

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MEMBERS: JOEL GOLONDRINA, ACCUSED-APPELLANT.

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HERNANDO, J:

This is an appeal filed by accused-appellant Joel Golondrina from the April 17, 2012 Decision[2] of the Regional Trial Court (RTC), Branch 4 of Dolores, Eastern Samar in Crim. Case No. 480, convicting him of two (2) counts of the crime of Homicide, to wit:

“WHEREFORE, all the foregoing premises considered, this Court finds accused, Joel Golondrina GUILTY beyond reasonable doubt of two (2) counts of the crime of HOMICIDE, only. Accordingly, accused Joel Golondrina is hereby sentenced to suffer an indeterminate penalty of imprisonment of twelve (12) years of prison mayor as minimum to seventeen (17) years of reclusion temporal medium as maximum, for each count.

Further, accused Joel Golondrina is hereby directed to pay the heirs of Maria Cabriana and Romnick Cabriana civil indemnity of P75,000.00, the amount of P50,000.00 as moral damages, and P25,000.00 as temperate damages, for each count.

The period of detention of accused Joel Golondrina is hereby ordered credited in full to his penalty of imprisonment.

Considering that accused Pedro Golondrina, Samuel Golondrina and Narciso Golondrina are still at large, the case against them is hereby ordered ARCHIVED until they are arrested. Let an alias warrant be issued against the said accused.

SO ORDERED.”

FACTUAL ANTECEDENTS

On October 6, 2003, accused Joel Golondrina, Samuel Golondrina, alias “Pemel” / “Zamora”, Pedro Golondrina, alias “Peter”, and Narciso Golondrina, Jr., alias “Jun-jun” / “Nok-nok” were charged with the crime of Robbery with Multiple Homicide as defined under Art. 294, par. 1 of the Revised Penal Code, allegedly committed as follows:

“That on or about the 18[th] day of July, 2003, at about 8:30 o’clock in the evening, more or less, at Brgy. Lunang, Dolores, Eastern Samar, within the jurisdiction of this Honorable Court, the said accused, in a band confederating together and mutually aiding each other, with intent to gain by means of force and violence, did then and there, willfully, unlawfully, feloniously, suddenly and unexpectedly, taking advantage of superior strength and evident premeditation, forcibly take and carry away two (2) silver and gold bracelets from Maria Gabreana 62 years old, and on the occasion thereof, attack said victim and minor Romnick Gabreana with the use of bladed weapons inflicting eight (8) wounds on the different parts of the body of said Maria Gabreana, and three (3) wounds on the body of minor, Romnick Gabreana, all wounds of victims being necessarily mortal, thereby causing the direct and immediate death of said Maria Gabreana and Romnick Gabreana, to their damage and prejudice.

CONTRARY TO LAW.”[3]

Accused was arraigned on August 2, 2007, where he pleaded not guilty to the crime charged. Thereafter, trial on the merits ensued with the prosecution presenting the following witness: Antonio Cabrana, Dr. Rowie Romuar, and Tarciano Lazarra. Accused presented himself as a witness.

Version of the Prosecution

The prosecution's version[4] of the facts and as found by the trial court[5], reveals the following:

Prosecution witness Antonio Cabrana testified that the victim Maria Cabrana was his mother and Romnick Cabrana was his son. On July 18, 2003, while he was at his house in Brgy. Japitan, Dolores, Eastern Samar, he was informed by a certain Lanlan that his mother and his son were killed at their home at Brgy. Lunang.

Prosecution witness Dr. Rowie Romuar conducted the postmortem examination of the bodies of Romnick and Maria. She testified that Romnick sustained three wounds measuring 1-1.5 c.m. long and 1-6 c.m. deep, directed anteriorly, located at the right side of the back, below the wing bone, which wounds caused his immediate death. Dr. Romuar explained that the probable position of the assailant was at the back of the victim and the weapon used was a sharp pointed bladed weapon.

