

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ARTHUR PIDIA Y DACARA, BERNARDO RUIZ Y REPINAN, AND ROMEO CRUZ, ACCUSED-APPELLANTS.

G.R. No. 112264. November 10, 1995

Ponente: DAVIDE, JR., J.

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DAVIDE, JR., J.:

On 18 March 1991, an information was filed with the Regional Trial Court (RTC) of Makati charging Arthur Pidia, Bernardo Ruiz, and Estelita Taruc with the crime of Robbery with Homicide.[1] The case was docketed as Criminal Case No. 2441 and assigned to Branch 148 of the said court. Two weeks later, an amended information[2] was filed to include a fourth accused, Romeo Cruz. Its accusatory portion reads:

That on or about the 24th day of February, 1991 in the Municipality of Muntinlupa, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating with one John Doe and Peter Doe, whose true identities and present whereabouts are still unknown and all of them mutually helping and aiding with one another, while armed with firearms except accused Estelita V. Taruc, enter[ed] the house of complainant Rowena Yamamoto y Santos and once inside, with intent to gain and by means of force, violence and intimidation, did then and there wilfully, unlawfully and feloniously rob and carry away the amount of P50,000.00 cash and assorted jewelries worth P40,000.00, belonging to Rowena Yamamoto y Santos; that on the occasion of the said robbery, accused Arthur Pidia y Dacara did then and there wilfully, unlawfully and feloniously shoot one TETSUZO YAMAMOTO on his upper right shoulder, as a result of which, the said victim sustained a gun shot wound which directly caused his death.

CONTRARY TO LAW.

The accused pleaded not guilty on arraignment. Thereafter, trial on the merits ensued.

On 20 July 1993, the trial court promulgated its decision[3] acquitting Taruc but convicting accused Pidia, Ruiz, and Cruz. The dispositive portion of the decision reads:

WHEREFORE, premises considered:

- And finding that there is no sufficient evidence to sustain the verdict of conviction as against accused Estelita Taruc for the crime of Robbery with Homicide, she is hereby ACQUITTED;
- And finding that the prosecution was able to establish the guilt of the accused Arthur Pidia, Bernardo Ruiz and Romeo Cruz, beyond reasonable doubt of the crime of Robbery with Homicide defined and penalized under Article 294, paragraph 1 of the Revised Penal Code, the aforesaid three (3) accused are hereby sentenced to suffer the penalty of Reclusion Perpetua with all the accessories of the law.

The three (3) accused, Arthur Pidia, Romeo Cruz and Bernardo Ruiz are hereby further ordered to jointly and severally pay unto Rowena Yamamoto, the following:

- (a) The sum of P990,000.00 the cash amount and jewelries taken during the incident which were not recovered;
- (b) The sum of P50,000.00 for and as indemnity in causing the death of Tetsuzo Yamamoto;
- (c) The sum of P70,000.00 for and as moral damages;
- (d) The sum of P40,000.00 for and as attorney's fees and any litigation expenses.

With cost as against all of the aforesaid accused.

As culled from the evidence presented by both parties, the events that transpired on the night of 24 February 1991 are summarized as follows:

At around 8:00 p.m., the occupants of the Yamamoto house in Sto. Niño Village, Muntinlupa, Metro Manila, were having dinner. They were Tetsuzo Yamamoto, his wife Rowena, and two guests, Elsa Diamante and Bernadette Cuenco. They were being served by the Yamamotos' househelp, Alicia Espelita.

Later, Espelita was asked to buy vinegar from a nearby store owned by the mother of Rowena. Before she could go out of the house, someone called out from the gate. It was Carlito Ong, an uncle of Rowena. Espelita let Ong in, and she stepped out of the gate.

Rowena then met her uncle at the gate. Suddenly, a man followed Ong and, with two others, pushed their way into the house and announced a holdup.

Meanwhile, Espelita was already outside the gate when another man blocked her, pulled her hair from the back, and pushed her back into the house while pointing a gun at her side. She saw another person standing at the terrace of the house. Once inside, Espelita saw the Yamamoto spouses, Ong, Diamante, and Cuenco already lying prostrate on the floor of the kitchen. She was told to likewise lie down on the floor with the others.

Afterwards, all of them were told to move to the sala and lie face down on the floor. Rowena pleaded with the three men inside the house not to harm them and to just take what they wanted. Irrked by this remark, one of the men kicked her in the stomach. Two of the intruders then went into the master's bedroom, and when they came out, they were carrying bags which, according to Rowena, contained money amounting to P50,000.00 and jewelries worth P40,000.00. One of these two men then shot Tetsuzo Yamamoto, and thereafter all the five men fled.

