PO2 BERNARDINO CRUZ Y BASCO, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. No. 216642. September 08, 2020

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CAGUIOA, J:

This is an appeal[1]1 filed under Rule 45 of the Rules of Court from the Decision[2] dated June 23, 2014 and Resolution[3] dated January 21, 2015 of the Court of Appeals, Special Fourth Division (CA), in CA-G.R. CR No. 35225, which affirmed in toto the Decision[4] dated July 12, 2012 of the Regional Trial Court of Manila, Branch 5 (RTC) in Criminal Cases Nos. 08-263728 and 08-263729, finding petitioner PO2 Bernardino Cruz y Basco (Cruz) guilty beyond reasonable doubt of reckless imprudence resulting in homicide and frustrated homicide.

Facts of the Case
Cruz was charged with homicide under the following Information:

> x x x x
>
> That on or about September 9, 2008, in the City of Manila, Philippines, the said accused did then and there willfully, unlawfully and feloniously, with intent to kill, attack, assault and use personal violence upon the person of one GERWIN TORRALBA Y FERNANDEZ, 9 years old, a minor, by then and there firing and hitting the latter's head with a gun, thereby inflicting upon the said GERWIN TORRALBA Y FERNANDEZ mortal gunshot wounds which were the direct and immediate cause of his death thereafter.
>
> Contrary to law.[5]

He was also charged with frustrated homicide under the following Information:

> x x x x
>
> That on or about September 9, 2008, in the City of Manila, Philippines, the said accused did then and there willfully, unlawfully and feloniously, with intent to kill, attack, assault and use personal violence upon the person of one ARCHIBALD BERNARDO Y DAVID, by then and there firing and hitting the latter on the right wrist and left shoulder with a gun, thereby inflicting upon the said ARCHIBALD BERNARDO Y DAVID physical injuries which were necessarily fatal and mortal thus performing all the acts of execution which should have produced the crime of homicide as a consequence, but which nevertheless did not produce it by reason or causes independent of the will of the said ARCHIBALD BERNARDO Y DAVID, which prevented his death.
>
> Contrary to law.[6]

When Cruz was arraigned on November 16, 2009, he pleaded not guilty to both charges.[7] Thereafter, trial ensued.[8]

Version of the Prosecution

On September 9, 2008, private complainant Archibald Bernardo y David (Bernardo) was manning his liquified

petroleum gas (LPG) business when he received a call from a customer complaining that the LPG gas tank delivered earlier was leaking.[9] Bernardo decided to attend to it personally and, using his own motorcycle, proceeded to the customer.[10]

While cruising along Paulino Street and before reaching the intersection of Nepa and Alfonso Streets, Bernardo chanced upon Cruz who was also on a motorcycle in front of Balut Bakery.[11] Earlier, one Petronillo Herero (Herero) noticed that Cruz traversing Paulino Street slowly while looking from side to side as if in search of someone.[12]

Bernardo overtook Cruz but the latter tried to flag him down.[13] When Bernardo looked back and their eyes met, Cruz placed his right hand on the gun tucked in his waist and then, in a challenging voice, shouted "Ano?" at Bernardo.[14] Bernardo responded with "Ano rin."[15] Immediately, Cruz drew his gun from his waist and fired successive shots at Bernardo, who sped off with his motorcycle to flee.[16]

Before reaching the corner of Balasan Street, Bernardo stopped and got off his motorcycle.[17] By then, he was already hit twice at the back of his left arm.[18] He only realized this when he saw blood dripping from his arm.[19] He also lost grip in his left arm, which forced him to stop the motorcycle and leave it behind.[20] Bernardo tried to draw and cock his gun to retaliate but was unable to do so due to the injuries that he sustained.[21] Meanwhile, Cruz continued firing his gun at Bernardo until he hit the latter again on his right wrist.[22]

