



BY: YCA
TIME: 1:24 pm

Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated November 20, 2019, which reads as follows:

“G.R. No. 221286 (*Erlinda Cayat y Cordero v. People of the Philippines*). – This is a Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court assailing the Decision² dated October 23, 2015 of the Court of Appeals (CA) in CA-G.R. CR No. 36104. The CA affirmed with modification³ the Decision⁴ dated June 21, 2013 of the Regional Trial Court of Imus Cavite, Branch 22 (RTC), finding Erlinda Cayat y Cordero (Cayat) guilty beyond reasonable doubt of the crime of Homicide.⁵

Antecedents

In an Information⁶ dated February 26, 2004, Cayat was charged with Homicide allegedly committed as follows:

That on or about the 20th day of January 2004 in the Municipality of Dasmarinas, Province of Cavite, a place within the jurisdiction of this Honorable Court accused ERLINDA CAYAT y CORDERO conspiring, confederating and mutually helping with another whose identity and whereabouts is still unknown then armed with a knife with intent to kill did, then and there, willfully, unlawfully, and feloniously attack and stab [ALFREDO] BANDOLA y LOPEZ, inflicting upon the latter stab wounds which caused his death, to the damage and prejudice of the victim’s heirs.

CONTRARY TO LAW.⁷

¹ *Rollo*, pp. 3-15.

² Penned by Associate Justice Sesinando E. Villon, with Associate Justices Rodil V. Zalameda (now a Member of this Court) and Pedro B. Corales, concurring; *id.* at 18-29.

³ *Id.* at 28.

⁴ Penned by Acting Presiding Judge Gloria Butay Aglugub; *CA rollo*, pp. 63-71.

⁵ *Id.* at 71.

⁶ *Id.* at 22-22A.

⁷ *Id.* at 22.

Upon arraignment on April 26, 2004, Cayat pleaded not guilty to the offense charged. After the termination of the pre-trial, trial on the merits ensued.

Evidence for the Prosecution

The prosecution presented four witnesses, namely: (1) Erlinda Bandola (Bandola); (2) *barangay tanod* Rogelio Cardines (Cardines); (3) *barangay kagawad* Roberto Roque (Roque); and (4) Philippine National Police Medico Legal Officer Dr. Roy A. Camarillo (Dr. Camarillo).⁸

Bandola testified that she is the widow of Alfredo Bandola (Alfredo) as evidenced by their marriage certificate. She recalled that she was at home sleeping when the crime occurred. She was awakened by her friend, who told her that her husband was stabbed. She immediately went to the Dr. Jose P. Rizal Hospital where her husband was taken but he was already inside the operating room when she arrived. After an hour, her husband died. She alleged that she incurred hospitalization and funeral expenses as shown in the various receipts that she submitted in court. She asserted that she has known Cayat for a long time because the latter is the daughter of her "comadre."⁹

Cardines positively identified Cayat and her male companion as the perpetrators of the crime. He narrated that around 9:00 p.m. of January 20, 2004, he was instructed by his Chief Zosimo Abejar to confirm from Alfredo if he would be reporting for duty as a *barangay tanod*. Upon entering the well-lit vicinity of the *barangay* hall, from a distance of five steps away, he saw Alfredo by the gate of the covered court being repeatedly stabbed with a knife by Cayat and her male companion, whom he did not recognize. He immediately returned to the *barangay* outpost to seek help from the other *tanods*. Upon their return to the *barangay* hall, Alfredo was already by the floor, drenched with his own blood. They rushed him to Dr. Jose P. Rizal Hospital, but he died while receiving medical treatment.¹⁰ Cardines alleged that Alfredo tried to fight against Cayat by hitting her in the head.¹¹

Roque averred that he received a radio report from Alfredo around 9:30 p.m. of January 20, 2004 where the latter told him, "*me nangyaring saksakan sa covered court x x x Kagawad, tulungan mo ako.*" He asked one of the *tanods* to verify the incident. Upon learning that it was Alfredo who got stabbed, he, together with the other *tanods*, went to the *barangay* hall and brought Alfredo to the hospital.¹²

⁸ Rollo, p. 4.

⁹ CA rollo, pp. 64-65.

¹⁰ Id. at 65-65A.

¹¹ TSN dated July 11, 2006, p. 9.

¹² CA rollo, pp. 65A-66.

