



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames

Please take notice that the Court, Third Division, issued a Resolution dated July 10, 2023, which reads as follows:

“G.R. No. 260815 (*People of the Philippines v. Sonny Valeña (Baleña) y Pecardal, Ronald Valeña (Baleña) y Pecardal, and Jake Diana y Bacani*). – For resolution is an appeal of the Decision¹ dated June 29, 2020 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 12507. The CA in its assailed ruling affirmed the Decision² dated October 14, 2011 of the Regional Trial Court (RTC) of San Mateo, Rizal, Branch 77, in Criminal Case No. 7727, which convicted Sonny Valeña y Pecardal (Sonny), Ronald Valeña y Pecardal (Ronald), and Jake Diana y Bacani (Jake) for Robbery with Homicide.

An Information was filed charging Sonny, Ronald, and Jake for the crime of robbery with homicide. The accusatory portion of the Information states:

That, on or about the 3rd day of August 2004, in the Municipality of Rodriguez, Province of Rizal, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, armed with a gun, by means of force, violence and intimidation, with intent to gain did then and there willfully, unlawfully, and feloniously take, steal and carry away one necklace in an [undetermined] amount, to the damage and prejudice of said victim and **on occasion of the said Robbery and by reason thereof, to eliminate obstacles, opposition and maintain possession of the stolen property in furtherance of their criminal conspiracy** with intent to kill did then and there willfully, unlawfully, and feloniously **commit the crime of Homicide attended by Treachery, Premeditation, Abuse of Superior Strength treated as generic aggravating circumstances, nighttime and use of a deadly weapon as aggravating circumstances** by then and there attacking, assaulting and shooting one Imelda Mañas inflicting upon her [a] mortal wound which caused her instantaneous death.

CONTRARY TO LAW.³

¹ *Rollo*, pp. 9-21. Penned by Associate Justice Japar B. Dimaampao (now a Member of the Court), and concurred by Associate Justices Louis P. Acosta and Bonifacio S. Pascua.

² *Id.* at 24-32. Penned by Presiding Judge Lily Villareal Biton.

³ *Id.* at 9-10. CA Decision.

All of accused-appellants pleaded not guilty during their arraignment on October 6, 2004.⁴ Trial on the merits ensued.

The Antecedent Facts

The prosecution sought to establish the following facts as summarized by the CA in its assailed Decision:

At around 8 o'clock in the evening of 3 August 2004, Francisco Mañas (Francisco) and his youngest son were watching television in their living room while Imelda Mañas (Imelda), his wife, was tending [to] their *sari-sari* store. Francisco heard JAKE, a former boarder of their house for two years, asking money and jewelry from Imelda. As Francisco was opening the curtain to ask what the squabble was all about, he heard a gunshot and saw SONNY holding a gun aimed at Imelda. After RONALD took her necklace, appellants ran away.

Stunned, Francisco shouted for help from their neighbors who rushed to his aid. Posthaste, they brought Imelda to the H-Vill Hospital where she was declared dead on arrival. Forthwith, Francisco went to the police station to report the incident. Thereat, a police officer asked Francisco if he knew where JAKE and his two companions went. Francisco replied that he knew where the house of JAKE's brother was.

Thereupon, the police officers and Francisco went to the house of JAKE's brother in *Barangay* Burgos, Rodriguez, Rizal. There, they saw SONNY and RONALD about to enter therein. In a jiff, Francisco pointed to them as the perpetrators of the crime. Thereafter, the police officers arrested them and brought them to the police station.

The following morning, Senior Police Officer 2 Cornelio Castro (SPO2 Castro), Police Officer 2 (PO2) Edwin Ignacio (PO2 Ignacio), PO2 Allan Poe Dela Cruz (PO2 Dela Cruz), and PO2 Jose Gordon Antonio (PO2 Antonio) conducted a follow-up operation based on the information given by SONNY that JAKE was in *Barangay* Ampid, San Mateo, Rizal.