Tetsuzo was brought to the hospital, but he was already dead on arrival. The autopsy report revealed that he died of hemorrhage resulting from the single gunshot wound above the right collarbone.[4]

Rowena Yamamoto had been hearing from people that the men who robbed her house and killed her husband were living in Bautista Street, Bayanan, Muntinlupa. Thus, on 11 March 1991, she, together with Bernadette Cuenco and some agents of the Criminal Investigation Service (CIS) Command of the Philippine National Police (PNP), went to that place. When they were already there, Rowena and Bernadette caught sight of a man walking down the street, and they recognized him as the one who shot Tetsuzo. This man, later identified as Arthur Pidia, was then arrested by the CIS agents and was brought to Camp Crame, where he was interrogated.[5]

During the trial, Rowena again pointed to Pidia as the one who shot her husband[6] and who kicked her in the stomach.[7] The prosecution also presented SPO1 Manuel Antonio of the CIS who had interrogated Pidia in Camp Crame. According to Antonio, Pidia confessed to the crime; admitted to having received P45,000.00 as his share of the loot; and named his companions as Mang Damaso, Boy Roxas, a certain Ester, and the two other accused, Ruiz and Cruz.[8] The latter two were identified by Espelita in two separate line-ups in the office of the CIS and in open court during her testimony. According to her, it was Cruz who grabbed her hair and pushed her

into the house,[9] and it was Ruiz whom she saw standing at the terrace.[10]

All three accused interposed the defense of alibi and alleged that they were tortured or threatened with torture into admitting their participation in the crime.

Pidia claimed that he was at home in Bautista St., Bayanan, Muntinlupa, at around 6:30 p.m. of 24 February 1991.[11] Cruz testified that he was also in his house in Matanza, Pasig, at around 8:00 o'clock of the night of the incident, taking care of his children as his wife, a laundrywoman, was washing clothes.[12] Ruiz, a prison guard at the New Bilibid Prisons (NBP) in Muntinlupa, said that on that fateful night, he was in his house inside the NBP reservation in Muntinlupa having a drinking session with spouses Fernando and Cristy Yzon, which started at 5:00 p.m. and ended at 10:00 p.m. Thereafter, he slept.[13]

The accused were allegedly apprehended or "invited" for questioning by members of the CIS on separate dates and were brought to Camp Crame without any warrant of arrest. They asserted that from the time they were taken to Camp Crame, they have not been able to return to their homes. Pidia and Cruz said that they were tortured to force them to admit to the crime and that when they underwent a physical examination, they showed to the examining physician their injuries resulting from the torture but no medical certificate was issued to them.[14] On the other hand, Ruiz said that the CIS agents had threatened to torture him if he would not "cooperate." [15]

Pidia denied in court that he had admitted to having participated in the commission of the crime and that he had named Cruz and Ruiz as his cohorts.[16] Ruiz even went as far as claiming that a CIS agent named Balingasa had coached Espelita into pointing to him as one of the perpetrators of the crime in the line-up at Camp Crame.[17] All three accused also denied knowing each other and alleged that they met one another only while in detention. They also contended that the sketches of the faces of the persons who had robbed the Yamamoto house, which was done by the NBI artist based on the descriptions given by Espelita,[18] do not resemble any of them, hence, they could not have been the ones seen by Espelita during the incident in question.

The trial court acquitted Taruc for lack of evidence, as the only evidence linking her to the crime was the testimony of Espelita that she was seen walking around in the vicinity of the Yamamoto house and in the store of Rowena's mother before the occurrence of the incident. The court disregarded Pidia's confession naming her as one of the perpetrators of the crime because the confession was obtained in violation of Pidia's rights.

In convicting the three other accused, the trial court relied heavily on Espelita's testimony although there were lapses and contradictions therein.

The trial court did not give any credit to the accused's testimonies. It found that Ruiz's testimony that his wife was not around at the time the Yzon spouses visited him was contradicted by his own witness, Fernando Yzon, who said that the wife of Ruiz was with them when they were drinking on the night of the incident. With Ruiz's admission that he knows Rowena and had patronized the disco house that the Yamamotos owned the court concluded that he must have also known the financial status of the Yamamotos.

The court further noted that during his direct examination, Cruz testified that he had never been convicted of any crime, but upon further inquiry from the court itself, he admitted to having been convicted of illegal possession of firearms and incarcerated in the NBP and that while there, he had also been convicted of frustrated homicide and had served an additional sentence in the same penal institution.

