

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. WILSON CACHO Y SONGCO, ACCUSED-APPELLANT

G.R. No. 218425. September 27, 2017

Ponente: TIJAM, J.

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TIJAM, J.:

For automatic review is the Decision[1] dated July 1, 2014 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 06123 which affirmed the Decision[2] dated October 8, 2012 of the Regional Trial Court (RTC) of San Mateo, Rizal, Branch 76, in Criminal Case Nos. 7522 and 7523 finding Wilson Cacho y Songco (accused-appellant) guilty of the crimes of Murder and Destructive Arson.

Accused-appellant is charged with the crime of Murder under the following Information, to wit:

Criminal Case No. 7522

That on or about the 1[st] day of January 2004, in the Municipality of Rodriguez, Province of Rizal, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, while armed with a bladed deadly weapon, with intent to kill, and with attendant qualifying circumstance of treachery, evident premeditation and nighttime which changes the nature of the felony to a Heinous crime of Murder, did then and there willfully, unlawfully, and feloniously attack, assault and hack with said weapon and behead one MARIO BALBAO Y ADAMI, which resulted in his death soon thereafter.

CONTRARY TO LAW.[3]

Likewise, accused-appellant is charged with the crime of Destructive Arson under the following Information:

Criminal Case No. 7523

That on or about the 1[st] day of January 2004, in the Municipality of Rodriguez, Province of Rizal, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with the deliberate intent to cause destruction to the house of MARIO BALBAO Y ADAMI, did then and there willfully, unlawfully, and feloniously set fire to and burn the said house causing its total destruction for the purpose of concealing or destroying evidence of the commission of the crime of Murder with attendant special aggravating circumstance that the offender was motivated by spite or hatred towards the owner of the property in the commission of the felony.

CONTRARY TO LAW.[4]

Upon arraignment, the accused-appellant pleaded not guilty to the crimes charged. Trial ensued.

The following undisputed facts as summarized by the CA are as follows:

On January 2, 2004, at around 8:10 o'clock in the morning, PO2 Emelito Salen (PO2 Salen) and SPO4 Onofre Tavas (SPO4 Tavas) of the Rodriguez Police Station received a report from a certain Willy Cacho about a fire in Sitio Catmon, Brgy. San Rafael, Rodriguez, Rizal. PO2 Salen and SPO4 Tavas, who were accompanied by

members of the Bureau of Fire Protection, namely: SFO1 Damasa Viscara and FO2 Casiple, went to Sitio Catmon to verify said report.

Upon arriving in Sitio Catmon, the police officers saw a burned house, which was owned by a certain Boy who was later identified as Mario Balbao. Upon investigation, they discovered a burned body of a headless man underneath an iron sheet. Willy Cacho informed the police officers that it was his brother, [accused-appellant], who killed Boy. [Accused-appellant's] wife likewise told the police officers that her husband was a patient of [the] National Center for Mental Health and has a recurring mental illness.

Thereafter, the police officers went to the house of [accused-appellant] where they saw a shallow pit measuring one (1) foot in diameter and five (5) inches deep with a steel peg standing at the center, which they believed was used to bum a head because there were traces of ash and a human skull on top of the heap of charcoal. The police officers then saw [accused-appellant] in his backyard. Upon introducing themselves as police officers, [accused-appellant] acted strangely and exhibited signs of mental illness. According to SPO4 Tavas, [accused-appellant] admitted killing Boy and burning the latter's house but did not say why he did it.

When they tried to arrest him, [accused-appellant] became wild. The police officers sought help from other people to subdue [accused-appellant] and to place him inside the mobile car. [Accused-appellant] was then brought to the prosecutors [sic] office for inquest proceedings. After the inquest, [accused-appellant] was brought to the National Center for Mental Health for confinement.[5]

After trial, the RTC found accused-appellant guilty of the crimes of Murder and Destructive Arson, in its Decision[6] dated October 8, 2012, thus:

WHEREFORE, judgment is hereby rendered as follows:

1. In Criminal Case No. 7522, finding [accused-appellant] GUILTY beyond reasonable doubt of the crime of Murder as defined and penalized under Article 248 of the Revised Penal Code, as amended and sentencing him to suffer the penalty of Reclusion Perpetua and to indemnify the heirs of the victim in the amount of P50,000.00 as death indemnity and P50,000.00 as moral damages. No pronouncement as to cost.

