PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. DIARANGAN DANSAL ACCUSED-APPELLANT.

G.R. No. 105002. July 17, 1997

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

Appellant claims that he acted under the compulsion of an irresistible force. Because he admits in effect the commission of a punishable act, he must prove the exempting circumstance by clear and convincing evidence.

Statement of the Case

This appeal seeks the reversal of the December 4, 1990 Decision[1] of the Regional Trial Court of Iligan City, Branch 2[2] in Criminal Case No. 3141 convicting Appellant Diarangan Dansal of the crime of murder.

A complaint against appellant was filed on March 28, 1990 by INP[3] Station Commander Cabsaran C. Azis of Matungao, Lanao del Norte. After preliminary investigation, Provincial Prosecutor IV Felix Fajardo charged appellant with murder on September 7, 1990 in an Information which reads:[4]

> "That on or about the 2nd day of March, 1990, at Matungao, Lanao del Norte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping one another with 4 John Does, who are still at large and whose case is still pending in the lower court, with treachery, evident premeditation, taking advantage of superior strength, and with intent to kill, did then & there willfully, unlawfully and feloniously attack, assault and shoot one Abubacar Pagalamatan with a Garand rifle thereby inflicting upon the latter multiple gunshot wounds which were the direct and immediate cause of his death thereafter."

Upon arraignment, appellant with the assistance of counsel de oficio pleaded not guilty. In due course, the trial court rendered its assailed Decision, the dispositive portion of which reads:[5]

> "WHEREFORE, finding accused DIARANGAN DANSAL guilty beyond reasonable doubt of the crime of Murder, he is hereby sentenced to suffer the penalty of RECLUSION PERPETUA and he is hereby ordered to indemnify the heirs of Abubakar Alamat, also known as Abubakar Pagalamatan the amount of P30,000.00, without subsidiary imprisonment in case of insolvency, and to pay costs.
>
> Accused is entitled in full for the period of his detention."

Hence, this appeal.

The Facts

Version of the Prosecution

The prosecution sought to establish that on March 2, 1990 in Pasayanon, Matungao, Lanao del Norte, appellant, armed with a Garand rifle like his four (4) other companions, fired the fatal shots which caused the death of Abubakar Alamat, also known as "Abubakar Pangalamatan."

The prosecution presented the following witnesses: Cosain Dowa, Dr. Marilyn Rico, Amina Oticol, Panda Antalo and Timal Mosa. Their testimonies may be synthesized as follows:

Panda Antalo testified that at three o'clock in the afternoon of March 2, 1990 in Matungao, Lanao del Norte, he and Timal Mosa were walking through a barrio road on their way to see Mayor Asis.[6] They saw Abubakar Alamat, the victim, conversing with five (5) persons, one of whom was appellant. However, Antalo did not recognize appellant's companions. When he and Mosa were five (5) meters away from the group, he heard gunshots. He turned his head and noticed that smoke was coming out of appellant's rifle and empty shells were falling therefrom. The Garand rifles of appellant and his companions were pointed at the victim who was lying on the ground face upwards. Seven (7) shots were fired. At that time Antalo was "immobile as he was frightened." Thus, he was unable to run and take cover. After appellant and his companions ran towards the coffee plantation, Antalo approached the victim and discovered that the latter had sustained seven (7) wounds.[7]

Timal Mosa corroborated Antalo's account. He testified that at 3:00 p.m. of March 2, 1990, he and Antalo were on their way to Mayor Asis' house in Pasaupnon, Matungao. He saw the victim, the appellant and four (4) other persons talking to one another. Then he heard a gunshot from behind. When he turned to look, he noticed that smoke was coming out of appellant's gun and that empty shells were dropping from it as appellant continued to fire at the victim. Appellant's rifle was pointed at the victim who had fallen on the ground. He heard seven (7) gunshots. Appellant's companions also carried Garand rifles, but Mosa concluded that these were not fired because he did not notice any smoke from their barrels. He was not frightened. Neither did he take cover, as he knew both the victim and the appellant. After firing at the victim, appellant together with his four companions fled towards Mayor Asis' coffee plantation. He and Antalo approached the victim, whom they found already dead. Thereafter, they reported the shooting to the victim's wife.[8]

