

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RODOLFO GRABADOR, JR., ROGER ABIERRA, DANTE ABIERRA AND ALEX ABIERRA, ACCUSED,*G.R. No. 227504. June 13, 2018*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-227504/>**REYES, JR., J:**

The killing of a person that is attended by treachery and evident premeditation is murder. The prosecution must prove all the elements of these qualifying circumstances. The essence of treachery is the sudden and unexpected onslaught on an unsuspecting victim. This mode of attack must have been deliberately adopted by the accused to diminish the risk from the victim's retaliation. As for evident premeditation, the execution of the criminal act must be preceded by cool thought and reflection.[1] Thus, there must be proof showing when and how the accused planned, and prepared for the crime. It is imperative to prove that a sufficient amount of time had indeed lapsed between the malefactor's determination and execution.[2] Without these essential requisites, one cannot haphazardly assume that evident premeditation attended the commission of the offense.

This treats of the Notice of Appeal[3] under Rule 124 of the Rules on Criminal Procedure filed by herein accused-appellant Alex Abierra (Alex), seeking the reversal of the Decision dated November 4, 2015, rendered by the Court of Appeals (CA) in CA-G.R. CR-HC No. 05886, which affirmed the trial court's ruling convicting him of Murder under Article 248 of the Revised Penal Code (RPC).

The Antecedents

On June 5, 2001, an Information was filed against Rodolfo Grabador, Jr. (Rodolfo), Roger Abierra (Roger), Dante Abierra (Dante), and herein accused-appellant Alex, charging them with murder. The accusatory portion of the said information reads:

On or about April 13, 2001, in Taguig, Metro Manila and within the jurisdiction of this Honorable Court, the said accused, conspiring and confederating together, and all of them mutually helping and aiding one another, with intent to kill, with treachery and evident premeditation, did then and there willfully, unlawfully and feloniously attack, assault and shot Dennis Sumugat y Gequilapay hitting him on different parts of his body with an improvised firearm, thereby inflicting upon said Dennis Sumugat y Gequilapay gunshot wounds, which directly caused his death.

Contrary to law.[4]

The case was initially archived, pending the apprehension of all the four accused. On December 6, 2006, the Regional Trial Court (RTC) issued an Order reviving the case in view of the apprehension of Alex.[5] The rest of the accused however remained at large.

Meanwhile, on March 23, 2004, Alex was arraigned and pleaded not guilty. Trial on the merits ensued thereafter.[6]

Evidence for the Prosecution

Noel Sumugat (Noel), brother of victim Dennis Sumugat (Dennis), related that at around 4:00 p.m. of April 13, 2001, while he was sitting outside of his house at 75 PNR Site, East Service Road, Western Bicutan, Taguig City, he saw his brother Dennis talking to Rodolfo.[7] Noel was situated seven meters away from Dennis and Rodolfo.[8] The two had an altercation, but shook hands after their argument. Thereafter, Rodolfo left for home.[9]

Later on, at around 5:30 p.m., Rodolfo came back. He was accompanied by Alex, Roger and Dante. All of them were carrying a homemade shotgun (sumpak). Suddenly, Alex shot Dennis. Noel knew the assailants because they were his neighbors.[10]

Seeing his brother being shot, Noel immediately rushed to his aid. The four men scampered away. He saw that Dennis had a gunshot wound, so he rushed him to the Philippine General Hospital. Thereafter, Dennis was operated and confined in the hospital for multiple shotgun wounds with cardiac pulmonary injury. Dennis remained in the hospital from April 13, 2001 until his demise on April 21, 2001.[11]

Version of the Defense

On the other hand, Alex vehemently denied the charge leveled against him. He testified that Roger and Dante are his brothers. However, he denied knowing his co-accused Rodolfo and the victim Dennis.[12]

Alex claimed that on April 13, 2001, he was residing in Bicol. On that day, he and his family attended the wake of their father in Naga. After the funeral, his brothers Dante and Roger left for Manila, while he stayed in Bicol with his mother. He was working as a fisherman in Naga, and sold his daily catch to his neighbor Virgie Naida (Virgie). He moved to Manila on May 15, 2004, and has not seen his brothers since 2001.[13]