Ensuingly, the police operatives learned that JAKE and his wife left early in the morning and went to the Pantranco Bus Terminal in Pasay City. They proceeded to the terminal and searched all the buses, but to no avail. A bus driver told them that a bus bound for Samar just left, but was still at the gasoline station. Thenceforth, they went to the gasoline station. SPO2 Castro and SONNY boarded the said bus. When PO2 Antonio saw SONNY pointing to a male person, he and the rest of the team likewise boarded the bus. They placed JAKE under arrest, apprised him of his constitutional rights, and brought him to the police station.⁵

In response, accused-appellants raised their main defense of denial. The CA in its Decision summarized their counter-allegations as follows:

JAKE averred that at around 7:30 PM of 7 August 2004, he was in his house together with his expectant wife as well as their child. They were

⁴ Id. at 24. RTC Decision.

⁵ Id. at 10-11. CA Decision.

packing their things as they were to travel early to Samar the next morning. They decided that since his wife was having an abnormal pregnancy, it was better for her to give birth in their province so that they could easily seek help from their relatives. While he was preparing their things, his brother, Samly, arrived. When SONNY and RONALD, his brother's co-workers who lived in the compound, saw Samly, they also went to his house helped in the packing. As it happened, Samly invited SONNY and RONALD for a drink. He gave them a bottle of gin. JAKE avowed that since he was busy for their trip, he did not join the drinking spree. Afterwards, Samly, SONNY and RONALD left before 10 o'clock that evening.

While JAKE and his wife were at the bus terminal, a police officer arrived and asked who Jake Diana was. JAKE stood up and was immediately handcuffed. His wife inquired why he was being arrested, and the police replied that he was involved in a crime perpetrated in Burgos which involved Imelda. JAKE was surprised because he knew Francisco and they had a good relationship as he previously rented his house. Subsequently, JAKE was brought to the police station.

For his part, SONNY asseverated that he was new in Ampid, San Mateo, Rizal as he had just arrived from Oras, Eastern Samar. He was working as an Ice Cream Vendor for only a month where he met JAKE's brother, Samly, a co-worker at the ice cream factory.

At around 8 o'clock in the evening of 3 August 2004, SONNY was at home with his family and RONALD, his brother, when he saw Samly. Upon inquiry, SONNY learned that the latter was heading to JAKE's house which was in the same compound. Samly invited both RONALD and SONNY. Samly introduced them to JAKE who, at that time, was busy packing their things for Samar where his wife would deliver their baby. JAKE granted Samly's request for a bottle of gin. Nevertheless, as he was busy, JAKE refused to join the drinking spree.

Before 9 o'clock in the evening, SONNY, RONALD, and Samly left JAKE's place and proceeded to Amado Street, Macfee Compound, Burgos, Rizal where Samly was staying. When SONNY and RONALD were about to leave, four police officers arrived, pointed a gun at them, and asked for the whereabouts of JAKE. SONNY denied knowing JAKE since he just met him that day. Thereafter, RONALD and SONNY were brought to the police station where they were mauled to force them to divulge the whereabouts of JAKE. It was only the following day that SONNY saw JAKE at the police station. He denied knowing Francisco.

RONALD substantially corroborated the testimonies of JAKE and SONNY, averring that his arrest was excruciating considering that he was being accused of a crime which he did not commit.⁶

The RTC Ruling

The RTC rendered its Decision which convicted all of accused-appellants for the crime of robbery with homicide. It held:

⁶ Id. at 11-12.

WHEREFORE, premises considered, judgment is hereby rendered finding accused SONNY VALENA (BALEÑA) y PECARDAL, RONALD VALEÑA (BALEÑA) y PECARDAL and JAKE DIANA y BACANI, GUILTY beyond reasonable doubt of the crime of Robbery with Homicide and hereby sentences each of them to suffer the penalty of *Reclusion Perpetua*. Said accused are hereby ordered to pay jointly and severally the heirs of the victim Imelda Mañas the amounts of P50,000.00 as civil indemnity, P50,000.00 as moral damages, and P25,000.00 as exemplary damages and P25,000.00 as temperate damages.

