

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JOSE GOMEZ, RODOLFO CORTES, JEFFREY YAP, MARIO TEVES, GLEN MARQUEZ, SAMUEL PASTOR, CENON LENTIC, JR. AND JOEL CATAQUE, ACCUSED...

G.R. No. 115067. December 19, 1995

Ponente: DAVIDE, JR., J.

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DAVIDE, JR., J.:

In the afternoon of 2 January 1989, two Metrobank armored vans carrying P7,005,000.00 from Batangas and Lipa City were held up by a group of heavily armed men wearing camouflage fatigues and in "full battle gear" amidst bumper-to-bumper traffic along the highway in Barangay Tulo, Calamba, Laguna. One of the responding policemen, Sgt. Anchito Yu, and an innocent civilian, Romulo Mercado, were killed on the occasion thereof. The policemen, however, were also able to kill three of the holduppers, two of whom were identified as Sgt. Rafael Locsin (Army) and S/Sgt. Fortunato Rubio (PC). The policemen likewise recovered part of the loot (P3,963,500.00) and several weapons and ammunition, including two M-14 and M-16 rifles which were later traced to the National Capital Region Defense Command (NCRDC) based in Bago Bantay, Quezon City. The firearms had been issued to SN1 Cenon Lentic, Jr. (Navy) and Cpl. Joel Cataque, respectively.[1]

The accused were pinpointed as participants in the commission of the daring hold-up, thus, were indicted for robbery with homicide in an information[2] filed before the Regional Trial Court (RTC) of Laguna, Branch 37, in Calamba, Laguna, and docketed therein as Criminal Case No. 2499-90-C. The accusatory portion thereof alleged:

That last January 2, 1989 at Barangay Tulo, Municipality of Calamba, Province of Laguna, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping one another with intent to gain, did then and there wilfully, unlawfully and feloniously held-up [sic] two (2) Metro Bank armored cars and thereafter take, steal and carry away P7,005,000.00 and the accused in the furtherance of their criminal design and acting in conspiracy with one another, with intent to kill, did then and there shot [sic] Ssg. Anchito Yu and Romulo Mercado on the different parts of their bodies which resulted to [sic] their death and in the process of the shoot-out wounded Tsg. Vicente Bello, Ssg. Romeo Crisologo, Doroteo Aceron, Marilyn Natividad, Edgar Villa, Teodoro Dimadulangan, Efren Guevarra, Romeo Acquillera and Sulpicio Villa and burned a CHPG prowl car by means of a[n] M203 grenade valued at P140,000.00 to the damage and prejudice of Metro Bank in the amount of Seven Million Five Hundred Thousand [sic] (P7,005,000.00) Pesos, Philippine Currency, the CHPG in the amount of One Hundred Forty Thousand (P140,000.00) Pesos, Philippine Currency, the surviving heirs of Ssg. Anchito Yu and Romulo Mercado and the aforecited offended parties who suffered physical injuries.

CONTRARY TO LAW.

Initially, only Cenon Lentic, Jr. and Joel Cataque were arrested. Mario Teves, then a soldier connected with the 5th GHQ Battalion (later, NCRDC), had been on AWOL[3] status since after the incident. Lentic and Cataque were tried, and on a demurrer to evidence, Cataque was acquitted on 7 December 1990 for lack of identification and insufficiency of evidence.[4] Thereafter, in a decision[5] promulgated on 21 August 1991, the trial court convicted Cenon Lentic, Jr. and sentenced him to suffer the penalty of reclusion perpetua, to indemnify the heirs of Sgt. Anchito Yu and Romulo Mercado the sum of P50,000.00, respectively, and to pay Metrobank the sum of P3,041,000.00. Lentic's appeal to this Court from the said decision, G.R. No. 102492, was dismissed on 9 September 1992 for failure to file his Appellant's Brief.[6]

Mario Teves was finally arrested on 22 November 1992.[7] Accordingly, the trial court revived the case against him, and after a plea of not guilty at arraignment, trial on the merits ensued. The prosecution presented the same witnesses it had presented at the trial for Lentic and Cataque, viz., Joselito Molina, the driver of the lead armored van; Eduardo Oding, Metrobank's Central Bank representative who was in the lead vehicle during the robbery; and SPO4 Domingo Averion, one of the responding police officers who pursued the hold-uppers. In addition, it presented Gilmore Amparado, a security guard who was in the escort armored van. The testimony of Dra. Solita P. Plastina who conducted the autopsy on the victims was dispensed with after the defense admitted the genuineness and due execution of the Certificates of Death of and the Medico-Legal Necropsy Reports for S/Sgt. Anchito Yu and Romulo Mercado.[8]

