

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. JOSE GERONIMO AND ROMEO GERONIMO, DEFENDANTS AND APPELLANTS.

G.R. No. L-35700. October 15, 1973

Ponente: ESGUERRA, J.

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ESGUERRA, J.:

This appeal was originally taken by the defendants-appellants to the Court of Appeals, but as the penalty imposed by the trial court[1] is reclusion perpetua, the Court of Appeals by its resolution[2] of June 20, 1972, elevated the case to this Court for decision.

The amended information for Murder filed against the three (3) accused, Enrico Geronimo, Romeo Geronimo and Jose Geronimo, included two other persons, namely, Isidro Geronimo and Eleodoro Carlos, but these two accused have not been apprehended. Enrico Geronimo pleaded guilty to the charge but Romeo Geronimo and Jose Geronimo went to trial upon their plea of not guilty.

Romeo Geronimo and Jose Geronimo are brothers while Enrico Geronimo is their uncle for being a first cousin of their father. The deceased, Fermin Magbanua, is a first cousin of Romeo and Jose and also a nephew of Enrico.

On April 6, 1966, at about 12:30 p.m. in Sitio Ilaya Ilaya, Poblacion Norte, Sigma, Capiz, accused-appellants Enrico Geronimo, Romeo Geronimo and Jose Geronimo, and the deceased, Fermin Magbanua, arrived from the market place of Sigma, Capiz, already drunk and stopped at the store of one Fesertas Bacalangco to buy ten liters of tuba. After drinking, Fermin Magbanua and the accused started to go home, but after having gone several meters away from the store of Fesertas Bacalangco, Fermin Magbanua was hit on the face by a sling shot wielded by one Eleodoro Carlos. Fermin fell to the ground and Romeo Geronimo ran to where he had fallen and held him, while Jose Geronimo went around and hit Fermin on the head with a stone, rendering him unconscious. While Fermin was held unconscious by Romeo, Enrico Geronimo took Fermin's bolo from his waist and hacked the latter on the right ankle joint and Jose also boloed his left ankle joint, almost severing it. Fermin Magbanua died as a result of his wounds.

Enrico Gernnimo, Romeo Geronimo and Jose Geronimo were charged before the Court of First Instance of Capiz with murder committed allegedly as follows:

That on or about the 6th day of April, 1966, in the Municipality of Sigma, Province of Capiz, Philippines, and within the jurisdiction of this Honorable Court, the said accused in company with Isidro Geronimo and Eleodoro Carlos, who are still at large, all armed with boloes, sling-shot and stones, conspiring, confederating and helping each other, with superior strength and with evident premeditation and treachery, did then and there wilfully, unlawfully and feloniously attack, assault, stone and stab one Fermin Magbanua with the said weapons, thereby inflicting upon the latter the following wounds as reported in the medical certificate,[3] to wit:

- Incised wound at the right ankle joint, posterior aspect about 3-1/2 inches long;

- Incised wound 4.5 inches long just below and almost around the left ankle joint completely severing the tendon of achilles;
- Multiple small (about one cm. long each) wounds in the hand region, upper lip and distal end of the left forearm;
- Multiple small laceration with hematoma on the scalp;
- Hemorrhage, massive secondary to the above lesions.

which caused his death; that due to the death of said Fermin Magbanua and the consequent loss of his earning capacity (the deceased having no permanent physical disability at the time of his death), his heirs have suffered damages in the amount of P6,000.00 in consonance with the provisions of Article 3306 of the New Civil Code.

Contrary to law. (pp. 51-52, rec.)

Before his death Magbanua executed an ante-mortem declaration naming the accused as his assailants, and which reads as follows:

“Question - Who is your name?

Answer - Fermin Magbanua.

Q - What happened to you?

A - I was boloed by Enrico Geronimo, Jose Geronimo and Romeo Geronimo.

Q - What was the cause?

A - Because we have grudges before.

Q - What do you feel of your wounds?

A - I might die of my wounds because I am feeling bad.

Q - Will you sign to the truthfulness of your statement?

A - I will just thumbmarked it.

(Mkd.) FERMIN MAGBANUA

WITNESSES TO THUMBMARK:

1. (Sgd.) RAMON S. ISIDERIO

2. (Sgd.) AMANDO PONSARAN

(pp. 164-166, rec.)"

