

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. FERNAN CALINES Y MAGASTINO, ACCUSED-APPELLANT.

G.R. No. 260944. April 03, 2024

Ponente: KHO, JR., J.

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KHO, JR., J.:

Before the Court is an ordinary Appeal[1] seeking to reverse and set aside the Decision[2] dated June 7, 2021 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 13812, which affirmed with modification the Consolidated Judgment[3] dated November 15, 2019 of the Regional Trial Court of La Trinidad, Benguet, Branch 63 (RTC) in Criminal Case Nos. 16-CR-11674 and 17-CR-11741, finding accused-appellant Fernan Calines y Magastino (Calines) guilty beyond reasonable doubt of attempted homicide and murder, respectively.

The Facts

Calines was charged with frustrated homicide and murder in two separate Informations,[4] the accusatory portions of each read:

CRIMINAL CASE NO. 16-CR-11674 (frustrated homicide)

That on the 19[th] day of December, 2016, at Sitio Pasanan, Ambassador, Municipality of Tublay, Province of Benguet, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, did then and there willfully, unlawfully and feloniously attack and assault NIDA CALASIAO SABADO by striking her several times with a piece of wood, 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 of causes independent of the will of the accused, that is, by the act of the offended party in running away and the timely and able medical assistance rendered to her which prevented her death, to her damage and prejudice.[5]

CRIMINAL CASE NO. 17-CR-11741 (murder)

That on or about the 19[th] day of December, 2016, at Sitio Pasanan, Ambassador, Municipality of Tublay, Province of Benguet, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill and without any sufficient provocation or reason whatsoever, by means of treachery and use of superior strength, did then and there willfully, unlawfully and feloniously strike several times with a piece of wood, SKY SABADO y CALASIAO, a minor being three (3) years and eight (8) months of age at the time of incident, thereby inflicting fatal wounds on the different parts of the body of SKY SABADO y CALASIAO which caused his death, to the damage and prejudice of his heirs.

That in the commission of the crime, the qualifying aggravating circumstances of treachery and use of superior strength as the accused, a fully grown adult, attacked SKY SABADO y CALASIAO, a child of tender years and therefore incapable of defending himself against the attacks committed by the accused who consciously adopted and employed a method or means of attack which directly insured its execution without risk to

himself.[6]

During the scheduled arraignment on March 13, 2017, the defense counsel manifested that Calines intended to plead guilty to both charges but requested for the cancellation thereof to give him time to explain the consequences of his plea.[7]

On March 28, 2017, the Informations were read to Calines in Ilocano, a dialect he understands, and pleaded guilty to both charges. Thereafter, joint trial on the merits ensued.[8]

The prosecution presented the following witnesses to establish the guilt of Calines: (a) Nida C. Sabado (Nida); (b) Dr. Paolo Angelo R. Igama (Dr. Igama); and (c) Tyler Tudayan (Tyler).[9]

Based on the collective testimony of its witnesses, the prosecution alleged that at around 12 noon of December 19, 2016, Nida and Sky C. Sabado (Sky), her three-year-old son, were inside the shanty located in Ambassador, Tublay, Benguet, having a break after cleaning and removing grasses from her brother-in-law's farm. Nida then saw a man, whom she later identified to be Calines, peep twice through a window. Nida was attending to Sky when Calines entered the shanty through the open door and suddenly struck her nape and head five times with a piece of alnos wood. Nida felt blood dripping from her head and covered it with her hands. She fell to the ground and was rendered semi-conscious. Nida was continuously hit several times until she vomited, had blurry vision and was about to pass out, when she saw Sky crying and embracing her legs. Nida held into Sky, but Calines forcibly dragged Sky outside the shanty. Nida with her remaining strength, crawled towards the road to ask for help, where Tyler happened to pass by while driving his motorcycle. Nida then described the assailant as a tall person with a bulging stomach, prominently with a dyed tail hair. Tyler immediately recognized the assailant as "Tibong" (Calines) considering that he was the only person with a dyed hair in the farming community and he personally knew "Tibong" as his second cousin.[10]

