

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ALFREDO REGULAR AND ARTURO DE LARA,
DEFENDANTS-APPELLANTS.**

G.R. No. L-38674. September 30, 1981

Ponente: GUERRERO, J.

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GUERRERO, J.:

Before this Court for automatic review is the decision of the Circuit Criminal Court of the Seventh Judicial District in Pasig, Rizal which was promulgated in open court on April 22, 1974, sentencing the above-named accused Alfredo Regular and Arturo de Lara to suffer the penalty of death for the killing of prisoner Felipe Ladoy and the penalty of imprisonment from reclusion temporal minimum to reclusion temporal maximum for seriously wounding prisoner Emilio Esparza.

Here is one of those unfortunate cases that have arisen due to, among other factors, the wretched and deplorable condition of prison life and confinement which have destroyed the sense and sanity of many of the inmates, goading them to violence, riots, and even killing fellow prisoners. And thus, this Court has taken a considerate understanding of their plight, their misery and despair in order that they may not be "reduced to the level of animals and convert a prison term into prolonged torture and slow death." (See *People vs. De los Santos*, 14 SCRA 702; also *People vs. Alicia*, 95 SCRA 227; *People vs. Garcia*, 96 SCRA 497; *People vs. Abella*, 93 SCRA 25; *People vs. Dahil*, 90 SCRA 553).

The information dated August 5, 1972 filed against Alfredo Regular, Arturo de Lara and Clemente Valeriano, charges said accused with murder and frustrated murder allegedly committed as follows:

"That on or about the 16th day of November, 1970 in the New Bilibid Prison, Muntinlupa, Rizal, Philippines and within the jurisdiction of this Honorable Court, the above-named accused while then confined at the said institution, conspiring, confederating and acting together, with trea-chery and evident premeditation with intent to kill, did then and there, wilfully, unlawfully and feloniously assaulted, attacked and stabbed with improvised deadly weapons, Felipe Ladoy, No. 50600P and Emilio Esparza, No. 50092P, both sentenced prisoners serving prison sentences in the same institution, thereby inflicting upon Felipe Ladoy, multiple stab wounds in the different parts of his body, which wounds necessarily produced the latter's death and simultaneously inflicting upon Emilio Esparza stab wounds on the different parts of the body thus performing all the acts of execution which would have produced the crime of murder nevertheless did not produce by reason of causes independent of their will, that is by the timely and able defense by Esparza which prevented the consummation of the offense of murder.

Contrary to law."

One of the accused, prisoner Clemente Valeriano, bolted out of jail before he could be arraigned.[1] During the arraignment of the two remaining accused, Alfredo Regular and Arturo de Lara, held on August 7, 1972 and with the assistance of counsel de oficio, Atty. Jose O. Galvan, the following transpired:

"x x x x x

Atty. Galvan

Your Honor, I have conferred with the accused Arturo de Lara and Alfredo Regular and after I have explained to them the contents of the information and having advised them of the consequence of their act, they both manifested that they are entering a plea of guilty.

Court

Arraign the accused.

Atty. Galvan

The accused Valeriano is not here, your Honor.

(At this juncture, the Court Interpreter, after having read the information in Tagalog (Pilipino) to the accused, they pleaded guilty.)

Court

(Court addressing to accused de Lara)

Q - Are you aware that the Court has no other alternative except to impose capital punishment upon you? The only thing that the Court has to do for you is to recommend you from death to life?

A - Yes, your Honor.

Q - Since when did you sole-search (sic) about your pleading guilty?

A - For a long time already, your Honor.

Q - When was that?

A - More than a year already, your Honor.

Q - Are you a member of the Sigue-Sigue, Sputnik or any other gang?

A - Sputnik, Sir.

Q - You are from what province?

A - Pampanga, Guagua.

Court (Addressing to accused Alfredo Regular)

Q - Are you aware that by pleading guilty you will be punished in accordance with the law and that is death?

A - Yes, Your Honor.

Q - That the only thing that the Court can do for you is to recommend you from death to life?

A - Yes, Your Honor.

Q - Since when did you have a sole-search (sic) of your pleading guilty?

A - That was a long time ago, your Honor."

