

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ALEX PADRONES AND JOSEPH BIARE @ “JOJO” BIARE, ACCUSED-APPELLANTS.

G.R. No. 85823. September 13, 1990

Ponente: SARMIENTO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-85823/>

SARMIENTO, J.:

The two accused appeal from the judgment of the Regional Trial Court,[1] finding them guilty beyond reasonable doubt for the murder of Lorenzo Sison. The dispositive portion of the decision reads as follows:

WHEREFORE, the Court finds both accused Alex Padrones and Joseph "Jojo" Biare for the death of Lorenzo Sison, Jr., guilty beyond reasonable doubt as principals of the crime of Murder. There being no modifying circumstance to consider, the Court sentences Alex Padrones and Joseph "Jojo" Biare to suffer the penalty of Reclusion Perpetua and to indemnity jointly and severally the heirs of the deceased in the sum of P30,000.00. Costs against both accused.

SO ORDERED.[2]

The above conviction was based principally on the testimony of an alleged eyewitness, Antonio Llaneta, the testimony of Dr. Jose Velasquez, and an alleged ante-mortem statement of the late Lorenzo Sison.

The records of the case disclose that on August 3, 1986, the victim was at the MGR Family Disco and Restaurant (MGR, for brevity), at Surallah, South Cotabato, celebrating his birthday over beer and refreshments with about fourteen nephews and nieces,[3] whereupon the two accused-appellants arrived, one after the other. Joseph Biare arrived at about 12:30 or one o'clock in the morning of August 4, 1986, and about ten minutes later, Alex Padrones appeared.[4] It seems that the two had been old acquaintances who, up to then, had not seen each other for six months.[5] The two apparently exchanged pleasantries, shook hands, but separated immediately. Padrones sat at a table where he met certain women with one of whom he danced. Biare meanwhile sat alone on another table. Padrones also sat alone subsequently on a table away from the women.

The victim then approached Padrones, squeezed his mouth, and uttered challenging words: "Are you not afraid of the Sisons?"[6] (In apparent reference to the Sisons of South Cotabato, a family with a long history of local and national political authority and clout.) He parried the victim's hand and alleged that he saw a knife shining amidst blinking disco lights.[7] He likewise alleged that the victim began lunging away at him with his knife, which he was able to parry with his left hand. Antonio Llaneta, who was with the victim, struck him (Padrones) on the left cheek. He (Padrones) said that he also suffered a cut at the left wrist.[8] The two later fought for possession of the knife but the victim managed to punch him and so did a certain "Neckneck" Sison.[9] He was later ganged upon, so he alleges, for which he suffered bruises.

It was then a picture of pandemonium as men brawled and bottles flew.

Biare, all the while, remained seated.

When the dust settled and the lights went on, Padrones lay crawling on the disco floor, bloodied and his head bowed.

According to Biare, Padrones had his hands raised in surrender. "Please help me, have mercy on me,"[10] he allegedly pleaded. He (Biare) allegedly offered to bring him to a hospital, but the latter allegedly said: "No, because the place is the area where the Sisons are, we might be seen there.[11] Just bring me to our house." [12] He later helped him on his (Biare's) motorcycle and brought him home. He also testified that he also went right on home.

What turned out, however, is that while Padrones nursed his injuries, Lorenzo Sison had also in fact been wounded, as a result also of a knifing, although both Padrones and Biare denied harming him.

Biare claimed that at about three o'clock of August 4, 1986, a certain Pepe Sison, apparently Lorenzo's relative, along with eight armed men, saw him at his house and asked who stabbed Lorenzo. It was the first time, he said, that he learned that the latter had in fact been injured too. At about six o'clock later, he saw him at the municipal hall, according to him, to talk things over.

Padrones supposedly saw Dr. Rolando Arroyo that morning, who found the following injuries on his body:

III – FINDINGS: Presence of injuries possibly due to physical violence.

(1) Contusion, left forehead lower medial portion.

(2) Subconjunctival hemorrhage left eye.

