

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. LEONIZA VILLAGONZALO Y SARONA, ALIAS LEONIZA CORDERO, ALIAS LEONIZA TAN, AND RENITO MORO Y INATAGCAN, ACCUSED-APPELLANTS.

G.R. No. 105388. November 18, 1994

Ponente: REGALADO, J.

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REGALADO, J.:

In an information filed and docketed as Criminal Case No. 5356 in the Regional Trial Court, Branch 10, of Malaybalay, Bukidnon, accused-appellants Leoniza Villagonzalo y Sarona and Renito Moro y Kinatagcan were charged with murder for allegedly having conspired in the killing of one Ricardo Tan with the use of an illegally possessed homemade revolver loaded with an M-16 bullet.[1]

The criminal complaint[2] which initiated the prosecution of this case was filed by the station commander of the Pangantucan, Bukidnon police station on August 23, 1990 in the municipal circuit trial court therein, and included two other respondents, Bano dela Cruz and Joyjoy Asentista, but presumably because they were never apprehended, only the herein appellants were charged in the information filed by the provincial prosecutor.

On December 18, 1990, appellants Leoniza Villagonzalo and Renito Moro were arraigned and, with the assistance of counsel de parte, pleaded not guilty.[3] Trial thereafter followed and, on January 30, 1992, the court below rendered judgment convicting both appellants of the crime charged, and sentenced them to serve the penalty of reclusion perpetua, with the accessory penalties thereof, and to indemnify the heirs of the victim, jointly and severally, in the amounts of P50,000.00 as death indemnity, P100,000.00 as moral damages, and P25,000.00 as exemplary damages, with costs. The case against the other two accused, Dela Cruz and Asentista, who are still at large was ordered "archived to be revived when they are arrested." [4]

Appellants now pray for the reversal of that judgment, the basic thrust of their submission being that the lower court "erred in believing prosecution witnesses Tito Alquizar and Presilla** Villarin whose testimonies are patently false and palpably contrary to the experience of mankind." [5] Indeed, as will hereafter be demonstrated, the ultimate disposition of this case will turn on the credibility of these witnesses on whose twin declarations the trial court anchored its verdict of guilt, and on the extent of the credit this Court will extend to their testimonies. Apropos thereto, the doctrinal guideposts which jurisprudence yields for assaying the weight of testimony and the findings of the trial court, vis-a-vis the presumption of innocence and the burden of proof, will have to be carefully considered in calibrating on the judicial scales the innocence which appellants profess.

The evidentiary presentation of the prosecution, collated from and based on the testimonies of witnesses Villarin and Alquizar, is to the effect that Ricardo Cordero Tan and appellant Leoniza Villagonzalo were common-law spouses blessed with two young children, Arnold Cordero and Arthur Cordero, and residents of Sitio Palo, Barangay Kimanait, in the town of Pangantucan, Bukidnon. Real and personal properties of substantial value, primarily of agricultural nature or purpose, were acquired by them during their cohabitation.[6] Appellant Moro

was their tenant and a member of their farm household, Villarin was a domestic helper, and Alquizar was both a helper and farmhand of the spouses. All of them were living together with the spouses in the same house.

In the afternoon of August 16, 1990 while Villarin, Alquizar, appellant Moro, and appellant Villagonzalo were untying sacks of corn at the corn sheller in front of the house of the victim, Ricardo Tan, a certain Bano dela Cruz and one Joyjoy Asentista arrived. After some amenities and in the presence of Villarin, Alquizar and appellant Moro, Dela Cruz and Asentista forthwith discussed with Villagonzalo their plan to kill Tan. Their conversation was interrupted when Villagonzalo was called by Tan who was then inside the house. Thereafter, the alleged hired killers spent the night in the house of the mother of Villagonzalo, which was just across the road from the house of Tan.[7]

In the early morning of the following day, August 17, 1990, Villarin and Alquizar, together with Moro and Villagonzalo, were again drying corn at the shelling place when Tan came from the house. On seeing Dela Cruz and Asentista, although the records do not show his authority therefor, Tan instructed them to help the other four persons in drying the corn. Thereafter, he left for Don Carlos, Bukidnon.

