

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. DANTE GALICIA Y TAGOLIMOT AND JOBEL DILCO Y ODRONIA A.K.A. “DODONG”; ACCUSED,

Ponente: GARCIA, R.R., J.

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GARCIA, R.R., J.:

Before Us is an appeal from the Decision[1] dated September 2, 2013 of the Regional Trial Court (RTC), Branch 276, Muntinlupa City in Criminal Case No. 10-127 finding herein accused-appellant Dante Galicia y Tagolimot guilty beyond reasonable doubt of Murder, the dispositive portion of which reads:

WHEREFORE, IN THE LIGHT OF THE FOREGOING, this Court finds the accused DANTE GALICIA y Tagolimot, GUILTY of the crime of MURDER defined and penalized under Article 248 of the Revised Penal Code and accordingly sentences him to suffer the penalty of reclusion perpetua.

Accused is further directed to pay the heirs of the victim Carlito Simundac y Arevalo the following:

- Php50,000.00 as civil indemnity;
- Php50,000.00 as moral damages;
- Php144,550.00 as actual damages; and
- Php 30,000.00 as exemplary damages.

No pronouncement as to cost.

Let a Commitment Order be issued for the transfer of accused DANTE GALICIA y Tagolimot from the Muntinlupa City Jail, Tunasan, Muntinlupa City to the National Bilibid Prison, Bureau of Corrections, Muntinlupa City.

Since Accused JOBEL DILCO y Odronia alyas “DODONG” is still at large, let the case against him be ARCHIVED and a Warrant of Arrest be issued against him without expiry date to be returned only upon his arrest.

IT IS SO ORDERED.[2]

THE FACTS

In an Amended Information[3] filed before the RTC of Muntinlupa City, appellant Dante Galicia y Tagolimot and accused Jobel Dilco y Odronia a.k.a. “Dodong” were charged with the crime of Murder, committed as follows:

That on or about the 8[th] day of March 2010, in the City of Muntinlupa, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating and mutually helping one another with accused JOBEL DILCO A.K.A. “DODONG” armed with the BOLO, with intent to kill, employing treachery, when accused DANTE GALICIA held both arms of the victim-deceased, JOBEL DILCO did then and there willfully, unlawfully, and feloniously attack, assault and hack the said CARLITO

[SIMUNDAC y AREVALO] on his neck and arm, thereby inflicting upon the latter physical injuries which is necessarily fatal and which caused his instantaneous death, all to the damage and prejudice of the heirs of the said CARLITO [SIMUNDAC y AREVALO].

Contrary to law.

Only appellant Galicia was arrested while accused Dilco remains at-large. During the arraignment on April 21, 2010, appellant Galicia, with the assistance of counsel, pleaded not guilty[4] to the charge.

Trial on the merits ensued thereafter.

The prosecution presented four (4) witnesses namely: prosecution eyewitnesses Rosalie Vidal y Simundac and Sammy Bunye; Medico-Legal Officer Dr. Voltaire Nulud; Edna San Juan Simundac; and Police Officer PO2 Percival Medina.

Prosecution eyewitness Rosalie, daughter of deceased victim Carlito Simundac, testified that his father is the owner of the Boracay Videoke Bar located along East Service Road in Alabang, Muntinlupa. She served as the bar's cashier. Appellant Galicia is a gay and was the bar's floor manager while accused Dilco a.k.a "Dodong" is the former's live-in partner. The two (2) accused were allowed by the victim to live in the bar since August 2009 due to appellant Galicia's request. On March 8, 2010, at about 4:00 a.m., the victim scolded appellant Galicia, the GROs and waitresses of the bar because they were neglecting their duties. At that time, accused "Dodong" was outside the bar. After talking to appellant Galicia, the waitresses and GROs went upstairs while the victim decided to go out. At about 4:15 a.m., Rosalie was then monitoring the inventory when she suddenly saw appellant Galicia hold his father's two (2) hands and place them at the latter's back. At that instance, accused "Dodong" hacked her father at his left neck with the use of a stainless butcher's knife. The weapon was about six (6) inches long, excluding the handle, and four (4) inches wide, which was being used in the bar's kitchen. She screamed "ang Daddy ko!" upon seeing the incident as she rushed towards the door. On her way out of the bar, she again saw accused "Dodong" hack her father which the latter parried with his left forearm. She then overheard appellant Galicia said to accused, "Dodong, takas na tayo!". After which, the two (2) accused ran towards the direction of Sucat. She saw her father across the street bloodied while holding his left neck. Her husband helped her bring his father to the Ospital ng Muntinlupa, but he later died.

