

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. PO2 ROLANDO ABRERA, SPO3 ALMIRANTE GUILLERMO, PO3 ARNOLD ARAZA, SPO3 GEORGE CRUZ AND PO3 ROGER REYES, ACCUSED, PO2 ROLANDO ABRE...

G.R. No. 109169. December 12, 1997

Ponente: ROMERO, J.

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ROMERO, J.:

PO2 ROLANDO ABRERA, SPO3 ALMIRANTE GUILLERMO, PO3 ARNOLD ARAZA, SPO3 GEORGE CRUZ AND PO3 ROGER REYES, all members of the Regional Police Intelligence Unit of the Philippine National Police in Camp Karingal, Quezon City were charged with MULTIPLE MURDER for the killing of Daniel Borbe, Jr., in an information which reads:

Criminal Case No. Q-92-36131.

“That on or about the 14th day of May, 1992, in Quezon City, Philippines, the above-named accused, conspiring, confederating with and mutually helping one another, with intent to kill, qualified with evident premeditation with the aid of armed men and with the use of superior strength, did then and there, willfully, unlawfully and feloniously attack, assault and employ personal violence upon the person of one Daniel Borbe, Jr. y Paredes by then and there shooting him with guns hitting him on the different parts of this body, thereby inflicting upon him serious and mortal wounds which were the direct and immediate cause of his death, to the damage and prejudice of the heirs of the said Daniel Borbe, Jr. y Paredes.”

The same above-named accused were also charged with FRUSTRATED MURDER for the wounding of Manuel Aniban in another information which reads:

Criminal Case No. 36132.

“That on or about the 14th day of May, 1992, in Quezon City, Philippines, the above-named accused, conspiring, confederating with and mutually helping one another, with intent to kill, qualified with evident premeditation, with the aid of armed men and with the use of superior strength, did then and there, willfully, unlawfully and feloniously attack, assault and employ personal violence upon the person of MANUEL S. ANIBAN by then and there shooting him with a gun, hitting him on the left chest, thereby inflicting upon him serious and grave wounds which would have caused the death of said Manuel S. Aniban, thus performing all the acts of execution which would have produced the crime of Murder as a consequence but nevertheless did not produce it by reason of causes independent of their will, that is the timely and able medical assistance rendered to said Manuel S. Aniban which prevented his death, to the damage and prejudice of said Manuel S. Aniban.”

Araza and Reyes remained at large. Consequently, only Abrera, Guillermo and Cruz were arraigned, all of whom pleaded not guilty to the offenses charged.

The prosecution established that at around 10:30 or 11:00 in the evening of May 13, 1992, Manuel Aniban, Aris

Katapang (Aries Catapang), Samuel Perez, Nikki Tuason and Ramil Reyes were in Casa Leoniza at the corner of Examiner Street and Quezon Avenue, Quezon City, drinking beer. Realizing that he had lost the ring he was wearing, Manuel looked for it in the comfort room, then sought the help of the police passing by in a mobile car, but the latter just told him to go home. After having consumed three pitchers of beer, the group left. When they arrived at the Aniban home, Manuel asked his brother, Marlon Aniban, to accompany him back to Casa Leoniza to search for their father's ring.

Failing to find the ring, Aniban's group left Casa Leoniza at around 2:00 a.m. As they did so, someone from the group of Daniel (Dennis) Borbe poured beer on Manuel's head while another threw a glass at him. When two of Borbe's companions approached him, Manuel picked up a rattan stick (yantok) and hit Alexis Aguilar, Borbe's companion, on the face. Manuel then fled towards a taxicab that his companions had already boarded.

Despite the prosecution witnesses' divergent testimonies, the following sequence of events were found to have transpired:

Five armed men blocked the taxi and told the driver to stop. Three of them stood in front of the cab while two others took positions on each side of the same vehicle. Manuel, who was near the left rear door of the taxicab, was shot. His brother Marlon pulled him inside the cab but the man who shot Manuel ordered all of them to get out after which they were made to lie face down on the ground. As the man who shot Manuel pointed his gun at him, Manuel said, "Hindi ako masamang tao, anak din ako ng police. (I am not a bad man, I am also a son of a policeman)."

When Manuel told them that he was wounded, two of the armed men approached the cab. The one who came near the left side of the cab was Araza. The other one, Guillermo, went to the right side of the cab. Three of the armed men, including Abrera and Cruz, remained in front of the cab. Guillermo opened the door of the cab and told Aris to lie face down on the ground. Araza was then talking with Marlon who was pleading that his brother Manny be brought to a hospital.

