Official Leave.

[1] Penned by Associate Justice Noel G. Tijam with Associate Justices Martin S. Villarama, Jr. (now a member of this Court) and Sesinando E. Villon, concurring. Rollo, pp. 3-23.

[2] Penned by Judge Romeo S. Dañas. CA rollo, pp. 13-49.

[3] Also known as, "An Act Prohibiting the Imposition of Death Penalty in the Philippines." It was signed into law on 24 June 2006.

[4] Records, pp. 166-168.

[5] As evidenced by Certificate of Death dated 5 July 1999. Exhibit "1," records, p. 373.

[6] As evidenced by Certificate of Death dated 19 April 1999, Exhibit "F," id. at 370.

[7] Per Certificate of Death dated 16 April 1999, it should be "Diosdado Bañadera, Jr., Exhibit "L," id. at 29.

[8] In Richard's Certificate of Death dated 3 May 1999 his surname is spelled as "Blanza," Exhibit "K," id. at 375.

[9] In Efren's Certificate of Death dated 19 April 1999, his surname is spelled as "Yasol," Exhibit "G," id. at 371.

[10] As evidenced by Certificate of Death dated 21 May 1999, Exhibit "H," id. at 372.

[11] Per Certificate of Death dated 21 April 1999, Balidoy's first name is spelled as "Junnie," Exhibit "P," id. at 380.

[12] Per Certificate of Death dated 15 April 1999, Daisy's surname is spelled as "Oloroso," Exhibit "J," id. at 374.

[13] As evidenced by Certificate of Death dated 23 April 1999, Exhibit "M," id. at 28.

[14] As evidenced by Medical Certificate dated 26 April 1999, Exhibit "R," id. at 382.

[15] As evidenced by Medico-legal Certificate issued on 23 April 1999, Exhibit "Q," id. at 381.

[16] Records, pp. 166-168.

[17] Per Order dated 19 October 1999, id. at 201.

[18] It was simply called a "dancing place," instead of dancing hall because it was just an open space properly enclosed with bamboo fence.

[19] TSN, 12 November 1999, pp. 6-10, 12-13 and 35; TSN, 17 November 1999, pp. 5 and 38; TSN, 25 November 1999, p. 7.

[20] TSN, 12 November 1999, pp. 11 and 13.

[21] TSN, 12 November 1999, pp. 14-16, 20, 23, 53 and 63; TSN, 17 November 1999, pp. 8 and 29-31; TSN, 18

November 1999, pp. 14 and 37; TSN, 24 November 1999, pp. 9-12; TSN, 25 November 1999, p. 3.

[22] TSN, 12 November 1999, pp. 22-24, 26-32, 36-39 and 43; TSN, 18 November 1999, pp. 12-13.

[23] TSN, 26 November 1999, pp. 4-7 and 24; TSN, 9 February 2000, p. 50.

[24] TSN, 26 November 1999, p. 9.

[25] Id. at 10.

[26] Id. at 12-17, 21-22; TSN 10 February 2000, pp. 19 and 22.

[27] He is a member of the Philippine National Police (PNP) since 1981. In 1998, he had undergone training at Camp Bagong Diwa, Taguig City, as scout ranger, airborne SWAT and in Explosive Ordinance Disposal (EOD). During the course of his training, he studied different kinds of explosives, i.e., hand grenade, riffle grenade, bombs, TNT, death cord and the like. He was able to complete the 45 days of training in the said field [TSN, 28 September 2000, pp. 3-5].

[28] TSN, 28 September 2000, pp. 7-16.

[29] TSN, 11 January 2001, pp. 3-4.

[30] Exhibit "O," Records, pp. 4-5.

[31] TSN, 16 May 2003, pp. 4-9.

[32] Sometimes spelled as Butial.

[33] TSN, 16 May 2003, pp. 10-15.

[34] Id. at 16-21.

[35] Id. at 24-28.

[36] Id. at 29-32.

[37] Id. at 33- 38.

[38] TSN, 18 July 2003, pp. 4-8.