Prosecution eyewitness Sammy Bunye corroborated the testimony of Rosalie and narrated that at the time of the crime, he was sitting outside of the Boracay Videoke Bar waiting for the victim. He then saw the victim getting out of the bar followed by appellant Galicia and accused "Dodong". Suddenly, appellant Galicia embraced the victim from behind. He then held both hands of the victim and placed them at the latter's back. At that instance, appellant Galicia said, "Dodong, tirahin mo na". Accused "Dodong" also uttered, "putang-ina mo papatayin kita" and hacked the victim at his left neck. The victim tried to fight back and was able to free himself from appellant Galicia's hold. However, accused "Dodong" did not stop attacking the victim and hacked him the second time which the latter parried with his left forearm causing injury to the same. Sammy was shocked of the incident that he got something to hit the assailant but the accused stopped and stared at him. Appellant Galicia then shouted, "Dodong, takas na tayo" and the two (2) accused ran towards Sucat. Sammy tried to run after them but failed to catch them as they boarded a jeep.

The autopsy conducted by the Medico-Legal Officer Dr. Voltaire Nulud reveals that the cause of the death of the victim was "Hack Wound, Neck". According to Dr. Nulud, the wound was fatal because a major blood vessel on the neck called the "jubilar vein" was lacerated.[5]

Edna San Juan Simundac, widow of deceased-victim, testified that on account of the victim's death, his family incurred expenses in the amount of Php144,550.00 as payment for hospital bills and funeral expenses.

The parties stipulated on the testimony of PO2 Percival Medina that he was one of the police officers who made a follow-up operation and arrested appellant Galicia after being pinpointed by prosecution eyewitness Sammy Bunye.

The defense presented the lone testimony of appellant Galicia.

Appellant Galicia raised the defense of denial. He claims that he had no participation in the killing and did not conspire with his accused “Dodong”. According to him, in the early morning of March 8, 2010, he was inside the bar supervising and watching the customers and the employees. Suddenly, a GRO told him that their boss, herein victim Simundac, was mauling one of their employees so he peeped at the window and indeed confirmed the reported incident. The victim then went inside the bar, scolded his employees, and again went out. He then saw his boyfriend, accused “Dodong”, follow the victim. A few seconds after, they heard shouting coming from outside. When he opened the door, he saw the victim running towards the other side of the street while accused “Dodong” was at the side of the road going to Sucat. He followed accused “Dodong” and asked him what happened. Accused “Dodong” admitted to him that he hacked the victim and asked appellant Galicia to accompany him to his mother in Las Piñas. Appellant Galicia acceded, however, he was the only one who went to Las Piñas as accused “Dodong” was left at his cousin's house. At about 9:00 a.m. of the same date, police officers arrived at the house of accused “Dodong's” mother looking for him. When they could not find him, the police officers told him to go with them for investigation. Despite telling the police officers the places where accused “Dodong” used to hang around, he was not released and was eventually put in jail.[6]