Tyler brought Nida to his house where she was treated by his wife. Thereafter, Tyler went to Calines's house and asked help from Calines's brother and their neighbors. On their way to the shanty, they saw Calines naked from his waist up exposing his bulging stomach. He was then asked by his brother on where he took Sky, to which Calines did not respond and instead fled towards the grassy area.[11]

Sky was eventually found ten meters away from the shanty and was rushed to the Benguet General Hospital where he died four days later. The death certificate and the medical certificate of Sky issued by Dr. Igama were presented, which revealed that the immediate cause of death was "severe traumatic brain injury, concussion hemorrhage, left occipital lobe, left cerebellum, left parieto-occipital linear fractures, obstructive hydrocephalus secondary; brain herniation secondary; blunt head trauma." The underlying cause was identified to be mauling.[12]

In turn, Nida suffered injuries but was immediately discharged. The attending physician was not presented to testify on the extent of her injuries, nor a receipt was presented to attest on the amount she spent for her injuries.[13] Concomitantly, Dr. Igama was presented only to attest the veracity of the medical certificate and death certificate of Sky considering that he was the attending physician when Sky was brought to the hospital.[14]

After the prosecution formally offered its documentary evidence, the prosecution rested its case.[15]

For its part, the defense initially waived its right to present evidence and the case was then submitted for decision. However, both counsels moved for the suspension of the proceedings to ensure that the plea of guilty of Calines was not improvidently made.[16]

On June 22, 2018, the defense counsel requested for Calines to undergo psychiatric evaluation as he was allegedly suffering from an unspecified psychosis. On November 16, 2018, the defense counsel manifested that they are

withdrawing Calines's initial plea of guilty to not guilty and the case was reverted to pre-trial stage. The prosecution adopted its earlier evidence offered while the defense presented the following as witnesses: Dr. Donnalyn G. Gamueda (Dr. Gamueda) and Gloria C. Domingo (Gloria), Calines's sister.[17]

In interposing insanity as a defense, Dr. Gamueda testified that she examined Calines on three separate dates, specifically on August 17, August 24, and September 7 of 2018, while he was in jail. Dr. Gamueda noted that Calines had the presence of auditory hallucinations and had a persistent belief that someone would kill him once he was out of jail. As a result, Dr. Gamueda concluded that Calines was suffering from schizophrenia paranoid type. According to Dr. Gamueda, this condition is characterized by waxing and waning of symptoms that may cause behavioral changes. Nevertheless, Dr. Gamueda noted that Calines was oriented as to time, place, and person. His thought process was also concrete. At the time of his latest mental status examination on September 7, 2018, Calines was still unable to narrate what really transpired during the commission of the crimes. Hence, it was posited that Calines was psychotic before, during, and after the commission of the crimes. She also affirmed the contents of the psychiatric evaluation report and recommended that Calines be brought to the institution for check-up, medication, and improvement of his mental faculties.[18]

In turn, Gloria testified that Calines was admitted at the Baguio General Hospital in 2014 for his psychiatric problems and was under medication for it from 2014 to 2016. However, Gloria claimed that Calines stopped taking his medication in 2016. Gloria was also interviewed by Dr. Gamueda as a resource person for the psychiatric evaluation report.[19]

