

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MAURO VERGES, ET AL., DEFENDANTS. ALFREDO LARCADA, APPELLANT.

G.R. Nos. L-36436-38. October 23, 1981

Ponente: DE CASTRO, J.

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DE CASTRO, J.:

Automatic review of three death sentences imposed on Alfredo Larcada, appellant herein, in three separate cases for murder, the dispositive portion of the decision rendered by the Court of First Instance of Rizal reading as follows:

"ACCORDINGLY, the Court finds the accused Alfredo Larcada guilty beyond reasonable doubt of three separate crimes of murder and hereby sentences him (1) in Criminal Case No. 2008, to suffer the penalty of DEATH and to indemnify the heirs of the deceased Alberto Rubiso in the amount of P12,000.00; (2) in Criminal Case No. 2009, to suffer the penalty of DEATH and to indemnify the heirs of the deceased Pedro Trijo in the amount of P12,000.00; and (3) in Criminal Case No. 2011, to suffer the penalty of DEATH and to indemnify the heirs of the deceased Jaime Caballero in the amount of P12,000.00.

"With proportionate costs against the accused in each of these cases."[1]

The version of the prosecution is given in the People's brief as follows:

"At about 8:00 in the morning of May 4, 1969, some sixty-five prisoners, all members of the Sigue-Sigue (Sputnik) gang, were being escorted by Prison Guard Pedro Palparan and twenty other guards to a new place of confinement at Dormitory No. 4-D, New Bilibid Prisons, Muntinlupa, Rizal. While passing in front of their cell, Alfredo Larcada and seventeen other cellmates at Dormitory Cell No. 4-C suddenly rushed out of their cell (the door of the cell was then opened) and attacked the passing prisoners with improvised stabbing instruments. (Tsn., p. 3, Nov. 9, 1972). During the assault accused Larcada stabbed two members of the Sigue-Sigue (Sputnik) gang. Returning to their cells afterwards, Larcada threw his weapon out of the window. (Exh. E, pp. 10-12, Folder of Exhs.).

"As a result of the incident, three members of the Sigue-Sigue (Sputnik) gang, namely, Alberto Rubiso, Pedro Trejo and Jaime Caballero sustained multiple stab wounds and died. (Tsn., pp. 4-16, Oct. 12, 1972; Exhs. A, C, D, Folder of Exhibits).

"All eighteen inmates of Cell No. 4-C, including appellant Larcada, were brought to the Investigation Section of the prison for investigation. (Tsn., pp. 24-25, Nov. 2, 1972). Police Investigator Felimon Olivera, Jr. interrogated appellant and reduced his statements in writing, after which it was signed by the latter, and later on sworn to by him before the administrative officer of the Bureau of Prisons, Julio Alcantara (tsn., pp. 28-29, Nov. 2, 1972; pp. 2-4, Nov. 2, 1972)."[2]

For Its importance, the verdict of guilt having been based solely on the appellant's statement which was admitted as an extrajudicial confession (exhibit "E"), same is reproduced in full as follows:

"TANONG - Matapos kong maipabatid sa iyo ang iyong karapatan tugkol sa pagbibigay ng malayang salaysay

sang-ayon sa ating Saligang batas, ikaw ba'y nahahandang magbigay ng kusang loob na salaysay at wala kang ibang isasagot sa mga tanong ko sa iyo, kundi pawang katotohanan lamang?

"SAGOT - Opo.

"1. T - Sabihin ang iyong tunay na pangalan, taong gulang at iba pang mahalagang bagay tungkol sa iyong sarili?

S - ALFREDO LARKADA, may 21 na taong gulang, binata, kasalukuyang napipiit sa pambansang bilangguan ng Muntinlupa sa salang 'Robbery Snatching.'

"2. T - Saan brigada ka ngayon nakahimpil?

S - Sa dormitoryo 4-C-1 po.

"3. T - Anong pangkat ang iyong kinaaaniban sa loob?

S - Commando po.

"4. T - Nalalaman mo ba ang dahilan kung bakit ka sinisiyasat sa tanggapan ng Intelligence at Investigation Section?

S - Opo sir. Tungkol po sa pag-saksak ko at ng aking mga kasama sa pangkat ng Sputnik.

"5. T - Kailan nangyari ito, anong oras at saan lugar?