Dr. Romuar observed that Maria sustained multiple stab wounds in the anterior aspect of the breast, the abdomen, and the forearm. Most of Maria's wounds were on her chest and the cause of her death was severe bleeding due to multiple stab wounds. It is possible that more than two persons inflicted these injuries.

According to prosecution witness Tarciano Lazarra, he saw the actual killing of the two victims. Maria was his sister-in-law and Romnick was his grandchild. On July 18, 2003, at about 8:30 in the evening, he went to Maria's house to get the petromax which he earlier lent to her. When he entered the house through the kitchen, he saw accused Joel and Narciso Golondrina stab Maria many times. He also saw inside the house Pedro and Samuel Golondrina who were at the door, appearing to be guards, while Joel and Narciso stabbed Maria.

Tarciano knows Samuel because the latter used to pasture his carabao in his rice field. Pedro's father is Tarciano's best friend. Tarciano has known Narciso since the latter was ten years old. Lastly, appellant Joel's father is Tarciano's friend.[6]

Tarciano explained that he was ten meters away from Joel and Narciso when the two stabbed Maria. The incident was visible to him because the house was lighted by a lamp. He even yelled at them to stop considering that Maria is a woman. He managed to pull Romnick away and tell him to run. However, Pedro caught up with Romnick and stabbed him. Tarciano was only four meters away from Romnick at the time. Pedro was clearly visible to him because the weather was fine and the clouds were clear. Tarciano was not able to immediately report the incident as he was very afraid. It was his son that reported the incident to the police.

Version of the Accused

Accused presented his version of the facts as follows:[7]

Accused Joel testified that on the evening of July 18, 2003, he was staying at his uncle Santos Agno's house in Brgy. Magsaysay, Dolores, Eastern Samar. During that day, he was in Binog making copras with his cousin Roberto. He got back to his uncle's house at 5:00 p.m. and by 8:00 p.m. he was already sleeping. He woke up at around 5:00 a.m. the next day. He explained that Samuel Golondrina is his uncle, Pedro Golondrina, the son of Samuel, is his cousin, while Narciso Golondrina is his brother. All three were residing in Brgy. Lunang.

Accused maintained that he seldom goes to Brgy. Lunang as he was busy at his uncle's house. By motorcycle, it takes a minute to get to Brgy. Lunang from where he lived, or 30 minutes by running.

In its April 17, 2012 Decision, the RTC found accused Joel Golondrina guilty of the crime of homicide. While accused was indicted for robbery with homicide, the trial court found that there was sufficient evidence to sustain his conviction for the crime of homicide only.[8]

Hence, this appeal.

In his October 23, 2013 Brief for the Accused-Appellant[9] accused-appellant assigns the following errors:

ISSUES

I. THE HONORABLE TRIAL COURT COURT ERRED IN ITS FINDINGS OF FACTS WHICH HAD THEY BEEN IN ACCORDANCE WITH THE EVIDENCE ADDUCED WILL SUFFICE TO SUPPORT A JUDGMENT OF ACQUITTAL FOR ACCUSED-APPELLANT.

II. THE TRIAL COURT GRAVELY ERRED IN GIVING FULL WEIGHT AND CREDENCE TO THE INCONSISTENT, HIGHLY INCREDIBLE UNRELIABLE, AND UNCORROBORATED TESTIMONY OF PROSECUTION SOLE EYEWITNESS, TARCIANO LAZARRA.

III. THE TRIAL COURT GRAVELY ERRED IN CONVICTING ACCUSED-APPELLANT DESPITE FAILURE OF THE PROSECUTION TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.

THE COURT'S RULING

We deny this appeal as there is no reversible error in the RTC's April 17, 2012 Decision.

At the outset, We note that appellant failed[10] to append a certified true copy of the RTC Decision in contravention of Rule 124, Sec. 7[11] of the Revised Rules of Criminal Procedure. Nevertheless, We find his submission of a photocopy of the said decision to be substantial compliance therewith.

