

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ARSENIO LETIGIO, TEDDY NEMENZO AND AMAY RAVANES, DEFENDANT.
ARSENIO LETIGIO, ACCUSED-APPELLANT.**

G.R. No. 112968. February 13, 1997

Ponente: KAPUNAN, J.

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KAPUNAN, J.:

In an Information filed on June 2, 1989, Arsenio Letigio, Teddy Nemenzo and Amay Ravaness (Rabaness) were charged before the Regional Trial Court of Toledo City in Criminal Case No. TCS-1092 with the crime of murder allegedly committed as follows:

That on or about 1:15 o'clock dawn of the 23rd day of May, 1989 at barangay Don Andres Soriano (DAS), Toledo City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused conspiring, confederating and mutually helping one another, all armed with firearms and a knife, with intent to kill and with evident premeditation, treachery and abuse of superior strength, did then and there, wilfully, unlawfully and feloniously, shoot one JIMMY REPUNTE, hitting him in his body and while the victim fell down accused AMAY RAVANES, hack(ed) his neck and stab(bed) him, which cause(d) his instantaneous death.

That the crime was committed with nighttime as an aggravating circumstance, same being purposely sought by accused to facilitate and insure its commission.[1]

Only accused Letigio was arrested. Nemenzo and Ravaness have remained at large. At his arraignment on July 4, 1989, Letigio pleaded not guilty to the crime charged.

The prosecution thereafter presented evidence proving the following:

May 22, 1989 was the barangay fiesta of DASUNA, Toledo City. The Repunte family took the event as a fitting occasion for a family reunion. The family, including the 26-year-old victim, Jimmy, gathered for supper at their parents' home. Thereafter, at around 7:30 that evening, 24-year-old Felix Repunte, Jr. went to his own home fifty (50) meters uphill from his parents' home. Not long after, Felix went to bed.

Felix was awakened by the sound of plates being dropped. Then he heard his brother Jimmy who was behind the house calling for help, saying that he was being chased by three persons.[2] Looking out of the window, Felix saw Amay Ravaness, Arsenio Letigio and Teddy Nemenzo. They appeared to be "looking for something." [3] Felix went downstairs and told Jimmy to just stay where he was, or if he had the chance, to run to their parents' house some fifty meters away while he (Felix) would rush to the PC headquarters to report the matter.

As the three men were approaching him, Jimmy ran towards the house of their parents pursued by the three who passed in front of Felix's house. Felix followed them. Unfortunately, the three caught up with Jimmy opposite the school near the house of Felix and Jimmy's parents. Thereupon, Letigio shot Jimmy who fell down his face on the ground. The assailants then turned over Jimmy and shot him at the breast. This was

followed by Amay Ravanes slashing Jimmy's neck with a knife.[4]

Felix clearly saw the whole incident from a distance of ten (10) meters, the place being illuminated by an electric bulb. Letigio used a "Frontier" revolver while the two others used .38 caliber revolvers. Like Ravanes and Nemenzo, Letigio used to be the comrades of Felix in the Kadre, called an "anti-com" group. When they noticed Felix, they fired at him three (3) times but missed. Felix ran towards the PC headquarters inside the compound of the Atlas Consolidated Mining and Development Company (ACMDC). He reported the incident to Sgt. Repollo who told a soldier to accompany Felix to the crime scene.

Pedro Taneo, 37, was on his way home from work at ACMDC at around midnight on May 22, 1989 when he heard a gun burst. Instinctively, he hid behind the new elementary school building of Landing at DASUNA, Toledo City. By the moonlight and the light coming from the houses around, Taneo saw from a distance of around fifteen (15) meters three (3) armed men whom he recognized as Letigio, Ravanes and Nemenzo, his neighbors. He identified the person shot as Jimmy Repunte.[5] Thereafter, the three assailants passed by the place where Taneo was hiding. When they were gone, Taneo ran to the PC headquarters and informed the soldiers of the shooting incident. Together with PC men, Taneo went to the crime scene and found the victim, already dead. They then reported the incident to the police for the latter to conduct the appropriate investigation.