2. In Criminal Case No. 7523, finding [accused-appellant] GUILTY beyond reasonable doubt of the crime of Destructive Arson (Article 320 par[.] 5 RPC as amended by Sec[.] 10 of R[.]A[. No.] 7659) and sentencing him to suffer the penalty of Reclusion Perpetua. No pronouncement as to cost.

[Accused-appellant] is hereby ordered to be committed to the National Bilibid Prisons, Muntinlupa City for service of sentence.

[Accused-appellant] is to be credited for the time spent for his preventive detention in accordance with Art[.] 29 of the Revised Penal Code as amended by R.A. 6127 and E.O. 214.

SO ORDERED.[7]

The RTC only dealt with the issue of insanity. Since the accused-appellant raised the defense of insanity, the RTC ruled that he already admitted the commission of the crime. Thus, accused-appellant was tried on the issue of insanity alone.

Upon appeal, the CA affirmed the judgment of conviction of the accused-appellant of the crimes charged in its Decision[8] dated July 1, 2014, to wit:

WHEREFORE, premises considered, the instant appeal is DISMISSED. The decision dated October 8, 2012 of the [RTC] of San Mateo, Rizal, Branch 76 is AFFIRMED.

SO ORDERED.[9]

Issues

The issues to be resolved in this case are: 1) whether the accused-appellant sufficiently proved his defense of insanity; and 2) whether the crimes of Murder and Destructive Arson were sufficiently proved.

Ruling of the Court

At the outset, appeal in criminal cases throws the whole open for review and it is the duty of the appellate court to correct, cite and appreciate errors in the appealed judgment whether they are assigned or unassigned.[10] After a careful review and scrutiny of the records, We hold that the accused-appellant can only be convicted of Homicide and Destructive Arson.

Accused-appellant was not able to sufficiently prove his defense of insanity.

Accused-appellant alleges that he was diagnosed with Major Depression with Psychosis in 1996 for which he was admitted at the National Center for Mental Health (NCMH) for two (2) months. Thereafter, he was discharged when there were no longer any symptom that was observed. Then on January 7, 2004, he was again admitted to the NCMH and it was discovered that his Major Depression with Psychosis had already progressed to Chronic Schizophrenia. Thus, his defense of insanity was sufficiently proved by his medical record with the NCMH as well as the expert testimony of Dr. Sagun.[11]

In the case of *People v. Isla*,[12] it stated that:

Article 12 of the [RPC] provides for one of the circumstances which will exempt one from criminal liability which is when the perpetrator of the act was an imbecile or insane, unless the latter has acted during a lucid interval. This circumstance, however, is not easily available to an accused as a successful defense. Insanity is the exception rather than the rule in the human condition. Under Article 800 of the Civil Code, the presumption is that every human is sane. Anyone who pleads the exempting circumstance of insanity bears the burden of proving it with clear and convincing evidence. It is in the nature of confession and avoidance. An accused invoking insanity admits to have committed the crime but claims that he or she is not guilty because of insanity. x x x.[13] (Citation omitted)

When the accused raised the defense of insanity, he is tried on the issue of sanity alone, and if found to be sane, a judgment of conviction is rendered without any trial on the issue of guilt, because the accused had already admitted committing the crime.[14]

However for the defense of insanity to be successfully invoked as a circumstance to evade criminal liability, it is necessary that insanity must relate to the time immediately preceding or simultaneous with the commission of the offense with which the accused is charged. Otherwise, he can be held guilty for the said offense. In short, in order for the accused to be exempted from criminal liability under a plea of insanity, he must successfully show that: (1) he was completely deprived of intelligence; and (2) such complete deprivation of intelligence must be manifest at the time or immediately before the commission of the offense.[15]

Accused-appellant having invoked the defense of insanity, he is deemed to have admitted the commission of the crime. As such, he is bound to establish with certainty that he is completely deprived of intelligence because of his mental condition or illness.

After the careful review of the records of the case, We found that the accused-appellant failed to prove that he is insane immediately prior or at the time of the commission of the crime.

Dr. Sagun testified as to accused-appellant's mental condition as follows:

Atty. Censon:

x x x x

Q.

Madam Witness, do you know one Wilson Cacho or have you happened to know a person named Wilson Cacho?

A.

Yes, sir.

Q.