I. We uphold the RTC's findings of fact.

Art. 249 of the Revised Penal Code states that any person, who shall kill another without the attendance of any the qualifying circumstance for murder, shall be deemed guilty of homicide and be punished by reclusion temporal. The elements[12] of the crime of homicide are:

- (1) a person is killed;
- (2) the accused killed that person without any justifying circumstance;
- (3) the accused had the intention to kill, which is presumed; and
- (4) the killing was not attended by any of the qualifying circumstances of murder, or by that of parricide or infanticide.

The death of the victims Maria and her 15-year old grandson Romnick has been duly established[13] by the prosecution. Appellant comes before this Court to deny his participation in the homicide. He primarily assails the RTC's findings of fact and raises the defense of alibi.

Appellant argues that the RTC erred in giving credence to the testimony of prosecution witness Tarciano Lazarra who should not have been allowed to testify during trial since he was never named as a witness during pre-trial and that consequently, his presentation as a witness violated the rules of procedure on pre-trial.[14] The prosecution stipulated during pre-trial to have one reserve witness to be revealed before it started the presentation of its evidence, who was named[15] Jaime Benitez. However, during trial, the prosecution presented Tarciano Lazarra instead.

On a procedural point, appellant cannot question for the first time on appeal the admission of prosecution witness Tarciano's testimony since he made no objection[16] at the time that Tarciano's testimony was offered in evidence. Rule 132, Sec. 36 of the Rules of Court requires that objection to evidence offered orally must be made immediately after the offer is made.

Even granting that appellant made a timely objection to the prosecution's presentation of Tarciano as a witness, We find that there is nothing improper in the allowance of such testimony. In *Go v. Looyuko*[17], which involved a case for estafa, it was ruled that the trial court gravely abused its discretion in denying the prosecution the presentation of additional witnesses[18] that could shed light on the relevant transactions concerned, to wit:

"It must be emphasized that in a catena of cases we have reiterated the principle that the matter of deciding who to present as a witness for the prosecution is not for the defendant or the trial court to decide, as it is the prerogative of the prosecutor. It cannot be overemphasized that the trial court must accord full opportunity for the prosecution, more so in criminal cases, to adduce evidence to prove its case and to properly ventilate the issues absent patent showing of dilatory or delaying tactics. The reason is obvious: it is tasked to produce and adduce evidence beyond a reasonable doubt. Sans such evidence, a dismissal of the criminal case on a demurrer to the evidence is proper. In the case at bar, there was no showing that the presentation of the three (3) witnesses previously approved by the trial court would be dilatory and manifestly for delay." [19] (underscoring supplied)

In this case, We find the presentation of Tarciano to be proper considering that he is the sole eyewitness to the incident who was available[20] to testify for the prosecution. Tarciano positively identified the victims, appellant and three of his co-accused and testified on the time, place and manner in which the victims were injured and eventually killed. Considering the prosecution's heavy burden of proof, to deny Tarciano's presentation would be to deny the prosecution its day in court.

Appellant posits that the RTC gravely erred in giving weight and credit to prosecution witness Tarciano's testimony. On the basis of Eden Diolola's August 5, 2003 Sworn Statement (Sworn Statement), appellant points out several alleged contradictory statements[21] made by Tarciano.

To recall, appellant formally offered[22] the Sworn Statement to prove that Eden did not see Tarciano on July 18, 2003 at more or less 8:30 in the evening at the victim's house. Appellee objected to the same on the ground that the Sworn Statement is hearsay evidence. The RTC ruled[23] that the Sworn Statement is inadmissible for the purpose for which it was offered. Thus, appellant moved to tender the excluded Sworn Statement, which was granted[24] by the trial court.

We cannot give any consideration to Eden Diolola's Sworn Statement since it is inadmissible evidence.

Rule 132, Sec. 1 of the Rules of Court requires that witnesses be examined in open court and under oath or affirmation. An extrajudicial statement made without the presentation of the affiant in open court and without subjecting the affiant to cross-examination is hearsay. It is established that statements in an affidavit that were not testified to at trial are mere hearsay evidence and have no real evidentiary value.[25]

Even if We were to surmise from appellant's formal offer[26] of the Sworn Statement that he sought to have Eden's statements therein to be admitted as independently relevant statements, the same cannot prosper.

