PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. C2C ROMERICO PORRAS Y CALICTO, ACCUSED-APPELLANT.

G.R. No. 103550. July 17, 2001

Ponente: PUNO, J.

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PUNO, J.:

Before this Court is an appeal by accused-appellant Romerico Porras from his conviction in Criminal Case No. 90-83742-SCC by the Regional Trial Court of Manila, Branch 49,[1] for "Qualified Highway Robbery (special complex crime of highway robbery with homicide and physical injuries)." He was sentenced to suffer the penalty of reclusion perpetua.

In an Information[2] filed before the Regional Trial Court of Manila, Branch 49, Alfredo Doctolero, Salvador Tajores, Wenefrido de la Sera, Billy Vasquez and Renato Samson were charged with the crime of Qualified Highway Robbery (special complex crime of highway robbery with homicide and physical injuries) in conspiracy with herein accused-appellant Porras. The case was docketed as Criminal Case No. 89-78007. Doctolero, Tajores, de la Sera, Vasquez and Samson entered a "not guilty" plea when they were arraigned on October 13, 1989.

Originally, the case against Porras was filed before the Office of the Constabulary Judge Advocate. However, by virtue of a Presidential Waiver dated January 4, 1990, Court Martial Jurisdiction was waived by then President Corazon Aquino in favor of civilian courts. Hence, the information against Porras was only filed in the RTC of Manila on May 11, 1990 together with a motion to consolidate the case with Criminal Case No. 89-78007.

The Information[3] against C2C ROMERICO PORRAS avers:

> "That on or about September 25, 1989, in the City of Manila, Philippines, the said accused conspiring and confederating with SALVADOR TAJORES Y BOGUS Alias "Buddy", ALFREDO DOCTOLERO Y JOSE Alias "Freddie", WENEFRIDO DE LA SERA Y BATERNA Alias "Boy Golden" and BILLY VASQUEZ Y OLIVA Alias "Bong" who were already been (sic) charged with the same offense docketed as Crim. Case No. 89-78007 before the Regional Trial Court of Manila, Branch 49 and others whose true names, identities and present whereabouts are still unknown and helping one another, all armed with firearms of different calibers, and therefore in band, with intent to gain and by means of force, violence against and intimidation of person, that is, while along Arellano St., this City, a street used by persons or vehicles for the movement or circulation of persons or transportation of goods, articles or property or both, by then and there suddenly firing at the armored car of the Bank of Philippine Islands, a Toyota Land Cruiser with Plate No. NSG-152 containing P7,800,000.00, and in which vehicle were on board bank teller LAMBERTO JOSE, one EMILIANO LOPEZ Y GABRINO, UNIGUARD Security Guard SEGUNDO RAMOS, another security guard and a driver, thereby immobilizing the said armored car, ordering the said car occupants to get out therefrom otherwise they will be killed, and forcing them to lie face down on the ground, did then and there willfully, unlawfully and feloniously take, rob and carry away the said sum of P7,800,000.00 from the said armored car owned by the Bank of Philippine Islands, against the will of the said owner, to the damage and prejudice of the said Bank of Philippine Islands, Ayala Avenue, Makati, MM, in the same sum as aforesaid; that as a result or on the occasion of the said Robbery, two (2) members of the robbing group, namely Pfc. BEN A. BARTOLINI, PA

> and PVT. TONY J. BAZER, PC, were hit in a shootout that ensued thereby inflicting upon them fatal gunshot wounds which were the direct cause of their death immediately thereafter; and that as a further result thereof the persons of said LAMBERTO JOSE and SEGUNDO RAMOS, and SGT. APOLINARIO CASTRO, PC, a member of the raiding team, sustained physical injuries which will require medical attendance for a period of more than thirty (30) days and which will incapacitate them from performing their customary labor during the same period of time.
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> CONTRARY TO LAW."[4]

Porras was arraigned on June 22, 1990 and entered a plea of "not guilty." In an Order dated June 28, 1990, the trial court denied the consolidation of the cases. On October 23, 1990, Atty. Nicolas Catiil, who was then the counsel of Porras, manifested that he is adopting the proceedings in Criminal Case No. 89-78007 with reservation to recall four (4) prosecution witnesses for further cross-examination.[5] On January 23, 1991, based on the agreement of the parties, the trial court issued an order that it will render only one decision for both cases.[6]

The facts are as follows:

In the morning of September 25, 1989, the management of the Plaza Cervantes branch of the Bank of the Philippine Islands (BPI) decided to transfer the excess cash in its vault to the bank's head office in Makati, Metro Manila. Eduardo Alegre, Assistant Manager of the said branch, supervised the cash transfer. He prepared three (3) Debit and Credit Advice[7] (DCA) for the centralized cash servicing unit of their head office. The first DCA covered the amount of four million two hundred thousand pesos (P4,200,000.00) consisting of one hundred peso (P100.00) bills, the second was for three million two hundred thousand pesos (P3,200,000.00) consisting of one hundred peso (P100.00) and fifty peso (P50.00) bills and the third was for four hundred seventy thousand pesos (P470,000.00) which consisted of fifty (P50.00), twenty (P20.00), ten (P10.00) and five (P5.00) peso bills. The total amount of seven million eight hundred thousand pesos (P7,800,000.00) was to be transferred. The money as stated in each DCA was placed inside three (3) duffel or canvass bags. Each bag was locked and sealed with a paper tape signed by Alegre. Two (2) copies of the DCA were sent to the head office with the money.

About 9:00 o'clock that morning, Alegre informed the post-in-charge of the security guards, Lorde Alutaya, that the excess cash would be transferred to the head office. The armored car of the bank, bearing Plate No. NSZ-152, was prepared together with a white Toyota crown car with Plate No. NRK-132 as a back-up car.[8] Alutaya assigned Leonardo Reyes and Segundo Ramos to ride in the armored car to be driven by Julian Carurucan. Leonardo Sinay and Melchor Sampaya were assigned to the back-up car to be driven by Ernesto Ignacio. Except for Sampaya who carried a .38 caliber handgun, the security guards were armed with shotguns[9] licensed to and owned by Uniguard Security Agency, Inc. Emiliano Lopez, a utility personnel designated by Alegre to carry the money, loaded the same inside the armored car. Lamberto Jose, a paymaster, also accompanied the armored car.