Immediately after Tan had left, Dela Cruz, Asentista and the two appellants, continued their discussion of their plan for the killing of Tan. Ultimately, a decision was reached in that Dela Cruz and Asentista would be given P10,000.00 for the job, P2,000.00 of which was to be given after they had killed Tan and the balance of P8,000.00 payable after the corn shall have been sold. Consequently, the firearm to be used was delivered to Dela Cruz and Asentista by Moro upon the instructions of Villagonzalo.[8] All these acts were supposed to have transpired in the presence of Alquizar and Villarin who were only two or three meters away.

In the afternoon of the same day, a jeepney driver from Bukidnon named Eddie Ramos passed by and informed Villagonzalo that Tan would not be coming home until the following day. That information prompted Villagonzalo to take back from Dela Cruz and Asentista the firearm earlier given to them. However, at around 3:30 o'clock of the same afternoon, Tan arrived from Don Carlos, Bukidnon. Later, the same firearm was again delivered by Moro to Dela Cruz and Asentista among the coffee plants behind the place where the corn sheller was located.[9]

Moro later returned with food which he got from the house and gave it to Dela Cruz and Asentista who ate the same in the house of Villagonzalo's mother. Then, at around 7:00 P.M., Moro went back to the house and told Villagonzalo to give P2,000.00 to Alquizar, with the instruction that the money was to be handed to Dela Cruz and Asentista after Tan had been killed.[10]

At around 7:30 P.M., while the helpers and the two children of Tan were taking their supper in the house, two gunshots were heard. Alquizar, who had earlier gone to the coffee plantation with the P2,000.00, gave the amount to Dela Cruz and Asentista who had immediately approached him after the shots were fired. The other people in the house went to the place where the shots came from and they saw Ricardo Tan wounded, but he was able to order Alquizar and Moro to procure a jeepney. Unfortunately the two jeepneys that the latter tried to get were not in running condition. Shortly thereafter, Ricardo Tan died and was later brought into the house.[11]

The question of motive was sought to be answered by the prosecution through the testimonies likewise of Villarin and Alquizar. These prosecution witnesses testified that Villagonzalo and Moro were paramours, despite the fact that they were respectively 35 and 17 years old. The two witnesses claimed that they had both seen the couple in the act of sexual intercourse on a number of occasions. From this it was postulated that because of their desire to live together, they decided to have Ricardo Tan eliminated.[12]

Appellant Villagonzalo stoutly denied any participation in the plot and subsequent assassination of the victim, her

common-law husband. In fact, she completely denied the occurrence of any of the supposed events of August 16 and 17, 1990 wherein she and her co-appellant allegedly met for conspiratorial purposes with Dela Cruz and Asentista. She claimed that at around 7:00 to 7:30 P.M. of August 17, 1990, while she and Ricardo Tan were already in bed, they heard the dogs furiously barking near the corn sheller which was about 20 meters away from the house. Thinking that there were burglars, Tan went down to the shelling place. A few minutes later, she heard a gunshot and almost simultaneously heard the victim calling her, saying that he had been shot. She ran towards the drier behind the sheller where the shot came from, followed by her two children, Villarin and Moro. She ordered Moro to get a jeepney so that they could bring the victim to the hospital. Unfortunately, no operational jeepney was available. Shortly thereafter, Ricardo Tan died while he was cradled on her lap.[13]

The following day, two policemen came and made a verbal investigation regarding the shooting incident. On August 21, 1990, Moro and Alquizar were taken by policemen and brought to Pangantucan as suspects in the death of Tan.[14] It does not appear that Villagonzalo was apprehended or asked to submit to a formal investigation, nor was her testimony taken down in writing by the police authorities.