In the assailed Decision[7] dated September 2, 2013, the court a quo found appellant guilty beyond reasonable doubt of the crime of murder. It gave credence to the testimonies of prosecution eyewitnesses Rosalie Vidal and Sammy Bunye who saw how the victim was killed. The crime was also attended by the qualifying circumstance of treachery as the attack was executed by appellant Galicia and accused “Dodong” in a vicious manner as to make the victim's defense virtually impossible. Conspiracy was also present in the commission of the crime as shown by the following circumstances: 1) appellant Galicia held both hands of the victim which he placed at the latter's back; 2) immediately thereafter, appellant Galicia shouted to accused “Dodong” to hit the victim, which the latter did; 3) appellant Galicia told accused “Dodong” to escape after the hacking; and 4) both of them ran together towards the direction of Sucat after the attack. Further, appellant Galicia's denial cannot overcome the straightforward and categorical testimonies of the prosecution eyewitnesses. The pertinent portions of the assailed Decision read:

x x x

As to element No. 1, there is no dispute that a person was killed, Mr. Carlito Simundac y Arevalo was killed on March 8, 2010 in front of his own bar at Boracay Bar, East Service Road, Alabang Muntinlupa City. The fact of death of the victim Carlito Simundac y Arevalo had been unquestionably established by the testimonies of eyewitnesses Rosalie Simundac Vidal, Sammy Bunye, the wife of the victim, Edna San Juan Simundac, and the Death Certificate (Exh. “A”) issued by Dr. Voltaire Nulud, the Medico-legal Officer who conducted the autopsy on the victim's body.

As to the No. 2 element, herein accused Dante Galicia, together with his live in partner, Jobel Dilco alyas “Dodong” are being indicted for the killing of Carlito Simundac. x x x.

x x x

Both Prosecution eyewitnesses Rosalie Simundac Vidal and Sammy Bunye categorically claim to be present at the place and during the time of the incident on March 8, 2010. The presence of these witnesses was never denied by the accused. According to these witnesses, they had vividly witnessed what happened on that fateful

night. Rosalie was then the cashier of the bar owned by her father-victim and was still at the bar at 4:00 o'clock in the morning as it was then closing time and she had to supervise the inventory of the day's earnings of the bar. The walls of the bar as well as its door are made of glass and she could easily see what's happening outside. According to her, the place was well lighted by a street light and she was only about six (6) meters away from where her father was standing before the attack was made. With this distance and circumstances, Rosalie was in such a position, to see without any obstruction, how her father Carlito was attacked by the accused Galicia who held her father's two (2) hands which he placed at her father's back before alyas "Dodong" hacked her father with a butcher's knife. She was certain, without any doubt, that it was accused Galicia who held her father's hands as she knows him so well, being the bar's floor manager since August 2009. Aside from this, accused Galicia and his co-accused alyas "Dodong", who is Galicia's live-in partner, likewise stayed for a long period in the upper portion of the bar thru her father's permission, hence, she is very well-acquainted with these people. Having seen her father hacked, Rosalie immediately rushed to get outside and upon reaching thereat, she again saw alyas "Dodong" hack her father at his left forearm and then heard accused Galicia shout "Dodong, takas na!" (Dodong, let's escape!).

x x x

Moreover, Rosalie's aforesaid assertions were equally confirmed by another eyewitness Sammy Bunye, who was sitting outside of the bar about five (5) meters away from the victim when the incident happened. x x x.

x x x

There is no doubt that the identity of accused Galicia, as one of the assailants, has been proven beyond reasonable doubt.

The information filed against accused Galicia and his co-accused alleged conspiracy. From the eyewitnesses' narration of facts, conspiracy is very much evident from the actuations of the accused Galicia and his co-accused; 1) accused Galicia held the two (2) hands of the victim which he placed at the victim's back before accused Jobel Dilco hacked the victim; 2) immediately after holding the victim at his back, accused Galicia shouted to his co-accused "DODONG" to hit the victim already, which the said co-accused did; 3) Accused Galicia told his co-accused to escape after the hacking; 4) the two (2) accused ran together towards the direction of Sucat after the attack.

x x x

The No. 3 element of the crime will certainly determine the nature of the crime committed. x x x.