SO ORDERED.⁷

The RTC concluded that the prosecution sufficiently established that Sonny, Ronald, and Jake robbed the *sari-sari* store of Imelda Mañas (Imelda) on the night of August 2, 2004, and on its occasion killed her by shooting her on the neck. It gave credence to the testimony of Imelda's husband, Francisco Mañas (Francisco), who witnessed the entire incident as he was checking up on her. He heard Jake demanding Imelda to give him her money and jewelries, saw Sonny pointing the gun at her, and Ronald taking the necklace after she was shot.⁸ Francisco's positive identification of accused-appellants outweighed their unsubstantiated denial.⁹

Unsatisfied, accused-appellants appealed the RTC Decision.¹⁰

Represented by the Public Attorney's Office (PAO), they jointly filed a Brief for the Accused-Appellants (Appellants' Brief).¹¹

In their Appellants' Brief, they argued that their identification by Francisco as the perpetrators of the crime was doubtful because (1) he did not actually see Sonny shoot Imelda,¹² (2) he could not clearly see them because he was four meters away and it was raining hard,¹³ and (3) he was not acquainted with Sonny and Ronald and could have mistaken their identity.¹⁴ They also highlighted that the pistol allegedly used by Sonny to shoot Imelda was not confiscated from them at the time of their arrest.¹⁵

They further argued that the existence of a conspiracy was not proven because there was no eyewitness to the shooting incident and Francisco only went to the *sari-sari* store after he heard the gunshot.¹⁶ Lastly, they argued that their arrest was illegal and did not fall under any of the permissible instances of warrantless arrests under the Revised Rule on Criminal Procedure.¹⁷

⁷ Id. at 32. RTC Decision.

⁸ Id. at 28.

⁹ Id. at 31.

¹⁰ CA *rollo*, p. 15. Notice of Appeal.

¹¹ Id. at 28-47.

¹² Id. at 37-38. Appellants' Brief.

¹³ Id. at 38-39.

¹⁴ Id. at 39-40.

¹⁵ Id. at 40.

¹⁶ Id. at 40-41.

¹⁷ Id. at 42-44.

The State, through the Office of the Solicitor General (OSG), filed a Brief for the Plaintiff-Appellee (Appellee's Brief).¹⁸ It asserted that conviction for a crime can be based solely on the testimony of a credible witness such as Francisco. The RTC, which had the best position to evaluate his credibility, found him to be trustworthy.¹⁹ Moreover, it argued that their arrest was valid under the *hot pursuit* exception, and not as the *in flagrante delicto* exception that accused-appellants posits.²⁰

The CA Ruling

The CA rendered its Decision²¹ affirming the conviction of all accused-appellants, but modifying the amounts of damages awarded. It held:

WHEREFORE, the *Appeal* is hereby **DENIED**. The *Decision* dated 14 October 2011 of the Regional Trial Court, Fourth Judicial Region, San Mateo, Rizal, Branch 77, in Crim. Case No. 7727, is **AFFIRMED** with the following **MODIFICATIONS**:

- 1) Each of the amounts of civil indemnity and moral damages is increased from ₱50,000.00 to ₱75,000.00
- 2) The amount of temperate damages is increased from ₱25,000.00 to ₱75,000.00.
- 3) The amount of exemplary damages is increased from ₱25,000.00 to ₱75,000.00.
- 4) All damages awarded shall earn interest at the rate of six percent (6%) *per annum* from finality of this *Decision* until fully paid.

SO ORDERED.²²

The CA affirmed that Francisco's testimony was credible and sufficed to prove the identities of the accused-appellants, the elements of the crime charged, and the existence of conspiracy among them. It highlighted the principle that the RTC was in the best position to assess Francisco's credibility as a witness.²³ His positive identification of accused-appellants was therefore entitled to more weight than their bare denials.

Aggrieved, accused-appellants now appeal to this Court.²⁴

The Court, acting on the appeal, issued a Resolution²⁵ dated August 22, 2022 directing the parties to file their respective supplemental briefs.

¹⁸ Id. at 67-80.

¹⁹ Id. at 73-76. Appellee's Brief.

²⁰ Id. at 78-79.