Cosain Dowa, a Rural Sanitarium Inspector of the Health Office of Matungao, Lanao del Norte, testified that on March 5, 1990 he prepared the victim's Certificate of Death (Exh. "A"). Although his main duty was to inspect food establishments, construct barangay toilets, and assist in watershed constructions in the municipality, he also helped the health officer in the preparation of death certificates.[9] When the body of the victim was brought in, he observed gunshot wounds on his right foot, right thigh and right breast. The right knee was distorted. There was a bullet hole at the victim's back which he believed was the entry point leading to the gaping wound on the breast.[10]

Dr. Marilyn Rico testified that she was the Rural Health Officer of Matungao, Lanao del Norte. She signed Abubakar Alamat's Certificate of Death (Exh. "A-2")[11] which was prepared by Dowa.

Amina Oticol, the widow of the victim, testified that, around 3:00 p.m. of March 2, 1990, she was at their house in Panta-on, Matungao, Lanao del Norte. Antalo and Mosa came and informed her that appellant killed her husband. She had her husband's corpse brought to their house. Her husband was buried in Panta-on, Matungao, Lanao del Norte. She incurred expenses for the burial in the amount of P15,000.00, but she asked for P100,000.00 as compensation therefor.[12]

Version of the Defense

Appellant was the lone witness for the defense. He testified that on March 1, 1990, he went to Tagolo-an, Lanao del Norte to visit his elder sister Saramina Dansal. At his sister's house, Mimbalawang Dorado, together with his sons Macod, Talente and Talente's son Usop, all surnamed Dorado, seized appellant and brought him to their house at Tongkol, Tagolo-an, Lanao del Norte for reasons undisclosed to him.[13]

The next day, March 2, 1990 at 7:00 a.m., they all left Tagolo-an for Matungao and arrived there at 11:00 a.m. He

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was given a Garand rifle that was not serviceable. They proceeded to the victim's house at Panta-on, Matungao, Lanao del Norte. They asked the victim to come out and then they fired their guns at him as soon as he appeared. Appellant said that the Dorados killed the victim to avenge the killing of one of Mimbalawag's sons named Ali by a certain "Salonga," the victim's paternal cousin.

After shooting the victim, the Dorados allegedly aimed their guns at appellant and told him to run away. As he was also related to the victim, the latter's mother being his paternal aunt, appellant wanted to shoot the Dorados. Finding that his rifle was not operational, he fled with the Dorados. Thereafter, they rode a truck to Karomatan. They left their guns at the house of Mimbalawag's sister in Bangko, near Matungao.[14] He went home and afterwards told the mayor of Tagolo-an that the Dorados killed his cousin. He was subsequently summoned and detained by the mayor of Panta-on.[15]

Ruling of the Trial Court

As stated earlier, the court a quo convicted appellant of murder. It gave credence to the testimonies of the prosecution witnesses. It disbelieved appellant in view of the absence of any improper motive on the witnesses' part to testify wrongly against him.

The trial court noted that appellant and the four (4) Dorados were all armed with Garand rifles; that they immediately fired their guns at the victim as he came out of his house; and that the victim was not in a position to defend himself. From these facts, it concluded that the offenders consciously and deliberately adopted the particular means, method or form of attack employed by them to ensure the accomplishment of their purpose with impunity. Thus, treachery, abuse of superior strength and evident premeditation were appreciated in the conviction of the appellant.

Hence, this appeal.

Assignment of Errors

Appellant through the Public Attorney's Office ascribes the following errors to the trial court:

"I

The lower court erred in not finding that accused-appellant's presence in the crime scene was under a compulsion of an irresistable (sic) force.

II

The lower court erred in considering the qualifying circumstances of treachery and abuse of superior strength."[16]

In a nutshell, appellant invokes the exempting circumstance of compulsion under an irresistible force under paragraph 5, Article 12 of the Revised Penal Code. Further, he argues that, if at all, he should be convicted only of homicide because the prosecution failed to prove beyond reasonable doubt the qualifying circumstances of treachery and/or abuse of superior strength.

The Court's Ruling

The appeal is bereft of merit.

Preliminary Issue: Credibility of the Prosecution Witnesses

Without specifically raising it as an error, appellant nonetheless laced his brief with attacks on the credibility of

the prosecution witnesses. Hence, we shall dispose of this matter.