Both cars left the Plaza Cervantes branch of the BPI at about 9 a.m. They passed by Taft Avenue, turned left at Vito Cruz and made a right turn to Arellano Street, Singalong, Manila. The back-up car was about two vehicles away from the armored car. They were travelling slowly due to heavy traffic. Midway Arellano Street and at a distance of ten (10) to fifteen (15) meters, Carurucan saw about five (5) to six (6) persons alight from a red Ford Fiera vehicle. They wore long sleeved jackets and were carrying armalite rifles of the M14 or M16 type. Suddenly, the first man to alight from the Fiera fired his gun toward them. The windshield of the armored car was hit. Shattered pieces of glass flew inside injuring the passengers. Then came a hissing sound as the front tires of the armored car were flattened by gunshots. Carurucan was forced to stop the armored car.[10]

Leonardo Reyes who was seated in front, at the passenger seat, and Emiliano Lopez, who was seated at the back, also saw the armed men alight from the Ford Fiera. They were running side by side toward the armored car. Reyes

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recognized accused Wenefrido de la Sera who was slightly ahead of the pack. He particularly remembered de la Sera's mustache.[11]

The armed men continued firing at the immobilized armored car. Carurucan ducked at the steering wheel. Reyes stooped but he sustained abrasions which required at least nine (9) days to heal.[12] Lopez dived on the floor and cried "Diyos ko, iligtas mo po kami."[13] Ramos fell from his seat as he was hit in his shoulder and right lumbar area. He leaned against the wall of the armored car. His wounds required at least nine (9) days to heal.[14] Jose suffered from multiple metal fragment injuries on his neck and occipital region, right side of his ear, and posterior chest wall, requiring not less than one (1) day but not more than nine (9) days to heal.[15]

The assault lasted from three (3) to five (5) minutes.[16] Blood was splattered on the walls of the armored car. The windshield and other glass portions of the armored car were shattered as they were riddled with bullet holes.[17] Not one of the security guards was able to fire back at the attackers.

When the firing stopped, the armed men approached the armored car. Accused Salvador Tajores ordered them to step out saying, "[B]aba kayo, kung hindi kayo bababa, babarilin kayo diyan."[18] Tajores poked his gun at Carurucan who opened the door beside him and stepped out of the armored car. Reyes followed him. Tajores ordered them to lie on the road face down.[19] Lopez, on the other hand, heard a person shout, "Lumabas! Bumaba kayo!"[20] He heard more gunshots and smelled gasoline. Jose, who was then bleeding, said, "Buksan ninyo na."[21] Lopez opened the rear door of the armored car. Jose, who was leaning on it, fell to the ground. Lopez stepped out and saw accused Wenefrido de la Sera, Alfredo Doctolero, Salvador Tajores and C2C Romerico Porras standing behind the armored car. They were all holding guns. Lopez, Jose and Ramos were then ordered to lie face down on the road.

A vehicle suddenly started its engine and sped away. It was their back-up vehicle. The malefactors used it as their get away car. After the car left, Carurucan stood up and saw that Jose and Ramos were bloodied. He shouted for help. A car approached them and the driver offered help. The injured were brought to the Philippine General Hospital while Lopez remained at the scene of the crime.

The head office of BPI informed the Plaza Cervantes branch about the robbery at 10:00 a.m. The robbery was also relayed to the Special Group No. 1, Special Operation Task Force, under the Capital Command of the Armed Forces of the Philippines in Camp Bagong Diwa, Taguig, Metro Manila.[22] They received information that the robbers were heading south. In response, Major Marcelino Franco, Deputy Commander of the task force, assembled a contingent of about thirty (30) men to pursue the robbers. The contingent in turn formed two (2) teams. One team took the south superhighway while the other proceeded to the service road that leads to Daanghari which is between Taguig and Parañaque, Metro Manila. A radio call made to the first team informed them that the suspects entered the Food Terminal Incorporated, about two (2) kilometers away from Camp Bagong Diwa. Members of the second team, who were already at Daanghari, spotted a white Toyota Crown coming out of a compound. It had two male passengers. Two cars chased the Toyota Crown which was already twenty (20) meters ahead of them. The rest of the team remained to investigate. They saw a group of persons with firearms hurrying to get inside a hut located inside the compound.[23]

Six members of the contingent, including Sgt. Eufemio Barcena, Sgt. George Raquindin and Sgt. Apolinario Castro, proceeded to a house inside the compound. They were met by a woman who turned out to be an aunt of accused-appellant Porras. They saw Porras and Tajores inside the compound. Tajores was standing near the front wall abutting Daanghari while Porras was near the gate. Both were unarmed. Suddenly, shots were fired. The shots came from the hut inside the compound.[24] People scampered. Sgt. Castro was hit in his left shoulder and fell to the ground.

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At about 10:30 a.m., an exchange of fire ensued between the members of the task force and the persons inside the hut. The distance between them was about fifteen (15) to twenty (20) meters. One of the persons inside the hut was able to jump over the fence into an adjoining compound covered with tall grasses. The other one escaped through a hole.[25] The task force radioed for reinforcement at Camp Bagong Diwa. A V-150 tank came. It strafed the area where the persons hid. The firing stopped at around 12:00 noon. The contingent then searched the compound and its vicinity.

The body of Pvt. Tony Bazar, a member of the Armed Forces of the Philippines, was found near the fence at the rear of the nipa hut. It bore eleven (11) gunshot wounds, seven of which were fatal.[26] Found near his body was an M-14 firearm[27] and a .45 caliber pistol[28] loaded with five bullets. A bandolero with bullets was tied around his waist.[29]

They also found the body of Pfc. Ben Bartolini of the Philippine Army in a grassy area outside the compound. He sustained a gunshot wound on the head. Recovered near his body were two long firearms loaded with bullets. They also recovered a Ford Cortina Ghia vehicle, the three shotguns of the security guards, two green colored car plates bearing Nos. NRK-131 (LTO 89) and CCG-517 (88 LTO) and a red colored car plate No. SCE-445 (85 BLT).