Jimmy Repunte sustained contused abrasions on the clavicular region and the right knee; an abrasion on the right anterior thoracic region; a lacerated wound on the right forehead; a gaping hack wound on the left side of the chin, and three (3) gunshot wounds on the thoraco-abdominal region.[6] Dr. Jesus P. Cerna, a medico-legal officer at the PNP (formerly the PC-INP of the Cebu Metrodiscom), concluded that Jimmy died of multiple gunshot wounds and hack wound on the chin. He was certain that the second gunshot wound was caused by a .38 caliber revolver because of the slug he recovered.[7]

Jimmy's widow, Rafoncel, was left with two (2) children to care for. When the incident happened, she was around three (3) months pregnant with her second child. She and her son were then with her mother in Luray 2, Toledo City. A cousin informed her at eight o'clock in the morning of May 23, 1989 that her husband had met an accident. In Lutopan, an aunt told her that Jimmy had died. Jimmy's body remained at the hospital morgue for two (2) days while they waited for an embalmer. An 8 to 9-day wake was held for him with the usual 9-day prayer practiced by Catholics. Around P15,000 was spent from the time the deceased was embalmed until his burial.

The defense interposed a different version of the incident.

Rodolfo Ginos, a 39-year old fisherman testified that he went to Letigio's house at around five o'clock in the afternoon of May 22, 1989 to inform Letigio of an assembly of the Iglesia ni Kristo to which they both belonged. After telling Letigio the purpose of his visit, Ginos was prevailed upon to stay because of a birthday celebration in honor of the child of Boknoy Nemenzo, a brother of accused Teddy.

Liquor was served but he did not partake of it because drinking liquor was prohibited by his religion. At around 11:00 o'clock in the evening, Amay Ravanes arrived. Ravanes informed Nemenzo that he had been mauled by Jimmy Repunte. Reacting to the information, Nemenzo said that he and Ravanes would leave and look for Jimmy Repunte. They proceeded towards the direction of the school. Letigio, who was then playing a guitar, told his wife that he would follow the two. He left with his wife and Ginos tagging along.

They were around twenty-five (25) meters away from the school when they heard three (3) gun bursts. Afraid, Letigio's wife suggested that they go home. Just then, Nemenzo and Ravanes coming from the direction of the school, approached them and told Letigio, "Bay, it actually happen(ed)," meaning that they killed Jimmy.[8] Ginos, Eugenio Letigio and his wife then went home, while Teddy Nemenzo and Amay Ravanes left towards a different direction.

Ginos did not report the incident to the police thinking that the same would ultimately be known to them from other sources. He was also afraid that he might get implicated in the case.[9]

Cristita Letigio, appellant's wife, testified that at five o'clock in the afternoon of May 22, 1989, her husband arrived from work at Atlas. There was then a birthday party in the neighborhood for one-year-old Anan, the daughter of Boknoy Nemenzo. Rodolfo Ginos had been waiting for Letigio to tell him about a meeting of the Iglesia ni Kristo. After telling Letigio of the purpose of his visit, Ginos stayed for the party. At the height of the merriment, Letigio handed the guitar he was playing to Cristita who was upstairs and told her that he would follow Teddy Nemenzo and Amay Ravaness who had earlier left to look for Jimmy Repunte. Cristita went downstairs and, together with Ginos, followed her husband.

They were going down towards the elementary school building in Landing Lutopan, Toledo City, when they heard three (3) gun bursts. Afraid, they crouched close to the ground. Then Nemenzo and Ravaness arrived from the lower portion of the area where the gunfire came from. Letigio asked the two what happened. Nemenzo said that "it really happen(ed) below." Ravaness told them that Jimmy was dead. Nemenzo and Ravaness then went to the upper portion of the area while the rest went home.