The RTC Ruling

In a Consolidated Judgment[20] dated November 15, 2019, the RTC ruled as follows: (a) in Criminal Case No. 16-CR-11674, Calines was found guilty beyond reasonable doubt of frustrated homicide, and accordingly, sentenced him to suffer the penalty of imprisonment for an indeterminate period of four years of prision correccional, as minimum, to eight years and one day of prision mayor, as maximum, and ordered Calines to pay Nida the amounts of PHP 75,000.00 as civil indemnity, PHP 75,000.00 as moral damages, and PHP 75,000.00 as exemplary damages; and (b) in Criminal Case No. 17-CR-11741, Calines was found guilty beyond reasonable doubt of murder, and accordingly, sentenced him to suffer the penalty of reclusion perpetua, and ordered to pay the heirs of Sky the amounts of PHP 100,000.00 as civil indemnity, PHP 100,000.00 as moral damages, PHP 100,000.00 as exemplary damages, and PHP 50,000.00 as temperate damages, all with 6% legal interest per annum from the date of finality of judgment until fully paid.[21]

The RTC ruled that Calines's defense of insanity was not sufficiently proven as to exculpate him of the offenses charged. Moreover, the RTC emphasized that the defense of insanity is in the nature of a confession and avoidance and thus, it must be supported by clear and convincing evidence. However, Calines failed to discharge the same.[22] Likewise, it noted that, as an exempting circumstance, insanity presupposes that the accused was completely deprived of reason or discernment and freedom of will at the time of the commission of the crime. Here, the evidence on record is bereft of Calines's behavior at the time of the commission of the crimes on December 19, 2016.[23]

The RTC further ruled that no corroborating witness testified to confirm the factual basis of Dr. Gamueda's findings except for Gloria, who merely testified on Calines's hospitalization and medication. The RTC added that even if it assumes the factual basis of Dr. Gamueda's findings, it still found that Calines is not totally deprived of intelligence, reason, or discernment at the time of the commission of the crimes. Additionally, the RTC explained that past medical history or prior confinement at a mental institution does not support a finding that the accused was likewise insane at the time he perpetrated the crime.[24] Hence, the RTC found Calines guilty for the murder

of Sky, who was only three years old at the time of killing, as qualified by treachery and abuse of superior strength.[25]

As to the injuries sustained by Nida, the RTC held that by reason of Calines's defense of insanity, he admitted all the elements of the crime by way of confession and avoidance. Having failed to establish his defense, the RTC found Calines to be guilty of frustrated homicide.[26]

Aggrieved, Calines appealed to the CA.

The CA Ruling

In a Decision[27] dated June 7, 2021, the CA affirmed the RTC's ruling with modification in that Calines was found guilty beyond reasonable doubt of attempted homicide in Criminal Case No. 16-CR-11674. Accordingly, he was sentenced to suffer the penalty of imprisonment for an indeterminate period of six months of arresto mayor, as minimum, to four years and two months of prision correccional, as maximum. Further, the CA modified Calines's civil liability and ordered him to pay Nida the amounts of PHP 20,000.00 as civil indemnity and PHP 20,000.00 as moral damages. Meanwhile, in Criminal Case No. 17-CR-11741, Calines was found guilty beyond reasonable doubt of murder, and he was sentenced to suffer the penalty of reclusion perpetua, and ordered to pay the heirs of Sky, the modified amounts of PHP 75,000.00 as civil indemnity, PHP 75,000.00 as moral damages, PHP 75,000.00 as exemplary damages, and PHP 50,000.00 as temperate damages, all subject to 6% legal interest from finality of the decision until full payment.[28]

The CA found that the psychiatric evaluation report prepared by Dr. Gamueda cannot be given weight considering that the same was solely based on what Calines told her almost two years after the commission of the crimes. Further, the CA noted that Calines initially pleaded guilty when arraigned in 2017 and raised the defense of insanity in 2018 only; hence, if it is true that Calines were exhibiting schizophrenia at the time of the commission of the crimes, the defense would have raised it outright or at least during his first arraignment. The CA also observed that the request for Calines to undergo psychiatric evaluation in 2018 was on account of his previous diagnosis on unspecified psychosis and not because of his unusual behavior manifested during the commission of the crimes.[29]