Dr. Camarillo, meanwhile, testified that he conducted the post-mortem examination on Alfredo. He identified the medical-legal and autopsy reports that he made. He confirmed that the latter died as a result of multiple stab wounds, seven in total, and all of which were fatal or mortal wounds.¹³

Evidence for the Defense

The defense presented only two witnesses, Cayat herself and Dr. Lamberto Cagingin (Dr. Cagingin).

Cayat denied that she killed Alfredo. She testified that she went to the basketball court of *Barangay San Andres Uno* to look for her daughter. The court was closed when she arrived so she went to the back entrance where she saw the silhouettes of two persons who appeared to be arguing. She described that the place was dark. She went inside the court and was suddenly struck in her head multiple times with a hard wooden object. She tried to block the blows using her arms to cover her head. She told her assailant that she was not the enemy and that she was just looking for her daughter. She alleged that she fell unconscious and upon waking found herself in Dr. Jose P. Rizal Hospital.¹⁴ As proof of her admission to the hospital, she presented the medical certificate issued by Dr. Cagingin. She stayed in the hospital for one night. She went home the following day. The *barangay* officials went to her house and invited her for questioning. Instead of the *barangay* hall, she was brought to the police station where she was detained. She insisted that she did not know Alfredo.¹⁵

Dr. Cagingin confirmed that he examined Cayat and that she sustained two lacerated wounds in her head – one in the frontal and one in the occipital area – as stated in the medical certificate. He testified that the wounds might have been caused by a blunt and sharp object and that they are enough for the patient to lose consciousness.¹⁶

RTC Ruling

In its Decision¹⁷ dated June 21, 2013, the RTC convicted Cayat of the crime charged, the dispositive portion of which reads:

WHEREFORE, in view of the foregoing, the Court finds accused ERLINDA CAYAT Y CORDERO GUILTY beyond reasonable doubt of the crime of HOMICIDE and is hereby sentenced to a prison term of ten (10) years of *prision mayor*, as minimum, to seventeen (17) years and

¹³ Id. at 66.

¹⁴ TSN, March 23, 2010, p. 4-7.

¹⁵ Id. at 9-11.

¹⁶ TSN September 20, 2011, pp. 4-7.

¹⁷ CA *rollo*, pp. 63-71.

four (4) months of *reclusion temporal*, as maximum. She is also ordered to pay the heirs of ALFREDO L. BANDOLA ₱50,000 as death indemnity.

SO ORDERED.¹⁸

The RTC rejected Cayat's defenses of denial and alibi. It ruled that Cayat's presence at the scene of the crime at the time of its commission is highly suspicious. It noted the unlikely and unexpected reactions of Cayat, who still persisted in entering the dark covered court alone despite her claim of hearing the voices of two quarrelling unidentified individuals and that there was also a nearby *barangay* outpost where she could have asked assistance from in looking for her daughter. The RTC was convinced that Cayat was not alone when she entered the covered court, and together with her male companion, attacked and stabbed Alfredo. It did not give credence to Cayat's submission that she was also a victim in this case because she was mauled by an unknown assailant. This was negated by her failure to report the details of the alleged assault to the proper authorities. Instead, she opted to go home after being discharged from the hospital. The RTC held that Cayat's injuries further strengthened the narration of Cardines that he saw Alfredo fighting back against Cayat using his night stick or "*batuta*." It further declared that Cardines' testimony remained consistent and unchanged despite the lapse of time. Cayat also failed to prove that Cardines was impelled by personal grudges or evil motive in testifying against her. Thus, his testimony should be given full faith and credit.¹⁹

CA Ruling

In its Decision²⁰ dated October 23, 2015, the CA affirmed the RTC ruling with modification in that it also awarded actual and moral damages to the heirs of Alfredo, *viz.*:

WHEREFORE, premises considered, the instant appeal is **DENIED** for lack of merit. The assailed Decision dated June 21, 2013 rendered by the Regional Trial Court Branch 22, Imus, Cavite in Criminal Case No. 187-04 is **AFFIRMED** with **MODIFICATION**.

Appellant is hereby further ordered to pay the heirs of the victim the amount of ₱33,378.00, as actual damages and ₱50,000.00, as moral damages. The total amount of damages awarded shall earn interest at the legal rate of 6% per annum commencing from the date of finality of judgment until fully paid.

¹⁸ Id. at 71.

¹⁹ Id. at 69-71.

²⁰ Supra note 2.

In all other respects, the appealed decision is hereby
AFFIRMED.

