

PEOPLE OF THE PHILIPPINES PLAINTIFF-APPELLEE, VS. ESMAEL GERVERO, FLORENCIO ARBOLONIO, DANILO CASTIGADOR, CELSO SOLOMON AND EDUARDO BAÑES ACCUSED.

G.R. No. 206725. July 11, 2018

Ponente: MARTIRES, J.

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MARTIRES, J.:

This is an appeal from the 31 March 2011 Decision[1] of the Court of Appeals in CA-G.R. CR.-H.C. No. 00674 which affirmed with modification the 6 March 2006 Decision[2] of the Regional Trial Court, Branch 29, Iloilo City (RTC), in Criminal Case No. 37792, finding Esmael Gervero, Florencio Arbolonio, Celso Solomon, Danilo Castigador, and Eduardo Bañes (the accused) guilty of murder.[3]

THE FACTS

In an Information, dated 27 March 1992, the accused were charged with multiple murder. The information reads:

That on or about the 25th day of November, 1991, in the Municipality of Lemery, Province of Iloilo, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating with one another, with deliberate intent and decided purpose to kill, armed with firearms, they were then provided, through treachery, evident premeditation and superior strength, did then and there, wilfully, unlawfully, and feloniously attack, assault, shoot and hit HERNANDO VILLEGAS, JOSE VILLEGAS and BENITO BASUG, JR. with said firearms inflicting upon said Hernando Villegas, Jose Villegas and Benito Basug, Jr. numerous gunshot wounds on different parts of their bodies which caused their deaths immediately thereafter.

CONTRARY TO LAW.[4]

Upon arraignment, the accused pleaded not guilty to the charge.

Version of the Prosecution

The prosecution presented Delia Villegas (Delia), Isaac Villegas (Isaac), Dr. Alexander Rendon (Dr. Rendon), Barangay Captain Hernando Balinas (Brgy. Capt. Balinas), Roda Incronal (Roda), SPO3 Julius Dacles, PO3 Nazario Apundar, PS/Supt. Juan Mabugat, Jr., Inspector Norberta Simon, Nenita Villegas, and Ramona Basug as its witnesses. Their combined testimony tended to establish the following:

At around 6:30 p.m. of 25 November 1991, at Barangay Milan, Lemery, Iloilo, Roda was at the house of Barangay Civilian Volunteer Organization (CVO) Commander Hernando Villegas (Hernando). After eating and while Roda was waiting for transportation bound for her residence at Ajuy, Hernando, CVO members Jose Villegas (Jose) and Benito Basug, Jr. (Benito) came out of Hernando's house. Citizens Armed Forces Geographical Unit (CAFGU) officers Bañes, Castigador, and their two companions, who were carrying firearms, approached Hernando and asked him for money. When Hernando gave them P20.00, Bañes remarked, "Is that the

only amount you can give when you just received money from your wife?" Castigador took the money and said, "You just watch out." When the CAFGU officers left, Roda informed Hernando of Castigador's remark, which Hernando dismissed. Thereafter, Hernando, Jose, and Benito went back to Hernando's house and prepared to go to the wake of CVO member Saturnino Inventor's wife.[5]

At around eight o'clock in the evening, while Delia was inside their house at Barangay Milan, Lemery, Iloilo, her husband Jose, together with Hernando and Benito, passed by. Delia peeped through the window, called Jose's attention, and told him not to stay long at the wake. With the area being illuminated by a light bulb, Delia saw the three walk along the national road and cross towards the rice field. A few minutes later, Isaac, Jose's younger brother and also a CVO member, passed by Delia's house together with Roda. Isaac shouted to call the attention of Hernando, who was then already in the middle of the rice field. Roda, Delia, and Isaac could hear the three CVOs laughing while they were traversing the rice field.[6]

Suddenly, Delia, Roda, and Isaac heard a burst of gunfire from where Hernando, Jose, and Benito were walking. Jose, who was then wearing a pair of white pants, fell first. Delia heard someone shout, "This is Hernando, a CVO!" and someone replied, "Birahi na!" ("Shoot now!"). Delia, from her window, also saw Hernando attempting to turn back but was also gunned down. She also witnessed the group of armed men approach the three CVOs whom they fired upon at close range.[7]