While the CA acknowledged that Calines was previously admitted for his psychiatric problems, still, prior confinement at a mental institution does not, by itself, constitute proof of insanity. The CA also noted that Dr. Gamueda was not the same physician who made the findings of Calines's psychiatric diagnosis in 2014. The psychiatric evaluation report was also based on the documents on file and the statements of his sister. Hence, the earlier diagnosis was pure hearsay as Dr. Gamueda had no knowledge and participation thereof. Relevantly, the CA held that the psychiatric evaluation report does not support the claim that Calines could not distinguish right from wrong considering that Calines's behavior of avoiding arrest when he fled to the grassy area manifested that he is conscious that he did something wrong. As such, the CA concluded that the defense failed to show that Calines was insane at the time of the commission of the crime, it is then presumed that he was sane, or was in a lucid interval, at that time.[30]

Consequently, the CA found that the killing of the minor victim was attended by treachery, qualifying the crime to murder. However, the attendant circumstance of abuse of superior strength is already absorbed by treachery.[31] Finally, the CA ruled that the prosecution failed to establish that the wounds sustained by Nida were fatal which would have resulted in her death if not for the timely medical intervention. The CA emphasized that if the character of the wound is doubtful, such doubt should be resolved in favor of the accused.[32]

Hence, this Appeal.

In a Resolution[33] dated September 5, 2022, the Court notified the parties that they may file their respective supplemental briefs, if they so desire, within 30 days from notice. Calines filed his Manifestation (In Lieu of Supplemental Brief),[34] while plaintiff-appellee, through the Office of the Solicitor General, filed a Manifestation In Lieu of Supplemental Brief,[35] both informing the Court that they were no longer filing a supplemental brief as they had already discussed exhaustively all relevant issues in their respective appellant's brief and appellee's brief.

The Issue Before the Court

The issue for the Court's resolution is whether the CA erred in upholding the conviction of Calines for the crimes of murder and attempted homicide.

The Court's Ruling

The Appeal has no merit.

Calines conviction for murder and attempted homicide must be upheld

Article 248 of the Revised Penal Code (RPC) states:

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.

Jurisprudence dictates that the elements of murder are: (1) that a person was killed; (2) that the accused killed him or her; (3) that the killing was attended by any of the qualifying circumstances mentioned in Article 248 of the RPC; and (4) that the killing is not parricide or infanticide.[36]

Meanwhile, Article 6 of the RPC states that there is an attempt to commit a felony when the offender directly commences its commission by overt acts but was unable to perform all the acts of execution which should have produced the felony by reason of some cause or accident other than his or her own spontaneous desistance.

In turn, the Court held that attempted homicide is committed when the accused intended to kill the victim, as manifested by the use of a deadly weapon in the assault, and the wound/s sustained by the victim was/were not fatal.[37]

In this case, all the elements of murder and attempted homicide are present as will be discussed below.

It bears to recall that Sky was only three years old when he was killed by Calines. Moreover, the corresponding Information filed against him alleged the qualifying circumstances of treachery and abuse of superior strength. Jurisprudence teaches that the killing of a child of tender years is deemed ipso facto qualified by treachery due to his or her inherent defenselessness.[38] Therefore, the CA correctly appreciated the qualifying circumstance of treachery in the killing of Sky, especially considering that he had no way of defending himself. The CA also correctly ruled that abuse of superior strength is already absorbed in treachery. Thus, Calines was properly adjudged to have committed the crime of murder.

As to the injuries suffered by Nida, the prosecution failed to present evidence to prove the nature and extent of her injury and that she would have died from her wound without timely medical assistance, absent the medical certificate or testimony of the physician who diagnosed and treated her, or any physician for that matter. It is settled that, "where there is nothing in the evidence to show that the wound would be fatal if not medically

attended to, the character of the wound is doubtful," then such doubt should be resolved in favor of the accused.[39] Thus, the CA correctly found that the crime committed against Nida was only attempted homicide considering that: (a) Calines intended to kill Nida by using a deadly weapon (a piece of alnos wood); (b) Nida sustained non-fatal wounds; and (c) the infliction of injuries upon Nida was not attended by qualifying circumstances of murder, parricide, or infanticide.

