

MICHAEL T. DAVA, PETITIONER, VS. THE PEOPLE OF THE PHILIPPINES AND THE INTERMEDIATE APPELLATE COURT, RESPONDENTS.

G.R. No. 73905. September 30, 1991

Ponente: FERNAN, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-73905/>

FERNAN, C.J.:

On October 19, 1975, while driving a car along Shaw Boulevard, Mandaluyong, Rizal, petitioner Michael T. Dava, then the holder of non-professional driver's license No. 1474427[1] with official receipt No. 7023037,[2] bumped pedestrians Bernadette Roxas Clamor and Dolores E. Roxas, causing death to the former and physical injuries to the latter.

As a consequence of said incident, Dava was brought to the Mandaluyong Police headquarters where his driver's licensed was confiscated by Cpl. Daniel Severino who later submitted Dava's driver's licensed to the fiscal's office in Pasig, Rizal. The license was thereafter presented as prosecution evidence in the criminal case for homicide and serious physical injuries thru reckless imprudence filed against Dava in the then Court of First Instance of Rizal in Pasig.[3]

On April 12, 1978, Antonio Roxas, the brother of Bernadette and the father of Dolores, saw Dava driving a maroon Volkswagen (beetle-type) car with plate No. AD-902 B. Knowing that Dava's driver's license was used as an exhibit in court and that no traffic violation receipt had been issued to Dava, Roxas sought the help of then Minister of Defense Juan Ponce Enrile in apprehending Dava for driving without a license.[4] The Ministry of Defense later indorsed Roxas' request for assistance to the Constabulary Highway Patrol Group (CHPG).

At around 7:30 in the evening of July 21, 1978, M/Sgt. Domingo Lising and S/Sgt. Arturo Viduya of the CHPG saw the maroon Volkswagen car described by Roxas parked in front of the Uniwide Department Store near the then Nation theater in Cubao, Quezon City. When the driver and his companion arrived, Lising and Viduya confronted them and asked the driver for his license. They were shown non-professional driver's license No. 2706887[5] with official receipt No. 0605870[6] issued by Agency 2L Pampanga in the name of Michael T. Dava. When asked about the source of his license, Dava informed them that his officemate had secured it for him.

Lising and Viduya invited Dava to the CHPG office in Camp Crame, Quezon City for questioning. Dava refused to give a statement upon the advice of his lawyer. Lising then submitted a spot report to Col. Maristela stating therein that "subject had violated Section 31 of RA 4136 for false representation in the application of a driver's license intended to be used as a legal license".[7] In his affidavit of apprehension dated November 16, 1978, Lising stated that he was "about to book him for violation of Section 31 of Rep Act 4136, when subsequent investigation revealed that the Driver's License above-mentioned is a Fake and a Falsity" and therefore a case for falsification and use of falsified documents under Section 172 of the Revised Penal Code should be filed against Dava.[8] Lising concluded that Dava's driver's license was fake because when he compared it with the xerox copy of Dava's licensed which was attached to the record of the criminal case in Pasig, the signatures and the dates of

birth indicated in the two licenses did "not tally".[9]

Accordingly, an information for falsification of a public document was filed against Dava in the then Court of First Instance of Rizal, Branch V at Quezon City.[10] One of the prosecution witnesses was Carolina Vinluan of the Angeles City branch of the Bureau of Land Transportation (BLT). He testified that he was then the registrar of the said office when Dava's driver's license was brought to him by lawyer Jose Francisco who was interested in knowing whether it was genuine or fake and if it was issued by the Angeles City agency of the BLT. He examined it and found out that it was "fake or illegally issued" because form No. 2706887 was one of the fifty (50) forms which had been reported missing from their office sometime in November, 1976 and that it was never issued to any applicant for a driver's license.[11] He added that any license that was not included in their office index card was considered as "coming from (an) illegal source" and "not legally issued by any agency".[12]

Vinluan stated that although the form used for the license was genuine,[13] the signature of the issuing official was faked.[14] He "believed" certain persons had been apprehended for "plasticization" of licenses outside their office[15] and that sometime in November, 1976, agents of the National Bureau of Investigation raided the house of a certain person who had in his possession some of the forms which had been missing from their office.[16] He concluded that the license was fake because while the form was issued by the central office to the Angeles City agency, the license appeared on its face to have been issued by the San Fernando, Pampanga agency.[17]

Dava was convicted of the crime charged. He appealed to the then Court of Appeals[18] which affirmed the lower court's decision on January 29, 1982. Dava filed a motion for reconsideration of the said decision contending that the lower court had no jurisdiction to try the case. On April 27, 1982, the Court of Appeals reversed and set aside its decision and issued a resolution the dispositive portion of which reads:

"WHEREFORE, as prayed for, our decision is hereby reconsidered and set aside, and another judgment shall be entered annulling the proceedings in the court a quo without prejudice to the refiling of the charges with the proper court." (Rollo, pp. 35-36.)