Meanwhile, Dennis Borbe was held by the collar by one of the armed men and told to lie down on his belly, after which the Aniban group was ordered to get back inside the cab while Dennis was also told to sit in front beside the driver. Thereafter, a man in blue shirt pulled out Dennis from the taxi and he said, "Isa ka pa." Once outside the taxi, he was repeatedly hit ("pinagpapalo") with an instrument. Samuel recognized one of the assailants as Abrera. When Dennis fell, three armed men positioned near his head shot him repeatedly ("pinagbabaril").

Alexis recognized three of the armed men. Two of them were in the courtroom as he testified - Guillermo and Abrera. During the incident, Alexis did not really see them fire their guns but he heard shots being fired. However, as he went to where Dennis was, Alexis passed by Abrera and saw Guillermo with a gun, near Dennis' head.

Daniel Borbe, Jr. y Paredes, 24 years old, sustained the following injuries: (a) a gunshot wound on the left side of his face with the bullet exiting at the left side of the neck below the left external auditory meatus; (b) a gunshot wound also on the left side of the face below the left external auditory meatus, fracturing the mandible and second and third cervical vertebra, and lacerating the spinal cord, with the bullet exiting at the right side of the neck; (c) a gunshot wound at the thoracic area of the back with the bullet exiting at the left shoulder, and (d) a gunshot wound at the posterior aspect, proximal third of the forearm with the bullet exiting at the anterior aspect, proximal third of the forearm. He also sustained a grazing wound on the right arm and hematoma on the left side of the face.[1]

Manuel S. Aniban, 20 years old, suffered a gunshot wound on the left chest that pierced the lung, with the bullet

exiting at the back. His injury required medical attendance for more than one month.[2]

Flordeliza Borbe, the physician-mother of the victim, incurred expenses from May 14, 1992 up to the time she testified in connection with the death of her son, in the total amount of P308,106.07. The family spent P40,000.00 for casket and services, P25,000.00 for food and similar expenses, P17,296.17 for Himlayang Pilipino, or a total of P82,518.70. According to Dr. Borbe, her son, Daniel, was a third year law student at the MLQU College of Law while working at the Quezon City Assessor's Office with a monthly salary of P3,000.00 at the time of his death.[3]

The defendants did not deny their presence at the crime scene when Borbe was killed. In the evening of May 13, 1992, defendant SPO3 George Cruz was in a jeep with PO2 Abrera and PO3 Araza. In another jeep were SPO3 Guillermo and SPO3 Reyes. They were cruising along Quezon Boulevard in Quezon City because a phone call informed the police that someone was selling shabu in the area. Near the Pancake House, while Cruz was talking with a bystander, he heard someone shouting, "Hold-up, hold-up!" His companions suddenly jumped out of the jeeps. Araza fired one shot. Abrera, who was driving the jeep where Cruz rode, alighted therefrom and fired a shot upwards. Then Cruz heard another shot. He was so surprised that he called to Araza, saying, "Bakit, huwag! (Why, stop it!)." Araza ignored him and continued running towards the person who was shouting. Cruz walked towards the parked taxi. When he was already behind the taxi, Cruz heard successive shots. Speculating on what would transpire next ("nakiramdam muna ako"), Cruz saw Araza and Reyes aiming their guns at a person sprawled on the ground. Cruz stepped backwards the better to see the victim. Because he was around fifteen (15) meters away, Cruz was powerless to pacify Araza and Reyes. Apprehensive, Cruz left with Abrera to report the matter to their office.[4]

According to PO3 Rolando Abrera, he was with Cruz, Guillermo, Reyes and Araza conducting a surveillance mission after having been tipped off that someone was selling shabu in front of the Pancake House in Quezon Avenue, Quezon City. He was seated at the driver's seat when they stopped cruising along the avenue as they heard someone shout, "Hold-up, hold-up." Then he saw a group chasing another group. By then, the jeep where Guillermo and Reyes rode was parked behind Abrera's jeep five meters away on the right lane going to the Welcome Rotonda. Upon hearing the commotion, Abrera alighted from the jeep and pulled his gun. Araza was already running six (6) meters ahead of him towards the source of the shouts behind their jeep. Thinking that he should defend himself, Abrera fired his gun upwards after seeing Araza fire a warning shot. The taxi was about fifteen (15) meters away while Araza was in front of Abrera by ten (10) meters. After firing the first warning shot, Araza fired another but Abrera did not see where the shot was aimed at. Abrera proceeded to the left rear door of the taxi and introduced themselves as policemen. Abrera pointed his gun at the taxi passengers because he did not know then whether they were the hold-uppers. He ordered them to alight from the taxi but the passengers protested that they were not hold-uppers as in fact, they were sons of a policeman. One of them named Marlon Aniban, who was seated at the rear passenger seat, was clutching his brother Manuel who was seated on the ground. Abrera noticed that Manuel had been hit on the left shoulder.