²¹ *Rollo*, pp. 9-21.

²² Id. at 21.

²³ Id. at 14-17. CA Decision.

²⁴ Id. at 3-5.

²⁵ Id. at 34-35.

The State filed a Manifestation²⁶ through the OSG stating that it will no longer file a supplemental brief since it had already addressed the issues and accused-appellants' arguments in its Appellee's Brief.

Accused-appellants, through the PAO, similarly filed a Manifestation²⁷ stating that they will no longer file a supplemental brief and shall adopt all the arguments raised in their Appellants' Brief.

The Ruling of this Court

After a judicious review, the appeal is unmeritorious.

It bears stressing at the outset that accused-appellants' arguments questioning the credibility of Francisco as a witness and the accuracy of his testimony must be denied. It is settled that the factual findings of the trial court and its evaluation of the credibility of the witnesses are entitled to great weight and are deemed conclusive absent a showing that it overlooked or misconstrued cogent facts and circumstances that would materially affect the disposition of the case. This principle is more strictly applied when the factual findings have been affirmed by the CA. This is in deference to the fact that its "determination proceeds from its first-hand opportunity to observe the demeanor of the witnesses, their conduct and attitude under grilling examination, thereby placing the trial court in the unique position to assess the witnesses' credibility and to appreciate their truthfulness, honesty, and candor."²⁸

In this case, the RTC and the CA both concluded that Francisco was a credible witness who gave an unflinching testimony identifying accused-appellants as the perpetrators of the crime.²⁹ There are no compelling grounds asserted to disturb this factual determination.

Francisco undoubtedly recognized Jake and was familiar with his voice since the latter was a former tenant of their house for two years.³⁰ He could also recognize Sonny and Ronald easily because he used to see them prior to the incident with Jake buying cigarettes from Imelda's *sari-sari* store.³¹ Hence, the argument that Francisco might have made a mistake in identifying them on the night of the incident from only four meters away is highly doubtful. This is especially true because a family member who witnesses the killing of a loved one naturally and expectedly strives to remember the faces of the assailants.³²

²⁶ Id. at 42-43.

²⁷ Id. at 47-48.

²⁸ *People v. Juare*, G.R. 234519, June 22, 2020, 939 SCRA 137, 152.

²⁹ *Rollo*, pp. 14-18. CA Decision.

³⁰ Id. at 28. RTC Decision.

³¹ Id. at 25.

³² *People v. Piedad*, 441 Phil. 818, 832 (2002).

The CA therefore correctly held that Francisco's testimony sufficed to support accused-appellants' convictions.³³ Accused-appellants provided only bare and self-serving denials which cannot overcome Francisco's positive identification.

Accused-Appellants are Guilty Beyond Reasonable Doubt of Robbery with Homicide.

The special complex crime of robbery with homicide is defined and penalized under Article 294(1) of the Revised Penal Code (RPC), to wit:

ART. 294. Robbery with violence against or intimidation of persons - Penalties. -Any person guilty of robbery with the use of violence against or intimidation of any person shall suffer:

1. The penalty of reclusion perpetua to death, when by reason or on occasion of the robbery, the crime of homicide shall have been committed, or when the robbery shall have been accompanied by rape or intentional mutilation or arson. x x x

To be convicted of robbery with homicide, the prosecution must establish the following elements beyond reasonable doubt:

1. The taking of personal property with the use of violence or intimidation against the person;
2. The property taken belongs to another;
3. The taking is characterized by intent to gain or *animus lucrandi*; and
4. On the occasion or by reason of the robbery, the crime of homicide, as used in its generic sense, was committed.³⁴

In robbery with homicide, it is necessary that the offender's original criminal intent and main purpose is to commit robbery. The killing, which may occur before, during, or after the robbery, is incidental and subsidiary.³⁵ The element of homicide is understood here in a generic sense. The Court has recognized that a homicide can be considered committed by reason of or on occasion of the robbery, if, for instance, it was resorted to (1) facilitate the robbery or the escape of the culprit; (2) preserve the possession by the culprit of the loot; (3) prevent discovery of the commission of the robbery; or (4) eliminate witnesses of the crime.³⁶

In this case, the prosecution proved all the elements of robbery with homicide beyond reasonable doubt. Francisco unequivocally narrated the

³³ Rollo, p. 14. CA Decision.