The factual backdrop of the case will clearly show that the accused attacked the hapless victim Carlito suddenly and without a warning. The victim was just unsuspectingly standing outside the bar ready to go home when he was attacked. There was nothing to indicate that Carlito could have foreseen the deadly assault. The attack was swift and deliberate. Accused Galicia even had to hold both hands of the victim which he placed at the latter's back before the victim was hacked in front by accused "Dodong". By holding both hands of the victim at the back, the accused really made sure that the victim would not be able to put up a decent defense. The attack was executed by accused in such a vicious manner as to make the defense virtually impossible. The weapon used, a bolo or a butcher's knife, is a very deadly instrument and the part of the victim's body, the neck, was deliberately hit in order to cause the victim's death. Under the circumstances, it is very clear that the accused really wanted to kill the victim.[8]

Hence, this appeal in which appellant Galicia raised the following assignment of errors[9], to wit:

I.THE COURT A QUO GRAVELY ERRED IN FINDING APPELLANT GALICIA GUILTY OF MURDER DESPITE THE PROSECUTION'S FAILURE TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.

II.THE COURT A QUO GRAVELY ERRED IN FINDING THE EXISTENCE OF CONSPIRACY

BETWEEN APPELLANT GALICIA AND ACCUSED JOBEL DILCO ALIAS “DODONG”.

THE ISSUE

The sole issue in the instant case is whether or not the court a quo correctly found appellant Galicia guilty beyond reasonable doubt of murder.

THE COURT'S RULING

The appeal is bereft of merit.

Appellant claims that there was no proof establishing that appellant Galicia conspired with accused “Dodong” as he has no grudge against the victim. The hacking incident appears to have arisen from a misunderstanding between the victim and accused “Dodong”. Moreover, treachery cannot be appreciated because it was not shown that the attack was premeditated or that appellant Galicia made some preparations to insure its execution.

We are not persuaded.

Article 248 of the RPC defines and punishes the crime of murder. We quote:

Art. 248. Murder. - Any person who, not falling within the provisions of Article 246 shall kill another, shall be guilty of murder and shall be punished by reclusion perpetua, to death if committed with any of the following attendant circumstances:

- With treachery, taking advantage of superior strength, with the aid of armed men, or employing means to weaken the defense, or of means or persons to insure or afford impunity;

x x x

(Emphasis supplied)

The elements of murder are as follows: 1) That a person was killed; 2) That the accused killed him; 3) That the killing was attended by any of the qualifying circumstances mentioned in Art. 248; and 4) That the killing is not parricide or infanticide.[10]

After a thorough and careful review of the records, the court a quo correctly held appellant Galicia guilty beyond reasonable doubt of murder.

In the instant case, prosecution eyewitnesses Rosalie Vidal and Sammy Bunye were in unity when they testified that appellant Galicia held the victim's two (2) hands and placed it at the latter's back. At that instance, appellant Galicia said, “Dodong, tirahin mo na”. Accused “Dodong” also uttered, “Putang-ina mo papatayin kita” and hacked the victim at his left neck with the use of a stainless butcher's knife. The weapon was about six (6) inches long, excluding the handle, and four (4) inches wide, which was being used in the bar's kitchen. Thereafter, accused “Dodong” hacked the victim again but the latter parried it with his left forearm. Appellant Galicia then said to accused “Dodong” to escape and they ran towards the direction of Sucat. The pertinent testimonies of Rosalie Vidal and Sammy Bunye are quoted:

(TESTIMONY OF ROSALIE VIDAL Y SIMUNDAC)

x x x

Q

Where were you when your father was hacked?

A

I was inside the Videoke Bar at the booth of the cashier.

Q

How far were you when this hacking happened?

A

Six (6) meters away.

Q

How were you able to see the incident of the hacking?

