

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RONALD AGUSTIN, ACCUSED-APPELLANT.

G.R. No. 114681. July 18, 1995

Ponente: REGALADO, J.

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REGALADO, J.:

Once again we stress that the correct identification of the author of a crime should be the primal concern of criminal prosecution in any civilized legal system. Corollary to this is the actuality of the commission of the offense with the participation of the accused. All these must be proved by the State beyond reasonable doubt on the strength of its evidence and without solace from the weakness of the defense. Thus, even if inculpatory facts appear imputable to the offender, the same are inconsequential if, in the first place, the prosecution failed to discharge the onus on his identity and culpability. The presumption of innocence dictates that it is for the People to demonstrate guilt and not for the indictee to establish innocence. These legal imperatives, often unknown and confusing to the layman, appear to have been overlooked in the case at bar, which now calls for more intensive police action in justice to the victim therein.

Accused-appellant Ronald Agustin assails the judgment of the Regional Trial Court, Branch 148, of Makati, Metro Manila which found him guilty of the crime of murder in Criminal Case No. 914, upon an information[1] dated March 20, 1989 which alleged:

"That on or about the 22nd day of January, 1989 in the Municipality of Las Piñas, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating with two (2) other John Does whose identities and whereabouts are still unknown and all of them mutually helping and aiding one another, with intent to kill and with evident premeditation and abuse of superior strength, did then and there wilfully, unlawfully and feloniously attack, assault and stab with a bladed weapon one Margeline Nato thereby inflicting upon the latter serious and mortal stab wounds which directly caused her death."

After his arrest, appellant was arraigned on August 26, 1992 with the assistance of a counsel de oficio from the Public Attorney's Office. He entered a plea of not guilty and, after he waived pre-trial proceedings, the court a quo thereafter commenced with the trial of the case.[2] On December 15, 1993, the trial court rendered the challenged decision which contained the following disposition:

"WHEREFORE, premises considered and finding accused Ronald Agustin guilty beyond reasonable doubt of the crime of MURDER defined and penalized under Article 248 of the Revised Penal Code, said accused is hereby sentenced to suffer the penalty of RECLUSION PERPETUA with all the accessories of the law.

Further, the accused is hereby ordered to pay unto the heirs of Margeline Nato the following:

1. The amount of P50,000.00 for and as indemnity in causing the death of Margeline Nato;
2. The amount of P60,000.00 for wake, funeral, burial and similar expenses;

3. The amount of P50,000.00 for and as moral damages;
4. The amount of P25,000.00 for and as exemplary damages.

With costs against the accused." [3]

Emiliano Emperador, the principal witness for the prosecution, recalled that he was then at his house located at Lot 24, Block 16, in San Diego Street, Metrocor Homes, Las Piñas, Metro Manila sometime around 8:30 to 9:00 o'clock in the evening of January 22, 1989 when he suddenly heard a woman's cries for help. He instinctively peered through the second floor window of his house and from there he saw in the yard of the house of Garry Torres*, reportedly about 30 to 40 meters from his own house, a person whom he later identified as herein appellant lunging at Margeline Nato with a kitchen knife. Emperador knew Nato since the latter was the housemaid of his neighbor, Garry Torres. Two other individuals stood nearby, apparently acting as lookouts. Right after the stabbing, the three persons scampered away, scaled the gate to the house, and disappeared from sight. [4]

Meanwhile, deeply perturbed by the incident, Emperador kept to himself at the second floor of his house. He then unaccountably fell asleep. At about 10:00 P.M., he was roused from slumber by his aforementioned neighbor, Garry Torres. The latter solicited his help in cleaning the bloodstains near the door of his house. Emperador obliged but, despite several opportunities, he did not divulge to Torres nor to the policemen who had arrived to investigate the incident what he had witnessed because he allegedly feared for his life. It was only after four days that he finally related to Torres, and later to the Las Piñas Police before whom he executed an affidavit, what supposedly transpired that night. [5]