The evidence for the prosecution, as faithfully summarized by the trial court, established that:

In the afternoon of January 2, 1989, two (2) armored cars of Metrobank were on their way from Batangas and Lipa City to Makati. The lead armored car was driven by Joselito Molina and on his right was Eduardo Oding, the Central Bank representative of Metrobank, and on the right of Oding was Security Guard Lorenzo. At the back portion of the armored car were the Money Carrier, Arnold Mendoza, and Security Guard Abella. The escort armored car was driven by Riego and at his right side was Security Guard Gilmore Amparado. At the back of the escort armored car was Security Guard Mario Parel. The armored car driven by Joselito Molina was carrying duff[el] bags containing seven million five thousand pesos (P7,005,000.00) in cash. Two million three hundred fifty five thousand pesos (P2,355,000.00) came from Metrobank branch at Batangas (Exhibit "A") while four million six hundred fifty thousand pesos (P4,650,000.00) came from Metrobank branch at Lipa City (Exhibit "B"). When the armored car driven by Joselito Molina reached Tulo, Calamba, Laguna, the latter discovered that the traffic was heavy. Vehicles were already bumper to bumper. Joselito Molina took the left lane in order to be ahead of the other vehicles followed by the escort armored car driven by Riego. Joselito Molina noticed that up ahead on the road were five (5) to seven (7) persons conducting traffic. Molina was made to go to the right shoulder of the road. On the left side was the newly cemented road. On the newly-cemented road, Molina saw a parked red ford cortina car. On the shoulder of the road, Molina was following a passenger jeep which in turn was following a truck. Molina saw one of three (3) men near the red ford cortina car opened [sic] the compartment and long firearms were passed out. Two (2) men came from the closed store near the wall and one (1) of them was Mario Teves. Gilmore Amparado saw that one of those who were passing out the arms from the red ford cortina car was the accused Mario Teves. The men with long firearms and on [sic] full battle gears [sic], wearing fatigue shorts and white t-shirt started firing on the two (2) armored car[s]. Two (2) tires of the armored car driven by Molina were shot. Molina saw Teves among those persons shooting at the tires of the armored car. Teves was wearing a white t-shirt and camouflage short[s] and holding a long firearm. Teves was also wearing a jacket with pockets for bullet magazines. After the armored car stopped, Molina heard shouts from the armed men ordering them to get out. After the occupants of the armored car driven by Molina had alighted, they were made to [ie] flat

on the ground at the side of the armored car. While they were lying on the ground, one of the armed men fired in between their legs. Joselito Molina saw that the two (2) duff[el] bags were taken out at [sic] his armored car and loaded in the passenger jeep which was at the front of the armored car. Gilmore Amparado saw Teves helped [sic] in loading the duff[el] bags into the passenger jeep. Thereafter, Teves rode in the red ford cortina car. The incident lasted for [sic] around ten (10) to fifteen (15) minutes.

At about the same time, the group of SPO4 Domingo Averion, Jr., Captain Ragudo, S/Sgt. Florentino Abuyan, T/Sgt. Leonardo Punggo, S/Sgt. Lorenzo Angara, S/Sgt. Marciano Rupinto and Sgt. Banay, riding in a jeep and Sgt. Vicente Bello, S/Sgt. Romeo Crisologo and S/Sgt. Anchito Yu riding on [sic] a patrol car, arrived at Tulo, Calamba, Laguna. They were escorting an isuzu truck loaded with aluminum wires. They came from Lucena City. Noticing the heavy traffic, SPO4 Domingo Averion, Jr. and S/Sgt. Florentino Abuyan were ordered by Captain Ragudo to check why there was a [sic] heavy traffic. Averion, Jr. and Abuyan discovered that there was a hold-up. They immediately returned to their jeep and told Bello who was in the patrol car about the hold up. The patrol car occupied by Sgt. Vicente Bello, Sgt. Romeo Crisologo and Sgt. Anchito Yu proceeded ahead followed by the jeep wherein Capt. Ragudo and his group were riding. The patrol car caught up with the passenger jeep. People inside the passenger jeep started firing at the patrol car. The patrol car stopped. [An] M-203 grenade launcher was fired by somebody inside the passenger jeepney at the patrol car. Capt. Ragudo and his men took cover at [sic] the sugar cane field. There was exchange of gun fires [sic] between the police officers and the men in the passenger jeep. After around three (3) minutes of gun fires [sic], the firing stopped. Sgt. Averion, Jr. saw Sgt. Yu and his companions, Bello and Crisologo wounded. The three were taken to the hospital in a truck accompanied by Sgt. Angara. Inside the passenger jeep were found three (3) dead men and assorted firearms and one (1) duff[el] bag of money. There was also a hand grenade found being held by one (1) of those dead men inside the passenger jeep. Later, CIS investigators arrived. Sgt. Balaqiao of the CIS, conducted the investigation.

