

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. AARON FLORES @ “RONITO”, SULPECIO SILPAO Y ORTEGA @ “SULPING” AND EDGAR VILLERAN Y MAGBANUA, ACCUSED-APPELLANTS.

G.R. No. 116488. May 31, 2001

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

Sgt. Wennie Tampioc, Detachment Commander of the 7[th] Infantry Brigade detailed at Barangay Tabu, Ilog, Negros Occidental, and three (3) members of the local Citizen Armed Force Geographical Unit (CAFGU) under his supervision, namely, Aaron Flores alias "Ronito", Sulpecio Silpao y Ortega alias "Sulping" and Edgar Villeran y Magbanua, were charged before the Regional Trial Court of Kabankalan, Negros Occidental, Branch 61, with Kidnapping and Serious Illegal Detention. The Information charged as follows:

That on or about the 29[th] day of September, 1992, in the Municipality of Ilog, Province of Negros Occidental, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with high powered firearms conspiring, confederating and helping one another, by means of force, violence and intimidation, did then and there, willfully, unlawfully and feloniously take, kidnap, detain and keep under guard one SAMSON SAYAM y GEPANAO from Km 117, Hda. Shangrella (sic), Brgy. Tabu, of the above-named municipality, and bring the latter to their detachment at Brgy. Tabu, under restraint and against his will, without proper authority thereof, thereby depriving said victim of his civil liberty since then up to the present.

CONTRARY TO LAW.[1]

All the four accused pleaded "Not Guilty" when arraigned. Trial ensued and, based on the testimonial evidence presented, the trial court found the following antecedent facts to be undisputed.

On the night of September 29, 1992, the victim, Samson Sayam, was drinking beer at the store owned by Terry Cabrillos located at Barangay Tabu, Ilog, Negros Occidental. Sgt. Wennie Tampioc, Aaron Flores, Sulpecio Silpao and Edgar Villeran were at the same store drinking beer. Sayam joined the four accused at their table. Sometime later, all the accused and the victim left the store and walked towards the direction of the military detachment headquarters. After the accused left the store with Samson Sayam, witnesses heard a single gunshot followed by rapid firing coming from the direction of the detachment headquarters.[2] That was the last time Samson Sayam was seen, and despite diligent efforts of Sayam's mother and relatives, he has not been found.

It was the prosecution's contention that on that fateful evening, all four accused hatched a conspiracy to kidnap the victim and thereafter detain him at the detachment headquarters. They allegedly succeeded in their plot and, the prosecution avers, to this day the accused have not released Samson Sayam. All the accused, however, vehemently denied committing the acts charged.

The trial court held that the testimonial evidence failed to prove beyond reasonable doubt the existence of a conspiracy among the four accused. More specifically, the prosecution failed to show an apparent common design

by and among the accused to kidnap and detain Samson Sayam against his will. Thus, the trial court proceeded to determine the individual liabilities of the four accused based on the degree of their participation in the commission of the offense charged.

The trial court gave credence to the prosecution's evidence that Samson Sayam was seen being forcibly dragged out of the store and pulled towards the direction of the detachment headquarters by accused Aaron Flores, Sulpecio Silpao and Edgar Villeran. Since Samson Sayam had not been seen nor heard from since then, the trial court held that the three accused were responsible for the former's disappearance.

As regards Wennie Tampioc, the trial court found that he left the store ahead of the three (3) co-accused and, thus, had nothing to do with the disappearance of Samson Sayam. Notably, none of the prosecution witnesses specifically or categorically mentioned Tampioc as among those who actively participated in bringing Samson Sayam by force to their headquarters. Unlike his co-accused who are natives of the place of the incident, Wennie Tampioc was newly assigned as Detachment Commander and did not know Samson Sayam, such that no ill-motive was attributed to him by the trial court. Likewise, the testimonies of prosecution witnesses Nelson Golez, on the one hand, and that of Carlos Manlangit, on the other hand, conflict as to the kind of firearm allegedly carried by Tampioc. While Golez stated that he was armed with an Armalite rifle,[3] Manlangit testified that Tampioc was armed with a short firearm.[4]

