

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. EDRALIN TABOGA, ACCUSED-APPELLANT.

G.R. Nos. 144086-87. February 06, 2002

Ponente: YNARES-SANTIAGO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-144086-87/>

YNARES-SANTIAGO, J.:

Francisca Tubon, a widowed septuagenarian, was robbed, stabbed and burned beyond recognition when her house built of strong materials was set on fire.

For the commission of the above felonies, Edralin Taboga was charged in Criminal Case No. 1818-K with Robbery with Homicide in an Information[1] which reads as follows:

That on or about the 1[st] day of April 1998, in the municipality of Magsingal, province of Ilocos Sur, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with intent to gain, and with violence against person[s], did then and there wilfully, unlawfully and feloniously enter the house of one FRANCISCA TUBON, and once inside, did then and there, with treachery and abuse of superior strength, assault, attack and stab FRANCISCA TUBON, thereby inflicting upon her mortal wounds which necessarily caused the death of said FRANCISCA TUBON, and then, did then and there wilfully, unlawfully and feloniously take, steal and carry away three (3) finger rings, one (1) necklace with pendant, and one (1) vial of perfume, and four (4) gantas of rice belonging to FRANCISCA TUBON.

Contrary to law and aggravated by the circumstances that the crime was committed in disregard of the respect due the offended party on account of her age and sex, that the crime was committed in the dwelling of the offended party and that the crime was committed after an unlawful entry.

Accused-appellant Taboga was likewise indicted for Arson in Criminal Case No. 1819-K in an Information[2] which avers:

That on or about the 1[st] day of April 1999, in the municipality of Magsingal, province of Ilocos Sur, Philippines and within the jurisdiction of this Honorable Court, the above-named accused did then and there wilfully, unlawfully and feloniously set fire to the house of FRANCISCA TUBON after having robbed and stabbed her inside the said house and by reason or on occasion of the arson the death of FRANCISCA TUBON resulted.

Contrary to law and aggravated by the circumstance that the crime was committed in the dwelling of the offended party and that the crime was committed after an unlawful entry.

Upon arraignment, accused-appellant entered separate pleas of “Not Guilty” to the crimes charged.[3] The cases were thereafter tried jointly.

It appears that at 2:00 in the early morning of April 1, 1998, at Magsingal, Ilocos Sur, Barangay Councilman Cirilo Urayani woke up to the sound of loud explosions. He thought people were lighting firecrackers in the neighboring barangay to celebrate their fiesta. He went out of the house to fetch water, and he saw the house of Francisca Tubon on fire.

Marites Ceria, a niece of Francisca Tubon, was also awakened by the explosions. She rushed to her aunt's house and, seeing it on fire, shouted for help. She called out the name of her aunt but there was no response.

Barangay Captain William Pagao heard Marites' shouts for help. He and other barangay officials and residents helped in dousing out the fire using a water pump. When they entered the burned house, they discovered the charred remains of Francisca Tubon. They examined the body and found stab wounds on the chest of the deceased.

Later that morning, Pagao reported the incident to the police authorities of Magsingal, Ilocos Sur. SPO1 Tiburcio Panod went to the scene of the crime to investigate and gather physical evidence. He saw the charred remains of Francisca Tubon inside what used to be her bedroom. He also found stab wounds on her chest. Meanwhile, Hilaria Migo, a niece of the deceased, took pictures of the charred remains.

A sack of about four (4) gantas of rice was found some thirty to forty meters away from the burned house. Also found were two crumpled five peso bills, twenty peso and fifty peso bills, and a five dollar bill underneath a big stone along the barangay road. The investigators likewise found a necklace with pendant, three rings, a certificate of ownership of large cattle and a vial of perfume near the scene.

The deceased's former farm workers were rounded up, namely, Mario Ceria, Edwin Ceria, Tante Dumadag and Edralin Taboga. Brgy. Capt. Pagao noticed fresh blood stains on the short pants of Taboga. He confronted Taboga, and the latter readily admitted that he killed Francisca Tubon and set the flue-cured tobacco stored inside her house on fire, causing the whole house, including the dead body of the old woman, to be burned.