In the meantime, Gerwin F. Torralba (Torralba) was flying a kite in the area at that time.[23] Torralba fell to the ground upon being hit by one of the bullets fired by Cruz.[24] Upon seeing Torralba sprawled on the ground, Cruz stopped, left his motorcycle, and ran towards Nepa Street.[25]

Meanwhile, Bernardo fled on foot and reached the Barangay Hall.[26] He then hailed a pedicab and asked the driver to bring him and the wounded Torralba to the hospital.[27] They were brought to Tondo Medical Center.[28] Bernardo survived due to prompt medical treatment.[29] Unfortunately, Torralba, who was transferred to Jose R. Reyes Memorial Medical Center, expired upon arrival thereat.[30]

Version of the Defense

Cruz, a regular member of the Philippine National Police (PNP), was then assigned at Police Station 1 (PS-1) of the Manila Police District, located at Tondo, Manila City.[31]

On September 9, 2008, Cruz was on a day shift duty (7:00 a.m. to 7:00 p.m.).[32] Using his own motorcycle, he conducted a roving patrol along Paulino Street up to the vicinity of San Rafael Street, within the area and jurisdiction of PS-1.[33] On his way back to PS-1, while traversing Paulino Street between the corners of Nepa and Batasan Streets, Bernardo, who was also on a motorcycle, suddenly overtook him, blocked his path and nearly collided with his motorcycle.[34]

Cruz then asked Bernardo, "Ano ba?"[35] It was then that he recognized that the person who overtook him was Bernardo, son of a former Barangay Chairman who was defeated by his mother in the recent election.[36] Bernardo shouted back, "Ano rin!"[37] At the same time, Bernardo drew his gun from his waist and pointed it at Cruz, while also moving away slowly on board his motorcycle.[38] Faced with imminent danger to his own life, Cruz, a policeman, acted swiftly to prevent the aggression by drawing his service firearm and firing at the arms of Bernardo.[39]

Although wounded, Bernardo tried to load and cock his handgun.[40] Thus, Cruz had no other recourse but to fire at Bernardo again to repel the imminent danger.[41]

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Cruz was about to approach Bernardo to bring him to the hospital but hesitated when he saw several persons coming from the area where Bernardo resides.[42] He was compelled to leave his motorcycle behind and leave the area on foot.[43]

Thereafter, Cruz surrendered to his superior and turned-over his service firearms, and subsequently submitted himself for investigation.[44] It was only then that he learned that during the incident, Torralba, a child who was playing, was accidentally hit and had died.[45]

RTC Ruling

In a Decision dated July 12, 2012, the RTC found Cruz guilty beyond reasonable doubt of frustrated homicide with respect to the shooting of Bernardo. On the other hand, with respect to the death of Torralba, the RTC held that Cruz is only guilty of reckless imprudence resulting in homicide because of the lack of criminal intent. The dispositive portion of the RTC Decision reads as follows:

WHEREFORE, premises considered, the Court rules as follows:

> 1.
>
> In Criminal Case No. 08-263728, accused PO2 BERNARDINO CRUZ Y BASCO @ "BONG CRUZ" is GUILTY beyond reasonable doubt of Reckless Imprudence resulting in Homicide defined and penalized under Art. 365 in relation to Art. 249 of the Revised Penal Code and is hereby sentenced to suffer an indeterminate penalty of FOUR (4) MONTHS and ONE (1) DAY of [arresto mayor], as minimum to FOUR (4) YEARS and TWO (2) MONTHS of [prision correctional], as maximum. In addition, accused is ordered to pay the heirs of Gerwin Torralba y Fernandez civil indemnity [ex-delicto] in the amount of P70,000.00, actual damages in the amount of P50,000.00, P24,000.00 for funeral and burial expenses, and P100,000.00 as moral damages and compensatory damages without subsidiary imprisonment in case of insolvency and to pay the costs of suit.
>
> 2.
>
> In Criminal Case No. 08-263729, accused PO2 BERNARDINO CRUZ Y BASCO @ "BONG CRUZ" is GUILTY beyond reasonable doubt of the crime charged and is hereby sentenced to suffer the penalty of FOUR (4) YEARS, TWO (2) MONTHS and ONE (1) DAY as minimum to SIX (6) YEARS and ONE (1) DAY as maximum and to indemnify Archibald Bernardo y David the amount of P50,000.00 as actual damages and P20,000.00 as moral damages without subsidiary imprisonment in case of insolvency and to pay the costs.
>
> SO ORDERED.[46]

