

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MERCY SANTOS Y ENTIENZA, ACCUSED-APPELLANT.

G.R. No. 117873. December 22, 1997

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

Even though the extrajudicial confession is excluded for having been extracted in violation of the Constitution, the Court holds that appellant may nonetheless be convicted on the basis of the remaining evidence clearly showing her liability for kidnapping. The Court also reiterates these rules: (1) the assessment of the credibility of witnesses and their testimonies is best left to the discretion of the trial court; and (2) bare denials cannot overturn the positive and straightforward testimonies of witnesses who are not shown to have any ill motive in testifying against the accused.

The Case

The foregoing summarizes the Court's ruling on this appeal from the Decision,[1] dated October 3, 1994, of the Regional Trial Court of Quezon City, Branch 96, in Criminal Case No. Q-93-42733, convicting Appellant Mercy Santos y Entienza of kidnapping.

In the Information dated March 25, 1993 filed by Assistant Quezon City Prosecutor Medardo H. Palomaria, appellant was charged as follows: [2]

“That on or about the 8th day of March, 1993, in Quezon City, Philippines, the abovenamed accused, conspiring, confederating with four (4) other persons whose true names, identities, whereabouts and other personal circumstance have not yet been ascertained and mutually helping one another, did, then and there wilfully, unlawfully and feloniously kidnap one CHARMAINE MAMARIL, a female, a minor, 7 years of age, represented herein by her mother, RAQUEL MAMARIL, from her school at Kaligayahan Elementary School located at Rivera Compound, Barangay Kaligayahan, Novaliches, Quezon City, and brought her to a house at No. 8 G Araneta Avenue, Sto. Domingo, Quezon City, on March 13, 1993, thereby illegally detaining her for five (5) days, to her damage and prejudice.”

With the assistance of Atty. Noel Ocampo of the Public Attorney's Office, she pleaded “not guilty” to the charge during the arraignment.[3] A pre-trial conference was conducted on June 2, 1993, but no stipulation or agreement was arrived at.[4] After trial, the court a quo rendered the assailed Decision, the decretal portion of which reads:[5]

“WHEREFORE, judgment is hereby rendered finding the accused MERCY SANTOS y ENTIENZA guilty beyond reasonable doubt of the crime of KIDNAPPING AND SERIOUS ILLEGAL DETENTION and sentencing her to suffer reclusión perpetua; to indemnify the victim CHARMAINE MAMARIL, her parents, and members of her family, represented by her mother, RAQUEL MAMARIL, in the sum of Pesos: One Hundred Thousand (P100,000.00); and to pay the costs of suit.”

Hence, this appeal.[6]

The Facts

Version of the Prosecution

The trial court narrated the facts of this case as presented by the prosecution: [7]

“Charmaine Mamaril, a kindergarten pupil, was brought to school, the Kaligayahan Elementary School, in Novaliches, Quezon City by her mother, Raquel Mamaril, at noontime on March 8, 1993. Raquel left Charmaine in her classroom with her classmates but stayed awhile, going home only after 12:30 p.m. She would be going back for Charmaine, according to her daily routine, at 2:00 p.m. When she returned to fetch Charmaine before 2:30 p.m., Charmaine’s teacher Ms. Grace Lucena, met and asked her if the child had already reached home; Raquel replied that Charmaine did not know the way home. She then looked for her child in school until someone informed her that a woman had earlier fetched her daughter. She immediately reported the matter to the police authorities stationed in Novaliches at around 3:00 p.m. and then to the National Bureau of Investigations the next day; she also approached radio and television stations for help. She and her family conducted their own search from then until her daughter was finally found on March 13, 1993.

Raquel recounted how her child was recovered. According to her, a police sergeant came to her house on March 13, 1993 and asked for her; he told her to contact Kagawad Aida Bautista of Sto. Domingo. When contacted, Bautista informed her that a child named Charmaine was with her; Raquel immediately went to Bautista with some identification papers of Charmaine, and the child was turned over to her after showing the birth certificate. This occurred on a Saturday.

Although Charmaine’s kidnapper was not immediately caught, the matter did not end with the return of Charmaine to her family’s bosom. Two days later, on Monday, Bautista telephoned Raquel to tell her that the woman, a certain Mercy Santos, had returned to her place to claim Charmaine. Raquel wasted no time notifying NBI Agent Roel Jovenir, who, in turn and with other NBI agents, accompanied by Raquel and her husband, proceeded to Bautista’s place and arrested Santos.