A

The wall of the bar is made of glass so I could see what happened outside of the bar, which has a streetlights.

Q

Do you know who hacked your father?

A

Yes, Sir.

Q

Who?

A

Dodong alias Jobel Dilco and also Dante Galicia.

Q

Are they the same persons who stand charged in this Murder case?

A

Yes, Sir.

Q

How many times did the said accused hacked your father?

A

He was hacked twice.

Q

The first time that the said accused hacked your father, where was he hit?

Interpreter

A

Witness is demonstrating that the victim was hit on the left side of the neck.

Atty. Madlansakay:

Q

And how about the second time that he hacked your father?

A

Yes, Sir.

Q

How about the other accused, Dante Galicia, where was he at that time of the hacking?

A

He was the one holding my father.

Q

Where was he situated at the time he hacked your father?

A

At the back of my father.

Q

Now, that butcher's knife that you mentioned, can you describe that item before this Honorable Court?

A

Yes, Sir.

Interpreter

Witness is estimating the size of the knife, which is six (6) inches long and the width is four (4) inches, made of stainless.

Atty. Madlansakay:

Q

The length of that butcher's knife does that include the handle?

A

No, Sir.

Q

How did you know that it was a butcher's knife that accused Dodong used in hacking your father?

A

That knife is used in our kitchen at the bar.

Q

And when your father was hacked by Dodong for the first time, what was your reaction while you were still inside the bar?

A

I shouted, saying “ang daddy ko”, then I went outside.

Q

When you went outside, what transpired next?

A

When I was on my way out of the videoke bar, I saw Dodong again hacked the left wrist of my father with the butcher's knife when my father parried the thrust.

Q

And what else happened when that hacking occurred?

A

When I came out, Dante Galicia and Jobel alyas Dodong left, saying “takas na tayo”.

Q

Who said that?

A

It was Dante who said that.[11]

(Emphasis supplied)

(TESTIMONY OF SAMMY BUNYE)

Q

Now, you mentioned that when Dante Galicia followed the victim, he was also followed by Dodong?

A

Yes, sir.

Q

And, what happened after that?

A

Suddenly Dante Galicia embraced the victim from behind, sir.

COURT

Q

Will you kindly show to us how or what Dante Galicia did to the victim?

(Witness is demonstrating that the victim was embraced from behind)

ATTY. BELLEZA:

May we put on record, Your Honor that the demonstration showed that the supposed Dante Galicia was holding both hands of the victim.

COURT:

Okay

FISCAL FRANCISCO:

Q

Now, when you saw Dante Galicia holding the victim by placing his arms together around the victim from behind, what happened next?

A

And shouted to Dodong and saying “Dodong, tirahin mo na”.

Q

And, what happened when Dante Galicia told Dodong “sige tirahin mo na”?

A

Dodong said “putang-ina mo papatayin kita”.

Q

And, what did Dodong do after that?

A

He hack the victim repeatedly, sir.

Q

How many times did you see Dodong hack the victim Mr. Simundac?

A

Twice, sir.

Q

And on the first hacking blow, was the victim hit?

A

Yes, he was hit, sir.

Q

Where, if you know?

A

He was hit at the left side of the neck, sir.

x x x

Q

Now, how far were you when Dodong hacked the victim?

A

(The witness estimating the distance from where he was sitting right now to the witness stand up to the first

bench which is about three (3) to four (4) meters.

FISCAL FRANCISCO:

Three (3) to four (4) meters, Your Honor.

x x x

Q

Now, what did Dodong do when the victim Mr. Simundac tried to fight back?

A

Hindi po siya umaatras sige po ang atake.

Q

And, on the second hacking blow, was the victim hit?

A

Yes, sir he was hit (as demonstrated by the witness the victim was hit on the left forearm and tried to repel).

x x x

Q

Then, what happened?

A

Then Dante shouted saying to Dodong “Dodong takas na tayo”. (“Let's escape!”)