CA Ruling

On June 23, 2014, the CA promulgated the assailed Decision which affirmed in toto the RTC Decision. The CA upheld the sufficiency of the evidence presented by the prosecution and rejected Cruz's version of the events as lacking in credibility and for inconsistencies in the testimonies of the defense's witnesses. However, the CA no longer discussed Cruz's invocation of the justifying circumstance of fulfillment of duty, and the mitigating circumstances of voluntary surrender and/or sufficient provocation.

The dispositive portion of the CA Decision reads as follows:

> WHEREFORE, premises considered, the decision of the court a quo in Criminal Case No. 08-263728 finding the accused-appellant guilty beyond reasonable doubt of the crime of reckless imprudence resulting in homicide as well as in Criminal Case no. 08-263729 finding the accused-appellant guilty beyond reasonable doubt of the crime of frustrated homicide is AFFIRMED in toto.[47]

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Aggrieved, Cruz sought reconsideration of the above Decision but was denied by the CA in a Resolution dated January 21, 2015.

Hence, this appeal.

Cruz argues that the justifying circumstances of self-defense and lawful performance of duty should be appreciated in his favor.[48] Alternatively, he maintains that his criminal liability should be mitigated given the sufficient provocation on the part of Bernardo, and by his voluntary surrender.[49]

The Office of the Solicitor General (OSG) counters that the justifying and mitigating circumstances raised by Cruz are not supported by evidence on record.[50] Additionally, the OSG argues, as it did before the CA, that with respect to the death of Torralba, Cruz should be held guilty of homicide instead of just reckless imprudence resulting in homicide because Torralba's death was brought about by the same felonious act of shooting at Bernardo.[51]

Issue

The parties submit the following issues for resolution of the Court:

> 1. Whether the CA committed a reversible error in ruling that Cruz was not acting in self defense or fulfillment of duty at the time of the shooting incident;
>
> 2. Whether the CA committed a reversible error in not appreciating the mitigating circumstances of sufficient provocation and voluntary surrender in favor of Cruz; and
>
> 3. Whether the CA committed a reversible error when it upheld the RTC ruling that, with respect to the death of Torralba, Cruz is guilty only of reckless imprudence resulting in homicide instead of homicide.

The Court's Ruling

An appeal by the accused in criminal cases throws the entire case wide open for review and the reviewing tribunal can correct errors, though unassigned in the appealed judgment, or even reverse the trial court's decision based on grounds other than those that the parties raised as errors.[52] The appeal confers the appellate court full jurisdiction over the case and renders such court competent to examine records, revise the judgment appealed from, increase the penalty, and cite the proper provision of the penal law.[53]

After a judicious review of the records of the case at bar, the Court finds that a modification of the assailed CA Decision is in order.

Cruz was not acting in self-defense or
fulfillment of duty

Cruz argues that he should not be held criminally liable for the death of Torralba and the injuries sustained by Bernardo because he was acting in self-defense and in the performance of his duty as a police officer. The Court finds no merit in his position.

