

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. DANDY ALVAREZ Y FRANCISCO @ DANDY ANGELIO AND EDUARDO VILLAS @ EDDIE, ACCUSED-APPELLANTS.

G.R. No. 121769. November 22, 2000

Ponente: DE LEON, JR., J.

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DE LEON, JR., J.:

Before us on appeal is the Decision[1] of the Regional Trial Court of Calbayog City, Branch 32, in Criminal Case No. 1696 convicting the appellants, Dandy F. Alvarez and Eduardo Villas, of the crime of murder.

Dandy F. Alvarez alias "Dandy Angelio", Eduardo Villas alias "Eddie" and their co-accused, Buenaventura C. Villas alias "Boining", Norie Villas, and Danilo Bocatcat alias "Dangdang", were charged with the crime of murder, as defined and penalized under Article 248 of the Revised Penal Code, in an Information that reads:

That on or about the 2nd day of June, 1993, at about 8:00 o'clock in the morning, at Sitio Hi-olangwan, Barangay Agrupacion, Municipality of Sta. Margarita, Province of Samar, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, all armed with homemade shotgun (bardog) conspiring, confederating together and mutually helping one another, with deliberate intent to kill, with treachery and evident premeditation, did then and there wilfully, unlawfully and feloniously attack, assault and shot one MANUEL CORRECHE with the use of homemade shotguns (mga bardog), which the accused conveniently provided themselves for the purpose, thereby inflicting upon the latter mortal wounds on the different parts of his body, which cause the untimely death of the said MANUEL CORRECHE.

Upon being arraigned, Dandy Alvarez, Eduardo Villas and Buenaventura Villas, assisted by counsel, pleaded "Not guilty" to the Information in this case. The other accused, Danilo Bocatcat and Norie Villas, were never arrested and remained at large up to the present.

The evidence of the prosecution shows that on June 2, 1993 at 8:00 o'clock in the morning, Artemio Casaljay went to the house of Manuel Correche alias "Botchoy" in Sitio Hi-olangwan, Barangay Agrupacion, Sta. Margarita, Samar and requested the latter to cultivate Casaljay's farm on the following day. On his way home, Artemio Casaljay was in the company of the spouses Manuel and Nenita together with their parents, Ramon and Gorgonia, all surnamed Correche, inasmuch as they were going to work in their own farm. They walked one after the other with Ramon taking the lead followed by Nenita, Gorgonia, Manuel and Artemio. When the group reached a creek (binalog), they heard a loud explosion from the left side of the trail and saw, almost simultaneously, Dandy Alvarez who was in a squat position behind cogon grasses on the elevated portion of the creek, holding a homemade shotgun rifle, locally known as "bardog" whose muzzle was still emitting smoke. Manuel Correche cried he was hit as he fell slowly to the ground. Nenita and Artemio also saw Eduardo Villas who approached from their left side and likewise shoot Manuel Correche on the left forearm. The three (3) other accused, Buenaventura Villas, Norie Villas and Danilo Bocatcat remained standing behind Dandy and Eduardo while aiming their guns at the group of Artemio Casaljay. Dandy, Eduardo, Norie and Danilo hurriedly left only

after Buenaventura told them to stop inasmuch as Manuel was already dead.[2]

The victim died on the spot from multiple gunshot wounds he sustained on the body. The Post Mortem Report[3] prepared and signed by Dra. Eufemia C. Alcantara, M.D., Municipal Health Officer of Sta. Margarita, Samar, shows the following physical findings, to wit:

- Gunshot wound, portal of entry, circular, 0.8 cm. in diameter and contusion collar and tattooing over the sternum with protrusion of subcutaneous tissue and incomplete fracture of sternum.
- Gunshot wound, portal of entry, circular, 0.5 cm. in diameter with contusion collar and tattooing, 6th intercostal space left chest parasternal line penetrating thoracic cavity perforating pericardial sac with metal foreign body embedded in the myocardium with massive hemothorax.
- Gunshot wound, portal of entry, circular 0.5 cm. in diameter with contusion collar and tattooing, 8th intercostal space left chest midclavicular line penetrating thoracic cavity with metal foreign body on the lower lobe of left lung.
- Gunshot wound, portal of entry, circular, 0.5 cm. in diameter with contusion collar and tattooing over 9th rib left chest midclavicular line with protrusion of subcutaneous tissue and incomplete fracture of left 9th rib.
- Gunshot wound, portal of entry, circular 0.5 cm. in diameter with contusion collar and tattooing, epigastric area of the abdomen penetrating abdominal cavity with metal foreign body on the left lobe of the liver.
- Gunshot wound, portal of entry, circular, 0.4 cm. in diameter with contusion collar and tattooing, left sub costal area with metal foreign body embedded in the underlying muscle.
- Gunshot wound, portal of entry, circular 0.3 cm. in diameter with contusion collar and tattooing left hypochondriac area with metal foreign body embedded in the underlying muscle.
- Gunshot wound, portal of entry, circular, 0.5 in diameter with contusion collar and tattooing, 7th intercostal space right chest penetrating thoracic cavity with metal foreign body in the middle lobe of the right lung.
- Gunshot wound, portal of entry, circular, 0.5 cm. in diameter with contusion collar and tattooing, 10th intercostal space right chest penetrating thoracic cavity with metal foreign body in the lower lobe of the right lung.
- Gunshot wound, portal entry, circular, 0.5 cm. in diameter with contusion collar and tattooing, distal 3rd of left forearm posterior aspect with comminuted fracture of radial bone.
- Gunshot wound, portal of exit, 0.6 cm. in diameter with protrusions of subcutaneous tissue, distal 3rd of left forearm anterior aspect.
- Gunshot wound, portal of entry, circular, 0.5 cm. in diameter with contusion collar and tattooing, distal 3rd of left forearm postero-lateral aspect.
- Gunshot wound, portal of exit, 0.5 cm. in diameter with protrusion of subcutaneous tissue, distal 3rd of left forearm antero-lateral aspect.

Cause of death: Cardiorespiratory arrest secondary to hypovolemic shock due to gunshot wounds.

On June 6, 1993 Dandy Alvarez, Eduardo Villas, Danilo Bocatcat and two (2) other companions, identified as Rene Villas and Noli Villas, waited for Gerardo Verano in his house in Barangay Core, Sta. Margarita, Samar. Upon Gerardo's arrival at 6:00 o'clock in the evening, the three (3) accused sought permission from him to pass the night in his house. On the following morning, they entrusted to him three (3) homemade shotgun rifles[4] before they left for Poblacion, Sta. Margarita, Samar.[5] He did not object to the request for fear of the accused

whom he had learned earlier as the killers of Manuel Correche in Barangay Agrupacion. Barangay Captain Segundo Cailo of Barangay Core and two (2) Bantay Bayan members from the the same barangay, namely: Ambrosio Severino and Sulpicio Domingito, saw the accused when they left the homemade shotgun rifles in the care of Gerardo.[6]

Meanwhile, words spread that the firearms allegedly used in the killing of Manuel Correche on June 2, 1993 were in the possession of Gerardo Verano. On June 12, 1993, Artemio Casaljay together with two (2) CAFGU members, Candido Correche, Jr. and Iluminado Yrigon, came to the house of Gerardo Verano in Barangay Core, Sta. Margarita, Samar and took the three (3) homemade shotgun rifles which they surrendered to police officer Ernesto Damgo in the municipal building of Sta. Margarita, Samar.[7]

The defense denied any liability of the accused-appellants for the crime charged. Buenaventura Villas testified that he stayed in his house in Barangay Agrupacion, Sta. Margarita, Samar on June 2, 1993 and spent the entire day in the balcony removing kernel from the corncob. Buenaventura denied ownership of any homemade shotgun rifle locally known as "bardog". He attributed the instant criminal imputation against him to the enmity allegedly harbored by Artemio Casaljay when he fired the latter as tenant from his landholdings several years ago; and due to political differences with the deceased, Manuel Correche, and his relatives.[8]