SO ORDERED.²¹

The CA agreed with the RTC that Cardines' positive identification of Cayat as one of the perpetrators of the crime is reliable because he was merely five steps away from the stabbing incident and the basketball court was well-lit. It also ruled that the non-identification and non-presentation of the weapon used do not diminish the merits of Cayat's conviction since there are other competent evidence that incriminated her as the culprit. The prosecution witnesses testified that Alfredo was stabbed with a knife. This was further confirmed by Dr. Camarillo who stated that the stab wounds sustained by Alfredo are caused by a sharp pointed edge instrument believed to be a knife. Meanwhile, due to Cayat's failure to raise the issue of her warrantless arrest before she entered her plea, the CA held that objection on the same is already deemed waived.²²

In her last attempt to exculpate herself, Cayat implored the indulgence of the CA to admit and consider the Judicial Affidavit²³ executed by Rizalde Uy Castillo (Castillo), dated February 20, 2014, akin to newly discovered evidence.²⁴ Castillo stated that he brought Cayat to the hospital upon seeing her bloodied outside the San Andres covered court. He also claimed that a certain Roberto Gubi was seen inside the basketball court, implying that he was the real assailant of Alfredo. However, the CA did not give credence to Castillo's affidavit since it was not offered during the trial.²⁵

The CA awarded actual damages in the amount of ₱33,378.00 for the hospital and funeral expenses incurred by the heirs of Alfredo as substantiated by evidence on record. It also granted moral damages in the amount of ₱50,000.00 and imposed the legal interest of six percent (6%) *per annum* to the total amount of damages commencing from the date of the finality of judgment until fully paid.²⁶

The Petition

In her Petition for Review²⁷ dated November 18, 2015, Cayat assails her conviction on the following grounds: (1) the CA erred in finding her guilty of Homicide based on circumstantial evidence;²⁸ (2) the testimony of Cardines was incredible because he failed to identify, much less chase, Cayat's alleged male companion and he also inexplicably abandoned

²¹ Supra note 3.
²² Id. at 22-26.
²³ CA rollo, pp. 72-76.
²⁴ Id. at 61.
²⁵ Rollo, p. 27.
²⁶ Id. at 27-28.
²⁷ Id. at 3-15.
²⁸ Id. at 6.

Alfredo in the crime scene;²⁹ (3) it was unlikely that Cayat stabbed Alfredo when she herself received successive beatings on the head;³⁰ (4) neither the knife used in the commission of the crime nor the night stick was presented in court;³¹ (5) Roque's declarations were hearsay because he had no direct personal knowledge about the incident. It was also absurd for Alfredo, having sustained several injuries, to have called Roque while simultaneously hitting Cayat;³² (6) the prosecution failed to prove the existence of conspiracy;³³ and (7) the criminal intent of Cayat in allegedly killing Alfredo.³⁴ Cayat also argues that she was deprived of her right to counsel, right to investigation, and right against warrantless arrest, among other violations of her right to due process. She insists that We consider the affidavit of Castillo as newly discovered evidence.

In its Comment³⁵ dated May 2, 2016, the People of the Philippines, through the Office of the Solicitor General (OSG), countered that Cayat's guilt was proven not merely by circumstantial evidence but by the categorical eyewitness account of Cardines.³⁶ Cayat also admitted that she was in the vicinity of the *barangay* basketball court around the time that the homicide occurred. Thus, she unwittingly placed herself in the scene of the crime.³⁷ Aside from this, she also stated that she has no quarrel with Cardines, hence the latter has no motive to perjure his testimony. The OSG reiterated that the presentation of the weapon used in the commission of the crime is not indispensable in the prosecution of the accused.³⁸ Moreso, any questions on the legality of Cayat's arrest should have been raised before she entered her plea. With respect to Castillo's affidavit, the OSG contends that it is inadmissible in evidence because Castillo was never presented in the witness stand. The prosecution had no opportunity to cross-examine him. Moreover, a scrutiny of his affidavit would show that he is a neighbour of Cayat, so he was available to testify for the defense all this time. The defense did not give any explanation for Castillo's belated testimony. Accordingly, the affidavit cannot be considered as newly discovered evidence.³⁹

Cayat filed a Reply⁴⁰ dated May 30, 2016 reiterating that the prosecution witnesses' testimonies were unbelievable and that her warrantless arrest was unlawful.

29 Id. at 8.
30 Id. at 9.
31 Id. at 10.
32 Id.
33 Id. at 11.
34 Id. at 13.
35 Id. at 43-55.
36 Id. at 50.
37 Id. at 48.
38 Id. at 51-52.
39 Id. at 53.
40 Id. at 59-72.

Issue

Whether the CA erred in affirming the conviction of Cayat.

