

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. NARITO ARANETA, ACCUSED-APPELLANT.

G.R. No. 125894. December 11, 1998

Ponente: PUNO, J.

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PUNO, J.:

Joebert Araneta, Samuel Aronda-in, Joesel Araneta, Marvin Deogluis, and Narito Araneta were charged with the crimes of MURDER and FRUSTRATED MURDER for the death of Mansueto Datoon, Jr. and the injury sustained by Hilario Malones in two separate informations, which read:

Criminal Case No. 34642
MURDER

"That on or about the 6th day of December, 1989, in the Municipality of Anilao, Province of Iloilo, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping one another to better realize their purpose, taking advantage of their superior strength and number, with deliberate intent and decided purpose to kill, armed with unlicensed firearms, with treachery and evident premeditation and without any justifiable cause or motive, did then and there wilfully, unlawfully and feloniously assault, attack, strike and shoot with the firearms they were then provided one MANSUETO DATOON, JR., inflicting upon the latter gunshot wounds on the different parts of his body, which caused the immediate and instantaneous death of said Mansueto Datoon, Jr." [1]

Criminal Case No. 34643
FRUSTRATED MURDER

"That on or about the 6th day of December, 1989, in the Municipality of Anilao, Province of Iloilo, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping one another, taking advantage of their superior strength and number, with deliberate intent and decided purpose to kill and without justifiable cause or motive, did then and there wilfully, unlawfully and feloniously assault, attack and shoot one HILARIO MALONES with the firearms they were then provided, thereby hitting the latter on the stomach, thus performing all the acts of execution which would have produced the crime of murder as a consequence but which, nevertheless, did not produce it by reason of causes independent of the will of the accused, that is, the timely and able medical assistance given to said Hilario Malones which prevented his death." [2]

Accused Narito Araneta posted a bond of P40,000.00 and pled not guilty. The other accused, Samuel Aronda-in, Joesel Araneta and Marvin Deogluis, remain at large. The charges against Joebert Araneta, an active member of the Armed Forces of the Philippines, were dismissed for lack of jurisdiction over his person.

The trial records show that Hilario Malones, Fe Malones, Ma. Paz Datoon, Dr. Elizabeth D. Altamira and Dr.

Giovanni Delos Reyes testified for the prosecution. They established that at about 8:30 in the evening of December 6, 1989, Fe was preparing to go to sleep when she heard a noise in front of their house as if a sledge was being dragged. She stood up, listened, and heard somebody shout, "Noy Lario, help me." She recognized the voice as that of Mansueto Datoon, Jr. She opened the window and saw the accused Narito pulling Mansueto to the ground. Frightened, she woke up her husband, who immediately stood up and peeped through the open window. Hilario himself saw all the accused beating Mansueto. With Fe on his trail, he rushed out of the house and pleaded to the accused to take pity on Mansueto. They ignored him at first, but they stopped beating Mansueto when Hilario insisted that they free the victim.

Finding Mansueto incapable of standing up, Hilario helped him lean on a kapok tree. It was then that Candelaria Araneta arrived. She advised Hilario not to get involved. Hilario replied, "As a mother, you should advise or pacify your children; instead, you consent to what they are doing." Joebert then shot Hilario with a .38 caliber revolver. Joebert turned his attention to Mansueto and shot him too. He put the gun's muzzle on Mansueto's shirt and shot him again. As if that was not enough, Narito and the other accused resumed beating Mansueto.

Fe decided to look for help. On the way to her parents' house, she met Ma. Paz Datoon. She briefed Paz who repaired to the scene of the crime. She saw Samuel turning Mansueto's lifeless body around while Joebert ordered, "Hurry, let's go, we will be caught." Paz, however, testified that she did not see the other accused there. For her husband's burial, she spent about P35,000.00.

