PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ANTONIO MANEGDEG ALIAS "MANING," ACCUSED-APPELLANT.

G.R. No. 115470. October 13, 1999

Ponente: GONZAGA-REYES, J.

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GONZAGA-REYES, J.:

Before us is an appeal from the Decision of February 21, 1994 of the Regional Trial Court of Bangui, Ilocos Norte, Branch 19 in Criminal Case No. 958-19 convicting accused-appellant Antonio Manegdeg alias "Maning" of the crime of murder as follows:

> "WHEREFORE, the Court finds the accused guilty beyond reasonable doubt of murder, qualified by treachery, as charged, defined and penalized under Article 248 of the Revised Penal Code, as amended, and hereby sentences him to reclusion perpetua, with all the accessory penalties provided by law, and further sentences him to pay to the heirs of Federico Abian compensatory damages in the amount of FIFTY THOUSAND PESOS (P50,000.00), Philippine currency, and moral damages in the amount of TWENTY THOUSAND PESOS (P20,000.00), Philippine currency, with interest to be computed at the legal rate from the finality of the decision until fully paid, and also to pay the costs.
>
> He shall be credited in the service of his sentence the full time during which he had undergone preventive imprisonment if he agreed voluntarily in writing to abide by the same disciplinary rules imposed upon convicted prisoners, otherwise, he shall be credited in the service thereof with only four-fifths of the time during which he had undergone preventive imprisonment.
>
> SO ORDERED."[1]

The information against accused-appellant reads:

> "The undersigned Assistant Provincial Prosecutor of Ilocos Norte accuses ANTONIO MANEGDEG alias "Maning", a resident of Brgy. 2, Pagudpud, Ilocos Norte, of the crime of MURDER, committed as follows:
>
> That on or about June 6, 1992, at about 1:00 o'clock P.M., in the municipality of Pagudpud, Province of Ilocos Norte, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill and with treachery and being then armed with a bladed weapon (imuko), did then and there willfully, unlawfully and feloniously attack, assault and stab one Federico A. Abian with the use of said weapon, thereby inflicting upon said Federico A. Abian "Sutured stab wound 6 cms. epigastric area, abdomen" which eventually caused his death.
>
> CONTRARY TO LAW."[2]

Upon arraignment, accused-appellant Antonio Manegdeg entered a plea of not guilty and trial thereafter ensued.

The Office of the Solicitor General summarized the facts as viewed by the prosecution witnesses, to wit:

> "On June 5, 1992, Zosimo Batulan was in the house of Federico Abian, located in Bgy. Caunayan, Pagudpud, Ilocos Norte (p. 1, tsn, Sept. 15, 1992). Batulan's companion, Antonio Manegdeg did not enter Abian's house

> and Batulan was requesting Federico's consent to marry his daughter but to which Federico replied, "It is more honorable for my daughter to marry your son ...It is more honorable cousin that my daughter will be married by your son" (p. 16, tsn, supra). Federico's house is isolated and located on top of a mountain (p. 10, supra).

At about 1:00 p.m. of June 6, 1992, Lorie Abian, Federico's wife, saw Manegdeg running through the rice fields towards their house (p. 30, supra). At about that time, Federico, his wife Lorie and son Ronel, were inside their house listening to the radio. Federico requested Ronel to switch to another radio station while he will go out to urinate (p. 7, tsn, Oct. 13, 1992) and proceeded to the door. As Federico held the door frame with his hand, he was stabbed by appellant, in the manner vividly described and further clarified by Lorie Abian, as follows:

> "A When he stabbed my husband, I saw the hand he used to thrust the knife, so I stood up and peered and then I saw my husband held the knife on his belly. I stood up then my husband retreated holding the knife which was in his abdomen, then I looked out of the window and I saw the man going down the ladder fleeing up the mountain.
>
> COURT:
>
> Q You have not yet answered the question of Atty. Romero. The question of Atty. Romero is: Is it not that you were inside your house at the time?
>
> A I was inside our house Your Honor.
>
> Q You were inside your house, how was it possible now to see a man positioned outside your house where in fact there is the wall partition there?
>
> A When he stabbed my husband, sir, I saw the hand he used to thrust the knife, so I stood up and peered and then I saw my husband held the knife on his belly. I stood and then my husband retreated holding the knife which was in his abdomen, then I looked outside of the window and I saw the man going down the stairs fleeing up the mountain.
>
> COURT:
>
> Q So, in other words, it is the impression of the court that before the man stabbed your husband, before you saw the hand that held the knife thrust on the belly of your husband, you did not know that there was a person behind the wall near the door?
>
> A I did not know there was a man who came up your Honor.
>
> Q And before your husband was stabbed, before the hand of the person that stabbed your husband, you did not know how that person was positioned behind the wall near the door is that correct?
>
> A I do not know the position of the man your Honor.
>
> Q Now, after your husband was stabbed and you looked out through the window, you saw already the man getting down the ladder and then flee up the mountain is that correct?
>
> A I saw him, your Honor. Yes.
>
> Q Where did you see him?
>
> A He was on the ladder; he was going down the ladder your Honor.
>
> Q So you did not see when you looked out of the window the man behind the wall near the door?
>
> COURT:

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All right I will revise that.

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Q In other words, therefore, you did not see the man behind the wall near the door when you looked out of the window after your husband was stabbed?

A I saw him your Honor.

Q All right tell us, when did you see him behind the wall near the door?

A When my husband placed both hands on the frame of the door, I saw a hand stabbed the abdomen of my husband right then and there. I peered and I saw the assailant after my husband was stabbed. I looked out of the window and I saw the man going down the ladder and flee up the mountain."

(pp. 35-35, tsn,

Sept. 15, 1992)

Manegdeg fled, leaving the bladed weapon (Imuko) still stuck in Federico's stomach (P. 11, supra). Thereafter, Lorie approached her husband who uttered, "The companion of Mang Susing was the one who stabbed me and his name is Antonio Manegdeg" (p. 11, tsn, Sept. 15, 1992). Federico further told Lorie, "You will only report this matter to the police after you have buried me so you will abandon or leave the house" (p. 27, supra). Federico died that same afternoon of June 6, 1992 (p. 14, supra). At about 7:00 p.m. of June 6, 1992, the police team of Pat. Fernando Cristobal and Pat. Elmer Argoza arrived at the residence of Federico Abian where they saw Federico's cadaver lying on the floor and were handed by Lorie the knife used in this case (with the letter "M") etched on the handle. Thereafter, the policemen directed the family of the victim to come to the police station for formal investigation after Federico's interment which they did on June 12, 1992 (pp. 13-15, tsn, Nov. 18, 1992).

On June 12, 1992, Lorie and her son Ronel were formally investigated at the police station where Lorie revealed that Antonio Manegdeg alias "Maning" was the assailant of her husband "p. 16, supra).[3]

Accused-appellant denied killing the victim and proffered an alibi that on June 6, 1992, he was in sitio Malingay, Barangay Balaoi, Pagudpud, Ilocos Norte, catching bangus fry. According to him, he and his companions started fishing early until ten that morning. After 10 o'clock, they brought the bangus fry to their boarding house and cleaned them. At about 11 o'clock on that same morning, he went to sitio Mabubua to attend the fiesta in progress. He spent the night there.[4]

The trial court found the testimony of the prosecution witnesses Lorie and Ronel Abian to be straightforward, credible and truthful; that the guilt of the accused-appellant had been established beyond reasonable doubt in consequence of the positive identification by said prosecution witnesses; and that the bare denial and weak alibi of accused-appellant was insufficient to overcome the positive identification of said prosecution witnesses.

We affirm.