More importantly, the trial court found that the identity of Sgt. Tampioc as one of the perpetrators of the crime was doubtful, because notwithstanding the fact that Nelson Golez knew Wennie Tampioc even before September 29, 1992,[5] the original complaint filed before the Municipal Circuit Trial Court of Ilog Candoni, dated October 21, 1992, which was based on the affidavits of Golez and Carlito Manlangit, did not mention Wennie Tampioc as one of the respondents. The said affidavits merely mentioned an "unidentified member of the 7[th] IB, Philippine Army, assigned at Brgy. Tabu, detachment." At the time of the execution of the affidavits, the witnesses could have known that Wennie Tampioc was a sergeant, and that he was the commander of the detachment. Finally, the straightforward and emphatic manner in which Wennie Tampioc testified inspired belief in the trial court's mind.[6]

On December 8, 1993, the trial court rendered the assailed judgment, the dispositive portion of which states:

WHEREFORE, premises considered, this Court finds the accused Aaron Flores, Edgar Villeran and Sulpecio Silpao GUILTY beyond reasonable doubt of the crime of kidnapping and serious illegal detention as defined and penalized in Article 267 of the Revised Penal Code and are each sentenced to suffer the penalty of Reclusion Perpetua; and there being no proof that Samson Sayam is dead, they are ordered to pay him jointly and severally, or, in the alternative, his heirs the sum of Fifty Thousand (P50,000.00) Pesos as damages, without subsidiary imprisonment in case of insolvency and to pay the costs of this suit.

The accused Wennie Tampioc is ACQUITTED on grounds of reasonable doubt.

The bail bonds of the said accused are ordered cancelled and the convicted accused ordered confined pending appeal if they so file an appeal, in accordance with Administrative Circular No. 2-92, dated January 20, 1992 of the Supreme Court.

SO ORDERED.[7]

Two (2) separate appeals were brought before us. Accused-appellant Sulpecio Silpao raised the following errors:

- THE TRIAL COURT ERRED IN CONVICTING ACCUSED-APPELLANT SULPECIO SILPAO OF THE CRIME OF KIDNAPPING AND SERIOUS ILLEGAL DETENTION, UNDER ARTICLE 267, REVISED PENAL CODE.

- THE TRIAL COURT ERRED IN HOLDING THE ACCUSED-APPELLANT CAFGU SULPECIO SILPAO, AS AMONG THOSE WHO FORCIBLY BROUGHT SAMSON SAYAM TO THEIR HEADQUARTERS IN THE EVENING OF 29 SEPTEMBER 1992 AND RESPONSIBLE FOR SAMSON SAYAM'S DISAPPEARANCE.

- THE TRIAL COURT ERRED IN FINDING ACCUSED-APPELLANT CAFGU SULPECIO SILPAO GUILTY BEYOND REASONABLE DOUBT OF THE OFFENSE CHARGED.

On the other hand, accused-appellants Aaron Flores and Edgar Villeran interposed a joint appeal based on the sole error that:

THE TRIAL COURT ERRED IN FINDING ACCUSED-APPELLANTS AARON FLORES AND EDGAR VILLERAN GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF KIDNAPPING AND SERIOUS ILLEGAL DETENTION BASED ON CIRCUMSTANTIAL AND INSUFFICIENT EVIDENCE.

After a thorough review of the facts and evidence adduced before the trial court, we find that accused-appellants should be acquitted of the offense charged against them.

The crime of Kidnapping and Serious Illegal Detention is defined and penalized under Article 267 of the Revised Penal Code, as amended by Republic Act No. 7659. The elements of the offense are:

1. That the offender is a private individual.
2. That he kidnaps or detains another, or in any other manner deprives the latter of his liberty.
3. That the act of detention or kidnapping must be illegal.
4. That in the commission of the offense, any of the following circumstances are present:
 - (a) That the kidnapping or detention lasts for more than 3 days;
 - (b) That it is committed simulating public authority;
 - (c) That any serious physical injuries are inflicted upon the person kidnapped or detained or threats to kill him are made; or
 - (d) That the person kidnapped is a minor, female or public officer.[8]

Clearly, accused-appellants cannot be charged with or convicted of the crime of Kidnapping and Serious Illegal Detention, since the first element of the said crime is that the offender must be a private individual. In the case at bar, accused-appellants were members of the local CAFGU at the time the alleged crime was committed.