On the matter of self-defense, the Court concurs with the findings of both the RTC and the CA that Cruz's act of shooting was not precipitated by any unlawful aggression on the part of Bernardo. In self-defense, the accused bears the burden of proving by clear and convincing evidence the concurrence of the following elements: (1) unlawful aggression; (2) reasonable necessity of the means employed to prevent or repel the unlawful aggression; and (3) lack of sufficient provocation on the part of the person defending himself.[54] Of these three elements, the existence of unlawful aggression on the part of the victim is the most important.[55] The test for the presence of unlawful aggression is whether aggression from the victim put in real peril the life or personal safety of the person defending himself, and such peril must not be an imagined or imaginary threat.[56] Accordingly, (a) there must be

a physical or material attack or assault; (b) the attack or assault must be actual, or, at least, imminent; and (c) the attack or assault must be unlawful.[57]

As found by the RTC and the CA, Cruz failed to prove by clear and convincing evidence that it was Bernardo who first drew a gun. Thus, in the absence of unlawful aggression on the part of Bernardo, the plea of self-defense must necessarily fail.

There is also no merit in Cruz's claim that he was acting in the fulfillment of his duties as a police officer at the time of the shooting incident.

To successfully invoke this justifying circumstance, an accused must prove that: (1) he acted in the performance of a duty; and (2) the injury inflicted or offense committed is the necessary consequence of the due performance or lawful exercise of such duty.[58] It has already been established-by the consistent factual findings of the RTC and CA, which gave more credence to the facts as narrated by the prosecution-that Cruz's act of shooting Bernardo was without any justifiable cause. Consequently, there is no basis to conclude that Cruz's actions were committed in furtherance of his police duties. Moreover, the fact that he reported for duty on the day of the incident,[59] does not necessarily prove that he was, at that time, acting by reason of and in the fulfillment of his duty as a police officer. Clearly, the justifying circumstance of fulfillment of duty has no application in this case.

Having pleaded self-defense, Cruz essentially admitted to the felonious act of shooting Bernardo and inflicting fatal injuries upon the latter. On this score, the Court concurs with the findings of the RTC and CA that Cruz is guilty of frustrated homicide.

The death of Torralba amounts to homicide

Considering that the death of Torralba was caused by the same felonious act of shooting at Bernardo, the OSG is correct when it argues that Cruz should be held guilty of homicide as originally charged.

Torralba, an eight-year old boy, was at the wrong place and time during the shooting incident. While Cruz did not intend to end the life of this child, the latter's death is a crime of homicide in accordance with Article 4 of the Revised Penal Code (RPC) and prevailing jurisprudence.

Under Article 4, criminal liability is incurred "by any person committing a felony (delito) although the wrongful act done be different from that which he intended." Accordingly, the author of the felony shall be criminally liable for the direct, natural and logical consequence thereof, whether intended or not. For this provision to apply, it must be shown, however, (a) that an intentional felony has been committed, and (b) that the wrong done to the aggrieved party be the direct, natural and logical consequence of the felony committed by the offender.[60] The Court finds these elements present in this case.

It has already been established that Cruz committed an intentional felony when he fired multiple shots at Bernardo. The death of Torralba, who was hit by one of those bullets intended for Bernardo, is a direct, natural, and logical consequence of said intentional felony. The death of Torralba is an example of aberratio ictus.

In People v. Adriano y Samson,[61] a case where one of the victims was a mere by-stander hit by a stray bullet, the Court explained the principle of aberratio ictus under Article 4 of the RPC, viz.:

> We refer back to the settled facts of the case. Bulanan, who was merely a bystander, was killed by a stray bullet. He was at the wrong place at the wrong time.
>
> Stray bullets, obviously, kill indiscriminately and often without warning, precluding the unknowing victim from repelling the attack or defending himself. At the outset, Adriano had no intention to kill Bulanan, much less, employ any particular means of attack. Logically, Bulanan's death was random and unintentional and the