As Abrera talked with Marlon, Araza went to the right side of the taxi. Araza and Reyes started pulling out a person from the taxi but before they could do so, a woman at the rear seat said, "He was the one who held us up." Then Abrera heard successive shots. When he looked at the source of the gunfire, Abrera saw Araza and Reyes side by side with their guns still pointed at the man lying on the ground. By the headlight of the taxi, Abrera saw a man sprawled around ten (10) meters from him. Abrera went towards Araza's direction and when they met, he asked Araza, "Pare, bakit binaril ninyo?" Araza answered, "Pare, hold-upper 'yan." Thereafter, Araza boarded the taxi with the Anibans and told Abrera, "I am going to attend to this person who was hit." Abrera wanted to approach the dead man but because the latter's companions were already approaching him, Abrera had second

thoughts, fearing that he might be involved in the shooting even though he did not know why the man was shot. Instead, Abrera went back to his vehicle. He did not see Reyes who seemed to have suddenly disappeared. When he was inside the jeep, Abrera told Cruz who was approaching, "Let us go to the office and report the matter." Cruz went with him while Guillermo drove the vehicle." [5]

SPO3 Almirante Guillermo was told by Reyes to follow the vehicle of Abrera. When Guillermo was about to park the jeep he was driving in front of the Pancake House in Quezon Avenue, he heard a commotion behind them. Someone was shouting, "Hold-up, hold-up!" from the direction of Examiner Road near Quezon Avenue. Guillermo failed to park his jeep properly because he saw Araza running towards the source of the noise. Reyes suddenly jumped out of the jeep and followed Araza. Abrera also followed the two. Guillermo then heard two gunshots and shouts of "mga pulis kami." He did not notice who fired the first shot but it was Abrera who fired the second. Abrera directed his shot upwards and went to where Araza and Reyes were. Guillermo saw Cruz talking with someone inside a taxi and so he joined the latter. When he reached the taxicab, Guillermo heard successive shots from the front of the taxi which Araza and Reyes blocked in the middle of Quezon Avenue. Guillermo failed to see who fired the successive shots because his attention was directed at the persons from Examiner Street who were chasing the taxi. The incident happened so fast that when Guillermo noticed Cruz moving backwards towards Abrera's jeep, he also boarded his jeep. He went back to their office in Sikatuna to report the incident. [6]

The trial court found Abrera and Guillermo guilty of the crime of murder for the killing of Daniel Borbe and imposed on them the penalty of reclusion perpetua and the payment of indemnity in the amount of P50,000.00 and actual or compensatory damages in the sum of P82,087.00. The same accused were acquitted of the crime of frustrated murder for the wounding of Manuel Aniban. Cruz was acquitted of both charges.

In so ruling against the said defendants, the trial court summarized the incident as follows:

"There was no shout or shouts of "Hold-up, hold-up." This was merely an imaginary scenario created by the accused to justify their unusually violent intervention. The incident, in actuality, was no more than a commotion caused by the chasing of the Aniban group by the Borbe group. There was absolutely no need for the use of firearms. Clearly, the accused over-reacted.

As peace officers, their purpose should have been to pacify, and to prevent harm or injury being inflicted on any one. Instead of pursuing this purpose, they themselves inflicted the harm and injury to the unarmed victims without inquiring into or investigating what the commotion was all about.

That must be the scenario reported by the accused to their officer at Camp Karingal, Quezon City, that same morning. Thus, the only question asked by this officer from Aris Katapang (Aries Catapang), was whether they asked help from the policemen, to which Katapang answered: 'No sir.' (November 13, 1992, p. 3)." [7]

The trial court ascribed responsibility for the wounding of Manuel Aniban solely to Araza, repudiating in the process, the prosecution's theory of conspiracy among the police officers present in the crime scene. However, in the murder case, it ruled that there was conspiracy among the policemen, as shown by their acts, to kill Daniel Borbe, Jr. It found that Abrera "twisted the facts" when he claimed that it was he who approached the taxi on the left side. As regards Guillermo, the trial court discredited his claim that he was innocent simply because of the chemistry report indicating a negative result of the paraffin test conducted on him to determine whether or not he fired a gun. It ruled that said report was hearsay evidence and therefore of no probative value considering that the chemist who conducted the test was not presented in court as a witness.