Well-settled is the rule that appellate courts will generally not disturb the findings of the trial court on the credibility of witnesses.[17] Such findings are conclusive upon the Supreme Court in the absence of any showing that the trial court has overlooked, misunderstood or misapplied some fact or circumstance of weight and substance that would have affected the result of the case.[18] We have carefully scrutinized the records of this case and the arguments of appellant, and we have found no reason to reverse the findings of the trial court.

The two prosecution eyewitnesses positively and clearly identified appellant as the assailant who alone fired his rifle at the victim. Their testimonies corroborated each other. Antalo testified thus:[19]

> "PROSECUTOR BADELLES:
>
> q Now, in the afternoon of March 2, 1990, around 3:00 o'clock more or less, did (sic) you remember where were you?
> a I can remember, sir.
>
> q Where were you?
> a I was on my way to see Mayor Asis that day, sir.
>
> q While on your way to Mayor Asis, were you walking, riding or what?
> a I am walking with Timal, sir.
>
> xxx xxx xxx
>
> q While on your way to the house of Mayor Asis in that afternoon of March 2, 1990, with Timal, did you notice anything along the road?
> a Yes, there was.
>
> PROSECUTOR BADELLES:
>
> q What was that you noticed?
> a While we are on our way to the Mayor's house, we saw Abubacar Alamat that he had 5 companions and I recognized one of them. (Witness pointing to the accused Abubacar Pagalamatan [sic])
>
> q Now what were they doing when you saw them?
> a They were having conversation, sir.
>
> q Now, you said you saw them, now how far were you [from] the groups?
> a About 5 meters far, sir.
>
> q Were they in front of you or at the back of you when you saw them first?
> a At my back, sir.
>
> q And then after that was there any unusual [event] that happened?
> a There was, sir.
>
> q What was that unusual thing that happened?
> a I heard a shound (sic) of gun burst sir.
>
> q What did you do when you heard that gun burst?
> a I glanced at them and I noticed that the gun of Diarangan Dansal the tip of his gun has smoke and I also noticed empty shells falling down.
>
> q Now how far were you when you saw Diarangan Dansal with the tip of his gun having smoke and the empty shells falling down from his gun?

a About 5 meters, sir.

q Now, how many burst all in all that you heard?
a Seven burst, sir.

q Now you said that you saw empty shells falling down from the gun of Diarangan Dansal, how many empty shells that you saw that fell down from the gund (sic) of Diarangan Dansal?
a I have not seen the others sir.

q By the way what was gun of Diarangan Dansal hold that time? (sic)
a Garand, sir.

q When you saw Dirangan (sic) Dansal holding a Garand and when you saw that tip of his gun smoking, to was direct (sic) that his gun pointing?
a Pointing to Abubacar Pagalamatan, sir.

q Now how about Abubacar Pagalamatan at the time when you saw him holding a gun which was pointed to Abubacar Pagalamatan with smoke coming out from the tip of the gun and the empty shells falling down, what was the relative position of Abubacar Pangalamatan to Diarangan Dansal?
a Abubacar Pangalamat was lying down, his face upward, sir.

q Now, after you heard those 7 burst of a gun, what did you do next?
a I was immovilized (sic) sir.

q How about Diarangan Dansal and his companions, what did he do after the 7 burst you heard?
a They were running toward the coffee trees, sir.”

Mosa corroborated Antalo’s account in this wise:[20]

“PROS. BADELLES:

Q On or about March 2, 1990 at 3:00 in the afternoon, can you remember where were you?
xxx xxx xxx

A We were then going to the house of Asis at Pasayano, Matungao.

Q You used the word (‘)we(‘) who was your companion at that time?
A Panda Andalo.

Q While on your way to the house of Asis at Pasayano Matungao, along the way did you see any person?

xxx xxx xxx
A I saw Diarangan Dansal and Abubakar Pangalamatan.

Q They have compnaion (sic) if any at that time?
A Yes, sir, I did not recognize him.

Q How many of them?
A Four (4).

xxx xxx xxx

Q Now waht (sic) was the position of these persons in relation to your position at the time you saw them?
A I was ten (10) meters from them and they are talking to each other.

Q Were they in front of you or back of you?
A They are at my back.

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Q Now, when you were about ten (10) meters from them, this ten (10) meter at your back were there anything happened unusual (sic)?

xxx xxx xxx
A I heard gun shot and then I looked back.