(3) Incised wound, gaping, with both edges sharp, 2.5 cms. in length, superficial, located at the left forearm, lower third, back portion.[13]

Meanwhile, Dr. Jose Velasquez, surgeon at the St. Joseph Hospital, in Surallah, submitted his findings on Lorenzo Sison's wounds:

FINDINGS:

a) right chest presence of clean cut wound due to stab wound about 2 ½ cm. in length along the mid-axillary line between the 6th & 7th ribs penetrating the abdominal cavity perforating the right lobe of the liver with one edge sharp and another rounded.

b) left chest presence of a cut wound due to stab wound with 3 cm. in length with the side sharp and the other side rounded along the mid-axillary line between the 7th & 8th ribs penetrating the plueral cavity perforating the lung tissue and cutting the diaphragm intering the abdominal cavity left.

c) intra abdominal plenty of clotted blood.

d) Operation done exploratory laparatomy abdominal cavity with repair of the diaphragm and liver.

e) thoracetomy left extracted 400 cc of homolyzed blood.

Bearing unforeseen complication said injury heals at least six (6) months.[14]

On August 6, 1986, the authorities commenced frustrated homicide charges against Alex Padrones only.

Meanwhile, on August 13, 1986, Lorenzo Sison signed a handwritten statement in his hospital bed to the Surallah police accusing Padrones of having inflicted one stab wound on him. He also implicated Biare and charged him with stabbing him once.[15]

On August 21, 1986, he expired on account of respiratory failure and internal bleeding.[16]

On November 4, 1986, Fiscal Isaac Moran of the Provincial Fiscal's office filed an amended information accusing both accused of murder, qualified by treachery and evident premeditation.

The star witness for the prosecution, Antonio Llaneta, testified that he was involved in that brawl early in the morning of August 4, 1986 at the MGR in Surallah, and that he was one of those who ganged up on Padrones. He likewise testified that as he beat up Padrones, the latter slipped out a knife and so did Biare. He allegedly retreated, whereupon, saw Padrones bury his knife on Sison.

Later, the two left together on a motorcycle, and Alex was heard to shout: "Diputa kamo, lenti kamo; magkita-ay buas." [17] ["(Expletives deleted), we will see each other tomorrow."]

Dr. Velasquez, testifying for the people, added that the victim had been stabbed by two different instruments, belonging to two different persons, "or one (1) person, if he changed his instrument." [18]

The prosecution having rested, the defense adduced its evidence. The defense presented Miraluna Flores, a waitress at MGR, who testified that the two accused did not enter the premises together, Biare preceding Padrones by ten minutes, and that they did not share the same table. She declared that Padrones was accosted by one of the Sisons and a commotion soon ensued. Biare allegedly remained seated. When the lights went on, Padrones lay on the floor, "filled with blood." [19] Biare helped him up and the two fled.

Gemma Labtic corroborated Flores, insofar as she saw Padrones lying on the floor when the smoke cleared. She said that she saw men arrived with knives, who, however, scampered away when the lights went on.

As noted at the outset, the trial court convicted both accused of murder. According to the court:

The findings of facts stated in the Order granting the cancellation of bail bond of accused Joseph Biare afore-quoted stand. The strength of the evidence of the prosecution remained undiminished even with the testimonies of Miraluna Flores and of accused Biare. It appears natural for accused Joseph Biare to beckon his co-accused, Alex Padrones, upon the latter's arrival for they had not seen each other the past six months. But to merely shake hands then part ways with Alex going to a vacant table leaving his friend co-accused alone and refusing to drink beer together is unnatural. It attempts to establish no conspiracy between them took place. This is discredited for the only purpose shown by the two accused was that they were not companions or were not together that evening particularly during that commotion. For friends to meet after six-months absence means a lot for togetherness. That was why Biare beckoned Alex. And it could not be true that Alex told Biare he was looking for somebody as Alex did not go all over the place but stopped and danced with a woman then seated alone.

That the accused Biare kept sitting on his chair while all customers of MGR stood up during the commotion is also unnatural. Self-preservation could have moved him to stand to be ready to evade if the protagonist may reach his place, or to defend himself. Would one permit his friend molested without raising a voice of protest? No. That Biare only stood up when the lights were on and he saw his friend Alex Padrones crawling is not believable. To rescue Alex at the time that his alleged malefactors were still present and for them to leave after Biare shouted that was enough and have mercy on him is also doubtful. The malefactors could vent their anger to (sic) him, otherwise the malefactors were afraid of Biare. And for what? Biare was armed said Llaneta who backtracked after boxing Alex. Thus, what made Tony Llaneta to leave the place of Alex was Biare's presence where he was holding a knife just beside Alex.

The testimony of Llaneta that he boxed Alex is confirmed by Biare. That Biare escorted Alex after the incident, then both accused rode on a motorcycle is likewise confirmed by Biare. Not rebutted is the testimony of Llaneta that Alex shouted: "Diputa kamo, lenti kamo, magkita-ay kita buas."