Q

And what did you do next?

A

I chased the two (2) of them Dodong and Dante, sir.

Q

Were you able to catch up with them?

A

I was not able to catch them, sir.

Q

Why?

A

Because they boarded the jeep, sir.[12]

(Emphasis supplied)

Both prosecution eyewitnesses were able to identify appellant Galicia in open court as one of the malefactors who

killed the victim. In *People vs. Bergonio, Jr.*[13], the Supreme Court held that familiarity with physical features particularly those of the face, is actually the best way to identify a person. The weight of the eyewitness account is premised on the fact that the said witness saw the accused commit the crime.[14] Their testimonies were likewise consistent with the Post-Mortem[15] findings of Dr. Voltaire P. Nulud, MD that the cause of the victim's death was the hack wound on the neck. According to Dr. Nulud, the hack wound was fatal because a major blood vessel on the neck called the “jubililar vein” was lacerated.

The court a quo correctly gave full credence to the prosecution witnesses' testimonies after finding their answers to the questions both on direct and cross-examination to be candid and unwavering. They testified in a straightforward and categorical manner that appellant was among the accused who killed the victim. The age-old rule is that the task of assigning values to the testimonies of witnesses and weighing their credibility is best left to the trial court which forms first-hand impressions as witnesses testify before it.[16] It is thus no surprise that findings and conclusions of trial courts on the credibility of witnesses enjoy, as a rule, a badge of respect, for trial courts have the advantage of observing the demeanor of witnesses as they testify.[17]

We also sustain the finding that appellant and his co-accused conspired in killing the victim. Such unity of mind and purpose is shown when appellant Galicia held the victim's two (2) hands and placed it at his father's back to prevent any retaliation from him. Immediately after holding the victim at his back, appellant Galicia shouted to accused “Dodong” to hit the victim, which the latter did. Thereafter, appellant Galicia told accused “Dodong” to escape after the hacking and they both ran together towards the direction of Sucat. In *People vs. Apole*[18], the Supreme Court held that there is conspiracy when two or more persons come to an agreement concerning a felony and decide to commit it. It may be inferred from the acts of the accused before, during or after the commission of the crime which, when taken together, would be enough to reveal a community of criminal design, as the proof of conspiracy is frequently made by evidence of a chain of circumstances.[19] Once conspiracy is shown, the act of one is the act of all the conspirators.[20]

The qualifying circumstance of treachery was also correctly appreciated against appellant. There is treachery when the offender commits any of the crimes against persons, employing means, methods, or forms in the execution, which tend directly and specially to ensure its execution, without risk to the offender arising from the defense which the offended party might make.[21] These means or methods are made in the form of a swift, deliberate and unexpected attack, without any warning and affording the victim, which is usually unarmed and unsuspecting, no chance at all to resist or escape the impending attack.[22] Here, the records show that accused “Dodong” hacked the victim while appellant Galicia held both arms. Such attack gave unsuspecting victim no chance to resist or escape. There was no risk posed to the malefactors. The victim was not even holding any weapon which could have helped in his defense. The strategy employed and the means used to accomplish the act ensured that the killing of the victim would be without risk to themselves.

In the face of the overwhelming evidence against appellant Galicia, all that he could raise was the defense of denial. It has been consistently ruled that bare denial and alibi are inherently weak defenses because these are self-serving and easy to fabricate.[23] Denial cannot be given greater weight than that of the declaration of a credible witness who testifies on affirmative matters.[24] Moreover, appellant Galicia's claim that he has no grudge against the victim and that the hacking incident appears to have arisen from a misunderstanding with accused “Dodong”, deserves scant consideration. No convincing evidence was presented by appellant Galicia to support his claim. Bare allegations, unsubstantiated by evidence, are not equivalent to proof.[25]

We also affirm the imposition of the penalty of reclusion perpetua to appellant. Under Article 248 of the Revised Penal Code, murder is punishable by reclusion perpetua to death.[26] There being no aggravating or mitigating circumstance, the court a quo correctly imposed the penalty of reclusion perpetua pursuant to Article 63,

paragraph 2 of the same Code. Moreover, appellant Galicia failed to show that the court a quo misappreciated any of the facts before it. Hence, there is no need to deviate from the established doctrine.