As a result of the shooting, Romulo Mercado, a passenger of JAM transit bus was killed (Exhibit "D"). Likewise, Sgt. Anchito Yu died as a result of the incident (Exhibit "C"). Sgt. Anchito Yu suffered four (4) gunshot wounds. His death was caused by shock, massive hemorrhages due to a blasting injury-multiple gunshot"(Exhibit "E"). On the other hand, Romulo Mercado sustained three (3) gunshot wounds. His cause of death was "massive intra-thorasic and intra--abdominal hemorrhages due to gunshot wounds" (Exhibit "F").[9]

Accused Mario Teves put up the defense of denial and alibi. According to him, from 20 December 1988 up to two weeks after the New Year, he stayed with his family on extended Christmas vacation at the apartment of a friend, a certain Sgt. Biano Flaviano, in Angeles City (actually Dau, Mabalacat), Pampanga. He extended his vacation, supposedly, when his in-laws arrived. He learned of the robbery and of his implication therein only three or four days after the incident from reading the newspapers. He claimed he had nothing to do with the crime and was tried only because the firearm recovered from the locus delicti was traced to his military unit and registered in the name of his friend, Cenon Lentic, Jr. He then decided to hide for fear that he would be imprisoned without investigation. So instead of reporting to his unit, he went home to Davao. In August of 1991, he returned to Manila and stayed with his half sister, Analiza Teves Panim, in Quezon City, where he was arrested. He pleaded that he did not surrender because he was afraid. He admitted, however, seeing Cenon Lentic, Jr. during the 1988 Christmas break and of knowing Joel Cataque because they belonged to the same unit.[10]

In its decision of 15 February 1994,[11] the trial court found accused Mario Teves guilty beyond reasonable doubt of the crime of robbery with homicide as defined and penalized under Article 294 of the Revised Penal Code and sentenced him:

to suffer imprisonment of reclusion perpetua, to indemnify the heirs of Sgt. Anchito Yu the amount of P50,000.00 and the heirs of Romulo Mercado, the amount of P50,000.00. x x x to indemnify the [sic] Metrobank the amount

of P3,041,300.00.

The verdict was based on the findings that:

Mario Teves was one of those who held up the armored car of Metrobank carrying P7,005,000.00. Said accused was positively identified by two (2) prosecution witnesses namely, Joselito Molina and Gilmore Amparado. Joselito Molina declared that the accused Mario Teves was one of the two (2) men he saw who came from a closed store near the wall and fired at the tires of his armored car. Joselito Molina also saw Mario Teves helped [sic] in loading the two (2) duff[el] bags of money into the passenger jeepney used by the robbers ... and then rode in a red ford cortina car. The acts of the accused Mario Teves clearly indicated that there was a concerted efforts [sic] among the malefactors. Mario Teves unmistakably cooperated in the commission of the crime charged. His actions reflected closeness of personal associations with the other accused. He performed parts of the acts to constitute the crime charged.[12]

In arriving at its verdict, the court a quo did not give credence to the defense of alibi "because of the positive identification made of him by prosecution witnesses Joselito Molina and Gilmore Amparado"; moreover, it considered Teves' flight as evidence of guilt.[13] Hence, Mario Teves interposed the instant appeal.

