

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ALEJANDRO C. VALENCIA, ACCUSED-APPELLANT.

G.R. Nos. 94511-13. September 18, 1992

Ponente: NOCON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-94511-13/>

NOCON, J.:

"Where there is smoke, there is a fire!" is an old saying which is applicable in the appeal at bar considering that the accused-appellant was convicted mainly on circumstantial evidence.

Accused-appellant Alejandro Valencia y Canaria appeals the Decision of the Regional Trial Court of Manila, branch 12, in Criminal Case Nos. 89-72061, and 89-72062[1] convicting him of (1) Homicide with the use of an unlicensed firearm and (2) Less Serious Physical Injuries, the dispositive portion of which is as follows:

"WHEREFORE, in the light of the foregoing considerations, the Court finds the accused, ALEJANDRO VALENCIA y CANARIA, guilty beyond reasonable doubt -

"1. In Criminal Case No. 89-72061 - of the crime of HOMICIDE (with the use of an unlicensed firearm), as defined and penalized in Section 1, Presidential Decree No. 1866, as amended, and accordingly, hereby sentences him to suffer the penalty of reclusion -perpetua (life imprisonment) with the accessory penalties provided for by law; to pay to the heirs of Annabelle Jimenez, herein represented by her mother, Arlyn Barredo-Jimenez, the amount of FIVE THOUSAND PESOS (P5,000.00) for medical and hospitalization and funeral expenses; the amount of THIRTY THOUSAND PESOS (P30,000.00) as death indemnification, and the sum of TEN THOUSAND PESOS (P10,000.00) as moral damages, all without subsidiary imprisonment in case of insolvency and to pay the costs;

"2. In Criminal Case No. 98-72062 - of the crime of LESS SERIOUS PHYSICAL INJURIES, as defined and penalized under Article 265, Revised Penal Code, which is a lesser offense to that charged in the afore-quoted information and, accordingly, hereby sentences him to suffer the penalty of imprisonment of SIX (6) MONTHS of arresto mayor, with the accessory penalties provided for by law; to pay to the victim, Samuel B. Jimenez, Jr., represented by his mother, Arlyn Barredo-Jimenez, the amount of ONE THOUSAND FIVE HUNDRED PESOS (P1,500.00) for his medical and hospitalization expenses, without subsidiary imprisonment in case of insolvency, and to pay the costs.

"In the service of his sentences, the accused shall be credited with the full time during which he underwent preventive imprisonment, provided he voluntarily agreed in writing to abide by the same disciplinary rules imposed upon convicted prisoners; otherwise, he shall be entitled to only four-fifths (4/5) thereof (Article 29, Revised Penal Code, as amended by Republic Act No. 6127).

"SO ORDERED."[2]

The People's version of the facts of the case as summarized by the Solicitor General is as follows:

"Arlyn Barredo-Jimenez, her two children, Annabelle and Samuel, Jr., aged five and three, respectively, and her mother, are residents of 2008 F. Muñoz St., Paco, Manila. At about 9:00 p.m. of March 19, 1989, as she

was about to eat supper, she noticed appellant standing five steps away from the open door of her house and holding a sumpak, a homemade shotgun. Seized with fear, she closed the door. After a few moments, she heard a burst of gunfire. This was followed by cries of pain from her children inside the house. Seeing her children bloodied, she immediately went outside and shouted for help. As she did so, she saw appellant running away, carrying the sumpak. Two neighbors assisted Jimenez in bringing the injured children to the Philippine General Hospital (tsn, pp. 2-5, 8, 17, Aug. 7, 1989).

"That same evening, Patrolman Renato Marquez, a homicide investigator, interviewed Jimenez at the hospital about the shooting incident. Since she was still experiencing shock over the incident, Jimenez forgot to mention the name of appellant as the one who shot her children (tsn, pp. 4, 14, Aug. 21, 1989).

"Acting on the report of a barangay tanod, Patrolmen Roberto Cajiles, Romeo de la Peña and Carlos Castañeda, assigned at the Ong Detachment, Police Station No. 5, conducted an investigation of the shooting incident in the house of Jimenez. At the time, Jimenez and her injured children were already in the hospital. Nevertheless, Pat. Cajiles was able to interview the mother of Jimenez, the barangay captain, a certain Josie, and appellant's brother, Rolando, who all mentioned appellant as the gunwielder. Moreover, the policemen discovered the presence of six pellet holes and one big hole with the size of the circumference of a shotgun bullet on the door of the house of Jimenez. Three pellets were also found at the crime scene (tsn. pp. 3-6; 9, 10, Sept. 4, 1989).