S - Kanina po ika 4 ng Mayo 1969, humigit-kumulang sa ika 8:30 ng umaga, sa harap ng dormitoryo 4-C-1, po.

"6. T - Ilan ang iyong nasaksak at sino-sino kung nakikilala mo?

S - Dalawa po. Hindi ko po nakikilala pero namumukhaan ko po.

"7. T - Ilan saksak ang ginawa mo sa bawat isa sa kanila?

S - Bawat isa po sa kanila ay anim.

"8. T - Mayroon ka bang kasama noong saksakin mo ang dalawang taong iyong sinabi?

S - Mayroon po, si Taba po (Pablo Reyes po).

"9. T - Ano ang ayos ng dalawang ito, noong saksakin ninyo ni Reyes?

S - Noon po una ay nakatayo, at noon pong nadapa ay sinaksak din namin.

"10. T - Bukod sa iyo at kay Pablo Reyes, mayroon bang ibang kasamahan mong nanaksak din?

S - Mayroon po. Pero hindi ko po kilala kung sino ang kanilang sinaksak.

"11. T - Anong pangkat ang kinaaaniban ng mga sinaksak ninyo?

S - Sigue-Sigue Sputnik po.

"12. T - Iyon matalas na panaksak na iyong ginamit, saan galing iyon?

S - Ginawa ko po sa brigada. Matagal na pong gawa iyon, at nakatago sa dormitoryo namin.

"13. T - Iyon bang pananaksak ninyo ay inyo bang binalak?

S - Opo sir. Binalak po namin noong biernes ng gabi sa brigada namin.

"14. T - Ano ang dahilan kayo ang nanaksak ng Sputnik?

S - Gusto po namin gumanti dahil sa sinaksak din po nila ang kasamahan namin noong biernes.

"15. T - Iyon matalas na ginamit mo, matapos mong gamitin ano ang iyong ginawa doon?

S- Pagpasok ko po sa selda kuatro ay tinapon sa likod ng bintana.

"16. T - Makikilala mo ba kung sakaling makita mo ang nasabing matalas?

S - Opo sir.

"17. T - Ipinakikita ko sa iyo ang mga matalas na ito, na nakumpiska matapos ng gulo, naririto ba ang matalas na ginamit mo?

S - Wala po dito sir.

"18. T - Isalaysay mo kung papano mo nasaksak ang dalawang tao na iyong binanggit, ganoon din ang ginawa ng iyong kasamahan?

S - Iyon pong pinto ng aming brigada ay binuksan ni Taga sa oras na iyon - pero hindi ko lang malaman kung papaano ang kanyang pagkakabukas. Noon pong makita namin ang pangkat ng Sputnik na dumaan sa tapat namin papunta 4-D ay bigla kaming naglabasan sa brigada at pinagsusugod namin ang nasabing grupo. Ang ginawa ko ay bigla kong sinaksak iyong isa at noon bumagsak ang aking pinagsasaksak. Matapos ay mayroon naman tumatakpong pasalubong sa akin. At noon bumagsak ay sinaksak ko ng sinaksak rin. Ngayon po ay dumating si Pablo Reyes, at sinaksak niya ang pangalawa kong nasaksak. Iyon pong ibang mga kasamahan ko ang nanaksak na rin. Pagka tapos noon ay bumalik na kami sa brigada. At iyon mga matalas ng aking kasamahan ay sinurender kay Inspector Borja.

"19. T - Noong papalabas sa brigada upang manaksak sino ang nangunguna?

S - Ako po.

"20. T - Sino ang pinakapuno ninyo?

S - Wala po.

"21. T - Sino-sino ang mga kasamahan mo lumabas sa brigada at nanaksak?

S - Iyon iba ay hindi ko nakikilala sa pangalan, ngunit sa mukha ay maituturo ko sila. Ang nakikilala ko lang sa pangalan ay sina Rodolf Fanger alyas taga, Virgilio Quintana, Gavino Lucas, Villaruel Ocampo at Pablo Reyes.

"22. T - Matagal mo na bang kasama sa brigada ang mga kasama mong nanaksak?

S - Opo sir.

"23. T - Ilan kayong lahat ang lumabas ng brigada?

S - Labing walo po kami.

"24. T - Noon lumabas kayo ng brigada, iyon keeper ninyo saan naroroon kung alam mo?

