

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. DANTE GALAM AND LITO GALAM, ACCUSED-APPELLANTS.

G.R. No. 224222. October 09, 2019

Ponente: LAZARO-JAVIER, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-224222/>

LAZARO-JAVIER, J.:

The Case

This appeal assails the Decision[1] dated June 10, 2015 of the Court of Appeals in CA-G.R. CR HC No. 06334 affirming the trial court's verdict of conviction[2] for murder against appellants Dante Galam and Lito Galam.

The Proceedings before the Trial Court

The Charge

By Information dated February 23, 2000, appellants were charged with the murder of Eusebio Antolin, viz:

That on or about the 15[th] of January 2000, in the Municipality of Muñoz, Province of Nueva Ecija, Republic of the Philippines, and within the jurisdiction of this Honorable Court, both the above-named accused, conspiring, confederating and mutually aiding one another, armed with a short firearm, with intent to kill and with treachery and evidence (sic) premeditation, did then and there willfully, unlawfully and feloniously attack, assault and shoot Eusebio Antolin inflicting upon him fatal gunshot wound (in) his chest which directly caused his death to the damage and prejudice of the heirs.

Contrary to law.[3]

The case was raffled to the Regional Trial Court - Branch 88, Baloc, Sto. Domingo, Nueva Ecija.[4]

On arraignment, appellants pleaded not guilty.[5] Trial proper ensued.

The Prosecution's Version

Mario and Mary Jane Antolin, children of the victim Eusebio Antolin, testified that on January 15, 2000, around 7 o'clock in the evening, they were eating dinner together in their home[6] when they heard their father arguing with someone outside. Mario focused his flashlight outside to find out what was going on. He and Mary Jane saw their father and appellants Dante Galam and Lito Galam arguing. They heard Lito threatening their father "Papatayin ka namin!," and Dante cursing "Putang-ina mo!"[7] Then they saw Lito pointing a gun to their father who reacted "Sige, iputok mo!"[8] As if acting on cue, Lito right then instantly pulled the trigger and shot Eusebio in the chest.[9] Soon after, appellants fled.

Mario and Mary Jane rushed to their father who was already dead.[10]

Eusebio's other son Bartolome Antolin testified that two (2) days before his father got shot, appellants invited his father to a drinking session. He heard Dante threaten his father "Lalaingem no madi ka agsardeng patayin da ka!" (make it good or else we will kill you!).[11]

Marissa Antolin, Eusebio's wife testified she was in her parents-in-law's house when she heard her children crying and shouting from a distance. She rushed home and saw her husband's lifeless body.[12] Two (2) years before the incident, appellants had an argument with her husband involving a pending land case. Dante threatened her husband "pag di ka tumigil, may mangyayari sa iyo!"[13]

Bobby Perez, Eusebio's nephew narrated that on the day of the incident, he saw appellants walking toward the direction of Eusebio's house. Lito was holding a gun. He heard someone cursing, then a gunshot filled the air. He rushed to his uncle's house and saw the latter's lifeless body.[14]

On January 16, 2000, Dr. Carmelita Carlos examined the body of Eusebio[15] and found a single penetrating wound in the right side of his chest.[16] In her Medico Legal Report,[17] she stated that Eusebio died of "hemorrhagic shock" resulting from a gunshot wound.[18]

The Defense's Version

Dante Galam testified that on January 15, 2000, around 4 o'clock in the afternoon, he went to the onion field where his sister Amelia Galam Batangan was working. The onion field was only ten (10) minutes away from Eusebio's house.[19]

Around 7 o'clock in the evening, his sister Amelia Batangan invited him over for dinner in her home.[20] After dinner, his sister's husband Teodoro Batangan offered him a ride home. By 8:45 in the evening, he was already home. He went to sleep around fifteen (15) minutes later. The following morning, his neighbor Atong Costales informed him that he was a suspect in killing Eusebio.[21]

Amelia Batangan and Teodoro Batangan corroborated Dante's testimony.[22]

Lito did not testify.