Consequently, the case was refiled with the Regional Trial Court of Pampanga, Branch 47 at San Fernando as Criminal Case No. 2422. The information for falsification of a public document reads as follows:

"That on or about the 12[th] day of April, 1978, and for sometime prior thereto, in the municipality of San Fernando, province of Pampanga, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused MICHAEL T. DAVA, a private individual, did then and there willfully, unlawfully and feloniously falsify or cause to be falsified, a Non-Professional Driver's License with Serial No. 2706887 covered by Official Receipt No. 0605870, dated January 24, 1978, a public document, by making it appear that the signatories therein who are officials of the Pampanga LTC Agency participated in the preparation thereof, when in truth and in fact they did not so participate and the accused made use of the same knowing it to be falsified.

"ALL CONTRARY TO LAW."

At the trial, the prosecution presented Antonio Roxas who testified on how he saw Dava driving a car and that, knowing that Dava's license had been confiscated as a result of the filing of the homicide and serious physical injuries through reckless imprudence case, he thereafter sought the assistance of then Minister Enrile in apprehending Dava for driving without a license.[19] For his part, Domingo Lising, who apprehended Dava, narrated in court how he first saw Dava driving a car along Banahaw and N. Domingo Sts. in Quezon City until he finally confronted Dava at the vicinity of the Araneta Coliseum and confiscated his driver's license. As earlier stated, he concluded that the driver's license shown to him by Dava was fake because he noticed that, when compared with the license attached to the record of the criminal case filed against Dava, the license he confiscated

bore a different signature and date of birth.[20]

Daniel Severino, a sergeant of the Mandaluyong police, testified that he investigated the traffic incident along Shaw Boulevard on October 19, 1975 which involved Dava and the two relatives of Antonio Roxas. He himself confiscated Dava's non-professional driver's license No. 1474427 which he later turned over to the fiscal's office.[21]

In the course of Severino's testimony, the defense counsel informed the court that, upon a resolution of the Court of Appeals, Dava was allowed by the lower court having jurisdiction over Criminal Case No. 16474 to withdraw his driver's license No. 1474427 from the records of said case.[22] When confronted by the court, Dava volunteered that he withdrew said license in December, 1982 and surrendered it to the BLT Western District Office so that he could renew his license.[23] Hence, the evidence presented before the court was a mere xerox copy of said license[24] which also bears a notation that Dava received the original driver's license and its receipt on December 15, 1982.[25]

Victor Martin, who had been the head of the San Fernando, Pampanga branch of the BLT and whose name appears as registrar thereof in official receipt No. 0605870 which was supposed to be attached to Dava's driver's license No. 2706887, admitted that the form of the said license was genuine although he could not tell whether its contents were likewise genuine because it was "opened" and "spliced".[26] He asserted, however, that since the said form "did not emanate" from his office and "a facsimile was not printed" over his name, said license was "not OK".[27]

Martin said that he was informed by the property section of the BLT regional office that the number in the license was one of "the numbers requisitioned by (the) Angeles City agency".[28] He affirmed that driver's license No. 2706887 "was not issued by (their) agency"[29] although when recalled to the stand, he admitted that the "2L" filled in the space for "Agency Code No." on the face of license No. 2706887 referred to the San Fernando agency.[30] Martin also confirmed the genuineness of official receipt No. 0605870 although it was his assistant who signed it for him[31] and affirmed that the amount of P10.00 indicated therein had been collected and received by his office.[32]

Lawyer Jose Francisco testified that he went to the Angeles City office of the BLT to see its chief and inquire about the number of driver's licenses issued to Dava and whether said office had indeed issued them. According to him, the head of the office, Carolino Vinluan, advised him to verify from the index card in the possession of the License Division head whether the Angeles City agency had indeed issued Dava's license.[33] Thereafter, the officer-in-charge of the License Division of the BLT in East Avenue, Quezon City, Leonardo R. Medina, issued a certification dated December 24, 1979 to the effect that non-professional driver's license No. 2706887 in the name of Dava was "not registered in (their) Index Card".[34]

Francisco also informed the court that Carolino Vinluan, the former head of the Angeles City BLT agency, had died on May 12, 1980.[35] He offered in evidence Vinluan's death certificate as Exh. J.