S - Nasa malaking pinto po.

"25. T - Tapos na akong magtanong, mayroon ka bang gustong bawasin o idagdag sa salaysay mong ito?

S - Wala na po.

"26. T - Inaamin mo ba ang pagkakasala mong ito?

S - Opo sir.

"27. T - Ikaw ba'y pinilit, sinaktan, tinakot kaya pinangakuan ng pabuya upang ibigay mo ang salaysay na ito?

S - Hindi po.

"28. T - Handa mo bang lagdaan at panumpaan ang salaysay mong ito, na nagpapatunay na totoo ang lahat ang iyong sinabi?

S - Opo."[3]

The statement was taken down by Felimon Olivera, Jr. of the Custodial Force of the New Bilibid Prisons, Muntinlupa, on May 4, 1969 but signed and sworn to only on May 13, 1962 before Julio M. Alcantara, Administrative Officer of the New Bilibid Prisons.

Appellant testified in his behalf, and his testimony is set forth in the decision appealed from as follows:

"1. ACCUSED ALFREDO LARCADA - He testified that on May 4, 1969, he was serving sentence for the crime of robbery at the New Bilibid Prisons, Muntinlupa, Rizal; that he was confined inside Dormitory Cell No. 4-C-1 together with all his co-accused; that there were around twenty prisoners inside that cell; that he was awakened on the morning of that date by the sound of whistles and gunshots because of a commotion in front of their cell; that when he woke up he saw the door of the cell opened so that he tried to get out of it; that he was unable to get out because his cellmates came rushing in and closed the door; that he does not know the names of his cellmates who came inside the cell but he can recognize their faces; that he does not know why his cellmates closed the door; that after the commotion, the custodian arrived and he, as well as seventeen (17) of his cellmates, was brought to the Investigation Section of the New Bilibid Prisons; that he does not know why he was brought out for investigation; that he saw some of his companions being maltreated and then confessed to the killings; that he does not know whether the persons who maltreated his companions were prisoners or prison guards as they were in civilian clothes; that he gave a sworn statement admitting his participation in the commission of the crime because he was afraid of being maltreated; that while being investigated inside the investigation room he was maltreated by somebody who was standing behind him; that the investigator was propounding questions when he was boxed; that he gave the answers to the questions propounded because he was afraid that the person behind him would hit him again; that the signatures appearing on the left hand margins of pages one and two of the document, Exhibit "E-Larcada", as well as the signature on top of the typewritten words Alfredo Larcada on page three thereof are his; that the contents of the document, Exhibit "E-Larcada", were read to him before he signed it; that he did not give any answer to Question No. 18 of the said document; that he gave the answer to Question No. 19 of the same document because he was maltreated in order to give it; that he did not conspire with his companions to kill Alberto Rubiso, Pedro Trijo and Jaime Caballero and neither did he kill anyone of them as he was then sleeping inside his cell; that he was once charged with the killing of a co-prisoner sometime in 1968 but was acquitted; that he escaped from confinement on January 6, 1971, because he wanted to visit his mother whom he had not seen for fourteen years; and that he surrendered later to Major Cabrera at Precinct No. 4 of the Manila Police Department.

"On cross-examination, he testified that he was originally a member of the "Bahala Na" gang; that he transferred to the "Sigue-Sigue Commando" gang in 1967 and was still a member thereof on May 3, 1969; that his companions in Dormitory Cell No. 4-C-1 were also members of the "Sigue-Sigue Commando" gang; that he did not know that a member of his gang was killed on May 3, 1969, because he was then under the influence of a drug (seconal); that he did not talk with any of his companions on that date because he was asleep due to the drug; that he met the investigator for the first time when the latter investigated him; that he can read and write Tagalog very well; that he gave the answer to Question No. 19 of the document, Exhibit "E-Larcada", because he was boxed; that he was not touched by anybody before he gave the answers to the other questions propounded to him; that he informed his aunt who went to visit him in 1970, that he was forced

to admit his participation in the killings but nothing was done by her because they had no money; that he did not tell Mr. Alcantara before whom he was brought to swear to his statement that he was forced to give the statement because as prisoners they were not allowed to complain, besides the fact that nobody would believe them that when he signed the document, Exhibit "E-Larcada", in 1969, he knew then that he was being charged with the killing of Alberto Rubiso, Pedro Trijo and Jaime Caballero but did not know that the probable penalty that might be imposed on him would be death; that he escaped from prison on January 6, 1971, and surrendered to Major Cabrera of the Manila Police Department at Precinct No. 4, Sampaloc, Manila, on May 22, 1971; and that he pleaded guilty to the charge of evasion of service of sentence which was filed against him and was sentenced to suffer a penalty of one year and one day of prision correccional."[4]