Corroborating the story of his wife and Ginos, appellant Letigio testified that he had been working for seven (7) years at Atlas until he was charged with murder in 1989 for allegedly participating in the murder of Jimmy Repunte. Asserting that the accusation against him was untrue, Letigio narrated that he arrived home that Monday evening of May 22, 1989 to find Rodolfo Ginos, a fellow member of the Iglesia ni Kristo, waiting for him. Ginos informed him of a committee meeting of their church. Because Boknoy Nemenzo, whose house was around ten (10) meters away from his, was celebrating the first birthday of his daughter, Letigio invited Ginos to join the party.

At around eleven o'clock in the evening, Letigio's neighbor, Amay Ravaness, arrived. Ravaness requested help from Teddy Nemenzo because Jimmy Repunte's group mauled him. Responding, Nemenzo said that they should go downhill near the elementary school. Ravaness in a striped T-shirt and maong pants and Nemenzo wearing a black jacket and a striped headband, both carrying revolvers, proceeded towards the school building. Having heard the conversation between the two, appellant Letigio wanted to counsel them against any rash action, but they proceeded to the school before he could do anything. Thus, he gave his guitar to his wife, Cristita, and told her that he was going to follow Nemenzo and Ravaness. Both Cristita and Ginos went with him.

As they could reach their destination or around 25 meters from the school, they heard three (3) gun shots. Afraid, they halted. Moments later, they saw Nemenzo and Ravaness hurriedly walking from the school house and approaching them. Appellant asked them where the gunshots came from. They replied that they killed Jimmy.[10] Then the two proceeded uphill while appellant, Cristita and Ginos went home.

In the morning of May 23, 1993, Letigio was supposed to report for work but he did not do so because he and his wife had to buy things for the wedding of their son which had been scheduled for May 29. However, at 10:00 a.m., a member of the CAGU, Mion Alegado, arrested him. Someone had reported the incident to the CAGU. He himself did not report the matter to the police because he was afraid of Nemenzo and Ravaness who had not yet been arrested at that time. It was while he was detained at the PC detachment that Letigio revealed that Nemenzo and Ravaness were responsible for the killing of Jimmy Repunte.

On September 6, 1993, the trial court[11] rendered judgment convicting Letigio of the crime of murder and imposing upon him the penalty of reclusion perpetua and the payment of civil indemnity in the amount of P50,000.00. With respect to the other co-accused, the lower court ordered the case archived pending their arrest.

Hence, appellant interposed this appeal, alleging that the lower court erred in: (a) overlooking and ignoring certain facts of substance and value which, if considered, would have affected the outcome of the case; (b) totally discrediting, if not ignoring, the defense testimonial evidence, particularly that of Ginos, and; (c) not acquitting appellant upon the ground of reasonable doubt.

Because of the variance between the versions of the commission of the crime as presented by the prosecution and the defense, the principal issue here is the credibility of the witnesses and their testimonies. In this respect, the time-honored rule is that when the issue is one of credibility of witnesses, appellate courts will generally not disturb the findings of the trial court unless it has plainly overlooked certain facts of substance and value that, if considered, might affect the result of the case. This is so because the trial court is in a better position to decide the question having heard the witnesses and observed their deportment and manner of testifying during the trial.[12] The appellant has failed to convince us that in this appeal, there is room to apply the exceptions to the general rule of respect for the trial court's findings on the issue of credibility. Nonetheless, in the interest of justice, appellant's arguments shall be considered and resolved.

Appellant assails the credibility of prosecution witnesses Pedro Taneo and Felix Repunte, Jr., especially as regards their identification of appellant as one of the perpetrators of the crime. Firstly, appellant avers that Taneo could not have seen the actual shooting incident considering his claim that he hid immediately upon hearing the first gun report. The particular portion of Taneo's testimony on the matter, however, belies this averment. Taneo testified, thus:

Q: After hearing the gunburst what did you do?

A I took safety of myself (sic).

Q: When you placed yourself on safety what else transpired?

A: I have seen three persons.

Q: What did these three persons do?