Immediately after the arraignment, the Court pro-ceeded in open court to render sentence on the two accused, thus -

"WHEREFORE, in view of the spontaneous and voluntary confession of guilt of the accused Alfredo Regular and Arturo de Lara, the Court finds them guilty, beyond reason-able doubt, of the crime of Murder as defined in Art. 248 of the Revised Penal Code, in relation to Art. 50 thereto, as charged in the information and hereby sentences them to the penalty of Death as far as the crime of murder is concerned and to suffer the penalty of seventeen (17) years and one (1) day of Reclusion Temporal as minimum to twenty (20) years of Reclusion Temporal as maximum for the crime of frustrated murder, to indemnify the heirs of Felipe Ladoy the amount of P12,000.00; to pay the amount of P12,000.00 as moral damages and another P12,000.00 as exemplary damages; and to pay their proportionate share of costs.

However, in view of the presence of the mitigating circumstance of voluntary confession of guilt made by the accused as provided for, under paragraph 7, Art. 13 of the Revised Penal Code, the Court be-lieves that the imposition of the death penalty be commuted to reclusion perpetua.

Pursuant to the doctrine laid down by the Supreme Court in the case of People vs. Flores, State Prosecutor Francisco Guerrero is hereby ordered to present evidence to substantiate the charge of Murder and Frustrated Murder in order to determine the degree of the culpability of the accused."

In compliance with the directive of the Court "to substantiate the charge of Murder and Frustrated Murder in order to determine the degree of the culpability of the accused," the prosecution presented four witnesses. Briefly, the prosecution evidence may be related, thus:

At about 12:30 in the afternoon of November 16, 1970, prisoners Felipe Ladoy, member of Batang Cebu Gang and Emilio Esparza, member of Batang Samar Gang, were gathering camote tops at the back of Building 4 of the New Bilibid Prisons. While they were thus pre-occupied, the two accused, Alfredo Regular and Arturo de Lara, together with Clemente Valeriano and Reynaldo Castro, all members of the rival Sigue-sigue Sputnik Gang, suddenly stabbed Ladoy and Esparza, as a result of which Ladoy died on the spot while Esparza, who was able to parry the thrust of his assailant, was imme-diately brought to the New Bilibid Hospital for treat-ment of his injuries.

Upon investigation by the prison guards, it was learned that the assailants surreptitiously went out from Dormitory 4-D after sawing the iron grills at the south end of Building 4. The day before, members of the Sigue-sigue Sputnik Gang were the targets of darts thrown by the Visayan group composed of Batang Cebu and Batang Samar gangs. The alleged treacherous attack by the rival group rankled in the minds of the Sigue-sigue members who planned immediate and swift reprisal to avenge the injuries of their gangmates. Thus, armed with improvised bladed weapons, the assailants pounced upon the unsuspecting victims (Ladoy and Esparza) until the former died and the latter was seriously wounded.

After the stabbing spree, the malefactors returned to their respective dormitories. Later, prisoners Regular, de Lara and Castro gave up and admitted the killing. They executed extra-judicial confessions acknowledging participation in the incident. In the meantime, Esparza was treated by Dr. Argente Alejandro who found the following wounds in the different regions of the body:

1. Lacerated wound left shoulder, 3 inches long.
2. Lacerated wound anterior aspect, left upper arm, 2 inches long.
3. Lacerated wound, lateral aspect, left upper arm, 2-1/2 inches long.
4. Two lacerated wounds at left ches, size 1 inch each.
5. Lacerated wound, medial aspect, upper arm, 1 inch long.
6. Lacerated wound, medial aspect, 1 inch long.

Ladoy's autopsy, conducted by Dr. Ibarrola, proved that his death was caused by massive loss of blood resulting from multiple stab wounds found in his body.

On the other hand, the evidence of the defense is as follows:

On the eve of November 15, 1970, while de Lara was in his brigade, he heard Rodulfo Patuga say to his gangmates, Valeriano and Castro, "Babawi tayo. Abe Castro, Menting, ito hindi na malalaman ng mga kasama natin itong pangyayaring ito at hindi natin ipaalam sa ating mga kasamahan." [2]

About past 12 o'clock noon, Noli Patuga saw Ladoy and Esparza gathering camote tops at the back of Building 4. The group approached the victims stealthily. Valeriano stabbed Ladoy first. Patuga and Castro followed suit. Accused de Lara thrust his improvised weapon into the body of Ladoy only once, upon the command of Patuga, but he did not know whether he hit the victim.