The issues raised in this appeal are: (1) whether the statement of appellant (Exhibit E) was properly admitted as an extrajudicial confession, and (2) whether his claim of not having participated in the prison riot of May 4, 1969 was correctly rejected by the trial court. The two issues indicated are how appellant's seven assignments of error may be reduced, which further resolve themselves to the single question of credibility. Thus, with respect to his supposed extrajudicial confession, is appellant's claim of involuntariness in its execution credible?

One circumstance that immediately excites suspicion against the voluntariness of the execution of appellant's confession is the long and ill-explained delay in the swearing of the statement only on May 13, 1969 when it was taken down on the same day of the incident on May 4, 1969. If the confession was voluntarily made, as is the claim of the prosecution, there should be no reason for not immediately bringing the appellant to the administering officer for the necessary oath, if only to help dispel all doubts as to the voluntariness of the confession, considering the ever-present probability, as is a well known and frequent practice of accused repudiating their confessions during the trial upon a claim of force and intimidation having been used to extract them. Appellant herein made such a claim, and We are not disposed to dismiss it as a mere afterthought as the trial court, in effect, found.

To begin with, We are quite impressed by the testimony of defense witnesses, Gavino Lucas and Mariano Guevarra, self-confessed participants in the riot, that appellant did not take part therein. These witnesses have not been shown to have any motive in testifying in exculpation of appellant except, to all appearances, upon the promptings of truth and justice. If appellant had taken part in the rioting specially in the stabbing of any of the victims, these two witnesses who have been indicted for the same offense of triple murder and who admitted participating in the riot that resulted in the multiple killing would, in the natural course of human behavior, feel no urge to volunteer to free one who they know participated in the same way as they did in the incident. Their most natural reaction is to leave their co-accused to fend for himself, not to take the witness stand and testify positively and on their own volition, to save him from a heavy penalty which could be death, to which they themselves remained exposed, their cases then being still pending trial when they testified. But let Us look into the testimony of these two defense witnesses:

"Testimony of Gavino Lucas

Q. Now, do you know if Alfredo Larcada was one of your group that attacked the Sigue-Sigue Sputnik?

A. I do not know if he was the one.

Q. Why do you say that you do not know whether Alfredo Larcada was among those who attacked the other group?

A. Because I saw him sleeping inside our cell, sir.

Q. You saw him sleeping?

A. Yes sir.

Q. Now, before you and your companion went out of the cell, did you make any observation regarding the fact that Alfredo Larcada was sleeping at the time?

A. Yes, I saw him.

Q. Where was Larcada at the time insofar as the cell is concerned, if you know?

A. At the floor. (t.s.n., pp. 40-41, Nov. 9, 1972)"

"Testimony of Mariano Guevarra:

Q. Now, in the incident of May 4, 1969, do you know the incident?

A. Yes sir.

Q. Will you kindly tell us what was that all about?

A. We came out of our cell and we attacked some of the Sputnik gang.

Q. When you said we, with whom were you?

A. I remember that we were about ten.

Q. Do you know their names?

A. Gavino Lucas, Rodolfo Manguerra, Quintana, Castro, Reyes, Abad, dela Peña, Pariente, Lambino, Simplicio Ocampo. (t.s.n., p. 45, Nov. 9, 1972).

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Q. Do you know Alfredo Larcada?