The defense of insanity cannot be appreciated in favor of Calines

In an attempt to exculpate Calines from any criminal liability, the defense claims exemption therefrom by invoking the defense of insanity.

The Court agrees with the courts a quo that such claim was unsubstantiated and wanting in material proof.

Article 12 of the RPC provides that insanity can exempt one from criminal liability to wit:

Article 12. Circumstances which exempt from criminal liability. - The following me exempt from criminal liability:

1. An imbecile or an insane person, unless the latter has acted during a lucid interval.

When the imbecile or an insane person has committed an act which the law defines as a felony (delito), the court shall order his confinement in one of the hospitals or asylums established for persons thus afflicted, which he shall not be permitted to leave without first obtaining the permission of the same court.

The Court defines insanity as "a manifestation in language or conduct of disease or defect of the brain or a more or less permanently diseased or disordered condition of the mentality, functional or organic, and characterized by perversion, inhibition, or disordered function of the sensory or of the intellectual faculties, or by impaired or disordered volition." [40]

In *People v. Paña*, [41] the Court, speaking through now-Senior Associate Justice Marvic M.V.F. Leonen, had the opportunity to formulate a three-way test in determining whether the exempting circumstance of insanity may be appreciated. The three-way test provides that (1) insanity must be present at the time of the commission of the crime; (2) insanity, which is the primary cause of the criminal act, must be medically proven; and (3) the effect of the insanity is the inability to appreciate the nature and quality or wrongfulness of the act. [42]

In this case, the defense failed to satisfy the tests. To recall, the testimonies of Dr. Gamueda and Gloria were offered to prove that Calines was insane. However, the same failed to prove by clear and convincing evidence that Calines's insanity existed at the time of the commission of the offense. The testimony of Dr. Gamueda that Calines was suffering from schizophrenia paranoid disorder stems from her psychiatric evaluation of Calines in 2018, or about two years after the crimes were committed. Calines's mental condition two years after the crimes were committed is irrelevant for purposes of determining whether he was also insane when he committed the crimes in 2016. While it may be true that the 2018 diagnosis of Dr. Gamueda must be taken with her testimony that Calines was also suffering from psychiatric problems in 2014, it is noteworthy that the testimony of Dr. Gamueda as to the 2014 diagnosis is pure hearsay, as she had no personal participation for not being the same physician who evaluated Calines. Not to mention that the physician who diagnosed Calines of his past psychiatric problem was never presented as witness nor his testimony was offered during trial. It appears therefore that Calines's insanity is not medically proven.

Moreover, the testimony of Gloria cannot be given weight as it failed to shed light on the mental condition of Calines at the time he killed Sky and struck Nida with a piece of wood, without any provocation. Gloria merely testified as to her knowledge of Calines's past psychiatric problem and as a resource person for Dr. Gamueda's

psychological evaluation report.

Finally, Calines's attempt to flee after being asked by his brother where he took Sky indicates that he was fully aware of the nature and quality of the wrongfulness of his acts. Consequently, Calines must answer for the crimes he committed.

The Court further emphasized in *People v. Haloc*,^[43] through then Chief Justice Lucas P. Bersamin, that insanity may be shown by surrounding circumstances fairly throwing light on the subject, such as evidence of the alleged mentally unsound person's general conduct and appearance, his acts and conduct inconsistent with his previous character and habits, his irrational acts and beliefs, and his improvident bargains.^[44]

Here, based on the records, Calines had been administered medication to cure his mental illness in 2014 to 2016, but there was no showing that he suffered from complete deprivation of intelligence thereafter. In fact, Calines returned to work in the farm a week after being discharged from the institution in 2014 and continued his medical check-up until he stopped in 2016. Further, Dr. Gamueda testified that Calines was oriented as to time, place, and person during his mental status examination. His thought process was also concrete.