Following the arrest of Santos, the kidnapping was investigated at the NBI office, where Raquel gave her written statement.

Bautista recalled that she was at the store on No. 719 Quezon Avenue, Quezon City on March 9, 1993 when, at around 2:00 p.m., a woman approached and asked if she could leave her child with her; that she told the woman to just leave the child ‘at the bench’ of the store; that the woman then left the child there; that when it was already 7:00 p.m. and the woman had not yet returned, she became worried for the child and reported the matter to the Barangay Chairman who also reported it to Eagle Base, the base of the Barangay officials; that on March 12, 1993, she read from a newspaper about a child who was kidnapped in Novaliches; that she immediately called up the Novaliches police sub-station to know more about the kidnapping; that when the child’s mother later phoned her on March 13, 1993, she required the caller to bring the birth certificate of the child for identification, that later that day, the child was returned to her parents in the presence of Barangay Chairman Jose Valdez, the reporter of Pinoy and a barangay tanod; that on March 15, 1993, the woman who had left the child returned for her; that she called up the child’s parents to tell them about this; and that soon, three NBI agents, including one named Roel, came with the parents of the child and, after talking to the woman, arrested her.

The victim, Charmaine, aged 7 years, declared that Mercy Santos took her; that she was seated and crying in school when Mercy waved for her to draw near; that after she approached, Mercy promised to give her a ‘surprise’ if she went with her to a big house where there were many children; that she went with Mercy and was brought to a big house with many children; that she and Mercy slept there; that Mercy later brought her to the store owned by Ate Tina; and that Ate Tina later brought her to a house where she saw her ‘daddy.’

Roel Jovenir was assigned as special investigator of the Anti-Fraud and Action Division of the NBI from April

18, 1992 to June 1, 1993, whose duties included the conduct of surveillance, making arrests, and investigating and filing cases involving violations of laws, like the Revised Penal Code. He testified that on March 9, 1993, Raquel Mamaril filed her written complaint at the NBI offices against an unidentified woman for allegedly kidnapping her daughter on March 8, 1993; that although Raquel's statement was taken only on March 15, 1993, the NBI were already conducting their investigation and surveillance of the kidnapping incident in the vicinity of Kaligayahan Elementary School since the filing of the complaint; that on March 13, 1993, Raquel called to tell him about the child being under the custody of Bautista; that he and the child's parents rushed to Bautista's place and rescued the child; that on March 15, 1993, Raquel again called up to inform him that the suspected kidnapper had gone back to Bautista's place to fetch the child; that in the company of other NBI operatives, namely, Agents Arnel Azul, SPO1 Rodrigo Mapoy, and Emeterio Armada, he proceeded to the Bautista house and waited for the suspect to return; that they arrested the suspect upon her return and brought her to the NBI; that the suspect was Mercy Santos; that Santos was investigated in the presence of counsel, Atty. Gordon Uy, after she was informed of her rights under the Constitution; that she executed and signed a statement, on the occasion of which she admitted the kidnapping; that during the investigation by question and answer, Atty. Uy would raise objections by cautioning Santos against answering, in which case the objection and the question objected to were not anymore typed in the statement; and that photographs were taken of Charmaine and the accused during the confrontation."

Version of the Defense

Appearing as the lone witness for the defense, appellant denied the prosecution's allegations and insisted that her extrajudicial confession was extracted in violation of her constitutional rights. The trial court related her version of the facts, as follows:[8]

"The accused testified in her own behalf on November 24, 1993. She stated that she was arrested by NBI Agent Jovenir on March 15, 1993 at Araneta Avenue, Talayan Village, Quezon City, at the residence of Aida Bautista; that she was at Bautista's house because her friend named Elsa had asked her to fetch Charmaine at that place; that she did not know the surname of Elsa, but Elsa lived on Tops Street, Talayan; that she had come with Elsa from Novaliches; that Elsa had left Charmaine at Bautista's place and later requested her to fetch the child; that Elsa was a nightclub dancer whom she had known for two years; that she was not the woman whom Bautista said had left Charmaine at the store; that she was not able to confer with any Atty. Uy and she might have merely signed the affidavit; that she did not know Atty. Uy; and that she signed Exhibit C only because she was threatened by NBI Agent Rodrigo Mapoy and was maltreated."