While finding that evident premeditation did not qualify the killing, the trial court nonetheless held that murder was committed in view of the presence of the qualifying circumstances of taking advantage of superior strength

and aid of armed men. In conclusion, the trial court said that the killing of unarmed Borbe was “an execution without trial,” in the absence of “not even a token inquiry or investigation on what was the chasing of one group by the other group all about.”[8]

Appellants Abrera and Guillermo are now before this Court challenging the trial court’s ruling on their culpability. Appellant Abrera contends that the trial court erred in convicting him of the crime of murder “despite utter lack of identification that he was (the) one who shot the victim,” Daniel Borbe, Jr., and in holding that the killing of Borbe was attended with the circumstances of aid of armed men and abuse of superior strength. Appellant Guillermo, for his part, alleges that the trial court committed the following errors:

- (1) disregarding the chemistry report in his favor for being hearsay;
- (2) brushing aside the defense evidence while giving weight to the inconsistent and conflicting testimonies of prosecution witnesses;
- (3) convicting him of murder despite the prosecution’s “glaring failure to prove his guilt beyond reasonable doubt;”
- (4) finding the presence of conspiracy in the killing of Borbe but ruling out conspiracy in the wounding of Aniban;
- (5) convicting him “based on the qualifying circumstances of superior strength and with the aid of armed men;” and
- (6) convicting him and appellant Abrera while acquitting their co-accused Cruz.

Considering the admission of appellants that they were in the crime scene when Borbe was killed, the main issue that should be resolved is the extent of their participation in the commission of the crime.

Manuel Aniban, who was himself a victim of violence inflicted by a member of appellant police’s team, testified that he saw three “sparkling (kumikislap)” guns that were fired at Borbe. [9] He failed to identify the three gunmen but Samuel Perez confirmed the fact that three of the accused fired their guns at Borbe.[10]

Aris Catapang testified that it was appellant Guillermo who approached the taxi at the right side where he was situated and pointed a gun at them. However, it was appellant Abrera who was in front of the taxi with Cruz. After they were told to alight from the taxi and lie face down on the ground, Aris heard successive shots. When he raised his head, he saw three armed men pointing their guns at Borbe. Two of them had their backs towards him but one was facing him. Aris later identified the latter as Araza. [11] On cross-examination, Aris identified one of the two men whose backs were turned to him as appellant Abrera. [12]

Aris did not mention appellant Abrera in his statement simply because nobody asked him about the latter. He was a bit confused about the person who would answer to the name of Abrera but Aris was sure that appellant Abrera was one of the two whose back was turned toward him as they assaulted the victim. [13]

Damaso Borbe, the victim’s brother, testified that aside from the man in blue who was later identified as Araza, appellant Guillermo also pulled his brother out of the taxicab and brought him in front of it. [14] Because he was concentrating on asking his companions where his brother would be brought, Damaso failed to see who fired the first shot. When he went near his brother as continuous and rapid firing was taking place, Damaso identified Araza and appellant Guillermo as two of the armed men he saw pointing their guns at his brother immediately after the firing of successive shots that snuffed out his brother’s life. [15]

Alexis Aguilar was more categorical in identifying appellants Abrera and Guillermo as the perpetrators of the

crime. [16]

All these testimonial evidence point to the culpability of appellants. All witnesses were one in identifying Araza as one of the three gunmen. Aris Catapang and Alexis Aguilar pinpointed Abraza and Abrera as two of the three while Damaso Borbe and Alexis Aguilar were certain that appellant Guillermo was the third gunman. This concatenation of testimonies indubitably prove that appellants were two of the three armed men who converged on the helpless unarmed victim, inflicting on him four (4) wounds that caused his death on the spot. These wounds are congruent with the foregoing testimonial evidence that the victim was near the assailants who shot him.