Likewise, appellant Eduardo Villas claimed that he was in the house with his father, Buenaventura, on the same day of June 2, 1993 for the reason that he was suffering from fever.[9]

Their testimonies were corroborated by Yolanda C. Magbutay whose house is just twenty (20) meters away across the street from the house of the accused in Barangay Agrupacion, Sta. Margarita, Samar. Yolanda testified that she saw Buenaventura at the balcony of his house removing kernel from the corncob when she cleaned her yard in the early morning of June 2, 1993. On the same day, she went to buy milled corn from Buenaventura in the latter's house. While inside the house, she learned that Eduardo was suffering from fever.[10]

The wife of Buenaventura Villas, Piarita Villas, was the Barangay Captain of Barangay Agrupacion, Sta. Margarita, Samar from 1989 up to 1994. Piarita confirmed in court the testimonies of the accused that her husband, Buenaventura, and her son, Eduardo, were both in their house in Barangay Agrupacion on June 2, 1993 which was the same day when Manuel Correche was killed in Sitio Hi-olangwan, Barangay Agrupacion, Sta. Margarita, Samar.[11] As possible motive for the malicious indictment against her husband and son in the killing of Manuel Correche, she disclosed that during the national elections in 1992, the Villases supported the candidacy of then incumbent Mayor Loreto Santiago while Artemio Casaljay, Manuel Correche and Gerardo Verano supported the candidacy of Ely Gan for the mayoralty post in Sta. Margarita, Samar. She recalled that Artemio Casaljay, Manuel Correche and Gerardo Verano asked the Villases to support Ely Gan but the latter refused hence, they harbored grudge against the Villases.[12]

For his defense, appellant Dandy F. Alvarez testified that he is a native of Barangay Sta. Elena, Gandara, Samar and that he has been known by the name Dandy Angelio only. He was adopted by and had since been living with his grandfather, Hipolito Francisco, in the said place. On June 2, 1993, he was making copra in the coconut farm of his grandfather in Sta. Elena, Gandara, Samar. He started gathering coconuts in the said farm as of the last day of May 1992 and was able to finish his work only on June 5, 1993. He sold the copra to Victoriano Galban.[13]

Victoriano Galvan, Barangay Captain of Barangay Sta. Elena, Gandara, Samar declared that he bought some 145 kilos of copra from Dandy Alvarez on June 4, 1993.[14]

After analyzing the evidence on record, the trial court made the following findings:

[T]he prosecution has satisfactorily established that the accused Dandy Alvarez alias Dandy Angelio and

Eduardo Villas alias Eddie shot, with homemade shotguns locally known as "Bardog", the victim Manuel Correche alias Botchoy. The prosecution witnesses Nenita Correche and Artemio Casaljay saw these two accused when they aimed and fired their rifles ("bardog") at Manuel Correche alias Botchoy, who was hit on his chest. It was accused Dandy Alvarez alias Dandy Angelio who first shot the victim. Nenita Correche and Artemio Casaljay declared that Dandy Alvarez alias Dandy Angelio was on a prone position (naka-dapa) pointing his homemade shotgun ("bardog") to the victim, with the tip of the barrel still smoking after it was fired. After the first explosion, the victim slowly fell down and it was at this instant when accused Eduardo Villas alias Eddie aimed and fired his homemade shotgun to the victim who was thereby hit also on his hand. The medical findings dovetail with these testimonies of the witnesses that the victim was hit on his chest and hand. Both Dandy Alvarez alias Dandy Angelio and Eduardo Villas alias Eddie were only about 5 meters from Nenita Ciorreche and Artemio Casaljay, because the said two accused were on the front left side of Nenita Correche and Artemio Casaljay. The time was 8:00 o'clock in the morning and the place where the said accused were seen was abounding merely with some "kogon" grasses which were not very tall. After they fired, the said two accused stood and ran away and they were again seen by Nenita Correche and Artemio Casaljay.