Garry Torres testified in court that, his wife having been living abroad for the past four years, he left his house located at Lot 13, Block 15, San Diego Street in Metrocor Homes together with his two children at about 2:00 P.M. on January 22, 1989 to visit his mother-in-law. When they returned at around 10:00 P.M. of the same day, he was horrified by the sight of the lifeless body of Margeline Nato slumped on the porch of his house. Torres immediately sought assistance from the police and subsequently asked for Emperador's help in cleaning the bloodstained area. He also claimed that when appellant was finally apprehended and detained at the Western Police District Command, he and his wife visited him at the latter's jail cell. Agustin allegedly begged for their forgiveness after confessing to them his participation in the killing of Margeline Nato. [6]

Appellant himself took the witness stand and testified in his defense. He resolutely denied having had any hand in the murder of Margeline Nato. He claimed that at the time of the stabbing of the victim, he was in the house of his grandmother, with whom he was then staying at 176 Pastor Street, Balut, Tondo, Manila. He admitted that his parents had a house in Metrocor Homes, Las Piñas located adjacent to the Torres house and that his wife lived with his parents there. Agustin added that he usually dropped in on his parents and wife on Saturdays and Sundays. He denied the claim of Garry Torres and Rodolfo Nato that he had confessed his guilt to them and asked for their forgiveness while he was detained at the Western Police District Command. [7] Appellant's mother explained to the trial court that they later sold their house in Metrocor Homes in June, 1990 and resettled in another part of Metro Manila after a serious row wherein Torres fired his gun, and other incidents involving the stoning of their house. [8]

The trial court having given more credence to the prosecution's version of the events, it is now the submission of the Solicitor General that conclusions and findings of fact of the trial court are entitled to great weight on appeal and should not be disturbed except for strong and cogent reasons. He stresses the general rule that, absent convincing proof that the decision of the trial court was grounded entirely on speculations, surmises or conjectures, the same must be accorded full consideration and respect. [9]

For reasons hereafter explained more in detail, in the present case we are unable to grant our affirmance of the judgment of the court below convicting appellant of the felony charged. It is our considered perception that the trial court palpably overlooked the rule that a conviction for a criminal offense must be based on clear and positive evidence and not on mere presumptions.[10]

Appellant's principal complaint is that the court a quo erred in affording weight to the version of prosecution witness Emiliano Emperador whose testimony, in the words of appellant, was at the outset taken with undisguised suspicion by the trial court. Agustin insists that since the said court had entertained grave doubts on the veracity and accuracy of the testimony of Emperador, it should have disregarded the same altogether, especially his identification of appellant as the perpetrator of the crime.

Indeed, quoting the pertinent portion of the impugned decision, we find significant these pronouncements of the lower court, to wit:

"With respect to whether the version of Emiliano Emperador that he saw the incident, particularly the stabbing by the accused of Margeline Nato, at about 8:00 to 9:30 p.m. (m)ore or less on January 22, 1989, at a distance of more or less 100 meters, and that Emiliano Emperador was able to identify the accused, the court has conducted its ocular inspection of the place on that particular hour on July 9, 1993 to really see for itself if the version of Emiliano Emperador deserves credence or will inspire belief.

"As the court has already stated, there appears to be really some point, as raised by the accused, that indeed it is really difficult to recognize a person at that distance although one looking may be able to see those persons. In other words the figures of men or a woman may be recognizable and the viewer will be able to see what that man or woman is doing but it is difficult to identify the person or persons if said persons are not so familiar to the person looking at the other.

"In this case, Emiliano Emperador and the accused ha(ve) known each other for two years, and in all probability, if indeed Emiliano Emperador saw the accused, it was just what appears to be the features of the accused that he saw.