Q Towards what direction after hearing the shot?
A I looked back at them.

Q Who was (')them(') that you are referring to?
A Abubakar Pangalamatan and Diarangan Dansal.

Q And when you look back at them what did you see?
A I saw firearm of iarangan (sic) Dansal and the firearm was smoking and the empty shells were coming out from the rifle.

Q Towards what direction was the fireamr (sic) of Diarangan Dansal pointed to when see him at that time?
A The firearm was pointed to at Abubakar Pangalamatan.

Q When you look back at them and saw Diarangan Dansal pointed his firearm to Abubakar Pangalamatan what was then the position of Abubakar Pangalamatan?
A when the firearm exploded, Abubakar Pangalamatan fell down.

xxx xxx xxx

Q By the way how many shots that you hear (sic)?
A Seven shots.

Q The first shots that you hear was immediately, was prior to the looking back where Abubakar Pangalamatan and Diarangan Dansal were located (sic)?
A Yes, sir.

Q How about the second shots, when did you hear it?
A As I look back.

Q Did you see who fire (sic) the shot?
A Diarangan Dansal.

Q How did you know that it was Diarangan Dansal who firedthe (sic) second shot?
A Because there was a smoke coming from his gun and the empty shells coming from his rifle.

Q In the second shot, was shotting (sic) by Diarangan Dansal to what direction was the firearm of Diarangan Dansal point to? (sic)
A It was he who was still pointing his gun to Pangalamatan.

Q How about the third shot, when did you hear it?
A Well, I suspect that it was still at the gun of Diarangan Dansal and I heard that the same gunshot coming from the guaran (sic) of Diarangan Dansal.

Q How did you know that the same shot was coming from the same barrel of Diarangan Dansal?
A Because smoke was coming out from the barrel of his gun.

Q And the 4th the 5th, the 6th and the seven (7) shots you hear it when
A Still from the firearm of Diarangan Dansal.

Q How do you know that it was coming from the firearm of Diarangan Dansal?

A Because the smoke was still coming out from his gun and the empty shell coming from his gun.

Q How about the companion of Diarangan Dansal was they arm (sic) at that time?
A Yes, sir.

Q What firearm?
A Garand.

Q All the while when you hear the gunshots and all these six (6) successive gun shots and saw Diarangan Dansal shot what did the companion of Diarangan Dansal do?
A They were around Diarangan Daniel holding their gun.

Q Did you notice if they fired their gun?
A No, sir.

Q How did you know that they did not shot their firearm?
A Because there was no smoke coming from their firearm.

Q After the 7th shot, do you know what the group of Drainage Daniel (sic) did?
A They Fled (sic).

Q Towards what direction?
A Towards the coffee plantation."

Both testimonies are straightforward, clear and consistent and they point categorically to appellant as the perpetrator of the crime.

Furthermore, appellant has not alleged, much less proven, ill motive on the part of said witnesses to accuse appellant of such a grave offense. In his brief, appellant admits that he cannot discern any reason for Antalo and Mosa to testify falsely against him.[21] In this light, we cannot fault the court a quo for holding that:[22]

> "The court is constrained to believe that the testimonies of witnesses Panda Antalo and Timal Mosa are credible for failure by the defense to show that said witnesses were prejudiced against the accused or that said witnesses had an existing improper motive in imputing to the accused the crime for which he is charged. When there is no evidence showing that the witnesses are prejudiced against the accused, the witnesses would not have imputed to the accused the commission of such a grave offense as that of murder if it was not true that he was really guilty thereof (People vs. Ali, 29 SCRA 756). The absence of evidence as to an improper motive actuating the principal witnesses for the prosecution strongly tends to sustain the conclusion that such improper motive did not exist, and that their testimonies are worthy of full faith and credit (People vs. Saroah, 5 SCRA 385; People vs. Valera, 5 SCRA 910)."

The defense assails the testimonies of Prosecution Witnesses Antalo and Mosa because their conduct during the commission of the crime was allegedly contrary to common experience. Appellant finds it unlikely for said eyewitnesses to keep on "standing despite the burst of gunfire as if x x x watching a movie in the making" and to remain unmoved by the violent shooting incident. Ordinarily, a man in a similar situation would either take cover or run for safety. Because the eyewitnesses did not so conduct themselves, appellant concludes that their testimonies were preposterous and untrue.