According to Dr. Ronaldo Mendez who conducted the autopsy on the victim, the muzzle of the gun was more or less 24 inches from the face of the victim. He opined that with respect to the first wound on the left side of the victim's face, the assailant would have been "on top and a little to the left and a little behind the victim." The second wound would have likewise been caused by an assailant who was "in front and a little to the left of the victim." Dr. Mendez made the same opinion with respect to the third and fourth wounds of the victim - the assailant would have been "behind and a little to the left of the victim." [17]

Considering that the incident happened quickly, the eyewitnesses' failure to actually see the shooting of the victim, as they all appear to have seen the appellants only immediately after hearing the successive shots, may not suffice to bail appellants out of culpability. Under the law, circumstantial evidence may justify a conviction if the following requisites concur: (a) there is more than one circumstance; (b) the facts from which the inferences are derived are proven; and (c) the combination of all the circumstances is such as to produce a conviction beyond reasonable doubt. [18] In this case, the following circumstances have been proven:

- (1) Appellants were in the crime scene when it occurred.
- (2) They were all armed with guns as policemen.
- (3) They were seen pointing their guns at the victim lying on the ground immediately after the witnesses heard the successive gunshots, and
- (4) Not one member of the two groups chasing each other was proven to have been carrying any firearm during the incident.

From these circumstances, it can easily be inferred that appellants were the culprits. These circumstances were established by the testimonies of prosecution witnesses whose credibility could not be demolished by the defense. Accordingly, the trial court correctly gave weight and credence to said testimonies especially because it was in a better position to gauge the credibility of the witnesses than this Court.

In an effort to obtain exoneration from the crime of murder, appellant Guillermo points out certain "inconsistencies" in the prosecution evidence. These alleged "inconsistencies" are those between sworn statements and testimonies of witnesses Catapang and Marlon Aniban. It is hornbook knowledge, however, that sworn statements, being taken ex-parte, are almost always incomplete and often inaccurate, sometimes from partial suggestion or for want of suggestions and inquiries. [19] Thus, affidavits or sworn statements are generally considered inferior to the testimony in open court where the defense is given the opportunity to verify or becloud the testimony of a prosecution witness.

The other alleged "inconsistencies" may not derail at all evidence proving appellants' culpability considering that these are minor ones. Notably, the failure of Manuel to identify the three gunmen was explained by the fact that he himself was already wounded at the time and could not be expected to focus on the identities of Borbe's

assailants. Witness Damaso Borbe's failure to identify appellant Guillermo in his sworn statement was brought about by the fact that he still did not know him by name then. Neither may his testimony that only one person blocked the taxi belie the testimonies of the other witnesses. As earlier noted, the incident happened so fast that the perceptions of all witnesses could not be expected to be congruous with the others. In fact, the failure of the prosecution witnesses to testify uniformly bespeaks the truth. They could not have been expected to see everything and everyone considering the fast pace of the incident and the different perspectives they had. What is important is that all of the witnesses identified appellants as the policemen who brutally shot Daniel Borbe.

Appellant Guillermo's claim that the negative result of the paraffin test conducted on him reflects his innocence of the crime charged may not prosper. A finding that the paraffin test yielded negative results is not conclusive evidence that an accused had not fired a gun. [20] It is possible for a person to fire a gun and yet be negative for the presence of nitrates, as when he wore gloves or washed his hands afterwards.[21]

However, contrary to the trial court's findings, conspiracy may not be inferred from the proven inculpatory acts of the appellants. The fast sequence of acts leading to the killing of Borbe elicited the spontaneous, though erroneous and immoral, reactions of the appellants. The spontaneous and impulsive acts of appellants cannot but produce the conclusion that the same were triggered without prior or apparent deliberation. [22] Conspiracy, like the crime itself, must be proven beyond reasonable doubt and one's presence in the crime scene, does not make an accused a conspirator. [23] The absence of proof beyond reasonable doubt of the existence of conspiracy among the appellants and their companions resulted in their assumption of separate and individual responsibilities for the crime of murder.

The killing of Borbe was qualified by abuse of superior strength. Clearly, the victim was no match to his three armed assailants. Unarmed, he could not have even entertained the thought of defending himself since appellants had identified themselves as policemen. Appellants' sudden entry into the crime scene when he saw the two groups of young men chasing each other may be commendable if done in accordance with their duty to enforce the law. However, after appellant Guillermo pulled the victim from the taxicab, Abrera repeatedly beat him, causing him to collapse. It was in this defenseless position that appellants and Araza repeatedly fired their guns at him.