The doctrine of independently relevant statements is an exception to the hearsay rule. It allows the admission of independently relevant statements, regardless of their truth or falsity. *Estrada v. Desierto*[27] classifies them as follows:

"(1) [T]hose statements which are the very facts in issue, and (2) those statements which are circumstantial

evidence of the facts in issue. The second class includes the following:

- a. Statement of a person showing his state of mind, that is, his mental condition, knowledge, belief, intention, ill will and other emotions;
- b. Statements of a person which show his physical condition, as illness and the like;
- c. Statements of a person from which an inference may be made as to the state of mind of another, that is, the knowledge, belief, motive, good or bad faith, etc. of the latter;
- d. Statements which may identify the date, place and person in question; and
- e. Statements showing the lack of credibility of a witness.” (citations omitted)

A court’s consideration of a piece of evidence is limited to the purpose for which it was offered.[28] Here, appellant offered the Sworn Statement “to prove that Tarciano Lazarra, the prosecution’s lone witness xxx was not in the house of the victim xxx in July 18, 2003 at more or less 8:30 in the evening, considering that Eden Diolola xxx also claimed to be in the house of the victim xxx also in July 18, 2003 also at more or less 8:30 in the evening.”[29] Appellant essentially attempts to admit the Sworn Statement to disprove the eyewitness account given by Tarciano by asserting that he was never in the vicinity at the time of the incident. Clearly, this goes into the substance of Eden’s statements and gives rise to the question of its truth or falsity, which is beyond the scope of independently relevant statements.

Thus, for Us to consider the substance of the Sworn Statement is to give evidentiary value to statements made by an affiant who never testified in open court, under oath, and was never subjected to cross-examination by the prosecution, in violation of the hearsay rule.

Appellant casts doubt on Tarciano’s credibility on the basis of the following:[30]

- (a) While he is the brother-in-law of the victim Maria and the grandfather of the victim Romnick, he never reported the incident to the police right after he had witnessed it.[31]
- (b) His allegation that it was his son that had reported to the police was unsubstantiated.

Appellant claims that the foregoing circumstances suffice to discredit Tarciano’s testimony and hence, the prosecution failed to prove his guilt beyond reasonable doubt.

We hold that Tarciano’s testimony, which includes the positive identification of appellant and his co-accused, must prevail over appellant’s defense of denial and alibi.

We accord great weight and respect to the trial court’s assessment of the credibility of the witnesses before it in view of its unique opportunity to observe the demeanor of the witnesses during their examination. Here, We do not find any substantial matters in the record which the trial court may have overlooked and consequently, there is no reason to overturn its findings of fact.

Appellant claims that at the time of the incident he was already asleep[32] at his uncle Santos Agnos’ house in Brgy, Magsaysay, Dolores, Eastern Samar. With him were his uncle Santos and the latter’s wife Sayong. We find this hard to believe.

It is essential for an alibi to prosper that appellant show credible and tangible proof of a physical impossibility for him to be at the scene of the crime.[33] This, appellant failed to do. Appellant himself admitted that the place where he was staying was accessible to Brgy. 15, Lunang, Dolores, Eastern Samar, the place of the incident, to wit:

“Q: And likewise you visited him at his house in Brgy. Lunang especially during fiesta?

A: Yes, sir.

Q: So much so that Magsaysay Street is accessible to Brgy. 15, Lunang, Dolores, Eastern Samar?

A: Yes.

Q: Now, how many minutes will it takes [sic] you to travel by riding a motorcycle from Lunang to Magsaysay Street?

A: About one minute.

Q: And if you ran how many minutes?

A: I cannot estimate.

Q: 30 minutes?

A: Maybe.

xxx"[34] (underscoring supplied)

Thus, appellant failed to show that it was physically impossible for him to be at Brgy. Lunang on that fateful night in July 18, 2003.