"In other words, this court finds that the identification of the accused by Emiliano Emperador in that evening of January 22, 1989, is not very positive but may be sufficient basis of some conclusion later after all issues are resolved considering all the evidence adduced." [11]

Appellant's misgivings are not unfounded or misplaced. As is evident from its aforesaid observations, the trial court itself, on the bases of physical and object evidence, indeed evinced disbelief over the positive identification of appellant by prosecution witness Emperador. This was derived from the ocular inspection which the trial judge himself undertook precisely to settle the issue of whether such identification by Emperador could withstand judicial scrutiny.

In said inspection conducted from the same vantage point and at about the same time involved in Emperador's testimony, the trial court clearly ascertained that the distance between the houses of Emperador and Torres was approximately 80 to 100 meters, and not only 30 to 40 meters as claimed. That fact undoubtedly made it extremely difficult, especially at nighttime, for someone viewing another at that distance to make a conclusion with certainty on the identity of the individual being described. Moreover, the oblique location of the window from which Emperador saw the incident in relation to the Torres residence made it highly improbable to have a clear view of the latter's house. On top of that, Emperador had only a fleeting view of the incident which was totally unexpected and of a very brief duration.

In fine, there was no clear and positive identification by Emperador of appellant as far as the trial court was concerned and, on that score alone, it should consequently have conferred negative weight to the testimony of said

witness. It is in this light that the trial court committed a patent error in nonetheless holding that the same "may be sufficient basis of some conclusion later after all issues are resolved considering all the evidence adduced." In so doing, the lower court transgressed the basic rule of long standing in the law of evidence that when the inculpatory facts and circumstances are capable of two or more interpretations, one of which is consistent with the innocence of the accused and the other or others consistent with his guilt, then the evidence, in view of the constitutional presumption of innocence, has not fulfilled the test of moral certainty and is thus insufficient to support a conviction.[12]

A further review of the testimony of Emperador discloses glaring incongruities. First, as earlier noted, there was his assertion that Torres' house was only 30 to 40 meters away from his own house, whereas the trial court found that Torres' dwelling was in fact 80 to 100 meters away from Emperador's as to render identification of a person "very difficult," to use said court's emphatic observation on this point. Second, it is an assault on credulity for this witness to state with certainty, in spite of the distance and the nocturnal gloom, that what was used in stabbing the victim was a kitchen knife. Third, there was that baffling behavior of Emperador in nonchalantly falling asleep shortly after witnessing the terrifying incident. Fourth, if he really fell asleep then it defies plausibility that he knew, as he later asserted, that a failure of electric current occurred from at 9:00 to 10:00 P.M., during which hour he also insisted he was in deep slumber and had to be awakened thereafter by Torres.

In sum, while it may be conceded that the initial reluctance of an eyewitness to expose or divulge the identities of perpetrators of a crime due to fear of reprisal does not generally discredit his testimony,[13] still the declarations of said witness before a court of law must in themselves be credible to inspire belief. The same is true even if no ill motive may have impelled such eyewitness to testify falsely against an accused, for it is elementary that testimonial evidence adduced in court proceedings must not only proceed from the mouth of a credible witness but it must be credible in itself, as when it conforms to the knowledge and common experience of mankind.[14]

Since Emperador's identification of Agustin as the assailant is admittedly unreliable, if not incredible, then proof evidencing felonious motive on the part of appellant should have been presented as a *sine qua non* for the attribution of criminal culpability to him. In this case under review, no such evidence whatsoever was adduced by the prosecution nor is any motive safely deducible under the circumstances, thus further eroding the basal foundation of the People's case. The general rule is that proof of motive is unnecessary to foist a crime on the accused if the evidence of identification is convincing; a converso, where the proof concerning the identification of the accused is unclear, then proof of motive becomes a paramount necessity.[15] In *People vs. Molas*,[16] this Court stressed that the absence of motive assumes determinative significance when the perpetrator of a crime had not been positively identified, an evidential rule harking back to decades of earlier jurisprudence.