The court was unconvinced that the three accused did not previously know each other. It found as "quite impossible" that Ruiz who had been a prison guard in Camp Sampaguita in the NBP since 1973 had never met Cruz who was an inmate in the same camp from 1971 until his release in 1977. Cruz even stayed in Muntinlupa from the time of his release until 1980 when he moved to Pasig. On the other hand, Pidia, who was a tricycle

driver, plied the streets of Muntinlupa and resided near the New Bilibid Prison. Hence, at one time or another, all three accused lived in Muntinlupa where the incident took place.

Considering that the accused had the opportunity and the time to commit the crime imputed to them because of their presence at or proximity to the crime scene, the trial court ruled out their denial and alibi.

As to the claim of the accused that not anyone of them resembles the sketches prepared by the NBI of two of the assailants, the court said that said sketches could very well pertain to the other three suspects who have not been apprehended or identified.[19]

Finally, the court found that the three accused had conspired with one another in robbing the Yamamoto house and killing Tetsuzo Yamamoto and, thus, held them equally liable for the crime of robbery with homicide.

Faced with the prospect of languishing in prison for the remainder of their mortal life, the three accused plead with this Court to rectify the alleged error of the trial court in finding them guilty beyond reasonable doubt of the crime imputed to them.

Ordinarily, the findings of fact of the trial court, especially its assessment of the credibility of witnesses, are not to be disturbed on appeal.[20] This dictum is not without exception. When there appears in the record that the trial court has overlooked, ignored, or disregarded some fact or circumstance of weight or significance that if considered would have altered the result this Court may disregard the findings of the trial court and make its own conclusions.[21]

A careful scrutiny of the transcripts of the testimony of eyewitness Alicia Espelita reveal inconsistencies in itself and with the testimony of the other eyewitness, Rowena Yamamoto. Contrary to the opinion of the trial court, these inconsistencies, are not minor or trivial but go into the heart of the credibility of Espelita's testimony identifying the accused which was the very foundation upon which the conviction of the accused was based.

Both Espelita and Rowena testified that there were five men who committed the crime, that three of these men entered the house and the two others stayed outside, and that one of the men had his face covered by a handkerchief. Espelita further said that this person whose face was covered was one of the two men whose faces she had described to the NBI artist.[22]

The nagging question now is: How could Espelita describe a face she had not seen because it was covered? She did not describe only the eyes or the upper part of a face which could be exposed and seen. She gave the description of a whole face, complete with identifying features, such as teeth braces on one and a scar on the left side of the face of the other.[23]

Furthermore, Espelita testified that the one whose face was covered was a Boy Peklat,[24] who was inside the house.[25] Rowena gave a conflicting testimony that the one whose face was covered was outside, not inside the house.[26] Espelita, however, identified the two persons outside as Ruiz and Cruz. If Rowena's testimony is true, then Espelita's testimony would mean that either Ruiz or Cruz was the man whose face was covered. How then could she have identified one of them when she could not have seen his face? Surely, she was mistaken in identifying one of them because she could not have seen the face that was covered. Since there is no evidence to show who in particular had his face covered, doubts now surface as regards the identification by Espelita of both Ruiz and Cruz.

Moreover, the account of the events regarding the shooting of Tetsuzo Yamamoto given by Espelita in her sworn statement executed before the CIS on 12 March 1991[27] is different from what she gave in court during her direct examination. She said in her sworn statement that Pidia shot Tetsuzo because the latter kept on shouting

upon seeing Pidia hurt his wife, to wit:

11-T

Bakit binaril ni Arthur Pidia si Tetsuzo Yamamoto?

S

Ang pagkaalam ko ay nagalit si Arthur Pidia dahil sigaw ng sigaw ang hapon at isa pa ay sinasaktan ni Arthur Pidia si Ate Rowena kaya nagalit ang hapon kay Arthur Pidia. Dito po ay binalingan niya ang hapon na si Tetzuzo Yamamoto at binaril niya sa kanang balikat.[28]

On direct examination, however, she testified that Pidia shot Tetsuzo because he was told to do so by a Boy Intsik, viz.:

Q

Thereafter, after the shots were heard and when there were people outside, what happened next?

A

Boy Intsik told Arthur Pidia to fire a shot.

Q

To whom did Boy Intsik ask to fire a shot?

A

To my employer the Japanese Tetsuzo Yamamoto.

Q

Then what happened?