The Trial Court's Ruling

By Decision[23] dated June 18, 2013, the trial court found appellants guilty as charged, thus:

WHEREFORE, FOREGOING PREMISES CONSIDERED, the prosecution having sufficiently established the guilt of the accused, Lito Galam and Dante Galam, beyond reasonable doubt for killing Eusebio Antolin qualified by treachery and evident premeditation, the Court finds them GUILTY of the crime of Murder. Lito Galam and Dante Galam are hereby sentenced to suffer the penalty of reclusion perpetua conformably to Article 63 of the Revised Penal Code.

The accused are likewise ordered to pay the heirs of the deceased Eusebio Antolin:

1. Fifty-thousand (Php50,000) pesos civil indemnity;
2. Twenty-five thousand (Php25,000) pesos as temperate damages;
3. Fifty-thousand pesos (Php50,000) as moral damages; and
4. Thirty thousand (Php30,000) pesos as exemplary damages.

The interest rate of six percent (6%) per annum shall be applied to the award of damages from the date of finality of judgment until full payment thereof.

The accused Lito Galam and Dante Galam, being a detention prisoners, are entitled to be credited 4/5 of their preventive imprisonment in the service of their sentence in accordance with Article 29 of the Revised Penal Code.

No pronouncement as to costs.

SO ORDERED.[24]

The trial court gave credence to the testimonies of siblings Mario and Mary Jane who positively identified appellants as the persons who killed their father.[25]

The trial court also found treachery to have attended the killing of Eusebio because appellants' sudden and unexpected attack left the unarmed and unsuspecting victim without any an opportunity to defend himself.[26] The trial court further appreciated the presence of evident premeditation. It keenly noted that two (2) days prior to the crime, January 13, 2000, appellants, armed with a gun went to Eusebio's house and threatened to kill him. Appellants showed a firm intent to kill Eusebio, and thereafter, clung to this intent and executed it.[27]

Finally, the trial court rejected Dante's alibi.[28] It found that he and Lito conspired[29] in killing Eusebio.

Proceedings before the Court of Appeals

On appeal, appellants faulted the trial court for rendering a verdict of conviction despite the prosecution's alleged failure to prove their guilt beyond reasonable doubt. Appellants basically argued: it was highly impossible for Dr. Carlos to have accurately determined the cause of Eusebio's death because his body was already embalmed before it got examined.[30] The prosecution witnesses had a long standing dispute with them, hence, their testimonies were biased against them.[31] At any rate, the trial court should have considered Dante's alibi because it was corroborated by the defense witnesses.[32]

For its part, the Office of the Solicitor General (OSG)[33] through State Solicitor James Lee Cundangan and Associate Solicitor Analyn Avila countered that Mario and Mary Jane positively identified Lito as the person who shot and killed their father;[34] treachery attended Eusebio's death because appellants deliberately and swiftly attacked him, leaving Eusebio without any means to escape or fight back;[35] and appellants conspired to kill Eusebio, decided to execute it, and succeeded in doing so.[36]

The Court of Appeals' Ruling

By Decision dated June 10, 2015, the Court of Appeals affirmed with modification, increasing the award of civil indemnity from P50,000.00 to P75,000.00.[37]

It accorded respect to the trial court's factual findings on the credibility of the prosecution's witnesses and its calibration of the evidence. Too, it agreed that treachery attended Eusebio's killing because appellants' attack was sudden, thus, leaving him with nary a chance to defend himself.[38] It also sustained the trial court's findings that evident premeditation attended the killing of Eusebio as appellants were shown to have clung to their firm determination to make good their threat to kill him two (2) days before they actually gunned him down.[39]

The Present Appeal

Appellants now seek affirmative relief from the Court and pray anew for their acquittal. In compliance with Resolution dated July 5, 2016, the OSG and appellants manifested that, in lieu of supplemental briefs, they were adopting their respective briefs before the Court of Appeals.

Issue

Did the Court of Appeals err in affirming appellants' conviction for murder?