Aside from the trial court's reliance on Emperador's testimony, the other circumstances which it took into account in concluding that appellant's guilt was established beyond reasonable doubt by the prosecution were (1) the flight of appellant after the stabbing incident, (2) the purported efforts of the mother and aunt of appellant to settle the case with the parents of the victim, (3) the subsequent sale by the parents of appellant of their house in Metrocor Homes, and (4) the insufficiency of the defense of alibi interposed by appellant.

We shall discuss these supposed indicia of guilt seriatim but, first, some preliminary observations are in order. It is apparent that the court below relied on circumstantial evidence to arrive at its findings when it held that —

"x x x Although there might appear to be some doubts about the identification made by Emiliano Emperador it has been bolstered and strengthened by the subsequent acts of the accused and his parents immediately after the commission of the crime as already discussed by the court, such as resorting to flight; offer to compromise the case; and the sale of the house and lot of the parents of the accused.

"Thus the identification of the accused may now be considered as to carry some weight not because it is very positive but because of other attendant circumstances which makes it believable and credible." [17]

Circumstantial evidence concededly constitutes the legal evidence that may support a conviction, affording as it does the basis for a reasonable inference of the existence of the fact thereby sought to be proved. [18] While no general rule can be laid down as to the quantity of circumstantial evidence which in any case will suffice to show guilt, it is imperative that (a) there be 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. [19] These have not been met to the Court's satisfaction in this case.

It can be, and often is, entirely sufficient to support a conviction where the multiple circumstances are proven and are consistent with the hypothesis that the accused is guilty and at the same time inconsistent with the hypothesis that the accused is innocent, as well as incompatible with every rational hypothesis except that of guilt on the part of the accused. [20]

On the supposed flight of appellant, it should be emphasized that he was, at the time when the tragic incident took place, an actual resident of Tondo, Manila. According to appellant, apart from attending school as a third year student at Paez High School in Tondo, he also operated a pedicab around Tondo as a "sideline" and it was at his grandmother's house at 176 Pastor Street in Balut, Tondo that he stayed at that time, with weekends reserved for visits to his wife and parents at Metrocor Homes. [21] Thus, the warrant of arrest was never served on him since it was addressed to his parents' house at Metrocor Homes. Moreover, the Agustins sold their house in June, 1990. This being the case, and with the aforesaid explanation of appellant standing untraversed, it was error for the trial court to gratuitously declare that appellant went into hiding in Tondo for more than three years.

Likewise, said court's pronouncement that appellant took flight "only four (4) days after its commission" is an unsupported appreciation of the facts, for appellant himself declared in the trial court without contradiction that he visited his mother's house in Metrocor Homes on January 27 of that year, or five days after the incident. [22] Even assuming that he indeed thereafter failed to go back to Metrocor Homes after that January 27 visit, this circumstance cannot be taken against him at all.

As Mrs. Agustin informed the trial court, likewise without any countervailing assertion, they had to sell their house in Las Piñas because it was being repeatedly stoned, apparently as a result of her son being named as a suspect. At one point, during the birthday celebration of her daughter, Garry Torres fired his gun at their house. The Agustins, and appellant for that matter, obviously felt threatened by all these incidents and must have understandably opted for the safety of discretion rather than the danger of valor. Flight, when adequately explained, cannot be attributed as due to one's consciousness of guilt. [23]

The supposed offer of the Agustins to settle the matter with the parents of the victim was emphatically denied by Mrs. Agustin. On the contrary, it was the victim's family which demanded monetary compensation from her, and even the amount was not mentioned since she forthwith turned down the demand. She admitted having gone twice to Manito, Albay with her sister to see the victim's mother, whom she failed to meet the first time, but only because she wanted to clarify the imputations on her son, hoping that thereby he would be freed from any responsibility for the slaying of Margeline Nato. [24]

Certainly, it is but natural for a mother who believed that her son was being persecuted to go to such lengths if only to remove the cloud of suspicion over him. As a lay person acting without the benefit of counsel, she could not have had any inkling in her simple way of thinking that what she considered an innocuous and normal response of a parent would be considered as an implied admission of guilt of her son who, for that matter, was not even aware of her meetings with the victim's parents.