Biare's presence with a knife was to ascertain that no one of the several companions of the victim who celebrated his birthday could render succor or save him. It was to make certain the killing. Bringing Alex out to safety made certain Biare's conspirational acts with Alex. The act of one is the act of another. Both are liable as principals.

It taxes one's mind to understand why the victim would carry a knife and threaten Alex by: 1) squeezing Alex's mouth; 2) swinging his right hand towards Alex; 3) stabbing Alex who was able to hold the hand of the victim holding the knife; 4) the grappling and wrestling with Alex when it was the birthday of the victim. During one's birthday one is engrossed with his friends and no doubt did never think or prepare for any trouble. The victim was surprised with the sudden attack of Alex. The victim and his friends were unnerved with the knife used by Alex and the presence of Biare holding a knife nearby. The victim pointed to both accused to have stabbed him.

Not credible is Alex (sic) self defense story. He had no arm (sic). He was ganged up by the victim with a knife who stabbed him and was hit. This is denied by his medical certificate and the doctor's testimony that he did not submit for treatment. With the victim over him and the victim's companions with knives, could Alex escape with his life; would Alex be not seriously injured?

In addition, Alex said he had no quarrel with the victim; so with Biare who said he had no quarrel with the victim before that fatal night. Both said they had no quarrel with Antonio Llaneta. The question is: Why would the victim in his statements given to the police and Antonio Llaneta implicate both of them as the authors of the offense? Since no motive is shown, the Court finds Llaneta's testimony credible.

At a distance of three meters, Antonio Llaneta saw the victim was stabbed while the victim was passing by the accused Alex whom Llaneta boxed. But he could do no more as Biare was raising his knife. Biare was only 1-1/2 meters away from Llaneta who then back-tracked (pp. 26, 27, TSN, July 27, 1987). When one passes by another in public places one is not aware to put up a defense as one does not entertain any thought that he would be attacked by those he passes by at places like MGR. This situation qualifies the crime to murder. Treachery in the attack of the victim was present.

The Court is not inclined to believe that Alex lost consciousness then crawled, bathed with blood. Alex said his father washed his face and eyes. He did not say he undressed his bloody pants or his arms or his body waist up being bloodied. Alex was not really hurt as is made to appear by Biare. Only an eyemo was used to treat him. He submitted to the doctor only for examination. For treatment, no Alex refused to be brought to a hospital as his injury was slight so he should be only brought home, said Biare. Then why would Biare's story be believed that he shouted to have mercy on Alex? And why did he not see the victim with the stab wounds or with blood?

Alex' (sic) witness, a certain Labtic, said August 3, 1986 is a school day where she attended classes but later invited from Koronadal, South Cotabato to disco at MGR at Surallah. August 3, 1986 is a Sunday when referred to a calendar for that year. She did not tell the truth as shown by the following circumstances: 1) since August 4, 1986 she told no one of the incident she testified; 2) she does not know the mother of the person she saw crawling, yet said mother saw her a month before she testified on February 17, 1988 requesting her to testify.

Alex made it appear that it was the victim who provoked him. But the Court rejected such fact testified as it was the victim's birthday celebration. Alex made it appear that he defended himself bare handed as against the victim with a knife and victim's companions with knives too. Yet he was unhurt so to speak for he did not submit for treatment. This is not credible, to repeat.

If it were true that he only defended himself, Alex should have immediately reported to the authorities, filed a complaint against Antonio Llaneta who boxed or kicked him or earlier before the victim died filed a case against the victim. His co-accused could have executed sworn statements to support Alex's complaint. But

none was done by Alex or Biare.

Treachery and conspiracy being present, both accused shall be held equally liable.[20]

This Court finds, based on the evidence, that the trial judge erred, and, therefore, his judgment must accordingly be modified.