Upon arraignment Enrico Geronimo, assisted by Counsel, pleaded guilty to the charge[4] but in so doing he manifested that he alone inflicted the injuries of the deceased. He was accordingly sentenced to serve an indeterminate penalty of six (6) years of prision correccional, as minimum, to twelve (12) years of prision mayor, as maximum; to indemnify the heirs of the victim in the sum of twelve thousand pesos (P12,000.00) without subsidiary imprisonment in case of insolvency, to the accessories of the law, and to pay the costs. He was credited with one-half (1/2) of his preventive imprisonment.

The case for the prosecution rests mainly on the testimony of Bonifacio Bacalangco and Teresita Delfin and on the ante-mortem declaration of the deceased. The respective testimonies of Bonifacio Bacalangco and Teresita Delfin are substantially as follows:

Bonifacio Bacalangco: On April 6, 1966, while he was looking out of the window of the second floor of the house of Manuel Bacalangco, he saw the accused, Enrico Geronimo, Jose Geronimo, Romeo Geronimo, Isidro Geronimo, Eleodoro Carlos, and the victim, Fermin Magbanua, coming out of a store four meters away from the house of Manuel; that all of a sudden Isidro Geronimo and Eleodoro Carlos hit Fermin successively by their sling-shots between his eyes and forehead; that Romeo at once embraced Fermin, and Jose, with a stone in his hand, approached Fermin and hit him twice on the right side of his head rendering the latter unconscious; that Enrico approached Fermin, drew the latter's bolo from his waist and hacked Fermin on his right ankle joint; that Jose followed in hacking Fermin this time on the latter's left ankle joint which was almost severed; that after all this had happened, with Romeo still embracing Fermin, a peace officer arrived and brought the victim to the hospital.

Teresita Delfin: She corroborated Bonifacio Bacalangco's version with the only difference that according to Teresita, Enrico hacked Fermin on the left ankle joint while Jose did it on the right ankle joint.

The defense gave a different version of the incident. Enrico who pleaded guilty maintains that it was he alone and nobody else who was responsible for the wounds inflicted on the deceased as described in the medical certificate Exhibit "A". On the other hand, Romeo and Jose categorically denied direct and active participation in the infliction of the injuries and branded as utterly untrue the prosecution witnesses' testimony that they helped facilitate the hacking by immobilizing the victim. Their versions are as follows:

Enrico Geronimo: At about 11:30 a.m. of April 6, 1966, while he was on his way home, he saw Fermin Magbanua inside the store of Felix de Juan drinking tuba; that upon seeing him, Fermin called him and offered a drink; that after drinking the tuba, Fermin told him to pick up a quarrel with one Pedro Bacalangco; that when he refused, Fermin got mad and hit him with his fist; that after being hit by Fermin, he got hold of a stone and threw it at Fermin who was then running away; that he hit Fermin on the head and the latter fell face downward; that it was at that moment when he hacked Fermin on the right and left ankle joints; that he also hit Fermin on the left arm; that Romeo embraced him to pacify him while Jose tried to help Fermin by bringing the latter to the hospital; that he at once reported the incident to the municipal building and surrendered to the authorities.

Romeo Geronimo: He stated that on said occasion Fermin offered Enrico a drink inside the tuba store; that after drinking the glassful of tuba, he heard Fermin induce Enrico to fight Pedro Bacalangco; that when Enrico refused, Fermin boxed the former; that Enrico got hold of a piece of stone and threw it at Fermin who ran away but was hit on the head and fell face downward; that Enrico unsheathed Fermin's bolo and hacked Fermin on the right and left ankle joints; that Enrico also hacked Fermin on the left and right arms; that he carried Fermin in his arms and brought him to the hospital; that he has nothing to do directly or indirectly with the killing of Fermin; and that he has never been to school.

Jose Geronimo: He corroborated the testimony of Romeo and maintained that it was he who pacified and stopped Enrico from further inflicting injuries on Fermin.

Consolacion Banjao and Enrico de la Cruz: Their testimonies corroborated those of Romeo and Jose.

The Court of First Instance of Capiz after hearing convicted the accused and sentenced them as follows:

"Wherefore, this Court finds the accused Romeo Geronimo and Jose Geronimo guilty beyond reasonable doubt of the crime of murder and this Court hereby sentences each of said accused, Jose Geronimo and Romeo Geronimo, to the penalty of RECLUSION PERPETUA and to indemnify the heirs of Fermin Magbanua in the sum of P12,000.00 pursuant to the ruling of our Honorable Supreme Court in the recent case of *People vs. Pantoja*, without subsidiary imprisonment in case of insolvency and to pay the cost. The weapon used in the commission of the offense is ordered confiscated.