The CAFGU was created pursuant to Executive Order No. 264 for the purpose of complementing the operations of the regular force formations in a locality.[9] It was composed of civilian volunteers who were tasked to maintain peace and order in their localities, as well as to respond to threats to national security. As such, they were provided with weapons, and given the authority to detain or order detention of individuals.[10]

The Solicitor General recognizes the error of charging and convicting accused-appellants of Kidnapping and Serious Illegal Detention for the reason that the appellants are not private individuals, but public officers. As such, the Solicitor General submits that, under the facts alleged, accused-appellants can only be liable for the crime of Arbitrary Detention, defined and penalized in Article 124 of the Revised Penal Code. The prosecution maintains that inasmuch as all the other elements of Arbitrary Detention were alleged in the criminal information filed against the accused-appellants, they may still be convicted of said crime.

Arbitrary detention is committed by any public officer or employee who, without legal grounds, detains a

person.[11] Since it is settled that accused-appellants are public officers, the question that remains to be resolved is whether or not the evidence adduced before the trial court proved that Samson Sayam was arbitrarily detained by accused-appellants.

As far back as the case of *U.S. v. Cabanag*,^[12] it was held that in the crime of illegal or arbitrary detention, it is essential that there is actual confinement or restriction of the person of the offended party. The deprivation of liberty must be proved,^[13] just as the intent of the accused to deprive the victim of his liberty must also be established by indubitable proof.^[14]^[1] In the more recent case of *People v. Fajardo*,^[15] this Court reiterated the ruling in *U.S. v. Cabanag*, i.e., there must be uncontroverted proof of both intent to deprive the victim of his liberty, as well as actual confinement or restriction.

Detention is defined as the actual confinement of a person in an enclosure, or in any manner detaining and depriving him of his liberty.^[16] A careful review of the records of the instant case shows no evidence sufficient to prove that Samson Sayam was detained arbitrarily by accused-appellants. While the prosecution witnesses testified that accused-appellants were seen walking with Samson Sayam toward the direction of the detachment headquarters, there is no shred of evidence that he was actually confined there or anywhere else. The fact that Samson Sayam has not been seen or heard from since he was last seen with accused-appellants does not prove that he was detained and deprived of his liberty. The prosecution, however, argues that Samson Sayam was deprived of his liberty when accused-appellants forced him to go with them when they left the store of Jerry Cabrillos and brought him to the detachment headquarters.

We assayed the testimonies of the prosecution's main witnesses, namely, Carlito Manlangit and his son Jerry Manlangit. Carlito Manlangit's testimony was offered to prove that Samson Sayam was forcibly taken from the store and that the latter tried his best to free himself from his abductors. And yet, all that Carlito testified to was that he saw Samson Sayam crossing the street alone from the store of a certain Moleng; that the four accused, who were armed, followed Sayam and asked for his residence certificate; that the four accused apprehended Samson Sayam and brought him to the detachment headquarters; and that he went home after he saw Samson Sayam talking to the accused.^[17]

It is readily apparent that Carlito Manlangit's testimony failed to prove the stated purpose thereof, i.e., that Samson Sayam was taken forcibly to the detachment headquarters. To be sure, the witness did not state that Samson Sayam was pulled, dragged, or coerced to go with accused-appellants. Neither did he say that Samson Sayam was taken at gunpoint. There is also no relevant testimony to the effect that Samson Sayam tried his best to free himself from the clutches of accused-appellants. For if that were the truth, the reactions of Carlito Manlangit do not conform to human experience. If he really witnessed Samson Sayam being apprehended, forcibly taken, and trying to free himself, it cannot be logically explained why Carlito Manlangit just went home,^[18] instead of doing anything to help Samson Sayam. He admitted that he did not immediately report the incident to the authorities.^[19] More telling is the absence of testimony to the effect that Samson Sayam was being taken to the detachment headquarters against his will, that he was protesting his apprehension, or that he was asking for help, considering that there were other people within hearing and seeing distance. Most damaging is Carlito Manlangit's statement that he did not see Samson Sayam in the detachment headquarters with any or all of the accused.^[20] In fine, Carlito Manlangit's testimony failed to prove that Samson Sayam was arbitrarily detained or deprived of his liberty.