Ruling

Murder is defined and penalized under Article 248 of the Revised Penal Code (RPC), viz:

Article 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:

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;

xxx

5. With evident premeditation;

xxx

Murder requires the following elements: 1) a person was killed; 2) the accused killed him or her; 3) the killing was attended by any of the qualifying circumstances mentioned in Article 248 of the Revised Penal Code; and 4) the killing is not parricide or infanticide.[40]

There is no question here as to the presence of the first and fourth elements because Eusebio Antolin was killed and appellants had no relation to the victim, in which case, the killing was not parricide or infanticide.

We, therefore, focus on the second and third elements. 1) Did appellants kill the victim? and 2) Did treachery and evident premeditation attend the killing?

Appellants were
positively identified as the ones
who fatally shot the victim

Appellants harp on the prosecution's purported failure to establish that they killed Eusebio. They argue that the prosecution witnesses were biased because they had a long standing dispute with them.[41]

We are not persuaded.

The trial court found Mario and Mary Jane Antolin to have positively identified appellants as the ones who killed their father, thus:

Mario Antolin:

Q: Did you see who is that somebody whom your father was quarreling with?

A: I saw that my father was quarreling with Dante Galam and Lito Galam, ma'am.

Q: How were you able to identify Lito and Dante Galam, Mr. Witness?

A: I was able to focus a flashlight to them, ma'am.

xxx xxx xxx

Q: What specific words did Lito Galam tell, will you please tell to the Honorable Court, Mr. witness?

A: He said: "Papatayin ka naming," ma'am.

Q: How about Dante Galam, did you hear if Dante Galam state a word against your father?

xxx xxx xxx

A: He said: "Putang-ina mo!," ma'am.

Q: And thereafter what happened, Mr. Witness?

A: The gun of Lito Galam fired, ma'am, and my father was shot.[42] (Emphasis supplied)

Mary Jane Antolin:

Q: And what did you see when you went outside?

A: I saw Lito Galam, Dante Galam and my father, sir.

Q: And what happened when you saw them?

A: I saw Lito Galam poking a gun to my father, sir.

xxx xxx xxx

Q: So what happened after you saw Lito pointing or poking a gun to your father?

A: The gun was fired, sir.

Q: What happened to your father when the gun was fired?

A: He fell down, sir.[43] (Emphasis supplied)

The trial court found the siblings' testimonies to be positive, credible, straightforward, and categorical. In *People v. Zeta*,^[44] the Court held that the positive and credible testimony of eyewitnesses, even standing alone, is sufficient to support a verdict of conviction.

In *People v. Rodrigo*,^[45] the Court further ruled that family members testify in the interest of seeing that justice is done so that they will act strictly according to the law despite their loss and grief.

Here, the fact that Eusebio and appellants had a long standing conflict over a piece of land does not automatically taint the credibility of Eusebio's children who positively identified appellants as the persons who killed their father. Being the children of Eusebio naturally impelled them to exact justice from the real assailants and definitely not from any "fall guys."^[46] *People v. Saltarin*^[47] is in point, viz:

xxx Narido's close relation with the victim whom he considered his tatay-tatayan is undisputed. But contrary to appellant's claim, it was precisely Narido's kindred spirit with his tatay-tatayan which impelled him to exact justice from appellant, the real assailant, and not just from some "fall guy." Besides, it is against the natural order of events, nay, human nature that a person would falsely testify against another if the latter had nothing to do with the crime.

What lends further credence to the testimonies of Mario and Mary Jane is the medical report of Dr. Carmelita Carlos who examined Eusebio's body and found that he sustained a single penetrating wound in the right side of his chest and died of "hemorrhagic shock" resulting from a gunshot wound.^[48] In *Bautista v. CA and the People*,^[49] the Court was convinced that it was the accused who killed the victim because the physical evidence showing that the victim sustained fatal gunshot wounds firmly corroborated the eyewitness' account regarding the killing.