On what occasion did you meet this person named Wilson Cacho?

A.

I was able to examine the said patient on July 23 on his third consult at the forensic pavilion and then I was the one who admitted the patient on November 23, 2007, sir.

x x x x

Q.

What was on your finding on Wilson Cacho when he consulted you on July 23, 2007?

A.

As per our records, the patient had been ill since he was 17 years old. His first consult was on July 15, 1996 and was admitted for two (2) months and was discharged on September 1996. A follow-up after a month, he was in the out-patient and then he was lost for follow-up for eight (8) years. He consulted again on January 7, 2004 where he was admitted and confined for five (5) days and after that two (2) years again, he consulted at the out-patient, now at the forensic pavilion. This was in November 24, 2006 and another consultation at our forensic pavilion on December 18, 2006. And on July 23, was our first consult in the out-patients and in November 24, that was the time we admitted the patient, sir.

x x x x

Q.

Madam Witness, you said that Mr. Wilson Cacho has been consulting with the National Center for Mental Health since he was 17 years of age, and do you know what was the finding that made him to be admitted for two (2) months?

A.

Based on our records, he was diagnosed with major depression with psychosis in 1996 and then after three (3) months, his first consult at the out-patient, he was diagnosed now with psychosis and in the second admission in January 7, 2004, he was diagnosed with schizophrenia, sir.

x x x x

Q.

You said that accused Wilson Cacho was admitted for two (2) months in the year 1996 and you said he was discharged, for what reason he was [sic] discharged?

A.

Basing from the presenting complaint when he was admitted there where remissions, there were no symptoms seen or observed so he was discharged and was requested to have regular follow-ups, sir.

Q.

In his history was he given or recommended to take medicines?

A.

Yes, sir.

Q.

So, what medicine was recommended for him to take when he was discharged for the first time in 1996?

A.

He was given anti-psychotic and anti-depressant, sir.

x x x x

Q.

Awhile ago I asked you what will happen to a person who have been prescribed these medicines and he fails to take them?

A.

Most of them will have relapse. The symptoms would go back, sir.

Q.

Do you know the cost of these medicines if you take it regularly?

A.

At that time I cannot recall but at this present time, halluperidol can cost from P20.00 to P50.00 a day and the anti-depression can cost P20.00 to P100.00 a day, sir.

Q.

Can you consider that affordable to persons who even fails to eat three (3) times a day?

A.

No, sir.

Q.

Can you please tell the date again when this patient consulted again to your hospital?

A.

He came back on January 7, 2004 after eight (8) years of follow-up, sir.

Q.

For what reason was he made to consult your hospital?

A.

Based on our records, the presenting complaint is that "nagwawala, nanghahabol ng itak," sir. [16]

In *People v. Estrada*, [17] We held that to ascertain a person's mental condition at the time of the act, evidence as to his mind condition is necessary, thus:

To ascertain a person's mental condition at the time of the act, it is permissible to receive evidence of the condition of his mind within a reasonable period both before and after that time. Direct testimony is not required. Neither are specific acts of derangement essential to establish insanity as a defense. Circumstantial evidence, if clear and convincing, suffices; for the unfathomable mind can only be known by overt acts.[18]

Here, while Dr. Sagun testified that accused-appellant was confined at the NCMH in 1996 and that accused-appellant was diagnosed with Major Depression with Psychosis which progressed to Chronic Schizophrenia, no other evidence was presented to show that accused-appellant was insane immediately prior to or at the very moment that the crime was committed. Mere prior confinement into a mental institution does not automatically exonerate the accused-appellant from criminal liability in the absence of any evidence showing that accused-appellant was completely deprived of reason immediately prior or at the time of the commission of the crime. If at all, there is no evidence showing that the mental illness of the accused-appellant, as narrated by Dr. Sagun, constitutes insanity, in that, there is complete deprivation of his intelligence in committing the act.

We therefore find no cogent reason to reverse the RTC and the CA in its finding that accused-appellant was not able to prove his defense of insanity. However, We hold that accused-appellant can only be convicted of the crime of Homicide for failure of the prosecution to prove the existence of any of the qualifying circumstance provided for under the Revised Penal Code (RPC), as charged in the Information.

Accused-appellant is liable for the crime of Homicide.