The Court also finds the trial judge's conclusions, especially as to the relationship between the two accused, the factor of conspiracy, and the circumstances of treachery and evident premeditation, to be plainly, conjectures and speculations, and they can not satisfy the legal requisite of proof beyond reasonable doubt to justify a conviction for an offense, in this case, murder. This Court is indeed, genuinely distressed, and has every reason to be so, because His Honor could not have, by any stretch of logic made out, by simply piecing the evidence together, his findings that: (1) the two accused-appellants went to MGR on August 3, 1986 in a well-planned conspiracy to eliminate the deceased; (2) they pretended that they had just met there by chance, but had all along plotted to kill the victim; (3) the accused-appellant, Joseph Biare, deliberately positioned himself so that "no one of the several companions of the victim who celebrated his birthday could render succor or save him,"[21] (4) the deceased could not have threatened the accused, Alex Padrones, or accost him challengingly, because "[d]uring one's birthday, one is engrossed with his friends and no doubt did never [sic] think or prepare for any trouble;"[22] and that (5) Padrones could not have been the victim of a mauling because "he did not submit [himself] for treatment." [23] The Court is at a loss because none of these inferences are apparent from the evidence, the prosecution's or the accused's. What is apparent, on the other hand, is that judging from His Honor's self-righteous outburst, as it were, His Honor had his own subplot on the events, when as magistrate, his sole and paramount concern was to try facts and apply the law.

The two accused's story that they had actually met by happenstance at the MGR on the night in question not only stands uncontradicted in the records, this Court finds it, contrary to the opinion of the trial judge, not to be per se an implausible or impeachable story. What is more, it can not be justifiably and validly contended that because the two, after bumping into each other did not act like long-lost friends, it means that they had met previously, of all things, in order to plot the killing of Lorenzo Sison. This is sheer inference that itself rests on an inference. It is not fact.

The trial judge portrays the accused-appellants' "chance meeting" as an effort "to establish no conspiracy between them took place." [24] What he, the trial judge, loses sight of is the fact that the accused were not called upon to discredit the prosecution's theory of conspiracy. It was the prosecution's duty to establish the existence of what the prosecution alleged to be conspiracy.

The trial judge also expresses doubts whether or not the accused, Joseph Biare, indeed just minded his own business while the Sisons ganged up on his co-accused. "Would one permit his friend molested," he inquired, "without raising a voice of protest?" [25] His rich imagination is fascinating, but that hardly belongs to a judge. As Biare averred, he did come to the aid of his co-accused, although after the damage had been done and the latter lay battered on the ground. What the judge would make out, however, from the defense's version is that either Padrones or Biare merely contrived the whole yarn, and that the melee never occurred at all (because as he states, if there indeed was one, Biare would have allegedly stood up for a friend in distress). But the very testimony of Antonio Llaneta, witness for the prosecution, is arrayed against him, the latter having admitted "that he boxed [sic] Alex [Padrones]." [26]

Padrones' parting statement: "Diputa kamo, lenti kamo, magkita-ay kita buas," [27] and the fact that both accused left together can not be accepted by the Court as a piece of evidence of conspiracy. It has been held that conspiracy, like the offense itself, must be shown to exist beyond reasonable doubt. [28] So also has it been held

that conspiracy "transcends companionship".[29] Hence, the fact that the two accused may have happened to leave together, and one of them left a closing warning, can not instantly support a finding of conspiracy. The prosecution is, in addition, hard put to adduce evidence demonstrating facts that the parties had priorly come to an agreement to commit the crime with which they are charged. Although the act of agreeing need not be demonstrated, evidence of the fact of agreement must nonetheless be convincingly shown. The accused's acts after the fact, by themselves, are inadequate to show that previous agreement.

The trial court is "taxed" how the victim, as the defense alleged, could have squeezed Alex Padrones by the mouth, taken a swing at him, and armed himself with a knife--when it was supposedly his birthday. This Court is taxed not only with the trial court's improper and unjudicial recourse to non sequiturs, but because it is in such celebrations that trouble is in fact commonplace. Antonio Llaneta, as we earlier indicated, admitted having thrown punches at Padrones.

The fact that Padrones did not check into a hospital in view of his injuries can not erase the other fact that he did sustain injuries. Dr. Rolando Arrojo's testimony, a testimony that has not been to this day rebutted, illustrated that, among other wounds, Padrones suffered an "[i]ncised wound, gaping, with both edges sharp, 2.5 cms. in length, superficial, located at the left forearm, lower third, back portion." [30] It was a wound that did not obviously require hospitalization, for which Padrones did not precisely ask for one. But Padrones' omission did not eliminate all possibility that he (Padrones) too was a victim of a mauling and had suffered injuries therefrom.

Certainly, the trial judge has shown no rational basis why he should reject the defense's story completely and accept that of the prosecution unquestioningly. The tragedy here is that two men, both in their early twenties, are facing long jail terms because the trial judge had his own theory about the case.