The fact that Eusebio's body was already embalmed when Dr. Carlos examined it does not negate the accuracy of the medical findings pertaining to Eusebio's injuries and cause of death. In *People v. Gallego, et al.*,^[50] the Court held that although the victim's body was already embalmed when the medico-legal officer examined it, the number, locations, and depths of the wounds sustained by the victim as indicated in the medical findings were considered as sufficient proofs of the accused's intent to kill the victim.

At any rate, a medico-legal examination of the victim's body is not even an indispensable requirement for appellants' conviction here. It is sufficient that the prosecution was able to establish through the required quantum of proof that Eusebio was killed and it was appellants who killed him.^[51]

Against the positive testimony and identification by the prosecution witnesses and the medico legal report on the fatal gunshot wound which caused Eusebio's death, Lito did not offer any defense while Dante merely invoked denial and alibi.

Dante Galam insists he was with his sister Amelia when the shooting incident happened.^[52]

We reiterate the rule that the positive identification by the prosecution witnesses of Dante being one of the two assailants of Eusebio prevails over Dante's alibi and denial.[53]

Besides, Dante failed to prove it was impossible for him to have been at the situs criminis on the same date and time the crime was committed. Eusebio's house was only five hundred (500) meters away from the onion field where Dante claimed to have been working when Eusebio was killed.[54]

More, an alibi when corroborated mainly by the relatives of the accused as in this case is regarded with extreme suspicion for it is easy to fabricate. Thus, *People v. Ambatang*[55] rejected the testimony of one of the defense witnesses who is the mother of the accused because she was not found to be an impartial witness.

As for Lito Galam, by not taking the stand or at least presenting a witness to testify in his defense, he totally failed to refute the positive testimony of the prosecution witnesses that it was he who fatally shot the victim to death. In *Ibañez, et al v. People*,[56] the Court held the defense presented no other witness who had actually seen the stabbing incident to sufficiently rebut the prosecution's evidence and reverse their culpability. Both accused were found to have intentionally killed the victim through their concerted and coordinated action in attacking the victim. In *People v. Panerio and Orteza*,[57] the defense only presented accused Panerio as its sole witness. The Court, nonetheless, ruled that Orteza was equally culpable because he and Panerio were found to have conspired in killing the victim as manifested by their unity of intent and actions toward the same --- to end the victim's life.

As for Lito, *People v. Villanueva*[58] ordains that the prosecution's burden of proof does not shift to the defense but remains in the prosecution throughout the trial, except in case of self-defense.[59] When the prosecution, however, has succeeded in discharging the burden of proof by presenting evidence sufficient to convince the Court of the truth of the allegations in the information or has established a prima facie case against the accused, as in this case, the burden of evidence shifts to the accused making it incumbent upon him or her to adduce evidence in order to meet and nullify, if not to overthrow, that prima facie case. Here, just like his brother Dante, Lito failed to discharge such burden of evidence. As it was, Lito did not even offer any defense on his behalf since the trial court heard the case up until now.

Appellants conspired
in killing the victim

The prosecution was able to sufficiently establish that appellants acted in concert to achieve one common purpose: to kill the victim. Thus: 1) they went together to Eusebio's house; 2) they engaged in a heated argument with Eusebio; 3) during their heated argument with Eusebio, Lito threatened Eusebio "papatayin ka namin!" while Dante cursed the victim "putang-ina mo!;" 4) Dante did not stop or prevent Lito when the latter drew his gun and shot Eusebio; and 5) they fled together after shooting Eusebio.

Appellants' individual and collective acts - before, during, and after the commission of the crime - indicated a joint purpose, concerted actions, and concurrence of sentiments[60] -- all geared toward killing Eusebio.

Conspiracy exists when "two or more persons come to an agreement concerning the commission of a felony and decide to commit it." [61] In conspiracy, the act of one is the act of all.[62]

Treachery and
evident premeditation
did not attend the killing

For treachery to be appreciated as a qualifying circumstance, two (2) elements must concur: (1) the employment of means of execution that gives the person attacked no opportunity to defend himself or to retaliate; and (2) the

means of execution was deliberately or consciously adopted.[63]

Here, appellants did not launch a surprise or sudden attack on Eusebio. The immediately preceding heated argument between appellants, on one hand, and Eusebio, on the other, including appellants' threat to kill Eusebio on the same occasion was sufficient warning to Eusebio of the impending fatal assault on his person.[64] Notably, right before he was gunned down, Eusebio even challenged Lito to fire the gun pointed on him "Sige, iputok mo!" Eusebio, therefore, was not an "unsuspecting victim," nay, one who was completely oblivious of the impending danger to his life coming from his assailants.