When they heard the gunfire, Isaac dropped to the ground and ran back to his house; Roda took cover among the rice paddies, looked at the direction of the gunshots, and saw persons with long firearms. When Roda reached Hernando's house, she saw Hernando's son Ronnie and told him that his father was shot but warned him not to go out as he might also be harmed. Delia and Isaac heard men pass by their houses thereafter. Isaac recognized some of the gunmen to be his friends and positively identified the accused as the armed men he saw.[8]

Later that same night, Pilar Basulgan, wife of Brgy. Capt. Balinas, summoned Isaac. Together with Delia and Ronnie, Isaac went to the house of Brgy. Capt. Balinas. There they saw the accused who had already told Brgy. Capt. Balinas that they made a mistake in shooting Hernando, Jose, and Benito because they thought that the three were members of the New People's Army (NPA). Isaac asserted that misapprehension was impossible because the CAFGU officers personally knew the victims and the voices of the three CVO members were recognizable. Brgy. Capt. Balinas asked if the victims were able to shoot back, but the accused answered in the negative. Thereafter, Isaac, Delia and Ronnie proceeded to the crime scene and saw Hernando, Jose, and Benito lifeless on the ground.[9]

Version of the Defense

At around six o'clock in the evening of 25 November 1991, the accused were given oral instructions by Senior Inspector Benigno Baldevinos (Senior Inspector Baldevinos) to conduct tactical patrol and combat operations against NPA members at Barangay Milan, Lemery, Iloilo. In that briefing, they were told to use the password "Simoy," to which the response would be "Amoy." [10]

At Barangay Milan, the accused positioned themselves near the river. A while later, they noticed people approaching, which prompted Arbolonio to utter the password "Simoy." Instead of replying with the agreed safe word, the men fired at the accused. The accused fired back and the exchange of gunfire lasted for about thirty minutes. Gervero thereafter ordered his group to gather the firearms of the slain persons. Arbolonio crawled ahead of his companions and with the use of a flashlight, he recovered a homemade armalite and one pistolized 12 gauge with two live ammunitions. Gervero ordered the group to proceed to the house of Brgy. Capt. Balinas to inform him that they encountered a group of men, whom they believed to be members of the NPA. They also turned over the recovered firearms to the police and reported the incident to Senior Inspector Baldevinos, who went back to

the scene of the incident with the accused.[11]

The Regional Trial Court's Ruling

In its decision, the RTC found the accused guilty of murder. It found the testimonies of prosecution witnesses straightforward, credible, and in accord with the physical evidence.

With regard to the defense of fulfillment of duty, the trial court ruled that the attendant circumstances leading to the killing of the three victims by the accused clearly showed the absence of the two essential requisites for such defense to prosper. It declared that while it may be initially said that the accused acted in obedience to the order of their superior to conduct foot patrol and take up ambush position at the place of the incident, they undoubtedly exceeded in the performance of their duties by immediately firing successive shots on the three unsuspecting victims. The RTC observed that the accused approached their victims and mercilessly sprayed them with bullets to completely silence them.

The court a quo further held that the defense of misencounter due to mistake of fact was unbelievable. It noted that just a few hours before the incident happened, Bañes, Castigador, and two other unidentified CAFGU members came to the house of Hernando to ask for money, indicating that they knew each other; and that Gervero was likewise bound by his testimony that he knew Hernando. Lastly, the RTC concluded that the suddenness of the attack and the lack of opportunity for the victims to defend themselves constituted treachery. The fallo reads:

WHEREFORE, premises considered, judgment is hereby rendered finding the remaining five (5) accused ESMAEL GERVERO, FLORENCIO ARBOLONIO, CELSO SOLOMON, DANILO CASTIGADOR and EDUARDO BAÑES GUILTY beyond reasonable doubt of the crime of MURDER under Art. 248 of the Revised Penal Code, and hereby sentences each of them as follows:

- The penalty of RECLUSION PERPETUA for the death of Hernando Villegas;
- The penalty of RECLUSION PERPETUA for the death of Jose Villegas; and
- The penalty of RECLUSION PERPETUA for the death of Benito Basug, Jr.

Each of the accused are likewise ordered to pay the heirs of Hernando Villegas, Jose Villegas and Benito Basug, Jr. the following:

- P15,000.00 as temperate damages;
- P50,000.00 as civil indemnity;
- P50,000.00 as exemplary damages;
- P50,000.00 as moral damages; and
- To pay the costs.

SO ORDERED.[12]

Aggrieved, the accused elevated its appeal before the CA.