Villagonzalo further testified that on August 23, 1990, while she was sleeping with her son, Arthur, the latter woke her up, saying, "Mama, be aware because they will kill you." Seeing two men near the open door, she jumped out of the window and ran to the house of her half-sister, Rosita Mendoza. The two men, whom she later claimed were nephews of the victim, pursued her there but left after they were denied entry to the house. After the men had left, Villagonzalo and her sister rushed to the house of Barangay Captain Bartolome Sabado where they were eventually admitted by his wife. However, the two men followed her there but they were not allowed to enter the house by the aforesaid wife of the barangay captain. When the barangay captain arrived that evening, she related the incident to him. The following morning, at her request, he escorted her in the company of some members of the Citizens Armed Forces Geographical Unit (CAFGU) to Pangantucan. There, for her safety, she was placed inside the jail, where she saw Moro and Alquizar who were also confined therein.[15] The incident, and the time appellant ran to her sister's house until they sought refuge in the house of the barangay captain, were corroborated by Rosita Mendoza.[16]

Appellant Moro absolutely denied all the allegations of Villarin and Alquizar about the visit of Dela Cruz and Asentista in the afternoon of August 16, 1990, the supposed plotting for the killing of Ricardo Tan which the two prosecution witnesses had testified to as earlier narrated, their imputation that Moro had given the gun twice to the alleged killers, that he had further participated by providing them food, and how he later arranged for the giving of the P2,000.00 to them through Alquizar. He pointed out that Alquizar was not with them when they rushed to the aid of the victim as he lay wounded, and that it was he alone who was asked to look for a jeep to bring the victim to the hospital. He explained that he does not know, or even for once saw, the persons now identified as Dela Cruz and Asentista, and that in the morning of August 17, 1990, they were not even at the corn shelling area but were all actually harvesting corn in the farm about 200 meters from the house. He denied having had any sexual liaison with his co-appellant, and he in fact considered the spouses as his parents.[17]

Appellant Moro also testified that while he was in jail, Rolando Tan, a brother of the victim, came to ask him to testify falsely against Villagonzalo but he turned him down as he had no knowledge of the incident. Rolando Tan then approached Alquizar for the same purpose and, after some discussion, the latter eventually agreed provided that he would be released from jail. They also agreed that Rolando Tan would provide Alquizar with a piece of land to work on, without the former getting the owner's share from the produce therefrom. Afterwards, Alquizar was released from detention.[18] This testimony of appellant Moro was never challenged or refuted by Alquizar and the only rebuttal testimony on this aspect was that of Pat. Paterno Cosmo who merely stated that Alquizar made his affidavit voluntarily and was not contacted by Rolando Tan, and of Rolando Tan who just denied having

talked to Alquizar.[19]

Arguably, there is no presumption more highly favored in the law than that of innocence. The presumption of innocence is founded upon the first principles of justice and is not a mere form, but a substantial part of the law.[20] In our jurisdiction, as in most civilized countries, this presumption does not only have statutory basis but occupies an elevated and constitutional position by being firmly ensconced in the Bill of Rights, the so-called constitution of liberty, and, as a restriction on governmental power, the same may be overthrown only by the stringent quantum of evidence beyond reasonable doubt.

Complementarily, it has been an unswerving jurisprudential course, of such long standing and fixed consistency as to eliminate the need for citations, that to rebut the presumption of innocence not only is the burden squarely laid on the prosecution but that it must do so on the strength of its own evidence without seeking to rely upon or even invoke what it may claim is a weakness of that of the defense. This is but an inevitable and logical consequence since he who alleges must prove his allegations, hence the prosecution may not avail of any evidential position of the defense which, in the first place, is not even bound to go forward with evidence until the presumptive wall of innocence appears to have been breached.