In his appeal-brief, accused-appellant raised the following assignment of errors, to wit:

I. THE REGIONAL TRIAL COURT OF ILOCOS NORTE, BRANCH XIX-BANGUI, ERRED IN ACCORDING FAITH, CREDIT AND RELIABILITY TO THE TESTIMONIES OF LORIE ABIAN AND RONEL ABIAN WHICH WERE FULL OF SUBSTANTIAL CONTRADICTIONS AND ARTIFICIAL JUSTIFICATIONS CONTRARY TO HUMAN EXPERIENCE.

II. THE REGIONAL TRIAL COURT ERRED IN DECLARING THAT THE ENTRY IN THE POLICE BLOTTER NO. 3688 OF PAGUDPUD POLICE STATION, A PUBLIC RECORD THAT FAITHFULLY

REFLECTED THE SURROUNDING CIRCUMSTANCES OF FEDERICO ABIAN'S DEATH, SHOULD NOT BE TAKEN AGAINST THE PROSECUTION.

III. THE REGIONAL TRIAL COURT ERRED IN CONVICTING THE ACCUSED-APPELLANT CONSIDERING THE INFORMATION WAS NOT FULLY SUBSTANTIATED BY THE PROSECUTION WITNESSES AS TO ITS PHYSICAL PROBABILITY OR POSSIBILITY.[5]

Accused-appellant contends that the testimony of the widow of the deceased who was enraged and furious in seeking justice for her husband was inconsistent, improbable, extraordinary and contrived as she did not disclose the identity of the assailant during the investigation conducted by police and barangay authorities several hours after the incident on June 6, 1996 and did so only several days later when she went to the police station on June 12, 1996[6] ; that the testimony runs counter to the statements as appearing on Police Blotter Entry No. 3688 which witness Lorie Abian admitted as having made;[7] and that the information was not fully substantiated by the People's evidence.[8]

In fine, the pivotal issue presented in this case is one of credibility. Time and again, we have ruled that when the issue hinges on the credibility of witnesses vis-à-vis the accused's denials, the trial court's findings with respect thereto are generally not disturbed on appeal[9] , unless there appears in the record some fact or circumstance of weight and influence which has been overlooked or the significance of which has been misinterpreted.[10] The reason for this rule is that trial courts have vastly superior advantages in ascertaining the truth and in detecting falsehood as they have the opportunity to observe the manner and demeanor of witnesses while testifying.[11]

After a careful examination of the records, we find no ground or reason to set aside or disturb the trial court's assessment of credibility of the eyewitnesses when they testified pointing to accused-appellant as the assailant in the stabbing of Federico Abian. Eyewitnesses Lorie Abian and Ronel Abian, wife and son of the victim, respectively, who were with the victim inside their house on that fateful day of June 6, 1992, categorically testified that it was accused-appellant, whom they positively identified in court, who stabbed the victim with a bladed weapon (imuko). Lorie and Ronel were able to identify the accused-appellant easily since they saw the accused-appellant who came over to their house the day before the killing in question.[12]

Aside from the above-quoted testimony of Lorie on cross-examination by the defense counsel, Lorie's testimony on direct is as follows:

"Q Now, while you and your husband and your son Ronel were together, do you remember if any unusual incident that happened?

A There was Ma'am.

Q Can you tell this Court what happened?

A There was Ma'am. My husband told my son "I am going to urinate," then the moment he was at the door, there was the person who stabbed him Ma'am.

Q And do you know who that person was who stabbed your husband?

A I know him Ma'am.

Q Who is he?

A That person Ma'am (witness pointing to a man in the courtroom).

Q Do you know the name of that person?

A Antonio Manegdeg.

xxx xxx xxx

Q Now, Madam Witness, could you approximate the distance from that place where you were seated at the door where your husband was stabbed?

A I can calculate Ma'am.

Q What is the distance?

A (Witness pointing to the southern end of the table to the door going to the office or distance of two meters.).

PROSECUTOR CALIJA:

May I pray that the labelling distance between the bed and door be labelled as two meters your Honor.

COURT:

All right indicate that distance of two meters.