Maribel Abierra (Maribel), Alex's sister, testified that at around 5:00 p.m. of April 13, 2001, Alex, Roger, and Dante were all in Bicol attending their father's wake.[14]

This was also affirmed by Virgie who narrated that on April 13, 2001, Maribel, Roger, Dante, Alex, and their mother were in Bicol because their father died in November 2000. Alex remained in Bicol, and left only in 2003. She saw Alex everyday between the years 2000 and 2003, since they were neighbors.[15]

Ruling of the RTC

On November 27, 2012, the RTC rendered a Decision[16] finding Alex guilty beyond reasonable doubt for the crime of Murder. The RTC found that the prosecution proved all the elements for the crime of murder. The fact of death was duly established, and Alex was proven to be one of the persons who killed the victim. The killing was qualified by treachery and evident premeditation. Noel testified that although an altercation ensued between Dennis and Rodolfo, they parted ways in good terms, thereby making the attack on Dennis sudden and unexpected. Also, the RTC noted that evident premeditation was present considering that Rodolfo returned to the place of the incident, armed with a sumpak, and accompanied by the other accused. This shows that they had planned to kill the victim, and went to the place to carry out their intention. The RTC rejected Alex's defenses of denial and alibi.[17]

The dispositive portion of the RTC decision reads:

WHEREFORE, this Court finds [ALEX] GUILTY BEYOND REASONABLE DOUBT of the crime of murder and hereby sentences him to suffer the penalty of reclusion perpetua which carries with it the accessory penalties of civil interdiction for life and that of perpetual absolute disqualification which he shall suffer even though pardoned unless the same shall have been expressly remitted therein.

[Alex] is likewise ordered to pay the heirs of the victim the amounts of Eighteen Thousand Six Hundred

Ninety-Nine (Php 18,699.00) as actual damages; Fifty Thousand Pesos (Php 50,000.00) as civil indemnity ex delicto; Forty Thousand Pesos (Php 40,000.00) as moral damages; and Twenty Thousand Pesos (Php 20,000.00) as exemplary damages.

The City Jail Warden is hereby ordered to transfer said accused to the National Penitentiary in Muntinlupa City, immediately upon receipt of this Decision.

As regards accused [Rodolfo], [Roger] and [Dante], this case as against them remains in archive. The alias warrants of arrest issued against them stay.

SO ORDERED.[18]

Aggrieved, Alex filed an appeal[19] before the CA.

Ruling of the CA

On November 4, 2015, the CA rendered the assailed Decision.[20] The CA affirmed the trial court's conviction, upon finding that all the elements for the crime of murder were sufficiently proven. The CA agreed that Dennis was killed by Alex, that the killing was attended by the qualifying circumstance of treachery, and the killing was not infanticide or parricide. However, the CA ruled that the crime was not attended by evident premeditation. According to the CA, the prosecution failed to prove that the decision to kill prior to the moment of its execution was the result of meditation, calculation, reflection or persistent attempts. The CA ratiocinated that it was not shown that Alex had enough opportunity to reflect upon the consequences of his intended act, as the prosecution merely presumed the premeditation from the lapse of time.[21]

Additionally, the CA modified the damages awarded to the heirs of the victim. Although it agreed with the trial court that the award of civil indemnity, moral damages and exemplary damages were proper, the CA modified the amounts awarded to conform with current jurisprudence, and thereby increased the amounts to Php 75,000.00; Php 75,000.00; and Php 30,000.00, respectively.[22]

As for the award of actual damages, the CA found that the amount supported by the receipts presented by the prosecution only amounted to Php16,067.00. Considering that the amount of actual damages falls below Php25,000.00, the CA awarded temperate damages amounting to Php 25,000.00, in lieu of actual damages.[23]

The dispositive portion of the assailed CA decision reads:

WHEREFORE, in view of the foregoing premises, the instant Appeal is hereby DENIED, and the assailed Decision dated November 27, 2012 rendered by branch 153 of the [RTC] of Pasig City in Criminal Case No. 121118-H is hereby AFFIRMED, subject to the MODIFICATION of the amount of damages awarded. [Alex] is hereby ordered to pay civil indemnity in the amount of Php 75,000.00, moral damages in the amount of Php 75,000.00, exemplary damages in the amount of Php 30,000.00, and temperate damages in the amount of Php 25,000.00.