The Court of Appeals Ruling

In its assailed decision, the CA affirmed the conviction of the accused but modified the amount of damages awarded. It pronounced that even in cases of arrest, the use of unnecessary force, the wantonly violent treatment of the offender, and the resort to dangerous means, when such apprehension could be done otherwise, were not justified acts. The appellate court opined that the accused were entirely careless in not first verifying the identities

of the victims; such negligence diminished the defense of mistake of fact. It added that if self-defense could be negated by the manner it was allegedly employed, the sheer number of gunshot wounds demonstrated the accused's mens rea. The CA disposed of the case in this wise:

WHEREFORE, in view of the foregoing premises, the assailed Decision of 06 March 2006 rendered by the Regional Trial Court (RTC) of Iloilo City, Branch 29, in Criminal Case No. 37792 is hereby AFFIRMED with MODIFICATION only insofar as the amount of damages as follows:

"Each of the accused [is] likewise ordered to pay the heirs of Hernando Villegas, Jose Villegas, and Benito Basug, Jr. the following:

1. P25,000.00 as temperate damages;
2. P75,000.00 as civil indemnity;
3. P30,000.00 as exemplary damages;
4. P75,000.00 as moral damages; and
5. To pay the costs."

SO ORDERED.[13]

Hence, this appeal by Esmael Gervero (deceased), Danilo Castigador, Celso Solomon, and Eduardo Bañes (accused-appellants).

ISSUES

- WHETHER THE TRIAL COURT ERRED IN NOT APPRECIATING THE DEFENSE OF MISTAKE OF FACT; AND
- WHETHER THE TRIAL COURT ERRED IN RULING THAT THE AGGRAVATING CIRCUMSTANCE OF TREACHERY QUALIFIED THE KILLING TO MURDER.

Accused-appellants assert that the patrol and combat operation they conducted on 25 November 1991, was authorized by their commanding officer Senior Inspector Baldevinos; that the year 1991 was a time of political instability as the then administration had to deal with an invigorated communist insurgency; that when they went their way to confront their enemies, they needed the mindset of men with resolve; thus, when they confronted three non-uniformed armed men who fired at them, they were acting in good faith; that there was no treachery because they were justified by the circumstances of place and time to introduce the element of surprise; and that they reported the encounter to the barangay captain of Barangay Milan and to the Lemery Police Station at their own volition, when during such time they could have already fled if indeed they had acted in malice and bad faith.[14]

THE COURT'S RULING

Mistake of fact finds no application in this case.

As early as in the case of *People v. Oanis and Galanta*,^[15] the Court has ruled that mistake of fact applies only when the mistake is committed without fault or carelessness:

In support of the theory of non-liability by reasons of honest mistake of fact, appellants rely on the case of *US. v. Ah Chong*, 15 Phil., 488. The maxim is *ignorantia facti excusat*, but this applies only when the mistake is committed without fault or carelessness. In the *Ah Chong* case, defendant therein after having gone to bed was awakened by someone trying to open the door. He called out twice, "who is there," but received no answer.

Fearing that the intruder was a robber, he leaped from his bed and called out again., "If you enter the room I will kill you." But at that precise moment, he was struck by a chair which had been placed against the door and believing that he was then being attacked, he seized a kitchen knife and struck and fatally wounded the intruder who turned out to be his room-mate. A common illustration of innocent mistake of fact is the case of a man who was marked as a footpad at night and in a lonely road held up a friend in a spirit of mischief, and with leveled, pistol demanded his money or life. He was killed by his friend under the mistaken belief that the attack was real, that the pistol leveled at his head was loaded and that his life and property were in imminent danger at the hands of the aggressor. In these instances, there is an innocent mistake of fact committed without any fault or carelessness because the accused, having no time or opportunity to make a further inquiry, and being pressed by circumstances to act immediately, had no alternative but to take the facts as they then appeared to him, and such facts justified his act of killing. In the instant case, appellants, unlike the accused in the instances cited, found no circumstances whatsoever which would press them to immediate action. The person in the room being then asleep, appellants had ample time and opportunity to ascertain his identity without hazard to themselves, and could even effect a bloodless arrest if any reasonable effort to that end had been made, as the victim was unarmed, according to Irene Requinea. This, indeed, is the only legitimate course of action for appellants to follow even if the victim was really Balagtas, as they were instructed not to kill Balagtas at sight but to arrest him, and to get him dead or alive only if resistance or aggression is offered by him.