We disagree. Antalo said that he was so scared of what was happening that he could not move, while Mosa admitted that he "was afraid" but he did not take cover, as he knew both the appellant and the victim. Their reactions, although the exact opposite of each other, are valid and probable. Taking cover or running away is not the only natural reaction possible under the circumstances. There is no standard form of human behavioral response to a strange, startling and frightful event, and there is no standard rule by which witnesses to a crime

must react.[23]

First Issue: Exempting Circumstance Insufficiently Proved

Appellant claims exemption from criminal liability under Article 12, paragraph 5 of the Revised Penal Code, because he allegedly acted under the compulsion of an irresistible force. He allegedly joined the armed Dorados against his will because of fear for his own safety. He claims in his brief that the Dorados were guarding him so closely that "escape was risky and protection by lawfully constituted authorities was, at the moment, out of reach."[24]

We cannot sustain such defense. A person who invokes the exempting circumstance of compulsion due to irresistible force must prove his defense by clear and convincing evidence.[25] He must show that the irresistible force reduced him to a mere instrument that acted not only without will but also against his will.[26] The compulsion must be of such character as to leave the accused no opportunity to defend himself or to escape.

The duress, force, fear or intimidation must be present, imminent and impending; and it must be of such a nature as to induce a well-grounded apprehension of death or serious bodily harm if the act is not done. A threat of future injury is not enough.[27] A speculative, fanciful or remote fear,[28] even fear of future injury,[29] is insufficient.

In this case, appellant failed to show such compulsion. In his testimony, he did not mention that the Dorados physically or morally threatened to kill or hurt him. He did not even make any attempt to resist. He simply took for granted that they would kill or hurt him if he did not follow them. No evidence was presented to establish how, if at all, he was compelled to join the Dorados in killing the victim. In other words, appellant failed to prove that the Dorados made a real and imminent threat on his life or limb sufficient to overcome his free will.

Indeed, the Court finds no acceptable basis for appellant's assertion that he was compelled and intimidated by the Dorados. Even without him, the Dorados could have easily carried out the crime, if such was their intention. If we believe appellant's story, there was no need for the Dorados to mortally threaten appellant to join them. Besides, forcing appellant, a relative of the victim, to join them complicated rather than facilitated their criminal endeavor. With the appellant present among them, they would have had to guard themselves from possible resistance and double cross in case he did not consent to their plan. Furthermore, it would have been highly illogical for the Dorados to force appellant to take part in their crime, only to give him an unserviceable rifle.[30]

Moreover, his story does not inspire belief for reasons other than the obvious one that it is uncorroborated. According to appellant, he was taken against his will from his sister's house in Tagolo-an the day before the commission of the crime. It is strange why his sister was not presented as witness to corroborate his account. Even the mayor of Tagolo-an, to whom he reported that he had been forced to participate in a killing, could have testified in his favor. But said official, who could have injected credence to his defense, was not presented to corroborate his testimony. The non-presentation of these witnesses tends to show that they would not have corroborated appellant's allegations had they testified.

Second Issue: Qualifying Circumstances

The trial court appreciated the aggravating circumstances of treachery, evident premeditation and superior strength.

The evidence of the prosecution, however, adequately established only treachery. Treachery is appreciated when a frontal attack is directed at an unarmed victim who is totally unaware of and unprepared for said assault.[31] There is treachery where the attack on an unarmed victim, who has not given the slightest provocation, is sudden, unexpected and without warning.[32] According to Prosecution Witness Mosa, the victim, the appellant and his

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companions were talking to one another prior to the shooting. It would have been impossible to hide Garand rifles from someone who was so close. Thus, it is safe to assume that the victim knew that appellant and his companions were carrying them. If the victim suspected that they would use those rifles to commit the crime, then he would have avoided them. But instead, the victim stayed and spoke with them. The victim, therefore, had no idea that he was going to be shot by appellant who, after all, was his relative. Even if he eventually did come to know that appellant intended to shoot him, he -- being alone and unarmed -- could not have defended himself against all five of them.

Abuse of superior strength, on the other hand, was not established, as there was no testimony to the effect that appellant and his companions took advantage of their collective strength in order to kill the victim.[33] Witness Mosa even said that only appellant fired at the victim. Mere superiority in number after all is not necessarily indicative of this aggravating circumstance.