Accused Alfredo Regular testified that he did not know either Ladoy or Esparza. On November 16, 1970, he alleged that he was inside his brigade the whole day. During that day, according to this accused, no unusual incident happened inside the prison walls. He stayed in his brigade up to the 18th of that month. He was called that day to the investigation section of the New Bilibid Prison. He was investigated by one Ignacio Ferrer. He was made to sign a piece of paper, the contents of which he had not read. He denied any participation in the killing of Ladoy and the wounding of Esparza. He claimed that he was maltreated by Ferrer so that he would sign a piece of paper. The room in which he was brought was dark. He was boxed and was beaten with a rubber stick and a big book.

On being confronted with the fact that de Lara mentioned him as one of those who killed Ladoy and wounded Esparza, Regular alleged that de Lara implicated him because he bore a grudge against him. Regular alleged that when they were still free, the girlfriend of de Lara transferred her affection to him. This, according to Regular, made de Lara angry vowing to revenge such outrage.

After several hearings of these cases, the trial court imposed the same principal penalty it imposed during the arraignment. The Court found three aggravating circumstances present in the commission of the crime, namely, treachery, evident premeditation, and recidivism, necessitating the imposition of the appropriate penalties in the maximum period.

In his appeal, appellant Arturo de Lara assigned two errors committed by the trial court, to wit:

1. The lower court erred in holding that appellant Arturo de Lara employed treachery and evident pre-meditation in killing the victim Felipe Ladoy and wounding prisoner Emilio Esparza.
2. The lower court erred in finding defendant-appellant Arturo de Lara guilty of the crime of murder and frustrated murder instead of completely exempting him from any criminal liability on the ground of reasonable doubt.

Appellant Regular contends that the lower court erred in imposing the death penalty based on the allegations of treachery, evident premeditation and recidivism, which were not fully supported by evidence. The appellants further maintain that they were only acting in defense of their gangmates, hence the penalties imposed in both cases are not in accordance with law.

At the outset, it must be stated that the plea of guilty by the two accused were improvidently laid. During the arraignment, the trial judge did not adhere strictly to the doctrine laid down in *People vs. Apduhan* [3] where We postulated the guideline in cases where there is a plea of guilty by the accused. In the instant case under review, We observe that the trial judge failed to explain fully to the two accused the meaning and the far-reaching effect

of their plea. It was not explained to them the meaning of the term "treachery," an aggravating circumstance which qualified the crime to murder and frustrated murder respectively. Neither did the judge explain the terms "evident premeditation" and "recidivism", both aggravating circumstances alleged in the information which had legal significance and consequences not ordinarily understandable to a layman.

The trial judge asked the appellants whether they were aware that the court had no other alternative except to impose the capital punishment on them without explaining why it had to be so. In *People vs. Solacito*,^[4] We had the occasion to say that, "(j)udges are duty-bound to be extra solicitous in seeing to it that when an accused pleads guilty, he understands fully the meaning of his plea and the import of an inevitable conviction."

The trial judge immediately rendered sentence in open court after the arraignment. As an afterthought or as a justification for the imposition of the capital punishment, the trial judge conducted several hearings and called for presentation of evidence by the prosecution.

The hearings subsequently held proved that the appellants' plea were not unconditional admissions of guilt and they were not of such nature as to foreclose appellants' right to defend themselves. Their plea of guilt became ambiguous and qualified in the light of what transpired during the presentation of evidence that followed.

In their extrajudicial confessions, both accused admitted their participation in the killing of Ladoy and the wounding of Esparza.^[5]

We have gone over thoroughly the extrajudicial confessions of the two accused. In these extrajudicial confessions, nothing is said on how the crimes were committed. The only thing that these extrajudicial confessions had brought out of the two accused is the fact that they had participated in the stabbing spree. In open court, the accused de Lara made explanatory statements on how he became involved in the case, while the accused Regular completely repudiated his confession.

It is true, of course that under the Rules and in the spirit of fair play, the whole of the confession must be put in evidence. An extrajudicial confession may be accepted in its entirety or only a part thereof.^[6] To accept fragments of the confession which limits or modifies the criminality of the accused and suppresses others which aggravates such behavior is utterly inconsistent with justice.

Nevertheless, the aforecited rule admits of certain exceptions, for it is not absolute. There are instances, occasions and circumstances which can make it justifiably imperative to believe or accept only a part of the confession and reject the rest. One such instance is when an accused, in his testimony, makes some explanatory statements tending to mitigate his participation in the crimes committed and the prosecution fails to rebut such testimony.

