

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. LUCIANO DE GUZMAN, EFREN REYES AND BERNARD BUSTAMANTE, APPELLANTS.

G.R. Nos. 135779-81. November 21, 2003

Ponente: CORONA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-135779-81/>

CORONA, J.:

This is an appeal from the decision[1] of the Regional Trial Court, Branch 54, Alaminos, Pangasinan, in Criminal Case Nos. 2504-A, 2505-A and 2506-A finding herein appellants Luciano de Guzman, Efren Reyes and Bernardo Bustamante guilty of three counts of murder.

The separate informations charging the appellants with murder read:

CRIMINAL CASE NO. 2504-A

That on or about March 9, 1992, at sitio Mandapat, Brgy. Malimpin, Municipality of Dasol, Province of Pangasinan, New Republic of the Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping one another, with intent to kill, with treachery and evident premeditation with abuse of superior strength and taking advantage of the night time to ensure (the) commission of the offense did then and there wilfully, unlawfully and feloniously shoot Presente Calamno with the use of M-16 and M-14 rifles, inflicting upon him multiple gun shot wounds which caused his instantaneous death, to the damage and prejudice of his heirs.

Contrary to Article 248 of the Revised Penal Code.

CRIMINAL CASE NO. 2505-A

That on or about March 9, 1992, at sitio Mandapat, Brgy. Malimpin, Municipality of Dasol, Province of Pangasinan, New Republic of the Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping one another, with intent to kill, with treachery and evident premeditation, with abuse of superior strength and taking advantage of the night time to ensure the commission of the crime, did then and there wilfully, unlawfully and feloniously shoot Bernardo Calamno with M-16 and M-14 rifles inflicting upon him several gun shot wounds which caused his instantaneous death, to the damage and prejudice of his heirs.

Contrary to Article 248 of the Revised Penal Code.

CRIMINAL CASE NO. 2506-A

That on or about March 9, 1992, at sitio Mandapat, Brgy. Malimpin, Municipality of Dasol, Province of Pangasinan, New Republic of the Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping one another, with intent to kill, with treachery and evident premeditation, with abuse of superior strength and taking advantage of the night time to ensure (the) commission of the offense, did then and there wilfully, unlawfully and feloniously shoot Teofilo Calamno, Jr. with M-16 and M-14 rifles inflicting upon him several gun shot wounds which caused his instantaneous death, to the damage and prejudice of his heirs.

Contrary to Article 248 of the Revised Penal Code.

The facts of the case, based on the testimonies of the prosecution witnesses, were summarized by the Solicitor General in his brief:

On March 9, 1992, about 8:00 o'clock in the evening, Ariston (Ariston) Calamno was on the way to the house of his father, Bernardo (Bernardo) Calamno, to get a match. Bernardo's house was located at Mandapat, Malimpin, Dasol, Pangasinan. Before Ariston could reach Bernardo's house, from a distance of five (5) to six (6) meters, Ariston saw six (6) persons and recognized three (3) of them as appellants, who had long firearms pointed at his father, Bernardo, his brother, Presente (Presente) Calamno, and his cousin, Teofilo (Teofilo) Calamno.

Ariston saw Bernardo sitting on the armrest of a sofa; beside Bernardo was Teofilo. Presente was between the two (2). The three (3) were seated against the wall of Bernardo's house. The place was illuminated by moonlight. Ariston then hid behind banana trees. He saw appellant de Guzman shoot Bernardo, Presente and Teofilo one after the other. Appellants Reyes and Bustamante were beside de Guzman. Bernardo, Teofilo and Presente fell from their seats. Appellants watched the three (3) victims for about three (3) minutes. After ascertaining that the victims were dead, appellants left. Because of fear and feeling that the assailants were still around, Ariston went back to his house, which was located west of his father's house, 20 to 25 meters away.

Ariston's and Teofilo's wives, Salvacion and Nelia, reported the incident to the Barangay Captain. Ariston was present when the police conducted an investigation and took pictures of Bernardo's house and its wall; the sofa, where Bernardo and Presente were seated at the time of the incident; the bodies of Bernardo, Presente, and Teofilo. Thereafter, Ariston executed a statement about the incident.

Teofilo (Teofilo, Sr.) Calamno, Sr., father of deceased Teofilo Calamno, Jr., testified that on March 9, 1992, about 8:00 o'clock in the evening, he was resting at his house at Barangay Malimpin, Dasol, Pangasinan, when he heard gunshots coming from the house of Bernardo Calamno, about twenty (20) meters away.

