

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
BERNARDO DAROY @ DATDO, GUILLERMO VILLAFANIA, JR. @ JR.,
GREGORIO VILLAFANIA @ GREG, BERNARDO CALACSAN @ MIKE
AND ROGER JA...**

G.R. No. 118942. July 18, 2000

Ponente: BUENA, J.

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BUENA, J.:

This is an appeal from the decision[1] of the Regional Trial Court of Dagupan City, Branch 44, finding accused-appellants Bernardo Daroy, Guillermo Villafania, Jr., Gregorio Villafania, Bernardo Calacsan and Roger Javillonar guilty beyond reasonable doubt of murder and sentencing them to suffer the penalty of reclusion perpetua and to indemnify the heirs of the victim, Philip Angelito, Sr., in the amount of P50,000.00 for his death, plus P21,000.00 as actual damages. The original information[2] reads:

“The undersigned hereby accuses BERNARDO DAROY @ “Datdo”, GUILLERMO VILLAFANIA, JR. @ “Jr.”, GREGORIO VILLAFANIA @ “Greg”, BERNARDO CALACSAN @ “Mike”, and ROGER JAVILLONAR of the crime of MURDER, committed as follows:

“That on or about January 28, 1993 in the evening at barangay Tuliao, municipality of Sta. Barbara, province of Pangasinan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, acting in conspiracy armed with knife, ice-pick and bamboo poles with intent to kill with treachery, evident premeditation and used (sic) of superior strength, did then and there wilfully, unlawfully and feloniously attack, hit and stab PHILIP ANGELITO inflicting upon him the following injuries:

- stab wound 0.5 – 1 cm. chest anterior (sic) penetrating between 4th and 5th ICS (above nipple).
- stab wound 0.5 cm – 1 cm. chest anterior (below nipple) lateral aspect non-penetrating.
- stab wound 0.5 cm – 1 cm. anterior chest sub-costal area non-penetrating.
- superficial laceration 1-2 cm. frontal area head.
- superficial laceration 1-2 cm. infra orbital area head.
- superficial laceration 2-3 cm. lateral aspect neck.
- stab wound 1-2 cm. mid scapular aspect posterior (back).
- stab wound 1-2 cm. scapular aspect posterior (back).
- stab wound 1-2 cm. lumbar aspect (back).
- lacerated wound 1-2 cm., 2-3 cm. (L) middle 3rd anterior aspect (R) thigh.

which caused the instant death of said PHILIP ANGELITO to the damage and prejudice of his heirs.

“CONTRARY to Art. 248 of the Revised Penal Code.”

An amended information[3] to include accused Felipe Villafania was filed on May 4, 1993. The accused-appellants all pleaded not guilty upon arraignment. Pre-trial was waived.[4] Thereafter, trial ensued. In a Resolution dated March 16, 1994, the Motion for Admission to Bail was granted insofar as accused Felipe Villafania is concerned, and denied as to the other accused-appellants.[5] On August 21, 1993, accused-appellants filed a Demurrer to Evidence which was denied by the trial court in its Resolution dated March 16, 1994.[6]

The prosecution presented as alleged eyewitnesses, Philips F. Angelito, Philvin Angelito and Virginia F. Angelito; four additional witnesses, Bernardo Palaganas, Dr. Cristito Garcia, Alden Poserio and Mario Feralde; and Andres Estayo as rebuttal witness.

In their defense, all of the six (6) accused took the witness stand. They also presented as additional witnesses, Roberto Palaganas and Prudencio Sison in their evidence in chief; and Ermilando Patricio as sur-rebuttal witness.