SO ORDERED.[24]

The Issue

The main issue raised for the Court's resolution is whether or not the prosecution proved the guilt of Alex beyond reasonable doubt.

In his appeal, Alex claims that the trial court erred in convicting him despite the failure of the prosecution to prove his guilt beyond reasonable doubt. He claims that the testimony of Noel was riddled with inconsistencies that seriously cast doubt unto the veracity of his claim.[25] In the first part of Noel's testimony, he related that

Alex was already waiting for the victim prior to the incident, but later prevaricated and stated that Alex arrived later with Rodolfo.[26] Likewise, Alex assails that Noel's acts during the incident were unnatural and contrary to ordinary human experience.[27] It was odd how Noel simply watched idly while his brother was being attacked by malefactors. He did not shout or warn his brother, or hide, or run for cover.[28]

Moreover, Alex argues that he could not have committed the offense, as he was in Bicol at the time of the commission of the crime. The distance between Manila and Bicol rendered it impossible for him to have been at the situs of the crime.[29]

Alternatively, Alex claims that even assuming for the sake of argument that he indeed killed Dennis, he avers that the prosecution failed to prove that the killing was attended by treachery and evident premeditation.[30]

Although Noel claimed that Rodolfo and Dennis shook hands after the altercation, which purportedly assuaged the latter, it was impossible for Noel to ascertain the nature of their exchange as he was standing at a distance of seven meters from where they were. Further, although Noel testified that Rodolfo left and returned armed with a sumpak and attacked Dennis, this fact alone would not establish evident premeditation.[31] The record is actually bereft of any proof that Rodolfo and Alex indeed meditated and reflected upon their decision to kill Dennis.[32]

The People, through the Office of the Solicitor General, avers that the alleged inconsistencies referred to by Alex are minor and do not affect the veracity of Noel's testimony. Likewise, Noel's credibility as a witness cannot be measured on the basis of his reaction while his brother was being attacked.[33] People react differently when placed under emotional stress.[34] Noel was unable to react because of the startling occurrence. His inaction should not be taken against him.[35] Notably, Noel's testimony was corroborated by the Medico Legal Certificate.[36] Moreover, the fact remains that the victim died because of the gunshot wound inflicted by Alex and his co-accused, which was personally witnessed by Noel.[37] More importantly, there appears no ill-motive on the part of Noel to falsely testify against Alex.[38]

Anent the second argument of alibi, the People contends that Virgie, Alex's witness (who confirmed that the latter was at Bicol at the time of the murder) was merely requested by Alex's mother to testify, which fact renders her testimony suspect. Likewise, Maribel and Virgie failed to produce any proof to show that Alex was indeed in Bicol at the time of the murder. In this regard, Alex's alibi cannot stand against Noel's positive identification pointing to him as the malefactor.[39]

Finally, the People maintains that treachery attended the commission of the offense considering that the attack employed by Alex was sudden. At the time of the attack, Dennis was unarmed, and had no chance to resist the fatal blow. The malefactors' act of arming themselves with a sumpak, positioning themselves around the victim, rendering him helpless when they deliberately inflicted the gunshot wound, are clear indications that they employed means and methods to ensure the successful execution of their attack.[40] However, the People did not contest Alex's argument that there was no evident premeditation.

Ruling of the Court

The instant appeal is bereft of merit.