Teofilo, Sr. went down his house and crawled up to the house of Bernardo. From a distance of about seven (7) to eight (8) meters, he saw eight (8) armed men, three (3) of whom he recognized as appellants. The moon was bright and he saw de Guzman fire at Bernardo, Presente and Teofilo, Jr. Appellants Reyes and Bustamante were about one-half meter away from de Guzman, standing on the latter's right side and facing the three (3) victims. Reyes and Bustamante also carried long firearms.

After the shots were fired, appellants stayed at the scene of the incident for a while to determine if the victims were still alive. After appellants had left, Teofilo, Sr. came out from where he was hiding to check on the victims. Finding that the three (3) victims were dead, he went home. He did not report the incident to the barangay authorities because appellants might see him and shoot him. The next morning, on his way to report the incident to the barangay authorities, he first went to the house of Nelia Calamno, husband of Teofilo Calamno, Jr. He was informed that Nelia Calamno had gone to report the incident to the Barangay Captain. Thus, Teofilo, Sr. went to town where he met the Barangay Captain and his companions, Chief of Police Nacar and some policemen, who were on their way to the house of the deceased Bernardo Calamno to conduct an investigation.

Teofilo, Sr. went with Chief Nacar's group. A photographer took pictures of the victims, Presente Calamno, Teofilo Calamno, Jr., (and) Bernardo Calamno. The cadavers were taken by the policemen to the Municipal Hall of Dasol, Pangasinan for autopsy. Teofilo, Sr. then executed a sworn statement regarding the incident.

Nelia Calamno, wife of Teofilo Calamno, Jr., testified that her house was more than fifty (50) meters away from the house of deceased Bernardo Calamno. On March 9, 1992, about 8:00 o'clock in the evening, while feeding her dog, she heard the barking of dogs and footsteps going northward, after which she saw a group of armed men pass by her house. They were dressed in fatigue uniforms and carrying long firearms. She

recognized appellant Luciano de Guzman as one of them. Nelia was holding a kerosene lamp and the place was illuminated by moonlight.

The group had walked about fifty (50) meters from her house when Nelia heard successive gunshots coming from the house of Bernardo Calamno. She was frightened as she was alone with her child. Her husband, Teofilo Calamno, Jr., was not in their house as he had gone to the house of Bernardo Calamno that evening. She did not go out of her house that night and she was not able to sleep since her husband did not come home.

The following morning, on March 10, 1992, Salvacion Calamno, wife of Ariston Calamno, went to Nelia's house and told her that Teofilo, Jr. was dead. Salvacion asked her to come with her to report the matter to the Barangay Captain, Emilio Cabrido. After reporting the incident to Cabrido, the latter in turn reported the matter to the police. Nelia and Salvacion proceeded to the house of deceased Bernardo Calamno where they saw the bodies of Bernardo, Teofilo, Jr. and Presente. After a while, the policemen arrived with a photographer. Pictures of the place and the bodies were taken. The bodies of the victims were taken to the municipal hall for autopsy. Nelia executed a sworn statement before the Dasol PNP station. She testified that she spent P12,000.00 for Teofilo, Jr.'s funeral. She declared that her husband was a farmer and earned the equivalent of fifty (50) to seventy (70) cavans of palay a year; they had one child who was two (2) years old when Teofilo, Jr. was slain.

Salvacion Calamno, wife of Ariston Calamno, testified that the deceased Bernardo Calamno was her father-in-law, Teofilo Calamno, Jr. the cousin of her husband and Presente Calamno her brother-in-law. She knew appellants Luciano de Guzman, who was a resident of Barangay Malimpin, Mandapat, Pangasinan, Efren Reyes and Bernardo Bustamante because they were CAFGU members in San Vicente, Dasol, Pangasinan but she did not know accused Sgt. Orpilla. She and her husband spent the total amount of P23,000.00 for the funeral expenses of Bernardo and Presente. She was with Nelia Calamno when the incident was reported to the Barangay Captain.