Dr. Elizabeth D. Altamira described the wounds suffered by Mansueto as follows:

- "(1) Pallor, integuments and nailbeds;
- (2) Hematoma, right and left eyes;
- (3) Contusion, right and left maxillary;
- (4) Wound, gunshot, entrance, ovaloid, 0.6 x 0.7 cm., edges inverted, surrounded by abrasion collar, 2 cm., subcostal area, midclavicular line, right, directed upward and laterally to the left perforating the liver, left lobe, and the lung, left upper lobe, hitting and fracturing the rib, 3rd and 4th going downward, with bullet lodged and recovered intramuscularly, subcostal area, anterior axillary line, left;
- (5) Wound, gunshot, entrance, ovaloid, 0.6 x 0.7 cm., edges inverted, surrounded by abrasion collar, 1 cm., 12 cm., below the lower border of scapula, mid-scapular line, left, with bullet directed laterally to the left, penetrating soft tissues only, exiting at same level, posterior axillary line, entering the mid upper arm, left, medial side and with bullet lodged and recovered just above the elbow, dorsal side;
- (6) Other organs, pale."

Hilario was brought to the West Visayas State University Hospital where Dr. Giovanni Delos Reyes treated him for a "1.0 cm. gunshot wound, umbilical area, penetrating abdominal cavity, perforating multiple loops of jejunum and transverse colon." Dr. Delos Reyes opined that the timely operation done on Hilario saved him from death. Hilario's hospitalization cost P37,000.00.

Narito interposed alibi as defense. He averred that on December 6, 1989, he went to bed at 7:30 p.m. He learned about the incident at 8:30 p.m. when his wife and Joebert Araneta arrived home. He listened to their story, turned off the lights and went back to sleep. Joebert left immediately after changing his clothes. Narito claimed that they had a visitor by the name of Nelson Salo that night.

Nelson Salo testified that on December 6, 1989, at 5 p.m., he arrived at the Aranetas' house to invite Narito to his farm. He found Narito, Candelaria and their three children there. As he had done in the past, he stayed with the Aranetas that night. He had dinner with them at 7 p.m. and slept afterwards. At 8:30 p.m., Joebert came to get his clothes. The following day, at 4:00 a.m., he left for Brgy. Hinalinan Nuevo with Narito. On the way, Narito told him that Joebert figured in a fight the night before. Salo claimed that after they slept, Narito never left the house

that fateful evening.

Narito's wife, Candelaria, also corroborated his story. Candelaria is a dressmaker. On December 6, 1989, at 4:00 p.m., she was in school taking measurements. Her daughter came and told her that Nelson Salo was in their house looking for Narito. Narito was then at their farm in Bgy. Siniba-an. Candelaria ordered her daughter to tell Salo to wait for her. She followed shortly but forgot all about Salo. At 5:00 p.m., Joebert came. He informed Candelaria about his disagreement with Mansueto Datoon, Jr. He left thereafter.

Narito came at 7:00 p.m. He ate dinner and went to bed. Joebert returned at 8:00 p.m. with Samuel Aronda-in. He requested Candelaria to pack his clothes for him. Candelaria claimed that she was the only one awake at that time. After dinner, Joebert told Candelaria that he was going to buy beer. Candelaria tried to dissuade him because they had a visitor who was already sleeping. Joebert was heedless and bought beer with Aronda-in. Before long, Candelaria heard somebody shout, "You are going to kill me." She recognized the voice as that of her son, Joebert. She went out to look for Joebert. She saw Hilario, Fe, Joebert, Nono and Mansueto in front of Hilario's house.

She claimed that Hilario and Mansueto were carrying guns. She asked Hilario what he planned to do with his gun as she reminded him that Joebert was unarmed. Mansueto then fired his gun at Joebert but hit Hilario instead. Joebert pushed Mansueto to the ground and they wrestled for the gun. Candelaria heard another shot which hit Mansueto. All the while, Aronda-in stood still in the middle of the road and did not help Joebert. Hilario then shot but missed Joebert. Joebert stood up and with Candelaria ran home.

On May 3, 1991, the trial court convicted accused-appellant Narito Araneta but only for the crimes of homicide and frustrated homicide:

"WHEREFORE, PREMISES CONSIDERED and in the light of the foregoing, judgment is hereby rendered finding the accused NARITO ARANETA alias "Narit" GUILTY beyond reasonable doubt of the crime of Homicide for the death of Mansueto Datoon, Jr., hereby sentencing him to suffer an indeterminate penalty of imprisonment of SIX (6) YEARS and ONE (1) DAY of Prison Mayor as Minimum to TWELVE (12) YEARS and ONE (1) DAY of Reclusion Temporal as Maximum and for Frustrated Homicide for the wounding of Hilario Malones, hereby sentencing him to suffer an indeterminate penalty of imprisonment of TWO (2) YEARS and ONE (1) DAY of Prison Correccional as Minimum to SIX (6) YEARS and ONE (1) DAY of Prison Mayor as maximum.