Three (3) duffel bags were retrieved. Tied to the first duffel bag was a piece of paper wherein Eduardo Alegre previously made the entries that it contains four million two hundred thousand pesos (P4,200,000.00) in P100.00 peso bills. Tied to the second duffel bag was a piece of paper wherein Alegre had written that it contains P470,000.00. The third duffel bag did not have a similar piece of paper. Also found at the scene were three bags containing bundles of P20.00, P10.00 and P5.00 peso bills.[30] The paper wrappers of the money indicated they were from the Family Bank and Trust Company, Plaza Cervantes and Caloocan branches. The paper wrappers were dated September 22, 1989.[31]

Sgt. Apolinario Castro, who was hit by the initial burst of gunfire, was taken to the V. Luna General Hospital. The injuries he sustained[32] could have caused his death if not promptly attended to. He was released from the hospital on October 30, 1989. His wounds could have been caused by a .56 or M-16 firearm.[33]

After the gun battle, Porras and Tajores were arrested. When the members of the task force were about to leave the compound, they saw Renato Samson running. They did not know where he came from. They arrested him.[34] Porras, Tajores and Samson, and all the items recovered from the compound and its vicinity, were taken to Camp Bagong Diwa.

In the afternoon of that same day, Emiliano Lopez, Segundo Ramos and Leonardo Reyes were brought to the Western Police District for their statements. They learned at the police station that the suspects in the robbery had been arrested.

Four[35] suspects were turned over to the investigating unit in Camp Bagong Diwa. Sgt. Armando Barrion, one of the investigators, alleged that during the investigation, Tajores admitted that he was involved in the robbery. Tajores declined the services of counsel after he was apprised of his constitutional rights.[36] Tajores said that he did not personally know the other members of the group who robbed the armored car. He, however, said that one of the members is a security guard of the BPI, Plaza Cervantes branch. He claimed that he could identify the guard.[37] The suspects were made to undergo a paraffin test. Porras, Tajores and Samson were found positive for gunpowder nitrates.[38]

Sgt. Wilfredo Galdo also investigated the case. He interrogated Tajores and Porras. He asked Tajores if they have other companions who were still at large. In response, Tajores gave him a telephone number. They were able to

determine the address corresponding to the number. A team from the Special Operation Task Force was formed to follow-up the case.[39]

The phone number corresponded to an apartment located at Mauban St., Quezon City. The task force reached the place at 7:00 o'clock in the evening. They found accused de la Sera in the apartment watching television with his wife. They introduced themselves as operatives of the Capcom. Sgt. Galdo asked him about the money robbed from the armored car earlier that morning.[40] De la Sera pointed underneath their bed. The operatives took the money amounting to P20,000.00 consisting of fifty, ten and five peso denominations.[41] De la Sera was arrested.

Sgt. Galdo inquired from de la Sera if there were other persons involved in the robbery. De la Sera allegedly pointed to accused Alfredo Doctolero and revealed his whereabouts. They went to 11th Avenue, Caloocan City at about 9:00 o'clock in the evening of September 25, 1989. The house of Doctolero was closed. Upon inquiries, the operatives proceeded to a nearby house and found Doctolero. They arrested him and searched his house.[42] The search did not yield any evidence.

The Special Operation Task Force also made a follow-up on other suspects. They proceeded to Valenzuela and Bulacan. However, they were not able to apprehend any other suspect. They returned to Camp Bagong Diwa in the early morning of September 26, 1989.[43]

At about 7:00 o'clock in the evening of September 25, 1989, Leonardo Reyes, Julian Carurucan, Segundo Reyes and Emiliano Lopez were brought to Camp Bagong Diwa to identify the suspects. A police line-up was made which included the four suspects.[44] Carurucan recognized and identified Tajores[45] and Samson. Lopez identified Porras.[46] Upon the arrival of the Special Operation Task Force which conducted follow-up operations, another line-up was conducted. In the second line-up, Lopez identified Porras, Tajores, Doctolero and de la Sera.[47]

In a sworn statement[48] executed by Carurucan on September 26, 1989, he stated that Tajores and Samson were among the perpetrators of the armored car robbery. Reyes also executed a sworn statement[49] identifying de la Sera as one of the robbers while Lopez, in his sworn statement, affirmed the participation of Porras, Tajores, Doctolero and de la Sera in the crime.[50] However, the following day, Carurucan told Sgt. Barrion that he could have made a mistake in identifying Samson.[51] Thus, he executed another statement[52] retracting his identification with regard to Samson. He nevertheless confirmed the participation of Tajores.

At about 8:00 o'clock in the morning of September 26, 1989, Major Franco ordered Lt. Genabe, C2C Natividad and Sgt. Robinson Dacanay to take de la Sera to the BPI Plaza Cervantes branch for the latter to point out the security guard he had earlier implicated. They arrived at the bank at 9:00 o'clock in the morning. However, the guard de la Sera referred to did not report for work that day. They returned to the bank the next day. In the afternoon, accused Billy Vasquez reported for work. De La Sera told them that he was the one he referred to. Vasquez was invited to Camp Bagong Diwa to shed light on the robbery on September 25, 1989.

They arrived at Camp Bagong Diwa at about 1:00 p.m. Immediately, Vasquez was taken to the investigation room. His wallet was searched and the investigator found a piece of paper[53] containing the telephone number of Boy Golden.[54] On September 27, 1989, Tajores executed a statement[55] implicating a certain Sgt. Mark Pastor, Boy Golden and Billy Vasquez. Tajores affirmed that Vasquez supplied the information regarding the route of the armored car.

The appellants denied the charge against them.

Salvador Tajores, a mechanic, alleged that in the afternoon of September 22, 1989, several soldiers on a Ford Fiera arrived at his shop to have their vehicle repaired. There was something wrong with the front tires of the

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vehicle. Tajores determined that the front bearings of the vehicle had to be replaced. He was able to remove them at about 5:00 o'clock in the afternoon but the stores selling the spare parts were already closed. Thus, the soldiers decided to leave the vehicle in his shop.[56]

One of the soldiers, whom Tajores came to know as Porras through his uniform, left the amount of three hundred pesos (P300.00) to answer for the expenses of the repair of the vehicle. Porras said that he would return the next day to get the vehicle. However, Porras also gave instructions that in case he could not return the next day, Tajores should take the vehicle to his residence at Daanghari Street, Taguig, Metro Manila. Porras gave Tajores a sketch[57] of the way to his house.