That prosecution witness Tarciano did not immediately report the incident to the authorities does not detract from his credibility. The delay of a witness in revealing to the authorities what he knows about a crime does not render his testimony false.[35] Fear for one's life explains such failure; once such fear is overcome by a more compelling need to narrate the truth, then the witness must be welcomed by the courts to help dispense justice.[36]

We find Tarciano's reason for the delay to be adequate, to wit:

"Q: Did you report to the barangay and police authorities?

A: I was not able to report; I went home because I'm very much afraid.

Q: How about the following day did your [sic] report to the barangay or police authorities?

A: I did not.

xxx

Q: You said you did not report the incident to the police authorities, if you know, who report the incident to the police authorities.

A: Councilor Lando Lazarra.

Q: How are you related?

A: He is my son.

xxx"[37] (underscoring supplied)

Tarciano had just witnessed a violent crime involving members of his family and the police had failed to obtain custody of all[38] of the accused at the time. Under these circumstances, it is only natural for any person, including a victim's relative, to fear of violent reprisals from the accused, who were all at large at the time. Considering that he was the only eyewitness to the incident who was available to testify, Tarciano's decision to do so was fairly allowed in order to dispense justice.

Admittedly, Tarciano is related to the victims. However, this does not by itself render his testimony incredible, in the absence of any showing of improper motive on his part. *People of the Philippines v. Ubaldo, et al.*[39] is instructive:

"The mere fact that the sole eyewitness presented in court is the brother-in-law of the victim does not affect his credibility. Mere relationship of a witness to the victim, whether by consanguinity or affinity, does not necessarily impair his credibility as a witness nor does it impair his positive and clear testimony and render it unworthy. On the contrary, relationship with a victim would deter a witness from indiscriminately implicating anybody to the crime. His natural and usual interest would be to identify the malefactor and secure his conviction to obtain true justice for the death of a relative. xxx" (underscoring supplied and citations omitted)

In any event, Tarciano's testimony relating to the injuries and the weapon used were corroborated by Dr. Rowie Romuar's testimony[40]. Thus, appellant's defense of alibi cannot prevail over the positive testimony of prosecution witness Tarciano.

Appellant nonetheless questions his culpability for the death of Romnick. He argues that he should not be held liable for the consequences of the acts of his co-accused since the prosecution failed to prove conspiracy.

Conspiracy is inferred when it is proved that by their acts, two or more persons aimed towards the accomplishment of the same unlawful object, each doing a part so that their combined acts, though apparently independent, were in fact connected and cooperative, indicating a closeness of personal association and a concurrence of sentiment, though no actual meeting among them to concert means is proved.[41]

We find Tarciano's testimony on the circumstances regarding the commission of the homicide to be convincing. He was personally acquainted[42] with all of the accused and knew what they looked like. Most importantly, he positively identified appellant as among the offenders who stabbed the victim Maria, thus:

“Q: Can you tell this court what any unusual incident that happened while you were in the house of Maria Cabriana?

A: I can tell.

Q: And what was all [sic] about you wanted to tell?

A: When I get inside the house of Maria Cabriana at the part of their kitchen I saw Maria Cabriana being stabbed many times by Joel Golondrina and Naciso [sic] Golondrina.

xxx

Q: You testified while ago that you saw Joel Golondrina and Narciso Golondrina stabbing Maria Cabriana, my question is while Joel Golondrina and Naciso [sic] Golondrina was stabbing Maria Cabriana what was Samuel Golondrina and Pedro Golondrina doing?

A: Samuel and Pedro were at the door somewhat guarding or watching.

xxx

Q: You said you left the place after shouting to the perpetrators, what happened next?

A: I went out and pulled Romnick Cabriana and told him to run.

xxx

Q: What happened when you run away and Romnick followed you?

A: What happened was when Romnick run following me we were chest [sic] by Pedro Golondrina.

Q: What happened while you were being chest by Pedro Golondrina?