The Court notes with legitimate concern the conviction in question that has indeed been made to stand on the infirmity of the accused's evidence. We have uniformly ruled, in this connection, that the prosecution must win its case on the strength of its evidence and not on the weakness of that of the defense.[31]

The testimony of Antonio Llaneta suggests that both accused lunged at the victim once each giving rise to two injuries. On the stand he alleged:

Q Then who was the other one who stabbed Sison, do you know him, which you do not know whether it hit him or not?

A I am not sure of that one but what I am positive is the stabbing blows of Alex Padrones was the one that hit Lorenzo Sison.

Q Did anyone, other than Alex Padrones, stab Lorenzo that evening?

A There was.

Q Who was the other person who stabbed Sison, other than Alex? Don't be afraid?

A I am not sure who stabbed but what I can positively identify was Alex who stabbed Lorenzo.

Q So the Court understands that you are not sure who was the other person who stabbed Sison?

A Yes sir.

Q In your doubt, who was that person?

ATTY. AVANCE:

We object, he said he was not sure.

COURT:

Let that be on record.

Answer.

MR. ANTONIO LLANETA:

I believe it was Jojo Biare.

COURT:

Q You must have basis of your belief, why do you think that Jojo Biare also stabbed?

A Because he was near us.

Q Who were those "us"?

A Near us, I and Lorenzo Sison, Sir.[32]

While he was categorical that Alex Padrones did inflict a stabbing wound on Lorenzo Sison, he could not say the same thing as far as Joseph Biare was concerned. It was his opinion or belief that Biare did make a thrust on the victim, but evidently that was his opinion. Our law on evidence, however, excludes opinions, as a general rule, and allows only facts.[33] What is important is that he did not see Biare in the act of thrusting his knife.

It is also noteworthy that in his sworn statement to the police,[34] executed the morning after the incident, Llaneta did not implicate Biare, but confessed having seen Padrones only, stabbing the victim twice. In addition, the prosecution itself never pressed him, Llaneta, in naming Biare; apparently the latter's name cropped up upon the very prodding of the trial Judge. The record indeed shows that upon His Honor's questioning, "In your doubt, who was that person?"[35] the defense objected, "We object, he said he was not sure,"[36] although His Honor overruled the latter: "Let that be on record." [37]

We also note that in her sworn statement to the police, Emily Bautista, niece of the deceased, who attended the tragic birthday celebration, alleged:

12. Q - How did you happen to know that Alex Padrones was the one who stab[bed] your uncle Lorenzo Sison?

A - I actually [saw] him at the time he stabbed my uncle.

13. Q - How many times did Alex Padrones stab Lorenzo Sison?

A - Two (2) times, Sir.[38]

Bautista's claim finds corroboration in the statement of Federico Sison, a nephew of the victim, who was likewise present when the fatal stabbing occurred, as follows:

08. Q - Who stabbed Lorenzo Sison?

A - It was Alex Padrones.

09. Q- How did you know that it was Alex Padrones who stabbed Lorenzo Sison?

A - I saw him doing the act of stabbing.

10. Q - What happened to Lorenzo Sison when he was stabbed?

A - He was injured.

11. Q - How many times did Alex Padrones stab Lorenzo Sison?

A - As what I ha[d] seen he had successfully stabbed Lorenzo Sison for two times and I saw him attempted to strike Lorenzo Sison for the third time but I parried his hand holding the knife and later we grappled [for] possession of the knife which he used in stabbing Lorenzo Sison.[39]

There is indeed nothing in these three statements, except for Llaneta's guesswork at the stand, that would insinuate in the least Biare's part in the killing.

The Court does not find Dr. Jose Velasquez's testimony conclusive either--as to Biare's liability. The doctor's testimony is as follows:

Q So what is your conclusion with respect to the number of instrument which caused these kind of wounds?

A In my personal observation backed up with my 20 years experience in medico-legal cases, the wounds were caused by two (2) sharp instruments.

Q Possibly wielded by two (2) persons on the same victim?

A. Possibly two (2) persons striking on the victim at the same time; or one (1) person, if he changed his instrument.[40]

It does not unqualifiedly render Biare culpable, for the plain reason that the good doctor did not see him do the stabbing, or that he was the other assailant, assuming that there were in fact two assailants. Moreover, both Emily Bautista and Federico Sison, himself positively claimed in their statements that they saw Padrones stab the deceased twice. Between positive eyewitness accounts and a physician's bare opinion, we have little difficulty in accepting the former and rejecting the latter.