A: I saw these three persons not far from the place where I hid they were bringing with them arms.

Q: Aside bringing arms what were they doing?

A: Not far from the place where I hid that was the last gunburst that I heard that somebody shot by them (sic).

Q: Do you know who were these three persons bringing firearms which you said shot somebody?

A: Yes.

Q: How did you come to know them?

A: Because they were my neighbors.

Q: About how far were you to the place where these persons shot (sic)?

A: Fifteen (15) meters, more or less.

Q: What was the lighting condition where the three persons shot somebody?

A: It was a moonlit night and there were lights in the houses there in the place.

Q: Can you tell this Honorable Court the names of those three persons?

A: They were Arsenio Letigio, Amay Ravanes and Teddy Nemenzo.[13]

On cross-examination, Taneo testified as follows:

Q: According to you when you heard gunburst you immediately hid or sought cover and you hid?

A: Yes, sir.

Q: And you have not seen any object yet or any person yet you just wanted to know what you heard the

gunburst (sic)?

A: When I heard the gunburst I saw three men with arms.

Q: Now, again you only saw these three persons in a split of second because according to you your reflex told you to seek cover?

A: Yes, sir.

Q: And according to you, you only saw three persons meaning you did (sic) not able to identify these three persons at that particular time?

A: I was able to identify.

Q: You mean at that particular time you were startled at the three gunbursts were you able to identify these three persons?

A: I was able to identify.

Q: Who were they?

A: Arsenio Letigio, Amay Ravanes and Teddy Nemenzo.[14]

It is, therefore, clear that while Taneo might have hidden as soon as he heard the initial gunburst, still, he endeavored to see what was happening. Borne out of curiosity, Taneo's reaction was anything but unnatural. Not every witness to a crime can be expected to act reasonably and conformably to the expectations of everyone. While it is true that the usual reaction of people who hear a gun shot is to hide and seek shelter as an instinctive act of self-preservation, it is equally true that there are people who are emboldened, after finding a secured place, to strive to recognize the author of the crime as well as the identity of the victim. Still others might dare to personally witness a startling event, like the shooting of a person, without taking the minimum precaution for their safety. Or perhaps, the bravado is just the sudden or impulsive reaction of certain people oblivious to the peril they face. Different persons have different reactions to similar situations. There is no typical reaction to a sudden occurrence.[15]

Secondly, appellant contends that at a distance of fifteen (15) meters, Taneo could not have recognized the firearm (Frontier) that appellant was carrying. To the appellant, such testimony is a "brazen lie" considering Dr. Cerna's testimony that the victim was shot by a .38 caliber revolver.[16] Obviously a futile attempt to cast a doubt on Taneo's credibility, appellant's contention deserves scant consideration for it does not change the fact that appellant was with his co-accused Nemenzo and Ravanes during the shooting incident. The pertinent testimony of Dr. Cerna states:

Q: What possibly was the caliber of the firearm used in inflicting the gunshot wound number 3?

A: Just like gunshot wound numbers 1, 2 and 3, caliber .38 the same caliber.

Q: Are you certain of that Doctor that it was used by the same firearm (sic)?

A: Considering the sizes of gunshot wounds I am not certain but I am taking (sic) of the possibility. It was only gunshot wound number 2 where I recovered the slug which I confirmed because it was inflicted by .38 caliber because I recovered the .38 slug but in gunshot wound number 1 and 3 although the sizes are approximate with gunshot wound number 2, I am not certain or accurate. Sometimes although the sizes of the wound the entrance are the same (sic) but it could be possibly inflicted by the different caliber because the shape and sizes of the wound entrance could be cause(d) by some other factors.[17]

The possibility that gunshot wounds Nos. 1 and 3 were caused by the "Frontier" firearm cannot therefore be discounted.