x x x x x x x x

However, the Court found the claims of Nenita Correche and Artemio Casaljay that the three other accused, namely: Buenaventura Villas alias Boining, Norie Villas and Dangdang Bocatcat were at the scene where the victim Manuel Correche was shot to death by Dandy Alvarez alias Dandy Angelio and Eduardo Villas alias Eddie, undeserving of belief being inherently incredible. As Nenita Correche and Artemio Casaljay stated, accused Buenaventura Villas Alias Boining, Norie Villas and Dangdang Bocatcat allegedly stood up from the place where Dandy Alvarez alias Dandy Angelio and Eduardo Villas alias Eddie shot the victim. They further declared that while already standing with Norie and Dangdang, Buenaventura said "that is enough, he is already dead". To the Court, theses claims of Nenita Correche and Artemio Casaljay are beyond any common human experience because the said three accused would not expose their identities by standing at a distance which was only about 5 meters to the group of Nenita Correche and Artemio Casaljay, after their companions Eduardo Villas alias Eddie and Dandy Alvarez alias Dandy Angelio shot the victim Manuel Correche, especially considering that it was only 8:00 o'clock in the morning and they are all known to Nenita Correche and Artemio Casaljay as well as to the companions of the latter. Precisely, they were not seen when Dandy Alvarez alias Dandy Angelio and Eddie Villas shot the victim because it was natural for them to avoid being identified with Dandy and Eddie as the latter perpetrated a crime. Instead they would continue to conceal their identities by remaining in their hidden places. Again, the Court's attention was called to the claim of Nenita Correche that Buenaventura Villas alias Boining, Dangdang Bocatcat and Norie Villas were already standing at the place where Dandy Alvarez alias Dandy Angelio and Eduardo Villas alias Eddie shot the victim. If this were so, considering that said three accused were in their front about five meters away from them only, then Nenita and her companions would have been forewarned of the presence of armed men and Manuel Correche would be able to see his assailants and to avoid being shot at and hit. Aside from being inherently improbable, the testimony of Nenita Correche is contradicted by the claim of Artemio Casaljay when the latter declared that Buenaventura Villas, Norie Villas and Dangdang Bocatcat stood only after Dandy Alvarez and Eddie Villas shot the victim. Obviously, the foregoing facts and observations are patent earmarks of incredibility which render the claims and testimonies of Nenita Correche and Artemio Casaljay that Buenaventura Villas, Norie Villas and Dangdang Bocatcat were at the scene where the victim Manuel Correche was shot to death by Eddie Villas and Dandy Alvarez alias Dandy Angelio gravely doubtful and unconvincing. Perforce, the Court hereby rejects them being undeserving of faith and credence.

The assertion by prosecution witness Gerardo Verano that accused Buenaventura Villas alias Boining, Dangdang Bocatcat, Norie Villas and Dandy Alvarez alias Dandy Angelio left three Homemade shotguns in his house on June 6, 1993 in Barangay Curry, Sta. Margarita, Samar is in conflict with common human experience considering that Verano is a close relative of the victim Manuel Correche. x x x.[15]

Consequently, the trial court ruled thus:

Wherefore, the Court hereby declares the accused DANDY ALVAREZ alias DANDY ANGELIO and EDUARDO VILLAS alias EDDIE guilty of Murder beyond reasonable doubt, as principal, and considering neither aggravating nor mitigating circumstances, hereby sentences each of them to suffer the penalty of reclusion perpetua and to pay the costs. The Court also hereby condemns the accused jointly and severally to indemnify the heirs of the victim Manuel Correche, in the amount of P50,000.00

In the service of their sentence, the accused shall be credited with the full period of their respective preventive imprisonment, if they had agreed voluntarily in writing to abide by the same disciplinary rules imposed upon convicted prisoners; otherwise, they shall be entitled to only four-fifths thereof pursuant to Article 29 of the Revised Penal Code, as amended.