SPO3 Fredelito Nacar, Deputy Chief of the Dasol PNP Station, Pangasinan, testified that he headed the investigation conducted on the killing of Bernardo, Presente and Teofilo, Jr., all surnamed Calamno. He recovered at the crime scene twelve (12) empty shells of M-14 bullets and twelve (12) empty shells of M-16 bullets, some of which were about two (2) meters away from the bodies of the victims and some scattered on the dead bodies. He testified that some of the CAFGU members were issued garand rifles and some Armalites M-14 and M-16. He took the statements of the relatives of the victims. (citations omitted)

Appellants put up the defense of denial and alibi. Appellants de Guzman and Reyes testified that they did not know anything about the killing of the Calamnos. On the day of the incident, they were on duty from 6:00 to 8:00 p.m. at the Citizen Armed Force Geographical Unit (CAFGU) camp in San Vicente, Dasol, Pangasinan. After their duty, they cooked and ate their supper, went to sleep in their bunkhouse and woke up at 6:00 a.m. the following day. Appellant Bustamante also denied killing the Calamnos but had a different alibi. He testified that, on the day of the incident, he was on leave and was at home cementing his balcon, together with Wilfredo de Leon, Eduardo Bustamante and Patricio Pulido. They started working around 8:00 a.m. and finished at 9:00 p.m. Defense witness Wilfredo de Leon, the cousin of appellant Bustamante, corroborated his alibi. He claimed that since it was already late, he slept in appellant Bustamante's house that night. They woke up at 6:00 a.m. the following day and only learned of the Calamno murders at about 9:00 a.m.

The trial court, however, gave credence to the prosecution's version and convicted appellants of murder:

WHEREFORE, in consideration of the foregoing premises, judgment is hereby rendered, declaring all the accused Luciano de Guzman, Bernardo Bustamante and Efren Reyes in conspiracy with and acting in concert with one another, in Criminal Case Nos. 2504-A, 2505-A and 2506-A GUILTY BEYOND REASONABLE DOUBT of the crime of Murder as defined under Article 248 of the Revised Penal Code with the aggravating circumstances of nighttime and treachery and shall, therefore, suffer the single indivisible penalty of Reclusion

Perpetua in Criminal Case No. 2504-A for each of the above-mentioned accused; another single indivisible penalty of Reclusion Perpetua in Criminal Case No. 2505-A for each of the above-mentioned accused and another single indivisible penalty of Reclusion Perpetua in Criminal Case No. 2506-A for each of the above-mentioned accused.

The Court finds that all the accused are liable for damages in the sum of P50,000.00 for each of the victims in accordance with law and all accused are severally liable for these indemnities imposed.

Until accused Samuel Orpilla is apprehended by the authorities, together with his co-accused, John Doe and Peter Doe, these `Does' not having been identified as yet, these cases are ordered archived in the meantime. However, let Alias Warrant of Arrest issue as against them.

IT IS SO ORDERED.

Dissatisfied with the decision, appellants elevated these cases to us on appeal. Two separate briefs were filed, one by appellant de Guzman and another by appellants Reyes and Bustamante.

Appellant de Guzman raises the following assignments of error:

- THE TRIAL COURT ERRED IN DISREGARDING THE APPELLANT'S DEFENSE OF ALIBI;
- THE TRIAL COURT VIOLATED THE CONSTITUTIONAL PRESUMPTION OF INNOCENCE AS IT RESOLVED ALL DOUBTS AGAINST THE APPELLANT LUCIANO DE GUZMAN.

On the other hand, appellants Reyes and Bustamante raise the following assignments of error:

- THE LOWER COURT GRAVELY ERRED IN CONCLUDING THAT ACCUSED-APPELLANT BERNARDO BUSTAMANTE PARTICIPATED IN THE COMPLAINED INCIDENT BECAUSE HE WAS FOUND POSITIVE OF POWDER BURNS;
- THE LOWER COURT GRAVELY ERRED IN HOLDING THAT ACCUSED-APPELLANTS EFREN REYES AND BERNARDO BUSTAMANTE CONSPIRED WITH THEIR CO-ACCUSED LUCIANO DE GUZMAN;
- LOWER COURT GRAVELY ERRED IN CONCLUDING THAT THE CRIME COMPLAINED OF WAS PERPETRATED BY TREACHERY AND NIGHTTIME;
- THE LOWER COURT GRAVELY ERRED IN DISREGARDING THE EVIDENCE PROFFERED BY ACCUSED-APPELLANT EFREN REYES AND BERNARDO BUSTAMANTE.