Further, there was no showing that appellants consciously or deliberately adopted any particular means, method, or form of attack to ensure the commission of the crime without affording the victim any means to defend himself. The fact that Lito shot Eusebio in the chest by itself does not mean it was consciously and deliberately employed. The use of gun, does not necessarily imply treachery.[65]

People v. Pilpa is relevant:[66]

xxx [M]ere suddenness of the attack is not sufficient to hold that treachery is present, where the mode adopted by the assailants does not positively tend to prove that they thereby knowingly intended to insure the accomplishment of their criminal purpose without any risk to themselves arising from the defense that the victim might offer. Specifically, it must clearly appear that the method of assault adopted by the aggressor was deliberately chosen with a view to accomplishing the act without risk to the aggressor.

In the case at bar, the testimonies of Leonila, Evangeline, and Carolina reveal that the assailants attacked the victim while the latter was having a seemingly random conversation with four friends in a public highway (Quirino Highway), and even in the presence of a barangay tanod, who later joined the group. Under these circumstances, the Court finds it difficult to agree that the assailants, including Pilpa, deliberately chose a particular mode of attack that purportedly ensured the execution of the criminal purpose without any risk to themselves arising from the defense that the victim might offer. To repeat, the victim was with five persons who could have helped him, as they had, in fact, helped him repel the attack. The Court thus fails to see how the mode of attack chosen by the assailants supposedly guaranteed the execution of the criminal act without risk on their end.

xxx xxx xxx

In addition, the attack itself was frontal. In People v. Tugbo, Jr., the Court held that treachery was not present because the attack was frontal, and hence, the victim had opportunity to defend himself. While a frontal attack, by itself, does not negate the existence of treachery, when the same is considered along with the other circumstances as previously discussed, it already creates a reasonable doubt in the existence of the qualifying circumstance. From the foregoing, the Court must perforce rule in favor of Pilpa and not appreciate the said circumstance. (Emphases added, citations omitted)

On evident premeditation, the following elements must concur: (1) the time when the accused was determined to commit the crime; (2) an act manifestly indicating that the accused clung to his determination; and (3) sufficient lapse of time between such determination and execution to allow him to reflect upon the circumstances of his act.[67] Evident premeditation to kill must be plain and notorious; it must be sufficiently proven by evidence of outward acts showing the intent to kill. In the absence of clear and positive evidence, mere presumptions and inferences of evident premeditation, no matter how logical and probable, are insufficient.[68]

Both the trial court and Court of Appeals here found that evident premeditation attended the victim's killing. They gave credence to Bartolome Antolin's testimony that appellants went to their house and threatened to kill their father Eusebio two (2) days before the killing took place. According to the courts, these circumstances indicated that appellants deliberately reflected on and planned for two (2) days how and when to kill Eusebio. From that

time on until they made good their plan to kill Eusebio, there was a lapse of sufficient time (two [2] days) to contemplate and reflect on this plan.

We cannot agree.

In *People v. Sarmiento*,^[69] the Court noted that the evidence revealed that two (2) days immediately preceding the fatal shooting, Sarmiento threatened to shoot the victim and expressed his intention to finish off the latter. But the Court also noted there was no direct evidence^[70] to prove that in between those two (2) days, appellant did conceive a plan to accomplish the killing.

Here, while appellants did threaten to kill Eusebio two (2) days before they actually killed him, the prosecution failed to adduce evidence that appellants performed any overt act to follow through their threats. Although appellants could have really intended to kill Eusebio when they threatened to kill him two (2) days before they actually gunned him down, their threat alone, without outward acts^[71] showing they clung to their threat to kill does not equate to evident premeditation.