A: The child was stabbed by Pedro Golondrina.

Q: Who was this child?

A: Romnick.”[43]

Thus, Samuel and Pedro stood guard while appellant and Narciso stabbed the victim Maria. When Romnick attempted to flee, Pedro gave chase and stabbed him. The ostensibly individual roles played by the four accused were aimed towards the common goal of preventing the escape of the victims and committing the homicide. We can therefore clearly infer the existence of a conspiracy from the role that appellant played and his participation not only in the killing of Maria but also of Romnick. Since the act of one is the act of all conspirators, We hold appellant criminally liable as a principal for the death of both victims.

A conspirator need not participate in every detail of the execution nor take part in every act; neither does he/she need to know the exact part to be performed by the others in the execution of the conspiracy.[44] 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.[45] Once conspiracy is shown, the act of one is the act of all the conspirators.[46] The precise extent or modality of participation of each of them becomes secondary, since all the conspirators are principals.[47]

Rule 133, Sec. 2 of the Revised Rules on Evidence states that in a criminal case, the accused is entitled to an acquittal, unless his guilt is shown beyond reasonable doubt.

We find that the foregoing circumstances provide the required quantum of proof to hold appellant guilty beyond reasonable doubt of killing the victims Maria and Romnick. Proof beyond reasonable doubt does not mean such a degree of proof as, excluding possibility of error, produces absolute certainty.[48] Moral certainty only is required, or that degree of proof which produces conviction in an unprejudiced mind.[49] This moral certainty has been fully met by the evidence presented by the prosecution. Prosecution witness Tarciano's positive identification of appellant and his narration of the events relating to the commission of the crime were utterly convincing and must prevail over appellant's mere denial and uncorroborated alibi.

II. We impose legal interest on the damages awarded.

We affirm the penalty imposed by the RTC upon appellant for each count, as it is well within the range[50] provided by law.

The trial court ordered appellant to pay the following; (a) civil indemnity of Seventy Five Thousand Pesos (PhP 75,000.00); (b) moral damages of Fifty Thousand Pesos (PhP 50,000.00); and (c) temperate damages of Twenty Five Thousand Pesos (PhP 25,000.00), for each count. Consistent with prevailing jurisprudence[51], We impose interest on all of the foregoing monetary award for damages at the legal rate of six percent (6%) per annum from the date of finality of this decision until fully paid.

WHEREFORE, the appeal is DENIED. The April 17, 2012 Decision of the Regional Trial Court, Branch 4, of Dolores, Eastern Samar in Crim. Case No. 480 is AFFIRMED with MODIFICATION in that accused-appellant Joel Golondrina shall pay interest at the rate of six percent (6%) per annum on the civil indemnity, moral damages, and temperate damages, for each count, from the finality of this decision until fully paid.

In the service of his sentence, appellant, who has been detained since June 14, 2004[52], shall be credited with the period of his preventive imprisonment, subject to Art. 29 of the Revised Penal Code. No pronouncement as to costs.

SO ORDERED.

Quijano-Padilla, and Francisco, JJ., concur.

[1] Accused Samuel Golondrina, Pedro Golondrina and Narciso Golondrina are still at large. The case against them was archived until they are arrested; Rollo, p. 53.

[*] Vice J. Azcarraga-Jacob per June 30, 2014 Office Order No. 15-14-GTI.

[2] Penned by Judge Filotea M. Estorninos; Rollo, pp. 45-53.

[3] Record, p. 1.

[4] Rollo, pp. 71-75.

[5] Id. at pp. 46-48.

[6] June 5, 2008 Transcript of Stenographic Notes, pp. 5-6.

[7] Rollo, p. 32.

[8] Record, p. 405.

[9] Rollo, pp. 25-26.

[10] Id. at pp. 45-53.

[11] To wit:

“Sec. 7. Contents of brief. – xxx A certified true copy of the decision or final order appealed from shall be appended to the brief of the appellant.” (underscoring supplied)

[12] Guevarra, et al. v. People of the Philippines, G.R. No. 170462, February 5, 2014.