Article 248 of the RPC provides that:

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 temporal in its maximum period to death, if committed with any of the following attendant circumstances:

- 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.
- In consideration of a price, reward, or promise.
- By means of inundation, fire, poison, explosion, shipwreck, stranding of a vessel, derailment or assault upon a street car or locomotive, fall of an airship, by means of motor vehicles, or with the use of any other means involving great waste and ruin.
- On occasion of any of the calamities enumerated in the preceding paragraph, or of an earthquake, eruption of a volcano, destructive cyclone, epidemic or other public calamity.
- With evident premeditation.
- With cruelty, by deliberately and inhumanly augmenting the suffering of the victim, or outraging or scoffing at his person or corpse.

Under the above provision in order that a person can be convicted of the crime of murder, the prosecution must

establish (1) that a person was killed; (2) that the accused killed him or her; (3) that the killing was attended by any of the qualifying circumstances mentioned in Article 248 of the RPC; and (4) that the killing is not parricide or infanticide.[19]

In the Information, it was alleged that the circumstances of treachery, and evident premeditation qualified the crime to murder.

In *People v. Zulieta*, [20] the Court held that:

"There 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 insure its execution, without risk to himself arising from the defense which the offended party might make." "The essence of treachery is that the attack comes without a warning and in a swift, deliberate, and unexpected manner, affording the hapless, unarmed, and unsuspecting victim no chance to resist or escape." Otherwise stated, an unexpected and sudden attack which renders the victim unable and unprepared to put up a defense is the essence of treachery.[21]

While, in *Isla*,[22] the Court ruled that for evident premeditation to be considered as a qualifying circumstance, it is necessary that:

(1) a previous decision by the accused to commit the crime; (2) overt act/acts manifestly indicating that the accused clung to his determination; and (3) a lapse of time between the decision to commit the crime and its actual execution sufficient to allow accused to reflect upon the consequences of his acts. x x x The essence of evident premeditation is that the execution of the criminal act must be preceded by cool thought and reflection upon the resolution to carry out the criminal intent, during the space of time sufficient to arrive at a calm judgment. x x x. [23]

In the present case, all the elements of the crime of murder does not exist. It is well-settled that the qualifying circumstances must be specifically alleged in the Information and duly proven with equal certainty as the crime itself.[24] While the qualifying circumstances of treachery, evident premeditation and nighttime were alleged in the Information, the prosecution failed to prove the same during the trial. In fact, the prosecution failed to present any evidence showing the existence of the circumstances which would qualify the crime to murder. The mere fact that the accused-appellant pleaded the defense of insanity and as a consequence admitted the commission of the crime, the same should not be construed as an abdication of the prosecution's duty to prove with certainty the existence of the qualifying circumstances alleged in the Information.

Since the prosecution was not able to prove the existence of the qualifying circumstances of treachery, evident premeditation and nighttime, accused-appellant can only be convicted of the crime of Homicide and not murder.

Accused-appellant is liable for a separate crime of Destructive Arson.

Accused-appellant further claims that he should have been convicted only of the crime of murder and not both crimes of murder and arson since the finding that the burning of the house was an attempt to conceal the killing has no factual basis.

Arson is the malicious burning of property. Under Article 320 of the RPC, as amended, and Presidential Decree (P.D.) No. 1613,[25] Arson (Article 320); and (2) other cases of arson (P.D. No. 1613).

Article 320 of the RPC, as amended by Republic Act (R.A.) No. 7659,[26] contemplates the malicious burning of structures, both public and private, hotels, buildings, edifices, trains, vessels, aircraft, factories and other military, government or commercial establishments by any person or group of persons.

In order to determine whether the crime committed is arson only, or murder, or arson and homicide or murder, as the case may be, the main objective of the accused is to be examined. If the main objective is the burning of the building or edifice, but death results by reason or on the occasion of arson, the crime is simply arson, and the resulting homicide is absorbed. If, on the other hand, the main objective is to kill a particular person who may be in a building or edifice, when fire is resorted to as the means to accomplish such goal the crime committed is murder only. Lastly, if the objective is, likewise, to kill a particular person, and in fact the offender has already done so, but fire is resorted to as a means to cover up the killing, then there are two separate and distinct crimes committed — homicide/murder and arson.[27]

Aside from the fact that accused-appellant already admitted to the commission of the crime of destructive arson due to his plea of insanity, which as We discussed above was not successfully proven, the prosecution was able to sufficiently prove that the accused-appellant burned the house of the victim in order to hide or conceal the commission of the crime. It was established that accused-appellant first beheaded the victim before setting the latter's house on fire.[28] Therefore, two separate crimes were committed by the accused-appellant, homicide and arson.