[39] Id. at 10-11 and 19.

[40] TSN, 5 December 2001, pp. 3-15.

[41] TSN, 16 May 2002, p.4.

[42] TSN, 10 April 2002, pp. 6-17.

[43] TSN, 16 May 2002, pp. 6-8.

[44] TSN, 10 July 2001, pp. 5-6.

[45] CA rollo, pp. 46-49

[46] Records, pp. 625-630.

[47] CA rollo, pp. 66-67.

[48] "An Act Designating Death by Lethal Injection as the Method of Carrying Out Capital Punishment

Amending for the Purpose of Article 81 of the Revised Penal Code, as amended by Section 24 of Republic Act No. 7659."

[49] "An Act to Impose the Death Penalty on Certain Heinous Crimes, amending for that Purpose the Revised Penal Code, as amended, other Special Penal Laws and for Other Purposes."

[50] CA rollo, pp. 21-22.

[51] Id. at 211.

[52] People v. Lalongisip, G.R. No. 188331, 16 June 2010.

[53] People v. Beltran, Jr., G.R. No. 168051, 27 September 2006, 503 SCRA 715, 730.

[54] People v. Cahindo, 334 Phil. 507, 512 (1997).

[55] CA rollo, p. 40.

[56] People v. Gaviola, 384 Phil. 314, 319 (2000).

[57] People v. Batidor, 362 Phil. 673, 685 (1999).

[58] People v. Gaviola, supra note 56; People v. Batidor, id.

[59] People v. Gaviola, id. at 319-320.

[60] People v. Estepano, 367 Phil. 209, 217-218 (1999).

[61] People v. Berdin, 462 Phil. 290, 304 (2003).

[62] People v. Francisco, 397 Phil. 973, 985 (2000).

[63] People v. Berja, 331 Phil. 514, 526 (1996).

[64] People v. Ondalok, 339 Phil. 17, 26 (1997).

[65] Rollo, p. 18.

[66] People v. Mallari, 369 Phil. 872, 884-885 (1999).

[67] People v. Mokammad, G.R. No. 180594, 19 August 2009, 596 SCRA 497, 509.

[68] People v. Lansang, 436 Phil. 71, 78 (2002).

[69] CA rollo, pp. 37-38.

[70] Malana v. People, G.R. No. 173612, 26 March 2008, 549 SCRA 451, 470-471.

[71] People v. Caballes, G.R. Nos. 102723-24, 19 June 1997, 274 SCRA 83, 97-98.

[72] TSN, 11 January 2001, pp. 9-10.

[73] Records, p. 381.

[74] TSN, 11 January 2001, pp. 12-14.

[75] Records, p. 382.

[76] ART. 265. Less serious physical injuries. -- Any person who shall inflict upon another physical injuries not described in the preceding articles, but which shall incapacitate the offended party for labor for ten days or more,

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

or shall require medical attendance for the same period, shall be guilty of less serious physical injuries and shall suffer the penalty of arresto mayor. [Revised Penal Code].

[77] Malana v. People, supra note 70.

[78] 336 Phil. 206 (1997).

[79] Id. at 210.

[80] ART. 48. 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. (As amended by Act No. 4000).

[81] Malana v. People, supra note 70 at 468.

[82] People v. Galladan, 376 Phil. 682, 687 (1999).

[83] People v. Catian, 425 Phil. 364, 380 (2002).

[84] People v. Sanchez, G.R. No. 188610, 29 July 2010 citing People v. Regalario, G.R. No. 174483, March 31, 2009, 582 SCRA 738.

[85] People v. Alajay, 456 Phil. 83, 96 (2003).

[86] People v. Sanchez, supra note 84.

[87] Nueva España v. People, G.R. No. 163351, 21 June 2005, 460 SCRA 547, 557.

[88] Supra note 67 at 513.

[89] People v. Mokammad, supra note 67.

[90] G.R. No. 151251, 19 May 2004, 428 SCRA 529, 543.

[91] 456 Phil. 355 (2003).

[92] People v. Mokammad, supra note 67 at 513.

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.