A

Boy Intsik and Arthur Pidia grappled for the possession of the gun because Boy Intsik sensed that Arthur Pidia was making a remorse of conscience [sic].

Q

What happened after that?

A

The holduppers ran and we were shocked.

x x x

Q

What happened to Tetzuzo Yamamoto?

A

I saw blood coming out from his right shoulder.

x x x

Q

What was the reason why blood was coming out from his right shoulder?

A

He was fired at.

Q

By whom?

A

Arthur Pidia, sir.

Q

You are referring to Arthur Pidia one of the accused in this case?

A

Yes sir.[29]

Her statement given a month after the incident conflicts with her testimony in open court. She must either be lying in her sworn statement or lying in court. Although her testimony in court prevails over her extrajudicial statement, the great possibility that she did lie in court by giving a different account than what she had earlier given to the CIS diminishes her credibility. What's more, Rowena's statement to the CIS[30] which is consistent with her testimony in court do not concur with either version given by Espelita. The pertinent portion of Rowena's statement is as follows:

14-

T Sa ikaliliwanag ng imbistigasyon na ito, maaari bang isalarawan o ipaliwanag mo kung papaano nagsimula ang buong pangyayari?

S

Ganito po.... Pagkatapos ay nitong si Arthur Pidia, ay sinabihan kami na huwag kayong maingay, pera at alahas lang ang kailangan namin. Ang sabi ko naman ay ibibigay ko ang mga pera namin at alahas namin huwag lang kaming sasaktan. Nagalit nitong si Arthur Pidia sa akin dahil masyado raw akong madaldal at tinuhod niya ako ng dalawang beses sa sikmura ko. Pagkatapos ay nakita ko na lang si Arthur Pidia at ang isa niyang kasamahan na may baril din na pumasok sa mga kuwarto sa loob ng bahay, paglabas nila ay tangay na nila ang pera at mga alahas namin. Bago lumabas ang isa na si Arthur Pidia ay binaril niya ang asawa ko at nakita ko na natamaan sa kanang parte ng leeg niya, pagkatapos ay tuloy na silang lumabas sa bahay. Noong nakalabas na sila ay dinala namin kaagad ang asawa ko sa Ospital ngunit hindi na naisalba pa dahil sa tinamo niyang sugat.[31]

And her testimony on direct examination is as follows:

14-

Now, after these two persons, one of whom you identified as Arthur Pidia went into your room, what happened next?

S

After I saw him got out of our room he is carrying a bag where there is something inside the bag, and he has his gun, and after he saw my husband, he right away shot my husband.[32]

At both times, Rowena did not say or even hint at anything close to a grappling of the gun between Pidia and one of his companions, or of one of his companions telling him to shoot Tetsuzo Yamamoto, or of Pidia shooting her husband because the latter was making noise. Her statement and testimony are clear that Pidia voluntarily shot Tetsuzo Yamamoto without provocation on the latter's part right before Pidia left the house. We are inclined to give more credence to the testimony of Rowena over that of Espelita because the latter's testimony contains inconsistencies which show a tentativeness in her story.

At one point in Espelita's testimony, she said that a Boy Peklat boxed Rowena in the stomach, to wit:

Q

Now, you said that after Arthur Pidia and Boy Intsik went out of the room of your employer Tetsuzo Yamamoto, and you said that your employer Tetsuzo Yamamoto was making noise, what was he doing?

A

I saw my employer Tetsuzo Yamamoto was making noise because he saw his wife being boxed at her stomach.

Q

By whom?

A

By Boy Peklat.[33]

But in a later testimony, she was adamant and very sure that it was Arthur Pidia who boxed Rowena in the stomach:

Q

You said that Mr. Tetsuzo Yamamoto was shot because he came to the assistance of his wife, who was then being hurt by Pidia, is that correct?

A

Yes, sir.

Q

You are sure that it was Arthur Pidia who was hurting Mrs. Yamamoto, is it not?

A

Yes, sir.

Q

How did Arthur Pidia harm Mrs. Yamamoto?

A

He was punching her stomach, sir.

Q

If I give you a chance to change your answer Miss Witness, will you not change it?

A

No, sir.

Q

You recall having testified on October 7, 1991 before this Court?

A

Yes, sir.

Q

I will quote to you Madam Witness page 36 of the transcript of stenographic notes taken on October 7, 1991, question on page 36 "Now you said after Arthur Pidia" continued on page 37 "and Boy Intsik went out of the room of your employer, Tetsuzo Yamamoto and you said that your employer Tetsuzo Yamamoto was making noise, what was he doing?" Answer: "I saw my employer was making noise because he saw his wife being boxed at her stomach." Question "By whom?" Answer: "By Boy Peklat." [Do] you remember having been asked that question and having given that answer?

