

RYAN MARIANO Y GARCIA, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. No. 224102. July 26, 2017

Ponente: LEONEN, J.

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LEONEN, J.:

The state of mind of the accused during an alleged act of self-defense, defense of a relative, or defense of a stranger must be considered in determining whether his or her means of repelling an aggressor were reasonable.

This is a Petition for Review assailing the Decision[1] dated August 28, 2015 in the case docketed as CA-G.R. CR. No. 35590, which affirmed the Decision of Branch 114, Regional Trial Court, Pasay City. The Regional Trial Court found petitioner Ryan Mariano (Mariano) guilty beyond reasonable doubt of the crime of frustrated homicide under Article 249 of the Revised Penal Code.[2]

Petitioner Mariano was charged with Frustrated Homicide in an Information dated July 23, 2010, which read:

That on or about the 22[nd] day of July 2010, in Pasay City, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, Ryan Mariano y Garcia, with intent to kill, did then and there willfully, unlawfully and feloniously attack, assault and stab one Frederick Natividad y San Juan, on the vital part of his body with a kitchen knife, thereby inflicting upon him serious physical injuries, thus performing all the acts of execution which would have produced the crime of homicide as a consequence, but nevertheless did not produce it by reason or causes due to the timely medical assistance rendered to said complainant, at Manila Adventist Hospital which prevented the latter's death.

CONTRARY TO LAW.[3] (Citation omitted)

During arraignment, petitioner pleaded not guilty to the offense charged and trial ensued.[4]

The prosecution's version of the events is as follows:

On July 22, 2010, at around 9:45 p.m., Frederick Natividad (Natividad) saw Yuki Rivera (Yuki) along Vergel Street.[5] Yuki punched Natividad's head thinking that Natividad would tell Yuki's aunt that he was selling marijuana.[6] Natividad went to Yuki's house to report the punching.[7] At Yuki's house, Natividad met petitioner Mariano and his common-law wife, Pamela Rivera (Pamela). Later, Mariano stabbed Natividad twice, once in the buttocks and once on the right side of his body.[8] A certain Antonio San Juan (San Juan), who was in his canteen, heard the noise outside. Upon checking, San Juan saw that Natividad had been stabbed. He asked barangay tanod Benneth Santos to take Natividad to the hospital. San Juan noticed Mariano holding a kitchen knife. Mariano voluntarily surrendered the kitchen knife to San Juan, who then arrested and surrendered him and the kitchen knife to the police authorities.[9]

Dr. Archie B. La Madrid was the surgeon who operated on Natividad and issued the Medical Certificate certifying his "penetrating wound at the right lobe of the liver caused by a sharp object. There was profuse bleeding from the liver." The wound in the abdomen punctured the liver, and Natividad would have died without the timely medical

intervention.[10]

The prosecution presented evidence to prove that Natividad incurred the amount of P428,375.51 in medical bills.[11]

On the other hand, the defense's version of the events is as follows:

On July 22, 2010, at around 8:30 p.m., Mariano was in his mother's house. He then went to Pamela's house, where he saw Natividad and Yuki arguing because Yuki refused to buy marijuana for Natividad. Natividad went berserk, slapped Yuki, and kicked Pamela's daughter, Pia Rivera (Pia). Mariano went inside to tell his mother-in-law and Pamela that Natividad was hurting Yuki and Pia.[12]

Pamela confronted Natividad, who then punched Pamela on the face and shoulder. Mariano pushed Natividad to the ground. Natividad stood back up and got a piece of wood and kept hitting Mariano. Petitioner Mariano evaded Natividad's blows because Natividad was drunk and staggering. Mariano picked up a knife and stabbed Natividad on his buttocks. Due to Natividad's continuous hitting, Mariano stabbed Natividad again, this time on the right side of his body.[13]

Thus, Mariano claimed that he acted in self-defense and in defense of a relative.[14]

Pamela testified that Mariano informed her and her mother that Natividad was hurting Yuki and Pia. When she went outside to confront Natividad, he punched her face and shoulder. Upon seeing this, Mariano pushed Natividad to the ground. Pamela, Pia, and Yuki went inside the house while Mariano stayed outside. Later, they learned that Mariano had stabbed Natividad.[15]

Pia and Yuki corroborated Pamela's testimony. None of them witnessed the stabbing incident because they were already inside the house when it occurred.[16]

The trial court found Mariano guilty of frustrated homicide:

WHEREFORE, premises considered, the Court finds accused RYAN MARIANO y GARCIA GUILTY beyond reasonable doubt of the offense charged of Frustrated Homicide defined and penalized under Article 249 of the Revised Penal Code, as amended, and hereby sentences him to suffer the imprisonment of six (6) years and one (1) day to twelve (12) years of Prision Mayor and to pay complainant Frederick Natividad the amount of Php428,375.00 as compensatory damages.