The next day, Tajores bought the needed parts and repaired the vehicle. He finished repairing it at 10:00 a.m. and decided to deliver it to the house of Porras. He asked a certain Mrs. Remedios Magaloña,[58] who had her jeep repaired, to accompany him to Daanghari. This was also to test the repairs made on the jeep of Magaloña. Porras was not in his house that day. Tajores met Lazaro Calago who also lived in the house. He told the latter that he would just return the following Monday to get his payment. Thus, Tajores left the vehicle and rode with Magaloña for the return trip.[59]

That Monday, September 25, 1989, Tajores returned to the house of Porras to get his payment for the repair of the Fiera. He came at 10:00 in the morning. When Porras was about to give him P300.00, soldiers arrived. A gun was aimed at him. Shots were fired. They were ordered by the soldiers to lie down. The soldiers took his wallet. He was handcuffed and brought to Camp Bagong Diwa. He was tortured and given the water treatment. He sustained contusions. Since he could not withstand the physical torture, he signed a document[60] without reading it. Tajores had never met his other co-accused. They do not know each other.[61]

Remedios Magaloña was presented by Tajores to corroborate his testimony. She testified that in the afternoon of September 22, 1989, she was at the shop of Tajores when the soldiers brought the Fiera. She also accompanied Tajores when he brought the car to Daanghari on September 25, 1989.[62]

Wenefrido de la Sera alleged that on September 25, 1989, at about 7:00 or 8:00 o'clock in the evening, he was in his house at No. 19 Mauban St., Quezon City tending his fighting cocks. While watching the television with his wife, Capcom soldiers arrived. The soldiers immediately put handcuffs on his hands and ordered him to lie on the floor face down. They searched his house and took their P20,000.00 underneath his bed. He said that he kept his money there to prepare for the delivery of his wife who was then pregnant. He also uses this money in his business of buying and selling fighting cocks. After taking the money, the soldiers dragged him out of the house while his wife held him. The soldiers also told his wife that he was a "holdupper". The soldiers did not have a search warrant or warrant of arrest.

He was taken to Camp Bagong Diwa where he was forced to sign a statement[63] alleging that before the robbery, a certain Sgt. Pastor, Billy Vasquez and himself met at the Luneta Grandstand to talk about the details of the robbery. De la Sera initially refused to sign but the soldiers maltreated him. He signed the statement against his will. Prior to his detention, he has never met and does not know anyone of his co-accused.[64]

Alfredo Doctolero denied the charge and claimed that he was arrested by the Capcom soldiers inside his house at No. 162 Hizon St., Caloocan City without any warrant. The soldiers just barged inside his house and broke into his room. They asked him if he was Freddie. Doctolero answered in the affirmative and he was boxed by one of the soldiers. They searched his house without his consent. They dragged him to their vehicle and took him to Bicutan. In Bicutan, he was investigated by Sgt. Barrion. After being investigated, he was brought to another room where he was maltreated. He showed the black marks of his maltreatment.

Emiliano Lopez was also taken inside the room where Doctolero was detained. Lopez left and did not identify him. Afterwards, a line-up was made. Doctolero saw Lopez talking to the Capcom soldiers. Doctolero alleged that Lopez did not point to him during the line-up. It was only when the trial of the case started that Lopez pointed to him and his co-accused. Doctolero denied knowing anyone of his co-accused.

In denying any involvement in the robbery, Doctolero said that he was resting in his house between the hours of 10:00 and 11:00 o'clock in the morning of September 25, 1989. He had just finished driving his jeepney which he uses to earn a living. While resting, a barangay kagawad went to his house and invited him to attend a meeting scheduled that evening. The barangay kagawad stayed for at least one hour in his house. He did not anymore leave their barangay that day.[65]

Eduardo Navalete, a resident of No. 30 M. Hizon St., Caloocan City and a barangay kagawad in their place, corroborated the testimony of Doctolero. He testified that he went to the house of Doctolero at about 10:00 o'clock in the morning of September 25, 1989 to invite the latter to attend the barangay meeting to discuss the peace and order condition of their barangay. Doctolero was invited because he was one of the respected persons in their place. Navalete left the house of Doctolero at about 11:00 o'clock in the morning.

Navalete further testified that Doctolero attended the meeting that evening from 7:00 to 9:00 o'clock. He also saw when the soldiers arrested Doctolero in his residence between 9:00 and 10:00 o'clock that same evening.[66]

C2C Romerico Porras denied any knowledge of the robbery. He testified that he is a member of the then Philippine Constabulary assigned at the Novaliches detachment of the Regional Special Action Force. Due to the arrival of his girlfriend, a certain Malou Lozada, he was granted a three (3)-day leave from September 23 to September 25, 1989. On September 24, 1989, he was with his girlfriend at the residence of his uncle, Cesar Calago, at No. 1872, Daanghari St., United Parañaque, Metro Manila. He woke up the following morning, September 25, 1989, between the hours of 8:00 and 9:00 a.m. At about 9:30 a.m., a certain Madario Basiao was looking for Calago, since they previously agreed to have a drinking spree that day. Calago was, however, not in their house that time. Thus, Porras had a brief talk with Basiao and the latter left at 10:00 a.m. After a while, Porras went out of the house and suddenly, guns were being fired from outside their compound. Capcom soldiers then appeared and he was ordered to lie on the ground with his face down. Malou Lozada was able to get out of the compound. The firing ceased after about an hour. Porras was taken by the soldiers. They again ordered him to lie face down outside the gate of the compound. He noticed that another person, whom he later learned to be Salvador Tajores, was also lying on the ground. Both were taken to Bicutan where they were investigated by Sgt. Barrion. Porras said that he was forced to admit his involvement in the crime of robbery staged that morning. The investigator did not apprise him of his constitutional rights. Although Porras asked for a counsel, he was not provided with one. Porras also said that his girlfriend visited him once in jail before she returned to Japan.[67]

The testimony of Porras was corroborated by Madario Basiao. Basiao testified that at about 9:00 o'clock in the morning of September 25, 1989, he went to the house of Cesar Calago for a pre-arranged drinking spree. Calago, however, was not there. Basiao saw only Porras and Lazaro, Calago's son. Porras, who was wearing a pair of shorts, was holding a pail of water and was about to take a bath when he arrived. They talked for a few minutes and then Basiao left to get some pulutan from his house which was about half a kilometer away from the appellant's place. Basiao was at his house when he heard successive gunshots coming from the direction of appellant's house. He later learned that there had been a shooting incident between Capcom soldiers and certain unknown persons which resulted in the death of two (2) soldiers and the arrest of Porras.[68]

Billy Vasquez denied any involvement in the robbery. He claimed that on September 26, 1989, he was absent from work because he went to a pier to welcome Orlando Tolentino, a nephew of his wife. Earlier, he instructed

his wife to call Lorde Alutaya, their post-in-charge at the BPI, to inform the latter of his absence. In the morning of September 27, 1989, he went with an armored car collecting money to be deposited at the BPI Plaza Cervantes branch. He was surprised when he was arrested in the afternoon of that day. He claimed that when they arrived at Camp Bagong Diwa, his eyes were covered and someone took his wallet. He was transferred to another room and was shown the piece of paper where the name of Boy Golden and a telephone number were written. He was tortured. He also denied that he made a telephone call before the armored car left the BPI Plaza Cervantes branch on September 25, 1989.[69] Prior to his incarceration at Camp Bagong Diwa, he said he has never met, nor does he know anyone of his co-accused. His wife, Nilda Vasquez, corroborated his testimony.