Even if no "Frontier" slugs were recovered from the victim's body, appellant's culpability was sealed by his duly

proven complicity in the crime. There was conspiracy between appellant and his co-accused as shown by appellant's cooperative act of firing at the victim before the others did[18] to attain the common criminal objective of killing Jimmy Repunte.[19] Besides, contradictions or inconsistencies as to the type of firearm used and even the sequence in which it was fired refer to minor and trivial matters[20] that do not derail the fact that appellant used a firearm in the shooting incident.

In an effort to impair the credibility of Felix Repunte, Jr., appellant points to his testimony suggesting that he did not allow his brother to enter his house for his safety; that Felix could not tell who of the three malefactors was ahead in chasing Jimmy, and that the first time he testified, Felix swore that it was appellant and not Ravanes who cut the neck of his brother.

Felix explained his failure to open their front door for his brother — he was in fear for his life and those of his wife and children who might be shot by the assailants who were in front of his house.[21] It should be noted that Felix's house was made of wood and bamboo slats so that, without the divider in the porch, he would have faced appellant who was just two (2) meters away from him. He did not have to open any door at the back simply because that "back" was still unfinished.[22]

His failure to notice who of the three assailants was ahead in chasing his brother is immaterial. Besides, the matter was satisfactorily explained by Felix — his attention was focused on his brother.[23] As regards the person who cut the victim's neck Felix had consistently identified Ravanes as the culprit. It is on record that the stenographer erred in placing appellant's name, instead of Ravanes, in her notes the first time Felix testified.[24] The trial court in fact ordered that the stenographer's manifestation that she was mistaken in writing the name of appellant in the transcript be placed on record.[25]

Appellant further alleges that Felix could not have been at the crime scene because Taneo testified as follows:

Q: In other words, you can tell this Honorable Court in all honesty that Felix Repunte was not at the scene of the crime because you only met him on the way?

A: I have not seen because I was alone.[26]

That testimony, however, taken with the whole testimony of Taneo and that of Felix Repunte, Jr. means no more than that Taneo did not see Felix and that Taneo was not with anyone then. Taneo had come from work and he was walking alone. Immediately after hearing the first gun shot, he sought cover behind the school building and thereafter concentrated on the exciting event unfolding before his eyes. Moreover, he could not have seen Felix who was following Jimmy. Felix testified, thus:

Q: How far were you when accused Arsenio Letigio allegedly shot your brother?

A: Ten meters.

Q: And what was your relative position to your brother?

A: I was facing at (sic) them.

Q: Were they facing you?

A: They were facing to (sic) my brother and I was facing at (sic) them because their attention focused to (sic) my brother.

Q: In other words you were at the same side of (sic) your brother?

A: Yes, sir.[27]

Thus, far from discrediting the testimony of either prosecution witnesses, Taneo's admission that he did not see Felix bespeaks of his sincerity in testifying in order that the truth may surface.

Appellant also stresses the alleged inconsistency between the description of his attire by the two prosecution witnesses - Taneo depicted him as wearing a headband and a T-shirt with long pants while Felix portrayed him as the polo jacket-wearing assailant.[28] This alleged inconsistency, however, refers to a minor detail on a collateral matter. As such, it does not affect the witnesses' credibility. In fact, said variation may indicate truth. Slight contradictions even serve to strengthen the sincerity of a witness and prove that his testimony is not rehearsed.[29]

Alleging that both prosecution witnesses had "deliberately and wantonly lied" in inculcating him, appellant contends that the maxim "falsus in unus, falsus in omnibus" should be applied for his exculpation.[30] In *People v. Manalansan*,[31] the Court said:

x x x. The maxim falsus in unus, falsus in omnibus does not lay down a categorical test of credibility. While the witnesses may differ in their recollections of an incident, it does not necessarily follow from their disagreements that all of them should be disbelieved as liars and their testimonies completely discarded as worthless

In *People v. Pacapac*,[32] the Court added that the maxim —

x x x is not a positive rule of law or of universal application. It should not be applied to portions of the testimony corroborated by other evidence, particularly where the false portions could be innocent mistakes. Moreover, the rule is not mandatory but merely sanctions a disregard of the testimony of a witness if the circumstances so warrant. To completely disregard all the testimony of a witness on this ground, his testimony must have been false as to a material point, and the witness must have a conscious and deliberate intention to falsify a material point.