Ruling of the Trial Court

The trial court convicted appellant of kidnapping and serious illegal detention. It observed that appellant's identification by the victim and by Witness Bautista was positive and unassailable. Their testimonies were straightforward and unhesitating, especially in their identification of the appellant as the kidnapper. The evidence on appellant's direct and personal participation in the crime was "absolutely credible, trustworthy and sincere."

The trial court rejected appellant's explanation that she was merely fetching the victim upon her friend's request. It was incredible that her friend would refuse to testify on her behalf, if this allegation were true, considering the gravity of the charge leveled against her.

Besides, the trial court considered her extrajudicial confession more than sufficient evidence of her guilt. Such confession was declared as competent evidence against her, despite her denials of having given it and her claims of duress and intimidation. Its voluntariness was sufficiently proven, as it was given after she was apprised of her constitutional rights with the assistance of her counsel of choice, a certain Atty. Gordon Uy. Her subsequent retraction during the trial was rejected as a flimsy machination to extricate herself from criminal liability.

The Issues

The appellant assigns the following errors against the trial court: [9]

“I

The trial court gravely erred in giving full weight and credence to the incredible, unworthy and unreliable testimonies of the prosecution witnesses and in disregarding the theory of the defense.

II

The trial court gravely erred in not giving credence to the defense of denial raised by the accused Mercy Santos.

III

The trial court gravely erred in admitting in evidence the extra-judicial confession of the accused despite the fact that it was elicited in violation of the exclusionary rule on evidence.

IV

The trial court gravely erred in convicting the accused-appellant despite failure of the prosecution to prove his (sic) guilt beyond reasonable doubt.”

For clarity and convenience, the Court will tackle the issues in the following order: (1) admissibility of the extrajudicial confession, (2) credibility of witnesses and appellant’s denial, and (3) sufficiency of evidence.

The Court’s Ruling

The Court rejects the appeal. Although the extrajudicial confession is inadmissible in evidence, there are, apart from said confession, other credible and competent pieces of evidence to establish her guilt beyond reasonable doubt.

First Issue: Extrajudicial Confession Inadmissible

A confession is not admissible in evidence unless the prosecution satisfactorily shows that it was obtained within the limits imposed by the 1987 Constitution. Section 12, Article III thereof, provides:

“(1) Any person under investigation for the commission of an offense shall have the right to be informed of his right to remain silent and to have competent and independent counsel preferably of his own choice. If the person cannot afford the services of counsel, he must be provided with one. These rights cannot be waived except in writing and in the presence of counsel.

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(3) Any confession or admission obtained in violation of this or section 17 hereof shall be inadmissible in evidence against him.”

If the extrajudicial confession satisfies these constitutional standards, it is subsequently tested for voluntariness,[10] i.e., if it was given freely -- without coercion, intimidation, inducement, or false promises; and credibility,[11] i.e., if it was consistent with the normal experience of mankind.

A confession that meets all the foregoing requisites constitutes evidence of a high order because no person of normal mind will knowingly and deliberately confess to be the perpetrator of a crime unless prompted by truth and conscience.[12] Otherwise, it is disregarded in accordance with the cold objectivity of the exclusionary rule. Consequently, the burden of evidence to show that it was obtained through undue pressure, threat or intimidation shifts to the accused.[13]

As proof of alleged compliance with the constitutional standards, the extrajudicial confession contains the following statements:

“01. TANONG: Bb. MERCY SANTOS Y ENTIENZA, ikaw ay iimbesigahan namin sa pagkakasangkot mo sa kasong ‘kidnapping’, bago kami magpatuloy sa pagsisiyasat na ito ay nais naming ipaalam sa iyo and iyong mga karapatan sa ilalim ng ating Saligang Batas. Ikaw ay may karapatang manahimik at di magpahayag ng anumang salaysay kung nais mo, naiintindihan mo ba ito?

SAGOT: Opo sir.

02. T: Ikaw ay mayroon ding karapatan na kumuha at tulungan ng isang abogado na pili mo upang umasiste sa iyo sa pagsisiyasat na ito. Kung hindi mo naman kayang bumayad ng serbisyo ng isang abogado ay ikaw ay bibigyan namin ng isa na siyang tutulong sa iyo sa pagsisiyasat na ito ng walang bayad, naiintindihan mo ba ito?