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> method used to kill her, as she was killed by a stray a bullet, was, by no means, deliberate. Nonetheless, Adriano is guilty of the death of Bulanan under Article 4 of the Revised Penal Code, pursuant to the doctrine of aberratio ictus, which imposes criminal liability for the acts committed in violation of law and for all the natural and logical consequences resulting therefrom. While it may not have been Adriano's intention to shoot Bulanan, this fact will not exculpate him. Bulanan's death caused by the bullet fired by Adriano was the natural and direct consequence of Adriano's felonious deadly assault against Cabiedes.
>
> x x x x
>
> As we already held in People v. Herrera citing People v. Hilario, "[t]he fact that accused killed a person other than their intended victim is of no moment." Evidently, Adriano's original intent was to kill Cabiedes. However, during the commission of the crime of murder, a stray bullet hit and killed Bulanan. Adriano is responsible for the consequences of his act of shooting Cabiedes. This is the import of Article 4 of the Revised Penal Code. As held in People v. Herrera citing People v. Ural:
> Criminal liability is incurred by any person committing a felony although the wrongful act be different from that which is intended. One who commits an intentional felony is responsible for all the consequences which may naturally or logically result therefrom, whether foreseen or intended or not. The rationale of the rule is found in the doctrine, ["el que es causa de la causa es causa del mal causado"], or he who is the cause of the cause is the cause of the evil caused.[62]

Moreover, a finding of dolo or malice on the part of Cruz is simply incompatible with criminal negligence under Article 365 of the RPC which defines reckless imprudence as that which "x x x consists in voluntary, but without malice, doing or failing to do an act from which material damage results by reason of inexcusable lack of precaution on the part of the person performing or failing to perform such act, taking into consideration his employment or occupation, degree of intelligence, physical condition and other circumstances regarding persons, time and place, x x x"[63] Thus, it was erroneous to characterize Torralba's death as one resulting from reckless imprudence.

Cruz is only entitled to the mitigating
circumstance of voluntary surrender

While Cruz is guilty of frustrated homicide and homicide, he is entitled to the mitigating circumstance of voluntary surrender under Article 13, paragraph 7, of the RPC which requires "[t]hat the offender had voluntarily surrendered himself to a person in authority or his agents, x x x"

For this mitigating circumstance to be appreciated, the following elements must be present: 1) the offender has not been actually arrested; 2) the offender surrendered himself to a person in authority or the latter's agent; and 3) the surrender was voluntary.[64] All three elements are present in this case. As shown by the records, Cruz surrendered his person and service firearm to his superior immediately after the shooting incident.

Cruz declared in his Memorandum[65] dated September 9, 2008 addressed to his station commander that:

> After the incident the undersigned police officer immediately surrendered to his superior as well as his service firearm and turned over to the General Assignment Section (MPD-GAS) for investigation, x x x"[66]

It is also indicated in the Booking Sheet and Arrest Report[67] dated September 10,2008 that Cruz was "Apprehended By: Voluntary Surrender."[68] Likewise, it is stated in the Crime Report[69] dated September 10, 2008 that after the incident, Cruz "x x x fled the scene and surrendered] himself to his Station Commander P/SUPT. ROLANDO MIRANDA of [PS-1] [Manila Police] District x x x."[70]

The Booking Sheet and Arrest Report as well as the Crime Report were admitted by and offered in evidence by the prosecution.[71] These pieces of evidence clearly and convincingly establish the fact that Cruz had not been

actually arrested, but had instead immediately and voluntarily surrendered himself and his service firearm to a person in authority. Thus, he is entitled to the mitigating circumstance of voluntary surrender.

The same, however, cannot be said with respect to his claim of sufficient provocation on the part of the Bernardo.

Under Article 13, paragraph 4, of the RPC, the criminal liability of the accused shall be mitigated if "x x x sufficient provocation or threat on the part of the offended party immediately preceded the act" of the accused. Sufficient provocation refers to "any unjust or improper conduct or act of the victim adequate enough to excite a person to commit a wrong, which is accordingly proportionate in gravity."[72] In order to be mitigating, provocation on the part of the victim must be sufficient and should immediately precede the act of the offender.[73]

Cruz argues that Bernardo's acts of suddenly overtaking him, blocking his path and almost colliding with his motorcycle, as well as his acts of shouting, drawing and aiming a gun at Cruz, amount to sufficient provocation. The evidence on record, however, does not support this.