Renato Samson did not take the witness stand.

On February 22, 1991, the trial court rendered a ninety five (95)-page decision finding appellants Romerico Porras, Salvador Tajores, Wenefrido de la Sera and Alfredo Doctolero guilty of "Qualified Highway Robbery (special complex crime of highway robbery with double homicide and physical injuries) defined in Section 2 (e) and penalized in Section 3 (b) of Presidential Decree No. 532."[70] They were meted the penalty of reclusion perpetua and were ordered to pay P7,718,300.00 to the BPI which represents the difference between the money stolen and the amount recovered by the police. Billy Vasquez and Renato Samson were acquitted.[71]

The dispositive portion of the decision reads:

> "WHEREFORE, judgment is hereby rendered by the Court, as follows:
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> - In "People versus Salvador Tajores, et al.", Criminal Case No. 89-78007-SCC, the Court found, and declares, the Accused Salvador Tajores, Alfredo Doctolero and Wenefredo (sic) de la Sera are guilty beyond reasonable doubt of qualified highway robbery (especial (sic) complex crime of Highway Robbery with double Homicide and Physical Injuries) and defined in Section 2 (e) and penalized in Section 3 (b) of Presidential Decree No. 532. The imposable penalty on said Accused is death. However, considering that, under the 1987 Constitution, the Court cannot as yet impose the death penalty, the Court hereby metes on the Accused Salvador Tajores, Alfredo Doctolero and Wenefredo (sic) de la Sera the penalty of RECLUSION PERPETUA, with all the accessory penalties of the law. The Accused Billy Vasquez and Renato Samson are hereby ACQUITTED of said charge for failure of the Prosecution to prove their guilt beyond reasonable doubt for (sic) the crime charged.
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> - In "People versus C2C Romerico Porras", Criminal Case No. 90-83742-SCC, the Court found and declares the Accused C2C Romerico Porras of the Regional Special Action Force of the Capital Command of the Philippine Constabulary, guilty beyond reasonable doubt of the Crime of Qualified Highway Robbery (especial (sic) complex crime of Highway Robbery with double homicide and physical injuries) defined in Section 2 (e) and penalized in Section 3 (b) of Presidential Decree No. 532. The imposable penalty on the Accused for said crime is the death penalty. However, considering that, under the 1987 Constitution, the Court cannot as yet impose the death penalty, the Court hereby metes on said Accused the penalty of RECLUSION PERPETUA, with all the accessory penalties of the law.
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> The Accused Salvador Tajores, Alfredo Doctolero, Wenefredo (sic) de la Sera and C2C Romerico Porras are hereby condemned to pay, by way of indemnity, jointly and severally, the amount of P50,000.00 to the heirs of Pvt. Tony Bazar; the amount of P50,000.00 to the heirs of Pfc. Ben Bartolini; the amount of P20,000.00 by way of moral damages to Lamberto Jose; the amount of P20,000.00 by way of moral damages to Sgt. Apolinario Castro; the amount of P10,000.00 as moral damages to Segundo Ramos; P10,000.00 by way of moral damages to Leonardo Reyes (Article 2219, New Civil Code).
>
> All the Accused Salvador Tajores, Alfredo Doctolero, Wenefredo (sic) de la Sera and C2C Romerico Porras are hereby condemned to pay, jointly and severally, the amount of P7,718,300.00 to the Bank of the Philippine Islands, which is the residue (sic) of the amount stolen by the said Accused from said Bank, and the amount of

> P81,700.00, recovered by the government authorities, which includes the P16,700.00 recovered from the Accused Wenefredo de la Sera, by the government authorities. The amount of P81,700.00 which includes the amount of P16,700.00 found and confiscated by the Capcom soldiers from the Accused Wenefredo de la Sera shall be remitted to the Bank of the Philippine Islands. The Accused Wenefredo de la Sera shall be credited for said amount of P16,700.00, from his aforementioned liability to the Bank.
>
> x x x x x x x x x
>
> SO ORDERED."[72]

Originally, all the accused appealed their conviction. However, on October 4, 1999, Alfredo Doctolero filed an "Urgent Motion to Withdraw Appeal."[73] The Court granted his motion and dismissed his appeal in its resolution of November 17, 1999.[74] On February 3, 2000 and February 15, 2000, Salvador Tajores and Wenefrido de la Sera respectively filed their motion withdrawing their appeal.[75] The Court granted their motions on June 7, 2000 and considered G.R. No. 103551 closed and terminated.

Hence, only the appeal of C2C Romerico Porras will now be resolved. Accused-appellant Porras contends:

> "I
>
> THE TRIAL COURT ERRED IN BASING ITS DECISION SOLELY ON THE TESTIMONIES OF THE PROSECUTION WITNESSES WITHOUT GIVING DUE CONSIDERATION TO THE EVIDENCE ADDUCED BY THE DEFENSE.
>
> II
>
> THE TRIAL COURT ERRED IN NOT GIVING CREDENCE TO THE DEFENSE OF DENIAL AND ALIBI RAISED BY THE ACCUSED C2C ROMERICO C. PORRAS.
>
> III
>
> THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF HIGHWAY ROBBERY."[76]

We affirm the judgment of conviction rendered by the trial court.