According to the prosecution, as testified to by Philips Angelito, Jr., 13-year-old son of the victim, on January 28, 1993 at about 10:00 in the evening, his father, Philip Angelito, Sr. died when the six accused went on top of his father (“tinalikebkeban da”), stabbed and clobbered him.[7] Accused-appellant Bernardo Daroy stabbed his father several times using a knife.[8] Accused-appellant Gregorio Villafania also stabbed his father using an ice-pick.[9] Accused-appellant Bernardo Calacsan held the left hand of his father while accused-appellant Roger Javillonar held the right hand of his father.[10] Accused Felipe Villafania struck the neck of the victim using a bamboo pole.[11] He was able to see the incident through a flashlight carried by his mother. After the incident, the accused ran towards the east and boarded a jeep. The witness was nine (9) meters away from the scene of the crime which he witnessed with his mother, older brother and grandfather.[12] On cross-examination, he clarified that accused-appellants Bernardo Daroy, Guillermo Villafania, Jr. and Gregorio Villafania stabbed his father.[13] He further recalled that before the incident happened, he was inside their house conversing with his mother, grandfather, brothers and sister when he heard voices calling “ANGELITO, ANGELITO, YOU ARE NOBODY HERE” (“ANGELITO, ANGELITO, AGKA NAYARI DIA”), then his father went out of the house.[14]

Philvin Angelito, 16-year-old son of the victim also witnessed the incident. According to Philvin, he was about eight (8) meters away[15] from the scene of the crime with his mother, grandfather and brother Jun-Jun[16] when accused-appellants simultaneously stabbed his father.[17] He recounted that accused Felipe Villafania first clobbered his father with a bamboo pole several times[18] causing the latter to fall on the ground. Then accused-appellants Roger Javillonar and Bernardo Calacan brought his father up and the other accused-appellants Bernardo Daroy, Gregorio Villafania and Guillermo Villafania, Jr. ganged up on his father. His father again fell on the ground and five (5) of the accused ran away leaving behind accused-appellant Guillermo Villafania, Jr., who was laughing.[19]

Dr. Cristito D. Garcia, municipal health officer of Sta. Barbara, Pangasinan, performed an autopsy on the victim’s cadaver on January 29, 1993[20] and issued a medico-legal certificate dated February 1, 1993 showing the following findings:

- stab wound 0.5 – 1 cm. chest anterior (sic) penetrating between 4th and 5th ICS (above nipple).
- stab wound 0.5 cm – 1 cm. chest anterior (below nipple) lateral aspect non-penetrating.
- stab wound 0.5 cm – 1 cm. anterior chest sub-costal area non-penetrating.
- superficial laceration 1-2 cm. frontal area head.
- superficial laceration 1-2 cm. infra orbital area head.

- superficial laceration 2-3 cm. lateral aspect neck.
- stab wound 1-2 cm. mid scapular aspect posterior (back).
- stab wound 1-2 cm. scapular aspect posterior (back).
- stab wound 1-2 cm. lumbar aspect (back).
- lacerated wound 1-2 cm., 2-3 cm. (L) middle 3rd anterior aspect (R) thigh.”[21]

The witness opined that the victim died of cardio respiratory arrest, secondary to hypovolemic shock, secondary to multiple stab wounds.[22]

Virginia Angelito, the victim’s widow, testified that on the night of January 28, 1993, she was inside their house with her father, children and husband when somebody shouted from outside their house.[23] Her husband went out of their house, washed his feet and proceeded to the place where he was ganged up.[24] The witness, together with her father, Juan Ferialde, and sons, Philvin and Philips Jr., followed the victim.[25] She saw accused Felipe Villafania clobber her husband with a bamboo pole on the left side of his neck.[26] According to Virginia, accused-appellant Bernardo Daroy was the one who held her husband, while accused-appellant Guillermo Villafania, Jr. stabbed her husband several times.[27] She subsequently admitted that she was not able to determine the participation of each accused in the incident because she did not focus her attention to any of the accused.[28] After the victim fell down, the accused ran away.[29] She further testified that at the time of his death, her husband was a policeman earning P4,200.00 a month;[30] and that she spent P21,000.00 for the funeral and burial expenses.[31] On cross-examination, the widow reiterated that accused Felipe Villafania first clobbered her husband using a bamboo pole, then her husband fell down. Thereafter, accused-appellant Guillermo Villafania, Jr. stabbed her husband[32] using an ice pick.[33] However, she was not able to pay attention to what the other accused did to her husband,[34] though she did see them go on top (“talikebkeb”) of her husband[35]

In their defense, all of the accused claimed denial and alibi except accused-appellant Guillermo Villafania, Jr. who claimed self-defense.