Taboga was brought to the police station for further investigation. During the investigation, SPO1 Panod asked Taboga, "Apay, sica ti akinaramid wenno saan?" ("Why, were you the one who did it or not?") Taboga answered, "Wen, Sir, ngem tulungannac cadì." ("Yes, sir, but please help me.") SPO1 Panod prepared a written extra-judicial confession for Taboga. During the inquest, however, Taboga refused to sign the confession upon the advice of his lawyer.

The following day, April 2, 1998, Mr. Mario Contaoi, a radio announcer of DZNS, went to the Magsingal Municipal Police Station to interview the suspect, Edralin Taboga. Again, Taboga admitted killing the deceased and setting her and her house on fire.

In the meantime, the Forensic Biologist of the National Bureau of Investigation (NBI), who examined the bloodstains on Taboga's shorts and on the kitchen knife, found that the said specimens contained human blood Type "O,"[4] the blood type of the deceased.

On the other hand, the Municipal Health Officer of Magsingal, Ilocos Sur who performed an autopsy on the victim's charred remains, found several stab wounds on the chest.[5] According to him, the victim may have been stabbed to death before she and her house were burned.

The daughter of the deceased, Dr. Marcelina T. Salvador, testified that the family spent the total amount of P115,960.00 for the wake and interment of her mother, and that the house, including the pieces of furniture, fixtures and valuables therein, was easily worth P1,000,000.00.

Accused-appellant Edralin Taboga raised the defense of denial and alibi. He alleged that he was in the house of the parents of his live-in partner, Liza Almazan, at Brgy. Maratudo, Magsingal, Ilocos Sur, seventy meters away from the house of the deceased. He knew the deceased as he used to gather tobacco leaves for her. On the night prior to the commission of the crimes, he had supper at home at 7:00, after which he washed the dishes and went to sleep at 8:00. At around 1:00 to 2:00 the next morning, he was awakened by shouts for help. He got out and

helped put out the fire at the house of the deceased. At 3:00 a.m., he returned home and went back to sleep. At 6:00 a.m., he was fetched from the house and brought to the scene of the fire. The police asked him about the blood stains on his short pants, but he did not know anything about it.

Accused-appellant further claimed that he was maltreated by the policemen and forced to admit the crime. Regarding his admission to radio announcer Mario Contaoi, he narrated that the interview was held inside the investigation room of the police station where policemen were present. Thus, he had to admit the crimes because he was afraid of the policemen. Moreover, relatives of the deceased beat him up by kicking him, hitting him with a chair, slapping him and punching him on the head and face.

Accused-appellant's live-in partner corroborated his testimony. She stated that she got up to relieve herself at about 1:00 at dawn of April 1, 1998 when she heard shouts of a fire. She woke up accused-appellant and, together, they went to help put out the fire. After an hour, they returned home and went back to sleep.

After trial, the Regional Trial Court of Cabugao, Ilocos Sur, Branch 24, rendered judgment finding him guilty beyond reasonable doubt of both crimes and accordingly sentencing him as follows:

WHEREFORE, judgment is hereby rendered, as follows:

(1) In Criminal Case No. 1818-K, the Court finds the accused Edralin Taboga GUILTY beyond reasonable doubt of the special complex crime of Robbery with Homicide with all the aggravating circumstances alleged in the information, and hereby sentences him to suffer the supreme penalty of DEATH by lethal injection, to indemnify the heirs of Francisca Tubon in the following amounts:

(a) P50,000.00 as death indemnity;

(b) P115,960.00 as reimbursement for actual expenses; and

(c) P50,000.00 as moral damages

and to pay the costs

(2) In Criminal Case No. 1819-K, the Court finds the accused, Edralin Taboga, GUILTY beyond reasonable doubt of Destructive Arson and hereby sentences him to suffer reclusion perpetua, with all the accessory penalties provided for by law, to indemnify the heirs of Francisca Tubon in the amount of P1,000,000.00 without subsidiary imprisonment in case of insolvency, and to pay the costs.

He shall be credited in full with the period of his preventive imprisonment.