In his first assigned error, appellant Porras contends that the trial court wrongly relied on the testimony of Emiliano Lopez who alone gave a positive identification of Porras. Lopez' declarations are allegedly wrought with inconsistencies and contradictions, precarious assertions of matters uncorroborated by any evidence on record.[77] He cites the following grounds in support of his contentions:

First, when Lopez testified on the relative position of Porras vis-a-vis the other suspects during the robbery incident, he pointed to Porras as having been both near the back door of the armored car and also at the rear portion thereof.[78]

Second, when Lopez was asked during his direct examination to identify the persons who ambushed the armored car, he named only three (3) persons, viz, Wenefrido de la Sera, Alfredo Doctolero and Salvador Tajores.[79]

We are again confronted with the issue of credibility of witnesses. The Court has always recognized that the trial courts are best equipped to pass upon such issue, having had the opportunity to observe firsthand the demeanor and actuations of the witness while on the witness stand. The matter of assigning values to declarations at the witness stand is most competently carried out by the trial judge and his conclusions are entitled to great weight and respect.[80] We see no reason to depart from such ruling.

Accused-appellant's attempt to discredit Lopez cannot succeed. A closer scrutiny of the entire testimony of Lopez reveals that he categorically and positively identified accused-appellant as one of the perpetrators of the grisly crime. Lopez testified as follows:

"FISCAL PERALTA:

Mr. Lopez, on December 13, 1989, the first time that you testified before this Honorable Court, you stated that after identifying Salvador Tajores, Alfredo Doctolero and Wenifrido de la Sera in Crim. Case No. 89-78007, you stated that you would be able to identify the other companions of those three (3) whom you identified in that hearing, is that right?

WITNESS:

Yes, sir.

FISCAL PERALTA:

Now, if you will see him again that person will you be able to identify him?

WITNESS:

Yes, sir.

FISCAL PERALTA:

If he is inside the Courtroom please point to him.

WITNESS:

Yes, that man in blue stripe shirt, sir.

INTERPRETER:

Witness is pointing to a person inside the Courtroom and when asked of his name he stated Romerico Porras.[81]

x x x x x x x x x

FISCAL PERALTA:

Now, on cross-examinations by the defense counsels of Accused Doctolero, De la Sera and Tajores, you mentioned of a person whom you saw while alighting from the armored car who was in short pants and holding a long firearm, is it (sic) not?

WITNESS:

Yes, sir.

FISCAL PERALTA:

Now, if you will see again that person whom you saw when you alighted in that armored car and holding a long firearm, can you still identify him?

WITNESS:

Yes, sir.

FISCAL PERALTA:

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> Will you please look around the Courtroom and see if he is inside? x x x
>
> WITNESS:
>
> That person I pointed to a moment ago, sir.
>
> INTERPRETER:
>
> Witness pointed to Romerico Porras."[82]

The observation of the trial court as to the credibility of the prosecution witnesses, including Lopez, is apropos, viz:

> "The Court endeavored to monitor and minutiosely observe the demeanor and conduct of the witnesses of the Prosecution when they testified before the Court, and the Court is fully convinced without any equivocation that they testified spontaneously and in a straightforward and candid manner, their testimonies permeated by truth all throughout, and bereft of the affectations and artificialities of a perjured and/or rehearsed witness."[83]

We share the trial court's assessment, particularly of Lopez' testimony. Lopez never wavered in his testimony under vigorous cross-examination and he remained firm in his avowal that he saw Porras as one of the robbers.[84]

As to the alleged inconsistencies in the testimony of Lopez, suffice it to say that the same are considered minor ones which do not affect either the substance of his declaration or its veracity. Our consistent ruling is that minor inconsistencies even enhance the credibility of a witness for they remove any suspicion that one's testimony was contrived or rehearsed.[85] With regard to the supposed ambiguous declaration of Lopez concerning the exact position of Porras when he saw him, suffice to say that witnesses are not expected to remember every single detail of an incident with perfect or total recall.[86]

Accused-appellant further makes capital of Lopez' testimony that the relative distance between the armored car carrying him and his companions and the vehicle where the culprits were alighting from prior to the initial volley of shots was about fifteen (15) meters. It is allegedly impossible for Lopez to recognize the faces of the robbers, particularly Porras, considering the said distance and his own admission that he ducked under from where he was seated as the group was fast approaching them.[87] Furthermore, it is alleged that Lopez' testimony is highly inconsistent with human experience. He admitted that during the attack, he and his companions were made to lie face down on the ground. The only time he was able to look at their faces was when they were about to alight from their armored vehicle when the back door was opened and that such encounter was only for a fleeting moment.[88]

We reject accused-appellant's contentions. It bears stressing that Lopez actually had two (2) opportunities to have a good glimpse of the faces of the culprits. First, when they were alighting from their vehicle before they fired the first shots.[89]Second, when Lopez and his companions opened the back door and alighted from their armored vehicle before they were ordered to lie face down after the cessation of gunfire.[90] Even if those two (2) opportunities were fleeting, it is still possible for Lopez to have recalled at least one of the faces. Experience dictates that precisely because of the unusual acts of violence committed right before their eyes, witnesses can remember with a high degree of reliability the identity of criminals at any given time.[91]

We brush aside appellant's contention that the testimony of Lopez regarding his identification of Porras is not corroborated by any other evidence.[92] It is settled that witnesses are to be weighed not numbered, such that the testimony of a single, trustworthy and credible witness could be sufficient to convict an accused.[93] The testimony of a sole witness, if found convincing and credible by the trial court, is sufficient to support a finding of

guilt beyond reasonable doubt.[94] Corroborative evidence is necessary only when there are reasons to warrant the suspicion that the witness falsified the truth or that his observation had been inaccurate.[95]

Since the identity of Porras had been convincingly and positively established, his defense of alibi must fall. Positive identification, where categorical and consistent and without any showing of ill-motive on the part of the eyewitness testifying on the matter, prevails over alibi and denial which if not substantiated by clear and convincing evidence are negative and self-serving evidence undeserving of weight in law.[96] In the instant case, the alibi of Porras proved to be a falsity especially when taken together with the testimonies of Basiao, Tajores and Magaloña. As found by the trial court:

> "The defense evolved and crafted by the Accused C2C Romerico Porras deserves, if any at all, scant consideration. Indeed, the testimony of the Accused and his lone witness, Madario Basiao, are diametrically discordant with and frontally belied by the testimony of the Accused Salvador Tajores and Remedios Magaloña whose testimony the Accused C2C Romerico Porras adopted, per his Manifestation, dated October 25, 1990 (page 46 of the Records of Criminal Case No. 90-83742) Thus, while the Accused Salvador Tajores claimed, when he testified before the Court, that he met, for the first time, the Accused C2C Romerico Porras on September 22, 1989, in the afternoon when the latter and some four (4) soldiers asked the Accused to repair the jeep of the Accused C2C Romerico Porras and that, on September 25, 1989, the Accused Salvador Tajores and the Accused C2C Romerico Porras again met in the house of the latter, and was about to give the compensation of the Accused Salvador Tajores for the repair of his jeep. However, the Accused C2C Romerico Porras and Madario Basiao averred, when they testified before the Court xxx, the Accused C2C Romerico Porras resolutely averred that he never left the Novaliches Detachment of the Regional Special Action Force on September 22, 1989, and that he met the Accused Salvador Tajores, for the first time, only when the Accused C2C Romerico Porras, was told by the Capcom soldiers to lie down on the ground, outside the compound of the house of the said Accused, during the gunfire and the Accused C2C Romerico Porras noticed the Accused Salvador Tajores also lying down on the ground, near the Accused C2C Romerico Porras. More, both the Accused C2C Romerico Porras and Madario Basiao claimed that when they were conversing in the house of the Accused C2C Romerico Porras, in the morning of September 24, 1989, no one else, except Lazaro Galago (sic), was inside the house of the Accused."[97]

Accused-appellant questions the trial court's finding that there was conspiracy between Porras and his companions. The prosecution allegedly failed to produce a scintilla of evidence establishing the participation of the appellant to the said crime. He alleges that there was no act on his part which reveals even his mere predisposition to the commission of the felony. He alludes to the testimony of Sgt. Eufemio Barcena that when they arrested him at Daanghari hours after the robbery incident, he was only wearing shorts, naked waist up and was not carrying any firearm. The stolen items such as the duffel bags, the BPI money and the guns were found by the Capcom soldiers inside the nipa hut. They were not in the possession of appellant.[98]

Conspiracy exists when two or more persons come to an agreement concerning the commission of a felony and decide to commit it.[99] Once conspiracy is proven, the act of one is the act of all.[100] The proof of conspiracy can be made by evidence of a chain of circumstances.[101] Conspiracy may be inferred from the acts of the accused before, during, and after the commission of the crime which indubitably point to and are indicative of a joint purpose, concert of action and community of interest.[102]

The evidence of the prosecution duly established beyond reasonable doubt that accused-appellant and his companions were armed with long firearms, and thus constituted a band within the context of Article 296 of the Revised Penal Code. They conspired and confederated together in the commission of the crime of highway robbery along Arellano Street, Singalong, Manila. Barely an hour after the robbery, elements of the Special Operations Task Force of the Capital Command in Camp Bagong Diwa in Bicutan, Taguig, who were in pursuit of the culprits, saw a white Toyota Crown car emerging from the compound where the house of the aunt of Porras

was located, with two (2) male persons on board. A group of soldiers proceeded to the house of Porras' aunt and were met by several gunshots coming from inside the compound. After an exchange of gunshots, the soldiers arrested accused-appellant and his co-accused Tajores and found part of the loot inside the said compound.

Finally, accused-appellant unduly banks on the alleged failure of the prosecution to present any witness testifying as to who actually took the three (3) duffel bags containing the BPI money.[103] Again, the trial court correctly disposed of this argument and we quote its ruling, viz:

> "xxx Although the Prosecution has not presented any witness who testified having seen the Accused actually taking the three (3) duffel bags, Exhibits "X" to "X-2"; and the money contained therein, the three (3) shotguns, Exhibits "K", "L" and "M" and the back-up car, however, the circumstantial evidence mustered by the Prosecution has sufficiently established that the Accused and their companions, still unidentified, did take the aforementioned properties, thus: (a) before the armored car was held-up, the three (3) duffel bags, (Exhibits "X" to "X-2"), which contained the P7,800,000.00, were placed in the armored car for shipment to the Head Office of the BPI in Ayala Avenue, Makati, Metro Manila; (b) the Accused and C2C Romerico Porras and their unidentified companions, fired upon, assaulted and attacked the armored car, with their long firearms; (c) the Accused and C2C Romerico Porras and their unidentified companions approached the car and stood behind the rear door as they ordered Lamberto Jose, Emiliano Lopez and Segundo Ramos to alight from the armored car and to lie down on the ground, face down; (d) momentarily, the Accused and C2C Romerico Porras and their still unidentified companions, sped away and when Julian Carurucan, Emiliano Lopez, Segundo Ramos and Leonardo Reyes stood up and looked around, they saw the back-up car, the three (3) shotguns, Exhibits "K", "L" and "M" and the three (3) duffel bags, Exhibits "X" to "X-2" which contained the P7,800,000.00 were already gone; (e) barely an hour after the heist, the government forces discovered the three (3) shotguns, Exhibits "K", "L" and "M", the three (3) duffel bags, (Exhibits "X", "X-1" and "X-2") and part of the loot (Exhibits "Y-1", "Z-1" and "AA-1") inside the bodega (Exhibit I-6") inside the compound (Exhibits "I" and "I-15") behind the house of the aunt of C2C Romerico Porras (Exhibit "I-5") and the Accused Salvador Tajores and C2C Romerico Porras, standing, unarmed, with a short pants, in front of the house of the aunt of C2C Romerico Porras (Exhibits "I-9" and "I-10"). The Accused Romerico Porras and Salvador Tajores were found positive of gunpowder nitrates (Exhibits "AAA", "BBB" and "BBB-1"). In view of the foregoing facts and circumstances, the Court is led to the ineluctable conclusion that, indeed, the Accused Salvador Tajores, Alfredo Doctolero, Wenefredo de la Sera and C2C Romerico Porras and their still unidentified companions took the aforementioned personal properties."[104]

IN VIEW WHEREOF, the judgment of the Regional Trial Court convicting accused-appellant in Criminal Case No. 90-83742-SCC is hereby AFFIRMED. Costs against appellant.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Kapunan, Pardo, and Ynares-Santiago, JJ., concur.

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[*] Sometimes spelled as Wenifredo or Wenefredo in the Records and TSN.

[**] Acquitted by the trial court.

[**] Acquitted by the trial court.

[1] Presided by Judge Romeo C. Callejo, now an Associate Justice of the Court of Appeals.

[2] Original Records, Criminal Case No. 89-78007-SCC, pp. 4-6.

[3] Filed on May 14, 1990 and docketed as Criminal Case No. 90-83742-SCC.

[4] Original Records, Criminal Case No. 90-83742, pp. 3-4.

[5] Original Records, Criminal Case No. 90-83742-SCC, p. 46.

[6] Id., p. 73.