Accused-appellants presented Roberto Palaganas who testified that accused-appellant Bernardo Daroy, together with Bernardo Calacsan, Felipe Villafania and Guillermo Villafania, Jr., arrived at his house at around 7:30 p.m. on January 28, 1993 to attend the pre-wedding settlement of his daughter.[36] Accused-appellants Gregorio Villafania and Roger Javillonar followed later.[37] Accused-appellant Guillermo Villafania, Jr. left his house at around 8:30 p.m. that same night, followed by accused-appellants Gregorio Villafania and Bernardo Calacsan. At around 9 p.m., he went out of his house to buy sardines. More than ten (10) meters away from his house, he saw the victim sprawled on the ground “where he was lighted on by his father [in-law] and wife.”[38] He returned to his house and informed the people therein about what he saw.[39] Accused-appellant Bernardo Daroy went to the scene of the crime because he is a “kagawad.”[40] Accused Felipe Villafania was about to go with Bernardo Daroy but his wife prevented him.[41] Roberto Palaganas insisted that accused-appellant Roger Villafania never left his house and claimed that he did not see the victim’s children at the scene of the crime.[42] On cross-examination, he testified that accused Felipe Villafania left his house after Bernardo Daroy left.

Accused-appellant Bernardo Calacsan denied the charge, claiming that at about 7:00 p.m. on January 28, 1993, he was in the house of Eping Palaganas to attend a pre-marriage settlement.[43] He went to the said house with his co-accused Bernardo Daroy, Guillermo Villafania, Jr. and Felipe Villafania.[44] Accused-appellants Roger Javillonar and Gregorio Villafania arrived later.[45] At past 8:00 p.m., he left with accused-appellant Guillermo Villafania, Jr. and while they were walking, Guillermo Villafania, Jr. was boxed twice by the victim, Philip Angelito, Sr. causing Guillermo Villafania, Jr. to move backwards.[46] Angelito, Sr. then drew an ice pick while

Guillermo Villafania, Jr. drew a knife and the two were positioning themselves for a fight when accused-appellant Gregorio Villafania arrived at the scene.[47] Gregorio Villafania tried to pacify Guillermo Villafania, Jr. but the former was twice stabbed at the back by Angelito, Sr.[48] After he was stabbed, Gregorio Villafania ran away. Bernardo Calacsan testified that “Philip Angelito [Sr.] stabbed Guillermo Villafania [Jr.] but the latter was able to grab the hand of Philip Angelito [Sr.] and Guillermo Villafania [Jr.] stabbed Philip Angelito [Sr.] in return...”[49] However, he could not recall the number of times that Guillermo Villafania, Jr. stabbed Philip Angelito, Sr.[50] Angelito, Sr. fell on the ground, and Guillermo Villafania, Jr. and Bernardo Calacsan ran away. The witness further insisted that the widow, Virginia Angelito, accused-appellants Bernardo Daroy, Roger Javillonar and Felipe Villafania were not at the scene of the crime.[51] He also claimed that accused Felipe Villafania, Bernardo Daroy, Roger Javillonar and Gregorio Villafania were at Roberto Palaganas’ house when he left with Guillermo Villafania, Jr.[52] On further direct examination, however, he denied that Guillermo Villafania, Jr. stabbed the victim.[53]

Accused-appellant Roger Javillonar confirmed that at around 7:00 p.m. on January 28, 1993, he was at the house of Roberto Palaganas for a pre-wedding settlement. The pre-wedding settlement ended at past 9:00 p.m. Accused-appellant Roger Javillonar first declared that he stayed in the house of Palaganas until 6:30 a.m. of the following day, then, said that he went home at 8:00 p.m. Finally, he stated that he left the house of Palaganas at 6:30 a.m. on January 29, 1993.[54] Defense counsel asked for continuance of the trial, admitting that the witness was “mixed-up.”[55] At the next hearing, accused-appellant Roger Javillonar reiterated that he was the only one who stayed in the house of Palaganas until 6:30 a.m. on January 29, 1993.[56] Accused Felipe Villafania was with him inside the house of Palaganas at the time the incident happened.[57]