In the absence of treachery and evident premeditation, therefore, appellants are only guilty of homicide under Article 249 of the Revised Penal Code, viz.:

Article 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.

Applying the Indeterminate Sentence Law,^[72] appellants should be sentenced to eight (8) years of prison mayor as minimum to fourteen (14) years, eight (8) months and one (1) day of reclusion temporal as maximum.

In accordance with prevailing jurisprudence,^[73] where the victim's heirs suffered pecuniary loss but its exact amount was not proved,^[74] temperate damages of P50,000.00 may be granted to the victim's heirs. The award of civil indemnity nonetheless should be reduced from P75,000.00 to P50,000.00; and the award of P50,000.00 moral damages for the mental suffering, emotional anguish, and pain experienced by the victim's heirs, affirmed.^[75] As for the award of exemplary damages, the same should be deleted, there being no aggravating circumstance attendant to the killing of Eusebio.^[76] Finally, legal interest of six percent (6%) per annum should be imposed on these amounts from finality of this decision until fully paid.

ACCORDINGLY, the appeal is DENIED. The Decision dated June 10, 2015 of the Court of Appeals in CA-G.R. CR HC No. 06334 is AFFIRMED with MODIFICATION.

Appellants DANTE GALAM and LITO GALAM are found guilty of HOMICIDE. They are sentenced to eight (8) years of prison mayor as minimum to fourteen (14) years, eight (8) months and one (1) day of reclusion temporal as maximum.

They are further required to jointly and solidarily pay P50,000.00 as civil indemnity, P50,000.00 as moral damages, and P50,000.00 as temperate damages. These amounts shall earn six percent (6%) interest per annum from finality of this decision until fully paid.

SO ORDERED.

Carpio, (Chairperson), Caguioa, Reyes, J., Jr., and Zalameda, JJ., concur.

[1] Penned by Associate Justice Marlene Gonzales-Sison and concurred in by Associate Justices Remedios A. Salazar-Fernando and Ramon A. Cruz, all members of the Second Division, Rollo, pp. 2-20.

Its dispositive portion reads:

WHEREFORE, we DISMISS the appeal. We AFFIRM the Decision dated July 24, 2013 of the Regional Trial Court of Baloc, Sto. Domingo, Nueva Ecija, Branch 88 WITH THE MODIFICATIONS that:

1. Appellants Dante Galam and Lito Galam are found GUILTY beyond reasonable doubt of the crime of murder, and sentenced to reclusion perpetua without eligibility for parole;

2. To pay jointly and solidarily the following amounts of damages to the heirs of the deceased:

- (1) P75,000 as civil indemnity
- (2) P50,000 as moral damages
- (3) P30,000 as exemplary damages
- (4) P25,000 as temperate damages; and

3. To pay interest on all damages at the legal rate of 6% per annum from the date of finality of this judgment until fully paid.

Costs de officio.

SO ORDERED.

[2] Refers to the Decision dated June 18, 2013 of the Regional Trial Court (RTC) Branch 88 of Baloc, Sto. Domingo, Nueva Ecija in Criminal Case No. 01-SD (2000), CA Rollo, pp. 40-54.

[3] CA Rollo, p. 40.

[4] Id.

[5] Record, Vol. 1, p. 31-Z; p. 223.

[6] TSN, July 3, 2000, p. 4.

[7] TSN, November 12, 2003, p. 7.

[8] Id. at 9.

[9] TSN, July 3, 2000, pp. 5-6.

[10] Id. at 6.

[11] TSN, August 27, 2003, pp. 9-10.

[12] TSN, May 2, 2001. p. 5.

[13] Id. at 7-9.

[14] TSN, December 4, 2002, p. 19.

[15] TSN, April 2, 2003. p. 5.

[16] Id.

[17] Record, p. 5.

[18] TSN, April 2, 2003. p. 7.

[19] TSN, March 9, 2006. p. 4.