"Early next morning, the three policemen were led by Rolando Valencia to the residence of Sonia Castillo, his aunt, where he believed appellant was sleeping. The police apprehended appellant there and took him to the Ong Detachment for initial investigation (tsn, pp. 7, 11-13, Sept. 4, 1989). He was indorsed to the police headquarters for further investigation in the evening of March 22, 1989 (tsn. p. 7, Aug. 21, 1989). At 12:20 a.m. of the following day, one of the injured children, Annabelle, died as a result of the gunshot wounds she suffered (Exh. H). The other child, Samuel Jr., who was shot in the right forearm, was discharged from the hospital one week after the incident, but needed two (2) more weeks for healing (tsn. p. 3, Aug. 21, 1989).

"On March 26, 1989, Arlyn Jimenez executed a sworn statement (Exh. B) wherein she identified appellant as the culprit. On March 30, 1989, a certain Ramon Bacnotan executed a sworn statement (Exh. J) and turned over to the police the sumpak (Exh. A) allegedly used by appellant in the shooting of the two children." [3]

Accused-appellant's version of the case is that:

At about 5:00 p.m. or 6:00 p.m. of March 19, 1989, accused-appellant and his co-workers together with his father were in his house drinking several bottles of beer since it was a Sunday and they have just received their wages.

At about 9:00 p.m., they separated and he proceeded to his aunt's house to sleep. Since his uncle died he used to keep her aunt and her six children company for want of a male companion.

About midnight of March 19, 1989, his Auntie, SONIA CANARIA CASTILLO, woke him up as his brother, ROLANDO VALENCIA, knocked at their door. As she opened the door, she saw Rolando accompanied by several policeman who handcuffed the accused and brought him to the ONG DETACHMENT, Paco, Manila, together with his brother ROLANDO. The relatives of the accused together with his aunt attempted to visit them but they were allegedly refused admittance to their detention cell.

ROLANDO VALENCIA was released on March 22, 1989 while ALEJANDRO VALENCIA who denied any participation in the shooting, was turned over to the Investigator of the HOMICIDE SECTION, Pat. Renato Marquez, at about 11:30 p.m. of the same date. ROLANDO VALENCIA when released had a swollen face but was allegedly advised not to tell any one about the maltreatment that he and his brother, Alejandro had received if he wanted to see his brother alive. So he did nothing for fear that ALEJANDRO VALENCIA might be salvaged. On one occasion, when he was visited by his parents, accused-appellant told them of his request to be taken to a

doctor for treatment, but the police refused.[4]

On March 30, 1989, two Informations for Homicide and Frustrated Homicide, were filed against the accused-appellant, to wit:

“1. Criminal Case No. 89-72061 – for the crime of HOMICIDE (with the use of unlicensed firearm), alleged to have been committed as follows:

'That on or about March 19, 1989, in the City of Manila, Philippines, the said accused, with the use of an unlicensed firearm (sumpak), did then and there willfully, unlawfully and feloniously with intent to kill, attack, assault and use personal violence upon one ANNABELLE JIMENEZ Y BARREDO by then and there shooting the latter with an unlicensed firearm (sumpak) hitting her at the back and at the right buttock, thereby inflicting upon said Annabelle Jimenez y Barredo gunshot wounds which were the direct and immediate cause of her death.

'Contrary to law.'

and in

“2. Criminal Case No. 89-72062 - for the crime of FRUSTRATED HOMICIDE, alleged to have been committed as follows:

'That on or about March 19, 1989, in the City of Manila, Philippines, the said accused, with the use of an unlicensed firearm (sumpak), did then and there willfully, unlawfully and feloniously, with intent to kill, attack, assault and use personal violence upon one SAMUEL JIMENEZ, JR. Y BARREDO, by then and there shooting the latter with an unlicensed firearm (sumpak) hitting him at the right forearm, thereby inflicting upon him mortal wound which is necessarily fatal, thus performing all the acts of execution which should have produced the crime of homicide, as a consequence, but nevertheless, did not produce it by reason of causes independent of his will, that is, by the timely and able medical assistance rendered to said Samuel Jimenez, Jr. y Barredo which saved his life.