The Prosecution Proved Beyond Reasonable Doubt that Alex is Guilty of Murder Qualified By Treachery

Essentially, murder is defined under Article 248 of the RPC[41] as the unlawful killing of a person, which is not parricide or infanticide, committed through any of the following qualifying circumstances, to wit:

- 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 any 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.

It is an elementary rule in criminal law that each of the qualifying circumstances must be alleged in the Information,[42] and must be proven as clearly as the crime itself.[43] Every element of the offense must be shown to exist beyond reasonable doubt and cannot be the mere product of speculation.[44] In the absence of a qualifying circumstance, the crime committed is homicide, and not murder.[45]

In the case at bar, the prosecution proved beyond reasonable doubt the existence of all the essential elements to warrant a conviction for murder. There is no doubt that (i) the victim, Dennis was killed; (ii) he was killed by Alex; (iii) the killing was attended by treachery; and (iv) Dennis is not the father, or child, ascendant or descendant of Alex.

The records show that Alex was indicted for murder qualified by treachery and evident premeditation. There is treachery or *alevosia* when the offender commits any of the crimes against persons, employing means, methods or forms which tend directly and specially to ensure its execution, without risk to himself arising from the defense which the offended party might make.[46] "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 the sudden blow." [47] A frontal attack may be regarded as treacherous when it was so sudden on an unsuspecting, or an unarmed victim, who had no chance to repel the attack or avoid it.[48]

Thus, in order for the qualifying circumstance of treachery to be appreciated, the following requisites must be proven, namely, (i) "the employment of means, method, or manner of execution would ensure the safety of the malefactor from the defensive or retaliatory acts of the victim, no opportunity being given to the latter to defend himself or to retaliate, and (ii) the means, method, or manner of execution was deliberately or consciously adopted by the offender." [49]

In the instant case, Dennis had no inkling that an attack was forthcoming. Although Dennis and Rodolfo had an altercation, they shook hands before parting ways. The said gesture assuaged Dennis into believing that their issues have been sorted. However, to Dennis' surprise, Rodolfo came back after 15 minutes, this time accompanied by three other armed men. Dennis, who was unarmed, was completely unaware of the imminent peril to his life. In a rapid motion, the men, including Alex, suddenly shot Dennis with their sumpak. The onslaught was so sudden and unexpected that Dennis had no chance to run, mount a defense or evade the bullets. The deliberate stealth and swiftness of the attack employed by Alex and his cohorts, significantly diminished the risk of retaliation from Dennis. Indubitably, there is no denying that the collective acts of the accused and Alex reek of treachery.

In fact, the medico-legal report confirmed that Dennis sustained multiple gunshot wounds on various parts of his body. More so, the manner of the attack was witnessed by Noel, who was seated seven meters away from the commotion.

The Prosecution Failed to Establish that the Killing was Attended by Evident Premeditation

Remarkably, "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." [50] The premeditation to kill must be plain and notorious, and thereafter proven by evidence of outward acts showing such intent to kill. [51] It is imperative to prove that the accused indeed underwent a process of "cold and deep meditation, and a tenacious persistence in the accomplishment of the criminal act." [52] Accordingly, there can be no evident premeditation when the determination to commit the crime was immediately followed by execution. [53]

Accordingly, in order to establish the existence of evident premeditation, the following requisites must be proven during the trial: (i) the time when the offender determined to commit the crime, (ii) an act manifestly indicating that he clung to his determination, and (iii) a sufficient lapse of time between the determination and execution, to allow him to reflect upon the consequences of his act, and to allow his conscience to overcome the resolution of his will. [54] Evident premeditation cannot be presumed in the absence of evidence showing when and how the accused planned, and prepared for the crime, and that a sufficient amount of time had lapsed between his determination and execution. [55] It bears stressing that absent any clear and positive evidence, mere presumptions and inferences of evident premeditation, no matter how logical and probable, shall be deemed insufficient. [56]

In the instant case, the prosecution failed to identify the time when Alex decided to kill Dennis. This is necessary to prove that indeed, a sufficient period of time passed between the determination to kill and its actual execution, which would have allowed Alex to meditate and reflect on his plans, and allow his conscience to overcome the determination of his will. Instead, the prosecution randomly concluded that there was evident premeditation from the fact that Rodolfo left, and came back after 15 minutes with Alex, and thereafter killed Dennis.