It is also noteworthy that during his arraignment on March 13, 2017, Calines intended to plead guilty to both charges, but his counsel requested for the cancellation thereof to give him time to explain the consequences of his plea. On January 8, 2018, Calines also requested to undergo medical examination at Benguet General Hospital due to consistent pain in both of his ears. The request letter was handwritten and signed by Calines. Clearly, he had not been totally deprived of the capacity of cognition when he entered his plea of guilty during his arraignment in 2017.

From the foregoing, Calines's actuations prior to, simultaneously with and in the aftermath of the crimes committed did not support his defense of insanity.

In sum, the Court finds no reason to deviate from the findings of the RTC, as affirmed by the CA, as there is no indication that it overlooked, misunderstood, or misapplied the surrounding facts and circumstances of the case. In fact, the RTC was in the best position to assess and determine the credibility of the witnesses presented by both parties, and hence, due deference should be accorded to the same.^[45] Thus, the Court affirms the conviction of Calines for the crimes of murder and attempted homicide.

Penalties and damages

As regards the imposable penalty for the crime of murder, Article 248 of the RPC prescribes the penalty of reclusion perpetua to death. Taking into consideration the inapplicability of the Indeterminate Sentence Law (ISL) and Article 63(2) of the RPC, the CA correctly imposed the penalty of reclusion perpetua upon Calines for killing Sky. As for the award of damages in favor of the heirs of Sky, the CA likewise correctly awarded the amounts of PHP 75,000.00 as civil indemnity, PHP 75,000.00 as moral damages, and PHP 75,000.00 as exemplary damages, and PHP 50,000.00 as temperate damages, pursuant to *People v. Jugueta*.^[46]

As to the imposable penalty for the crime of attempted homicide, Article 249 of the RPC imposes the penalty of reclusion temporal for homicide. Article 51 of the RPC, in turn, provides that the penalty lower by two degrees is to be imposed when the felony committed is in the attempted stage. Thus, the prescribed penalty for attempted homicide is prision correccional. Applying the ISL, and further considering the absence of any modifying circumstances, the CA correctly meted the penalty of imprisonment for an indeterminate period of six months of arresto mayor, as minimum, to four years and two month of prision correccional, as maximum. The CA also correctly imposed the award of damages in the amount of PHP 20,000.00 each by way of civil indemnity and moral damages pursuant to *People v. Jugueta*.^[47]

Finally, the Court affirms the CA's imposition of legal interest at the rate of 6% per annum on all monetary awards from the finality of this Resolution until fully paid in light of the prevailing jurisprudence.[48]

ACCORDINGLY, the Appeal is DISMISSED. The Decision dated June 7, 2021 of the Court of Appeals in CA-G.R. CR-HC No. 13812 is hereby AFFIRMED, as follows:

(1)

In Criminal Case No. 17-CR-11741, Fernan Calines y Magastino is found GUILTY beyond reasonable doubt of murder and is hereby sentenced to suffer the penalty of reclusion perpetua. He is also ordered to pay the heirs of Sky Sabado y Calasiao the amounts of: (a) PHP 75,000.00 as civil indemnity; (b) PHP 75,000.00 as moral damages; (c) PHP 75,000.00 as exemplary damages; and (d) PHP 50,000.00 as temperate damages; and

(2)

In Criminal Case No. 16-CR-11674, Fernan Calines y Magastino is found GUILTY beyond reasonable doubt of attempted homicide and is hereby sentenced to suffer imprisonment for an indeterminate period of six months of arresto mayor, as minimum, to four years and two months of prision correccional, as maximum. He is also ordered to pay Nida Sabado y Calasiao the amounts of PHP 20,000.00 as civil indemnity and PHP 20,000.00 as moral damages.