³⁴ *People v. Labagala*, 837 Phil. 396, 403 (2018).

³⁵ *People v. Palema et al.*, G.R. No. 228000, July 10, 2019, 908 SCRA 464, 474.

³⁶ *People v. Paran*, G.R. No. 241322, September 8, 2020.

entire incident which he witnessed and identified accused-appellants as the persons who robbed Imelda in their *sari-sari* store and, in the process, shoot her on the neck which caused her death. He pertinently testified:

FISCAL MAJOMOT:

Q Now, you stated a while ago that your wife and a certain Jake were arguing, what happened, if any?

A When I heard them having [an] argument, I heard Jake asking for money and jewelries (sic) from my wife.

Q What happened next Mr. Witness after [the] arguments between Jake and your wife, and the former was requesting for money and jewelries?

A I asked my wife what was the argument all about and as I open the curtain of the window I heard a gunshot.

Q You heard a gunshot?

A Yes, sir.

Q When you open[ed] the curtain, what did you see?

A I saw a person holding a gun and I was only able to see his face and I saw him still poking a gun aimed to my wife.

Q Let us make this clear, Mr. Witness, when you open[ed] the curtain, how many persons did you see in your store?

A Three (3), sir.

Q Now, you stated a while ago that somebody was holding the gun aimed at your wife which you knew his face, is that correct?

A Yes, sir.

Q What about the other persons? (D)o you know the other persons?

A Also by face, sir.

Q Are you also referring to the other accused in this case? (T)he three?

A Yes, sir.

Q When was the first time [you learned] the names of those persons which you knew only [by] their faces?

A Here in Court, sir.

Q But are you sure of [the] two persons you know only by their face[s], are you sure of that?

A Yes, sir.

Q Now, who was holding [the] gun when you saw it aimed [at] your wife?

A The tall person whom I can recognize by face.

Q But you stated a while ago that you already knew his name?

A Yes, sir.

Q What is the name of the tall person?

A Sonny Valeña, sir.

Q What about the other person whom you knew by face?

A Ronald Valeña, sir, he was the one who took the necklace of my wife, sir.

Q How many shots were fired? If you can remember on that faithful night?

A Only one (1), sir.

Q Who was hit [from] that shot fired?

A My wife who was then seated, sir.

Q Where was your wife hit?

A At the right portion of her neck, sir.³⁷

It is evident from the incident that accused-appellants' main objective was to merely rob Imelda at her *sari-sari* store. This is proven by Jake's initial demand for her to hand over her money and jewelries.³⁸

The first and second elements of robbery with homicide were then established as they robbed her of her necklace with the use of force and intimidation against her. The third element of intent to gain is likewise present and presumed from their overt acts of unlawful taking.³⁹

The fourth element was likewise proven since accused-appellants committed homicide on the occasion of the robbery. Imelda refused their demands which led to Sonny shooting her on the neck to enable Ronald to take her necklace. They clearly killed her to facilitate the robbery and preserve their possession of the item stolen as they subsequently escaped.

Contrary to accused-appellants' position, the existence of a conspiracy among them is apparent. There is a conspiracy when two or more offenders come to an agreement concerning the commission of a felony and decide to commit it.⁴⁰ Such a conspiracy may be deduced from the mode or manner by which the offense was perpetrated, or inferred from the acts of accused-appellants themselves when these point to a joint purpose and design, concerted action, and community of interest.⁴¹

The Court in *People vs. De Jesus*⁴² elucidated on the nature of the participation and criminal liability of each conspirator. Significantly, to be exempt from criminal liability, the conspirator must have performed an overt act to disassociate himself or herself from the conspiracy and prevent its commission:

To be a conspirator, one need not participate in every detail of the execution; he need not even take part in every act or need not even know the exact part to be performed by the others in the execution of the conspiracy. Each conspirator may be assigned separate and different tasks which may appear unrelated to one another but, in fact, constitute a whole collective effort to achieve their common criminal objective. Once conspiracy is shown, the act

³⁷ *Rollo*, pp. 28-29. RTC Decision.