PROSECUTOR CALIJA:

Q Can you tell us the distance between the bed and window?

A (Witness indicating a distance of a meter away)

PROSECUTOR CALIJA:

May we likewise indicate the distance Your Honor.

Q Now, could you tell us, Madam Witness, in particular where was your husband when he was stabbed in relation to the door, was he already outside the door or was he still inside the sala when he was stabbed?

A He was still inside the house Ma'am.

Q How far was he from the main door?

A Very near Ma'am. He just held the hinges he held both each frame of the door.

Q And could you describe to us, Madam witness, how the assailant stabbed your husband?

A When he said I am going to urinate, he proceeded to the door and put his hands on both the jams of the door and then the person who was hiding behind the wall stabbed him right there and there. The person who stabbed him hid outside the house but adjacent to the door.

Q Now Madam Witness, there is a door of the courtroom, kindly go down the witness stand and demonstrate how to us where the assailant was when your husband was stabbed?

PROSECUTOR CALIJA:

First, Your Honor, may I pray that the witness demonstrate the position of his husband when he was stabbed. Use the door of the courtroom as the door of their house while the husband placed both of his hands on the frame of the door the assailant coming from the right side of the victim outside the door thrust the assailant who could not be seen thrust the knife.

COURT:

The assailant who concealed himself behind the wall on the right and immediately adjacent to the door stabbing the victim at the abdomen; that the witness was standing obliquely to the edge of the door.

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Q How did you see the accused for the first time?

A When my husband placed his hands on the frame of the door and lamp, I saw him then I saw the assailant then your Honor. When my husband placed his hands on both frames of the door and bowed his head, that was the time when I saw the accused.

Q And how did you see the accused for the second time?

A Through the window Your Honor.

COURT:

Continue.

PROSECUTOR CALIJA:

Q And when you saw the accused at the window fleeing, do you know where he went?

A I know Ma'am.

Q Where?

A He went up the mountain because our house is on top on the mountain and our house is isolated sir."[13]

For his part, Ronel testified as follows:

PROSECUTOR MA. RINAH CALIJA:

Q In the afternoon of June 6, 1992, at about one o'clock in the afternoon, do you remember where you were?

A Yes, ma'am.

Q Where were you ?

A I was inside our house, ma'am.

Q Where is your house situated?

A In Barangay Caunayan, ma'am.

Q What municipality?

A Caunayan, Pagudpud, Ilocos Norte, Ma'am.

Q Who were your companions, if any, while you were in your house on that date?

A My mother and my late father, ma'am.

Q What is the name of your mother?

A Lorie Abian, ma'am.

Q How about your late father?

A Federico Abian, ma'am.

Q Now, where particularly in your house were you in that afternoon of June 6, 1992?

A I was inside our house, ma'am.

Q How about your parents?

A They were also inside our house, ma'am.

Q What were you doing on that particular moment?

A We were listening to the radio, ma'am.

Q While you were listening at the radio, what did your father do, if any?

A My father said, "You change the station and I go out to urinate."

Q And what did you do?

A I switched station, ma'am.

Q What about your father, what did he do?

A He was about to go and urinate downstairs, ma'am, but he was stabbed at the door.

Q Where were you when your father was stabbed?

A I was inside the house, ma'am.

Q How far were you when your father was stabbed?

A (Witness indicating a distance of three meters).

Q Where was your father stabbed in relation to your house?

COURT:

He said he was stabbed at the door.

PROSECUTOR MA. RINAH CALIJA:

Q I will reform, your Honor. Now, did you see how your father was stabbed?

A He was about to go down, ma'am, but he was stabbed.

Q Where was the man who stabbed your father in relation to the place where your father was?

A He was on the wall behind the door, ma'am.

Q Could you describe how the assailant stabbed your father?

COURT:

He is only 12 years old. You tell him to demonstrate. You cannot expect him to describe.