"Contrary to law." [5]

When arraigned, the accused-appellant pleaded "Not Guilty." Trial then proceeded resulting in accused-appellant's conviction as above stated.

On appeal, accused-appellant raised as errors of the trial court:

1. In giving credence to the uncorroborated testimony of Arlyn Barredo Jimenez, mother of the victims, Annabelle Jimenez and Samuel Jimenez, Jr.;
2. In finding that the prosecution was able to prove the guilt of the defendant-appellant beyond reasonable doubt in spite of the fact that there was allegedly no preliminary investigation, and that no sufficient evidence exists proving his guilt; and
3. In convicting the defendant-appellant, considering the fact that there exists no evidence that he was the holder of the unlicensed firearm, and that the prosecution had earlier moved for the dismissal of the case of illegal possession of firearm, Criminal Case No. 89-72657.[6]

I

As to the incredibility of Arlyn B. Jimenez' testimony due to her flip-flopping allegations, where in one instance, for example, she could not tell Pat. Marquez the identity of the suspect when queried at the Philippine General Hospital where her two children were taken for medical attention right after they were shot,[7] but at the witness

stand she was able to readily identify the accused-appellant as the suspect claiming that they are neighbors;[8] (2) that while Arlyn B. Jimenez claimed there was no "rumble" preceding the shooting,[9] Pat. Marquez on the other hand testified that a "rumble" did occur in the area before the shooting incident[10] which was in fact bannered in the front page of the March 20, 1989 edition of People's Journal;[11] and (3) Arlyn's claim that the pellets that hit her children were fired through the door[12] of their shanty, is rebutted by defense Exhibit "2"[13] which is a photograph of a plywood wall of Arlyn B. Jimenez' shanty showing that the pellets were fired through said plywood wall and not through the door.

The alleged incredibility and flip-flopping testimonies do not exist and could be explained.

In this connection, it is worthwhile mentioning the reason why at first no eyewitnesses volunteered to testify in this case and for which, the court may take judicial notice of. The incident occurred in Anak Bayan, Paco, Manila, a place notorious for its high incidence of criminality even before World War II. With the increase in its population of urban poor after the war and the formation of teenage gangs, one resided in Anak Bayan either out of sheer desperation or because his forefathers lived there and out of necessity one could not help but lived with them and take his chances with the environment. One always lives in constant fear of being killed or maimed or forced to take drugs from the pushers that hang around the place. Ramon Bacnotan, (the person who found the sumpak and gave it to the police) in his statement to the police,[14] tells Us why this is so:

"09. T Bakit mo naman isinurender itong sumpak sa mga pulis?

S Kasi ho ay nabalitaan ko kanina na may mga pulis na nagtatanong at hinahanap daw iyong sumpak na ginamit sa pagkakabari ng mga bata dito sa F. Muñoz, naalala ko na nuong mangyari ang barilang iyon ay habang ako ay naglalakad duon sa malapit sa pinangyarihan ay narinig ko ang mga bata na nag-uusap na duon daw itinaapon ni Ponga ang ginamit na sumpak, kaya nuong malaman ko na hinahanap ng mga pulis ay pinuntahan ko at nakita ko nga na nanduon pa rin.

10. T Bakit hindi mo itinuro kaagad sa pulis ang lugar nuong araw na iyon?

S Una po ay takot ako na masangkot at takot din ako kay Ponga. Ngayon po ay nakakulong na siya kaya po naglakas na akong tumestigo.

xxx xxx xxx.

14. T Kilala mo ba itong si Ponga?

S Hindi po masyado, pero putok po ang pangalan niya duon sa lugar namin at maraming takot sa kanya kung lasing siya sa gamot."

(Italics supplied.)

Arlyn B. Jimenez testified that as she and her son, Samuel were about to eat, she saw "Ponga" holding a sumpak a few feet away from her open door.[15] Seized with fear, she immediately closed the door[16] because whenever she sees a sumpak she feels afraid.[17] Momentarily thereafter, a shot was fired through her door, hitting her children. With her two children in serious condition Arlyn rushed them to the Philippine General Hospital, and in her state of hysteria and shock, Arlyn was in no position to tell the police investigator who shot her children,[18] nor recall whether a rumble preceded the shooting or not. All that she could tell the police at that point in time was that the sumpak pellets passed through her shanty door, which she had just closed. Arlyn's testimony should be considered in the light of the fact that there is no standard of behavior when one is confronted with a shocking incident,[19] especially so when the person whose testimony is elicited is part of that shocking incident.