[7] Exhibit "D", Original Records, Criminal Case No. 89-78007, p. 227.

[8] TSN, December 11, 1989, pp. 8-18.

[9] Exhibits "K", "L" and "M", Original Records, Criminal Case No. 89-78007, pp. 235-236.

[10] TSN, October 18, 1989, pp. 41-46.

[11] TSN, October 25, 1989, p. 16.

[12] Exhibit "F", Original Records, Criminal Case No. 89-78007, p. 230.

[13] Decision, p. 14.

[14] Exhibit "A", Original Records, Criminal Case No. 89-78007, p. 223.

[15] Exhibit "EEE", id., p. 440.

[16] TSN, October 18, 1989, p. 48.

[17] See Stipulation made by the parties of the physical appearance of the armored car during the ocular inspection held on July 19, 1990 at 1:00 p.m., Original Records, Criminal Case No. 89-78007, pp. 494-495.

[18] TSN, October 18, 1989, p. 49.

[19] Id., p. 52.

[20] Decision, p. 15.

[21] Ibid.

[22] Id., p. 18.

[23] TSN, October 26, 1990, pp. 18-19, 21.

[24] TSN, February 7, 1990, p. 52.

[25] Id., p. 57.

[26] TSN, January 30, 1990, pp. 58-59.

[27] Exhibit "U", Original Records, Criminal Case No. 89-78007, p. 238.

[28] Exhibit "J", id., p. 235.

[29] Decision, p. 20.

[30] The total amount of bills found in the three bags is P81,700.00; See Original Records, Criminal Case No. 89-78007, p. 222 and TSN, January 30, 1990, pp. 20-21.

[31] TSN, January 30, 1990, pp. 17-31.

[32] See Exhibit "DDD", Original Records, Criminal Case No. 89-78007, p. 439.

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[33] Decision, p. 29.

[34] TSN, February 7, 1990, pp. 83-85.

[35] I.e. Porras, Tajores and Samson. The fourth suspect, a civilian named Luzberto Calixto, was not included in the information.

[36] TSN, March 16, 1990, p. 30.

[37] Id., p. 23.

[38] TSN, June 5, 1990, pp. 39-40.

[39] TSN, February 19, 1990, pp. 33-35, 41, 44.

[40] Id., p. 46.

[41] Id., pp. 50-51.

[42] TSN, February 12, 1990, pp. 37-42, 48.

[43] TSN, February 19, 1990, pp. 53-54.

[44] TSN, March 16,1990, pp. 60-61.

[45] Id., p. 62.

[46] TSN, October 29, 1990, p. 8.

[47] TSN, March 16, 1990, pp. 78-79.

[48] Exhibit "B", Original Records, Criminal Case No. 89-78007, pp. 224-225.

[49] Exhibit "E", id., pp. 228-229.

[50] Exhibit "H", id., p. 233.

[51] TSN, October 18, 1989, pp. 81-82.

[52] Exhibit "C", Original Records, Criminal Case No. 89-78007, p. 226.

[53] Exhibit "OO", id., p. 259.

[54] TSN, February 26, 1990, pp. 110-123.

[55] Exhibit "RR", Original Records, Criminal Case No. 89-78007, p. 261.

[56] TSN, April 19, 1990, pp. 16-19.

[57] TSN, July 24, 1990, pp. 15-17.

[58] Also referred to as Magaluna in the TSN.

[59] TSN, April 19, 1990, pp. 20-25.

[60] Exhibit "RR", Original Records, Criminal Case No. 89-78007, p. 261.

[61] See Decision, pp. 39-41; TSN, April 19, 1990, pp. 25-43.

[62] TSN, July 26, 1990, pp. 10-16.

[63] Exhibit "UU", Original Records, Criminal Case No. 89-78007, p. 264.

[64] TSN, April 25, 1990, pp. 15-32.

[65] TSN, December 12, 1990, pp. 8-32.

[66] TSN, October 29, 1990, pp. 6-18.

[67] See Decision, pp. 43-44.

[68] TSN, January 9, 1991, pp. 12-52.

[69] TSN, July 26, 1990, pp. 105-110.

[70] Decision, pp. 93-94.

[71] Id., p. 95.

[72] Decision, pp. 93-95; Rollo, pp. 311-313.

[73] Rollo of G.R. No. 103551, p. 386.

[74] Id., p. 388.

[75] Id., pp. 391-394.

[76] Brief for the Accused-Appellant, p. 1; Rollo in G.R. No. 103550, p. 183.

[77] Brief for the Accused-Appellant, p. 19; Rollo, p. 201.

[78] Id., p. 22; Id., p. 204.

[79] Id., pp. 21-22; Id., pp. 203-204.

[80] People vs. Oscar Mansueto, G.R. No. 135196, July 31, 2000.

[81] TSN, October 29, 1990, pp. 4-6.

[82] Id., pp. 10-12.

[83] Decision, p. 77; Rollo, p. 295.

[84] TSN, October 29, 1990, pp. 15, 67-70; TSN, December 15, 1989, p. 44; TSN, January 19, 1990, pp. 37-38.

[85] People vs. Biñas, 320 SCRA 22 (1999).

[86] People vs. Sanchez, 313 SCRA 254 (1999).

[87] Brief for the Accused-Appellant, pp. 23-25; Rollo, pp. 205-207.

[88] Id., pp. 25-16; id., pp. 207-208.

[89] TSN, October 29, 1990, pp. 61-62.

[90] Id., pp. 71-74.

[91] People vs. Sumallo, 307 SCRA 521 (1999).

[92] Id., p. 23; Id., p. 205.

[93] People vs. Listerio, et al., G.R. No. 122099, July 5, 2000.

[94] People vs. Dela Cruz, G.R. No. 118967, July 14, 2000.

[95] People vs. Bromo, 318 SCRA 760 (1999).

[96] People vs. Fajardo, 315 SCRA 283 (1999).

[97] Decision, pp. 84-85; Rollo, pp. 302-303.

[98] Id., pp. 30-33; Id., pp. 212-215.

[99] People vs. Patalin, Jr., 311 SCRA 186 (1999).

[100] People vs. Marcelino, 316 SCRA 104 (1999).

[101] People vs. Sanchez, 308 SCRA 264

[102] People vs. Listerio, supra.

[103] Id., p. 34; Id., p. 216.

[104] Decision, pp. 63-64; Rollo, pp. 281-282.

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