SO ORDERED.[6]

The case is now before us on automatic review pursuant to Section 22 of Republic Act No. 7659, amending Article 47 of the Revised Penal Code. In his brief, accused-appellant alleges that:

I

THE TRIAL COURT ERRED IN ADMITTING IN EVIDENCE THE EXTRAJUDICIAL CONFESSION MADE BY THE ACCUSED TO A RADIO REPORTER FOR THE LATTER WAS ACTING AS AN AGENT FOR THE PROSECUTION AND HENCE THE PROCEDURAL SAFEGUARDS ENSHRINED IN THE CONSTITUTION SHOULD HAVE BEEN OBSERVED.

II

THE TRIAL COURT ERRED IN FINDING THE ACCUSED GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF ROBBERY WITH HOMICIDE FOR THE ROBBERY OR THEFT WAS NOT

PROVEN WITHOUT THE SAID EXTRAJUDICIAL CONFESSION AND HENCE ONLY THE CRIME OF HOMICIDE EXISTS.

The first assigned error is untenable.

There is nothing in the record to show that the radio announcer colluded with the police authorities to elicit inculpatory evidence against accused-appellant. Neither is there anything on record which even remotely suggests that the radio announcer was instructed by the police to extract information from him on the details of the crimes. Indeed, the reporter even asked permission from the officer-in-charge to interview accused-appellant. Nor was the information obtained under duress. In fact, accused-appellant was very much aware of what was going on. He was informed at the outset by the radio announcer that he was a reporter who will be interviewing him to get his side of the incident:

Q

Will you please tell the court what [did] you tell the accused before you conducted the interview if any?

A

It is inside the tape of our conversation, sir.

Q

We see a small tape recorder in your possession Mr. Witness, where was that place[d]?

A

In front of the suspect, sir.

Court

Q

And he was aware of that?

A

Of course, Your Honor.

x x x x x x x x

Q

Was he aware he was being interviewed?

A

Yes, sir, I introduced myself as a reporter from the DZNS, sir.

Q

What else did you ask after asking his name and personal circumstances?

A

Regarding the crime which was allegedly committed, sir.

Q

Did he answer your question?

A

Yes, sir.

Q

In your observation, Mr. Witness, as a radio reporter were the answers given to your questions voluntary?

A

Voluntary, sir.[7]

During cross-examination, defense counsel failed to extract an admission from the reporter that accused-appellant was under compulsion from the police to face him:

Q

Before you conducted the interview, you do know what transpired between the suspect and the policeman?

A

I do not know, sir.

Q

You did not observe Mr. Witness whether the suspect during your interview was under pressure or intimidated?

A

When I went there I saw the suspect watching the TV together with the policeman, sir.

Q

You did not see relatives of the victim?

A

I don't recognize [them], sir.

Q

How about [the] barangay officials of Barangay Maratudo?

A

I only see (sic) the barangay captain of Maratudo at the house of the victim, sir.

Q

When you interviewed the suspect, he do (sic) not know that the interview will be aired?

A

I told him I am a reporter, sir.

Q

But you did not tell him that the interview will be aired?

A

I tell (sic) him that the interview will be aired, sir.[8]

The records also show that accused-appellant not only confessed to the radio reporter but to several others, among them his live-in partner,[9] Barangay Captain William Pagao, [10] and SPO1 Tiburcio Panod.[11]

The defense maintained that the confessions were obtained through compulsion. Accused-appellant claimed that the policemen maltreated him by hitting him four (4) times on the head with a chair and forced him to admit the crimes.[12] However, accused-appellant failed to present convincing evidence to substantiate his claim, other than his bare self-serving assertion. Apropos is our ruling in *People v. Pia*, [13] where we said that: “where the defendants did not present evidence of compulsion or duress or violence on their persons; where they failed to complain to the officers who administered the oaths; where they did not institute any criminal or administrative action against their alleged intimidators for maltreatment; where there appeared to be no marks of violence on their bodies and where they did not have themselves examined by a reputable physician to buttress their claim, all these should be considered as factors indicating the voluntariness of the confession.”[14]