For insufficiency of evidence, the Court hereby declares the accused BUENAVENTURA VILLAS y CASURAO alias BOINING acquitted of the crime charged, with costs de oficio. The Court hereby orders his immediate release from confinement, unless he is detained for some other causes.

SO ORDERED.[16]

Aggrieved by the Decision, Dandy Alvarez and Eduardo Villas jointly appealed to this Court with the following assignment of errors:

I

The Trial Court gravely erred in not applying this Court's decision in Tabayoyong[17] and in giving credence to prosecution witnesses Nenita Correche's and Artemio Casaljay's uncorroborated testimonies against the Appellants even as it had itself already characterized their testimonies as "undeserving of any belief for being inherently incredible", "beyond any common human experience", "inherently improbable", "patently incredible", "gravely doubtful and unconvincing" and "undeserving of faith and credence", and had already acquitted the other accused on the bases of these characterizations.

II

The Trial Court gravely erred in concluding that the Appellants' guilt was proved beyond a reasonable doubt based only on the uncorroborated and already discredited testimonies of prosecution witnesses Nenita Correche and Artemio Casaljay even as the inherent unreliability of their testimonies and the Appellants' innocence were confirmed by no less than the prosecution witnesses' and the murder victim's own blood relative and the Trial Court's finding of bad faith and fraud on the part of the prosecution.

The appellants contend that their co-accused Buenaventura Villas, Norie Villas and Danilo Bocatcat were acquitted by the trial court after it rejected the respective identifications made and uncorroborated testimonies of prosecution witnesses Nenita Correche and Artemio Casaljay. A fortiori, appellants claim they can not be convicted on the basis of the same uncorroborated testimonies of the prosecution witnesses which the trial court has characterized as "undeserving of any belief for being inherently incredible," "beyond any common human experience," "inherently improbable," "patently incredible," "gravely doubtful and unconvincing" and "undeserving of faith and credence".

To support their contention, the appellants invoke the ruling of the Supreme Court in the case of People vs. Tabayoyong which specifically states, that:

It would be illogical and unfair for the trial court to convict [the] appellants on the basis of the testimony of [a witness] which was discredited by the [trial] court [which] so acquitted the alleged mastermind of the killing.[18]

The reliance of the appellants on the ruling of this Court in the case of *People vs. Tabayoyong* is utterly misplaced. The said case involves different factual and legal issues whereby the Court was called upon to expound on the provision of Rule 119, Section 9 of the Revised Rules of Court on the discharge of an accused to be a state witness. Therein, the Court also had the opportunity to reiterate pertinent jurisprudence on the value of the testimony of a co-conspirator against the other accused in the light of the distinct facts obtaining in the said case. Hence, a certain accused therein, Francisco Garlejo, was discharged from the Information so that he could be utilized as a state witness by the prosecution against the other accused. After trial, the alleged mastermind in the crime, Westrimundo Tabayoyong, was acquitted by the trial court on account of the unreliability of the witness, Francisco Garlejo, while it found the other accused guilty of the crime of murder principally on the basis of the testimony of the same witness. This Court reversed the decision on appeal on the ground that the prosecution failed to prove the guilt of the accused-appellants beyond reasonable doubt inasmuch as it relied on evidence that is polluted and corrupt. We ruled therein that:

[I]t should be remembered that the testimony of a discharged defendant, though admissible, is still subject to the tests on credibility as any other testimonial evidence. Thus, although an order of discharge of an accused issued by the trial court raise a presumption that all the requisites for its issuance in fact exist, and therefore that the discharge is in order, the same Court is not duty bound to believe the testimony of the discharged defendant and pronounce a judgment of conviction against the remaining accused merely on the strength of such testimony.