Said Jose Geronimo and Romeo Geronimo are credited with One-half (1/2) of their preventive imprisonment."

Hence, this appeal by Romeo Geronimo and Jose Geronimo who claim that the lower court erred:

(1)

In convicting both appellants by holding that they conspired with Enrico Geronimo in killing the deceased;

(2)

In convicting both appellants upon testimonies which are unbelievable and unworthy of credence;

(3)

In convicting appellant Romeo Geronimo inspite of the evidence of the prosecution showing that he did not participate in the fight;

(4)

In convicting both appellants of murder and not of homicide; and

(5)

In not crediting both appellants with the mitigating circumstance of "lack of intent to commit so grave a wrong as that committed" and as to appellant Romeo Geronimo, with the alternative mitigating circumstance of "lack of instruction".

I. DISCUSSION

The issue raised by the first assignment of error is whether or not the trial court erred in holding that Jose and Romeo Geronimo conspired with Enrico Geronimo in killing the deceased. Both accused maintain that the element of conspiracy was never proven and nowhere in the evidence of the prosecution is it shown that there was an agreement relating to the commission of the offense; that the aggression was instantaneous and all of a sudden, which circumstance precludes the idea of a preconceived design to attack the deceased; that prosecution witness Bonifacio Bacalangco even exculpated Romeo Geronimo when he testified as follows:

"Q. - You said that you know the cause of the death of Fermin Magbanua. Do you know who boloed him?

A. - Jose and Enrico, sir.

Q. - Are these the only persons you mentioned, Enrico and Jose Geronimo, who boloed Fermin Magbanua?

Atty. Martinez: Objection, very leading Your Honor.

Court: Witness may answer.

A. - These are the only persons, sir. (t.s.n. hearing of March 13, 1968)."

This shows, he argues, the utter absence of conspiracy on the part of appellants Romeo and Jose as the evidence clearly shows that Romeo did not participate in the killing of Fermin Magbanua.

Upon the other hand, the prosecution claims that Romeo and Jose conspired with their uncle Enrico to kill the victim; that their acts were concerted and cooperative; that Romeo's act of holding Fermin immobilized the latter, thus allowing Jose to hit Fermin's head with a stone, rendering him unconscious; that these acts of Romeo and Jose enabled Enrico to hack with ease the prostrate Fermin; and that conspiracy is sufficiently established by circumstances evincing unity of purpose.

It has been laid down as a rule that when the defendants by their acts aimed at the same object, one performing one part and another performing another part so as to complete it, with a view to the attainment of the same object, and their acts, though apparently independent were in fact concerted and cooperative, indicating closeness of personal association, concerted action and concurrence of sentiments, the court will be justified in concluding that said defendants were engaged in a conspiracy (People vs. Cabrera, 43 Phil. 64, 66; People vs. Carbonell, 48 Phil. 868). When conspiracy has been proven, all conspirators are liable as co-principals for the wrongful act and its consequences (U.S. vs. Bundal, 3 Phil. 89; People vs. Villamora, 47 O.G. 6180).

We do not agree with the Solicitor General that there was conspiracy among the accused. It should be noted that all the accused and the victim were drinking together in a tuba store on the day of the incident. No other evidence was presented by the prosecution to show conspiracy which, according to the settled rule, must be proved as clearly and as convincingly as the commission of the crime itself. It must be real and not presumptive.[5] In the absence of clear proof that the killing was in fact envisaged by them, and there being no satisfactory showing that the killing was done in furtherance of the conspiracy, they cannot be held responsible therefor (People vs. Basisten, 47 Phil. 493; People vs. Cerdania, 51 Phil. 393; People vs. Carillo, 85 Phil. 611; People vs. Daligdig, 89 Phil. 598).[6]

In People vs. Portuguesa[7] We ruled that:

"Although the defendants are relatives and had acted with some degree of simultaneity in attacking their victim, nevertheless, this fact alone does not prove conspiracy (People vs. Caayao, 48 O.G. 637).