Earlier, in an undated Motion to Withdraw Appeal indorsed by Director Vicente Vinarao of the Bureau of Corrections on 1 August 1994, Mario Teves prayed to withdraw his appeal.[14] Until now, however, his counsel has failed to comply with the resolution of this Court of 5 September 1994 requiring him to verify the voluntariness of the withdrawal.[15] Instead, the counsel asked for an extension of time to file the Appellant's Brief,[16] and thereafter filed the said Brief with the following errors imputed to the trial court:

I.

x x x IN FINDING ACCUSED-APPELLANT GUILTY ON THE BASIS OF ALLEGED POSITIVE IDENTIFICATION BY PROSECUTION WITNESSES. CONTRAWISE [sic], THE EVIDENCE YIELDS THE IRREFUTABLE FACT THAT THERE WAS ABSOLUTELY THE LACK OF IDENTIFICATION AND THE PROVEN ABSENCE OF THE ACCUSED-APPELLANT AT THE PLACE OF THE CRIME [T]HEREBY NEGATING THE PARTICIPATION IN THE COMMISSION OF THE OFFENSE.

II.

x x x IN DISCREDITING OR FAILING TO GIVE WEIGHT TO THE DEFENSE SET UP BY ACCUSED-APPELLANT AND THAT THE EVIDENCE OF THE PROSECUTION AND HIS OWN EVIDENCE DEFINITELY NEGATE ANY INVOLVEMENT TO A CONSPIRACY AND PARTICIPATION IN THE COMMISSION OF THE OFFENSE.

III.

x x x IN ASSESSING MONETARY DAMAGES, IN ADDITION TO THE PENALTY OF RECLUSION PERPETUA AS A CONSEQUENCE OF CLEAR EVIDENCE OF LACK OF CRIMINAL PARTICIPATION BY ACCUSED-APPELLANT IN THE COMMISSION OF THE OFFENSE AND THE CONSPIRACY TO COMMIT THE OFFENSE.

In his supporting arguments, Mario Teves assails the trial court's utmost reliance on the testimonies of prosecution witnesses Joselito Molina and Gilmore Amparado considering, he submits, that their testimonies suffer from "serious improbability, inherent weakness and material inconsistencies."[17] More specifically, he contends that: (1) there is an "apparent conflict" in the testimony of a prosecution witness affecting his "actual presence" during the commission of the crime and, because of "another conflicting testimony," how he "participated" in the crime could not be established; (2) Molina's and Amparado's testimonies are unworthy of credit since their conduct and

reactions during the robbery were "unbelievable" and "apparently improbable," both claiming that they did not hide, duck, rattle, nor feel fear and harm to their persons even if they were fired upon by the armed men; (3) the identification of Mario Teves was incredible, especially on the part of Amparado who claimed to remember the features of Mario Teves even after the lapse of four years; both Molina and Amparado not having known Mario Teves before the robbery and seeing him again only after four years during trial, thus, a mistake as to Teves' identity was "definitely probable"; (4) Molina's and Amparado's testimonies are tainted with bias, ill-motive, and even "perjury" since they were "connected with the complaining bank"; Amparado, being a bank employee, would "certainly perjure himself"; (5) there is "absolutely" no evidence that he "conspired" or "shared a common purpose" with his co-accused; and (6) he "competently proved" his principal defense of alibi that he was many miles away in Angeles City at the time the crime was committed.

The appeal is devoid of merit.

The aforesaid postulations of Mario Teves put in issue his positive identification by prosecution witnesses Joselito Molina and Gilmore Amparado. Such issue, however, is a factual one which involves the credibility of the witnesses.[18] It is settled by a catena of authorities that anent the issue of credibility of witnesses, appellate courts will generally not disturb the findings of the trial court, considering that the latter is in a better position to decide the question, having heard the witnesses themselves and observed their deportment and manner of testifying during the trial, unless it plainly overlooked certain facts of substance and value that, if considered, might affect the result of the case.[19]

Mario Teves has failed to bring his case within the exception to the foregoing rule. On the contrary, our reading of the transcripts of the stenographic notes of the testimonies of Joselito Molina and Gilmore Amparado disclose that they positively identified Mario Teves. On direct examination, Joselito Molina, the driver of the lead armored van and who first saw the group of armed men who staged the robbery, testified as follows:

[ATTY. SALUD:]

Q

I asked [sic] you now Mr. Witness, look around the room tell us if any of those individuals involved in that hold-up on January 2, 1989 [are] in court today?