On the other hand, a rule approximating theological dogma is that the findings of the trial court on the issue of credibility of witnesses and their testimonies are entitled to great respect and accorded the highest consideration by appellate courts, and is a matter peculiarly within the province of the trial judge who had the opportunity to observe the demeanor and behavior of both the prosecution and the defense witnesses at the time of their testimony. But this rule is not without exception. Thus, it does not apply where the lower court overlooked certain facts of substance and value that, if considered, would affect the result of the case. Consequently, this Court is not bound by the factual findings of the lower court which are contradicted by the evidence.[21]

Stated in another way, the above-cited rule which would accord deference to the factual findings of the court below yields whenever the findings do not conform to the evidence on record and appear to have no valid basis to sustain their correctness.[22] That lack of basal support may arise as a conclusion not only from the import of the testimonies given but, just as importantly, also from their inherent improbability, their non-adherence to the common experience of mankind of which courts may take judicial cognizance, and other tell-tale indications of fabrication evident on or inferable from the records.

Now, a little background check on these two witnesses shows that Alquizar was taken into the employ of the spouses sometime before November, 1989[23] while Villarin became their helper on November 6, 1989.[24] There is nothing in the record to show that from that brief period of employment, they enjoyed or had merited the confidence of either of the spouses beyond the ordinary rapport between master and servant. These two became sweethearts before the fatal incident in this case and, after Alquizar was released from detention, they got married.[25] Alquizar was 16 years old and while his educational attainment is not revealed, he can at least sign his name, while Villarin was 14 years old and had finished the third grade. At the time they testified in 1991, Villarin was already residing at Tina, Badiangan, Iloilo,[26] the residence of the parents of the victim, while Alquizar was living with Rolando Tan who had taken over the house and properties of the deceased.[27]

Analyzing the testimonies of these witnesses, these facts stand out in bold relief: (1) Their detailed narration that they were both present, witnessed and heard everything involved in the events antecedent to the shooting of the victim, that is, the arrival of the two killers in the afternoon of August 16, 1990 and the discussions on the conditions and consideration for the dastardly act; the delivery of the gun to them by appellant Moro in the morning of August 17, 1990; the retrieval of the gun from them by appellant Villagonzalo that afternoon; the redelivery of the gun to them later that afternoon by appellant Moro in the coffee plantation; the giving of food to

them by appellant Moro which he took from the house of the spouses; and the delivery of the P2,000.00 to Alquizar in the house by appellant Villagonzalo at the instance of appellant Moro; and (2) The almost perfect dovetailing in their testimonies on virtually all aspects, which is an indubitable proof of coached and rehearsed testimony.

It is indeed an incredible possibility that all the events leading to the killing of the victim were made known to these two witnesses for no apparent reason. As already stated, there was absolutely no reason why the supposed four plotters of murder would unrestrainedly discuss the details thereof right before these two witnesses who sustained no confidential relation with them, especially on so heinous a matter as the taking of the life of their employer who admittedly had been good to them. Conspiracies of this nature, or of even lesser offenses, are hatched in secrecy and the weapons therefor are provided clandestinely.

Consider the sheer effrontery of this testimony of Alquizar:

"Q How did the accused Leoniza Villagonzalo say the words to Bano dela Cruz and Joyjoy Asentista at 4:30 o'clock on the afternoon of August 16, 1990?

A Leoniza Villagonzalo asked, "(A)re you decided(?)"

x x x

Q And, this statement was said loudly en(ough) so that you will hear?

A The five of us were near each other.

Q And, it was said without any carefulness, without any presence (sic)?

A Yes.

Q In fact, you heard the question made by the accused very loud and clear. Is that correct?

A Yes, it was clear.

Q And my next question. Did accused Leoniza notic(e) that you were there when she said or addressed that question?

A Yes, sir.

x x x

Q What happened again, on August 17 at 9:00 o'clock in the morning?

A Renito Moro gave the paltic revolver with armalite bullet to Joyjoy Asentista and Bano dela Cruz.

Q And, again, you were present when the paltic revolver was handed to Bano and Joyjoy?

A Yes, sir.

Q Renito Moro noticed that you were present when the paltic revolver was handed?

A Yes, sir.

Q In other words, there was no effort at all on the part of accused Moro to hide from you the fact that he was giving (the) revolver to Bano and Joyjoy?

A None.

x x x

Q I see. And so, after Eddie Ramos said that your (M)anong Carding was in Don Carlos and he will not be able to come home, what happened?