Furthermore, accused-appellant’s confession is replete with details on the manner in which the crimes were committed, thereby ruling out the probability that it was involuntarily made. The voluntariness of a confession may be inferred from its language such that if, upon its face the confession exhibits no sign of suspicious circumstances tending to cast doubt upon its integrity, it being replete with details – which could be supplied only by the accused – reflecting spontaneity and coherence which, psychologically, cannot be associated with a mind to which violence and torture have been applied, it may be considered voluntary.[15] In the early case of *U.S. v. De los Santos*, [16] we stated:

If a confession be free and voluntary – the deliberate act of the accused with a full comprehension of its significance, there is no impediment to its admission as evidence, and it becomes evidence of a high order; since it is supported by the presumption – a very strong presumption – that no person of normal mind will deliberately and knowingly confess himself to be a perpetrator of a crime, especially if it be a serious crime, unless prompted by truth and conscience.

Under Rule 133, Section 3 of the Rules of Court, an extrajudicial confession made by an accused shall not be a sufficient ground for conviction, unless corroborated by evidence of corpus delicti. As defined, it means the body of the crime and, in its primary sense, means a crime has actually been committed.[17] Applied to a particular offense, it is the actual commission by someone of the particular crime charged.[18] In the case at bar, the confession made by accused-appellant was corroborated by several items found by the authorities, to wit: the knife which was used to kill the victim and the charred body of the victim.

The court a quo did not err in admitting in evidence accused-appellant's taped confession. Such confession did not form part of custodial investigation. It was not given to police officers but to a media man in an apparent attempt to elicit sympathy. The record even discloses that accused-appellant admitted to the Barangay Captain that he clubbed and stabbed the victim even before the police started investigating him at the police station.[19] Besides, if he had indeed been forced into confessing, he could have easily asked help from the newsman. In *People v. Endino, et al.*, [20] we held:

We do not suggest that videotaped confessions given before media men by an accused with the knowledge of and in the presence of police officers are impermissible. Indeed, the line between proper and invalid police techniques and conduct is a difficult one to draw, particularly in cases such as this where it is essential to make sharp judgments in determining whether a confession was given under coercive physical or psychological atmosphere.

Even assuming for the nonce that the extra-judicial confession was indeed inadmissible, this will not absolve accused-appellant from criminal liability because there exists independent evidence to establish his authorship of the victim's death. While there was no prosecution witness who positively identified accused-appellant as the assailant of the victim, his culpability was nonetheless proven through circumstantial evidence.

Hence, accused-appellant's second assigned error that his guilt was not proven beyond reasonable doubt must likewise fall.

Direct evidence of the commission of the crime is not the only matrix wherefrom a court may draw its conclusions and findings of guilt.[21] The rules on evidence[22] and case law sustain the conviction of the accused through circumstantial evidence when the following requisites concur: (1) there must be more than one circumstance; (2) the facts from which the inferences are derived are proven; and (3) the combination of all circumstances is such as to produce a conviction beyond reasonable doubt of the guilt of the accused.[23]

With regard to the yardsticks to be used in assaying the probative value thereof –

Wharton suggests four basic guidelines in the appreciation of circumstantial evidence, (1) it should be acted upon with caution; (2) all the essential facts must be consistent with the hypothesis of guilt; (3) the facts must exclude every other theory but that of guilt; and (4) the facts must establish such a certainty of guilt of the accused as to convince the judgment beyond reasonable doubt that the accused is the one who committed the offense. The peculiarity of circumstantial evidence is that the guilt of the accused cannot be deduced from scrutinizing just one particular piece of evidence. It is far more like puzzle which when put together reveals a convincing picture pointing towards the conclusion the accused is the author of the crime.[24]

In the case at bar, the following circumstances cited by the trial court lead to the inevitable conclusion that accused-appellant perpetrated the crimes, to wit:

- As the victim's farm worker, the accused must have acquired knowledge of the set-up of the victim's house, including its openings, as well as the places where the victim used to keep her valuables;
- When confronted by Brgy. Captain William Pagao with respect to the fresh blood stains on his short pants, the accused immediately became restless and his face turned pale;