Another evidence presented by the prosecution was the transcript of stenographic notes of the testimony of Carolino Vinluan which was taken on January 8, 1980 at the trial of Criminal Case No. Q-10759 before the then Court of First Instance of Rizal, Branch V at Quezon City. It was marked as Exh. K. The said exhibit was part of the record of Criminal Case No. Q-10759 which was transmitted to the Regional Trial Court of Pampanga.[36]

The defense presented only one witness: Felizardo Manalili. A friend of Dava and his former co-trainee at the Sandoz Philippines, a pharmaceutical firm, Manalili testified that Dava requested him to secure a driver's license for him because he had none. Manalili went to the San Fernando office of the Land Transportation Commission

(LTC) where he used to secure his own license. At the LTC branch office, he was “approached by the fixers who roamed around the compound”.[37] When he asked them how much it would cost to secure a driver's license, he was told that it would amount to P70.00.[38] He agreed to pay the amount and gave the fixers the personal data of Dava.[39]

After an hour, the fixers gave Manalili the license which was inside a plastic jacket. (Manalili identified the license as Exh. B.) He examined it and found out that it looked “like a genuine and authentic driver's license” to him. The license, which was opened and unsealed, bore a signature in the portion which showed the name Romeo Edu and contained all the personal data of Dava. Because it did not bear the signature of Dava, Manalili immediately gave the license to Dava and told him to sign it immediately. Dava did so in Manalili's presence.[40]

On March 22, 1984, the lower court rendered a decision[41] finding that the license in question was “fake or spurious”, that it was not duly issued by any proper government licensing agency and that the accused directly participated in the commission of the falsification or caused said falsification. The court took into account the facts that Dava was “in dire need” of a license because of his work as a detailman; that he received his genuine license from the court only on December 15, 1982, and that Dava himself personally requested his friend, Manalili, to secure the license for him. It arrived at the conclusion that since Dava was the possessor or user of the fake license, he himself was the forger or the one who caused its forgery or falsification. The dispositive portion of the decision reads:

“IN VIEW OF THE FOREGOING, this Court finds the accused Michael T. Dava guilty beyond reasonable doubt, as principal of the crime of Falsification of a Public Document, as defined and penalized under the provisions of Article 172 of the Revised Penal Code, and considering the absence of any mitigating or aggravating circumstance, hereby sentences him under the Indeterminate Sentence Law to suffer an indeterminate imprisonment of one (1) year and eight (8) months of prision correccional as minimum, to four (4) years, nine (9) months and ten (10) days of prision correccional as maximum; and to pay a fine of Two Thousand Five Hundred (P2,500.00) Pesos, Philippine Currency, plus the costs of this suit.

“IT IS SO ORDERED.”

Dava appealed to the then Intermediate Appellate Court,[42] which on September 30, 1985 affirmed in in toto the decision of the trial court. On February 27, 1986, the appellate court denied Dava's motion for the reconsideration of said decision finding that no new grounds had been raised therein. Hence, the instant petition for review on certiorari.

Petitioner assails herein the reliance of the courts below on the testimony of Carolino Vinluan on the ground that being a part of the annulled proceedings in Criminal Case No. Q-10759, it may not be considered as admissible in evidence as it cannot qualify as a “testimony at a former trial” under the provisions of Section 41, Rule 130 of the Rules of Court.

We find petitioner's contention to be meritorious. The resolution of the then Intermediate Appellate Court in CA-G.R. No. 24312-CR, expressly annulled the proceedings had in Criminal Case No. Q-10759 for lack of jurisdiction of the Quezon City court over the case. That ruling is founded on solid jurisprudence. We had time and again held that in the absence of proof that the party raising the issue of lack of jurisdiction is barred by estoppel,[43] a decision rendered by a court without jurisdiction is a total nullity.[44] Being worthless in itself, all the proceedings founded upon it are equally worthless.[45] Hence, the testimony of Vinluan is not only inadmissible in evidence but may as well be considered as totally nonexistent.