- [20] Id. at 4-5.
- [21] Id. at 10.
- [22] Id. at. 8.
- [23] Penned by Judge Anarica J. Castillo, Reyes, CA Rollo, pp. 40-54.
- [24] Id. at 51-52.
- [25] Id. at 50
- [26] Id. at 51.
- [27] Id. at 52.
- [28] Id. at 52-53.
- [29] Id. at 51.
- [30] Id. at 79.
- [31] Id. at 79-80.
- [32] Id. at 80.
- [33] Through Assistant Solicitors Karl B. Miranda and Renan E. Ramos, and Associate Solicitor Analyn G. Avila.
- [34] CA Rollo, p. 118.
- [35] Id. at 119.
- [36] Id. at 119-120.
- [37] Rollo, pp. 2-21.
- [38] Id. at 16.
- [39] Id.
- [40] See *People v. Gaborne*, 791 Phil. 581, 592 (2016).
- [41] CA Rollo, pp. 79-80.
- [42] TSN, July 3, 2000, pp. 4-5.
- [43] TSN, November 12, 2003, pp. 7-8.
- [44] See 573 Phil. 125, 145 (2008).
- [45] See *People v. Rodrigo*, 586 Phil. 515, 539 (2008).
- [46] See *People v. Saltarin y Talosig*, G.R. No. 223715, June 3, 2019.
- [47] Id.
- [48] TSN, April 2, 2003. p. 7.
- [49] See 351 Phil. 411, 420 (1998).
- [50] See 453 Phil. 825, 851-853 (2003).

- [51] See *Medina v. People*, 724 Phil. 226, 236 (2014).
- [52] CA Rollo, p. 80.
- [53] See *People v. Galicia*, 719 Phil. 337, 352 (2013).
- [54] Rollo, p. 18.
- [55] See 808 Phil. 236, 243 (2017).
- [56] See 779 Phil. 436, 459 (2016).
- [57] See G.R. No. 205440, January 15, 2018.
- [58] See 536 Phil. 998 (2006)
- [59] See *People v. Macaraig*, 810 Phil. 931, 937 (2017).
- [60] See *People v. Manes*, 362 Phil. 569, 579 (1999).
- [61] Revised Penal Code, Article 8.
- [62] See *People v. Pantaleon, Jr.*, 600 Phil. 186, 223 (2009).
- [63] See *People v. Lagman*, 685 Phil. 733, 745 (2012) and *People v. Torres, Sr.* 671 Phil. 482, 491 (2011).
- [64] See *People v. Macaspac y Isip*, 806 Phil. 285-296 (2017).
- [65] See *People v. Paracale*, 442 Phil. 32, 53 (2002).
- [66] See G.R. No. 225336, September 5, 2018.
- [67] See *People v. Villalba, et al.*, 746 Phil. 270, 288 (2014).
- [68] See *People v. Mendoza*, 434 Phil. 684, 689 (2002).
- [69] See 118 Phil. 264, 270-271 (1963); *Saldua v. People*, G.R. No. 210920, December 10, 2018 citing *People v. Sanchez*, 636 Phil. 560, 582 (2010).
- [70] See *Saldua v. People*, G.R. No. 210920, December 10, 2018.
- [71] See *People v. Cacho y Songco*, G.R. No. 218425, September 27, 2017, 841 SCRA 165, 180-181; citing *People v. Isla*, 699 Phil. 256 (2012); See *People v. Macaspac*, 806 Phil. 285, 294 (2017), citing *People v. Gonzales*, 76 Phil. 473, 479 (1946); *People v. Abierra*, G.R. No. 227504, June 13, 2018.
- [72] 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. (As amended by Act No. 4225.)
- [73] See *People v. Jugueta*, 783 Phil. 806, 849 (2016).
- [74] See *People v. Tagudar*, 600 Phil. 565, 590 (2009)
- [75] *Supra* note 73.

[76] See *People v. Jugueta*, 783 Phil. 806, 852 (2016); *People v. Galam*, 382 Phil. 376, 390 (2000).

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.