A

I could not recall this statement, sir.

Q

For clarity, you are telling us now you did not recall having given this answer, it was Boy Peklat who boxed Rowena Yamamoto at her stomach?

A

No, I could not remember, sir.[34]

This inconsistency regarding the identity of her employer's assailant is not just a lapse of memory on a trivial point but rather a glaring inconsistency in a material factor which affects her credibility.

While we agree with the trial court that no ill-motive has been shown why Espelita would falsely testify against the accused herein, that alone would not justify a conclusion that she was telling the truth. In other words, lack of improper motive to testify falsely does not necessarily make the testimony truthful, although it would enhance the credibility of the witness. Well-entrenched is the maxim that for evidence to be believed it must not only proceed from the mouth of a credible witness, it must also be credible in itself, such as the common experience and observation of mankind can approve as probable under the circumstances.[35]

For being infirmed with doubts and material discrepancies, Espelita's testimony must be rejected even if found credible by the trial court. This Court is not bound to believe the trial court's appraisal of the witness's testimony especially where it defies human experience.[36]

With respect to accused Cruz and Ruiz, only Espelita identified them. The other eyewitness, Rowena Yamamoto, identified only accused Pidia in her statement given to the CIS and in her testimony in court. Since we reject Espelita's testimony and identification of accused Ruiz and Cruz, the only remaining piece of evidence that implicated them is the statement of Pidia given before the CIS. But that statement has been correctly held inadmissible by the trial court for having been obtained in violation of Pidia's rights. So, what else could serve as a basis for their conviction?

The trial court considered the fact that all three accused resided in Muntinlupa simultaneously at one time or another and the possibility that they knew each other prior to the incident in question. It then concluded that they

did commit the crime. We cannot accept this line of reasoning that is based on mere hypothesis and speculation. Presumptions unsupported by solid evidence do not have a place in the dispensation of justice specially when the law requires proof beyond reasonable doubt for a criminal conviction.

The defense of alibi of accused Ruiz and Cruz is admittedly a weak defense. It must, however, be noted that the constitutional presumption of innocence guaranteed to every individual is of primary importance, and courts should not precipitately conclude that a person is guilty when his alibi appears weak.[37] As this Court has frequently ruled, the conviction of the accused must rest not on the weakness of the defense but on the strength of the evidence for prosecution.[38] The rule giving great weight to the factual findings of the trial court will not be applied where the prosecution has not established the guilt of the accused beyond reasonable doubt.[39] For, the burden of proof rests upon the prosecution, and unless the State succeeds in proving by overwhelming evidence his guilt, the constitutional presumption of innocence applies.[40] A conviction in criminal cases must rest on nothing less than a moral certainty of guilt.[41]

The evidence against accused Ruiz and Cruz, being unworthy of belief, is insufficient to prove their guilt with the moral certainty required by law. The other basis of the trial court in convicting them having been likewise struck down by this Court, there is nothing left to support a decision of conviction against them. Hence, accused Ruiz and Cruz must be acquitted.

As for the other accused, Pidia, his conviction must stand even without the identification made by Espelita. He was positively identified by Rowena as the one who had hit her in the stomach and had shot her husband. She identified him not only once but on three separate occasions: first, when he was walking along the street in Bayanan, Muntinlupa; second, when he was placed in a line-up in the CIS office; and third, in open court. Unlike Espelita's testimony, Rowena's testimony is worthy of credit and belief. It is consistent in all material points and rings of the truth.

The only defense raised by Pidia to counter the testimony of Rowena positively identifying him as her husband's assailant is alibi — that he was at home on the night the incident took place. It is settled that alibi cannot prevail over the positive and clear identification of an accused by the prosecution witness.[42] Moreover, for alibi to prosper, there must be proof that it was physically impossible for the accused to be at the scene of the crime at the time it was committed.[43] Pidia has not shown that his house in Bayanan, Muntinlupa, where he said he was at the time of the incident was so far from the Yamamoto house that it was impossible for him to have been there at the time of the commission of the crime. His alibi must perforce fail.

WHEREFORE, the appealed decision of Branch 148 of the Regional Trial Court of Makati in Criminal Case No. 2441 is **AFFIRMED** subject, however, to the modification above stated. As modified, accused-appellants Bernardo Ruiz and Romeo Cruz are **ACQUITTED** for lack of proof beyond reasonable doubt of their guilt of the crime charged. They shall forthwith be released from confinement, unless their further detention may be authorized for any other lawful cause.