Accused-appellant Gregorio Villafania testified that he stayed at the house of Palaganas until past 8:30 p.m. on January 28, 1993.[58] On his way home, he passed by accused-appellants Guillermo Villafania, Jr., Philip Angelito, Sr. and Bernardo Calacsan; and noticed that Angelito, Sr. was holding an ice pick and stabbing Guillermo Villafania, Jr.[59] He tried to cover Guillermo Villafania, Jr., then, he was suddenly stabbed twice at the back by Angelito, Sr.[60] He ran away and when he looked back he saw Angelito, Sr. again stab Guillermo Villafania, Jr. Angelito, Sr. attempted to stab Guillermo Villafania, Jr. for the third time but the latter was able to hold the former, and Guillermo Villafania, Jr. repeatedly stabbed Angelito, Sr.[61] Angelito, Sr. fell on the ground, and accused-appellants Gregorio Villafania, Guillermo Villafania and Bernardo Calacsan all went home.[62] He did not notice any other person at the scene of the crime aside from his co-accused Guillermo Villafania and Bernardo Calacsan, and the victim, Philip Angelito, Sr.[63]

Accused-appellant Guillermo Villafania, Jr., on the other hand, admitted killing the victim but invoked self-defense. According to him, he went to the house of Roberto Palaganas at around 7:00 p.m. on January 28, 1993 with accused Felipe Villafania, Bernardo Calacsan and Bernardo Daroy. At past 8:30 p.m., he left the house of Palaganas. On his way home, Angelito, Sr. boxed him twice then drew an ice pick.[64] He moved backwards and drew a knife. Accused-appellant Gregorio Villafania arrived and tried to pacify him but was stabbed twice by Angelito, Sr.[65] Gregorio Villafania ran away while Angelito, Sr. turned against Guillermo Villafania, Jr. Angelito, Sr. tried to stab Guillermo Villafania, Jr. but the latter was able to hold the right hand of the former. Then Guillermo Villafania, Jr. stabbed Angelito, Sr. a number of times.[66] The witness also recounted that he did not notice the presence of any other person at the scene of the crime.[67]

Accused-appellant Bernardo Daroy testified that he was in the house of Roberto Palaganas on the evening of January 28, 1993. At around 9:00 p.m., Palaganas went out of the house to buy sardines at the store. When Palaganas returned, he informed them that he saw Angelito, Sr. sprawled on the ground. Because the witness was a barangay kagawad, he immediately went to the place of the incident[68] where he saw the body of Angelito, Sr.

being carried by his wife, Virginia, Romeo Ferialde and Juan Ferialde. According to the witness, he was implicated in this case because he was trying to prevent Virginia Angelito (who happened to be his first cousin) and the others from carrying the cadaver of the victim.[69]

On December 15, 1994, the trial court rendered a decision finding five of the accused guilty beyond reasonable doubt of murder and acquitting Felipe Villafania on reasonable doubt. The dispositive part of the decision reads:

“WHEREFORE, the Court finds accused Bernardo Daroy alias “Datdo”, Guillermo Villafania, Jr. alias “Jr.”, Gregorio Villafania alias “Greg”, Bernardo Calacsan alias “Mike” and Roger Javillonar guilty beyond reasonable doubt of the crime of Murder attended by the aggravating circumstances of superior strength and nighttime and not offset by any mitigating circumstance, and pursuant to law, each of the accused is sentenced to suffer the penalty of Reclusion Perpetua. The said accused are ordered to pay an indemnity to the heirs of the deceased Philip Angelito, Sr. in the amount of P50,000.00 Further the accused are ordered to pay the widow Virginia Angelito P21,000.00 representing the actual expenses.

Accused Felipe Villafania is acquitted of the crime charged for failure of the prosecution to prove his guilt beyond reasonable doubt. He is absolved from paying any damages considering that the facts from which his civil liability might arise does not exist.

SO ORDERED.”[70]

Hence, this appeal. Accused-appellants contend that-

I

THE TRIAL COURT ERRED IN GIVING CREDENCE TO THE TESTIMONY OF THE PROSECUTION WITNESSES.

II

THE TRIAL COURT ERRED IN FINDING THE ACCUSED GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF MURDER.