³⁸ *Id.* at 28.

³⁹ *People v. Del Rosario*, 411 Phil. 676, 686 (2001).

⁴⁰ REVISED PENAL CODE, Article 8.

⁴¹ *People v. Paran*, *supra* note 36.

⁴² 473 Phil. 405 (2004).

of one is the act of all the conspirators. The precise extent or modality of participation of each of them becomes secondary, since all the conspirators are principals. To exempt himself from criminal liability, a conspirator must have performed an overt act to dissociate or detach himself from the conspiracy to commit the felony and prevent the commission thereof.⁴³

Accordingly, when a homicide takes place on the occasion or by reason of the robbery, all persons who participated in the robbery shall be guilty of the complex crime of robbery with homicide. This is regardless of whether or not the conspirator participated in the killing, unless it is proved that he/she had endeavored to prevent the killing.⁴⁴

Based on the foregoing, the CA and the RTC both correctly ruled that accused-appellants conspired to commit the crime. Their actions evidently showed how they acted in concert to achieve their joint purpose of robbing Imelda. They first convened and walked together to Imelda's store, armed with a gun. They then performed their respective specific tasks to carry out their plan. Jake, being the most acquainted with Imelda, confronted and demanded her to give them her money and jewelries. Having encountered her adamant refusal, Sonny entered to threaten her with a gun, and then ultimately shot her on the neck. Ronald immediately grabbed the opportunity to take her necklace and consummate the robbery, after which they all fled the scene of the crime.⁴⁵

Without a doubt, accused-appellants' actions before, during, and after the robbery demonstrated how they acted with a joint purpose and design. None of them proved that they committed acts to prevent the killing of Imelda and the commission of the offense. Consequently, accused-appellants are conspirators who are criminally liable for robbery with homicide.

Imposable Penalties

The penalty of *reclusion perpetua* imposed on each of accused-appellants is affirmed consistent with Article 294(1) of the RPC.

Anent the damages awarded, the civil indemnity, moral damages, and exemplary damages, each imposed in the amount of Seventy-Five Thousand Pesos (₱75,000.00), are affirmed. However, the temperate damages awarded is decreased to Fifty Thousand Pesos (₱50,000.00) in accordance with prevailing case law.⁴⁶

All damages awarded shall earn interest at the rate of six percent (6%) per *annum* from finality of this Resolution until fully paid.

⁴³ Id. at 429.

⁴⁴ *People v. Escosio*, 292-A Phil. 606, 620-621 (1993). See also *People v. Paran*, supra note 36.

⁴⁵ *Rollo*, p. 30. RTC Decision.

⁴⁶ *People v. Jugueta*, 783 Phil. 806 (2016).

WHEREFORE, the instant appeal is **DISMISSED**. The Decision dated June 29, 2020 of the Court of Appeals in CA-G.R. CR-HC No. 12507 is hereby **AFFIRMED**. **SONNY VALEÑA y PECARDAL**, **RONALD VALEÑA y PECARDAL**, and **JAKE DIANA y BACANI** are **GUILTY** beyond reasonable doubt of the crime of Robbery with Homicide punished under Article 294(1) of the Revised Penal Code, as amended, and each sentenced to suffer the penalty of *Reclusion Perpetua*.

They are jointly and severally liable for damages and **ORDERED** to pay the heirs of deceased Imelda Mañas the amount of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, ₱50,000.00 as temperate damages, and ₱75,000.00 as exemplary damages.

All damages awarded shall earn interest at the rate of six percent (6%) per *annum* from the time of finality of this Resolution until fully paid.

SO ORDERED.” (Dimaampao, J. and Singh, J., *recused themselves due to prior participations in the CA; Zalameda, J. and Rosario, J., designated additional Members per Raffle dated August 9, 2022.*)

By authority of the Court:

Misael Domingo C. Battung III
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Division Clerk of Court Jan 10-18-23

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