- Upon scientific examination of the blood stains found on the knife and short pants of the accused, it was found that the same consisted of human blood belonging to Type "O" which was the blood type of the deceased Francisca Tubon;
- When the Barangay Captain asked him if he had something to do with the killing of the victim and the burning of the house, the accused broke down and admitted his guilt;
- When he was interviewed by the radio announcer, Dr. Mario Contaoi, the accused reiterated his earlier confession given to Brgy. Captain William Pagao and SPO1 Tiburcio Panod; and
- He could only present his live-in partner, Liza Almazan, and no other, to corroborate his denial and alibi.[25]

Moreover, it appears that accused-appellant had a criminal record for theft.[26] The foregoing circumstances when viewed in their entirety are as convincing as direct evidence and, as such, negate the innocence of the accused-appellant.[27]

In stark contrast to the foregoing factual and evidentiary circumstances arrayed against him, all accused-appellant could muster in his defense of alibi. For the defense of alibi to prosper, the accused must prove not only that he was at some other place at the time the crime was committed but that it was likewise impossible for him to be at the locus criminis at the time of the alleged crime.[28] In the instant case, accused-appellant failed to prove and demonstrate the physical impossibility of his being at the scene of the crime at the approximate time of its commission. No less than accused-appellant himself admitted that the house where he was staying was only seventy meters away from the house of the victim.[29] As an element of a credible alibi, "physical impossibility" refers to the distance between the place where the accused was when the crime transpired and the place it was committed, as well as the facility of access between the two places."[30]

Basic is the rule that alibi is easy to concoct, and accused-appellant failed to prove that it was physically impossible for him to be at the scene of the crime at the approximate time of its commission. While, indeed, accused-appellant's common-law wife Liza Almazan corroborated his alibi, the trial court aptly pointed out that witnesses who are either wives or mothers of the accused, in almost all instances, would freely perjure themselves for the sake of their loved ones.[31] Consequently, accused-appellant's defense of alibi can not prosper.[32]

The doctrinal rule is that findings of fact made by the trial court, which had the opportunity to directly observe the witnesses and to determine the probative value of the other testimonies are entitled to great weight and respect because the trial court is in a better position to assess the same, an opportunity not equally open to an appellate court.[33] Verily –

Truth does not always stalk boldly forth naked, but modest withal, in a printed abstract in a court of last resort. She oft hides in nooks and crannies visible only to the mind's eye of the judge who tries the case x x x x. The brazen face of the liar, the glibness of the schooled witness in reciting a lesson, or the overeagerness of the swift witness, as well as the honest face of the truthful one, are alone seen by him.[34]

What remains to be determined is whether the elements of the felonies have been established.

The Court will not dwell further on the crime of Arson because, as admitted no less by counsel for accused-appellant, the penalty of reclusion perpetua has become final and executory for failure of the defense to appeal the same.[35]

On the other hand, the Information indicting accused-appellant for the special complex crime of Robbery with Homicide alleged that the felony was committed with disregard to the respect due the offended party on account of her age and sex, further aggravated by dwelling and unlawful entry. The elements of the complex crime of Robbery with Homicide are: (1) the taking of personal property with the use of violence or intimidation against a

person; (2) the property thus taken belongs to another; (3) the taking is characterized by intent to gain or animus lucrandi; and (4) on occasion of the robbery or by reason thereof, the crime of homicide, which is used in a generic sense, was committed.[36]

In the appreciation of evidence in criminal cases, it is the basic tenet that the prosecution has the burden of proof in establishing the guilt of the accused for all the offenses charged – *ei incumbit probatio qui dicit, non qui negat*. [37] He who asserts, not he who denies, must prove. [38] The conviction of accused-appellant must rest not on the weakness of his defense but on the strength of the prosecution's evidence.