- II -

The issue raised by the second assigned error is whether or not both appellants were convicted upon testimonies which they brand as unbelievable and unworthy of credence. Appellants claim that the testimonies of the alleged eye-witnesses who saw the happening should not have been accepted as true since their testimonies tend to show that they were influenced by other persons into signing their affidavits the contents of which they merely related during the hearing. The testimony of witness Bonifacio Bacalangco on cross examination is as follows:

"Q. -

When did you know that you are going to testify in this case?

A. - They sent me a notice.

Q. - Who sent you the notice?

A. - The Chief of Police of Sigma.

Q. - Who asked you to make this affidavit?

A. - They are the ones, sir.

Q. - Who?

A. - They are the ones sir, Chief of Police and the Mayor.

Q. -

Why, was the Mayor there present when this incident took place?

A. - No, sir.

Q. - How many times that the Mayor asked you when you signed this affidavit?

Fiscal Delfin: No basis Your Honor.

Atty. Martinez: I am on cross examination Your Honor. He said that the Chief of Police and the Mayor asked him so I have to widen on my cross examination.

Court: Witness may answer.

A. - Once, sir.

Atty. Martinez: Where did the Mayor ask you to sign this affidavit?

A. - I was sent through somebody in this Office.

Q. - Where were you when that somebody met you for the purpose of asking you to go to the Office of the Mayor?

A. - I was at home.

Q. - Was the affidavit already finished when you were asked by the Mayor to sign it?

A. - Not yet, sir.

Q. - What took place when you arrived at the Office of the Mayor?

A. - They were making the affidavit.

Q. - Who were the companions of the Mayor when they were making the affidavit?

A. - The Chief of Police, sir.

Q. - No more?

A. - No more.

Q. - So, after the affidavit was finished they asked you to sign this, do I get you right?

A. - Yes, sir. (t.s.n., March 13, 1968)"

The testimony of another prosecution witness, Teresita Delfin, is as follows:

"Q. -

My question to you is this, when you saw that affidavit for the first time, it was already finished and it came from Jose Ordanoso, do I get you right? That is only answerable with yes or no.

A. -

When the complaint was made, we were called and we were investigated and that was the time when the said affidavit was made.

Q. -

Therefore, when you saw that affidavit for the first time, it was already typewritten by Jose Ordanoso, do I get you right?"

A. -

Yes, sir. (t.s.n., March 20, 1968)"

Appellants maintain that it can be seen from the above quoted testimonies of the prosecution witnesses that their testifying was not voluntary and that their affidavits were already prepared before they were asked questions about the case.

It should be noted that the dying declaration of the deceased points to Romeo and Jose, together with Enrico, as his assailants who had had grudges against him. The statement of the deceased was taken at the municipal building while he was in a serious condition. A man at the threshold of death would not accuse his first cousins, who supposedly even helped him, as his would-be killers if the accusation does not sit with the truth. The medical certificate attesting to the injuries suffered by the victim supports prosecution's theory. Wound No. 4 more specially substantiates the reported participation of appellant Jose. Prosecution witnesses Bonifacio Bacalangco and Teresita Delfin narrated in detail the participation of Romeo and Jose and these witnesses have no proven motive to testify falsely in court.

Where the issue is one of credibility of witnesses, the appellate court will generally not disturb the findings of the trial court, considering that the latter is in a better position to decide the question for having heard the witnesses themselves and observed their deportment and manner of testifying during the trial, unless it has plainly overlooked certain facts of substance and value that, if considered, might affect the result of the case.[8] In *People vs. Tatlonghari*,[9] this Court said:

"The issue in the case being hinged on the credibility of witnesses, the ruling of the court below must be sustained. For, in the absence of proof that there has been misappreciation of evidence, - and there is no such proof in this case - the conclusion of the trial judge, who had the opportunity of observing the demeanor and conduct of the witnesses while testifying, deserves the respect of the reviewing tribunal."

The second assigned error is, therefore, without merit, no sufficient reason having been adduced why the trial court's findings and conclusion on the credibility of the witnesses for the prosecution should be discarded. Besides, the prosecution witnesses have no reason to impute so grave a wrong to the accused, if really they did not commit it.

- III -

The issue raised by the third assigned error is whether or not the trial court erred in convicting appellant Romeo Geronimo in spite of his alleged non-participation in the aggression against the deceased. The defense argues that according to the testimony of prosecution witness Bonifacio Bacalangco, Romeo Geronimo had no part in the fight; that it was Romeo who even brought the victim to the hospital, and that the testimony of the other prosecution witness, Policeman Jose Ordanoso, also shows that he merely prevented the deceased from falling by holding the latter.