During the hearings that followed, the prosecution failed to prove that the two accused committed the crime charged in the information with the attending aggravating circumstances alleged therein.

De Lara's testimony, which was unrebutted, showed that he was only invited to join the group, an invitation which he hesitantly accepted. Thus, he testified:

x x x x

"Q - The next day, November 16, 1970, where have you been throughout that day, rather, where were you during that day?

A - Inside the brigade.

Q - From what time did you stay there?

A - Up to 1:00 o'clock.^[7]

Q - Were you there when the incident happened?

A - Yes, Sir.

Q - Tell us what happened on that day?

A - In the morning, Noli Patuga called up Clemente Valeriano, Reynaldo Castro and then they went to the "buyong".

Q - Did they go to that "buyong" you are referring to?

A - Yes, Sir.

Q - Were you invited to join them?

A - Yes, Sir."[8]

There could be no treachery on the part of de Lara considering that he was only invited to join the group immediately before the incident took place. He had no time to meditate, calculate and reflect in resolving to commit the crime imputed to him. In order that treachery or alevosia may be considered as a qualifying circumstance that would change the nature of the crime or as an aggravating circumstance that would augment the penalty, it must be shown that the treacherous acts were present and had preceded the commencement of the attack which caused the injury complained of.[9] There is treachery when the following requisites concur: (1) the culprit employed means, methods or forms of execution which tends directly and specially to insure the offender's safety from any defensive or retaliatory act on the part of the offended party which means that no opportunity was given the latter to do so.[10] (2) that such means, method or manner of execution was deliberately or consciously chosen.[11]

The mere fact that the attack was sudden and unexpected does not of itself suffice for a finding of alevosia if the mode adopted by the accused does not positively tend to prove that they thereby knowingly intended to insure the accomplishment of their criminal purpose without any risk to themselves arising from the defense that might be offered.[12]

Neither can evident premeditation be appreciated against de Lara. While it is true that he heard of the plan to kill some members of the rival gang the night before the incident took place, he was not part of the group who made the plan. He was just an eavesdropper.[13] He only knew that he was about to participate in the stabbing of Ladoy and Esparza just immediately before it took place. Given such situation, it cannot be said that de Lara had sufficient lapse of time between determination and execution to allow him to reflect the consequences of his act. On this, de Lara testified:

x x x x

"Q - Tell us what happened on that day?

A - In the morning, Noli Patuga called up Clemente Valeriano, Reynaldo Castro, and then, they went to the "buyong".

Q - Did they go to the "buyong" you are referring to?

A - Yes, Sir.

Q - What about you, did you go with them?

A - I went near them and told them I heard what they were talking about last night.

Q - Were you invited to join them?

A - Yes, Sir.

Q - Did you accept their invitation?

A - I was still thinking of it and Patuga told me not to think about it anymore because I'm already an "aburido".

Q - So at last you joined the group?

A - Yes, Sir.[14]

It is clear from the foregoing statements that de Lara had no inkling that he would be joining the group before he was invited to do so. There is reason to believe that he accepted the "invitation" with the knowledge that he had no other recourse but to join them having eavesdropped the night before, knowing what his fellow-prisoners and gangmates might do in case he refused to join.

The illegal acts committed by others in the group could not be considered against de Lara because conspiracy had not been clearly established. If there was any conspiracy at all, it was limited to Patuga, Valeriano and de Castro. The plan to kill any member of the rival gang was hatched by these three men.

With regards to this, de Lara testified as follows:

x x x x x

"Q - But the fact remains that you planned together with the others to avenge the alleged wrong doing that was made to your gang?

A - I was not included in the plan, your Honor.[15] (Underscoring supplied)

x x x x x

Q - What time was the plan made by this Clemente and his companion?

A - It was in the evening.

Q - Were you there?

A - No, Sir, Noli Patuga called the two. (underscoring supplied)

Q - How did you know that there was a plan to kill somebody?

A - Because our "kubol" is near them.

Q - Did you tell somebody about the plan?

A - No, Sir.

Q - How did you come to know about the plan of this Valeriano to kill somebody?

A - I heard what they were talking about.

Q - From whom did you hear?

A - From Noli Patuga.

Q - Will you tell us the exact words you hear as far as Noli Patuga is concerned?

A - I hear him, "Abe Castro, Clemente Valeriano and Menting, ito ay hindi na malalaman ng mga kasama natin

itong nangyayaring ito at hindi natin ipaalam sa ating mga kasamahan."