Furthermore, the Court finds unacceptable the strained conclusion of the trial court that the act of the parents of appellant in selling their house in Metrocor Homes indicated "knowledge of the commission of the crime" and of "efforts of the accused and his parents to leave no trace and to hide the accused." Apart from the fact that this is clearly speculative and unfounded, with a dearth of any evidence on record to warrant the same, the trial court surprisingly did not take into account the explanation therefor of the parents of appellant and the latter himself which to us is acceptable as a logical protective and realistic reaction on their part.

The Agustins evidently were moved by the instinct of self-preservation and a desire to live in peace when they transferred residence since, as explained by Mrs. Agustin, there were violent incidents directed at them and their house in Metrocor Homes after word spread that appellant was a suspect in the slaying of the victim. Then there was Garry Torres who scared the wits out of them when he fired his gun at their house a few months after the slaying, prompting Mrs. Agustin to report the same to the police.[25] Moreover, if it were true that the Agustins were bent on concealing their whereabouts from the authorities, then she and her sister would not have been foolish to make those trips to Albay prior to appellant's arrest in an attempt to clear him of any participation in the slaying of Margeline Nato.

Regarding the contention of the Solicitor General that appellant had himself admitted his guilt to Garry Torres and Rodolfo Nato while under detention, the Court is not inclined to grant credence thereto. The testimonies of the duo were obviously contrived and rehearsed. When Torres testified in court on this matter, he mentioned that he was with his wife when Agustin supposedly admitted his guilt and asked for forgiveness. He never said that Nato was with them that time. Rodolfo Nato, on the other hand, asserted that he was accompanied by Garry Torres alone,[26] and not in the company of his wife. Moreover, if it were really true that appellant had confessed his guilt to them then they should have called the attention of the policemen nearby so that that admission, significant as it was, could properly be recorded and confirmed.[27] As it is, both Torres, a reporter for a national newspaper at that, and Nato never even bothered to mention appellant's alleged confession to the police.

It would be insightfully interesting to quote hereunder the testimony of Torres in the court below on the supposed confession to him of appellant:

"Q

You said that you went sometime in the past to the WPD Section (wherein) according to you the accused admitted his guilt and asked for forgiveness from you. Do you recall having testified to that effect?

A

Yes, sir.

Q

At that time the accused was detained, was then under a certain Lt. Valdez?

A

Yes, sir, including the men of Valdez (who) were there.

x x x

Q

Not one policeman (heard) that statement or any other individual was able to overhear his alleged admission and plea for forgiveness?

x x x

A

I do not know if they heard something because they were far.

Q

Alright. Fully aware about the accused asking for forgiveness, did you go to Lt. Valdez or any policeman in that Section to ask them to enter into the blotter this alleged fact of admission and plea for forgiveness?

A

(No answer is indicated.)

Q

Alright, did you not, fully aware of the alleged admission and plea for forgiveness of the accused, did you go to Lt. Valdez and inform Lt. Valdez that the accused was already admitting guilt and even asked for forgiveness? You answer that.

A

Yes, I will answer.

Q

Did you tell Lt. Valdez of that fact, that alleged circumstance in which the accused had already admitted guilt and ask(ed) for forgiveness from you?

A

No more because he also admitted in the presence of Valdez.

Q

You did not mention that information to any policeman in that Homicide Section of the Police District where the accused was then detained?

A

I did not tell.

Q

You did not even tell that to anybody?

A

I informed my wife and relatives.

Q

You mentioned that to your wife and to your relatives but not one of them including you went out of his or her way to put that in writing and to bring (that to) the attention of the authorities?

x x x

A

No sir.

x x x

Q

Despite the valuable information, it is only now that you have broken the news about his alleged admission and plea for forgiveness?