Penalty

Article 249[29] of the RPC, a person convicted of the crime of homicide shall be punished with reclusion temporal. In this case, due to the absence of any mitigating or aggravating circumstance, the penalty shall be imposed in its medium period, which is fourteen (14) years, eight (8) months and one (1) day to seventeen (17) years and for (4) months.

Under the Indeterminate Sentence Law,[30]if the offense is punished by the RPC, an indeterminate penalty shall be imposed on the accused, the maximum term of which shall be that which, in view of the attending circumstances, could be properly imposed under the rules of the RPC, and the minimum term of which shall be within the range of the penalty next lower to that prescribed by the Code for the offense without first considering any modifying circumstances attendant to the commission of the crime. The determination of the minimum penalty is left by the law to the sound discretion of the court and can be anywhere within the range of the penalty next lower in degree without considering the periods into which it might be subdivided.[31]

The penalty next lower in degree is prision mayor. Hence, applying the Indeterminate Sentence Law, accused-appellant should be sentenced to an indeterminate penalty of eight (8) years and one (1) day of prision mayor as minimum to seventeen (17) years and four (4) months of reclusion temporal as maximum for the crime of Homicide.

Insofar as the crime of Destructive Arson under Article 320 of the RPC as amended by R.A. No. 7659, accused-appellant should be sentenced with the penalty of reclusion perpetua in view of the R.A. No. 9346,[32] prohibiting the imposition of the death penalty.

Damages

In view of the prevailing jurisprudence,[33] in Criminal Case No. 7522, accused-appellant is directed to pay the heirs of the victim with P50,000.00 as civil indemnity and P50,000.00 as moral damages.

In Criminal Case No. 7523, the accused-appellant is directed to pay the heirs of the victim with P75,000.00 as civil indemnity, P75,000.00 as moral damages and P75,000.00 as exemplary damages.

Further, We impose a six percent (6%) legal interest on the total amounts awarded to the heirs of the victim counted from the date of finality of this judgment until fully paid.

WHEREFORE, the foregoing considered, the Decision dated July 1, 2014 of the Court of Appeals in CA-G.R. CR-HC No. 06123 is hereby AFFIRMED with MODIFICATIONS, as follows:

1. In Criminal Case No. 7522, accused-appellant Wilson Cacho y Songco is found GUILTY beyond reasonable doubt of the crime of Homicide and sentenced to suffer an indeterminate penalty of eight (8) years and one (1) day of prision mayor as minimum to seventeen (17) years and four (4) months of reclusion temporal as maximum. Accused-appellant is further ordered to pay the heirs of the victim Mario Balbao y Adami the amount of P50,000.00 as civil indemnity and P50,000.00 as moral damages. A legal interest of six percent (6%) per annum is likewise imposed on the total amount of damages counted from the finality of this Decision until fully paid.

2. In Criminal Case No. 7523, accused-appellant Wilson Cacho y Songco is found GUILTY beyond reasonable doubt of the crime of Destructive Arson and sentenced to suffer the penalty of reclusion perpetua. Accused-appellant is further ordered to pay the heirs of the victim Mario Balbao y Adami the amount of P75,000.00 as civil indemnity, P75,000.00 as moral damages and P75,000.00 as exemplary damages. A legal interest of six percent (6%) per annum is likewise imposed on the total amount of damages counted from the finality of this Decision until fully paid.

SO ORDERED.

Sereno, C.J., (Chairperson), Leonardo-De Castro, and Del Castillo, JJ., concur.
Carpio, J.,[*] on official leave.

[–] Designated additional Member per Raffle dated August 23, 2017 vice Associate Justice Francis H. Jardeleza.

[1] Penned by Associate Justice Amelita G. Tolentino, concurred in by Associate Justices Leoncia R. Dimagiba and Carmelita Salandanan-Manahan; rollo, pp. 2-9.

[2] Penned by Judge Josephine Zarate-Fernandez; CA rollo, pp. 42-49.

[3] Id. at 42.

[4] Id. at 42-43.

[5] Rollo, pp. 2-3.

[6] CA rollo, pp. 42-49.