S: Opo sir.

03. T: Ngayon, ikaw ba ay mayroong abogado na sarili mong pili para tumulong sa iyo sa pagsisiyasat na ito?

S: Opo sir, Nandito ang aking abogado si ATTY. GORDON UY na siyang tutulong sa akin sa pagsisiyasat na ito.” [14]

These questions and the corresponding responses thereto are insufficient proof of compliance with the constitutional requirements. They are terse and perfunctory statements which do not evince a clear and sufficient effort to inform and explain to appellant her constitutional rights, much less satisfy the constitutional prerequisites. The right of a person under custodial investigation to be informed of his rights entails an effective communication that results in an understanding thereof. Any effort falling short of this standard is a denial of this right.[15]

Furthermore, in *People vs. Deniega*,[16] the Court disbelieved the typewritten statements in the extrajudicial confessions to the effect that the accused was properly apprised of his constitutional rights, in view of the glaring inconsistencies in said documents and the token participation therein by the lawyers assigned to the accused. The Court declared:[17]

“The desired role of counsel in the process of custodial investigation is rendered meaningless if the lawyer merely gives perfunctory advice as opposed to a meaningful advocacy of the rights of the person undergoing questioning. If the advice given is so cursory as to be useless, voluntariness is impaired. If the lawyer’s role is reduced to being that of a mere witness to the signing of a pre-prepared document albeit indicating therein compliance with the accused’s constitutional rights, the constitutional standard guaranteed by Article III, Section 12(1) is not met. The process above-described fulfills the prophylactic purpose of the constitutional provision by avoiding ‘the pernicious practice of extorting false or coerced admissions or confessions from the lips of the person undergoing interrogation for the commission of the offense’ and ensuring that the accused’s waiver of his right to self incrimination during the investigation is an informed one in all aspects.”

Thus, the trial court erred in admitting appellant’s extrajudicial confession without showing that Atty. Gordon Uy was indeed the “competent and independent counsel of appellant’s own choosing.” The Court notes appellant’s insistent and persistent disavowals of knowing said Atty. Uy, much less of retaining him as her counsel of choice. The prosecution, for unexplained reasons, failed to present Uy as a witness to show his role in the taking of the alleged confession.

In view of such default, the Court disagrees with this holding of the trial court:

“The circumstances of the investigation, to begin with determine the compliance with the ‘right to counsel’

provision. Where, as in the instant case, the accused is shown to have accepted the representation and assistance of the counsel during the investigation, he may not easily subsequently retract acceptance and disavow counsel during the trial on the flimsy excuse that counsel was not an acquaintance. xxxx

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The accused need not expressly assent to the representation and assistance of her counsel. Her acquiescence sufficed. xxxx

The accused should further be instructed that her failure to object to the representation and assistance of Atty. Uy as her counsel has precluded her from complaining. She could have easily objected at any time but apparently did not. For her to assert now that she could not have done so or that she was not enabled to do so is not credible, it being shown satisfactorily in the records that she was far from prevented during the investigation from doing so. xxx.”[18] (Emphases found in the original.)

No presumption of constitutionality may be accorded any extrajudicial confession until the prosecution convincingly establishes the regularity of its taking and its compliance with the Constitution. This is the price the prosecution has to pay before it can be allowed to use such formidable evidence against the accused.

Therefore, the trial court had no basis for ruling that “Atty. Uy rendered independent and competent assistance to her as her counsel of choice during the investigation.” The extrajudicial confession must be struck down as inadmissible in evidence for failure of the prosecution to establish observance of appellant’s constitutional rights during custodial investigation. Specifically, the prosecution failed to show that appellant was, at that time, assisted by competent and independent counsel preferably of her own choice.

Second Issue: Credibility of Witnesses vs. Denial

The Court is not persuaded by appellant’s posturing that Witness Bautista’s testimony is unworthy of credence for being “of doubtful veracity.” The defense insists that Bautista and appellant met for the first time at the former’s house and harps on the fact that appellant, who was not even informed of Bautista’s address, went to said house only upon the request of appellant’s friend, Elsa. Further, the defense brands as illogical appellant’s act of leaving her victim at the hands of a third person, considering that the prosecution depicted her in the extrajudicial confession as a seasoned kidnapper. Returning to Bautista’s house to regain custody of the victim, which was practically surrendering herself to the authorities, would have been the last thing a seasoned kidnapper would do, appellant contends.