Although an officer in making a lawful arrest is justified in using such force as is reasonably necessary to secure and detain the offender, overcome his resistance, prevent his escape, recapture him if he escapes, and protect himself from bodily harm (People vs. Delima, 46 Phil. 738), yet he is never justified in using unnecessary force or in treating him with wanton violence, or in resorting to dangerous means when the arrest could be effected otherwise x x x[16]

Further, in *Yapyuco v. Sandiganbayan*,[17] the Court has laid down the requisites for such defense to prosper, viz:

At this juncture, we find that the invocation of the concept of mistake of fact faces certain failure. In the context of criminal law, a "mistake of fact" is a misapprehension of a fact which, if true, would have justified the act or omission which is the subject of the prosecution. Generally, a reasonable mistake of fact is a defense to a charge of crime where it negates the intent component of the crime. It may be a defense even if the offense charged requires proof of only general intent. The inquiry is into the mistaken belief of the defendant, and it does not look at all to the belief or state of mind of any other person. A proper invocation of this defense requires (a) that the mistake be honest and reasonable; (b) that it be a matter of fact; and (c) that it negate the culpability required to commit the crime or the existence of the mental state which the statute prescribes with respect to an element of the offense.

The leading authority in mistake of fact as ground for non-liability is found in *United States v. Ah Chong*, but in that setting, the principle was treated as a function of self-defense where the physical circumstances of the case had mentally manifested to the accused an aggression which it was his instinct to repel. There, the accused, fearful of bad elements, was woken by the sound of his bedroom door being broken open and, receiving no response from the intruder after having demanded identification, believed that a robber had broken in. He threatened to kill the intruder but at that moment he was struck by a chair which he had placed against the door and, perceiving that he was under attack, seized a knife and fatally stabbed the intruder who turned out to be his roommate. Charged with homicide, he was acquitted because of his honest mistake of fact. Finding that the accused had no evil intent to commit the charge, the Court explained:

x x x The maxim here is *Ignorantia facti excusat* ("Ignorance or mistake in point of fact is, in all cases of supposed offense, a sufficient excuse").

Since evil intent is in general an inseparable element in every crime, any such mistake of fact as shows the act committed to have proceeded from no sort of evil in the mind necessarily relieves the actor from criminal liability, provided always there is no fault or negligence on his part and as laid down by Baron Parke, "The

guilt of the accused must depend on the circumstances as they appear to him." x x x

If, in language not uncommon in the cases, one has reasonable cause to believe the existence of facts which will justify a killing-or, in terms more nicely in accord with the principles on which the rule is founded, if without fault or carelessness he does not believe them -he is legally guiltless of homicide; though he mistook the facts, and so the life of an innocent person is unfortunately extinguished. In other words, and with reference to the right of self-defense and the not quite harmonious authorities, it is the doctrine of reason, and sufficiently sustained in adjudication, that notwithstanding some decisions apparently adverse, whenever a man undertakes self-defense, he is justified in acting on the facts as they appear to him. If, without fault or carelessness, he is misled concerning them, and defends himself correctly according to what he thus supposes the facts to be, the law will not punish him though they are in truth otherwise, and he has really no occasion for the extreme measure.

x x x x

Besides, as held in *People v. Oanis* and *Baxinela v. People*, the justification of an act, which is otherwise criminal on the basis of a mistake of fact, must preclude negligence or bad faith on the part of the accused. Thus, Ah Chong further explained that -

The question then squarely presents itself, whether in this jurisdiction one can be held criminally responsible who, by reason of a mistake as to the facts, does an act for which he would be exempt from criminal liability if the facts were as he supposed them to be, but which would constitute the crime of homicide or assassination if the actor had known the true state of the facts at the time when he committed the act. To this question we think there can be but one answer, and we hold that under such circumstances there is no criminal liability, provided always that the alleged ignorance or mistake of fact was not due to negligence or bad faith. [emphases supplied][18]