Jerry Manlangit, son of Carlito, also testified for the prosecution. According to him, he and Samson Sayam went to Barangay Tabu to have a sack of palay milled on September 29, 1992. At around six in the evening, while on their way home, they passed by the store of Terry Cabrillos to buy kerosene. There, he saw the four accused drinking beer. Samson Sayam told him to go home because he had to show his residence certificate and barangay

clearance to accused-appellant Aaron Flores. Jerry Manlangit then proceeded to his residence in Hacienda Shangrila, located about half a kilometer away from the center of Barangay Tabu. Later, he told his father that Samson Sayam stayed behind and asked him to fetch Samson. He also testified that he heard gunshots coming from the direction of the detachment headquarters.[21]

The testimony of Jerry Manlangit does not prove any of the elements of the crime of arbitrary detention. Neither does it support nor corroborate the testimony of his father, Carlito, for they dealt on a different set of facts. Jerry Manlangit did not see any of accused-appellant apprehend or detain Samson Sayam. He did not even see if accused-appellant Flores really inspected the residence certificate and barangay clearance of Samson Sayam. The rest of his testimony comprised of hearsay evidence,[22] which has no probative value.[23] In summary, Jerry Manlangit's testimony failed to establish that accused-appellants were guilty of arbitrary detention.

The prosecution also presented the testimony of Nelson Golez, who identified the four accused as the persons with Samson Sayam, drinking inside the store of Terry Cabrillos. He also stated that following a heated argument, the accused and Samson Sayam left the store and went towards the direction of the detachment headquarters. He said that the accused were "holding and pulling" Samson Sayam "towards the road." Ten minutes later, Nelson Golez heard a single gunshot followed by rapid firing.[24]

On cross-examination, however, Nelson Golez did not affirm his earlier statement that the accused and Samson Sayam were engaged in a heated argument. Rather, he said he did not hear them arguing as they were leaving the store. Although Nelson Golez attested that Samson Sayam was protesting while the accused were dragging him, he did not do anything to help Samson Sayam, who happened to be his cousin.[25]

Again, no conclusion of guilt can be inferred from Nelson Golez's testimony. First of all, he was unsure of his assertion that there was an argument. The mere fact that Samson Sayam was being dragged towards the road does not constitute arbitrary detention. There is no showing that Samson Sayam was completely deprived of his liberty such that he could not free himself from the grip of the accused, if he was indeed being held against his will. The incident transpired in a public place, where there were people milling about, many of whom were his friends. It is puzzling that Samson Sayam did not cry out for help. Nobody bothered to report the incident, if indeed it happened, to the barangay authorities. No one else came forward to corroborate the testimony of Nelson Golez.

The testimony of Nelson Golez, by itself, lacks credibility. He wavered on material points, even as the prosecution failed to substantiate by direct or corroborative evidence the bare testimony of Nelson Golez.

It is basic and elemental that in criminal prosecutions, before the accused may be convicted of a crime, his guilt must be proven beyond reasonable doubt. Although the findings of fact made by trial courts are generally not disturbed on appeal, if there are substantial facts which were overlooked but which may alter the results of the case in favor of the accused, such facts should be taken into account by the appellate court.[26] And where it appears that the trial court erred in the appreciation of the evidence on record or the lack of it, the factual findings of the trial court may be reversed.[27]

After thoroughly reviewing the records of this case and weighing the testimonial evidence on the scale of creditworthiness and materiality, this Court finds the evidence of the prosecution grossly insufficient to sustain a conviction. Again, the fact of detention, whether illegal or arbitrary, was not clearly established by credible evidence. There was no showing that Samson Sayam was locked up, restrained of his freedom, or prevented from communicating with anyone. Likewise, there was no proof that there was actual intent on the part of accused-appellants to arbitrarily deprive Samson Sayam of his liberty. It is necessary that there must be a purposeful or knowing action by accused-appellants to restrain the victim by or with force, because taking coupled with intent completes the crime of illegal or arbitrary detention.[28]

The prosecution, however, maintains that the evidence, even though circumstantial, sufficiently establishes the guilt of the accused-appellants. It cites the following circumstances:

- On September 29, 1992, at about 6:00 o'clock in the evening, accused-appellants, together with their companions Sergeant Tampioc and fellow CAFGU Sulpecio Silpao, were seen with Samson at the store of Terry Cabrillos. Accused-appellants were having a drinking spree. Later, they were seen engaged in a heated argument.
- Thereafter, Samson was forcibly brought out of the store by accused-appellants by holding and pulling him towards the road. From another angle, another prosecution witness saw accused-appellants on the road arresting Samson.
- Accused-appellants brought Samson towards the direction of the detachment of Brgy. Tabu.
- Ten (10) minutes later, a gunshot was heard coming from the direction of the detachment followed by rapid firing.
- After the incident, Samson was never seen again or heard from.[29]