"Accused Narito Araneta is further ordered to pay the heirs of Mansueto Datoon, Jr. the sum of P30,000.00 as death compensation."[3]

Accused Narito appealed to the Court of Appeals and continued to be free on the same bailbond he had posted with the trial court.

On May 24, 1996, the Court of Appeals modified the decision of the trial court. It found the accused-appellant guilty of murder in Criminal Case No. 34642 and sentenced him to reclusion perpetua but acquitted him in Criminal Case No. 34643, viz.:

- "1. The decision of the trial court in Criminal Case No. 34642 is hereby MODIFIED to hold accused-appellant guilty of the crime of murder and sentence him to suffer the penalty of Reclusion Perpetua. Accused-appellant is further ordered to indemnify the heirs of Mansueto Datoon, Jr. the sum of fifty thousand pesos (P50,000.00);
2. In Criminal Case No. 34643, the decision finding accused-appellant guilty of frustrated homicide is REVERSED and SET ASIDE and a new one entered ACQUITTING him of the crime charged.
3. Costs de oficio."

Consequently, the Court of Appeals certified the case to us in accordance with Rule 124, Section 13 of the Revised Rules of Court.

On October 16, 1996, we resolved: (1) to accept the case; (2) to inform the accused-appellant that he may file an additional appellant's brief if he so desires and to require the Office of the Solicitor General to file an additional appellee's brief in case accused-appellant files an additional brief; (3) to cancel the bail of accused-appellant; and (4) to require the RTC to order the commitment of accused-appellant to the New Bilibid Prison.[4]

On December 23, 1996, we received the First Indorsement dated December 5, 1996 of Action Officer Homobono Lachica, Jr. of the Bureau of Corrections stating that they have no record of confinement of accused-appellant in the Bureau of Corrections.[5]

On April 3, 1997, Judge Tito G. Gustilo of the Regional Trial Court of Iloilo submitted a report stating among others:

"x x x

"2. That on November 27, 1996, he caused the issuance of a subpoena to the Manager of Paramount Insurance Corporation to appear and bring before the court the person accused Narito Araneta x x x;

"3. That after the lapse of ten (10) days, with the failure of the aforesaid surety company to produce the person of the accused, (he) issued a warrant of arrest against accused Narito Araneta, and the same was mailed to the Station Commander of the Dingle Philippine National Police Station, Dingle, Iloilo for implementation x x x;

"4. That to date, the Station Commander of the aforesaid police station has yet to make the necessary return of the subject warrant of arrest."[6]

On April 10, 1997, we received a copy of the return of the warrant of arrest signed by SPO4 Morito Muyco Tuarez. It stated that the police failed to effect the alias order of arrest issued by Judge Gustilo as they could not locate accused-appellant and his whereabouts were unknown.[7]

On July 30, 1997, we directed Judge Gustilo to issue another alias warrant of arrest against accused-appellant to be served by the National Bureau of Investigation (NBI).[8] Judge Gustilo issued an alias warrant of arrest on September 11, 1997.[9] The NBI has not made a return of said warrant to this day.

Since the accused-appellant has jumped bail, we shall first determine whether the Court should proceed to exercise jurisdiction over his appeal. Section 8, Rule 124 of the 1985 Rules on Criminal Procedure provides:

"Sec. 8. Dismissal of appeal for abandonment or failure to prosecute. - The appellate court may, upon motion of the appellee or on its own motion and notice to the appellant, dismiss the appeal if the appellant fails to file his brief within the time prescribed by this rule, except in case the appellant is represented by a counsel de oficio.

"The court may also, upon motion of the appellee or on its own motion, dismiss the appeal if the appellant escapes from prison or confinement or flees to a foreign country during the pendency of the appeal."

Under the second paragraph, the Court has the discretion to dismiss the appeal in case the appellant escapes from custody or jumps bail.[10]

We hold that dismissal of accused-appellant's appeal at this stage will result in injustice. In Criminal Case No. 34642, the Decision of the trial court finding him guilty of homicide and sentencing him to a minimum of prision mayor to a maximum of reclusion temporal will become final. The findings of the Court of Appeals that he should instead be convicted for murder and meted the penalty of reclusion perpetua can no longer be acted upon by this Court. And in Criminal Case No. 34643, accused-appellant will be acquitted from the charge of frustrated

homicide as found by the Court of Appeals. In fine, accused-appellant will be benefitted by his act of jumping bail. To avoid this mockery of justice, we resolved to continue exercising jurisdiction over Criminal Case No. 34642. The acquittal of accused-appellant in Criminal Case No. 34643, however, can no longer be reviewed in view of the rule on double jeopardy.