A It was Leoniza who got back the firearm.

x x x

Q Where were you when the firearm was taken back?

A I was in the shelling place.

Q You were together with Bano and Joyjoy?

A Yes, sir.

Q Was there any effort (by) Leoniza to hide from you who got the firearm from Joyjoy Asentista and Bano dela Cruz?

A None.

x x x

Q Where were you when the paltic revolver was brought to Bano dela Cruz and Joyjoy Asentista?

A I did not see the actual giving of Renito Moro to Joyjoy Asentista and Bano dela Cruz, but I saw when Renito Moro got the firearm from Leoniza to be brought to Bano dela Cruz and Joyjoy Asentista because he showed it to me.

Q Who showed it to you?

A Leoniza Villagonzalo and Renito Moro.

Q So, whe(re) did this take place?

A In their kitchen.

Q So, Leoniza gave the paltic revolver to Renito Moro (in) your presence?

A Yes, sir.

Q And, you understand that it was clear that Leoniza gave the revolver to Moro because they wanted to kill your (M)anong Carding. Is that correct?

A Yes, sir.

Q Since it took place in the kitchen, did Leoniza Villagonzalo, accused herein, attempt to hide the giving of the revolver to Moro, or it was done upon you (sic)?

A No, she gave it openly.

Q Meaning, she did not attempt to hide the giving of the revolver?

A No, she did not."[28] (Corrections in parentheses ours.)

Witness Villarín had never volunteered to give any information to the police authorities since, according to her, she revealed what she allegedly knew only in November, 1990 when she talked to the private prosecutor, Atty. Tumampos.[29] She was obviously placed on the stand to corroborate the testimony of her new husband, Alquizar, with the advantage that she could not be challenged for having given prior inconsistent testimony. The trouble is that, providentially, in her enthusiasm to sustain her husband's version of the events, she overplayed her

hand by attempting to give such corroboration up to the minutest details, although it was evident that it was impossible for her to have been in a position to do so.

Thus, according to her, she was likewise present, and she witnessed and heard, the alleged discussions between the killers and the appellants in the afternoon of August 16, 1990;^[30] she confirmed that the former slept thereafter in the house of Villagonzalo's mother;^[31] she was also present at 6:00 A.M. of August 17, 1990 in the shelling place when the victim came from the house, informed them that he was going to Don Carlos, and the four conspirators again discussed the details for the murder of the victim;^[32] she was again present when the gun was given for the first time by appellant Moro to the supposed killers that morning, when Ramos passed by to inform them that the victim was not coming home, when Moro got back the firearm, when the victim arrived, when Moro returned the firearm to the alleged killers behind the shelling place and later got food for them which they ate in the house of Villagonzalo's mother,^[33] and she was even present when Moro told Villagonzalo in the house to give P2,000.00 to Alquizar.^[34]

In fact, it would appear that the only event she did not witness was the actual shooting of the victim since she admitted that she was inside the house at that time. It is indeed a source of wonderment as to how she could so ubiquitously be present on all those occasions, as if she was not doing anything else but just positioning herself at a particular place in anticipation of the event she would later testify to. Yet, despite her aforestated pretension of seeming omnipresence, as it were, Alquizar never even mentioned her when he enumerated his companions on the August 16, 1990 incident,^[35] nor in that morning of August 17, 1990 when the victim left for Don Carlos,^[36] or when he arrived that afternoon.^[37]

What allegedly transpired when Dela Cruz and Asentista first appeared on the scene on August 16, 1990, in this story purveyed by these witnesses, bears special mention. This is how Alquizar narrated it:

"Q While removing the tie of the sacks, what happened?

A Bano dela Cruz and Joyjoy Asentista arrived.

x x x

Q When they arrived, what happened?

A They greeted Leoniza Villagonzalo.

Q After the greeting, what happened?

A Leoniza Villagonzalo answered them that "we had a quarrel with Carding."

Q After that, what happened next?

A Leoniza said to them "(A)re you decided?"

Q To whom did she direct the statement?