SO ORDERED.[17] (Emphasis in the original)

The trial court held that Mariano failed to establish his defense with clear and convincing evidence[18] and concluded that Natividad was not an unlawful aggressor. The trial court found some conflict in Mariano's and Pia's testimonies, which put into question whether Mariano sensed an imminent threat from Natividad:

In this case, there is a divergence in the testimonies of defense witnesses as to whether victim/complainant Frederick Natividad really attack [sic] accused Ryan Mariano with a piece of wood (2 x 2). Consider the following testimony of the accused during his direct examination:

Q: What did you do Mr. Witness when you witnessed Frederick Natividad boxing your wife?

A: I approached him and pushed him, sir.

Q: What happened to Frederick Natividad after you pushed him?

A: He fell to the ground, sir.

Q: And what happened next after Frederick Natividad fell on the ground?

A: He fell and when he was able to rise up, he was able to pick up a piece of wood, sir "parang dos por dos".

Q: Can you describe the width of this piece of wood picked up by Frederick Natividad?

A: Two inches by two inches (2" x 2"), sir.
Q: What did Frederick Natividad do after picking up the piece of wood?
A: He hit me with the same, sir.
Q: Where?
A: On the head, sir.
Q: Was he able to hit you on your head Mr. Witness?
A: No sir.
Q: Why Mr. Witness?
A: I was able to parry the blow, sir.
(TSN, Prado, pp. 12-13, July 5, 2011)

Upon the other hand, defense witness Pia Marie Leaño, during her direct testimony, unequivocally testified as follows:

Q: What happened to you when you were kicked by Frederick Natividad?
A: My stepfather saw me when I was kicked by Sonny.
Q: Who are you referring to as your stepfather?
A: Ryan Mariano.
Q: Where was Ryan Mariano in all those times that Frederick Natividad banged and kicked the gate and threw mono blocks?
A: He was about to get out of the room.
Q: What did Ryan Mariano do after he saw you being kicked by Mr. Natividad?
A: He tried to defend me.
Q: What exactly did he do Madam Witness?
A: He was able to pick up a piece of wood and tried to hit Sonny with the same.
Q: What kind of wood Madam Witness?
A: Small wood only.
Q: Was he able to hit Frederick Natividad with that wood?
A: No.
Q: What happened next when Ryan tried to hit Frederick Natividad with that piece of wood?
A: I went back to my room because my head was starting to bleed.
(TSN, Tapel, pp. 16-17, January 24, 2012)

With this conflict of who really got hold of a piece of wood and tried to hit who; emerges the question of whether the accused sensed an imminent threat to his life. Accused's contention therefore that there was an imminent threat of bodily harm coming from victim/complainant Frederick Natividad upon his person is at best illusory . . .

The span of time between the first and second stabbing and the nature of wounds suffered by victim Frederick Natividad negate any claim of self-defense or defense of a relative or stranger. Consider the following testimony of accused Ryan Mariano during his re-cross examination by the prosecution:

Q: After stabbing Frederick Natividad outside the compound for the first time, you are saying that 15 minutes more elapsed before you stabbed him for the second time, is that what you are saying?
A: Yes sir.
Q: And you testified that in 15 minutes interval, there was still a pagkakagulo?
A: Yes sir.
. . . .
Q: Despite of the fact that you stabbed him already at the buttock, he stayed in that place for 15 minutes?
A: Yes sir, he did not stop and the more he ran amuck.
Q: And despite the fact that you stabbed him at the buttock, he did not retaliate against you, is that what you are saying?