[WITNESS:]

A

Yes, sir.

Q

Could you please point to us this person?

A

Witness pointing to accused Mario Teves.

Q

Referring to the accused in this case, why do you remember his face?

A

Because I recall him to be one of those `umaalalay' aiding the men who shot my tires, sir.

Q

You said that the accused is one of those two men, could you tell us where they [sic] position were? Where were they come from [sic]?

A

They came near the wall, sir.

Q

Is this wall the wall of the store you were mentioning?

A

Yes, sir.

Q

Would you please describe to the Court the clothing of the accused on that date?

A

White T-shirt, camouflage short[s] with full battle gear while holding his long gun, sir.

Q

Full battle gear, what do you mean by this?

A

They were wearing chaleco[s] wherein there [we]re pockets for magazine[s] of bullets, sir.[20]

Security guard Gilmore Amparado, who was at the front seat of the escort van following the lead van of Molina, also testified that:

[ATTY. SALUD]

Q

These armed men, [w]ould you be able to recognize them if you saw them again?

WITNESS:

A

Yes, sir.

Q

Today, in court, would you please look around and tell the Court if there is a person here who participated in that hold up on January 2, 1989?

A

Yes, sir. There is.

Q

Could you please point to that man?

A

Can I approach him, sir?

COURT:

Q

Yes, you approach him.

[Witness going near the accused Teves].

ATTY. SALUD:

Q

Mr. Witness, could you tell us why you remember the accused Teves as one of the participants in that hold up?

A

Because he was one of those who was helping load the money to [sic] the passenger jeep, sir.

Q

Do you remember what the accused was wearing on that particular day?

A

Yes, sir.

Q

Please tell us what he wear [sic]?

A

White T-shirt, sir and a [sic] camouflage pants.

Q

Was he carrying a gun with him?

A

Yes, sir, with full battle gear.[21]

The vigorous effort of defense counsel, through lengthy cross-examination, to cast doubt upon their testimonies was a failure. It only provided Molina and Amparado an opportunity to give specific details of the events they witnessed, thereby further strengthening the basis of their identification of Mario Teves.

Plainly, there is nothing in Molina's nor Amparado's testimonies which even remotely imply that Mario Teves was not present during the robbery or that he did not participate therein. The inconsistency cited by him is more apparent than real and is nothing but a product of a deliberate miscomprehension of the witnesses' testimonies. During cross-examination, Molina indeed replied that he had "not seen [Teves] yet" at the time he (Molina) saw the "5 to 7 persons directing traffic" at Barangay Tulo, Calamba.[22] However, on redirect, Molina explained that when his van approached Barangay Tulo, Calamba, he first noticed the "5 to 7 persons" conducting traffic, and it was only after "passing them" that he saw "the 3 persons who [were] getting the gun" from the compartment of the red Ford Cortina -- one of whom was Mario Teves.[23] Obviously, what Molina meant, therefore, was that at

the time he saw the "5 to 7 persons" conducting traffic, he did not yet see Mario Teves. But later on, he saw Mario Teves with the group of three persons getting guns from the car's compartment. Further, Molina's and Amparado's admissions that they could not be sure if Mario Teves "fired a shot" do not present a material inconsistency. If they do at all, they concern minor details which only prove that the witnesses were honest and candid since it would have been impossible for them to accurately monitor each and every movement of all the seven to ten armed men at every turn. On this score, it is settled that minor inconsistencies and honest lapses strengthen rather than weaken their credibility.[24] What is important is that their testimonies agree on the essential fact[25] that Mario Teves was present and participated in the robbery. In any event, whether Mario Teves did in fact fire a shot or not is irrelevant since the evidence adduced by the prosecution established beyond doubt a conspiracy among the holduppers. Conspiracy having been proven, the act of one is the act of all.[26]

There is also nothing improbable about Molina's and Amparado's claims that they were neither rattled nor afraid during the incident, that they did not hide nor duck even when they were fired upon, and for Molina to even strive to look at the faces of the holduppers. As pointed out by the Appellee, there is no standard form of human behavior when one is confronted with a strange, startling, or frightful experience;[27] likewise, there is no standard rule by which witnesses to a crime may react.[28] For victims of criminal violence, it is even most natural for them to strive to see the looks and faces of their assailants and observe the manner in which the crime was committed.[29] In a similar case which also involved the robbery of an armored bank van, the accused disputed his positive identification by a security guard who was aboard the van, contending that in the "suddenness of the attack" the guard's "natural reaction would have been to hide or lie on the floor to avoid being hit." To this, the Court aptly rejoined:

What must have escaped appellant's mind when he made the foregoing arguments was the fact that Romeo Emnacin is a trained security guard. As such, he is trained to be always alert and observant of his surroundings and the people around him. He must, at all times, be prepared for any eventuality. Contrary to appellant's claim that a person's natural reaction when confronted with an incident such as the one in question is to hide, [duck] and lie flat on the floor, common human experience tells us that when extraordinary circumstances take place, what is natural is for persons to remember most of the important details of the occurrence ... This is exactly what happened to Romeo Emnacin. Fearful for his life, he became more observant of his surroundings. Moreover, he had a second chance to take a good look [at] their assailants when he went down [from] the armored van and came face to face with them....[30]

There is likewise nothing incredible about the prosecution witnesses' identification of Mario Teves even after the length of time that had elapsed since the incident. The robbery took place in broad daylight and both Molina and Amparado were in vantage positions to see the faces of the perpetrators. As we reiterated only recently:

Experience shows that precisely because of the unusual acts of bestiality committed before their eyes, eyewitnesses, especially the victims to a crime, can remember with a high degree of reliability the identity of criminals. We have ruled that the natural reaction of victims of criminal violence is to strive to see the appearance of their assailants and observe the manner the crime was committed. Most often, the face and body movements of the assailant create an impression which cannot be easily erased from their memory....[31]

Mario Teves' final attempt to discredit the testimonies of Molina and Amparado by ascribing ill-motive, bias, and even perjury, on their part since they are employees of or company-hired by Metrobank, is also futile. We have ruled that the testimony of a witness is not discredited by the mere fact that he is an employee of the complainant.[32] Even blood relationship per se does not give rise to a presumption of ulterior motive, nor ipso facto impair the credibility of the testimony of a witness.[33] Ill-motive of a prosecution witness must be shown, not merely claimed,[34] for absent the most compelling reason or motive, it is inconceivable why a witness would

openly and publicly lie or concoct a story which would send an innocent man to jail.[35]

As Mario Teves himself stated, both Molina and Amparado did not know him prior to the robbery; hence, there is no basis for any inference of ill-motive.

In view of his positive identification by two competent and credible witnesses, the trial court correctly disregarded Mario Teves' unsubstantiated claim of alibi. It is a fundamental dictum that the defense of alibi cannot prevail over the positive identification of the accused.[36] For alibi to prosper, the evidence to support it must be clear and convincing as to preclude the possibility of the accused's presence at the scene of the crime, while the evidence as to his identification must be weak and insufficient; it must be clearly established and must not leave any room for doubt as to its plausibility and verity, for it is inherently weak and easily fabricated.[37]

Mario Teves, however, miserably failed to establish his alibi beyond his self-serving and bare allegations. As correctly noted by the Appellee, if he was indeed with his family at the house of a certain Sgt. Flaviano somewhere in Pampanga when the robbery was committed, he should have presented Sgt. Flaviano or at least his wife to confirm or corroborate the tale. Inexplicably, he failed to do so. Neither did he present at least one of his in-laws who allegedly arrived and joined him and his family on the said vacation. Instead, Mario Teves presented Analiza Teves Panim who merely testified as to the circumstances of his arrest.[38] Such dismal failure on his part strengthens the view that his claim of alibi is nothing but a concocted tale.

Finally, Mario Teves' conduct after the robbery was committed removed whatever iota of doubt which may have remained as to his guilt. By his own admission, he went AWOL from his unit and went to his province of Davao. Moreover, he never surrendered. Thus, his explanation for his flight proved unsatisfactory and unconvincing. The flight of an accused is competent evidence to indicate his guilt and flight when unexplained is a circumstance from which an inference of guilt may be drawn.[39] Verily, the wicked flee even when no man pursueth but the righteous are as bold as a lion.

No error of fact or law having been committed by the trial court, the judgment appealed from has to be affirmed.