The prosecution also failed to establish evident premeditation. For this qualifying circumstance to be appreciated, there must be a lapse of sufficient time to afford full opportunity for meditation and reflection that would allow the conscience of the actor to attempt to overcome the resolution of his will.[34] But the prosecution was unable to establish this time element as its evidence dealt merely with the circumstances of the actual shooting itself.

WHEREFORE, premises considered, the assailed Decision is hereby AFFIRMED with modification as regards the civil indemnity which is hereby INCREASED to fifty thousand pesos (P50,000.00) in line with current jurisprudence.[35]
SO ORDERED.

Narvasa, C.J., (Chairman), Davide, Jr., Melo, and Francisco, JJ., concur.

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[1] Rollo, pp. 16-20.

[2] Presided by Judge Federico V. Noel.

[3] Integrated National Police, the predecessor of the Philippine National Police.

[4] Rollo, p. 6.

[5] RTC Decision, p. 5; Rollo, p. 19.

[6] The full name of Mayor Asis does not appear in the records.

[7] TSN, October 25, 1990, pp. 5-8.

[8] TSN, November 7, 1990, pp. 2-8.

[9] The trial judge had the impression that this witness performed the post-mortem examination on the cadaver. Dowa merely prepared the death certificate.

[10] TSN, October 9, 1990, pp. 2-5.

[11] Ibid., pp. 7-8.

[12] TSN, November 28, 1990, pp. 2-4.

[13] Ibid., pp. 5-8.

[14] Ibid., pp. 5-8.

[15] Id., p. 10.

[16] Appellant's Brief, p. 1; Rollo, p. 42.

[17] People vs. Estrellanes, Jr. 239 SCRA 235, 247, December 15, 1994; People vs. Jacalan, 230 SCRA 1, 8, February 10, 1994 and People vs. Albarico, 238 SCRA 203, 212, November 17, 1994.

[18] People vs. Santos, 238 SCRA 503, 510, December 1, 1994; People vs. Pablo, 239 SCRA 500, 504, December 28, 1994; and People vs. Dismuke, 234 SCRA 51, 58, July 11, 1994.

[19] TSN, October 25, 1990, pp. 5-7.

[20] TSN, November 7, 1990, pp. 2-8.

[21] Rollo, p. 46.

[22] Ibid., p. 18.

[23] People vs. Gomez, 251 SCRA 455, 1995.

[24] Appellant's Brief, p. 5; Rollo, p. 46.

[25] People vs. Capoquian, 236 SCRA 655, 663, September 22, 1994.

[26] People vs. De los Reyes, 215 SCRA 63, October 22, 1992.

[27] People vs. Loreno, 130 SCRA 311, 321-322, July 9, 1984 and People vs. Dagangon, 145 SCRA 464, 478, November 13, 1986.

[28] People vs. Moreno, 77 Phil 549, 559, October 28, 1946 and People vs. Fernando, 33 SCRA 149, 157, May 29, 1970.

[29] People vs. Palencia, 71 SCRA 679, 690, April 30, 1976 and People vs. Abanes, 73 SCRA 44, 47, September 28, 1976.

[30] See, People vs. Serrano, 136 SCRA 399, May 13, 1985.

[31] People vs. Ablao, supra., p. 285.

[32] People vs. Ponayo, 235 SCRA 226, 231, August 10, 1994 and People vs. Abapo, 239 SCRA 469, 479, December 28, 1994.

[33] People vs. Escoto, 244 SCRA 87, 97-98, May 11, 1995; and People vs. Silvestre, 244 SCRA 479, 495, May 29, 1995.

[34] People vs. Cordero, 217 SCRA 1, 7, January 5, 1993; People vs. Salvador, supra., p. 826; People vs. Rivera, 221 SCRA 647, 656, May 10, 1993 and People vs. Buela, 227 SCRA 534, 539-540, November 8, 1993.

[35] People vs. Añonuevo, G.R. No. 112989, September 18, 1996, p.18; People vs. Cogonon, G.R. No. 94548, October 4, 1996, p. 20; People vs. Gerolaga, G.R. No. 89075, October 15, 1996, p. 38; and People vs. Deopante, G.R. No. 102772, October 30, 1996, p. 22.

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