[7] Id. at 48-49.

[8] Rollo, pp. 2-9.

[9] Id. at 8.

[10] *People v. Dahil, et al.*, 750 Phil. 212, 225 (2015).

[11] CA rollo, p. 27.

[12] 699 Phil. 256 (2012).

[13] Id. at 226-267.

[14] *People of the Philippines v. Christopher Mejaro Roa*, G.R. No. 225599, March 22, 2017.

[15] *Verdadero v. People*, G.R. No. 216021, March 2, 2016, 785 SCRA 490, 502, citing *People v. Isla*, supra note 12.

[16] TSN, March 24, 2011, pp. 4-7.

[17] 389 Phil. 216 (2000).

[18] Id. at 233.

[19] *People v. Lagman*, 685 Phil. 733, 743 (2012).

[20] 720 Phil. 818 (2013).

[21] Id. at 826.

[22] *People v. Isla*, *supra* note 12.

[23] Id. at 270.

[24] *People v. Garcia*, 722 Phil. 60, 73 (2013).

[25] AMENDING THE LAW ON ARSON. Approved on March 7, 1979.

[26] Section 10. Article 320 of the same Code is hereby amended to read as follows:

Art. 320. Destructive Arson. - The penalty of reclusion perpetua to death shall be imposed upon any person who shall burn:

- One (1) or more buildings or edifices, consequent to one single act of burning, or as a result of simultaneous burnings, committed on several or different occasions.

- Any building of public or private ownership, devoted to the public in general or where people usually gather or congregate for a definite purpose such as, but not limited to, official governmental function or business, private transaction, commerce, trade, workshop, meetings and conferences, or merely incidental to a definite purpose such as but not limited to hotels, motels, transient dwellings, public conveyances or stops or terminals, regardless of whether the offender had knowledge that there are persons in said building or edifice at the time it is set on fire and regardless also of whether the building is actually inhabited or not.

- Any train or locomotive, ship or vessel, airship or airplane, devoted to transportation or conveyance, or for public use, entertainment or leisure.

- Any building, factory, warehouse installation and any appurtenances thereto, which are devoted to the service of public utilities.

- Any building the burning of which is for the purpose of concealing or destroying evidence of another violation of law, or for the purpose of concealing bankruptcy or defrauding creditors or to collect from insurance.

Irrespective of the application of the above enumerated qualifying circumstances, the penalty of reclusion perpetua to death shall likewise be imposed when the arson is perpetrated or committed by two (2) or more persons or by a group of persons, regardless of whether their purpose is merely to burn or destroy the building or the burning merely constitutes an overt act in the commission or another violation of law.

The penalty of reclusion perpetua to death shall also be imposed upon any person who shall burn:

- Any arsenal, shipyard, storehouse or military powder or fireworks factory, ordinance, storehouse, archives or general museum of the Government.

- In an inhabited place, any storehouse or factory of inflammable or explosive materials. If as a consequence of the commission of any of the acts penalized under this Article, death results, the mandatory penalty of death

shall be imposed.

[27] *People v. Baluntong*, 629 Phil. 441, 446-447 (2010).

[28] *Records*, p. 10.

[29] Art. 249. Homicide. — Any person who, not falling within the provisions of Article 246, shall kill another without the attendance of any of the circumstances enumerated in the next preceding article, shall be deemed guilty of homicide and be punished by reclusion temporal.

[30] Section 1, Act No. 4103

Section 1. Hereafter, in imposing a prison sentence for an offense punished by the Revised Penal Code, or its amendments, the court shall sentence the accused to an indeterminate sentence the maximum term of which shall be that which, in view of the attending circumstances, could be properly imposed under the rules of the said Code, and the minimum which shall be within the range of the penalty next lower to that prescribed by the Code for the offense; and if the offense is punished by any other law, the court shall sentence the accused to an indeterminate sentence, the maximum term of which shall not exceed the maximum fixed by said law and the minimum shall not be less than the minimum term prescribed by the same.

[31] *Sim, Jr. v. CA*, 472 Phil. 503, 516-517 (2004).

[32] AN ACT PROHIBITING THE IMPOSITION OF DEATH PENALTY IN THE PHILIPPINES. Approved on June 24, 2006.

[33] *People v. Jugueta*, G.R. No. 202124, April 15, 2016, 788 SCRA 331.

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