A. I only came to know him while the case was being tried.

Q. Do you know him as a prisoner like you?

A. Yes sir.

Q. Have you seen him in your cell?

A. I saw him in our cell only when we came again in our cell.

Q. When you saw him what was Larcada doing?

A. He was lying.

Q. Was Larcada among the group who attacked the other group with you?

A. No, sir, he was not with us.

Q. Why do you say so?

A. Because I know my companions. (tsn, pp. 45-46, Nov. 9, 1972)."

Even a prosecution witness, prison guard Juanito Acosta, on cross-examination, testified not having seen appellant participate in the attack (p. 7, t.s.n., Nov. 9, 1972). There were twenty prison guards who escorted the prisoners. With how appellant allegedly attacked his alleged victim dealing several stabs on the latter, attention of the guards should have been drawn to and focused on appellant while thus engaged. Is it not surprising that not one of the guards took the stand to identify appellant as one of the participants in the rumble? No eye-witness

having been presented to affirm appellant's participation in the prison riot, his defense gains strength and credence. Had there been such witness who identified appellant having taken part in the riot, his alibi, as his defense amounts to, would have been unavailing.[5] Conversely, without such eye-witness despite the number of prison guards present, appellant's defense should, unceremoniously, not be waved off as futile.

With credible testimonies strongly supporting appellant's own disclaimer of any participation in the riot of May 4, 1969 because he was in his cell all the time the riot was in progress and was only taken along with his cell mates who did take part when they rushed back inside their dormitory cell, appellant meeting them at the door which they closed as they entered, the extra-judicial confession would easily emerge as merely extracted, if not by actual violence, by intense fear of being similarly maltreated as those he saw were so subjected in the course of their being interrogated. He knew such violence could have had no other purpose than to extract confession. His un rebutted testimony on this point is as follows:

"Q. Now, on May 4, 1969, what time did you wake up?

"A. May be around 6:00 o'clock, sir.

"Q. In the morning?

"A. Yes, sir.

"Q. Where did you sleep that night?

"A. In the cell where the other prisoners were confined who are now being charged before this court.

"Q. Will you kindly clarify your answer, where did you sleep that night?

"A. I slept in dormitory cell 4-C-1.

"Q. Who were with you at the time that you slept that night, if any?

"A. We were many, sir.

"Q. Now, those companion of yours that night, were they also prisoners?

"A. Yes, sir.

"Q. And about how many of them were your companions that night?

"A. We were in different cells. In our particular cell, we were more or less twenty, sir.

"Q. Now, after you woke up that morning, what happened, if any?

"A. I was awakened by the blowing of whistles and gunshots because there was a commotion in front of our cell.

"Q. Now, when you were awakened because of those blow of whistles and gunshots, what did you do?

"A. I stood up from the place where I was sleeping.

"Q. And where did you proceed if you go somewhere?

"A. I was not able to get out of my cell because when I was attempting to get out immediately then and there some of my companions from the cell came inside the cell.

"Q. You made mention of companions, do you know some of their names?

"A. I do not know their names but I know their faces.

"Q. But are they your cellmates?

"A. Sometimes there are different prisoners who slept in that cell.

"Q. As far as your cell is concerned, was the door of the cell open when you woke up?

"A. Yes, sir.

"Q. And then you made mention that when you were about to go out you noticed your companion or cellmates coming in the cell, what happened next?

"A. I saw them closing the door and so I was not able to get out because the door was already closed.

"Q. You made mention of them to whom do you refer who closed the door?

"A. My companion inside the cell, sir.

"Q. Did you discover the reason why they closed the door?

"A. No, sir. (t.s.n., pp. 18-19, Nov. 9, 1972)"[6]

Equally un rebutted is appellant's testimony on how actual force and fear worked on him to make him give the statement that served as the sole basis of his conviction.

Thus -

"Q. Were you and your other companions able to give your respective affidavits during that investigation?

"A. I gave a sworn statement because I was afraid that I might be maltreated and the truth of the matter I was already maltreated.

"Q. Will you tell this Honorable Court how you were maltreated?

"A. I was boxed here (Witness pointing to his right lower armpit, at the right side of his middle body below the ribs).

"Q. Who boxed you?

"A. I do not know who he was because I have just waken up. I did not recognize them. (tsn, pp. 20-21, Nov. 9, 1972)

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"Q. Now, how many persons investigated you?

"A. One only, sir.

"Q. And was that the very person who maltreated you?

"A. No, sir. It was somebody behind me so I did not see who he was.

"Q. But was there anybody in front of you when you were boxed?

"A. The person investigating me.

"Q. And that person investigating you was in front of a typewriter in the office?

"A. Yes, sir.

"Q. And all the while you were giving him answers?