Exceptionally, a lapse of 15 minutes preceding the attack is not sufficient to conclude that evident premeditation attended the commission of the offense. This statement stems from the Court's ruling in *People v. Illescas*, [57] where the Court ruled that a 15-minute interval cannot be deemed as sufficient time for the accused to coolly reflect on his acts, viz.:

As this Court has repeatedly held, the premeditation to kill must be plain notorious and sufficiently proven by the 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.

We cannot agree with the prosecution's theory that the 15-minute interval is sufficient time for the accused to coolly reflect on their plan to kill the victim. It has been held in one case that even the lapse of 30 minutes between the determination to commit a crime and the execution thereof is insufficient for full meditation on the consequences of the act. [58] (Citations omitted and emphasis Ours)

In the same vein, in *People v. Dadivo*, [59] the Court warned that there can be no evident premeditation if the accused's act of leaving the crime scene was too short a time to meditate or reflect upon his decision to stab the victim. Particularly, the Court stressed that one cannot infer that the act of the accused in temporarily leaving the situs of the crime, is in itself an overt act manifesting his determination to stab the victim. Hence, evident premeditation cannot be considered in the absence of proof showing how and when the plan to kill was hatched or what time elapsed before it was carried out. [60]

Additionally, in *People v. Sarmiento*, [61] the Court required the existence of proof that the accused actually made plans to commit the crime. Added to this, the time when the accused decided to kill the victim must be determined with certainty. Without which, it cannot be haphazardly assumed that the accused had clung to a determination to kill the victim.

Guided by the foregoing, the Court finds that the killing of Dennis was not attended by evident premeditation. The prosecution failed to establish the fact that the plan to kill Dennis was preceded by a deliberate planning, and that there was a lapse of ample and sufficient time to allow Alex's conscience to overcome the determination of his will, if he had so desired, after meditation and reflection.

Noel was a Credible and Reliable Eye Witness. His Positive Identification of Alex as the Assailant Prevails Over the Latter's Denial and Alibi

Seeking exoneration from the charge, Alex discredits Noel's testimony, claiming that it was riddled with inconsistencies, and that the latter's actions during the purported attack on Dennis were unnatural and contrary to human experience.

Time and again, the Court has ruled that the testimony of a lone prosecution witness, if credible and positive, can prove the guilt of the accused beyond reasonable doubt.[62] The trial court found that Noel described what he saw and heard in the afternoon of April 13, 2001, in full and vivid details. Noel, who was standing seven meters away from the incident, witnessed the crime, and positively identified Alex as one of the culprits who shot Dennis. Plainly, Noel knew the malefactors, as they were his neighbors, and thus, could not have mistakenly identified them.

Added to this, Alex did not attribute any improper motive for Noel to falsely testify against him. Likewise, there is nothing in the records to show that Noel harbored any ill-will against Alex or any of his co-accused. Neither did he have any reason to fabricate his testimony. Thus, absent any reason or motive for Noel to perjure himself, the logical conclusion is that he was solely impelled to bring justice to his brother's untimely demise.

Neither does the Court agree with Alex's allegation that Noel's behavior of standing idly, while witnessing his brother's attack was unnatural, thereby rendering his testimony suspect. It bears noting that witnesses of startling occurrences react differently depending upon their situation and state of mind.[63]

Incidentally, in *People v. Bañez, et al.*, [64] the defense attacked the credibility of the witness, who allegedly acted in an unnatural manner when he idly stood idly, and did not move, or run away from the scene of the crime. The Court rejected this characterization and held that the witness' reaction "was not at all uncommon or unnatural so as to make his testimony incredible." [65] In affirming the witness' credibility, the Court explained that:

[T]here could be no hard and fast gauge for measuring a person's reaction or behavior when confronted with a startling, not to mention horrifying, occurrence, as in this case. Witnesses of startling occurrences react differently depending upon their situation and state of mind, and there is no standard form of human behavioral response when one is confronted with a strange, startling or frightful experience. The workings of the human mind placed under emotional stress are unpredictable, and people react differently to shocking stimulus - some may shout, some may faint, and others may be plunged into insensibility.[66] (Citations omitted)

Clearly, one cannot expect a typical reaction from Noel. More so, the situation was so horrific and stressful, considering that it was his own brother who was being attacked by four armed men right before his very eyes. Thus, his lack of an immediate response, or his manner of handling the situation, do not in any way affect his credibility and the veracity of his testimony.

Neither do Alex's defenses of denial and alibi exculpate him from criminal liability. Alex's claim that it was impossible for him to have committed the offense considering that he was in Bicol at the time of its commission is not worthy of credence. Needless to say, the twin defenses of denial and alibi are inherently weak, and easily crumble against the positive identification made by a reliable eye witness. Similarly, it does not help that Alex's alibi was corroborated only by Maribel and Virgie, who are Alex's sister, and family friend, respectively. Worse,

Virgie admitted that Alex's mother asked her to testify in court. Significantly, a denial and alibi will not prevail if corroborated not by credible witnesses, but by the accused's relatives and friends.[67] This was the important dictum laid by the Court in *People v. Adriano, et al.*, [68] and *People v. Las Piñas*. [69]

The Proper Penalty and Civil Liability

Murder is penalized under Article 248, as amended by Republic Act No. 7659, with reclusion perpetua to death. Considering that, apart from treachery, there are no aggravating circumstances that attended the commission of the offense, the RTC correctly held that the proper imposable penalty is reclusion perpetua.

With respect to Alex's civil liability, the prevailing rule is that when the circumstances surrounding the crime call for the imposition of a penalty of reclusion perpetua only, there being no ordinary aggravating circumstance, the proper amounts awarded should be Php 75,000.00 as civil indemnity, Php 75,000.00 as moral damages and Php 75,000.00 as exemplary damages, regardless of the number of qualifying aggravating circumstances present.[70] In line with this rule, the CA's award of exemplary damages in the amount of Php 30,000.00, must be increased to Php 75,000.00.

Additionally, the amount of temperate damages awarded by the CA. should be increased to Php 50,000.00, in line with the Court's ruling in *People of the Philippines v. Roger Racal @ Rambo*. [71] It must be noted that when the actual damages proven by receipts during the trial is less than the sum allowed by the Court as temperate damages, then an award of temperate damages should be granted in lieu of actual damages. Otherwise, it would be unfair to the victim's heirs, who tried and succeeded in presenting receipts and other evidence to prove actual damages, to receive an amount that is even less than the temperate damages given to those who were not able to present any evidence at all.[72] Based on the foregoing, the heirs of Dennis, who presented receipts amounting to Php 16,067.00, shall be entitled to the greater amount of Php 50,000.00 by way of temperate damages.

Finally, all the amounts due shall be subject to a legal interest of six percent (6%) per annum from the finality of this Decision until fully paid.[73]

WHEREFORE, the instant appeal is hereby DISMISSED for lack of merit. Accordingly, the Decision dated November 4, 2015 of the Court of Appeals, in CA-G.R. CR-HC No. 05886, convicting accused-appellant Alex Abierra of Murder, is AFFIRMED with the following modifications:

- The award of exemplary damages is increased to Php 75,000.00;
- The award of temperate damages is increased to Php 50,000.00; and
- All amounts due shall earn legal interest of six percent (6%) per annum from the finality of this Decision until full payment.

SO ORDERED.

Carpio, Senior Associate Justice, (Chairperson), Peralta, Perlas-Bernabe, and Caguioa, JJ., concur.

[1] *People v. Isla*, 699 Phil. 256, 270 (2012).

[2] *People of the Philippines v. Roger Racal @ Rambo*, G.R. No. 224886, September 4, 2017.