PROSECUTOR MA. RINAH CALIJA:

Q Will you demonstrate how the assailant stabbed your father? May I ask the witness to go down from the witness stand and may I ask, your Honor, that this door be the place where his father was.

COURT:

You tell the witness that the door of the courtroom is assumed as the door of his house and he should position himself in the position of the man in relation to the door.

WITNESS:

A This is the position of the man, ma'am (witness positioning himself outside the door, leaning behind the

wall, his back against the wall.)

PROSECUTOR MA. RINAH CALIJA:

Not exactly, your Honor.

WITNESS:

A His back obliquely on the wall, ma'am.

ATTY. LOWELL ROMERO:

My I manifest, your Honor, that the witness is demonstrating outside the door.

COURT:

Tell the witness to position himself in relation to the door.

WITNESS:

A At the right side of the door, ma'am. When my father was about to go down, the man stabbed him. I saw the hand of the man and I also saw him when he went down fleeing up the mountain. When he was in that oblique position, the man thrusted the knife with his right hand towards may father (witness swinging his right arm from his side towards the opening of the door).

COURT:

Alright, tell him to position his father in relation to the door when he was stabbed.

WITNESS:

A (Witness placing his hand on the frame of the door and then by holding both frames of the door and moving his body forward as he was stabbed).[14]

Set against the foregoing positive and categorical testimonial declaration of the above-named eyewitnesses for the prosecution is the accused-appellant's alibi and denial of the charges against him. Accused-appellant's defenses of denial and alibi pale in comparison with the witnesses' positive and straightforward declaration; and as between the positive identification of the accused-appellant by the prosecution witnesses and the alibi and bare denial of the accused-appellant, the choice is not difficult to make. For, it is axiomatic that positive identification by the prosecution witnesses of the accused as perpetrator of the crime is entitled to greater weight than his alibi and denial.[15]

The alibi offered by accused-appellant is not only inherently weak, it lacked a strong corroboration. In fact, nothing supports the alibi, not even the testimony of the only defense witness Nestor Lagundino who was presented to buttress the same. Nestor Lagundino who was presented to give corroboration to the defense of alibi, gave testimony that impeached it. He failed to explain satisfactorily to the court how he could have remembered June 6, 1992 and their activities and whereabouts with the accused on that day seven months later. He said that he remembers the date because it was the date they caught bangus fry. But in that month of June they had been catching bangus fry almost every day. Thus, he admitted that it was possible that he could have been with the accused on June 5 or 7, 1992, not necessarily on June 6, 1992. Lagundino's testimony on this point is as follows:

COURT:

Q June 6 that was seven months ago, how do you remember that it was on June 6 when seven months ago when you were with Tony Manegdeg?

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A Yes, Your Honor, because that was the day when we caught bangus frys.

Q Is it not true that you catch bangus frys almost everyday in the month of June?

A Yes Your Honor.

Q And is it not possible that you would had seen Tony or Tony could have been with you on June 5, and 7, 1992?

A Yes Your Honor.

xxx xxx xxx.[16]

As regards the second assigned error, accused-appellant zeroes in on the testimony of Lorie Abian, widow of the deceased. Accused-appellant contends that Lorie's testimony was contrived as she did not disclose the identity of the assailant during the investigation conducted by the police and barangay authorities several hours after the death in question and did so only several days after when she went to the police station on June 12, 1996. Furthermore, accused-appellant raises doubt as to his identification by pointing to the fact that in Police Blotter Entry No. 3688 he was not named as a suspect.