The other aggravating circumstance of aid of armed men may not be appreciated in this case considering that the appellants and their companions were themselves all armed and apparently acting under the same impulsive purpose. [24]

The trial court therefore correctly imposed upon appellants the penalty of reclusion perpetua for the crime of murder in view of the absence of mitigating or aggravating circumstances in the commission of the crime. We find, however, that the award of compensatory damages had not been fully justified, the prosecution having failed to present receipts evidencing the expenses incurred by the victim's family as a consequence of the commission of the crime. Accordingly, pursuant to existing jurisprudence, appellants shall indemnify the victim's family in the amount of P50,000.00. Moreover, because the crime resulted in moral shock [25] as it was committed by peace officers who are supposed to uphold the law, the appellants shall pay the victim's family moral damages of P100,000.00. The commission of the crime likewise calls for the imposition of exemplary damages in the amount of P20,000.00 by way of example for the public good.

The life of a working law student would not have been wasted had the police officers involved in this case acted in accordance with law and with due restraint in the use of force. By their senseless act of immediately firing at people after initially firing warning shots and without as much as verifying what all the commotion was about, appellants and their companions sadly demonstrated that indeed there was "police brutality" in this case. Their

indiscriminate use of firearms “blitzkrieg-style,” once more defiled the name and reputation of the police force that is expected to protect the citizenry. What saddens us doubly is the apparent laxity with which the appellants’ superior treated the other accused in this case. They were allowed to go scot-free notwithstanding that, as early as the day of the crime, their involvement had been established by the investigating officer. Protecting one’s peers or subordinates may be laudable only if done in accordance with law but a cover-up is not justifiable.

On the other hand, the courageous act of the Aniban and Borbe groups in setting aside partisanship to take the witness stand in order that the erring police officers could be meted the full force of the law, should be commended. Were it not for their vivid recollection of the incident, undesirable elements within the ranks of the police force can hardly be weeded out.

WHEREFORE, the Decision appealed from finding appellants Rolando Abrera and Almirante Guillermo guilty beyond reasonable doubt of the crime of murder for the killing of Daniel Borbe, Jr. and imposing on them the penalty of reclusion perpetua, is hereby **AFFIRMED** subject to the **MODIFICATION** that appellants shall be liable solidarily to the heirs of the victim for civil indemnity in the amount of P50,000.00, moral damages of P100,000.00 and exemplary damages of P20,000.00.

Let a copy of this decision be furnished the Department of Interior and Local Government so that proper administrative sanctions, if warranted, may be imposed on the superiors of Arnold Araza and Roger Reyes for having allowed them to escape from the clutches of the law. The same Department and the National Bureau of Investigation, which shall similarly be furnished a copy of this Decision, are enjoined to cause the immediate apprehension of Arnold Araza and Roger Reyes so that they may be prosecuted for the crimes subject of this decision. Costs against appellants.

SO ORDERED.

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

[1] Exh. C.

[2] Exh. N.

[3] TSN, December 1, 1992, pp. 24-26.

[4] TSN, December 11, 1992, pp. 20-24.

[5] TSN, January 7, 1993, pp. 4-16.

[6] TSN, January 11, 1993, pp. 3-7.

[7] Decision, p. 10.

[8] Ibid., pp. 13-14.

[9] TSN, November 24, 1992, pp. 10-12.

[10] TSN, November 26, 1992, pp. 56-60.

[11] TSN, November 16, 1992, pp. 22-23, 27-29.

[12] TSN, November 17, 1992, pp. 21-23.

[13] Ibid., p. 24.

[14] TSN, November 25, 1992, p. 50.

[15] Ibid., p. 51.

[16] TSN, November 20, 1992, pp. 22-24.

[17] TSN, November 12, 1992, pp. 15-20.

[18] Sec. 4, Rule 133, Revised Rules on Evidence; *People v. Bracamonte*, G.R. No. 95939, June 17, 1996, 257 SCRA 380, 394-395.

[19] *People v. Bayani*, G.R. No. 120894, October 3, 1996, 262 SCRA 660, 680.

[20] *People v. Hubilo*, G.R. No. 101741, March 23, 1993, 220 SCRA 389, 399 citing *People v. Pasiliao*, G.R. Nos. 98152-53, October 26, 1992, 215 SCRA 163.

[21] *People v. Ducay*, G.R. No. 86939, August 2, 1993, 225 SCRA 1, 18.

[22] *People v. Lacao, Sr.*, G.R. No. 95320, September 4, 1991, 201 SCRA 317, 329.

[23] *People v. Dulatre, Jr.*, 318 Phil. 128, 141-142 (1995).

[24] See: *People v. Piring*, 63 Phil. 546, 553 (1936).

[25] Arts. 2217 & 2219(1), Civil Code.

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