In proving the case of Robbery with Homicide, it is necessary that the robbery itself be established conclusively as any other essential element of the crime. [39] This is not so in the instant case. Apart from the sack of rice, necklace with pendant, three rings, vial of perfume and cash which were recovered within the vicinity of the burned house, no one saw accused-appellant actually asporting these items, much less has it been satisfactorily shown that robbery was the main purpose of the culprit in perpetrating the crimes. In fact, the sack containing the four gantas of rice was found some forty to fifty meters away from the house, [40] while the rest of the items were found hidden under some rocks nearby. [41] Yet accused-appellant was convicted of the complex crime because according to the lower court, "[w]ith the recovery of the various items in or about the vicinity of the burned house, including cash money, the [c]ourt is convinced that robbery was the main purpose of the culprit and that the killing was merely incidental thereto." [42]

This is a glaring error because it practically convicts the accused-appellant of the crime charged on the basis of an assumption. Where a complex crime is charged and the evidence fails to support the charge as to one of the component offenses, the accused can be convicted only of the offense proved. [43] Absent any evidence that the accused indeed robbed the victim, the special complex crime of robbery with homicide cannot stand. [44]

In any event, the aggravating circumstances alleged attended the killing. The immutable fact remains that the crime of homicide was committed in the victim's dwelling and without regard to her age and sex.

The circumstance of dwelling aggravates the felony when the crime was committed in the residence of the offended party and the latter was not given provocation. [45] It is considered an aggravating circumstance primarily because of the sanctity of privacy that the law accords to the human abode. [46] As one commentator puts it, one's dwelling is a sanctuary worthy of respect; thus one who slanders another in the latter's house is more severely punished than one who offends him elsewhere. [47] According to Cuello Calon, the commission of the crime in another's dwelling shows worse perversity and produces graver alarm. [48]

Anent the circumstance of age, there must be a showing that the malefactor deliberately intended to offend or insult the age of the victim. [49] Neither could disregard of respect due to sex be appreciated if the offender did not manifest any intention to offend or disregard the sex of the victim. [50] In other words, killing a woman is not attended by the aggravating circumstance if the offender did not manifest any specific insult or disrespect towards the offended party's sex. [51] In the case at bar, there is absolutely no showing that accused-appellant deliberately intended to offend or insult the victim. However, even if disrespect or disregard of age or sex were not appreciated, the four circumstances enumerated in Article 14, paragraph 3 of the Revised Penal Code, as amended, can be considered singly or together. [52] Article 64, paragraph 3, of the Revised Penal Code is clear on this point:

ART. 64. Rules for the application of penalties which contain three periods. – In cases in which the penalties prescribed by law contain three periods, whether it be a single divisible penalty or composed of three different penalties, each one of which forms a period in accordance with the provisions of Article 76 and 77, the courts shall observe for the application of the penalty the following rules according to whether there are no mitigating

or aggravating circumstances:

x x x x x x x x

3. When only an aggravating circumstance is present in the commission of the act, they shall impose the maximum period.

x x x x x x x x

The penalty imposable on accused-appellant for homicide, under Article 249 of the Revised Penal Code, is reclusion temporal in its maximum period. Applying the Indeterminate Sentence Law, accused-appellant should be sentenced to suffer the penalty of ten years and one day of prision mayor, as minimum, to seventeen years, four months and one day of reclusion temporal, as maximum.

The civil damages awarded by the trial court are in accordance with controlling statutory provisions and case law on the matter. Following prevailing jurisprudence and in line with controlling policy, the Court finds the award of P50,000.00 as civil indemnity for the death of the victims proper, without any need of proof other than the death of the victim.[53]

The award of moral damages in the amount of P50,000.00 to the victim's heirs is likewise proper taking into consideration the pain and anguish of the victim's family brought about by her death.[54]

The award of P115,960.00 as actual damages for the funeral and burial expenses incurred by the heirs of Francisca Tubon, being amply supported by documentary evidence,[55] is likewise sustained.