As mentioned earlier, Cruz failed to prove that it was Bernardo who first drew a gun. Both the RTC and CA gave more credence to the consistent testimonies of the prosecution witnesses who testified that Cruz drew his gun and fired at Bernardo immediately after their short but heated exchange of words, as corroborated by the medical observation with respect to the trajectory of the bullet that hit Bernardo.[74]

The evidence shows that it was Cruz who first drew and fired his gun. While his firing was preceded by a short verbal altercation, this still does not amount to sufficient provocation. The short exchange of words between Bernardo and Cruz, though heated, is not adequate to elicit such grave reaction as the firing of a gun. Thus, the mitigating circumstance of sufficient provocation cannot be appreciated in favor of Cruz.

Penalties and Damages

Given the Court's findings that the death of Torralba amounts to homicide, and that Cruz is entitled to the mitigating circumstance of voluntary surrender, the penalties imposed upon him shall be modified accordingly.

The penalty prescribed for homicide is reclusion perpetua,[75] while the penalty prescribed for frustrated homicide is prision mayor.[76] Applying the Indeterminate Sentence Law and considering the fact that Cruz is entitled to one mitigating circumstance, the imposable penalty is any period within the range of the penalty that is one a degree lower than that prescribed by law, as the minimum, and the minimum period of the penalty prescribed by law, as the maximum. Accordingly, the Court imposes upon Cruz the penalty of: (a) eight years and one day of prision mayor, as minimum, to 12 years and one day of reclusion temporal, as maximum, for his crime of homicide; and, (b) two years, two months and one day of prision correccional, as minimum to six years and one day of prision mayor, as maximum, for his crime of frustrated homicide.

The Court also deems it proper to modify the award of damages to conform with prevailing jurisprudence. In People v. Jugueta,[77] the Court provided guidelines with respect to the award of damages in criminal cases.

For Homicide, the court shall award civil indemnity ex delicto in the amount of P50,000.00, and moral damages in the amount of P50,000.00.[78] The heirs of the victim are also entitled to burial or funeral expenses in the amount of P50,000.00 in the absence of any documentary evidence showing the amount actually spent.[79] In case of Frustrated Homicide, the victim is entitled to civil indemnity ex delicto in the amount of P30,000.00, and moral damages in the amount of P30,000.00.[80] In both cases, the award of actual damages is also proper, but only in the amount supported by evidence.[81]

Thus, in this case, the heirs of Torralba are entitled to P50,000.00 civil indemnity ex delicto, P50,000.00 moral

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damages, P6,140.00 actual damages for Torralba's last medical expenses,[82] and P50,000.00 as burial and funeral expenses.

On the other hand, Bernardo is entitled to P30,000.00 civil indemnity ex delicto, P30,000.00 moral damages, and P35,573.15 actual damages for his medical expenses.[83]

WHEREFORE, in view of the foregoing, the appeal is hereby PARTLY GRANTED. The Decision dated June 23, 2014 of the Court of Appeals, Special Fourth Division, in CA-G.R. CR No. 35225, is hereby AFFIRMED with the following MODIFICATIONS:

> (1) In Criminal Case No. 08-263728, petitioner PO2 Bernardino Cruz y Basco @ "Bong Cruz" is GUILTY beyond reasonable doubt of Homicide as defined and penalized under Article 249 of the Revised Penal Code, and is hereby sentenced to suffer an indeterminate penalty of eight (8) years and one (1) day as minimum to twelve (12) years and one (1) day as maximum. In addition, Cruz is ORDERED TO PAY the heirs of Gerwin Torralba y Fernandez P50,000.00 civil indemnity ex delicto, P50,000.00 moral damages, P6,140.00 actual damages, and P50,000.00 as burial and funeral expenses; and
>
> (2) In Criminal Case No. 08-263729, petitioner PO2 Bernardino Cruz y Basco @ "Bong Cruz" is GUILTY beyond reasonable doubt of Frustrated Homicide as defined and penalized under Article 249, in relation to Article 6, of the Revised Penal Code, and is hereby sentenced to suffer an indeterminate penalty of two (2) years, two (2) months and one (1) day as minimum to six (6) years and one (1) day as maximum. In addition, Cruz is ORDERED TO PAY Archibald Bernardo y David P30,000.00 civil indemnity ex delicto, P30,000.00 moral damages, and P35,573.15 actual damages.
>
> (3) Cruz is also ORDERED TO PAY interest at the rate of six percent (6%) per annum on the civil indemnity, moral damages, actual damages and funeral and burial expenses from the time of the finality of this decision until full payment.
>
> SO ORDERED.

Peralta, C.J. (Chairperson), Reyes, Jr., Lazaro-Javier and Lopez, JJ., concur.

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[1]Rollo, pp. 9-22.

[2]Id. at 23-35. Penned by Associate Justice Amelita G. Tolentino and concurred in by Associate Justices

[3]Leoncia R. Dimagiba and Melchor Quirino C. Sadang.

[4]Id. at 36-37.

[5]Id. at 38-48.

[5]Records, p. 2. Emphasis omitted.

[6]Id. at 43.

[7]Rollo, p. 24.

[8]Id. at 26.

[9]Id.

[10]Id. at 26-27.

[11]Id. at 27.

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[12]Id.

[13]Id.

[14]Id.

[15]Id.

[16]Id.

[17]Id.

[18]Id.

[19]Id.

[20]Id.

[21]Id.

[22]Id.

[23]Id.

[24]Id.

[25]Id.

[26]Id.

[27]Id.

[28]Id.

[29]Id.

[30]Records, p. 425.

[31]Rollo, p. 28.

[32]Id.

[33]Id.

[34]Id.

[35]Id.

[36]Id.

[37]Id.

[38]Id.

[39]Id.

[40]Id.

[41]Id.

[42]Id.

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[43]Id.

[44]Id. at 28-29.

[45]Id. at 29.

[46]Id. at 47-48.

[47]Id. at 34.

[48]Id. at 147-168.

[49]Id. at 163-168.

[50]Id. at 120.

[51]Id. at 132-133.

[52]Casilac v. People, G.R. No. 238436, February 17, 2020.

[53]Id.

[54]People v. Dulin, G.R. No. 171284, June 29, 2015, 760 SCRA 413, 425.

[55]Id.

[56]People v. Nugas, G.R. No. 172606, November 23, 2011, 661 SCRA 159, 167.

[57]Id. at 168.

[58]Mamangun v. People, G.R. No. 149152, February 2, 2007, 514 SCRA 44, 51.

[59]Records, pp. 459-460.

[60]People v. lligan, G.R. No. 75369, November 26, 1990, 191 SCRA 643, 651.

[61]G.R. No. 205228, July 15, 2015, 763 SCRA 70.

[62]Id. at 83-84. Citations omitted.

[63]Emphasis supplied.

[64]De Vera v. De Vera, G.R. No. 172832, April 7, 2009, 584 SCRA 506, 515.

[65]Records, p. 15.

[66]Id. at 15.

[67]Id. at 4.

[68]Id.

[69]Id. at 9-14.

[70]Id. at 12.

[71]Id. at 279-435.

[72]Miranda v. People, G.R. No. 234528, January 23, 2019.

[73]Id.

[74]Supra notes 2 and 4.

[75]Art. 249, Revised Penal Code.

[76]Art. 50, Revised Penal Code.

[77]G.R. No. 202124, April 5, 2016, 788 SCRA 331

[78]Id. at 380, 386.

[79]Id. at 380-381, 388.

[80]Id. at 387.

[81]Id. at 367.

[82]Rollo, pp. 420, 422 and 424.

[83]Id. at 345-417.

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