First, there was no reason for the accused not to recognize the victims because they were traversing an open area which was illuminated not only by moonlight, but also by a light bulb. In addition, the witnesses testified that the victims were conversing and laughing loudly. It must be borne in mind that it was not the first time that the accused had seen the victims as, in fact, accused Bañes and Castigador met Hernando just a few hours before the shooting. Moreover, they all reside in the same town and, certainly, the accused who were all members of the CAFGU would know the residents of that town so as to easily distinguish them from unknown intruders who might be alleged members of the NPA. Second, when Jose fell down, Hernando identified himself and shouted, "This is Hernando!" However, instead of verifying the identities of the victims, the accused continued to fire at them. One of them even shouted, "Birahi na!" ("Shoot now!"). Third, when the victims fell down, the accused approached their bodies. At that point, they could no longer claim that they didn't recognize the victims; and still not contented, they sprayed them with bullets such that Jose suffered 14 gunshot wounds,[19] Hernando 16 gunshot wounds,[20] and Benito 20 gunshot wounds.[21] Fourth, contrary to their testimonies during trial to the effect that the victims were the first to fire their weapons, Brgy. Capt. Balinas testified that when he asked the accused whether the victims had fired at them, the accused answered him in the negative. Fifth, the accused would like the Court to believe that the victims knew the safe word "Amoy" which must be uttered in response to "Simoy" in order to easily determine whether they were members of the NPA. However, the victims could not have known the safe words as accused Gervero himself stated in his testimony that only he and his co-accused were present when their commanding officer briefed them about the safe words to be used in their operation.[22] All these circumstances negate accused-appellants' claim of mistake of fact and point instead to a concerted action to eliminate the victims.

No justifying circumstance of fulfillment of duty

In *People v. Oanis*,[23] the Court set forth two requisites in order that fulfillment of duty and exercise of a right

may be considered as justifying circumstance, namely: (a) that the offender acts in the performance of a duty or in the lawful exercise of a right; and (b) that the injury or offense committed be the necessary consequence of the due performance of such duty or in the lawful exercise of such right or office. If one is absent, accused is entitled to the privileged mitigating circumstance of incomplete fulfillment of duty or lawful exercise of right or office.[24]

In this case, it could not even be said that the accused acted in the performance of their duty. Indeed, Gervero narrated that they conducted the operation on 25 November 1991, on the verbal instruction of Senior Inspector Baldevinos who later on testified in court to corroborate this claim. However, even assuming that they were indeed tasked to capture members of the NPA, their actions on that fateful night disprove their defense of fulfillment of duty as shown by the way they had viciously attacked their helpless victims. The evidence speaks in no uncertain terms that the accused, instead of fulfilling their sworn duty to protect the public in accordance with law, allowed their personal grudges and thirst for vengeance to prevail and killed Jose, Hernando, and Benito in cold blood.

Accused-appellants are guilty of murder qualified by treachery.

Murder is defined and penalized under Article 248 of the Revised Penal Code (RPC), as amended, which 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;
2. In consideration of a price, reward, or promise;
3. By means of inundation, fire, poison, explosion, shipwreck, stranding of a vessel, derailment or assault upon a railroad, fall of an airship, by means of motor vehicles, or with the use of any other means involving great waste and ruin;
4. On occasion of any calamities enumerated in the preceding paragraph, or of an earthquake, eruption of a volcano, destructive cyclone, epidemic, or any other public calamity;
5. With evident premeditation;
6. With cruelty, by deliberately and inhumanly augmenting the suffering of the victim, or outraging or scoffing at his person or corpse.

Generally, the elements of murder are: 1) That a person was killed; 2) That the accused killed him; 3) That the killing was attended by any of the qualifying circumstances mentioned in Art. 248; and 4) That the killing is not parricide or infanticide.[25]

That Hernando, Jose, and Benito died and that the killing is neither parricide nor infanticide have already been established by the trial and appellate courts. Moreover, that accused-appellants killed the three victims remain undisputed considering that they had admitted the act of shooting the victims, but raised the defense of mistake of fact. However, as previously mentioned, neither mistake of fact nor fulfillment of duty is applicable to exculpate accused-appellants from criminal liability. Thus, what remains to be resolved is the appreciation of treachery as a qualifying circumstance.

Paragraph 16, Article 14 of the RPC provides that "[t]here is treachery when the offender commits any of the

crimes against the person, 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 which the offended party might make." Thus, in order for the qualifying circumstance of treachery to be appreciated, the following requisites must be shown: (1) the employment of means, method, or manner of execution would ensure the safety of the malefactor from the defensive or retaliatory acts of the victim, no opportunity being given to the latter to defend himself or to retaliate; and (2) the means, method, or manner of execution was deliberately or consciously adopted by the offender.[26] "The essence of treachery is that the attack comes without a warning and in a swift, deliberate, and unexpected manner, affording the hapless, unanned, and unsuspecting victim no chance to resist or escape." [27]

The witnesses were all consistent in declaring that accused-appellants suddenly fired at the three unsuspecting victims who never had a chance to mount a defense. The victims, who were on their way to attend a wake and happily conversing with one another, were caught off guard when all of a sudden, they were met with multiple gunshots. In such a rapid motion, accused-appellants shot the victims, affording the latter no opportunity to defend themselves or fight back. Without any doubt, the manner of execution was deliberately adopted by the accused who were all armed with heavily powered firearms. They positioned themselves in what they termed as "ambush position," at a distance where their victims could not easily see them, thereby ensuring that they hit and terminate their targets.