A

Yes sir."[28] (Corrections in parentheses supplied.)

Rodolfo Nato, father of the victim, also declared that appellant had confessed to him and sought his forgiveness. Let us see how he fared on cross-examination on this matter:

"Q

After the accused allegedly talked with you and allegedly beg(ged) forgiveness for allegedly killing your daughter, did you bring this matter to the attention of the policemen who were there?

A

It is only to me that he said it.

Q

Mr. Nato, you know that the statement, by the alleged statement given by the accused that he killed your daughter and he asked (for) your forgiveness which was addressed to you, as(k) you now whether or not you mentioned to the police this admission and asking for forgiveness made by the accused?

A

I did not tell the police, it is only between the two of us.

Q

When the accused mentioned to you that he authored the killing of your daughter and that he was asking for forgiveness, did you not consider that as (a) very important allegation coming from the accused himself?

A

What is important is he is asking for forgiveness.

x x x

Q

When the accused made this alleged admission that he killed your daughter and asking (for) forgiveness from you, you were still then inside the Makati Police Station, is that correct?

A

I was still there.

Q

Did you see plenty of policemen there at that time?

A

Only two.

x x x

Q

You did not ask Gary Torres to bring you to the police investigator so that you can tell the police investigator about this alleged admission of the accused?

A

I did not tell him anymore, because he is already in jail.

Q

As a matter of fact you did not mention to anyone this circumstance related to the alleged admission and asking for forgiveness by the accused?

A

Only me and Gary knew.

x x x

Q

After you brought the news to Gary about his alleged admission and begging for forgiveness by the accused for having killed your daughter. Gary did not (go) out of his way to bring you to (the) police investigator so that you can give your statement about his admission and begging for forgiveness by the accused?

A

He did not invit(e) me to go to the investiga-tor because the accused is already in jail."[29]

Even with the most liberal assessment of the aforequoted charades of these prosecution witnesses, we cannot fathom under what ratiocination it could be believed and concluded therefrom that appellant did confess his guilt and seek forgiveness from said witnesses. For that matter, the non-presentation of Lt. Torres or any other corroborative evidence thereon further underscores the unreliability of this circumstance relied upon for the conviction of appellant. The administration of justice definitely requires more perceptiveness and circumspection in extending credence to witnesses, considering the reliance placed by this Court on those charged with the evaluation of their testimonies in the first instance.

On the defense of alibi interposed by appellant, the general rule is that it is at best a weak one and cannot prevail over the testimony of truthful witnesses.[30] Contrarily, where, as in the case at bar, the evidence of the prosecution is weak and betrays lack of correctness on the question of whether or not the accused is the author of the crime, then alibi, as a defense, assumes importance.[31] It acquires commensurate strength where no positive and proper identification of the offender has been made, as the prosecution still has the onus probandi in establishing the guilt of the accused, and the weakness of the defense does not relieve it of this responsibility.[32] Otherwise, we would have the absurd situation where the accused is in a more difficult situation where the prosecution's evidence is weak than where it is strong.[33]

Here, we find that the explanation of appellant for his staying in Tondo is satisfactory and credible. The prosecution never made any attempt to belie the fact that appellant had a grandmother there, that the address given by him is correct, or that he was engaged in the occupations he it narrated. Surely, it would have been a very simple matter for the police authorities to disprove the claims of appellant had the same been untrue, assisted as they were by both a public and a private prosecutor.

IN VIEW OF ALL THE FOREGOING, the judgment of conviction appealed from is hereby REVERSED and SET ASIDE and another one is entered ACQUITTING accused-appellant Ronald Agustin of the crime of murder due to reasonable doubt. His immediate release from prison is hereby ordered in the absence of any other legal cause for his continued incarceration.

SO ORDERED.

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

[1] Original Record, 1; Rollo, 5.

[2] Ibid., 10-12, 36-37.

[3] Ibid., 115-116.