Ruling of the Court

We deny the petition.

The crime of Homicide is penalized under Article 249 of the Revised Penal Code (RPC), to wit:

Art. 249. *Homicide*. — Any person who, not falling within the provisions of Article 246, shall kill another, without the attendance of any of the circumstances enumerated in the next preceding article, shall be deemed guilty of homicide and be punished by *reclusion temporal*.

Thus, to warrant a conviction for the crime of Homicide, the following elements must concur: (1) a person was killed; (2) the accused killed him without any justifying circumstance; (3) the accused had the intention to kill, which is presumed; and (4) the killing was not attended by any of the qualifying circumstances of Murder, or by that of Parricide or Infanticide.⁴¹ All the foregoing requisites are present in this case.

First, it is undisputed that Alfredo, the victim in this case, was killed. Per Alfredo's Death Certificate,⁴² he died from "Hemorrhagic shock due to or as a consequence of Multiple Stab Wounds of the trunk."⁴³

Second, the prosecution proved beyond reasonable doubt that Cayat is one of the culprits in the killing of Alfredo. Cayat's guilt was established not just by circumstantial evidence but by direct evidence. Both the RTC and the CA gave credence to the testimony of Cardines, who saw Cayat and her male companion stab Alfredo with a knife multiple times in the covered basketball court. His testimony before the RTC during his direct examination was clear, categorical, and straightforward, *viz.*:

Prosecutor Julius Cesar G. Peralta:

Q: Were you able to see Alfredo?

A: Yes, sir.

Q: When you saw him, what happened?

A: When I went near the basketball court, I heard that there were noise. I heard that there were people arguing.

⁴¹ *Wacoy v. People*, 761 Phil. 570, 578 (2015).

⁴² Records, Vol. 2, p. 7.

⁴³ *Id.*

Q: Did you come to know who were those person (sic) who were arguing?

A: I was able to identify only Erlinda.

Q: Who else were there aside from Erlinda?

A: She was with a man whom I don't know.

Q: Who else?

A: Alfredo and Erlinda.

Q: What happened next when you heard them arguing?

A: When I heard that there were people arguing, I went to the covered court. And when I was there, I saw Erlinda was attacking Alfredo.

Q: How far were you when you first saw this Erlinda attacking Alfredo?

A: More or less 5 steps away.

Q: When you saw Erlinda attacking Alfredo, what happened next?

A: I was not able to do anything, what I did was to run to the barangay outpost to ask for help.

Q: You said that Erlinda was attacking Alfredo, what exactly did she do to attack Alfredo?

A: She was stabbing Alfredo because during the time she was with someone. Alfredo tried to fight her that is why he was able to hit Erlinda in the head.

Q: How many times, if you can recall did this Erlinda stab Alfredo?

A: I cannot remember how many times she stabbed him.

Q: Can you tell if this Erlinda stabbed this Alfredo more than once?

A: She stabbed him many times.

Q: Can you described what did this Erlinda used to stab this Alfredo?

A: By a knife.

x x x x

Q: You mentioned this Erlinda was with somebody, can you tell if that somebody is a male or a female?

A: She was with a male person.

Q: During the time that this Erlinda was stabbing Alfredo, what was this male do, if any?

A: He was also stabbing Alfredo.

Q: Can you tell this honorable court what was the position of this Alfredo when he was being stabbed by Erlinda and the male person you were not able to identify?

A: The back of Alfredo was against the door leading or going to the covered court. x x x⁴⁴ (Emphasis ours)

Contrary to Cayat's claim, the failure of Cardines to help and/or rescue Alfredo from the hands of his assailants does not make his testimony incredible and unworthy of belief. In the case of *People v. Campit*,⁴⁵ We held that the eyewitnesses' inability to help the victim due to their fear of reprisal is understandable and not at all contrary to common experience. Different people react differently to a given stimulus or situation and there is no standard form of behavioral response when one is confronted with a startling or frightful experience.⁴⁶ Here, Cardines explained that he left Alfredo to seek help in the *barangay* outpost. Surely, he cannot be faulted for choosing to get reinforcements from the *barangay* considering that the accused and her companion are armed with a knife. No law obligates a person to risk his/her own life to save another, although it may be the moral thing to do.