Contrary to accused-appellant's assertions, the photograph presented in evidence indeed shows that the bullet

holes were on the door and not on the wall of the shanty. This was corroborated by Pat. Cajiles who testified that the shanty door "happen to have gunshot damages." [20]

The inconsistencies in the testimonies of the prosecution witnesses cited by accused-appellant have not been shown to be deliberately made to distort the truth and cannot, therefore, be regarded as dissolving and destroying the probative value of the witnesses' testimonies on the identity of the suspect, the presence of the rumble and the entry point of the "sumpak" pellets. [21] Settled is the rule that the findings of the trial court on the credibility of the witnesses are accorded great respect and finality in the appellate court where the same are supported by the evidence on record. [22]

II

The accused-appellant decries the fact that he was denied the right of preliminary investigation. This is not true.

A person who is lawfully arrested, without a warrant pursuant to paragraph 1(b), Section 5, Rule 113, Rules of Court [23] should be delivered to the nearest police station and proceeded against in accordance with Rule 112, Section 7. [24] Under said Section 7, Rule 112, [25] the prosecuting officer can file the Information in court without a preliminary investigation, which was done in the accused-appellant's case. [26]

Since the records do not show whether the accused-appellant asked for a preliminary investigation after the case had been filed in court, as in fact, the accused-appellant signified his readiness to be arraigned, [27] the Court can only conclude that he waived his right to have a preliminary investigation, [28] when he did, in fact, pleaded "Not Guilty" upon his arraignment. [29]

Ponga was convicted because all the circumstances pointed to no other person but him --- Ponga -- as the sumpak-wielder. We quote with approval the trial court's analysis on the conflux of circumstantial evidence, as follows:

"The evidence of the prosecution reveals that it has no eyewitness to the actual commission of the two offenses herein charged or that it did not present any. Stated otherwise, its case is anchored on circumstantial evidence and such is mostly supplied by the victim's mother, Arlyn Barredo-Jimenez. These circumstances are:

- (1) While she, her mother and her son, Samuel Jimenez, Jr., were taking supper in their shanty at around 8:30-9:00 o'clock in the evening of March 19, 1989, she saw Ponga, who is accused Alejandro Valencia, standing a few meters outside holding a homemade shotgun, locally known as 'sumpak'. Afraid of any untoward incident or of their involvement thereof, she immediately closed the door of their house.
- (2) Not long after she closed the door of their house, there was a gun blast coming from in front of their hovel, from the direction where she saw Ponga standing. That shot injured her two children, Annabelle and Samuel, Jr., causing the death of the former four days later and injuring the latter's forearm causing his hospitalization for one week and another 2 weeks for complete recovery.
- (3) Upon seeing her two children wounded, she opened the door of their dwelling to ask for help. At that precise moment, she saw accused Alejandro Valencia running away and carrying the same homemade shotgun (sumpak).
- (4) The several holes (6 of them) of the door (made of plywood) to their house unmistakably show that they were produced by pellets of a shotgun bullet and one bigger hole shows that it was made by a shotgun bullet because of the size of its circumference. In fact, Pat. Roberto Cajiles recovered 3 pellets at the door.
- (5) A homemade shotgun (sumpak) - now Exhibit "A") was retrieved from a canal/ditch very near the hut of Arlyn Barredo-Jimenez by Ramon Bacnotan and surrendered to Pat. Edgardo Paterno on March 30, 1989.

(6) That there was a rumble involving 2 rival gangs immediately preceding the shooting incident that night of March 19, 1989 participated in by accused Alejandro Valencia is admitted by the defense in its offer of People's Tonight issue of March 20, 1989 (Exhibit "1").