Costs against accused-appellant Arthur Pidia.

SO ORDERED.

Bellosillo, Kapunan, and Hermosisima, Jr., JJ., concur.
Padilla, (Chairman), on official leave.

[1] Original Records (OR), 1-2; Rollo, 9-10.

[2] Id., 8; Id., 12.

[3] OR, 188-236; Rollo, 31-78. Per Judge Oscar B. Pimentel.

[4] Exhibit "A" & "B"; OR, 244-245.

[5] TSN, 16 July 1992, 20-23; 40-43; 60-65.

[6] TSN, 16 July 1992, 16-17.

[7] Id., 12-13.

[8] TSN, 22 June 1992, 31-36.

[9] TSN, 7 October 1991, 15-17.

[10] Id., 23-25.

[11] TSN, 7 September 1992, 22-23.

[12] TSN, 5 January 1993, 4, 5.

[13] TSN, 11 February 1993, 6-9; 12 April 1993, 21-25.

[14] TSN, 7 September 1992, 11-12, 19-22; TSN, 5 January 1993, 12-13, 33-34.

[15] TSN, 11 February 1993, 35-36.

[16] TSN, 7 September 1992, 24-25.

[17] TSN, 11 February 1993, 33.

[18] See Exhibits "6" and "7"; OR, 273, 274.

[19] The records and transcripts of stenographic notes do not contain any evidence that there were three more remaining members of the group, as both prosecution witnesses Espelita and Yamamoto said that there were a total of five men, including the three accused, who staged the robbery.

[20] See *People vs. Tismo*, 204 SCRA 535 [1991]; *People vs. Simon*, 209 SCRA 148 [1992]; *People vs. Chatto*, 219 SCRA 785 [1993]; *People vs. Lagrosa, Jr.* 230 SCRA 298 [1994]; *People vs. Dismuke*, 234 SCRA 51 [1994]. See *People vs. Pascual*, 208 SCRA 393 [1992]; *People vs. Marcelo*, 223 SCRA 24 [1993].

[21] See *People vs. Florida*, 214 SCRA 227 [1992]; *People vs. Aguilar*, 222 SCRA 394 [1993]; *People vs. Lagrosa, Jr.*, *supra* note 20, at 305; *People vs. Sulte*, 232 SCRA 421 [1994]; *People vs. Constantino*, 235 SCRA 384 [1994].

[22] TSN, 19 February 1992, 24.

[23] Exhibits "6" and "7."

[24] TSN, 19 February 1992, 50.

[25] TSN, 7 October 1991, 23.

[26] TSN, 16 July 1992, 49.

[27] OR, 246-249.

[28] Id., 247.

[29] TSN, 7 October 1991, 40-44.

[30] OR, 256-258.**[31] OR, 257.**

[32] TSN, 16 July 1992, 16-17.

[33] TSN, 7 October 1991, 36-37.

[34] TSN, 19 February 1992, 19-21.

[35] People vs. Alto, 26 SCRA 342 [1968]; People vs. Sarda, 172 SCRA 651 [1989]; People vs. Marti, 193 SCRA 57 [1991]; People vs. Nabayra, 203 SCRA 75 [1991]; People vs. Eslaban, 218 SCRA 534 [1993]; People vs. Maongco, 230 SCRA 562 [1994]; People vs. Villagonzalo, 238 SCRA 215 [1994].

[36] People vs. Igpas, 232 SCRA 521 [1994].

[37] People vs. Albores, 216 SCRA 302 [1992].

[38] People vs. Cedon, 233 SCRA 187 [1994]. See also People vs. Alilin, 206 SCRA 772 [1992]; People vs. Ambih, 226 SCRA 84, [1993]; People vs. Villagonzalo, supra note 35.

[39] People vs. Ponferada, 220 SCRA 46 [1992].

[40] People vs. Eslaban, supra note 35.

[41] People vs. Argawanon, 231 SCRA 614 [1994].

[42] People vs. Kempis, 221 SCRA 628 [1993]; People vs. Abo, 230 SCRA 612 [1994]; People vs. Barlis, 231 SCRA 426 [1994].

[43] See People vs. Penillos, 205 SCRA 546 [1992]; People vs. Castor, 216 SCRA 410 [1992]; People vs. Kyamko, 222 SCRA 183 [1993]; People vs. De La Cruz, 229 SCRA 754 [1994].

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