Police Blotter Entry No. 3688 insofar as pertinent reads: "Federico Abian Y Argullana alias, Andring, 39 years old, married, farmer and a resident of Sitio Talna, Barangay Caunayan, Pagudpud, Ilocos, Norte, was stabbed to death by still unknown person"[17] and "(I)nitial investigation conducted disclosed that victims wife Lorie Abian, MNU, 38 years old, housekeeper and a resident of same place was sleeping inside their house when she was awakened when her husband entered into their house with "imuko" still stabbed in his breast causing his instantaneous death."[18]

It is settled that failure to reveal at once the identity of the perpetrator of a felony does not impair the credibility of witnesses more so if such delay has been adequately explained.[19] Lorie Abian had adequately explained that she did not identify the assailant to the police and barangay authorities when they came over to her house several hours after the incident upon the advice of her husband who feared for their safety in the remote area where their house was situated , in this wise:

Q Is it not a fact that when they asked you if you saw the incident you told them you were asleep at the time and you were only awakened to find out that your husband was stabbed by somebody?

A I told them that, sir, because my husband instructed me that I will only go to the police after his burial then we will leave our house, and, also, I was in a state of shock at the time sir.[20]

As correctly pointed out by the Office of the Solicitor General, "Federico, even in the face of death, knew that in the meantime that his family has not left their remote residence, accessible on foot for two (2) hours from the municipal building (pp. 17-18, tsn, Nov. 18, 1992) for a safer place, a revelation of the Federico's assailant would unduly expose his family to greater danger from appellant and in such a situation, the police could not possibly extend any immediate assistance. Undoubtedly, Lorie knew her husband's assailant but chose not to reveal his identity in deference to her husband's advice. xxx."[21]

It is worth mentioning that there is no standard behavior for a person confronted with a shocking incident, especially one involving a loved one. One may immediately report the incident to the proper authorities while another, in fear and/or avoiding involvement in a criminal investigation, may keep to himself what he had witnessed.[22] It was not incredible, contrary to human experience and unrealistic for the victim, Federico Abian, before he expired, to advise his wife not to divulge the name of the assailant until after they are in a safe place, and for the wife to take heed of the same.

Moreover, this Court has consistently held that entries in a police blotter are not conclusive proof of the truth of such entries and should not be given undue significance or probative value for they are usually incomplete and inaccurate.[23]

Further, there is no evidence on the record, as none was adduced by accused-appellant, of any ill-motive on the part of Lorie and Ronel Abian as to why they would testify adversely against accused-appellant in the way that they did. Well settled is the rule that where there is no evidence and nothing to indicate, that the principal witnesses for the prosecution were actuated by improper motive, the presumption was that they were not so actuated and their testimonies are entitled to full faith and credit.[24] The weight of testimony of witnesses is not impaired nor in any way affected by their relationship to the victim when there is no showing of improper motive on the part of witnesses.[25]

Further still, the declaration made by the victim immediately after he was stabbed that "[t]he companion of Mang Susing was the one who stabbed me and his name is Antonio Manegdeg"[26] is admissible as part of the res gestae, since it was made shortly after a startling incident and the victim had no opportunity to contrive.

A declaration is deemed as part of the res gestae and thus admissible in evidence as an exception to the hearsay rule when the following requisites concur: (1) the principal act, the res gestae, is a startling occurrence; (2) the statements were made before the declarant had time to contrive or devise; and (3) the statements must concern the occurrence in question and its immediately attending circumstances.[27] The victim was stabbed in the stomach while he was about to exit his house to urinate which was undoubtedly a startling occurrence. His declaration identifying the accused-appellant as his assailant was made immediately thereafter. Under these circumstances, it appears to be improbable for the victim to have concocted the identity of his assailant. The victim's declaration definitely relates to the occurrence in question. Hence, the declaration of the victim is admissible as part of the res gestae.

Lastly, accused-appellant questions the allegation in the Information that accused-appellant with the use of a bladed weapon inflicted a "sutured stab wound" on the victim which renders the commission of the crime as improbable. The "sutured" stab wound alleged in the Information was copied from the Medico Legal Certificate of Dr. Domingo who described therein the injury as "sutured stabbed wound"[28] because such was the condition of the wound when Dr. Domingo conducted a physical examination of Federico's cadaver on June 11, 1992[29] before Federico's funeral on the same date. Since Federico's body was earlier embalmed[30] , the suture on the wound was apparently done by the embalmer and not caused by the weapon used in stabbing Federico as intimated by accused-appellant. At most, such circumstances is insignificant and inconsequential in view of Dr. Domingo's testimony that the fatal wound was caused by a sharp edged, sharp pointed instrument[31] as the bladed weapon used in this case."[32]