After a painstaking review of the records of the case, we find the accused-appellant guilty of murder in Criminal Case No. 34642 as recommended by the Court of Appeals. Hilario and Fe Malones positively identified accused-appellant as one of those who beat Mansueto before and after the latter was shot by Joebert Araneta:

HILARIO MALONES
DIRECT EXAMINATION

Q.

"Do you know a person by the name of Mansueto Datoon, Jr.?"

A.

Yes, sir.

Q.

Can you tell us where this Mansueto Datoon, Jr. is at present?

A.

He is already dead.

Q.

Can you tell this Honorable Court when did, if you know, Mansueto Datoon, Jr. die?

A.

December 6, 1989.

Q.

Do you have knowledge as to the cause of death of Mansueto Datoon, Jr.?"

A.

Yes, sir.

Q.

In the evening of December 6, 1989, at around 8:30, can you tell us where were you? [sic]

A.

At my house.

Q.

You are referring to the house at Brgy. Sto. Rosario, Anilao, Iloilo?

A.

Yes, sir.

Q.

What were you doing in your house that particular time?

A.

I was sleeping, sir.

Q.

Were you awoken [sic] that evening?

A.

Yes, sir.

Q.

Who awoken you up? [sic]

A.

My wife.

Q.

Will you please tell the Court the reason why your wife woke you up that evening of December 6, 1989?

A.

Because we heard a noise.

Q.

When you woke up, did you observe anything?

A.

I heard a voice of a man asking for help.

Q.

Could you recognize the voice of that man asking for help?

A.

Yes, sir.

Q.

Please tell the Honorable Court whose voice was that? [sic]

A.

That of Mansueto Datoon, Jr.

Q.

Because you heard the voice of Mansueto Datoon, Jr. asking for help, what did you do, if you did anything?

A.

I stood up and peeped at (sic) the window.

xxx xxx xxx

Q.

When you peeped at (sic) the window, you saw something?

A.

Yes, sir, people below.

Q.

What were those people doing?

A.

I saw them striking Mansueto.

Q.

Do you know or do you recognize these people striking or beating Mansueto Datoon, Jr.?

A.

I know all of them, the five of them.

xxx xxx xxx

Q.

You said you identified these persons. Will you please name them before this Honorable Court?

A.

Narito Araneta, Joebert Araneta, Joesel Araneta, Samuel Aronda-in, Marvin Deogluis.

xxx xxx xxx

Q.

You mentioned Joebert Araneta. If this Joebert Araneta is inside the courtroom, can you identify him?

A.

He is not in this courtroom.

Q.

How about Samuel Aronda-in, is he inside the courtroom?

A.

No, sir.

Q.

How about Joesel Araneta?

A.

He is not around.

Q.

How about Marvin Deogluis?

A.

None (sic).

Q.

How about Narito Araneta?

A.

He is inside the courtroom.

Q.

Will you please identify him?

A.

He is there. (witness pointing to a person seated on the accused bench who when asked his name answered to be Narito Araneta)"[11]

RE-DIRECT EXAMINATION

"Q.

In your cross-examination you said that Narito Araneta was not armed that evening. During the incident, can you please explain to this Honorable Court what was the actual participation of Narito Araneta which led to (sic) death of Mansueto Datoon, Jr.?

A.

He helped in beating.

Q.

Beating before the shooting of Mansueto Datoon, Jr.?

A.

Before and after.

Q.

He was using his hands and feet?

A.

Yes, sir.

COURT

Q.

What did he do with his hands?

A.

Boxed.

Q.

How about his feet?

A.

Kicking.

Q.

He kicked who?

A.

Mansueto Datoon, Jr.

Q.

Before Mansueto Datoon, Jr. was shot, that is what he did?

A.

Yes, Your Honor.

Q.

You again testified that after Mansueto Datoon, Jr. was shot and fell, the rest of the accused again ganged up on him and kicked him, right?

A.