A: Because he was being pacified by Benet, sir.
(TSN, Arangonn, pp. 17-19, August 24, 2011)

The Court notes that Frederick Natividad's second wound was fatal as it affected the vital organ of his body specifically his liver. Had it not been for the timely and medical assistance rendered, the victim, Frederick Natividad, would have died. Had accused merely defended himself from the victim/complainant's unlawful aggression, one (1) stab to the buttock to immobilize him would have been enough. There was no reason for accused Ryan Mariano to stab the victim a second time on the abdomen area even aiming at his vital organs. It bears stressing that the nature of the second stab wound inflicted by the accused is an indication which disprove[s] a plea for self-defense or defense of a relative or defense of a stranger because it demonstrate[s] a determined effort to kill the victim and not just defend one's self. In the case at bar, Frederick Natividad's wounds serve to tell us that accused was induced by revenge, resentment or other motive and that he was bent on killing the victim.[19]

Thus, in the absence of any unlawful aggression on the part of Natividad, the trial court ruled that there was no reasonable means employed by Mariano. Even with unlawful aggression, the means used by Mariano were unreasonable.[20] Natividad was drunk and staggering, which made it easy for Mariano to evade Natividad's continuous attempts to hit him. Mariano could have simply shoved Natividad outside the property and secured the gate, but instead, he chose to stab him twice. The nature and number of the stab wounds clearly show his intent to kill.[21]

On appeal, the Court of Appeals affirmed the ruling of the trial court in its Decision dated August 28, 2015.[22]

The Court of Appeals held that since Mariano claimed that he acted in self-defense, defense of a relative, and defense of a stranger when he stabbed Natividad, the burden of evidence shifted to him, to prove that all the essential elements of self-defense were present.[23] It found these elements, particularly unlawful aggression, to be absent:[24]

In this case, the element of unlawful aggression is patently absent. The records of the case shows [sic] that there is no actual or imminent danger on the person of the Accused when he stabbed the Complainant. Accused admitted that he was able to evade each hit by the Complainant because the latter was drunk and staggering at the time of the alleged unlawful aggression. The absence of unlawful aggression was even corroborated by the physical evidence that should clearly defeat the claim of unlawful aggression on the part of the Complainant because it was only the latter who was wounded in the assault. It was also testified by the Accused's own witnesses, i.e. Pamela Rivera, that the Complainant was merely shouting, to wit:

"Q: What happened after you went out?

A: We just saw Sonny being pacified by Benneth.

Q: Why is Sonny being pacified by Benneth, what was Sonny doing then?

Court: Put it on record verbatim.

A: "Nagwawala po"

Q: What exactly was he doing when you said "nagwawala po["]?

A: She (sic) was shouting sir.

Q: Aside from shouting, what else was she (sic) doing, if any?

A: No more sir, he was just prevented by Benneth from entering the gate sir."

Clearly, mere shouting cannot be considered, by any standard, as an unlawful aggression. To reiterate, unlawful aggression must be actual or imminent threat. It must not consist in a mere threatening attitude, nor must it be

merely imaginary, but it must be offensive and positively strong.

The claim of Accused that he only acted in defense of relative and of stranger at the time he stabbed the Complainant was also belied by the testimonies of his own witnesses. As testified, the witnesses were all inside the house at the time the Accused stabbed the Complainant. Further, the defense witnesses admitted that there was no unlawful aggression on the part of Complainant when the Accused stabbed the former. Hence, there was no longer any imminent danger on the lives of his relatives as they are all in the safety of their home. Therefore, the reason for stabbing the Complainant in defense of Accused's relatives is legally unavailing.[25] (Citations omitted)

The Court of Appeals stressed that unlawful aggression is not merely an imaginary or threatening attitude, but must be offensive and positively strong.[26] When asked to describe Natividad's acts, Pamela testified that he was shouting, which the Court of Appeals held could not be considered as unlawful aggression by any standard.[27] Mariano's witnesses testified that they were all inside the house at the time he stabbed Natividad.[28] Thus, there was no imminent danger on their lives for purposes of defense of a relative or a stranger.

The Court of Appeals also found that Mariano did not employ reasonable means to repel Natividad, who was too drunk to pose a real risk:

The second element of the justifying circumstance of self-defense, i.e., reasonable means employed to prevent or repel the alleged aggression, could not have been present in the absence of any unlawful aggression on the part of the Complainant. However, even granting that there was unlawful aggression on the part of Complainant, the means employed by Accused to repel the attack was not reasonable. To note, Complainant was drunk and staggering. No matter how many times Complainant attempted to hit Accused, the latter was able to easily evade the blows of Complainant due to the condition of the latter at that time. Accused could have simply pushed the Complainant outside the premises and locked the gate and/or the door of their house. But Accused chose to stab the Complainant not only once but twice and on a vital part of Complainant's body. Clearly, the nature and the number of the stab wounds shows [sic] a clear intent to kill the Complainant, not merely to repel the attack of Complainant.[29] (Citation omitted)