Q - What did you do upon hearing these words?

A - I just kept quiet.

Q - What time did you hear those words?

A - Past twelve in the evening.

Q - That was November 15, 1970?

A - Yes, Sir.[16]

The evidence to prove the elements of conspiracy must be positive and convincing. Pursuant to this rule, it has been held in *U.S. vs. Magcomot*[17] and *People vs. Caballero*[18] that neither joint nor simultaneous action per se is a sufficient indicium of conspiracy; a common design must further be shown to have motivated such action.

From the testimonial evidence adduced above, it is clear that de Lara was not included in the plan to retaliate against the injuries suffered by their gangmates in the hands of their rival gang who caught them unaware that Sunday before Ladoy was slain.

While it cannot be said that de Lara was acting under the impulse of uncontrollable fear of an equal or greater injury, it is reasonable to conclude that what happened was not entirely his own will and volition for he was more or less forced by his gangmates to participate in the stabbing spree.

We come now to the other accused, Alfredo Regular. It appears that during the taking of testimonial evidence, this accused evaded answering questions relating to his participation in the killing of Ladoy and the wounding of Esparza. He claimed that on November 18, 1970, a certain Ignacio Ferrer of the Investigation Section of the New Bilibid Prison brought him into a room wherein he was investigated and was made to answer some questions. He further alleged that he was boxed and beaten. The room which he was brought was dark, according to him, despite the fact that he was there from ten in the morning up to three in the afternoon. Then he was made to sign a piece of paper without reading it so he does not know its contents. The paper he was referring to turned out to be his confession.

As to where he was on that fateful day, Regular testified, to wit:

x x x x x

"Q - Will you tell us where were you on that fateful day?

A - Inside the brigade.

Q- Did you remain through the day on November 16, 1970?

A - I was inside, Sir.

Q- While you were inside the brigade, did you observe any incident that happened?

A- None, Sir.[19]

In *People vs. Catalino*,[20] We held that, "(i)t would be unsound practice for the court to disregard the confession of an accused simply because the accused repudiates it during the trial." It cannot be believed that the confession was coerced from Regular considering that the confession is replete with details which can only be given by the person who had experienced the same or had taken part in the execution of the acts narrated.[21]

From the extrajudicial confession of both accused, it appears that Regular was not one of the men who planned the killing incident. As mentioned earlier, the prisoners Valeriano, Patuga and de Castro engineered the stabbing spree and since Regular was not a co-conspirator, the acts done by the three named prisoners cannot and would not prejudice the appellant.

The same aggravating circumstances, namely, treachery, evident premeditation and recidivism were imputed against Regular. Treachery cannot be presumed. Like all other circumstances which aggravate or qualify the commission of the crime, the existence of treachery must be proven beyond reasonable doubt. It is incumbent upon the prosecution to present evidence to prove such allegation.

In the case at bar, the prosecution failed miserably to prove that the killing of Ladoy and the wounding of Esparza was attended with treachery. There were no witnesses who saw how the stabbings were done. Nothing was mentioned in the extrajudicial confessions of the accused as to the means, methods, or manner of execution of the crimes. This being the case, it cannot be established by mere suppositions, drawn from circumstances prior to the aggression, that the accused had employed means tending to insure the success of their dastardly act without any danger to his person. The circumstances specifying an offense or aggravating the penalty thereof must be proved as conclusively as the act itself, mere presumptions being insufficient to establish their presence according to law. No matter how truthful these suppositions or presumptions may seem, they must not and they cannot produce the effect of aggravating the crimes of the defendant.[22]

The aggravating circumstances of evident premeditation cannot also be appreciated against the accused Regular. It is a proven fact that Regular was not with the group of Valeriano, Patuga and de Castro when the latter planned the retaliation for the dart-attack made upon their gangmates.

The circumstances of deliberate premeditation exist only if it could be shown beyond reasonable doubt that there intervened a period of time long enough in a judicial sense to afford full opportunity for meditation and reflection thus enabling the conscience of the accused to overcome the resolution of his will if he would only pay heed to its warning.[23]

There is no proof that Regular had known of the plan to kill and/or stab any member of the rival gang. The records of the case are scanty with regards to circumstances prior to the event. While it is true that de Lara, in his confession, alleged that Regular was one of the men who sawed the iron grills in the window of their brigade, this part of his confession was repudiated by him in open court. He testified that he implicated Regular because he had a grudge against him for taking away his girlfriend while they were still free.[24] Regular's own confession do not narrate the events prior to the killing. While this Court is convinced that Regular participated in the stabbing spree, It is not convinced that he did it with treachery and evident premeditation simply because the prosecution had failed to establish beyond reasonable doubt that indeed the commission of these crimes were attended by the alleged aggravating circumstances. In the absence of treachery and premeditation, the crimes committed by the two accused are homicide and frustrated homicide.