These arguments do not persuade us. They are mere denials which become sterile in comparison with the firm and clear declarations of Bautista, who identified appellant as the person who left Charmaine with her and who fetched the child days after. The trial court correctly held that appellant’s uncorroborated denial was a negative assertion that was inferior to the positive declarations of the prosecution witnesses. Besides, there appears to be no ill motive for Bautista and the victim to accuse appellant of such a grave crime, if the same were not true. Thus, the trial court properly lent credence to their testimony.[19] All in all, this Court has not been given sufficient reason to deviate from the time-honored rule that the assessment of the credibility of witnesses and their testimonies is best left to the discretion of the trial judge.[20]

Third Issue: Sufficient Evidence for Conviction

The prosecution has established the elements of kidnapping under Article 267, paragraph 4 of the Revised Penal Code, namely: (1) the offender is a private individual; (2) he kidnaps or detains another, or in any other manner deprives the latter of his or her liberty; (3) the act of detention or kidnapping is illegal; and (4) the person kidnapped or detained is a minor, female or a public officer.[21]

The prosecution proved that appellant was not a public officer; that she took the victim from the Kaligayahan Elementary School in Novaliches without the knowledge and consent, and against the wishes of her parents; and that the victim was a minor, having been only seven years old at the time.

The element of deprivation of liberty and the identity of her abductor are clearly established in the victim's testimony:[22]

Q. On March 8, 1993, can you recall if you went to school?

A. Yes, sir.

Q. Can you remember if there is anything that happened to you on that day?

A. Yes, sir.

Q. What was that which happened to you?

A. She took me, sir.

Q. When you said she took me, whom are you referring to?

A. Mercy Santos, sir.

Q. If Mercy Santos is in court, can you point her out?

A. Yes, sir. (witness pointing to a person seated on the second bench)

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Pros. Bringas:

Now, Charmaine you stated awhile ago that Mercy Santos took you, how was she able to get you, when Marcy Santos took you, how did she do it?

A. I was left in a store to a certain Mrs...

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Q. From what place did Mercy get you?

A. At the school sir.

Q. How was she able to get you? I am withdrawing the question. Do you know Mercy previous to that day?

A. Yes, sir.

Q. How did you know her?

A. When I met her at a big house I cried and a man whipped me with a piece of rope.

Q. Before Mercy took you from your school, where was she?

A. This Mercy was standing while I was seated and crying.

Q. Did Mercy call you?

A. Yes, sir.

Q. Why did she call you?

A. She waved me over to go to her.

Q. Did you go to her?

A. Yes, sir she told me there is a surprise for me.

Q. Do you know the reason why there was a surprise for you?

A. Yes, sir.

Q. What was the reason?

A. She told me that she will bring me to a big house were [sic] there were many children?

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Q. After you went there, where else did you go, if any?

A. When I was brought to the big house, Mercy and I are and then I slept then after sleeping, I was brought to the store." [sic]

The fact that the victim initially agreed to go with appellant does not remove the element of deprivation of liberty because the victim went with her on false inducement, without which the victim would not have done so. Besides, the minor was distraught because her mother was late in fetching her from school, and she did not know the way to her house. It must have been a comfort to her that a grown-up who could bring her home asked about her situation. As the trial court said:[23]

"The crime committed is of the most serious nature, involving a defenseless minor of seven years of age whom the accused enticed with her promise of a gift. The accused thereby deprived the child of her personal liberty and endangered her life. In addition, the child was forcibly taken away from the midst of her family, causing to them, particularly her parents, much pain, anxiety, anger, and wounded feelings in them. That the minor was subsequently saved from the clutches of the accused and of her cohorts did not diminish a bit the criminal and civil responsibility of the accused, for, even if the deliverance of the victim was due to the overconfidence of the accused, her degree of criminality still evinced her high malevolence and abject disregard of the rights and safety of the child. xxx."