In essence, both briefs assail the trial court decision which gave full faith and credence to the testimonies of the prosecution witnesses.

After a thorough study of the records, this Court finds that the testimony of Ariston Calamno (the son of victim Bernardo and brother of victim Presente) should be disregarded. We are not convinced that he was really present at the crime scene and that he actually witnessed the killing of his father and relatives. His testimony on cross-examination was as follows:

ATTY. BERNAL:

Q:

Now you made mention that on the night of March 9, 1992, you arrived from San Vicente, Dasol, Pangasinan where you were making charcoal, can you tell us what ride did you take (sic) from the place you were making

charcoal to Malimpin?

A:

By carabao back, sir.

Q: With cart?

A: Yes, sir. Sled.

Q: This sled was loaded with something?

A: Yes, sir.

Q: What was loaded in it?

A: Cogon.

Q: What time did you leave that place where you were making charcoal?

A: About three o'clock in the afternoon, sir.[2]

Q:

My question is, from your house in Mandapat, Malimpin, Dasol, Pangasinan, from the place were you (sic) making charcoal, how many kilometers?

A: 15-20 kilometers, sir.

Q:

And whenever you go to the place where you are making charcoal, and you will ride a sledge, how many hour (sic) will it take you?

A: 4-5 hours, sir, if the sledge is empty.

Q: And if it is loaded, how many hours?

A:

7-8 hours, sir.[3]

From the foregoing, it is logical to conclude that if Ariston left San Vicente at 3:00 p.m. on March 9, 1992 using a carabao-drawn sled loaded with cogon, he should have arrived at Malimpin between 10:00 and 11:00 p.m. Consequently, he could not have possibly witnessed the incident at about 8:00 p.m. For this reason, we doubt the veracity of his alleged eyewitness account. It is a cardinal rule in criminal law that all doubts must be resolved in favor of the accused.[4]

The failure of the court a quo to admit defense witness Rudy Bastillo's sworn statement impeaching the testimony of Ariston, assigned as error no. IV by appellants Reyes and Bustamante, need not therefore be discussed because of our misgivings about Ariston Calamno's testimony.

However, the inadmissibility of Ariston's testimony notwithstanding, the appellants' guilt for the crimes charged was established beyond reasonable doubt by the prosecution through the eyewitness account of Teofilo, Sr. regarding the murder of Teofilo, Jr., and through circumstantial evidence regarding the murders of Bernardo and Presente.

With respect to the murder of his son Teofilo, Jr., Teofilo Sr. testified as follows:

ATTY. BERNAL:

Q:

Now, you mentioned Mr. Calamno that you were then resting in the evening of March 9, 1992, at about eight o'clock when you heard a gun fire, do you still maintain that, gun burst or gun fire?

A: Yes, sir.

xxx xxx xxx

Q: How is that gun fire that you heard first? Will you describe to us how you heard the first gun fire?

A: Prrrrt,- sound denoting a successive burst or gun fire.

Q:

And after hearing that first burst or gun fire according to you, you went down and went near the house of your brother Bernardo Calamno, is that correct?

A: Yes, sir.

xxx xxx xxx

COURT:

Q: When you reached the place, the place where you said you hid, did you hear another gun burst?

WITNESS:

A: Yes, sir.

ATTY. BERNAL:

Q: How many burst of gun fire?

A: One (1), sir.

Q: So there were only two burst (sic) of gun fire that you heard therefore Mr. Calamno?

A: As if three (3), sir, because the gun burst is long. (Witness indicating the sound of successive gunshots).

Q: So you are telling us therefore that on the second burst, second long burst of gun fire you have already witness (sic) that?

A: Yes, sir.

xxx xxx xxx

ATTY. BERNAL:

Q: You saw Luciano de Guzman fired (sic) his gun. To whom was he firing at that time?

A: Teofilo Calamno, Jr., sir.

Q: Teofilo Calamno, Jr. only?

A: Yes, sir, because there is a series of gun shots, sir, successively, and I only saw Teofilo Calamno, Jr., who fell down.

Q:

Now, we will abbreviate this, we will make it short Mr. Calamno. You mentioned that there were only, you heard two burst (sic) of gun fire, one, when you were still at your house resting, second, you are or when you were already at the place at the side of the house of your brother Bernardo Calamno and you are telling us now that when, on the second burst of fire you only saw Luciano de Guzman fire only at Teofilo Calamno, Jr., is that correct?