The attendance of an aggravating circumstance, however, warrants the additional imposition of exemplary damages under Article 2230 of the Civil Code,[56] which the Court fixes at P50,000.00.[57]

WHEREFORE, in view of the foregoing, the decision of the Regional Trial Court of Cabugao, Ilocos Sur, Branch 24, in Criminal Case Nos. 1818-K, is MODIFIED. Accused-appellant Edralin Taboga is found guilty beyond reasonable doubt of the crime of Homicide and is sentenced to suffer an indeterminate penalty of ten (10) years and one (1) day of prision mayor, as minimum, to seventeen (17) years, four (4) months and one (1) day of reclusion temporal, as maximum. He is ordered to pay the heirs of the deceased the sum of P50,000.00 as exemplary damages, in addition to the amounts of P50,000.00 as civil indemnity, P115,960.00 as actual damages, and P50,000.00 as moral damages.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Pardo, Buena, De Leon, Jr., and Sandoval-Gutierrez, JJ., concur.

Quisumbing, and Carpio, JJ., on official leave.

[1] Records, Vol. I, p. 1.

[2] Ibid., Vol. II, p. 1.

[3] Id., Vol. I, p. 16; Vol. II, p. 7.

[4] Exhibit Z.

[5] Exhibit X.

[6] Decision dated May 2, 2000; penned by Presiding Judge Florencio A. Ruiz, Jr.

[7] TSN, 23 September 1998, pp. 2-4; emphasis supplied.

[8] Ibid., pp. 7-8; emphasis supplied.

[9] TSN, 13 May 1998, p. 12; emphasis supplied.

[10] TSN, 9 June 1998, pp. 9-10; emphasis supplied.

[11] TSN, 20 August 1998, pp. 8-10; emphasis supplied.

[12] TSN, 1 February 2000, pp. 9-10, 15-16.

[13] 145 SCRA 581, 586 [1986].

[14] Citing *People v. Urgel*, 134 SCRA 483 [1985] and *People v. Toledo*, 140 SCRA 259 [1985].

[15] *Santos v. Sandiganbayan*, 347 SCRA 386, 414-415 [2000], citing *People v. Villanueva*, 266 SCRA 356, 362 [1997].

[16] 24 Phil. 329, 358 [1913].

[17] *People v. Mantung*, 310 SCRA 819 [1999].

[18] *People v. Robles*, 333 SCRA 107, 119 [2000], citing *People v. Mantung*, *supra*.

[19] TSN, 11 June 1998, pp. 9-10.

[20] G.R. No. 133026, 20 February 2001.

[21] *People v. Fegidero*, 337 SCRA 274, 282 [2000], citing *People v. Botona*, 304 SCRA 712, 728-729 [1999].

[22] Rules of Court, Rule 133, Section 4.

[23] *People v. Ellasos, et al.*, G.R. No. 139323, 6 June 2001; *People v. Alcantara*, 163 SCRA 783, 786 [1988] and Section 4, Rule 133, Revised Rules of Court; *People v. Lavapie, et al.*, G.R. No. 130209, 14 March 2001; *People v. Hermoso*, 343 SCRA 567, 577 [2000]; *People v. Madriaga IV*, 171 SCRA 103 [1989]; *People v. Layuso*, 175 SCRA 47 [1989].

[24] *People v. Orcula, Sr.*, 335 SCRA 129 [2000], citing Wharton's Criminal Evidence, Vol. II, p. 1643 and *People v. Fabon*, 328 SCRA 302 [2000].

[25] RTC Decision, pp. 8-9; Rollo, pp. 39-40.

[26] TSN, 6 August 1998, p. 8; 20 August 1998, p. 12.

[27] *People v. Guarin*, 317 SCRA 234 [1999]; *People v. Sanchez*, 308 SCRA 264 [1999].

[28] *People v. Altabano*, 317 SCRA 708 [1999] citing *People v. Umali*, 242 SCRA 17 [1995], citing *People v. Baylon*, 57 SCRA 114 [1974]; see also *People v. Cabebe*, 290 SCRA 543 [1998].

[29] TSN, 1 February 2000, p. 3.

[30] *People v. De Labajan*, 317 SCRA 557 [1999], citing *People v. Navales*, 266 SCRA 569 [1997], see also *People v. Javier*, 269 SCRA 181 [1997]; *People v. Amaca*, 277 SCRA 215 [1997] and *People v. Midtimod*, 283 SCRA 395 [1997].

[31] *People v. Velasco*, 307 SCRA 684 [1999].