The court a quo likewise correctly awarded P50,000.00 as moral damages and P30,000.00 as exemplary damages. Moral damages is awarded because a violent death invariably and necessarily brings about emotional pain and anguish on the part of the victim's family.[27] While no amount of damages may totally compensate the sudden and tragic loss of a loved one it is nonetheless awarded to the heirs of the deceased to at least assuage them.[28] On the other hand, exemplary damages is intended to serve as deterrents to serious wrongdoings and as a vindication of undue sufferings and wanton invasion of the rights of an injured, or as a punishment for those guilty of outrageous conduct.[29] The court a quo also correctly ordered to pay the heirs of victim Carlito Simundac actual damages of P144,550.00 for the funeral expenses which were duly supported by official receipts[30] and offered before the court a quo.

As to the award of civil indemnity, the same should be increased from P50,000.00 to P75,000.00 to conform with prevailing jurisprudence[31]. The award of civil indemnity is mandatory and granted to the heirs of the victim without need of proof other than the commission of the crime.[32] It requires only the establishment of the fact of death as a result of the crime and that the accused-appellant is responsible thereto.[33]

WHEREFORE, premises considered, the instant appeal is hereby DENIED. The Decision dated September 2, 2013 of the Regional Trial Court, Branch 276, Muntinlupa City is AFFIRMED with MODIFICATION in that the award of civil indemnity is increased to Seventy-Five Thousand Pesos (P75,000.00).

SO ORDERED.

Salazar-Fernando, R.A. (Chairperson), and Bueser, D.Q., JJ., concur.

[1] Decision penned by Presiding Judge Antonietta Pablo-Medina, Rollo, pp. 37-48.

[2] Rollo, pp. 47-48.

[3] Record, p. 31.

[4] Record, p. 39.

[5] TSN dated April 6, 2011, p. 9.

[6] Rollo, pp. 40-41.

[7] Supra, see note 1.

[8] Rollo, pp. 41-46.

[9] Rollo, pp. 28-29.

[10] People v. Maningding, G.R. 195665, September 14, 2011.

[11] TSN dated October 20, 2010, pp. 4-6.

[12] TSN dated August 10, 2011, pp. 6-10.

[13] G.R. No. 133981, September 13, 2000.

[14] Ibid.

[15] Record, p. 133.

[16] People v. del Rosario, G.R. No. 189580, February 9, 2011.

[17] Ibid.

[18] G.R. No. 189820, October 10, 2012.

[19] Ibid.

[20] Ibid.

[21] People v. Maningding, G.R. No. 195665, September 14, 2011.

[22] Ibid.

[23] People v. Castro, G.R. No. 188901, December 15, 2010.

[24] Madsali, et al. v. People, G.R. No. 179570, February 4, 2010.

[25] Dela Llana v. Biong, G.R. No. 182356, December 4, 2013.

[26] People v. Punzalan, Jr., G.R. No. 199892, December 10, 2012.

[27] People v. Vergara, G.R. No. 177763, July 3, 2013

[28] People v. Vergara, G.R. No. 177763, July 3, 2013

[29] People v. Laog, G.R. No. 178321, October 5, 2011.

[30] Record, pp. 134-136.

[31] People v. Roman, G.R. No. 198110, July 31, 2013; People v. Vergara, G.R. No. 177763, July 3, 2013; People v. Anticamara, G.R. No. 178771, June 8, 2011.

[32] People v. Roman, G.R. No. 198110, July 31, 2013.

[33] Ibid.

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