A Joyjoy Asentista and Bano dela Cruz.

x x x

Q And then, after that, what happened next?

A Joyjoy turned his face to Bano, and Bano nodded.

Q And then, after that, what happened next?

A Before their conversation was finished, Manong Carding called for Leoniza."^[38]

In almost flawless corroboration, Villarin recited:

"Q When Joyjoy Asentista and Bano dela Cruz arrived and went to the shelling place together with Leoniza Villagonzalo, Renito Moro, witness Tito and yourself, what happened?

A Joyjoy Asentista asked, "(H)ow are you here(?)" and Leoniza Villagonzalo answered, "(Y)esterday, we had a quar(rel) with Carding."

Q After this answer of Leoniza Villagonzalo, what happened?

A Leoniza Gonzalo said, "(A)re you decided?"

Q And, what was the reply, any?

A Joyjoy answered, "I do not know with my companio(n)."

Q And, after that answer of Joyjoy Asentista, what more happened?

A Joyjoy turned his face to his companio(n) and then Bano nodded his head.

Q Now, after Bano nodded his head, what happened next?

A Their conversation was not finished because Leoniza was called by Manong Carding." [39] (Corrections in parentheses supplied.)

It is undeniable that the aforequoted declaration of Villarin, which sounds like a tape-recorded duplication, is the product of prior tutoring, and the reason is simple. For Alquizar himself unwittingly revealed that in the aforementioned incident at 4:30 P.M. of August 16, 1990, his wife, Prescilda Villarin, was not present since she was in the house; and, in answer to the follow-up question of the trial court, he categorically admitted that his companions on that occasion were only Asentista, Dela Cruz and Villagonzalo.[40]

This case exemplifies the oft-quoted truism that evidence to be believed must not only proceed from the mouth of a credible witness, which is here already in serious doubt, but must be credible in itself. No better test has yet been found to measure the value and weight of a witness' testimony than its conformity to the knowledge and common experience of mankind. The Court, therefore, cannot give the testimonies of Alquizar and Villarin the same credence as that extended by the court below, despite the entrenched rule that accords great weight to the trial court's findings of fact.[41]

Verily, when the witnesses' testimonies are congruent even down to the minutiae, there arises a very strong presumption that not only were these witnesses briefed beforehand about the questions to be propounded during the trial but that the witnesses were likewise trained to give answers that would parallel the version of the other witnesses of the prosecution. In such a case, the witnesses no longer speak from memory or experience. Their testimonies have thereby become fabrications, hence they forfeit their probative value,[42] with the result that the presumption of innocence enjoyed by appellants must be maintained.

We have just recently ruled that in our criminal justice system, the overriding consideration is not whether the court doubts the innocence of the accused but whether it entertains a reasonable doubt as to his guilt.[43] On the other hand, we have long held that if the inculpatory facts and circumstances are capable of two or more explanations, one of which is consistent with the innocence of the accused and the other consistent with his guilt, then the evidence does not fulfill the test of moral certainty and is not sufficient to support a conviction.[44] Conviction should be made on the basis of strong, clear and compelling evidence, and it would be tragic to have the fate of herein appellants rest upon tainted evidence concocted from the frailty of man when obfuscated by avarice.

As to conspiracy, it must be established by the same quantum of evidence as any other ingredient of the offense. The same degree of proof necessary to establish the crime is required to establish a finding of criminal conspiracy, that is, proof beyond reasonable doubt. It cannot be established by conjectures but by positive and conclusive evidence. Since conspiracy must be proved beyond peradventure of a doubt, it cannot be appreciated where the facts can be consistent with the non-participation of the accused in the fancied cabal.[45]

Lastly, it is insinuated that appellant Villagonzalo, as the common-law wife of the deceased, should have immediately reported the matter to the police. Said appellant cannot be faulted for the overnight delay. People react in many different ways when faced with a tragic occurrence, especially when it concerns a loved one. Delay in relating to the authorities the attendant facts of the crime for which the accused had been charged is consistent with the normal behavior after a tragic incident, since the last thing that the bereaved would want to happen is to provoke reprisal from the perpetrators of the felonious act. Although there is a natural tendency to seek justice for the treacherous killing of a dearly departed, mourning and the rites for the dead take priority in our culture.[46]

WHEREFORE, on the foregoing premises, the assailed judgment of the court a quo is REVERSED and SET ASIDE. Accused-appellants Leoniza Villagonzalo and Renito Moro are hereby ACQUITTED and ordered to be immediately released unless there are other grounds for their continued detention, with costs de oficio.