The victim's alleged ante-mortem statement is not in fact, an ante-mortem statement.[41] It was executed on August 13, 1986, when the deceased died on August 21, 1986. A dying declaration, to be one, must have been "under the consciousness of an impending death." [42] At the time he rendered it, he could not say that he was on the pangs of death, based on his actual condition at that time, and that he believed that death was soon at hand.[43]

It bears to stress that a mere cursory examination of the three signatures appearing on the three-page statement, in bold and clear strokes with two of them occupying four inches of the page, and in grand flourishes, pronounced and considered by the trial judge as a dying declaration, precludes any indication that the signer thereof was under an impending death. Further, if the deceased were truly on the point of death, he could not have had the strength to affix three signatures as above described.

That being the case, Exhibit "D" constitutes hearsay evidence and is accordingly, inadmissible.

As the facts--and the bare facts--stand, it is only the accused, Alex Padrones, who should be made to account for the death of Lorenzo Sison. The Court finds, however, his liability to be one for mere homicide in the absence of proof of treachery and evident premeditation. The killing resulted from a free-for-all, and the victim can not rightfully be said to have been deprived of all possible defenses and that the accused took advantage of his vulnerability.[44] Neither is evident premeditation aggravating because the fracas was the result of rising tempers, not a deliberate plan.[45]

WHEREFORE, the accused, Joseph Biare, is ACQUITTED on reasonable doubt. The accused, Alex Padrones, is convicted of homicide, with no modifying circumstances, and is sentenced to an indeterminate penalty of eight (8) years and one (1) day of prision mayor to seventeen (17) years and four (4) months of reclusion temporal, and to pay indemnity in the amount of P50,000.00. Costs against Padrones.

SO ORDERED.

Melencio-Herrera, (Chairman), Paras, Padilla, and Regalado, JJ., concur.

[1] Regional Trial Court, Branch 26, Surallah, South Cotabato; Hon. Dinopol, Cristeto, presiding judge.

[2] Original Records, 217.

[3] Id., 210.

[4] T.s.n., 210. Session of July 7, 1989, 24.

[5] Original records, id., 210.

[6] Id., 212.

[7] T.s.n., id., 41.

[8] T.s.n., Session of November 17, 1989, 148.

[9] Id., 149.

[10] Original Records, id., 211.

[11] T.s.n., Session of November 17, 1987, id., 154.

[12] Id.

[13] Medico Legal Examination Report (undated), Office of the Rural Health Physician, Surallah, South Cotabato. (Exhibit "I".)

[14] Certification issued by Dr. Jose Velasquez, dated August 4, 1986. (Exhibit "A".)

[15] Statement of Lorenzo Sison, August 13, 1986, St. Joseph Hospital, Surallah, South Cotabato. (Exhibit "D".)

[16] CERTIFICATE OF DEATH, Lorenzo Sison, August 21, 1986, Local Civil Registry, Surallah, South Cotabato. (Exhibit "H".)

[17] Original Records, id., 207.

[18] T.s.n., Session of July 7, 1987, id., 11.

[19] Original Records, id., 210.

[20] Id., 213-217.

[21] Id., 214.

[22] Id.

[23] Id., 216.

[24] Id., 213.

[25] Id., 214.

[26] Id.

[27] Id., 207, 214.

- [28] *People v. Saavedra*, No. L-48738, May 11, 1987, 149 SCRA 610.
- [29] *Supra*, 627, citing *People v. Custodio*, No. L-304463, October 30, 1972, 47 SCRA 289.
- [30] Exhibit "1", *id*; see fn. 13.
- [31] *People v. Saavedra*, *supra*.
- [32] T.s.n., Session of July 7, 1987, *id.*, 28-29.
- [33] RULES OF COURT, Rule 130, secs. 48-50.
- [34] Exhibit "1"
- [35] T.s.n., Session of July 7, 1987, *id.*, 29.
- [36] *Id.*
- [37] *Id.*
- [38] Original Records, *id.*, 15.
- [39] *Id.*, 17.
- [40] T.s.n., Session of July 7, 1987, *id.*, 11.
- [41] Exhibit "D"; see fn. 15.
- [42] RULES OF COURT, Rule 130, *supra*, sec. 37.
- [43] See 5 MORAN, COMMENTS ON THE RULES OF COURT 296. (1980 ed.)
- [44] *People v. Gonzales*, 76 Phil. 473 (1946).
- [45] *Supra*.

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.