All monetary awards shall earn legal interest at the rate of 6% per annum from the finality of this Decision until fully paid.

SO ORDERED.

Leonen, SAJ. (Chairperson), Lazaro-Javier, M. Lopez, and J. Lopez, JJ., concur.

[1] Rollo, pp. 3-4.

[2] Id. at 8-28. Penned by Associate Justice Ramon A. Cruz and concurred in by Associate Justices Ruben Reynaldo G. Roxas and Alfredo D. Ampuan of the 12th Division, Court of Appeals, Manila.

[3] Id. at 31-54. Penned by Presiding Judge Jennifer P. Humiding.

[4] RTC records (Crim. Case No. 16-CR-11674), pp. 1-2; and RTC records (Crim. Case No. 17-CR-11741), pp. 1-2.

[5] RTC records (Crim. Case No. 16-CR-11674), p. 1.

[6] RTC records (Crim. Case No. 17-CR-11741), p. 1.

[7] Rollo, pp. 10-12; and CA rollo, pp. 38-39.

[8] Rollo, p. 10.

[9] Id.

[10] Id. at 10-11.

[11] Id. at 11.

[12] Id. at 11-12.

[13] Id. at 12.

- [14] TSN, Dr. Paolo Angelo R. Igama, January 24, 2018, pp. 1-7.
- [15] Rollo, p. 12.
- [16] Id. at 12-13.
- [17] Rollo, p. 12.
- [18] Id. at 12-15.
- [19] Id. at 15-16.
- [20] Id. at 31-54. Penned by Presiding Judge Jennifer P. Humiding.
- [21] Id. at 53.
- [22] Id. at 44-45.
- [23] Id. at 45.
- [24] See rollo, pp. 40-47.
- [25] See rollo, pp. 47-49.
- [26] Rollo, p. 52.
- [27] Id. at 8-28. Penned by Associate Justice Ramon A. Cruz as concurred in by Associate Justices Ruben Reynaldo G. Roxas and Alfredo D. Ampuan.
- [28] Id. at 26.
- [29] Id. at 20.
- [30] Id. at 21-22.
- [31] Id. at 23.
- [32] Id. at 23-25.
- [33] Id. at 55. Issued by Division Clerk of Court Teresita Aquino Tuazon.
- [34] Id. at 63-65.
- [35] Id. at 57-60.
- [36] *People v. Bernardo*, 891 Phil. 181, 188 (2020) [Per J. Zalameda, First Division].
- [37] *People v. Bendecio*, 882 Phil. 649, 659 (2020) [Per J. Lazaro-Javier, First Division].
- [38] *People v. Pilen*, G.R. No. 254875, February 13, 2023 [Per J. Hernando, First Division], citing *People v. Pentecostes*, 820 Phil. 823, 842 (2017) [Per J. Caguioa, Second Division].
- [39] *Etino v. People*, 826 Phil. 32, 43 (2018) [Per J. Del Castillo, First Division].
- [40] *People v. Paña*, 890 Phil. 533, 546-547 (2020) [Per J. Leonen, En Banc].
- [41] *People v. Paña*, 890 Phil. 533 (2020) [Per J. Leonen, En Banc].
- [42] Id. at 573.

[43] 839 Phil. 1042 (2018) [Per J. Bersamin, First Division].

[44] Id. at 1054.

[45] Cahulogan v. People, 828 Phil. 742, 749 (2018) [Per J. Perlas-Bernabe, Second Division], citing Peralta v. People, 817 Phil. 554, 563 (2017) [Per J. Perlas-Bernabe, Second Division].

[46] 783 Phil. 806, 848-854 (2016) [Per C.J. Peralta, En Banc].

[47] Id.

[48] Lara's Gifts & Decors, Inc. v. Midtown Industrial Sales, G.R. No. 225433, September 20, 2022 [Per Acting C.J. Leonen, En Banc].

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