Although the Solicitor General does not argue on the third assigned error, the contention of the defense cannot be sustained. Actual participation in a fight or combat is not the only gauge to one's criminal responsibility. Appellant Romeo's holding or embracing of the victim, Fermin Magbanua, when appellant Jose Geronimo hit the latter with a stone on the head; the hacking of the deceased on the right posterior ankle joint by Romeo's uncle, Enrico Geronimo, and the hacking also of Fermin's left posterior ankle joint by Jose Geronimo while Romeo was holding or embracing the victim, indicate that Romeo was very much involved in the fight.

As earlier shown, the details of the commission of the offense do not satisfactorily support the finding of conspiracy, let alone the uncontradicted fact that all the accused and the victim met only casually. Whatever

responsibility was incurred by Romeo Geronimo must be predicated on his act of holding the victim. While this act was undoubtedly one of help and cooperation, it is not indispensable for the commission of the offense as the hacking could have been committed just the same without his holding the victim. Romeo's cooperation not being essential to the commission of the crime but merely to facilitate the same, he thereby cooperated in the commission thereof and hence his liability is that of an accomplice (Article 18, Revised Penal Code). In *People vs. Tatlonghari*,^[10] this Court held:

x x x "although x x x x, participation on the part of an accomplice in the criminal design of the principal is not essential to the same extent as such participation is necessary on the part of one charged as co-principal, nevertheless, it is evident that, as against an accomplice, a court will sometimes draw the inference of guilty participation in the criminal design from acts of concert in the consummation of the criminal act and from the form and manner in which assistance is rendered, where it would not draw the same inference for the purpose of holding the same accused in the character of principal. This is because, in case of doubt, the courts naturally lean to the milder form of responsibility."

- IV -

The issue raised by the fourth assigned error is whether the crime committed is murder or homicide. Appellants contend that if at all they are liable, they should not be convicted of murder because no circumstance was proven to qualify the offense as such. What actually took place, according to them, was an instantaneous and sudden outburst of temper that led to the killing.

On the other hand, the Solicitor General maintains that the killing was characterized by treachery since the deceased was already helpless, in fact unconscious, when he was belted by Enrico and Jose Geronimo, and that Romeo's act of holding the victim contributed to the latter's helpless condition.

The appellants' contention is without merit. The record and the medical certificate^[11] show that the serious wounds inflicted upon the deceased were all at the back part of the body, indicating that the assailants were behind the deceased when they hacked the latter. Prosecution witnesses Bonifacio Bacalangco and Teresita Delfin, both declared that after the deceased was held or embraced by Romeo, Jose with a stone on hand hit the deceased on the head, followed by Enrico's hacking on the right posterior ankle joint and Jose hacking him on the left posterior ankle joint. In the situation pictured by these witnesses, there can hardly be any doubt as to the helpless condition of the victim when he received the injuries which caused his death. Treachery attended the killing where the nature and location of the wounds indicate that the victim was attacked from behind.^[12] For murder results from the presence of qualificative circumstances based upon the manner in which the crime was committed and not upon the state of mind of the accused.^[13] In *People vs. Labis*^[14] this Court held:

"His defense of justified killing unsustainable, appellant Labis must suffer the consequences for his unlawful act. The killing of the decedent was qualified by treachery. It has been clearly established that Clarito Fabria was being held firmly by appellant Cabiles, thereby preventing the former from moving or making any defense when Labis struck him from behind with a bolo. There was hardly, if any, risk at all for Labis; the deceased was defenseless. Appellant Labis is liable for murder."^[15]

- V -

The last issue raised by the fifth assigned error is whether both appellants should be credited with the mitigating circumstance of lack of intent to commit so grave a wrong as that committed (Art. 13, No. 3, Revised Penal Code) and, as to appellant Romeo Geronimo alone, with the alternative mitigating circumstance of lack of instruction (Art. 15, Revised Penal Code). Appellants maintain that if at all they are liable, both of them should be credited with the mitigating circumstance of lack of intent to commit so grave a wrong as that committed. It will be seen from the Medical Certificate^[16] that the serious wounds of the deceased were wound No. 1 - incised wound at

the right ankle joint posterior, about 3-1/2 inches long; and wound No. 2 -incised wound 4.5 inches long just below and almost around the left ankle joint completely severing the tendon of achilles. All these are at the back part of the body, which shows that the intention, according to the defense, was not to kill or else the blows should have been aimed against the vital parts of the body.