With the testimony of the late Carolina Vinluan out of the way, is there sufficient evidence to warrant the conviction of the petitioner for the crime charged?

The information specifically charges the petitioner with having made it appear in his driver's license No. 2706887 that "officials of the Pampanga LTC agency participated" in its preparation and with having used the said driver's license knowing that it was falsified. The charges therefore are founded on the provisions of Article 172 (1) of the Revised Penal Code which punishes any private individual who shall commit any of the falsification enumerated in Article 171 specifically paragraph 2 thereof which penalizes the act of causing it to appear that persons (public officials) have participated in any act or proceeding when they did not in fact so participate. The information also charges Dava with having knowingly used a false document under the last paragraph of Article 172.

The evidence at hand proves that petitioner, misrepresenting that he had no driver's license, asked his friend, Manalili, to secure one for him. Sometime in November, 1976, Manalili, who used to get his own driver's license in San Fernando, Pampanga, was able to secure petitioner's driver's license No. 2706887 through fixers at the Land Transportation Commission (LTC) agency in said locality.[46] On January 24, 1978, petitioner renewed his license at the said office by paying the amount of P10.00 for which he was issued official receipt No. 0605870.[47]

In the renewal of drivers' licenses, the practice then was simply to present an official receipt showing that the previous year the licensee had paid for his driver's license to any agency of the LTC, and to pay the renewal fee. As long as the transaction did not involve the issuance of "another form," a driver did not have to fill up an application form for the renewal of a license. The said agency would then issue an official receipt evidencing the renewal of the license but the driver's license itself would not be changed.[48]

Thus, on January 24, 1978, when driver's license No. 2706887 together with official receipt No. 864321[49] were presented to the San Fernando LTC agency, the personnel therein issued official receipt No. 0605870 in the name of petitioner. Although the receipt was not personally signed by office registrar Victor Martin but by his assistant, the receipt[50] was genuine and the amount indicated therein was actually paid to and collected by the San Fernando agency.[51] The driver's license itself may not have been issued by said agency[52] but its form was likewise genuine. However, according to Martin, it was "not OK" because it "did not emanate" from his office and "a facsimile was not printed over" his name therein.[53] Moreover, according to the officer-in-charge of the License Division of the Bureau of Land Transportation in East Avenue, Quezon City, non-professional driver's license No. 2706887 in the name of Michael Dava y Tolosa "is not registered" in their index card.[54]

Hence, while there is no doubt that driver's license No. 2706887 was a spurious one, the evidence do not pinpoint the petitioner as the actual falsifier. Unfortunately, however, there are pieces of evidence which prove beyond reasonable doubt that he caused the falsification and made use of the falsified driver's license knowing it to be so.

The elements of the crime of using a falsified document in any transaction (other than as evidence in a judicial proceeding) penalized under the last paragraph of Article 172 are the following: (a) the offender knew that a document was falsified by another person; (b) the false document is embraced in Article 171 or in any of subdivisions Nos. 1 and 2 of Article 172; (c) he used such document (not in judicial proceedings), and (d) the use of the false document caused damage to another or at least it was used with intent to cause such damage.[55] Except for the last, all of these elements have been proven beyond reasonable doubt in this case.

It is not disputed that it was petitioner himself who requested Manalili to get him a license. He misrepresented to Manalili that he has not at any time been issued a driver's license.[56] Through this misrepresentation and capitalizing on Manalili's awareness of the dire necessity of obtaining a driver's license in the shortest time possible to enable petitioner to perform his duties as detailman, petitioner was able, in a very subtle and clever manner, to induce Manalili to deal with "fixers" in securing the subject driver's license. For indeed, there was no

way Manalili could obtain a driver's license in so short a time without having to deal with "fixers". Thus, as petitioner had calculated, Manalili, who appeared to have been motivated by a sincere desire to help a friend, did not hesitate to deal with three fixers whom he knew were not employees of the LTC and to whom he paid P70.00 for the license even if the legal fee then was only P15.00.[57] As it was in truth petitioner who induced and left Manalili with no choice but to seek the aid of fixers, the fact that it was Manalili and not petitioner who dealt directly with said fixers cannot exculpate petitioner from the charge of falsification. He is, beyond reasonable doubt, a principal by inducement in the commission of said crime.