As already discussed, the above-enumerated circumstances were not established by clear and convincing evidence. And even if these acts were proven to be true, the combination of all these circumstances would still not be able to produce a conviction beyond reasonable doubt. To our mind, the totality of these circumstantial evidence do not constitute an unbroken chain pointing to the fair and reasonable conclusion that the accused-appellants are guilty of the crime charged.

For circumstantial evidence to be sufficient to support a conviction, all the circumstances must be consistent with the hypothesis that the accused-appellants are guilty, and inconsistent with the possibility that they are innocent.[30] Thus:

Section 4. Circumstantial evidence, when sufficient. - Circumstantial evidence is sufficient for conviction if:

- a) There is 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.[31]

The rule is clear that there must be at least two proven circumstances which in complete sequence leads to no other logical conclusion than that of the guilt of the accused.[32] It is admitted that Samson Sayam was seen drinking with accused-appellants on that fateful night. However, the circumstances that there was a heated argument among them, and that the accused-appellants held and pulled Samson Sayam to the road and brought him towards the direction of the detachment headquarters was not sufficiently proven by material or relevant testimony.

Moreover, the circumstance that gunshots were heard on that night have no relevancy to the case. Even if it were, it cannot be concluded that the gunshots came from the direction of the detachment headquarters. The witnesses who testified that they heard the gunshots were at least half a kilometer away from the center of the barangay, while the detachment headquarters itself was also some distance from the barangay. At night, especially in the rural areas when all is quiet, loud sounds such as gunshots reverberate and would seem to come from every direction. An ordinary person a kilometer away cannot, with certainty, point to the exact location where the gunshots would be coming from. That would otherwise be attributing expertise on such matters to the prosecution witnesses.

That Samson Sayam was never seen or heard from again cannot be the basis for the trial court to render judgment convicting the accused-appellants. In fact, it has no bearing in this case because it is not one of the elements of the crime of arbitrary detention. Consequently, only one relevant circumstance was proved, i.e., that accused-appellants were the last persons seen with Samson Sayam. However, said circumstance does not necessarily prove that they feloniously abducted him, then arbitrarily detained him.[33]

Moreover, mere suspicion that the disappearance of Samson Sayam was a result of accused-appellants' alleged criminal acts and intentions is insufficient to convict them. Proof beyond reasonable doubt is the required quantum of evidence.[34] An uncorroborated circumstantial evidence is certainly not sufficient for conviction when the evidence itself is in serious doubt.[35] The prosecution was not able to prove a possible motive why accused-appellants would arbitrarily detain Samson Sayam. In sum, there is no unbroken chain of circumstances leading to the conclusion that accused-appellants are guilty. Since the pieces of circumstantial evidence do not fulfill the test of moral certainty that is sufficient to support a judgment or conviction, the Court must acquit the accused.[36]

In the recent case of *People v. Comesario*,[37][3] we had occasion to rule that:

Accused-appellant's conviction by the trial court hinged on circumstantial evidence. To validly invoke circumstantial evidence, it must be shown that there is more than one circumstance and the facts from which the inferences are derived are proven. The combination of all the circumstances is such as to produce a conviction beyond reasonable doubt. The circumstances must constitute an unbroken chain of events that can lead reasonably to the conclusion pointing to the accused to the exclusion of all others as the author of the crime. Logically, it is where the evidence is purely circumstantial that there should be an even greater need than usual to apply with vigor the rule that the prosecution cannot depend on the weakness of the defense and that any conviction must rest on nothing less than a moral certainty of guilt of the accused. Like a tapestry made of strands which create a pattern when interwoven, a judgment of conviction based on circumstantial evidence can be upheld only if the circumstances proved constitute an unbroken chain which leads to one fair and reasonable conclusion pointing to the accused, to the exclusion of all others, as the guilty person.