Moreover, Cardines is an unbiased witness. He has no previous quarrel or personal grudge against Cayat. During her cross-examination, Cayat also stated that she does not know Cardines and that she has no quarrel with him.⁴⁷ Thus, Cardines' testimony deserves full faith and credit. It prevails over Cayat's defenses of denial and alibi, which are weak and unreliable defences,⁴⁸ especially in light of the undisputed fact that she was at the covered court during the time of the commission of the crime. Cayat insists that she was merely at the wrong place at the wrong time and that she was at the covered court to look for her daughter. However, aside from her bare allegations, there is dearth of evidence supporting her claim. On the contrary, as correctly observed by the RTC, it is highly suspicious for Cayat to still enter the covered court alone after alleging that it was dark and upon seeing the silhouettes of two unidentified individuals who were engaged in a heated argument. There was also a nearby *barangay* outpost from which she could have asked assistance from to look for her daughter. Cayat then alleged that it is unlikely for her to stab Alfredo because she was also a victim of mauling. She received successive beatings, resulting to lacerated wounds in her head. Suffice it to state that Cardines testified that those lacerations were caused by Alfredo in his attempt to parry the blows from Cayat and her companion.

Moreover, the identification and presentation in court of the knife used to kill Alfredo is not an indispensable requirement for Cayat's conviction because her guilt was established by other competent evidence.⁴⁹

⁴⁴ TSN, July 11, 2006, pp. 7-10.

⁴⁵ 822 Phil. 448 (2017).

⁴⁶ Id. at 458.

⁴⁷ TSN, March 23, 2010, p. 14.

⁴⁸ See *People v. Ambatang*, 808 Phil. 236, 243 (2017).

⁴⁹ See *Medina, Jr. v. People*, 724 Phil. 226, 236 (2014), citing *People v. Bagcal*, 403 Phil. 313, 321 (2001).

Case law teaches that the Court defers to the RTC's factual findings and evaluation of the credibility of witnesses, especially when affirmed by the CA, in the absence of a clear showing that the trial court overlooked or misconstrued cogent facts that would justify the alteration or revision of such findings and evaluation.⁵⁰ In this case, both the RTC and the CA found that Cayat and his unidentified male companion killed Alfredo. We see no reason to depart from their factual findings.

Third, Cayat's intent to kill Alfredo is manifested by the nature and location of his wounds. During his cross-examination, Dr. Camarillo stated that Alfredo sustained seven stab wounds which are all fatal.⁵¹ Notably, Alfredo died of hemorrhagic shock due to multiple stab wounds of the trunk.⁵²

Fourth, Alfredo's killing was not attended by any of the qualifying circumstances of Murder, or by that of Parricide or Infanticide.

On Cayat's contention that her arrest was invalid, we agree with the CA that she never raised it prior to her arraignment and that she brought it up for the first time on her appeal. Hence, her objection is deemed waived.⁵³

Lastly, the CA also did not err in rejecting the affidavit of Castillo as newly discovered evidence. The concept of newly discovered evidence is applicable only when a litigant seeks new trial or the re-opening of the case in the trial court.⁵⁴ Here, the affidavit of Castillo was introduced for the first time in Cayat's appellant's brief before the CA where he prayed for her acquittal. Also, the following requisites should first be satisfied: (1) the evidence was discovered after trial; (2) such evidence could not have been discovered and produced at the trial even with the exercise of reasonable diligence; (3) the evidence is material, not merely cumulative, corroborative, or impeaching; and (4) the evidence is of such weight that it would probably change the judgment if admitted.⁵⁵ The second, third, and fourth requisites are missing. A reading of Castillo's affidavit⁵⁶ would show that he is a friend and neighbour of Cayat. The defense could have presented Castillo as one of their witnesses during the trial in the RTC. Also, the statements of Castillo in his affidavit, even if admitted in evidence, would not change the judgment because he only stated that he brought Cayat to the hospital and that a certain Roberto Gubi also entered the covered court during the time that the crime occurred. These cannot establish Cayat's innocence.

⁵⁰ Id. at 234 (2014), citing *People v. Malicdem*, 698 Phil. 408, 416 (2012); *People v. Dumadag*, 667 Phil. 664, 673 (2011).

⁵¹ TSN, dated April 14, 2009, pp. 7-8. Per Dr. Camarillo's Autopsy Report, Alfredo sustained five stabbed wounds in the stomach and two stabbed wounds in the chest.

⁵² Records, Vol. 2, p. 7. See Death Certificate.

⁵³ See *People v. Villanueva*, 807 Phil. 245, 256 (2017).

⁵⁴ *Ladines v. People*, 776 Phil. 75, 84 (2016).

⁵⁵ Id. at 84-85, citing *Custodio v. Sandiganbayan*, G.R. Nos. 96027-28, March 8, 2005, 493 Phil. 194, 205 (2005).