Yes, Your Honor.

Q.

Tell us, if you know, what, if any, was the participation of the accused Narito Araneta, what did he do?

A.

Helped in boxing and kicking."[12]

FE MALONES

DIRECT EXAMINATION

"Q.

In the evening of December 6, 1989, can you remember where you were?

A.

In our house.

Q.

At around 8:30 in the evening what were you doing?

A.

I was preparing to go to sleep together with my children.

Q.

How many were you present in the house?

A.

My four (4) children, myself and my husband, Hilario Malones.

Q.

While you were preparing to sleep, can you recall of [sic] any unusual incident that occurred?

A.

While I was preparing to go to sleep, I put off the lights and after putting off the lights, I heard a noise in front of our house like a sledge being pulled.

Q.

Because of those (sic) noise what did you do?

A.

When I heard that noise, I stood up and listened. I heard somebody shouting, "Noy Lario, help me."

Q.

Do you recognize the voice of that person asking for help?

A.

I was able to recognize it.

Q.

Whose voice?

A.

Mansueto Datoon, Jr.

Q.

So what did you do?

A.

I stood up and opened our window, just enough to have my view.

Q.

Did you see anything?

A.

I saw five (5) persons and one (1) lying down.

Q.

What were these five (5) persons doing?

A.

Narito Araneta held the hand of Datoon and at the same time pulling him.

Q.

Are you referring to the accused in these cases?

A.

Yes, sir.

Q.

Please point to him if inside the courtroom? (witness pointing to a person (sic) when asked answered to the name of Narito Araneta)"[13]

CROSS-EXAMINATION

"Q

You told the Court, Mrs. Malones, that when you were about to sleep together with your children and your husband on the night of December 6, 1989, you said you heard noise like that of a sledge being pulled, did I get you right when you said that a while ago?

A.

Yes, sir.

Q.

And you said you peeped through your opened window?

A.

Yes, sir.

Q.

Did you see whether there was really a sledge being pulled or something else?

A.

None, sir.

Q.

So what was that you saw being pulled?

A.

Mansueto Datoon, Jr.

Q.

And who were those persons who were pulling or dragging Mansueto Datoon, Jr.?

A.

Narito, Joebert, Joesel, Samuel and Marvin.

COURT

Q.

All of them were pulling the victim?

A.

Yes, sir, because the victim is big.

xxx xxx xxx

Q.

You told the Court also that your husband Hilario Malones went down and interceded?

A.

Yes, sir.

xxx xxx xxx

Q.

Was Narito still around when your husband went out of your house?

A.

Yes, sir.

Q.

And when your husband told them to stop, Narito went out (sic)?

A.

No, sir, he remained."^[14]

In light of such positive identification, accused-appellant's alibi must fall. It is settled that alibi is the weakest of all defenses. It cannot prevail over the positive identification of the accused by witnesses who have no ill motive to testify falsely.^[15] Alibi becomes less plausible when it is corroborated by relatives and friends who may not be impartial witnesses.^[16] More so when the corroborating testimonies are marred by discrepancies.

In the case at bar, Nelson Salo testified that he arrived at the Aranetas' at 5:00 p.m. on December 6, 1989 and found accused-appellant Narito, Candelaria and their three children there.^[17] In contrast, Candelaria said that she and Narito were not at home when Salo arrived. She declared she was in school, while Narito was at their farm in Bgy. Siniba-an. Narito came home only at 7:00 p.m.^[18] Salo further alleged that he saw Joebert Araneta arrive home at 8:30 p.m. on December 6, 1989 to get his clothes.^[19] Yet, on re-direct examination, he averred that he slept continuously from 7:00 p.m. to 3:30 a.m. the following day.^[20] In addition, he claimed that Narito did not leave the house that evening after they went to sleep.^[21] It is evident that if he was asleep from 7:00 p.m. to 3:30 a.m., he could not be certain whether Narito left the house that night or not.

Vis-a-vis his positive identification, accused-appellant cannot also seek exculpation in Ma. Paz Datoon's negative testimony that she did not see Narito at the scene of the crime. Neither can he capitalize on the failure of the prosecution to show criminal motive on his part or on his decision to stay at their place even after the commission of the crime. Proof of motive is not indispensable to conviction.^[22] Also, non-flight is not necessarily proof of innocence.^[23]

We further reject accused-appellant's contention that the prosecution failed to show that he conspired with his son, Joebert Araneta, in killing Mansueto Datoon, Jr. He stresses that he did not take part in the shooting and that he had already released Mansueto long before Joebert started his shooting spree. The evidence shows that the prosecution proved that he beat Mansueto before and after Joebert shot the deceased. When he beat Mansueto a second time, it was clear that he cooperated with the efforts of Joebert to finish off Mansueto.