Are these circumstances sufficient to support the conviction of the accused, affording as it does the basis for a reasonable inference of the existence of the fact thereby sought to be proved?"

x x x x x x x x

"In answer thereto, the Court finds the above-enumerated circumstances to be sufficient to prove the guilt of the accused beyond reasonable doubt. For there is no showing whatsoever by the defense that Arlyn Barredo-Jimenez, victim's mother, was motivated by ill-will or evil design to testify against the accused. In the absence, therefore, of any such showing tending to question her motive and integrity, her testimony should be given full credit in the light of the time-honored pronouncement that the absence of improper or evil motive for a State witness to make false imputations against the accused strengthens his credibility (People vs. Rose, Sr., et al., L-80457, September 29, 1988, 166 SCRA 110; People vs. Cabatit, L-62030-31, October 4, 1985, 139 SCRA 94; People vs. Beltran, et al., L-37168-69, September 13, 1985, 138 SCRA 521; People vs. Sogales, L-31938, February 20, 1984, 127 SCRA 520; People vs. Vengco, et al., L-31657 & 32264, January 31, 1984, 127 SCRA 242; People vs. Aposago, et al., L-32477, October 30, 1981, 108 SCRA 574, and other numerous cases).

Thus, Arlyn Barredo-Jimenez testified that while they were taking their supper that night of March 19, 1989, she happened to glance through the open door of their hut and she saw the accused, outside, standing a few meters away, holding a homemade shotgun (sumpak). Lest she may get embroiled in any untoward incident, she hurriedly went to close the door. She recognized that person standing outside due to the light in front of their house and the fluorescent lamp at the back of their neighbor's house, thus illuminating the place where the person was standing. Soon after she closed the door, there was a gun blast and then she heard the moanings and cries of pain of her two children, Annabelle and Samuel, Jr. When she looked at them, she saw them bloodied and writhing in pain. Immediately, she opened the door of their hovel to ask for help. Once she opened the door, she saw the accused, Alejandro Valencia, running away and carrying with his right hand the homemade shotgun.

In addition, the telltale bullet marks of the door proved without doubt that they were produced by a shotgun bullet and pellets thereof. Pat. Renato Marquez testified that he saw those bullet and pellet holes at the door when he went to investigate the place after he received a report of the incident from Pat. Ramon Cajiles of the Ong Detachment. From his investigation, only one suspect has been consistently mentioned and that is accused Alejandro Valencia who is identified by those he investigated as Ponga.

All these circumstances are found by the Court to be consistent with each other, consistent with the hypothesis that the accused, Alejandro Valencia, is guilty thereof, and at the same time inconsistent with any other hypothesis except that of his guilt. They constitute an unbroken chain which leads to a fair and reasonable conclusion pointing to the defendant, Alejandro Valencia, to the exclusion of all others, as the author of the two crimes; a chain of natural and rational circumstances corroborating each other and they certainly can not be overcome by the very inconcrete and doubtful evidence submitted by him (Erlanger and Galinger, Inc. vs. Exconde, L-4792 and L-4795, September 20, 1953) as will be pointed out later. Then, too, the facts that no less than the accused's brother, Ramon Valencia, brought the policeman to their aunt's house to arrest the herein accused is another circumstance to show that, indeed, herein accused is guilty thereof."

III

The fact that the case of illegal possession of the sumpak, Criminal Case No. 89-72657 was dismissed upon motion of the prosecution is irrelevant and immaterial as what is material is that Arlyn Jimenez saw Ponga holding the sumpak shotgun before the shooting[30] and saw him again holding the said weapon while running away after the shooting.[31] Said criminal case was dismissed because the trial court applied Section 1, P.D. No. 1866 to accused-appellant's case. Thus, the trial court correctly ruled that:

"Finally, the accused did not adduce any evidence of whatever nature to show that he has the authorization or permit to possess the homemade shotgun (Exhibit "A"). As a matter of fact, there is no need to discuss further this matter because such kind of firearm can not be licensed/registered with the Firearms and Explosives Unit, PC, as it is a homemade shotgun. The Court can take judicial notice that said firearm can fire and cause injury even death, to a person.

Section 1 of Presidential Decree No. 1866, as amended, provides that if homicide or murder is committed with the use of an unlicensed firearms, the penalty of death shall be imposed. Since death occurred as a consequence of the use of an unlicensed firearm (homemade shotgun) in Criminal Case No. 89-72061, the penalty so provided therein should be imposed."

IV

Assuming that maltreatment or torture was employed by the police in the course of their investigation of the case at bar, which of course We condemn, the person allegedly tortured or maltreated was the appellant's brother, Rolando, not the appellant himself, who, incidentally was released. Rolando Valencia, if he was indeed tortured, has remedies under the law for the vindication of his rights.