WHEREFORE, the instant appeal is DISMISSED for lack of merit and the challenged decision of Branch 37 of the Regional Trial Court of Laguna, in Calamba, of 15 February 1994 in Criminal Case No. 2499-90-C is hereby AFFIRMED in toto with costs against accused-appellant MARIO TEVES Y ORTEGA.

SO ORDERED.

Padilla, (Chairman), Bellosillo, Kapunan, and Hermosissima, Jr., JJ., concur.

[1] Exhibits "A," "B," "C," and "C-1"; Original Records (OR), vol. I, 223-229, 339.

[2] Id., 1-3. The other named accused, who all remain at large, are Jose Gomez alias "Joe Gomez," Rodolfo Cortez alias "Manoy," Jeffrey Yap alias "Paking," Lorenzo Canas, Glen Marquez, and Samuel Pastor.

[3] Absent without leave.

[4] OR, vol. I, 234, 239-241.

[5] Id., 337-341. Per Presiding Judge Odilon I. Bautista.

[6] Id., 343, 351-352.

[7] Id., vol. II, 33.

- [8] Exhibits "C," "D," "E," and "F"; OR, vol. II, 141-145.
- [9] OR, vol. II, 187-189.
- [10] TSN, 27 April 1993, 3-18; Id., 189.
- [11] OR, vol. II, 186-194; Rollo, 24-32. Per Judge Odilon I. Bautista.
- [12] Id., 192; Id., 30.
- [13] Id., 193; Id., 31.
- [14] Rollo, 44.
- [15] Id., 46.
- [16] Id., 47.
- [17] Appellant's Brief, 5; Rollo, 60.
- [18] *People vs. Ramos*, 222 SCRA 557, 572-573 [1993].
- [19] See *People vs. Pascual*, 208 SCRA 393 [1992]; *People vs. Simon*, 209 SCRA 148 [1992]; *People vs. Garcia*, 209 SCRA 164 [1992]; *People vs. Tranca*, 235 SCRA 455 [1994]; *People vs. Comia*, 236 SCRA 185 [1994].
- [20] TSN, 9 February 1993, 8-9.
- [21] TSN, 9 March 1993, 8-9.
- [22] TSN, 16 March 1993, 8.
- [23] TSN, 16 March 1993, 23.
- [24] *People vs. Castor*, 216 SCRA 410 [1993]; *People vs. Lase*, 219 SCRA 584 [1993]; *People vs. Ramos*, *supra* note 18.
- [25] *People vs. Jumanoy*, 221 SCRA 333 [1993]; *People vs. Caco*, 222 SCRA 49 [1993].
- [26] *People vs. Pama*, 216 SCRA 385 [1992]; *People vs. Rostata*, 218 SCRA 657 [1993]; *People vs. Canillo*, 236 SCRA 22 [1994].
- [27] Citing *People vs. Lagota*, 194 SCRA 92 [1991].
- [28] *People vs. Villaruel*, 238 SCRA 408 [1994].
- [29] *People vs. Dolar*, 231 SCRA 414 [1994].
- [30] *People vs. Salazar*, G.R. No. 109943, 20 September 1995, 9-10.
- [31] *People vs. Teehankee*, G.R. Nos. 111206-08, 6 October 1995, 57-58, citing *People vs. Campa*, 230 SCRA 431 [1994] and *People vs. Apawan*, 235 SCRA 355 [1994].
- [32] *People vs. Viente*, 225 SCRA 361, 369 [1993], citing *Santos vs. Concepcion*, 103 Phil. 596 [1958].
- [33] *People vs. Enciso*, 223 SCRA 675 [1993].
- [34] *People vs. Jaralba*, 226 SCRA 602 [1993].
- [35] *People vs. Rivera*, 221 SCRA 647 [1993].

[36] *People vs. Taneo*, 218 SCRA 494 [1993]; *People vs. Kyamko*, 222 SCRA 183 [1993]; *People vs. Dural*, 223 SCRA 201 [1993]; *People vs. Pamor*, 237 SCRA 462 [1994].

[37] *People vs. Simon*, *supra* note 19; *People vs. Casinillo*, 213 SCRA 777 [1992].

[38] TSN, 13 May 1993, 3-5.

[39] *People vs. Garcia*, *supra* note 19; *People vs. Alvero, Jr.*, 224 SCRA 16 [1993].

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