Petitioner cannot feign ignorance of the spurious character of his second driver's license no. 2706887. Having already obtained a driver's license, he knew that it was not legally possible for him to secure another one. Otherwise, there would have been no need for him to misrepresent to his friend Manalili that he was not then a holder of a driver's license. But even with this misrepresentation, petitioner cannot even begin to believe that Manalili would be able to secure a driver's license through legal means in about an hour's time.[58] The patent irregularity in obtaining driver's license no. 2706887 was more than sufficient to arouse the suspicion of an ordinary cautious and prudent man as to its genuineness and authenticity. In fact, Manalili testified that he himself was surprised when the fixer handed to him the plastic jacket of the driver's license of Michael Dava on November 4, 1976, a few hours after he had sought the fixer's assistance.[59] In those days, all plastic jackets emanated from the LTC Central Office, which accounted for the delay in the release of the license applied for. Under these circumstances, no "reasonable and fairminded man" would say that petitioner did not know that his license was a fake.[60]

A driver's license is a public document within the purview of Articles 171 and 172. The blank form of the driver's license becomes a public document the moment it is accomplished.[61] Thus, when driver's license No. 2706887 was filled up with petitioner's personal data and the signature of the registrar of the San Fernando LTC agency was affixed therein, even if the same was simulated, the driver's license became a public document.

The third element of use of the falsified document is proven by the fact that when petitioner was apprehended by Lising on April 12, 1978 it was in his possession and it was what he presented Lising to show that he had a license. Because he was a detailman who did his job with the use of a car, it is probable that from November 4, 1976 (its date of issuance) until April 12, 1978, petitioner used driver's license No. 2706887.

The driver's license being a public document, proof of the fourth element of damage caused to another person or at least an intent to cause such damage has become immaterial. In falsification of public or official documents, the principal thing being punished is the violation of the public faith and the destruction of the truth proclaimed therein.[62]

In his attempt at exculpation, petitioner asserts that the following ruling in *People vs. Sendaydiego*,[63] should be applied in his favor:

"The rule is that if a person had in his possession a falsified document and he made use of it (uttered it), taking advantage of it and profiting thereby, the presumption is that he is the material author of the falsification. This is especially true if the use or uttering of the forged documents was so closely connected in time with the forgery that the user or possessor may be proven to have the capacity of committing the forgery, or to have close connection with the forgers, and therefore, had complicity in the forgery (*U.S. vs. Castillo*, 6 Phil. 453; *People vs. De Lara*, 45 Phil. 754; *People vs. Domingo*, 49 Phil. 28; *People vs. Astudillo*, 60 Phil. 338; *People vs. Manansala*, 105 Phil. 1253). In the absence of a satisfactory explanation, one who is found in possession of a forged document and who used or uttered it is presumed to be the forger (*Alarcon vs. Court of Appeals*, L-21846, March 31, 1967, 19 SCRA 688; *People vs. Caragao*, L-28258, December 27, 1969, 30 SCRA 993)." (Italics supplied.)

We agree with the petitioner that the presumption enunciated in the Sendaydiego case is not absolute as it is subject to the exception that the accused should have a satisfactory explanation why he is in possession of a false document.[64] His explanation, however, is unsatisfactory as it consists mainly in passing the buck to his friend, Manalili. As stated above, Manalili himself could not have acted on his own accord without the prodding of petitioner.

We cannot help but comment on petitioner's allegations on the role of fixers in government agencies. To him, a fixer is a "necessary evil" who could do things fast for the right amount. He is "not necessarily involved in the commission of forgery or falsification of official documents" and he shares his fees with "insiders".[65]

Fixers indeed appear as undetachable fixtures in government licensing agencies. Why they proliferate is a sad commentary not only on our bureaucracy but also on our own people. While not all fixers are engaged in illegal activities for some simply serve as "facilitators," they nonetheless provide sources for exploitation of the unknowing common people who transact business with the government and for corruption of the gullible government employees. Their unwanted presence must be dealt with accordingly and the soonest this is undertaken by our government agencies the better for all of us.

WHEREFORE, the decision of the respondent appellate court is hereby affirmed. Let a copy of this decision be served on the Department of Transportation and Communication. Costs against the petitioner.