Penalty and award of damages

Pursuant to Art. 248 of the RPC, the penalty for murder is reclusion perpetua to death. Applying Art. 63(2) of the RPC, the lesser of the two indivisible penalties, i.e., reclusion perpetua, shall be imposed upon the accused-appellants in view of the absence of any mitigating or aggravating circumstance that attended the killing of Jose, Hernando, and Benito.

Following the jurisprudence laid down by the Court in *People v. Jugueta*, [28] accused-appellants are ordered to pay the heirs of Hernando Villegas, Jose Villegas, and Benito Basug, Jr. P75,000.00 as civil indemnity, P75,000.00 as moral damages, and P75,000.00 as exemplary damages.[29] It was also ruled in *Jugueta* that when no documentary evidence of burial or funeral expenses is presented in court, the amount of P50,000.00 as temperate damages shall be awarded. In addition, interest at the rate of six percent per annum shall be imposed on all monetary awards from the date of finality of this decision until fully paid.

WHEREFORE, the appeal is DISMISSED. The 31 March 2011 Decision of the Court of Appeals in CA-G.R. CR-HC No. 00674 is AFFIRMED with MODIFICATIONS. Accused-appellants Danilo Castigador, Celso Solomon, and Eduardo Bañes are found GUILTY beyond reasonable doubt of MURDER for the killing of Hernando Villegas, Jose Villegas, and Benito Basug, Jr. and are hereby sentenced to suffer the penalty of reclusion perpetua. They are ordered to pay the heirs of the victims the amount of Seventy-Five Thousand Pesos (P75,000.00) as civil indemnity; Seventy-Five Thousand Pesos (P75,000.00) as moral damages; Seventy-Five Thousand Pesos (P75,000.00) as exemplary damages; and Fifty Thousand Pesos (P50,000.00) as temperate damages.

All monetary awards shall earn interest at the rate of six percent (6%) per annum from the date of finality of this Decision until fully paid.

SO ORDERED.

Velasco, Jr., (Chairperson), Bersamin, and Gesmundo, JJ., concur.
Leonen, J., on official leave.

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- [1] Rollo, pp. 3-18; penned by Associate Justice Eduardo B. Peralta, Jr. with Associates Justice Edgardo L. Delos Santos and Gabriel T. Ingles, concurring.
- [2] Records, pp. 805-827; penned by Pairing Judge Loida J. Diestro-Mapurol.
- [3] Remegildo P. Arbolonio and Jesus A. Catequista, Jr. died during the pendency of the case.
- [4] Records, p. 1.
- [5] Records, pp. 994-999.
- [6] Records, pp. 886-890, 905-907, 1000.
- [7] Records, pp. 890-891, 908, 1000-1002.
- [8] Records, pp. 891-893, 908-909, 1001-1002.
- [9] Records, pp. 910-911, 941-942.
- [10] Records, pp. 1054-1057, 1106.
- [11] Records, pp. 1059-1064.
- [12] Records, p. 827.
- [13] Rollo, p. 17.
- [14] CA rollo, pp. 38-58.
- [15] 74 Phil. 257 (1943).
- [16] *Id.* at 257-258.
- [17] 689 Phil. 75 (2012).
- [18] *Id.* at 115-118.
- [19] Records, p. 927.
- [20] Records, pp. 808-809.
- [21] Records, p. 930.
- [22] Records, p. 1106.
- [23] *Supra* note 15.
- [24] *Id.* at 259.
- [25] Luis B. Reyes, *The Revised Penal Code Criminal Code, Book Two*, 17th Ed., p. 496 (2008).
- [26] *People v. Manzano, Jr.*, G.R. No. 217974, 5 March 2018.
- [27] *People v. Amora*, 748 Phil. 608, 621 (2014).
- [28] 783 Phil. 806 (2016).
- [29] *Id.* at 847.

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