The contentions have no merit. The pivotal issue being factual and evidentiary, the credibility of the witnesses assumes extreme importance. Well-entrenched is the tenet that this Court will not interfere with the trial court’s assessment of the credibility of the witnesses, absent any indication or showing that the trial court has overlooked some material facts or gravely abused its discretion.[71] As this Court has reiterated often enough, the matter of assigning values to declarations at the witness stand is best and most competently performed or carried out by a trial judge who, unlike appellate magistrates, can weigh such testimony in light of the accused’s behavior, demeanor, conduct and attitude at the trial.[72] The trial court’s assessment reveals that:

“xxx xxx.

The defense of accused Bernardo Calacsan that he was a victim of frame-up and the defense of accused Roger Javillonar that he was included as one of the accused because the prosecution witnesses used to see him going (sic) with Bernardo Daroy attend the pre-wedding arrangement as well as the denial of accused Bernardo Daroy that he participated in the perpetration of the crime for which he was charged are not worthy of belief since the prosecution witnesses, namely: Philip Angelito, Jr., Philvin Angelito and Virginia F. Angelito positively identified them as having stabbed to death on January 28, 1993 at about 10:00 in the evening Philip Angelito, Sr. Besides, the defense of accused Guillermo Villafania, Jr. that he acted in legitimate self-defense is not clearly proven. xxx xxx.”[73]

After a thorough review and examination of the evidence on hand, we find that the prosecution evidence fully establishes the guilt of the accused-appellants. The trial court, however, erred in appreciating nighttime as an

aggravating circumstance for the simple reason that, aside from the fact that it was not alleged in the information, it does not appear that said circumstance was purposely sought by appellants in the commission of the crime. The eyewitnesses, Virginia Angelito, Philips Angelito, Jr. and Philvin Angelito, identified the accused-appellants as the assailants. The eyewitnesses recognized the accused-appellants, having been their neighbors. As stated by the trial court, the prosecution witnesses could not have committed a mistake in pointing to the accused-appellants as the persons who stabbed Philip Angelito, Sr. because the place where the incident happened was illuminated by a flashlight held by Virginia Angelito who was, more or less, seven (7) meters away from the accused-appellants.

Accused-appellants also underscore the alleged conflict in the prosecution witnesses' account in respect of the weapons used by accused-appellants Guillermo Villafania, Jr., Bernardo Daroy and Gregorio Villafania. Under the circumstances, we are not persuaded by the alleged inconsistencies regarding the weapons used in committing the crime. According to the testimony of the medico-legal officer who conducted the medical examination, the victim sustained six (6) stab wounds which could have been caused by a sharp pointed instrument.[74] The stab wounds could have been caused by an ice pick[75] or small bolo.[76] Considering that the five accused-appellants ganged up on Philip Angelito, Sr. and two of the eyewitnesses are minors who are not used to seeing such deadly weapons, the said inconsistencies are minor and immaterial, and do not discredit the testimony of the prosecution witnesses on the material and significant points bearing on accused-appellants' acts of stabbing the victim to death, in conspiracy with each other. As long as the testimony of the witnesses corroborate each other on material points, the minor inconsistencies therein cannot destroy their credibility.[77] Inconsistencies on minor details do not undermine the integrity of a prosecution witness. The minor inconsistencies and contradictions in this case only serve to attest to the truthfulness of the witnesses and to the fact that they had not been coached or rehearsed.[78]

Furthermore, accused-appellants failed to establish any unworthy or ill motive which induced or impelled the prosecution witnesses to falsely accuse them of committing murder. There is nothing in the record which would lead us to conclude that the prosecution witnesses had any improper motive against accused-appellants. It is settled that where there is no evidence to show any dubious reason or improper motive why a prosecution witness would testify falsely against an accused or falsely implicate him in a heinous crime, the testimony is worthy of full faith and credit.[79]

Accused-appellants also maintain that there was no conspiracy as the individual act of accused-appellants Roger Javillonar and Bernardo Calacsan in holding the hands of Philip Angelito, Sr. was an equivocal act. Accused-appellants submit that Roger Javillonar and Bernardo Calacsan "...only instinctively held the hands of Philip [Angelito, Sr.] after he fell down to make him stand up again as the natural position of a person on a road is standing up rather than lying down." [80] We do not agree. In conspiracy, direct proof of a previous agreement to commit a crime is not necessary. It may be deduced from the mode and manner by which the offense was perpetrated, or inferred from the acts of the accused when such point to a joint purpose and design, concerted action, and community of interest.[81] In the case at bar, at the time of the aggression, all of the accused-appellants acted in concert, each doing his part to fulfill their common design to kill their victim, and although only three of them stabbed the victim, the act of the three is deemed to be the act of all. Accused-appellant Roger Javillonar held the right hand of the victim and Bernardo Calacsan held the left hand, while the other three (3) accused-appellants Guillermo Villafania, Jr., Gregorio Villafania and Bernardo Daroy stabbed the victim to death.[82]