⁵⁶ CA rollo, pp. 72-76.

The penalty for Homicide under Article 249 of the RPC is *reclusion temporal*. Considering that there is no aggravating or mitigating circumstance present in this case, the penalty should be fixed in the medium period. Applying the Indeterminate Sentence Law, the minimum term should be within the range of the penalty next lower in degree, *i.e.*, *prision mayor*, and the maximum of which is that properly imposable under the RPC, *i.e.*, *reclusion temporal* in its medium period.

Here, the RTC, as affirmed by the CA, properly imposed the indeterminate penalty of imprisonment of ten (10) years of *prision mayor*, as minimum, to seventeen (17) years and four (4) months of *reclusion temporal*, as maximum.

The CA's award of moral damages to the heirs of Alfredo in the amount of ₱50,000.00 was also in order consistent with Our ruling in the case of *People v. Jugueta*.⁵⁷ However, the award of actual damages should be deleted and temperate damages in the amount of ₱50,000.00 should instead be granted. *People v. Racal*⁵⁸ instructs that when the actual damages proven by receipts during the trial amounts to less than the sum allowed by the Court as temperate damages, the award of temperate damages is justified in lieu of actual damages which is of lesser amount.⁵⁹ In this case, the amount of actual damages substantiated by the receipts presented in court amounts only to ₱32,058.00,⁶⁰ while prevailing jurisprudence⁶¹ allows for the recovery of ₱50,000.00 as temperate damages in favor of the heirs of the victim in homicide or murder cases. The reason for this rule is that it would be unfair and anomalous for the victim's heirs, who tried and succeeded in presenting receipts and other evidence to prove actual damages, to receive an amount less than that given as temperate damages to those who are not able to present any evidence at all.⁶²

Consequently, all monetary awards shall earn interest at the rate of six percent (6%) *per annum* from the date of finality of this Resolution until fully paid.⁶³

WHEREFORE, the petition is **DENIED**. The Decision dated October 23, 2015 of the Court of Appeals in CA-G.R. CR No. 36104 is hereby **AFFIRMED with MODIFICATION** in that the actual damages awarded is **DELETED** and, in lieu thereof, temperate damages in the amount of ₱50,000.00 is awarded to the heirs of Alfredo Bandola y Lopez.

⁵⁷ 783 Phil. 806 (2016).

⁵⁸ 817 Phil. 665 (2017).

⁵⁹ Id. at 685.

⁶⁰ Records, Vol. 1, pp. 65-68. See Prosecution's Formal Offer of Exhibits.

⁶¹ Supra note 57.

⁶² *People v. Racal*, supra note 58.

⁶³ *People v. Villanueva*, 807 Phil. 245, 257 (2017).

SO ORDERED.” (Leonen, J., on official business; Caguioa, J., designated additional Member per Raffle dated November 18, 2019; Gesmundo, J., designated as Acting Chairperson of the Third Division per Special Order No. 2737; Lazaro-Javier, J., designated as Additional Member of the Third Division per Special Order No. 2728, on official leave; Zalameda, J., no part.)

Very truly yours,

Mis D C Batt
MISAELO DOMINGO C. BATTUNG III
Deputy Division Clerk of Court

gmw
1/28/20

Atty. Rizalito V. Cabatcan
Counsel for Petitioner
RV CABATCAN LAW OFFICE PROFESSIONAL
CONSULTANCY
28-C Tower 3, Three Adriatico Place
Adriatico St., Ermita, 1000 Manila

PUBLIC INFORMATION OFFICE
Supreme Court, Manila
[For uploading pursuant to A.M. 12-7-1-SC]

LIBRARY SERVICES
Supreme Court, Manila

COURT OF APPEALS
CA G.R. CR No. 36104
1000 Manila

Judgment Division
JUDICIAL RECORDS OFFICE
Supreme Court, Manila

OFFICE OF THE SOLICITOR GENERAL
134 Amorsolo Street
1229 Legaspi Village, Makati City

CTCISupt. Mary Ann A. Marasigan
Superintendent
CORRECTIONAL INSTITUTION FOR WOMEN
1550 Mandaluyong City

Ms. Erlinda Cayat y Cordero
c/o The Superintendent
CORRECTIONAL INSTITUTION FOR WOMEN
1550 Mandaluyong City

The Presiding Judge
REGIONAL TRIAL COURT
Branch 22, Imus
4103 Cavite
(Crim. Case No. 187-04)