In sum, the trial court did not err in convicting the accused-appellant of the crime of murder qualified by treachery. Circumstances surrounding the killing of the victim Federico Abian clearly indicate the presence of alevosia or treachery, for accused-appellant attacked the victim while he was about to exit his house to urinate, with no inkling whatsoever that he would be attacked. A sudden and unexpected attack, without the slightest provocation on the person of the one attacked, is the essence of treachery.[33] Moreover, the trial court correctly considered the generic aggravating circumstance of dwelling. Where the crime was committed in the place of abode of the victims, the aggravating circumstance of dwelling shall be appreciated against the accused.[34]

The trial court, however, erred in awarding P50,000.00 as moral damages. Moral damages can be awarded only upon sufficient proof that the aggrieved party is entitled thereto in accordance with Art. 2217 of the Civil Code.[35] The fact that the widow, Lorie Abian may have suffered mental anguish and serious anxiety which

constitute the bases for moral damages was not brought up at any stage of the trial.

WHEREFORE, the decision of the trial court finding the accused-appellant guilty beyond reasonable doubt of the crime of murder and sentencing him to reclusion perpetua and ordering him to pay P50,000.00 as indemnity for death is hereby AFFIRMED with the modification that the award of P20,000.00 as moral damages is deleted.

SO ORDERED.

Melo, (Acting C.J.), Vitug, Panganiban, and Purisima, JJ., concur.

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[1] Records, pp. 103-104; Decision penned by Judge Rodolfo U. Manzano.

[2] Records, p. 23.

[3] Rollo, pp. 132-137.

[4] TSN dated January 5, 1993, pp. 3-4.

[5] Rollo, pp. 66-67.

[6] Rollo, p. 68.

[7] Rollo, pp. 76-77.

[8] Rollo, p. 79.

[9] People vs. Sabal, 247 SCRA 263 (1995).

[10] People vs. Quinao, 269 SCRA 495 (1997).

[11] People vs. Gayon, 269 SCRA 587 (1997).

[12] TSN dated Sept. 15, 1992, p. 16.

[13] TSN, dated September 15, 1992, pp. 5-10.

[14] TSN dated October 13, 1992, pp. 5-8.

[15] People vs. Lug-aw, 229 SCRA 308 (1994).

[16] TSN dated January 12, 1993, pp. 65-66.

[17] Rollo, p. 62.

[18] Ibid.

[19] People vs. Garcia, 258 SCRA 411 (1996).

[20] TSN dated September 16, 1992, pp. 32-33.

[21] Rollo, p. 139.

[22] People vs. Navales, 266 SCRA 569 (1997).

[23] People vs. Paragua, 257 SCRA 118 (1996).

[24] People vs. Simon, 209 SCRA 148 (1992).

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[25] People vs. Carpio, 282 SCRA 23 (1997).

[26] TSN dated Sept. 15, 1994, p. 11.

[27] People vs. Maguikay, 237 SCRA 587 (1994).

[28] TSN dated Nov. 17, 1992, p. 47.

[29] Ibid., at pp. 47 & 49.

[30] TSN dated Sept. 15, 1992, p. 16.

[31] TSN dated Nov. 17, 1992, p. 48.

[32] Rollo, pp. 141-142.

[33] People vs. Alcantara, 206 SCRA 662 (1992).

[34] People vs. Canturia, 245 SCRA 275 (1995).

[35] Art. 2217. Moral damages include physical suffering, mental anguish, fright, serious anxiety, besmirched reputation, wounded feelings, moral shock, social humiliation, and similar injury. Though incapable of pecuniary estimation, moral damages may be recovered if they are the proximate result of the defendant's wrongful act or omission.

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