[13] May 29, 2008 Transcript of Stenographic Notes, pp. 6,10.

[14] Rollo, p. 33.

[15] May 16, 2008 Transcript of Stenographic Notes, p. 2.

[16] June 5, 2008 Transcript of Stenographic Notes, pp. 2-3.

[17] G.R. No. 147923, October 26, 2007, 537 SCRA 458.

[18] To wit:

“Likewise, the trial court gravely abused its discretion in denying the prosecution to present the testimony of Alvin Padecio considering that Briones of Amsteel Securities, Inc. did not provide some details on the transfer. Alvin Padecio, petitioner claims, is the person who can shed light on these matters, more particularly if one considers the fact that he is the son of respondent Looyuko.

Based on the foregoing findings, we hold that the trial court whimsically, arbitrarily, and gravely abused its discretion amounting to a denial of the prosecution of its day in court.” (underscoring supplied)

[19] G.R. No. 147923, October 26, 2007, 537 SCRA 470.

[20] Eyewitness Eden Diolola refused to testify despite being subpoenaed; Record, p. 36; November 7, 2008 Transcript of Stenographic Notes, p. 1.

[21] Rollo, p. 36.

[22] Record, p. 58

[23] Id. at p. 67.

[24] Id. at p. 68.

[25] People of the Philippines v. Sorrel, G.R. No. 119332, August 29, 1997, 278 SCRA 375.

[26] Record, p. 58.

[27] G.R. Nos. 146710-15, March 2, 2001, 356 SCRA 135.

[28] People of the Philippines v. Lapay, et al., G.R. No. 123072, October 14, 1998, 298 SCRA 79.

[29] Record, p. 58.

- [30] Rollo, p. 34.
- [31] June 5, 2008 Transcript of Stenographic Notes, pp. 3,13.
- [32] November 7, 2008 Transcript of Stenographic Notes, p. 5.
- [33] People of the Philippines v. Guzman, G.R. No. 169246, January 26, 2007, 513 SCRA 171-172.
- [34] November 7, 2008 Transcript of Stenographic Notes, pp. 9-10.
- [35] People of the Philippines v. Abayon, G.R. No. 142874, July 31, 2002, 385 SCRA 597.
- [36] Ibid.
- [37] June 5, 2008 Transcript of Stenographic Notes, p. 13.
- [38] Appellant was arrested only on June 14, 2004 per Arrest Report; Record, p. 15.
- [39] G.R. Nos. 128110-11, October 9, 2000, 342 SCRA 348.
- [40] May 29, 2008 Transcript of Stenographic Notes, pp. 4-5, 8-9.
- [41] People of the Philippines v. De Leon, G.R. No. 179943, June 26, 2009, 591 SCRA 194-195.
- [42] Samuel was his friend who used to pasture his carabao in his rice field; Pedro's father is Tarciano's best friend; Tarciano has known Narciso since the latter was ten (10) years old; Appellant's father is Tarciano's friend; June 5, 2008 Transcript of Stenographic Notes, pp. 5-6.
- [43] June 5, 2008 Transcript of Stenographic Notes, pp. 4, 6, 8-9.
- [44] People of the Philippines v. De Leon, G.R. No. 179943, June 26, 2009, 591 SCRA 196.
- [45] Ibid.
- [46] Id. at pp. 196-197.
- [47] Id. at p. 197.
- [48] Rules of Court, Rule 133, Sec. 2.
- [49] Ibid.
- [50] An indeterminate prison term of 6 years, 1 day [but not exceeding 12 years] of prision mayor as minimum, to 14 years, 8 months, 1 day [but not exceeding 17 years, 4 months] of reclusion temporal medium as maximum.
- [51] Guevarra, et al. v. People of the Philippines, G.R. No. 170462, February 5, 2014; People v. Concillado, G.R. No. 181204, November 28, 2011.
- [52] June 14, 2004 Arrest Report; Record, p. 15.

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