[3] CA rollo, pp. 129-130.

[4] *Id.* at 15.

- [5] Id. at 85.
- [6] Id. at 45.
- [7] Id. at 33-34.
- [8] Id. at 46.
- [9] Id. at 46.
- [10] Id.
- [11] Id. at 34.
- [12] Id. at 46.
- [13] Id. at 34.
- [14] Id. at 46.
- [15] Id. at 47.
- [16] Rendered by Acting Presiding Judge Aida Estrella Macapagal; id. at 49.
- [17] Id. at 47.
- [18] Id. at 49.
- [19] Id. at 29-43.
- [20] Id. at 116-124.
- [21] Id. at 121.
- [22] Id. at 123.
- [23] Id.
- [24] Id.
- [25] Id. at 36.
- [26] Id. at 37.
- [27] Id. at 38.
- [28] Id.
- [29] Id. at 36.
- [30] Id. at 31.
- [31] Id. at 39.
- [32] Id.
- [33] Id. at 88.
- [34] Id. at 40.
- [35] Id.

[36] Id. at 40.

[37] Id. at 89.

[38] Id.

[39] Id. at 89.

[40] Id. at 94-95.

[41] As amended by Republic Act No. 7659.

[42] *People v. Lab-eo*, 424 Phil. 482, 495 (2002).

[43] *People v. Dadivo*, 434 Phil. 684, 688-689 (2002).

[44] Id.

[45] *People of the Philippines v. Nestor M. Bugarin*, G.R. No. 224900, March 15, 2017, citing *People v. Placer*, 719 Phil. 268, 280 (2013).

[46] *People of the Philippines v. Nestor M. Bugarin*, id.

[47] Id.

[48] Id.

[49] Id.

[50] *People v. Isla*, supra note 1.

[51] *People v. Dadivo*, supra note 43, citing *People v. Chua*, 357 Phil. 907, 921 (1998).

[52] *People v. Macaspac*, G.R. No. 198954, February 22, 2017, citing *People v. Gonzales*, 76 Phil. 473, 479 (1946).

[53] Id.

[54] *People of the Philippines v. Roger Racal @ Rambo*, supra note 2, citing *People v. Serenas, et al.*, 636 Phil. 495, 511 (2010).

[55] *People of the Philippines v. Roger Racal @ Rambo*, id.

[56] *People v. Dadivo*, supra note 43, citing *People v. Chua*, supra note 51.

[57] 396 Phil. 200 (2000).

[58] Id. at 210.

[59] 434 Phil. 684 (2002).

[60] *People v. Illescas*, supra note 57, at 210, citing *People v. Basao*, 369 Phil. 1005, 1041 (1999). See also *People v. Narit*, 274 Phil. 613, 630 (1991), citing *People v. Camano*, 201 Phil. 268 (1982).

[61] 118 Phil. 266, 271 (1963).

[62] *People v. Jalbonian*, 713 Phil. 93, 95 (2013), citing *People v. Gonzales*, 300 Phil. 296, 301 (1994).

[63] *People v. Bañez, et al.*, 770 Phil. 40, 46 (2015), citing *People v. Malibiran, et al.*, 604 Phil. 556, 581 (2009).

[64] 770 Phil. 40 (2015).

[65] Id. at 46, citing *People v. Malibiran, et al.*, supra note 63.

[66] *People v. Bañez, et al.*, id.

[67] *People v. Adriano, et al.*, 764 Phil. 144, 159 (2015).

[68] 764 Phil. 144 (2015).

[69] 739 Phil. 502 (2014).

[70] *People of the Philippines v. Roger Racal @ Rambo*, supra note 2, citing *People v. Jugueta*, 783 Phil. 806, 825 (2016).

[71] G.R. No. 224886, September 4, 2017.

[72] Id.

[73] *People v. Jugueta*, supra note 70, at 854, citing *Nacar v. Gallery Frames, et al.*, 716 Phil. 267, 280 (2013).

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