As to the appellant's contention in his Brief[32] that he was likewise tortured into confessing that he fired the "sumpak", a careful review of the records and exhibits does not reveal that the prosecution presented his confession, if any, during the trial. His conviction was not based on his alleged confession but on the strength of the testimony of the victim's mother. Furthermore, accused-appellant's claim of police brutality cannot be given weight as he never formally complained to the police or to the fiscal nor presented any medical certificate to prove the same.[33]

WHEREFORE, premises considered, the decision of the trial court is AFFIRMED with the MODIFICATION that in Criminal Case No. 89-72061 the death indemnity is increased to FIFTY THOUSAND (P50,000.00) PESOS in consonance with existing jurisprudence. Costs against the accused-appellant.

SO ORDERED.

Narvasa, C.J., (Chairman), Padilla, Regalado, and Campos, Jr., JJ., concur.

[1] Penned by Judge Procoro J. Donato, June 19, 1990.

[2] Rollo, pp. 47-48.

[3] Brief for the Appellee, pp. 3-6.

[4] Rollo, pp. 89-90.

[5] Original Records, pp. 1-2.

[6] Appellant's Brief, p. 2; Rollo, p. 88.

[7] TSN, August 21, 1989, p. 2, 4, 14.

[8] TSN, August 7, 1989, p. 3.

[9] TSN, August 7, 1989, p. 13.

[10] TSN, August 21, 1989, p. 12.

[11] Exhibit "1"; Original Records, pp. 115-116.

[12] TSN, August 7, 1989, p. 8.

[13] Records, p. 113.

[14] Exhibit "J", p. 124.

[15] Ibid, p. 3.

[16] Ibid, p. 4.

[17] TSN, August 7, 1989, p. 17.

[18] TSN, August 21, 1989, p. 5.

[19] People vs. Catubig, 205 SCRA 643.

[20] TSN, September 4, 1989, p. 4, p. 10.

[21] Angelo vs. CA, G.R. No. 88392, June 26, 1992.

[22] People vs. Madrid, G.R. No. 94298, June 22, 1992.

[23] "SEC. 5. Arrest without warrant when lawful. - A peace officer or a private person may, without a warrant, arrest a person:

xxx xxx xxx.

(b) When an offense has in fact just been committed, and he has personal knowledge of facts indicating that the person to be arrested has committed it; x x x."

[24] "SEC. 5. Arrest without warrant when lawful. - A peace officer or a private person may, without a warrant, arrest a person:

xxx xxx xxx

In cases falling under paragraphs (a) and (b) hereof, the person arrested without a warrant shall be forthwith delivered to the nearest police station or jail, and he shall be proceeded against in accordance with Rule 112, Section 7, (6a, 17a)."

[25] "SEC. 7. When accused lawfully arrested without warrant. - When a person is lawfully arrested without a warrant for an offense cognizable by the Regional Trial Court the complaint or information may be filed by the offended party, peace officer or fiscal without a preliminary investigation having been first conducted, on the basis of the affidavit of the offended party or arresting officer or person.

However, before the filing of such complaint or information, the person arrested may ask for a preliminary investigation by a proper officer in accordance with this Rule, but he must sign a waiver of the provisions of Article 125 of the Revised Penal Code, as amended, with the assistance of a lawyer and in case of non-availability

of a lawyer, a responsible person of his choice. Notwithstanding such waiver, he may apply for bail as provided in the corresponding rule and the investigation must be terminated within fifteen (15) days from its inception.

If the case has been filed in court without a preliminary investigation having been first conducted, the accused may within five (5) days from the time he learns of the filing of the information, ask for a preliminary investigation with the same right to adduce evidence in his favor in the manner prescribed in this Rule. (15a)"

[26] Certification of ex-parte investigation by the Assistant City Prosecutor, Records, pp. 1-2.

[27] Order of Trial Court, June 2, 1989; Records, p. 11.

[28] *People vs. Lazo*, 198 SCRA 274.

[29] *People vs. Briones*, 202 SCRA 708.

[30] TSN, August 7, 1989, P. 4.

[31] *Ibid*, p. 5.

[32] Appellant's Brief, p. 6, Rollo, p. 92.

[33] *People vs. Briones*, 202 SCRA 708, 718.

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.