Furthermore, it is also well-settled rule that the testimony of a self-confessed accomplice or co-conspirator imputing the blame for the killing and implicating his co-accused cannot by itself and without corroboration, be considered as proof to a moral certainty that the latter had committed or participated in the commission of the crime. Thus, it is required that the testimony be substantially corroborated by other evidence in all its material points.[19]

The reason for the abovesited rule is that the testimony of a co-conspirator proceeds from a polluted source. It must be received with caution because, as is usual with human nature, a culprit, confessing a crime, is likely to put the blame as far as possible on others rather than himself.[20]

In the case at bench, the principal witness for the prosecution is Nenita Correche who is the widow of the victim, Manuel Correche. Unlike an accused-turned-state-witness, her sole interest in this case is to seek justice for her deceased husband. She would not callously implicate the appellants in a very grave offense of murder if it were not true that they are the perpetrators thereof. And even if we assume, *arguendo*, that revenge were the normal reaction of one betrayed, harmed or otherwise of one who has lost a loved one, such as Nenita in this case, it does not follow that her desire to avenge such betrayal, harm or loss would include implicating even innocent persons.[21]

Notably, the trial court did not accord full faith and credence to the identification made by Nenita Correche of erstwhile accused Buenaventura Villas as one of the perpetrators of the crime. That fact, however, does not entirely impugn her credibility as a witness relative to the other aspects of the case, contrary to what the appellants would want to impress upon this Court. It can be gleaned from the appealed decision that the trial court found as sufficiently convincing the testimony of Nenita as regards her identification of the appellants as the perpetrators of the crime. The settled rule is that the testimony of a witness may be believed in part and disbelieved in part as the corroborative evidence or improbabilities of the case may require.[22] Even where a witness has been found to have deliberately falsified the truth in some particulars, it is not required that the whole of his testimony be rejected.[23]

Consequently, the pertinent facts of this case clearly show that at the time Manuel Correche was killed, his wife

Nenita, together with Ramon Correche, Gorgonia Correche and Artemio Casaljay were present. Nenita positively identified appellant Dandy Alvarez as the person whom she saw, almost simultaneously with the first gunfire that hit her husband on the chest, holding a homemade shotgun rifle whose muzzle was still emitting smoke, at a distance of merely five (5) meters away. As correctly observed by the Solicitor General, the emission of smoke from the muzzle of a gun is an indication that it had just been fired; and that under the circumstances, it is logical to conclude that appellant Dandy Alvarez was the author of the said first gunfire. Appellant Eduardo Villas was also positively identified by the same prosecution witness as the person who approached Manuel, who had fallen to the ground after having been hit from the first gunfire, and shot him on his forearm with the use of a similar weapon ("bardog").

The identification of the appellants by Nenita cannot be doubted on account of their proximity to the said prosecution witness at the time when the shooting incident occurred around 8:30 o'clock in the morning. In addition, Nenita and appellant Eduardo Villas had been barrio mates for a long time in Barangay Agrupacion, Sta. Margarita, Samar.

The guilt of the appellants for the crime charged was established beyond reasonable doubt by the testimony of Nenita Correche which We found credible as against appellants Dandy Alvarez and Eduardo Villas. In the course of her testimony, Nenita clearly and positively identified in court appellants Dandy Alvarez and Eduardo Villas as the persons who shot her husband to death. She was consistent in her testimony and did not waiver even during the cross-examination of the defense counsel. The same need not be supported by any corroborative evidence contrary to the view advanced by the appellants in their brief. It is settled that the testimony of a single witness is sufficient to support a conviction so long as it is clear and straightforward and worthy of credence by the trial court.[24]

In any event, Artemio Casaljay was also presented as a witness by the prosecution during the trial. This witness corroborated the testimony of Nenita Correche on material points. In addition, the physical findings in the Post Mortem Report on the cadaver of Manuel Correche, support the testimonies of these two prosecution witnesses that the said victim was shot by the appellants on the chest and on the forearm causing his instantaneous death.