* His first name is also spelled "Gary" in some parts of the records.

[4] TSN, October 5, 1992, 3-13, 25, 32-33.

[5] Ibid., id., 16-18, 33-35, 38-45; November 10, 1992, 22-23.

[6] Ibid., November 10, 1992, 5-16, 31-32, 79-81.

[7] TSN, September 29, 1993, 4-11, 13, 35-36.

[8] Ibid., October 7, 1993, 11-15.

[9] People vs. Gelaver, G.R. No. 95357, June 9, 1993, 223 SCRA 310; People vs. Balacio, et al., G.R. No. 100606, June 4, 1993, 223 SCRA 169.

[10] People vs. Umali, et al., G.R. No. 84450, February 4, 1991, 193 SCRA 493; Gaerlan vs. Court of Appeals, et al., G.R. No. 57876, November 6, 1989, 179 SCRA 20.

[11] Original Record, 111-112; Rollo, 31-32.

[12] People vs. Maongco, et al., G.R. Nos. 108963-65, March 1, 1994, 230 SCRA 562; People vs. Libag, G.R. No. 68997, April 27, 1990, 184 SCRA 707.

[13] People vs. Ocampo, G.R. No. 80262, September 1, 1993, 226 SCRA 1; People vs. Suitsos, G.R. No. 85951, March 24, 1993, 220 SCRA 419.

[14] People vs. Eslaban, G.R. Nos. 101211-12, February 8, 1993, 218 SCRA 534; People vs. Marti, G.R. No. 81561, January 18, 1991, 193 SCRA 57.

[15] People vs. Guardo, L-23541, August 30, 1968, 24 SCRA 851; People vs. Jamero, L-19852, July 29, 1968, 24 SCRA 206.

[16] G.R. Nos. 97437-39, February 5, 1993, 218 SCRA 473.

[17] Original Record, 115; Rollo, 35.

[18] People vs. Elizaga, et al., L-23202, April 30, 1968, 23 SCRA 449; People vs. Tanjutco, L-23924, April 29, 1968, 23 SCRA 361.

[19] People vs. Ritter, G.R. No. 88582, March 5, 1991, 194 SCRA 690; Section 4, Rule 133, Rules of Court.

- [20] *People vs. Cabuang, et al.*, G.R. No. 103292, January 27, 1993, 217 SCRA 675.
- [21] TSN, September 29, 1989, 10, 13, 30-35.
- [22] *Ibid.*, *id.*, 19.
- [23] *People vs. Alvero, Jr., et al.*, G.R. No. 72319, June 30, 1993, 224 SCRA 16; *People vs. Morre*, G.R. No. 102978, January 18, 1993, 217 SCRA 219.
- [24] TSN, October 7, 1993, 4-10.
- [25] *Ibid.*, *id.*, 11-15; September 29, 1993, 7-8.
- [26] *Ibid.*, November 10, 1992, 31-32; December 2, 1992, 8-10.
- [27] *Ibid.*, *id.*, 67-72; *id.*, 16-19.
- [28] TSN, November 10, 1992, 67-73.
- [29] TSN, December 2, 1992, 16-21.
- [30] *People vs. Magallanes*, G.R. No. 89036, January 29, 1993, 218 SCRA 109.
- [31] *People vs. Aniscal*, G.R. No. 103395, November 22, 1993, 228 SCRA 101; *Olondriz, Jr., et al. vs. People, et al.*, L-63438, July 15, 1987, 152 SCRA 65.
- [32] *People vs. Ola*, L-47147, July 3, 1987, 152 SCRA 1; *People vs. Teaño*, G.R. No. 56356, March 12, 1984, 128 SCRA 149; *People vs. Salas, et al.*, L-35946, August 7, 1975, 66 SCRA 126.
- [33] *People vs. Dilao, et al.*, L-43259, October 23, 1980, 100 SCRA 358; *People vs. Fraga, et al.*, 109 Phil. 241 (1960).

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