"A. I was answering to the questions propounded to me because I was afraid that the person at my back would hit me again. (tsn, pp. 21-22, Nov. 9, 1972)

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"Q. And likewise in this question and answer number 19: "Isalaysay mo kung papaano mo nasaksak ang dalawang tao na iyong binanggit ganoon din ang ginawa ng iyong kasamahan? x x x

"A. Yes, sir. I was asked this question and I gave that answer.

"Q. Will you kindly tell us why you answered that way?

"A. Because when I was being asked this question, I was hit at my side as I have previously stated.

"Q. Was that answer of yours voluntary?

"A. I was then being forced, sir. (t.s.n., pp. 23-24, Nov. 9, 1972)"[7]

On being cross-examined, his testimony as quoted above, remained unshaken. With no rebuttal testimony given by the prosecution as could have easily been offered by the investigator and the administering officer, dismissing appellant's claim of involuntariness of his confession would, by no means, be justly warranted. His own testimony with the strong corroboration of not only his two witnesses, but to some extent, by a prosecution witness as earlier shown, regarding his non-participation in the prison riot in the morning of May 4, 1969, suffice to discredit the supposed confession, or to caution the court against its admissibility. The trial court clearly failed to appreciate the effect of the defense witnesses' testimony on whether appellant's extrajudicial confession was voluntary or not, when it said that "standing alone, the bare testimony of the accused cannot destroy the presumption of the voluntariness of his confession." It can hardly be said that the testimony of appellant is "bare," and it certainly did not stand "alone" with the testimonies of his two witnesses.

The trial court also cites the ruling that "a confession which is rich in details as to which the police could not be interested and which could have been known only to the person making it some of which could shift a large responsibility to others, bears the earmarks of voluntariness." (People vs. Sy Pio, G.R. No. L-5848, April 30, 1954). The confession does not shift any responsibility to others. The trial court also forgot that other suspects preceded appellant in being interrogated. The investigator, therefore, had acquired knowledge as to the details of the incident when appellant's turn came to give his statement.

Appellant brought into question the admissibility of his extra-judicial confession taken without assistance of counsel as the New Constitution requires, although said confession was executed before the said Constitution took effect.[8] This is a settled matter. The constitutional provision was given only a prospective operation.[9] Be that as it may, the imposition in the New Constitution of an additional safeguard against extraction of confessions is a recognition of an already prevalent practice in custodial interrogations that has tarnished the image of police investigators and which is sought to be erased by the aforesaid constitutional safeguard. In recognition of the same evil, courts should, therefore, have to be extremely circumspect and cautious in choosing between the conflicting claims of the prosecution and the defense on the voluntariness of extra-judicial confessions.[10]

This case came to Us for a review of three death sentences. This Court is naturally loathe to send one to death by execution except upon the clearest of evidence of guilt. The same reason is behind the rule relative to improvident plea of guilt in capital offences to satisfy the Court's mind beyond the slightest vestige of doubt before it imposes or affirms a death sentence. The evidence in this case fails to bring the mind at rest on the certainty of appellant's guilt beyond the possibility of error. If at all We could have erred, We would prefer to do so to save a life rather than to declare it forfeit.

WHEREFORE, We reverse the judgment appealed from and acquit appellant on the ground that his guilt has not been proved beyond reasonable doubt. Cost de oficio.

SO ORDERED.

Fernando, C.J., Teehankee, Barredo, Makasiar, Aquino, Concepcion, Jr., Fernandez, Guerrero, Abad Santos, and Melencio-Herrera, JJ., concur.

[1] p. 21, Decision, p. 70, Rollo.

[2] pp. 2-3, Appellee's Brief, p. 87, Rollo.

[3] pp. 4-9, Appellee's Brief, p. 87, Rollo.

[4] pp. 8-11, Decision, Appendix to Appellant's Brief, p. 70, Rollo.

[5] People vs. Mahinay, 80 SCRA 273; People vs. Nabaunog, 79 SCRA 33; People vs. Roncal, 79 SCRA 509; People vs. Villamala, 78 SCRA 145; People vs. Gonzaga, 77 SCRA 140.

[6] pp. 49-50, Appellant's Brief; p. 70, Rollo.

[7] pp. 18-19, Appellant's Brief; p. 70, Rollo.

[8] p. 12, Appellant's Brief, pp. 38-43; p. 70, Rollo.

[9] Magtoto vs. Manguera, 63 SCRA 4.

[10] U.S. vs. Lio Team, 23 Phil. 64.

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