The victim was actually "locked up" inside what she referred to as the "big house." Although her detention there lasted only one night, the trial court held that the victim was actually deprived of her liberty for five days, including the four-day period when she was already in the custody of Bautista. It must be stressed that appellant was charged and convicted under Article 267, paragraph 4 of the Revised Penal Code. Under this provision, it is not the duration of deprivation of liberty which is important, but the fact that the victim, a minor, was locked up. Furthermore, it bears emphasis that appellant did not merely take Charmaine to the "big house" against her will; she in fact detained Charmaine and deprived her of her liberty. The Spanish version[24] of Article 267 of the Revised Penal Code uses the terms "lockup" (encerrar) rather than "kidnap" (secuestrar or raptar). "Lockup" is included in the broader term "detention," which refers not only to the placing of a person in an enclosure which he cannot leave, but also to any other deprivation of liberty.[25] To repeat, the prosecution clearly established "lockup" in this case.

Damages

The trial court awarded one hundred thousand pesos as moral damages in favor of the victim and her parents. This is contrary to the Court's consistent holding that the grant of moral damages requires factual basis.[26] The records are bereft of any evidence that the victim and her parents ever claimed moral damages, or that they were entitled to such an award.

WHEREFORE, the assailed Decision is hereby AFFIRMED but the award of moral damages is DELETED for want of evidence.

SO ORDERED.

Narvasa, C.J., (Chairman), Romero, Melo, and Francisco, JJ., concur.

[1] Penned by Lucas P. Bersamin; rollo, pp. 11-23.

[2] Rollo, p. 3.

- [3] Records, p. 34.
- [4] Ibid., p. 38.
- [5] Rollo, p. 23.
- [6] Notice of appeal was filed on October 11, 1994. The case was deemed submitted for resolution after the Court's receipt of the brief for the appellee on January 10, 1996.
- [7] Rollo, pp. 2-4.
- [8] Id., pp. 4-5.
- [9] Rollo, pp. 37-38.
- [10] People vs. Fabro, G.R. No. 95089, August 11, 1997, p. 14.
- [11] People vs. Pascual, 80 SCRA 1, 16, October 28, 1977.
- [12] U. S. vs. De los Santos, 24 Phil 329, 358, February 5, 1913.
- [13] People vs. Saligan, 101 SCRA 264, 277, November 21, 1980.
- [14] Records, pp. 76-77.
- [15] People vs. Binamira, G.R. No. 110397, August 14, 1997, pp. 14-15, per Panganiban, J.
- [16] 251 SCRA 626, 632-641, December 29, 1995, per Kapunan, J.
- [17] Ibid., pp. 638-639.
- [18] Decision, pp. 8-10; Rollo, pp. 18-20.
- [19] People vs. Layno, 264 SCRA 558, 573, November 21, 1996; People vs. Paule, 261 SCRA 649, 663, September 11, 1996; and People vs. Laurente, 255 SCRA 543, 563-564, March 29, 1996.
- [20] People vs. Nell, G.R. No. 109660, July 1, 1997, pp. 10-11; People vs. Dansal, G.R. No. 105002, July 17, 1997, pp. 10-11; People vs. Sumbillo, supra, p. 14; People vs. Marollano, G.R. No. 105004, July 24, 1997, pp. 15-16; People vs. Ombrog, G.R. No. 104666, February 12, 1997, pp. 11-12; and People vs. Cogonon, G.R. No. 94548, October 4, 1996, pp. 13-14.
- [21] Art. 267, Revised Penal Code; People vs. Villanueva, 253 SCRA 155, 159-160, February 1, 1996; People vs. Puno, 219 SCRA 85, 93-94, February 17, 1993; People vs. Godoy, 250 SCRA 676, 728, December 6, 1995; and People vs. Cua, 232 SCRA 507, 516, May 25, 1994.
- [22] TSN, July 7, 1993, pp. 3-6.
- [23] Rollo, p. 12.
- [24] As the Revised Penal Code was originally approved and enacted in Spanish, the Spanish text is controlling.
- [25] Aquino, The Revised Penal Code, 1988 ed., Vol. III, pp. 1-2, citing Groizard and Cuello Calon.
- [26] Kierulf vs. Court of Appeals, G.R. No. 99301, March 13, 1997, pp. 23-24; People vs. Serzo, G.R. No. 118435, June 20, 1997, p. 22; People vs. Zamora, G.R. No. 101829, August 21, 1997, p. 18; People vs. Sol, G.R. 118504, May 7, 1997, pp. 18-19.

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