SO ORDERED.

Narvasa, C.J., (Chairman), Puno, and Mendoza, JJ., concur.

* The common-law husband of this appellant was Ricardo Tan, but he also used his maternal surname "Cordero" as his family name, hence the aliases indicated by the prosecution and the trial court.

[1] Original Record, 18-19.

[2] Ibid., 2.

[3] Ibid., 27.

[4] Ibid., 97; penned by Judge Leodegario P. Vallar.

** The first name of this witness is spelled, in some parts of the record, as "Presilda" or "Prescilda."

[5] Brief for Accused-Appellants, 1; Rollo, 117.

[6] TSN, October 17, 1991, 12, 17-18.

[7] Ibid., August 14, 1991, 9-12; September 4, 1994, 5-7.

[8] Ibid., id., 14-15; id., 8-9.

[9] Ibid., id., 15-16; id., 9, 11.

[10] Ibid., id., 17; id., 11-12.

[11] Ibid., id., 17-20; id., 12-15, 34.

[12] Ibid., id., 32-34; id., 16-20.

[13] Ibid., October 17, 1991, 21-26.

[14] Ibid., id., 27-29.

- [15] Ibid., October 17, 1991, 29-37.
- [16] Ibid., October 24, 1991, 4-8.
- [17] Ibid., id., September 12, 1991, 7-15.
- [18] Ibid., id., 11-12.
- [19] Ibid., October 28, 1991, 7, 15.
- [20] 1 Jones on Evidence, 18-20.
- [21] See People vs. Salcedo, G.R. No. 86975, March 18, 1991, 195 SCRA 345.
- [22] Tabuena vs. Court of Appeals, G.R. No. 85423, May 6, 1991, 196 SCRA 650; see People vs. Jumamoy, G.R. No. 101584, April 7, 1993, 221 SCRA 333.
- [23] TSN, October 17, 1991, 18.
- [24] Ibid., August 14, 1991, 2.
- [25] Ibid., October 17, 1991, 41.
- [26] Ibid., August 14, 1992, 6.
- [27] Ibid., September 4, 1991, 36.
- [28] Ibid., id., 28-33.
- [29] Ibid., August 14, 1991, 24.
- [30] Ibid., id., 9-11.
- [31] Ibid., id., 12.
- [32] Ibid., id., 13-15.
- [33] Ibid., id., 15-17.
- [34] Ibid., id., 17.
- [35] Ibid., September 4, 1991, 5.
- [36] Ibid., id., 7.
- [37] Ibid., id., 10.
- [38] Ibid., id., 6, 29.
- [39] Ibid., August 14, 1991, 11.
- [40] Ibid., September 4, 1991, 27.
- [41] See People vs. Yabut, G.R. No. 82263, June 26, 1992, 210 SCRA 394.
- [42] Abaya vs. People, et al., G.R. No. 96389, December 11, 1992, 216 SCRA 455.
- [43] People vs. Salangga, G.R. No. 100910, July 25, 1994.
- [44] People vs. Pacana, 47 Phil. 48 (1924); People vs. Austria, G.R. No. 55109, April 8, 1991, 195 SCRA 700.

[45] *People vs. Furugganan*, G.R. Nos. 90191-96, January 28, 1991, 193 SCRA 471; *People vs. Cruz*, G.R. No. 74048, November 14, 1990, 191 SCRA 377.

[46] *People vs. Sabellano, et al.*, G.R. Nos. 93932-33, June 5, 1991, 198 SCRA 196.

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