The mitigating circumstance of lack of intent to commit so grave a wrong as that committed should have been appreciated by the trial court, but not for both but only for appellant Jose Geronimo who alone inflicted injury without intent to cause the death of the victim when appellant Romeo Geronimo was holding him.

Regarding the alternative circumstance of lack of education, while the evidence shows that appellant Romeo is unschooled, this circumstance alone is not sufficient. Illiteracy alone will not constitute such circumstance.[17] It must be accompanied by lack of sufficient intelligence and knowledge of the full significance of one's act. As held by this Court in *People vs. Sari*:

"Appellant was proved, beyond reasonable doubt, to have committed the crime of murder qualified by either treachery or abuse of superior strength since his victim was an unarmed, defenseless woman, whom he ruthlessly attacked with a bolo on different parts of the body. Appellant claims to be entitled to the benefit of the mitigating circumstance of lack of instruction. We have repeatedly held, however that it is for the trial court rather than the appellate court to find and consider the circumstance of lack of instruction and similar circumstance in favor of the accused; for it is not illiteracy alone, but the lack of sufficient intelligence and knowledge of the full significance of one's acts, which only the trial court can appreciate, that constitute this mitigating circumstance (*People v. Ripas, et al.*, L-6246, March 26, 1956; also *U. S. v. Estorio*, 35 Phil. 410; *People v. Joseph*, 52 Phil. 206; *People v. Bangug*, 52 Phil. 87; *People v. Sedenio*, L-6372, April 29, 1954)."[18]

Appellant's acts were committed with treachery which qualifies the offense as murder punishable, under Article 248 of the Revised Penal Code, with reclusion temporal in its maximum period to death. As appellant Jose Geronimo lacked the intent to commit so grave a wrong as that committed, this mitigating circumstance may be appreciated in his favor. Accordingly, the penalty should be imposed upon him in its minimum period, or reclusion temporal, maximum. Applying the indeterminate sentence law, a penalty ranging from prision mayor, maximum, to reclusion temporal, medium, shall be imposed.

As regards appellant Romeo Geronimo who is liable as an accomplice, a penalty one degree lower than that prescribed for a principal should be imposed. Accordingly, an indeterminate penalty ranging from the maximum of prision correccional, as minimum, to the medium of prision mayor, as maximum, should be imposed on him.

WHEREFORE, the appealed decision is hereby modified by sentencing appellant Jose Geronimo to an indeterminate penalty of from ten (10) years and one (1) day of prision mayor, as minimum, to fourteen (14) years, eight (8) months and one (1) day of reclusion temporal, as maximum. Appellant Romeo Geronimo as accomplice is sentenced to serve from four (4) years, two (2) months and one (1) day prision correccional, as minimum, to eight (8) years and one (1) day to prision mayor, as maximum.

In other respects the judgment appealed from is affirmed, with costs against appellants.

SO ORDERED.

Makalintal, Acting C.J., Zaldivar, Ruiz Castro, Fernando, Teehankee, and Makasiar, JJ., concur.
Barredo, J., in the result. Antonio, J., no part.

[1] Pages 98-103, Rollo.

- [2] Page 110, Rollo.
- [3] Page 10, Folder of Exhibits.
- [4] t.s.n. page 5, March 12, 1968.
- [5] People vs. Chaw Sun, L-19590, April 25, 1968.
- [6] People vs. Tatlonghari, L-22094, March 28, 1969.
- [7] L-22604, July 31, 1967.
- [8] People vs. Dayday, L-20806, August 14, 1965; People vs. Pasiona, L-18295, April 30, 1966.
- [9] L-22094, March 28, 1969.
- [10] L-22094, March 28, 1969; 27 SCRA pp. 741-42.
- [11] Page 10, folder of exhibits.
- [12] People vs. Comigjod, L-23113, May 30, 1967.
- [13] People vs. Enriquez, 58 Phil. 536.
- [14] L-22087, November 15, 1967.
- [15] Emphasis supplied.
- [16] Page 10, folder of exhibits.
- [17] People vs. Ripas, L-6246, May 26, 1954.
- [18] L-7169, May 30, 1956; Emphasis supplied; see also Criminal Law, Padilla, 9th Edition, 1964, pages 394-395.

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