Lastly, accused-appellants contend that Guillermo Villafania, Jr. should be held guilty only of homicide, not murder, because treachery does not exist in the instant case. Accused-appellants assert that "Philip [Angelito, Sr.] was forewarned that being armed and dangerous, people are bound to fight back as Guillermo [Villafania, Jr.]

did.”[83] We are not persuaded. Accused-appellants employed a mode of attack which was deliberately designed to insure the victim’s death without any risk arising from the defense which he could have made. The victim’s hands were both held by two (2) of the assailants while the three (3) others stabbed him, inflicting upon the victim six (6) stab wounds. These facts portray well that the held hands of the victim rendered him defenseless and helpless thereby allowing accused-appellants to commit the crime without risk at all to themselves.

With regard to the award of damages, we affirm the award of P50,000.00 as civil indemnity for the death of the victim and P21,000.00 as actual damages. In addition, we find that the heirs of Philip Angelito, Sr. are entitled to moral damages in the amount of P50,000.00, in accordance with recent jurisprudence.[84]

Finally, an indemnity for loss of earning capacity is justified, it appearing from the testimony of the surviving spouse that the deceased was 40 years old at the time of his untimely death and earned P4,200.00 monthly.[85] As we ruled in the recent case of *People vs. Gutierrez, Jr.*,[86] “[a]lthough the prosecution did not present evidence to support the widow’s claim for loss of earning capacity, such failure does not necessarily prevent recovery of the damages if the testimony of the surviving spouse is sufficient to establish a basis from which the court can make a fair and reasonable estimate of the damages for the loss of the earning capacity of the victim.” Following the formula in *Gutierrez*,[87] the indemnity for loss of earning capacity is computed as follows:

Net earning capacity (x) = life expectancy x Gross Annual Income

less living

expenses

(50% of gross annual income)

$x = 2(80-40)$

3

$x (P4,200.00 \times 12) - P25,200.00$

= 80

$x (P50,400.00 - P25,200.00)$

3

= P672, 000.00

Hence, the heirs of Philip Angelito, Sr. are entitled to the amount of P672,000.00 as indemnity for loss of earning capacity.

WHEREFORE, the assailed Decision is hereby AFFIRMED with the MODIFICATION that the accused-appellants are ordered to pay the heirs of Philip Angelito, Sr., the amounts of P50,000.00 as indemnity for his death; P21,000.00 as actual damages; P672,000.00 for loss of earnings; and P50,000.00 as moral damages.

SO ORDERED.

Bellosillo, (Chairman), Mendoza, Quisumbing, and De Leon, Jr., JJ., concur.

[1] Penned by Judge Crispin C. Laron.

[2] Records, p. 1.

[3] Ibid. at pp. 45-46.

[4] Ibid. at p. 21.

[5] Ibid. at pp. 169-175.

[6] Ibid. at pp. 176-177.

[7] TSN, May 6, 1993, p. 4.

[8] TSN, May 6, 1993, p. 8.

[9] TSN, May 6, 1993, p. 9.

[10] TSN, May 6, 1993, pp. 9-10.

[11] TSN, May 6, 1993, p. 10.

[12] TSN, May 6, 1993, pp. 18-19.

[13] TSN, May 7, 1993, p. 16.

[14] TSN, May 6, 1993, pp. 20-21.

[15] TSN, May 18, 1993, pp. 25-26.

[16] TSN, May 18, 1993, p. 26.

[17] TSN, May 18, 1993, p. 34.

[18] TSN, May 18, 1993, p. 35.

[19] TSN, May 18, 1993, pp. 36-37.

[20] TSN, June 4, 1993, p. 8.

[21] Exhibit F, Records, p. 13.