However, the Court of Appeals modified the penalty, considering the absence of mitigating or aggravating circumstances. Thus, the dispositive portion of its Decision states:

WHEREFORE, the Decision dated December 3, 2012 of the Regional Trial Court, Branch 114 of Pasay City in Criminal Case No. R-PSY-10-02334-CR is AFFIRMED with MODIFICATIONS. Accused RYAN MARIANO y GARCIA is found GUILTY beyond reasonable doubt of the crime of Frustrated Homicide and is hereby sentenced to suffer the penalty of imprisonment of 2 years and 4 months of prision correccional as minimum to 8 years and 1 day of prision mayor as maximum. Accused is ordered to pay to Complainant Frederick Natividad the amount of Php30,000.00 as moral damages in addition to the amount of Php428,375.00 as actual damages. Accused is further ordered to pay Complainant interest on the damages awarded at the legal rate of 6% per annum from the date of finality of this judgment until fully paid.

SO ORDERED.[30]

Thus, petitioner Mariano filed this petition.

Petitioner insists that the elements of self defense were present. Unlawful aggression on the part of Natividad was present.[31] The records established that Natividad attacked Pia, Yuki, and Pamela.[32] Pia and Yuki were both minors.[33] Petitioner only intervened when Natividad started attacking Pamela.[34]

Petitioner reiterates that the means employed were reasonable.[35] Reasonable necessity is not absolute necessity. A person who is assaulted cannot be expected to have the tranquility of mind to make calculated comparisons on

the reasonableness of his reaction to the assault.[36] In this case, petitioner cannot be expected to have acted in a different manner than to stab Natividad, who had repeatedly struck him with a piece of wood and had earlier punched Pamela and hit Pia's forehead with a steel gate.[37] Natividad's actions instilled overwhelming fear in petitioner Mariano, who became frantic.[38]

Petitioner argues that there was lack of sufficient provocation on his part.[39]

Thus, petitioner prays to be acquitted or, in the alternative, to be held liable for less serious physical injuries only and that his sentence be reduced accordingly.

The Office of the Solicitor General argues that unlawful aggression is not present in this case, considering that there was no actual, sudden, and unexpected danger on petitioner or his companions.[40] Likewise, the means employed by petitioner to repel Natividad were not reasonably necessary, considering that Natividad was drunk and staggering at the time of the altercation.[41] The Office of the Solicitor General insists that the Court of Appeals and the trial court's factual findings are binding on this Court, considering that no exceptional circumstances exist here to review these findings.[42]

This Court grants the petition.

At the very least, petitioner acted in defense of a stranger. Article 11(1) and (3) of the Revised Penal Code provide:

Article 11. Justifying circumstances. – The following do not incur any criminal liability:

1. Anyone who acts in defense of his person or rights, provided that the following circumstances concur:

First. Unlawful aggression;

Second. Reasonable necessity of the means employed to prevent or repel it;

Third. Lack of sufficient provocation on the part of the person defending himself.

....

3. Anyone who acts in defense of the person or rights of a stranger, provided that the first and second requisites mentioned in the first circumstance of this article are present and that the person defending be not induced by revenge, resentment, or other evil motive.

To properly invoke the justifying circumstance of defense of a stranger, it must be shown that there was unlawful aggression on the part of the victim, that the means employed to repel the victim were reasonably necessary, and that the accused was not induced by revenge, resentment, or other evil motive.

The Court of Appeals rejected petitioner's defense on the ground that there was no unlawful aggression[43] and the means employed to prevent or repel Natividad were not reasonable. However, a reading of the assailed Decision reveals that the Court of Appeals accepted that it did not reject as false petitioner's factual allegations or evidence to prove the allegations presented before the trial court. The Court of Appeals only differed as to whether the facts, as alleged by petitioner, were sufficient to comprise unlawful aggression. In fact, the Court of Appeals' conclusion—that no unlawful aggression was present—relied on the testimony of one (1) of petitioner's witnesses, Pamela. It summarized Pamela's testimony:

Pamela, testified that on the night of July 22, 2010, while she was watching TV, the Accused informed her and her mother that the Complainant was hurting Yuki and Pia. When she went outside the house to confront the Complainant, the latter punched her on her face and on her shoulder. The Accused seeing what happened, pushed Complainant to the ground. After Accused pushed the Complainant to the ground, they all went inside

of the house, except the Accused. Thereafter, they learned that the Accused stabbed the Complainant.[44]