In view of the foregoing, the defense of alibi of the appellants is unavailing. The defense of alibi cannot prevail over the positive identification of the appellants by the prosecution witnesses as the perpetrators of the crime.[25] Additionally, motive for the commission of the crime becomes irrelevant where there is affirmative evidence of the identity of the malefactors and of their acts or omissions such as in the case at bench[26]

The crime committed for the killing of Manuel Correche is murder in view of the attendant qualifying circumstance of treachery. There is treachery when the offender commits any of the crimes against persons, employing means, methods or forms in the execution thereof which tend directly and specially to insure its execution without risk to himself arising from the defense which the offended party might make.[27] The evidence on record has established that Manuel was totally unaware of the evil design of the appellants who waited for him, concealed behind cogon grasses, while he was negotiating a trail with his companions on the way to their farm to work. Being unarmed, he could not offer any resistance against the powerful weapons of his attackers nor could he make any attempt to escape from their unexpected and sudden attack.

Likewise, the confluence of the circumstances in this case sufficiently proves beyond reasonable doubt the existence of conspiracy between appellants Dandy Alvarez and Eduardo Villas in ambush for their victim, Manuel Correche. At a distance of about five (5) meters, Dandy suddenly sprang from his hiding place and shot Manuel on the chest. In an apparent resolve to kill their victim, Eduardo also shot Manuel with his weapon hitting the latter on the forearm. Thereafter, the two appellants simultaneously fled from the scene of the crime. Flight is also

an indication of guilt. Hence, both appellants are equally guilty of the crime of murder.

Incidentally, at the time of the commission of the crime of murder in June 1993 in the case at bench, the death penalty was still proscribed.

WHEREFORE, the appealed Decision of the Regional Trial Court of Calbayog City, Branch 32, in Criminal Case No. 1696 is AFFIRMED.

SO ORDERED.

Bellosillo, (Chairman), Mendoza, Quisumbing, and Buena, JJ., concur.

[1] Penned by Judge Clemente C. Rosales. Rollo, pp. 18-31.

[2] TSN dated November 18, 1993, pp. 4-11; TSN dated January 27, 1994, pp. 31-38.

[3] Exhibits "A" to "A-2".

[4] Exhibits "C"; "D"; "E".

[5] TSN dated January 7, 1994, pp. 5-10.

[6] Id., pp. 20-21; 23.

[7] Id., pp. 12-15.

[8] TSN dated April 8, 1994, pp. 17-19; 24.

[9] TSN dated July 6, 1994, pp. 22-23.

[10] TSN dated June 27, 1994, pp. 4-9.

[11] TSN dated July 6, 1994, pp. 4-7.

[12] Id., pp. 11-12.

[13] Id., pp. 30-35.

[14] TSN dated October 3, 1994, pp. 5-8.

[15] Decision. Rollo, pp. 25-29.

[16] Id., pp. 30-31.

[17] People vs. Tabayoyong, 104 SCRA 724.

[18] Supra, p. 752.

[19] Id., pp. 739-740.

[20] People vs. Cuya, Jr. 141 SCRA 351, 354 (1986) citing People vs. Sarmiento, 69 Phil. 740, 742 (1940).

[21] People vs. Baccay, 284 SCRA 296, 304 (1998)

[22] People vs. Somooc, 244 SCRA 731, 739 (1995).

[23] People vs. Sotto, 275 SCRA 191, 202 (1997) citing People vs. Gahol, et al., 170 SCRA 585 (1989).

[24] People vs. Villanueva, 284 SCRA 501, 509 (1998).

[25] People vs. Estrellanes, Jr. 239 SCRA 235, 249 (1994).

[26] People vs. Campa, 230 SCRA 431, 443 (1994).

[27] People vs. Silong, 232 SCRA 487, 494 (1994).

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