Both accused are quasi-recidivists. De Lara was serving sentence for robbery[25] while Regular was serving sentence for robbery and theft.²⁶ In accordance with Article 160 of the Revised Penal Code, they shall be punished by the maximum period of the penalty prescribed for the new felonies which are homicide and frustrated homicide. Although they entered a voluntary plea of guilty, they are not entitled to the benefits of this ordinary mitigating circumstance because the imposition of the maximum penalty under Article 160, Revised Penal Code is mandatory. (People vs. Bautista, et al., 65 SCRA 460). The penalty for homicide is reclusion temporal (Art. 249, R.P.C.) and that for frustrated homicide is one degree lower, (Art. 50, R.P.C.) although the courts, in view of the facts of the case, may impose upon the accused a penalty lower by one degree than that

which should be imposed under the provisions of Art. 50. (Art. 250, R.P.C.).

WHEREFORE, IN VIEW OF THE FOREGOING, the decision of the lower court is hereby MODIFIED. Both accused, Alfredo Regular and Arturo de Lara, are hereby found guilty of homicide and frustrated homicide and each is hereby sentenced to suffer the indeterminate penalty consisting of ten (10) years and one (1) day of prision mayor as minimum to twenty (20) years of reclusion temporal as maximum for the killing of Ladoy. Each is also sentenced to suffer the indeterminate penalty of four (4) years, two (2) months and one (1) day of prision correctional as minimum to twelve (12) years of prision mayor as maximum for the stabbing of Esparza. All awards for damages are affirmed without modification. Both accused must bear the proportionate share of the costs.

SO ORDERED.

Fernando, C.J., Barredo, Makasiar, Concepcion, Jr., Fernandez, Abad Santos, and De Castro, JJ., concur.
Teehankee, J., on leave.
Aquino, J., in the result.
Melencio-Herrera, J., no part.

[1] t.s.n., January 19, 1972, p. 16.

[2] t.s.n., March 21, 1974, p. 48.

[3] 24 SCRA 798.

[4] L-29209, August 25, 1969, 29 SCRA 61.

[5] Exhibits "E" and "F".

[6] People vs. Solano, 6 SCRA 60.

[7] t.s.n., March 10, 1974, p. 10.

[8] t.s.n., March 29, 1974, p. 11.

[9] U.S. vs. Balagtas, 19 Phil. 114; People vs. Baluyot, 40 Phil. 385; People vs. Peje, 99 Phil. 1052; People vs. Leal, 40 SCRA 550.

[10] People vs. Casalma, 18 SCRA 812; People vs. Ramos, 10 SCRA 1109; People vs. Samonte, 68 SCRA 70.

[11] People vs. Dadis, 18 SCRA 669; People vs. Clemente, 21 SCRA 261.

[12] People vs. Flores, 43 SCRA 342.

[13] t.s.n., March 29, 1974, pp. 47-48.

[14] t.s.n., March 29, 1974, p. 11, *supra*.

[15] t.s.n., March 29, 1974, p. 47.

[16] t.s.n., March 29, 1974, p. 47.

[17] 13 Phil. 386.

[18] 53 Phil. 585.

[19] t.s.n., March 29, 1974, pp. 60-61.

[20] 22 SCRA 109.

[21] People vs. Tuazon, 6 SCRA 350; People vs. Pagulayan, 8 SCRA 619; People vs. Castro, 11 SCRA 699; People vs. Beraldes, 91 SCRA 125; People vs. Tancinco, 93 SCRA 575.

[22] U.S. vs. Perdon, 4 Phil. 141.

[23] People vs. Torrejas, 43 SCRA 158; People vs. Canial, 46 SCRA 634; People vs. Tingson, 47 SCRA 243; People vs. Palacpac, 49 SCRA 442; People vs. Renegado, 57 SCRA 275; People vs. Manangan, 59 SCRA 31; People vs. Tumang, 60 SCRA 303.

[24] t.s.n., March 29, 1974, p. 47.

[25] t.s.n., March 29, 1974, p. 42.

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