In concluding there was no unlawful aggression, the Court of Appeals relied on Pamela's testimony that she and her companions, except for petitioner, went inside the house after petitioner pushed Natividad to the ground. However, the Court of Appeals ignored Pamela's testimony that Natividad punched her face and shoulder, which was corroborated by the testimony of Pamela's daughter, Pia. As summarized by the trial court, Pia testified:

[T]hat on July 22, 2010 at around 8:00 P.M., she was in front of their gate standing by together with her friends; that Sonny tried to request Yuki to buy marijuana; that Yuki, her cousin refused; that Frederick Natividad got mad at Yuki for refusing to buy marijuana; that Frederick Natividad slapped Yuki Rivera two or three times while they were in front of the gate; that she was beside Yuki Rivera when Frederick slapped him; that Yuki went to their house and tried to lock the gate; that she also locked the gate; that "si Sonny po ay kinalampag at tinatadyakan ang gate"; that the steel gate hit her "pumutok po ang noo ko"; that Sonny threw three (3) mono block chairs to Yuki; that all the chairs hit her at her back; that Yuki tried to throw the mono blocks but Sonny kicked her on her right leg thinking that she was Yuki; that her stepfather, Ryan Mariano, saw her being kicked by Sonny, so, Ryan Mariano tried to defend her; that Ryan Mariano was able to pick up a piece of wood and tried to hit Sonny with the same; that she went back to her room because her head was starting to bleed; that she stayed less than 15 minutes in her room then went outside of the house and saw Sonny boxing her mother Pamela Rivera on her arm; that her mother cried; that her mother and Ryan were lived-in partners; that Frederick Natividad boxed Ryan Mariano on his chest; that Ryan Mariano was just trying to defend himself and her mom; that she stayed inside their house until the trouble was finished; that she filed a complaint against Frederick Natividad at the police station; that she secured a medical certificate as regards to her injuries as the basis to the child abuse case which she filed against Frederick Natividad.

On cross-examination, same witness testified; that she did not see when accused Ryan Mariano stabbed Frederick Natividad because she was then in her room; that she likewise do not know where was Yuki Rivera and Pamela Rivera when Ryan Mariano stabbed Frederick Natividad.[45]

It is significant that Natividad did not deny attacking Pamela or Pia, as he could not remember these acts.[46]

An attack showing the aggressor's intention is enough to consider that unlawful aggression was committed.[47] Thus, the attack on Pamela should have been considered as unlawful aggression for purposes of invoking the justifying circumstance of defense of a stranger.

The Court of Appeals opined that the means employed by petitioner to repel Natividad were not reasonable, stressing that Natividad was drunk and staggering at the time of the altercation.[48] This cannot be countenanced.

The state of mind of the accused during the alleged act of self-defense or defense of a stranger must be considered in determining whether a person's means of repelling an aggressor were reasonable. In *Jayme v Repe*,[49] this Court explained:

Consequently, we rule that petitioner employed reasonable means to repel the sudden unprovoked attack of which he was the victim.

"Reasonable necessity does not mean absolute necessity. It must be assumed that one who is assaulted cannot have sufficient tranquility of mind to think, calculate and make comparisons which can easily be made in the calmness of the home. It is not the indispensable need but the rational necessity which the law requires. In each particular case, it is necessary to judge the relative necessity, whether more or less imperative, in accordance with the rules of rational logic. The defendant may be given the benefit of any reasonable doubt as to whether he employed rational means to repel the aggression."

"The rule of reasonable necessity is not ironclad in its application; it depends upon the circumstances of the particular case. One who is assaulted does not have the time nor sufficient tranquility of mind to think,

calculate and choose the weapon to be used. The reason is obvious, in emergencies of this kind, human nature does not act upon processes of formal reason but in obedience to the instinct of self-preservation; and when it is apparent that a person has reasonably acted upon this instinct, it is the duty of the courts to sanction the act and to hold the actor irresponsible in law for the consequences." [50] (Citations omitted)

In *United States v. Paras*, [51] where an accused was knocked to the ground by an unlawful aggressor who then kicked him, and thus, the accused fired several shots at the aggressor in self-defense, this Court held:

From the facts proven in these proceedings it is inferred that the three requisites named in No. 4 of article 8 of the Penal Code are present in the homicide, inasmuch as without previous provocation on the part of the accused Paras, he was suddenly and violently assaulted, being struck in the face, the blows causing blood to flow, and as a result of the aggression he was laid flat on the ground, where he was kicked; given the rapidity with which the act was carried out and the imminence of the danger, it is impossible to affirm that being already prostrate on the ground the assault of which he was the victim would have ceased. It is reasonable to believe that the accused, when he defended himself by shooting his assailant, did not exceed his rights in his defense or employ unnecessary means to repel an attack already commenced in a cruel and violent manner or to prevent its continuation, because from the suddenness of the attack, the end thereof, without risk to his person, could not be assured. It would not be proper or reasonable to claim that he should have fled or selected a less deadly weapon, because in the emergency in which, without any reason whatever, he was placed, and being attacked by a person larger and stronger than himself, there was nothing more natural than to have made use of the weapon he held, in order to defend himself; anyone, upon being assaulted in a similar manner, would have acted likewise. In the natural order of things, following the instinct of self-preservation, he was compelled to resort to a proper defense; an impossibility [cannot] be demanded of the injured person when it [cannot] be affirmed that he could have done less than he did in defending himself by shooting at his assailant who had maltreated him and knocked him down.

The reasonable necessity of the means employed in the defense, according to the jurisprudence of courts, does not de[p]end upon the harm done, but rests upon the imminent danger of such injury. [52]

Here, although the offended party was drunk, and therefore, was not able to land his blows, his attacks were incessant. He had already attacked three (3) other persons—two (2) minors as well as petitioner's common-law wife—and was still belligerent. While it may be true that Pamela, Pia, and Yuki had already gone inside the house at the time of the stabbing, it then appeared to the petitioner that there was no other reasonable means to protect his family except to commit the acts alleged. It is unreasonable for courts to demand conduct that could only have been discovered with hindsight and absent the stress caused by the threats that the petitioner actually faced.

Finally, petitioner was not induced by revenge, resentment, or other evil motive. The victim himself, Natividad, testified that he had no issues with petitioner before the incident. [53] Thus, all the elements to invoke the justifying circumstance of defense of a stranger were present in this case.

Considering that petitioner was justified in stabbing Natividad under Article 11, paragraph 3 of the Revised Penal Code, he should be exonerated of the crime charged.

WHEREFORE, the petition is GRANTED. The Court of Appeals Decision dated August 28, 2015 in CA-G.R. CR. No. 35590 is REVERSED and SET ASIDE. Petitioner RYAN MARIANO y GARCIA is ACQUITTED of frustrated homicide. Let entry of judgment be issued immediately.

SO ORDERED.

Carpio, (Chairperson), Peralta, Mendoza, and Martires, JJ., concur.

[1] Rollo, pp. 38-52. The Decision was penned by Associate Justice Noel G. Tijam and concurred in by Associate Justices Francisco P. Acosta and Eduardo B. Peralta, Jr. of the 4th Division, Court of Appeals, Manila.

[2] Id. at 71-87.

[3] Id. at 39.

[4] Id.

[5] Id.

[6] Id. at 72.

[7] Id. at 40.

[8] Id.

[9] Id.

[10] Id.

[11] Id.

[12] Id. at 41.

[13] Id.

[14] Id. at 82.

[15] Id. at 41.

[16] Id. at 42.

[17] Id. at 87.

[18] Id. at 83.

[19] Id. at 83-86.

[20] Id. at 47-48.

[21] Id. at 48.

[22] Id. at 51.

[23] Id. at 43-44.

[24] Id. at 45.

[25] Id. at 45-47.

[26] Id. at 46.

[27] Id.

[28] Id. at 46-47.

[29] Id. at 47-48.

[30] Id. at 51.

- [31] Id. at 24.
- [32] Id. at 25.
- [33] Id.
- [34] Id.
- [35] Id. at 26.
- [36] Id.
- [37] Id.
- [38] Id. at 27.
- [39] Id. at 28.
- [40] Id. at 135.
- [41] Id. at 135-136.
- [42] Id. at 136-137.
- [43] Id. at 45.
- [44] Id. at 41.
- [45] Id. at 80-81.
- [46] Id. at 73.
- [47] U.S. v. Guy-Sayco, 13 Phil. 292, 295-296 (1909) [Per J. Torres, En Banc].
- [48] Rollo, p. 48.
- [49] 372 Phil. 796 (1999) [Per J. Pardo, First Division].
- [50] Id. at 803-804.
- [51] 9 Phil. 367 (1907) [Per J. Torres, First Division].
- [52] Id. at 369-370.
- [53] Rollo, p. 73.

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