A: Yes, sir.

Q: Who shot Bernardo Calamno and Presente Calamno?

A: I did not see, sir, perhaps when I was still in my house, during the first gun burst, they were already hit."[5]

His testimony on the murder of his son Teofilo, Jr. was clear, categorical and worthy of belief. The defense attempted to discredit his testimony by alleging certain inconsistencies between his sworn statement and testimony in open court. In his sworn statement, he declared that, of the eight men present at the crime scene, he only recognized appellant de Guzman; in open court, he declared that he recognized appellants Efren Reyes and Bernardo Bustamante as part of the group. As pointed out by the trial court, however, this seeming inconsistency was adequately explained by witness Teofilo, Sr. who said that he did not name appellants Reyes and Bustamante in his affidavit since he did not see them fire at Teofilo, Jr. It was appellant de Guzman he saw gun down his son. There was thus no inconsistency to speak of.

Appellants Reyes and Bustamante also argue that, because the gun bursts were in succession, it was impossible for Teofilo, Sr. to have witnessed the killing as he had to go down his house and crawl towards the eastern wall in a minute or less. We fail to see how it was impossible for Teofilo, Sr. to have gone down his house and climbed the eastern wall in a minute or less. According to Nelia Calamno, there was a one-minute interval between the first and second gun bursts.[6] Teofilo, Sr.'s house was small and it was completely possible for him to run down and crawl to the eastern wall in less than a minute. It was even smaller than Bernardo's and from the pictures[7] forming part of the records of the case, Bernardo's house was not big at all.

As for the shooting of Bernardo and Presente, although no one actually saw who shot them, the guilt of appellants for their death was established by circumstantial evidence. Under Rule 133, Section 4 of the Revised Rules of Court, circumstantial evidence is sufficient for conviction if:

(a)

there is more than one circumstance;

(b)

the facts from which the inferences are derived are proven and

(c)

the combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.

In the case at bar, the following circumstances proved beyond doubt that the appellants were responsible for the murder of Presente and Bernardo: (a) prosecution witness Nelia Calamno saw them pass her house, carrying long firearms and walking northward; (b) after three minutes or so, she heard a burst of gun fire coming from the

direction of Bernardo's house, about 50 meters north of hers; (c) Teofilo, Sr. also saw appellants at the scene of the crime when Teofilo, Jr. was shot and (d) based on the empty M-14 and M-16 shells found at the crime scene, the long firearms Nelia and Teofilo, Sr. saw being carried by appellants were actually used by them.

These circumstances constitute an unbroken chain leading to the fair and reasonable conclusion that the appellants, to the exclusion of all others, were the guilty persons.[8] Appellants' defenses of denial and alibi were weak. Alibi is easy to fabricate but difficult to prove. It cannot prevail over the positive identification of the accused by witnesses. We have held that for the defense of alibi to prosper, the requirements of time and place (or distance) must be strictly met. It is not enough to prove that the accused was somewhere else when the crime was committed. He must also demonstrate by clear and convincing evidence that it was physically impossible for him to have been at the scene of the crime during its commission.[9] Appellants miserably failed in this respect.

The trial court was correct that there was conspiracy among the appellants in killing the victims. Conspiracy exists when two or more persons come to an agreement concerning the commission of a felony and decide to commit it. Proof of conspiracy may be inferred from the acts of the accused before, during and after the incident, direct proof not being essential at all. The acts must point to a joint purpose, concert of action or community of interest,[10] that is, all the accused acted in concert, each of them doing his part to fulfill the common design to kill the victim. Thus, the act of one becomes the act of all and each accused is deemed equally guilty of the crime committed, regardless of who pulled the trigger.

In the case at bar, conspiracy may be inferred from the concerted acts of appellants. They arrived at the house of Bernardo together, all of them bearing long firearms. Appellants Reyes and Bustamante stood three meters to the right of appellant de Guzman while he fired at Teofilo, Jr. All of them stayed after the shooting to ascertain that their victims were dead and thereafter left together at the same time. These actions clearly suggested that their only purpose in going to the house of Bernardo was to kill the victims.