- [32] *People v. Gabiana*, G.R. No. 123543 , 5 August 2000, citing *People v. Cabingas, et al.*, G.R. No. 79679, 28 March 2000, citing *People v. Batulan*, 253 SCRA 52 [1996].
- [33] *People v. Visaya, et al.*, G.R. No. 136967, 26 February 2001, citing *People v. Andales*, 322 SCRA 56 [2000], citing *People v. Escandor*, 265 SCRA 444 [1996].
- [34] *People v. Del Rosario*, 344 SCRA 382, 392 [2000], citing *People v. Delovino*, 247 SCRA 637 [1995] and *Creamer v. Bivert*, 214 Mo. 473, 474 (1908), cited in *M. Frances McNamara*, 2000 Famous Quotations (1967), 548.
- [35] Appellant's Brief, p. 4; Rollo, p. 69.
- [36] *People v. Consejero*, G.R. No. 118344, 20 February 2001, citing *People v. Nang*, 289 SCRA 16, 28 [1998]; *People v. Gavina*, 264 SCRA 450, 455 [1996] and *People v. Esperraguerra*, 318 Phil. 250 [1995].
- [37] *People v. Fabon*, 328 SCRA 302, 318 [2000], citing *People v. Masalihit*, 300 SCRA 147 [1998]; *People v. Olivarez, Jr.*, 299 SCRA 635 [1998].
- [38] *People v. Sevilla*, 339 SCRA 625, 653 [2000].
- [39] *People v. Dizon*, 339 SCRA 740, 758 [2000], citing *People v. Contega*, 332 SCRA 730 [2000].
- [40] Exhibit U; Record, Vol. 1, p. 155.
- [41] Exhibits D, N, R, V; Record, Vol. 1, pp. 142, 152-153, 156.
- [42] RTC Decision, p. 8.; Record, Vol. 1, p. 166.
- [43] *People v. Calabroso*, 340 SCRA 332, 338 [2000], citing *U.S. v. Lahoylahoy*, 38 Phil. 330 [1918].
- [44] *People v. Bajar*, 281 SCRA 262 [1997]; see also *People v. Teodoro*, 280 SCRA 384 [1997]; *People v. Vasquez*, 281 SCRA 123 [1997].
- [45] *People v. Paraiso*, 319 SCRA 422 [1999]; *People v. Molino*, 311 SCRA 571 [1999].
- [46] *People v. Munsayac*, 307 SCRA 560 [1999]; *People v. Parazo*, 272 SCRA 512 [1997].
- [47] *I Aquino*, Revised Penal Code, p. 315(1987 ed.).
- [48] *Ibid.*
- [49] *People v. Diaz*, 55 SCRA 178, 187 [1974].
- [50] *People v. Mangsant*, 65 Phil. 548. 550 [1938].
- [51] *People v. Puno*, 105 SCRA 151, 160 [1981], citing *People v. Mori*, 55 SCRA 382 [1974]; *People v. Jaula*, 90 Phil 379 [1951]; *U.S. v. De Jesus*, 14 Phil. 190 [1909]; *U.S. v. Mangsant*, *supra*.
- [52] *I Reyes*, Revised Penal Code, p. 327 [14th ed.].
- [53] *People v. Concepcion, et al.*, G.R. No. 131477, 20 April 2001; *People v. Amion*, G.R. No. 140511, 1 March 2001; *People v. Court of Appeals and Eladio Tangan*, G.R. Nos. 103613 & 105830, 23 February 2001.
- [54] *People v. Alba, et al.*, G.R. Nos. 130627 & 139477-78, 31 May 2001; *People v. Langit*, 337 SCRA 323 [2000]; *People v. Mindanao*, 335 SCRA 200 [2000].
- [55] Exhibits CC, CC-1 and DD.

[56] *People v. Cando*, 344 SCRA 330, 344 [2000]; *People v. Maneng*, 343 SCRA 88, 96 [2000]; *People v. Guzman*, 326 SCRA 131 [2000]; *People v. Quilatan*, 341 SCRA 247, 257 [2000].

[57] *People v. Zuela*, 323 SCRA 589, 611 [2000].

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.