Well-established is the doctrine that conspiracy need not be proved by direct evidence of prior agreement to commit the crime.[24] Conspiracy may be inferred from the acts of the accused before, during and after the commission of the crime.[25] Where conspiracy is established, it matters not who among the accused actually shot and killed the victim.[26] That criminal act is attributable to all accused for the act of one is the act of all.[27]

The crime committed by accused-appellant is murder. The killing of Mansueto was qualified by abuse of superior strength. Mansueto was clearly overwhelmed by the combined efforts of five (5) assailants which included accused-appellant. Worse, the assailants used guns against the unarmed Mansueto. The numerous wounds sustained by Mansueto indisputably show that the group of accused-appellant took advantage of their superior strength in perpetrating the crime at bar. There being no mitigating circumstance, accused-appellant should be imposed the penalty of reclusion perpetua.

WHEREFORE, the Court finds accused-appellant Narito Araneta guilty of murder in Criminal Case No. 34642, sentences him to reclusion perpetua and orders him to pay the heirs of the victim the sum of P50,000.00 as indemnity and P35,000.00 as actual damages. Costs against accused-appellant.

SO ORDERED.

Bellosillo (Chairman), Mendoza, and Martinez, JJ., concur.

[1] Criminal Case No. 34642, Original Record, p. 1

[2] Criminal Case No. 34643, Original Record, p. 1.

[3] Original Records, pp. 31-32.

[4] Rollo, p. 2.

[5] Rollo, p. 4.

[6] Rollo, p. 11.

[7] Rollo, p. 23.

[8] Rollo, p. 25.

[9] Rollo, p. 27.

[10] People vs. Codilla, 224 SCRA 104 (1993); People vs. Quiritan, 197 SCRA 32 (1991); Regalado, Remedial Law Compendium (7th Revised Edition), p. 506, citing Longao vs. Fakat, et al., L-23978, December 27, 1969

[11] TSN, September 7, 1990, pp. 4-8.

[12] TSN, September 7, 1990, pp. 34-36.

[13] TSN, October 9, 1990, pp. 4-7.

[14] TSN, October 9, 1990, pp. 19-25.

[15] *People vs. Perez*, 265 SCRA 506 (1996); *People vs. De Guzman*, 265 SCRA 228 (1996); *People vs. Paredes*, 264 SCRA 578 (1996); *People vs. Tazo*, 260 SCRA 816 (1996); *People vs. Sotes*, 260 SCRA 353 (1996); *People vs. Bracamonte*, 257 SCRA 380 (1996).

[16] *People vs. Anonuevo*, 262 SCRA 22 (1996); *People vs. Camat*, 256 SCRA 52 (1996); *People vs. Danao*, 253 SCRA 146 (1996).¹

[17] TSN, November 12, 1990, pp. 6-7.

[18] TSN, November 12, 1990, pp. 28-29.

[19] TSN, November 12, 1990, pp. 8-9.

[20] TSN, November 12, 1990, p. 23.

[21] TSN, November 12, 1990, p. 18.

[22] *People vs. Sandoval*, 254 SCRA 436 (1996).

[23] *People vs. Acuña*, 248 SCRA 668 (1995).

[24] *People vs. Laurente*, 255 SCRA 543 (1996); *People vs. Salison, Jr.*, 253 SCRA 758 (1996).

[25] *People vs. Obzunar*, 265 SCRA 547 (1996); *Arceño vs. People*, 256 SCRA 569 (1996); *People vs. Alcantara*, 254 SCRA 384 (1996); *People vs. Leangsiri*, 252 SCRA 213 (1996).

[26] *People vs. Sequiño*, 264 SCRA 79 (1996).

[27] *People vs. Herbias*, 265 SCRA 571 (1996); *People vs. Sotes*, 260 SCRA 353 (1996); *People vs. Landicho*, 258 SCRA 1 (1996); *People vs. Alberca*, 257 SCRA 613 (1996).

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