Verily, because appellant failed to unsettle the material point of his complicity in the killing of Jimmy Repunte notwithstanding the grueling cross-examination of the two prosecution witnesses, whatever contradictions and inconsistencies might have been present in their testimonies as to peripheral and collateral matters may not result in the total abrogation of their respective testimonies.

The defense attempted to besmirch Taneo's credibility by insinuating that he testified against appellant because the latter was mad at him for pushing marijuana to appellant's son.[33] That appellant did not even mention this matter in his repetitious 50-page Brief bespeaks of its falsity. Absent any showing that Taneo was impelled by an ill motive in testifying against appellant, the logical conclusion is that no such improper motive exists and that his testimony deserves full faith and credit.[34]

As regards Felix, the fact that he is the brother of Jimmy does not per se make him a biased witness. Mere relationship of the victim to a witness does not automatically impair his credibility and render his testimony less worthy of credence where no improper motive can be ascribed to him for testifying.[35] On the contrary, such relationship lends more credence to a witness' testimony considering his natural interest to see the guilty punished. It would be unnatural for a relative who is interested in vindicating the crime to accuse anyone other than the real culprit. [36]

Appellant further asserts that the "real reason" why he was implicated in the crime is that by Felix's own admission, there must be someone to answer for the death of his brother as shown by this portion of his testimony.

Q: And at the time when your affidavit was taken you came to know that of all the three accused or suspects only Arsenio Letigio remained at his place of residence?

A: Yes, sir.

Q: And when you saw your statement, your affidavit you have all the blame on the accused Arsenio Letigio because after all he was the only one who was captured and you placed the blame to Teddy Nemenzo and Amay Ravanos would only complicate the case, is it not (sic)?

A: Yes, sir.[37]

Once again, appellant's interpretation of Felix's testimony is slanted to his favor. It was but natural for Felix, a simple carpenter, to heap the blame for his brother's death on appellant. After all, he saw appellant fire at his brother. But it is not true that, as appellant wants us to understand, he was simply a scapegoat because Ravanes and Nemenzo had not been arrested. Felix testified that appellant was not the sole perpetrator of the crime. He clearly implicated Ravanes and Nemenzo in court as he did in the sworn statement he executed at five o'clock in the afternoon of May 23, 1989.[38]

Appellant's defense of alibi cannot prevail over his positive identification as one of the perpetrators of the crime.[39] Appellant admitted that he was within a 25-meter radius from the crime scene when it occurred. However, the probability of his being with his wife and friend at the crucial time is doubtful. His wife would not have taken the trouble of going with him thereby unnecessarily exposing herself to danger if his purpose was merely to "advise" Nemenzo and Ravanes against taking any rash action.

There is in fact another plausible explanation why his wife and friend were very near the crime scene. They followed him knowing that he had an intention other than to assuage the feelings of the enraged Ravanes and Nemenzo. His wife would naturally vouch for his innocence. By their relationship as friends and members of the same religious sect, Ginos also had a reason for offering help towards his exoneration. Aside from this, Ginos' reason for not reporting the crime to the police, that is, he did not want to be implicated in the case and that, anyway, the incident would reach the ears of the authorities from other sources, is unacceptable. If he was the law-abiding citizen that he portrayed himself to be, he should have reported the incident to the authorities, if indeed the appellant had nothing to do with it.

The trial court correctly held that the crime committed was murder. The killing was qualified by abuse of superior strength by the three assailants who used deadly weapons in snuffing out the victim's life.[40] Because no aggravating or mitigating circumstances were proven, the trial court correctly imposed the penalty of reclusion perpetua, the medium period of the penalty of reclusion temporal in its maximum period to death imposable for the crime of murder.[41] In conformity with prevailing jurisprudential law, the heirs of the victim shall be indemnified civilly in the amount of Fifty Thousand Pesos (P50,000.00).[42]

WHEREFORE, the herein questioned decision finding appellant Arsenio Letigio guilty beyond reasonable doubt of the crime of murder and imposing on him the penalty of reclusion perpetua and civil indemnity of P50,000.00 is hereby AFFIRMED.