Accused-appellants enjoy the presumption of innocence until the contrary is proved. In the case at bar, the pieces of testimonial evidence relied on by the prosecution and the trial court to support a conviction have failed to overcome the constitutional precept of the presumed innocence of accused-appellants. Among other grounds, not only is there a lot of room for reasonable doubt in regard to their guilt, there is a virtual dearth of convincing evidence to prove that a crime had been committed.

There is no need even to assess the evidence of the defense, for the prosecution bears the onus to distinctly and indubitably prove that a crime had been committed by accused-appellants.[38] It is incumbent upon the prosecution to establish its case with that degree of proof which leads to no other conclusion but conviction in an unprejudiced mind. The evidence for the prosecution must stand or fall on its own merits for it cannot be allowed to draw strength from the weakness of the evidence for the defense.[39] Clearly, the prosecution in this case has failed to prove the guilt of accused-appellants beyond reasonable doubt. In similar cases, this Court has often and consistently ruled that it is better to acquit a guilty person than to convict an innocent one.[40]

WHEREFORE, the assailed decision is REVERSED and SET ASIDE. Accused-appellants are ACQUITTED. Unless being held or detained for some lawful reason, accused-appellants are ORDERED RELEASED immediately. The Director of Prisons is DIRECTED to inform this Court, within five (5) days from notice, of the date and time when accused-appellants are released pursuant to this Decision.

SO ORDERED.

Davide, Jr., C.J. (Chairman), Puno, and Pardo, JJ., concur.
Kapunan, J., on leave.

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- [1] Information dated January 28, 1993, Rollo, p. 13
[2] TSN, August 3, 1993, pp. 9-10, 14.
[3] TSN, August 3, 1993, p. 14.
[4] TSN, April 27, 1993, p. 12.
[5] TSN, August 3, 1993, p. 22.
[6] RTC Decision, pp. 11-13; Rollo, pp. 29-31.
[7] RTC Decision, pp. 13-14; Rollo, pp. 31-32.
[8] II Reyes, *The Revised Penal Code*, 542 (1998); italics copied.
[9] E.O. 264, Section 4.
[10] Implementing Rules and Regulations of E.O. 264, Sections 5, 6 (d), and 11.
[11] Revised Penal Code, Article 124.
[12] 8 Phil. 64, 69 (1907).
[13] *People v. Bernal*, 274 SCRA 197, 201 (1997).
[14] *People v. Dela Cruz*, 277 SCRA 173, 179 (1997).

[15] 315 SCRA 283, 294 (1999).

- [16] *People v. Gungon*, 287 SCRA 618, 636 (1998), citing *People v. Domasian*, 219 SCRA 245, 253 (1993).
[17] TSN, April 27, 1993, pp. 4-12.
[18] *Ibid.*, p. 12.
[19] *Ibid.*
[20] *Ibid.*, pp. 19-20.
[21] TSN, April 2, 1993, pp. 14-21.
[22] *Ibid.*, pp. 14-22.
[23] *People v. Mataro*, G.R. No. 130378, March 8, 2001; *Pedrosa v. Court of Appeals*, G.R. No. 118680, March 5, 2001.
[24] TSN, August 3, 1993, pp. 16, 17 and 19.
[25] *Ibid.*, pp. 28-30.
[26] *People v. Lim*, 190 SCRA 706, 711 (1990).

- [27] People v. Lagao, 286 SCRA 610, 617 (1998).
- [28] People v. Soberano, 281 SCRA 438, 447 (1997).
- [29] Brief for Plaintiff-Appellee, Rollo, pp. 245-246.
- [30] People v. Casingal, 243 SCRA 37, 44 (1995).
- [31] Rules of Court, Rule 133, Section 4.
- [32] People v. Bravo, 318 SCRA 812, 824 (1999).
- [33] People v. Mijares, 297 SCRA 520, 531 (1998).
- [34] Abad v. Court of Appeals, 291 SCRA 56, 62 (1998).
- [35] People v. Orpilla, 196 Phil. 277, 288 (1981).
- [36] People v. Ferras, 289 SCRA 94, 108 (1998).

[37] 306 SCRA 400, 404 (1999).

- [38] People v. Nino, 290 SCRA 155, 159 (1998).
- [39] People v. Qutorio, 285 SCRA 196, 207 (1998); Cosep v. People, 290 SCRA 378, 395 (1998).
- [40] People v. Comesario, 306 SCRA 400, 406 (1999).

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