We also affirm the trial court's appreciation of the qualifying circumstance of treachery. The means, methods and manner of the attack were adopted obviously to insure its execution, without risk to appellants arising from any defense which the victims might have made.[11] Appellants, together with four other armed men, surrounded the unarmed and defenseless victims and fired at them using high-caliber automatic weapons. Because of the weapons used and the victims' relative positions, i.e., seated together on a sofa against the wall, the victims could not have defended themselves against appellants' attack. The fact that the killings were frontal did not negate treachery because the carnage was so sudden and unexpected, and the victims unarmed, that they were not in a position to offer any defense at all.[12] The crime committed was doubtlessly murder.

The aggravating circumstances of nighttime and abuse of superior strength were absorbed by the treachery.[13] Although evident premeditation was likewise alleged in the information, the court a quo was correct in not appreciating it since the prosecution was not able to prove it.

Consequently, in the absence of any aggravating or mitigating circumstances, the proper penalty imposable on appellants for murder qualified by treachery is reclusion perpetua.[14]

We affirm the award of P50,000 as civil indemnity for each of the victims. Civil indemnity is automatically granted to the heirs of the victim without need of any evidence other than the fact of the commission of the crime.[15]

We also award P50,000 as moral damages as the circumstances surrounding the untimely and violent deaths, in accordance with human nature and experience, could have brought nothing but emotional pain and anguish to the victim's family.[16] Further, an award of P25,000 as temperate damages is also granted to the victims' family for

their funeral expenses, in lieu of actual damages. This is in light of our ruling in *People vs. Abrazaldo*, where we ruled that, despite the absence of receipts to prove actual damages, if it is shown that the heirs are entitled thereto, temperate damages of P25,000 may be awarded.[17]

Lastly, exemplary damages of P25,000 are also awarded, given that the qualifying circumstance of treachery attended the commission of the crime.[18]

WHEREFORE, the decision dated April 15, 1998 of the Regional Trial Court of Alaminos, Pangasinan, Branch 54 in Criminal Case Nos. 2504-A, 2505-A and 2506-A finding Luciano de Guzman, Efren Reyes and Bernardo Bustamante guilty beyond reasonable doubt of three counts of murder each, is hereby **AFFIRMED**, with the **MODIFICATION** that only the qualifying circumstance of treachery attended the commission of the crime. They are hereby sentenced to suffer the penalty of reclusion perpetua for each count of murder and to pay jointly and severally the legal heirs of each victim P50,000 as civil indemnity, P50,000 as moral damages, P25,000 as temperate damages and P25,000 as exemplary damages.

SO ORDERED.

Vitug, (Chairman), Sandoval-Gutierrez, and Carpio Morales, JJ., concur.

[1] Penned by Judge Jules A. Mejia.

[2] TSN dated November 9, 1993, p. 5.

[3] TSN dated September 27, 1993, p. 30.

[4] *People vs. Callos*, 373 SCRA 481 [2002].

[5] TSN dated November 9, 1993, pp. 18, 22-23.

[6] TSN dated December 7, 1991, p. 11.

[7] Exhibit "B."

[8] *People vs. Lagao, Jr.*, 271 SCRA 551 [1997]; *People vs. Genobia*, 234 SCRA 699 [1994].

[9] *People vs. Pareja et al.*, 265 SCRA 429 [1996]; *People vs. Pallarco*, 288 SCRA 151 [1998].

[10] *People vs. Base*, 329 SCRA 158 [2000]; *People vs. Quianao*, 269 SCRA 497 [1997].

[11] *People vs. Dinglasan*, 267 SCRA 26 [1997]; *People vs. Santos and Asuncion*, 270 SCRA 650 [1997].

[12] *People vs. Reyes*, 287 SCRA 229 [1998]; *People vs. Tampon*, 256 SCRA 115 [1996].

[13] *People vs. Tolibas*, 325 SCRA 453 [2000]; *People vs. Marquita*, 327 SCRA 41 [2000]; *People vs. Dacibar*, 325 SCRA 725 [2000].

[14] Article 248, in relation to Article 63 (2), Revised Penal Code.

[15] *People vs. Yatco*, 379 SCRA 432 [2002]; *People vs. Marquez*, 380 SCRA 561 [2002].

[16] *People vs. Cabote*, 369 SCRA 65 [2001]; *People vs. Caboquin*, 368 SCRA 654 [2001].

[17] G.R. No. 124392, February 7, 2003.

[18] *People vs. Nicolas*, April 1, 2003, G.R. No. 137782, citing *People vs. Catubig*, 363 SCRA [2001].

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.