Let a copy of this decision be furnished the Philippine National Police and the National Bureau of Investigation for them to exert further efforts in order that appellant's co-accused, Amay Ravanes and Teddy Nemenzo, may be brought to justice for their complicity in the murder of Jimmy Repunte. Costs against appellant.

SO ORDERED.

Padilla, (Chairman), Bellosillo, Vitug and Hermosisima, Jr., JJ., concur.

[1] Original Records, p. 1.

[2] TSN, October 26, 1989, p. 3.

[3] Id., at 4.

[4] Id., at 5-6.

[5] TSN, September 18, 1989, p. 4.

[6] Exhibits C & E-1.

- [7] TSN, February 19, 1992, p. 8.
- [8] TSN, May 6, 1992, p. 7.
- [9] Id., at 8-9.
- [10] TSN, May 18, 1993, p. 11.
- [11] Presided by Judge Gualberto P. Delgado.
- [12] *People v. Lao*, 249 SCRA 137 (1995); *People v. Sabal*, 247 SCRA 263 (1995); *People v. So*, 247 SCRA 708 (1995).
- [13] TSN, September 18, 1989, pp. 3-4.
- [14] TSN, June 10, 1991, pp. 4-5.
- [15] *People v. Pandiano*, 232 SCRA 619 (1994); *People v. Balisteros*, 237 SCRA 499 (1994).
- [16] Appellant's Brief, Rollo, p 92.
- [17] TSN, February 19, 1992, p. 9.
- [18] TSN, August 14, 1991, p. 9.
- [19] *People v. Mallari*, 241 SCRA 113 (1995).
- [20] *People v. Panganiban*, 241 SCRA 91 (1995).
- [21] TSN, August 14, 1991, p. 4.
- [22] TSN, June 17, 1991, p. 11.
- [23] TSN, August 14, 1991, p. 6.
- [24] TSN, October 26, 1989, p. 6.
- [25] TSN, August 14, 1991, p. 6.
- [26] TSN, June 10, 1991, p. 8; Appellant's Brief, Rollo, p. 96.
- [27] TSN, August 14, 1991, p. 6.
- [28] Appellant's Brief, Rollo, p. 99.
- [29] *Cortez v. Court of Appeals*, 245 SCRA 198 (1995).
- [30] Appellant's Brief, Rollo, p. 107.

[31] 189 SCRA 619, 623 (1990).

[32] 248 SCRA 77, 89 (1995).

- [33] TSN, June 10, 1991, p. 12.
- [34] *People v. Pacapac*, *supra*.
- [35] *People v. Sinatao*, 249 SCRA 554 (1995); *People v. So*, *supra*; *People v. Uccoque*, 246 SCRA 769 (1995); *People v. Alban*, 245 SCRA 549 (1995).

[36] *People v. Panganiban*, supra at p. 99-100.

[37] TSN, August 14, 1991, p. 3; Appellant's Brief, Rollo, p. 104.

[38] Original Records, p. 3.

[39] *People v. Rosario*, 246 SCRA 658 (1995).

[40] *People v. Placencia*, 249 SCRA 675 (1995); *People v. Caras*, 234 SCRA 199 (1994); *People v. Cantre*, 186 SCRA 76 (1990).

[41] Arts. 248, 63(1), Revised Penal Code; *People v. De la Cruz*, 216 SCRA 476 (1992), *People v. Pletado*, 210 SCRA 634 (1992).

[42] *People v. Adonis*, 240 SCRA 773 (1995); *People v. Logronio*, 214 SCRA 519 (1992); *People v. Serdan*, 213 SCRA 329 (1992).

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