SO ORDERED.

Gutierrez, Jr., Feliciano, Bidin, and Davide, Jr., JJ., concur.

[1] Exh. G.

[2] Exh. G-1.

[3] Criminal Case No. 16474; Exh. F.

[4] Exh. A.

[5] Exh. B.

[6] Exh. B-1.

[7] Exh. D.

[8] Exh. E.

[9] TSN, November 29, 1983, pp. 15-17.

[10] Criminal Case No. Q-10759.

[11] Exhs. K, K-2, K-4, K-11.

[12] Exh. K-4.

[13] Exh. K-5.

[14] Exh. K-10.

[15] Ibid.

[16] Exh. K-11.

[17] Ibid., Exh. K-6.

[18] CA-G.R. No. 24312-CR.

[19] TSN, September 27, 1983 & October 13, 1983.

[20] An examination of Dava's two licenses reveals that there is also a discrepancy on the data regarding his height. In license No. 2706887, it is indicated that Dava is 6 feet 2 inches tall while in license No. 1474427, he is 5 feet 8 inches tall. (TSN, November 29, 1983)

[21] TSN, December 8, 1983.

[22] Ibid., pp. 9 & 13.

[23] Ibid., p. 10.

[24] Exh. G.

[25] Exh. G-1.

[26] TSN, December 8, 1983, p. 29.

[27] Ibid., p. 22.

[28] Ibid., p. 25.

[29] Ibid., p. 28.

[30] TSN, January 10, 1984, p. 2.

[31] Exh. B-1.

[32] TSN, December 8, 1983, p. 31.

[33] TSN, December 20, 1983, p. 7.

[34] Exh. I.

[35] TSN, December 20, 1983, p. 12.

[36] TSN, November 8, 1983, p. 7.

[37] TSN, January 17, 1984, p. 20.

[38] Ibid., p. 21.

[39] Ibid., p. 23.

[40] Ibid., pp. 23-30.

[41] Penned by Judge Florencio Florendo.

[42] Justice Juan A. Sison, ponente, with Justices Federico B. Alfonso, Jr. and Lorna S. Lombos-de la Fuente, concurring.

[43] Technically, petitioner was barred from raising the issue of lack of jurisdiction for the first time on appeal (PNB vs. IAC, G.R. No. 62831-32, July 31, 1986, 143 SCRA 299). But, inasmuch as the prosecution did not question the appellate court's resolution annulling the proceedings in Criminal Case No. Q-10759 on the ground of lack of jurisdiction of the lower court, and went along with the refiling and trial of the case in Pampanga, the

said resolution of the appellate court should be respected.

[44] *Solid Homes, Inc. v. Payawal*, G.R. No. 84811, August 29, 1989, 177 SCRA 72.

[45] *Estoesta, Sr. v. Court of Appeals*, G.R. No. 74817, November 8, 1989, 179 SCRA 203.

[46] TSN, January 17, 1984, p. 16.

[47] Exhs. B-1 and H.

[48] TSN, December 8, 1983, pp. 22-23, 32-33.

[49] See: Exh. B-1.

[50] Exh. B-1.

[51] TSN, December 8, 1983, pp. 21, 24 and 31.

[52] *Ibid.*, p. 28; TSN, January 10, 1984; Exh. H.

[53] TSN, December 8, 1983, p. 22.

[54] Exh. I.

[55] Reyes, *The Revised Penal Code*, Book II, 1975 ed., p. 219.

[56] TSN, January 17, 1984; pp. 16-17.

[57] *Ibid.*, pp. 62; 64-65.

[58] *Ibid.*, pp. 24-25.

[59] *Ibid.*, pp. 68-69.

[60] See: *Alarcon v. Court of Appeals*, 125 Phil. 1110, 1112 (1967).

[61] *U.S. v. Asensi*, 34 Phil. 750 (1916).

[62] *Sarep v. Sandiganbayan*, G.R. No. 68203, September 13, 1989, 177 SCRA 440, 449; *Syquian v. People*, G.R. No. 82197, March 13, 1989, 171 SCRA 223 citing *People v. Po Giok To*, 96 Phil. 913.

[63] L-33252, L-33253 & L-33254, January 20, 1978, 81 SCRA 120, 141.

[64] Petition, p. 19.

[65] Petition, p. 18.

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.