[22] TSN, June 4, 1993, p. 14.

[23] TSN, June 11, 1993, pp. 18-19.

[24] TSN, June 11, 1993, p. 22.

[25] TSN, June 11, 1993, pp. 22-23.

[26] TSN, June 11, 1993, pp. 23-24.

[27] TSN, June 11, 1993, p. 24.

[28] TSN, June 11, 1993, pp. 24-25.

- [29] TSN, June 11, 1993, p. 25.
- [30] TSN, June 11, 1993, p. 4.
- [31] TSN, June 11, 1993, p. 36.
- [32] TSN, June 18, 1993, p. 11.
- [33] TSN, June 18, 1993, p. 15.
- [34] TSN, June 18, 1993, p. 11.
- [35] TSN, June 18, 1993, p. 14.
- [36] TSN, April 11, 1994, p. 7.
- [37] TSN, April 11, 1994, p. 8.
- [38] TSN, April 11, 1994, pp. 9-11.
- [39] TSN, April 11, 1994, pp. 11-12.
- [40] TSN, April 11, 1994, p. 12.
- [41] TSN, April 11, 1994, pp. 12-13.
- [42] TSN, April 11, 1994, pp. 13-14.
- [43] TSN, April 15, 1994, pp. 4-5.
- [44] TSN, April 15, 1994, p. 5.
- [45] TSN, April 15, 1994, p. 6.
- [46] TSN, April 15, 1994, pp. 8-9.
- [47] TSN, April 15, 1994, pp. 9-10.
- [48] TSN, April 15, 1994, pp. 10-11.
- [49] TSN, April 15, 1994, p. 12.
- [50] TSN, April 15, 1994, p. 13.
- [51] TSN, April 21, 1994, pp. 3-4.
- [52] TSN, April 21, 1994, pp. 4-5.
- [53] TSN, April 21, 1994, pp. 7-8.
- [54] TSN, April 25, 1994, pp. 9-11.
- [55] TSN, April 25, 1994, p. 13.
- [56] TSN, April 28, 1994, pp. 21-22.
- [57] TSN, April 28, 1994, pp. 6-7.
- [58] TSN, May 4, 1994, p. 5.
- [59] TSN, May 4, 1994, pp. 7-8.

- [60] TSN, May 4, 1994, pp. 8-9.
- [61] TSN, May 4, 1994, pp. 11-12.
- [62] TSN, May 4, 1994, pp. 12-13.
- [63] TSN, May 4, 1994, p. 27.
- [64] TSN, June 17, 1994, p. 7.
- [65] TSN, June 17, 1994, p. 9.
- [66] TSN, June 17, 1994, p. 10.
- [67] TSN, June 17, 1994, p. 15.
- [68] TSN, June 28, 1993, p. 11.
- [69] TSN, June 28, 1994, p. 19.
- [70] Rollo, p. 204.
- [71] *People vs. Sabalones*, 294 SCRA 751, 781 (1998).
- [72] *Ibid.*
- [73] Rollo, pp. 202-203.
- [74] TSN, June 4, 1993, pp. 10-13; TSN, June 7, 1993, pp. 6-7.
- [75] TSN, June 7, 1993, pp. 7-10.
- [76] TSN, June 7, 1993, p. 9.
- [77] *People vs. Rabutin*, 272 SCRA 197, 206 (1997).
- [78] *Ibid.*
- [79] *People vs. Ferrer*, 295 SCRA 190, 200 (1998).
- [80] Rollo, p. 180.
- [81] *People vs. Verzosa*, 294 SCRA 466, 481 (1998).
- [82] TSN, May 6, 1993, pp. 8-10; TSN, May 18, 1993, pp. 22-25.
- [83] Rollo, p. 183.
- [84] *People vs. Floro*, G.R. No. 120641, October 7, 1999 citing *People vs. Suplito*, G.R. No. 104944, September 16, 1999; *People vs. Atrejenio*, G.R. No. 120160, July 13, 1999; and *People vs. Panida*, G.R. Nos. 127125 & 138952, July 6, 1999.
- [85] TSN, June 11, 1993, p. 4.

[86] 302 SCRA 643, 667 (1999).

[87] 302 SCRA 643, 667 (1999).

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