

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ALEX RIVERA AND ROGITO RIVERA, ACCUSED-APPELLANTS.

G.R. No. 125895. July 04, 2002

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

This is an appeal from the decision dated January 22, 1996 of the Regional Trial Court, of Masbate, Masbate, Branch 47, in Criminal Case No. 6547, convicting brothers Alex and Rogito Rivera of two counts of murder and sentencing them as follows:

WHEREFORE, premises considered, the guilt of the accused Alex Rivera and Rogito Rivera having been established beyond reasonable doubt, each of them is convicted of the crime of murder on two counts, for the deaths of Domingo Ramos and Percelina Ramos and each is sentenced to suffer the penalty of Reclusion Perpetua on two counts; to indemnify the heirs of the victims Domingo Ramos and Percelina Ramos, jointly and severally, in the total sum of P100,000.00; to suffer the accessory penalties therefor and to pay the costs of the suit.

The bond posted by accused Alex Rivera, to secure his provisional liberty, is hereby ordered cancelled and the bondsmen, relieved of their obligations appurtenant thereto.

IT IS SO ORDERED.[1]

The facts, as culled from the records, are:

At 5:00 in the afternoon of March 16, 1991, spouses Domingo and Percelina Ramos, together with their seventeen year-old son, Jenny, were chatting with Erlinda Bagahilog in front of the latter's house in Barangay Bagacay, Mobo, Masbate. Their daughter, Soledad, was by the nearby river washing clothes. Suddenly, accused-appellants, the brothers Alex and Rogito Rivera, arrived. Armed with bolos, accused-appellants approached Domingo and challenged him to a fight. Domingo, then in crutches, refused to fight saying that he had done nothing wrong to the brothers. Accused-appellants grabbed Domingo by his shirt collar and dragged him towards the river. There, they took turns in hacking and stabbing Domingo Ramos, while Percelina and Jenny pleaded for them to stop. Soledad stood motionless and could only cry.[2] Domingo raised his hands in ultimate surrender and expired.

After killing Domingo, accused-appellants turned towards Percelina and Jenny. Jenny was able to run to the house of Honesto Bagahilog, where he hid. Alex Rivera caught up with Percelina and hacked her as well.[3] Soledad, who had recovered from her shock, threw a stone at Alex Rivera and hit him on the head. Alex thus chased Soledad, who ran towards the house of Rosario Bagahilog. Accused-appellants then left the scene.[4]

When the coast was clear, Soledad ran to where her parents lay. She found her father dead and her mother seriously injured. She rushed her mother to the hospital, but the latter was pronounced dead on arrival.[5]

Dr. Enrique O. Legaspi, III, the Municipal Health Officer of Mobo, Masbate, conducted a post-mortem examination on Domingo Ramos and Percelina Ramos. He testified that all of the wounds sustained by Domingo,

except for one muscle-deep stab wound, were fatal as they affected vital organs of the body.[6] Considering the character of the wounds sustained by both the victims, Dr. Legaspi opined that Domingo and Percelina Ramos could never have survived even with medical attention.[7]

On March 25, 1991, Jenny Ramos filed a criminal complaint with the Municipal Circuit Trial Court of Mobo-Milagros, Mobo, Masbate, against Alex and Rogito Rivera for Murder.[8] The circuit court found probable cause and forwarded the case to the Regional Trial Court of Masbate, Masbate, for proper action.[9] Subsequently, on January 7, 1992, Alex and Rogito Rivera were formally charged with the crime of Multiple Murder in an Information which reads:

That on or about March 16, 1991, in the afternoon thereof, at Barangay Bagacay, Mobo, Municipality of Mobo, Province of Masbate, Philippines, within the jurisdiction of this Court, the said accused conspiring and helping each other, with intent to kill, evident premeditation, treachery and superiority of strength did then and there willfully, unlawfully and feloniously attack, assault, hack and stab with bolos spouses Domingo and Percelina Ramos, hitting them on the different parts of their bodies, thereby inflicting wounds which directly caused their instantaneous deaths.[10]

Alex Rivera was arraigned on July 6, 1992 and pleaded not guilty to the charge.[11] His brother, Rogito Rivera, remained at large and was arrested only on September 2, 1992.[12] On August 8, 1995, Rogito was arraigned and pleaded not guilty.[13]

By way of defense, accused-appellant Alex Rivera testified that at 5:00 p.m. of March 16, 1991, he and his wife, Teresita Sanay Rivera, were walking along the feeder road of Bagacay, Mobo, Masbate, when they were attacked by Domingo Ramos and his son, Jenny Ramos. Alex Rivera surmises that the attack was provoked by an earlier incident wherein Domingo and Jenny asked him for money to buy liquor from a store but he refused to give them any.[14] He further testified that Domingo stabbed him and Jenny pelted him with stones, prompting him to defend himself. Thus, he drew a knife from his handbag, stabbed Domingo, then ran away. Jenny pursued him but failed to catch up with him.[15]

For his part, Rogito Rivera testified that at 5:20 p.m. of March 16, 1991, he was walking along the feeder road on his way to the barangay proper when he met Domingo Ramos, who was bloodied, and Jenny Ramos. Jenny threw a stone at him while Domingo attacked him with a knife. Rogito hit Domingo with his bolo while trying to parry the latter's knife thrusts.[16] He denied killing Percelina Ramos, saying that it was Domingo who stabbed his wife to death.[17]

The brothers presented the corroborative testimonies of their friend, Francisco Almocera,[18] and brother-in-law, Jose Carmen.[19] Alex's wife, Tessie Rivera, was also scheduled to testify, but the prosecution stipulated that her testimony if presented will be merely corroborative with that of her husband.[20]

On January 22, 1996, the trial court rendered the assailed decision. Hence, this appeal raising the following errors, to wit:

I

THE TRIAL COURT ERRED IN FINDING THAT CONSPIRACY EXISTS BETWEEN ACCUSED ALEX RIVERA AND ROGITO RIVERA IN THE KILLING OF THE VICTIMS DOMINGO RAMOS AND PERCELINA RAMOS.

II

THE TRIAL COURT ERRED IN CONVICTING ACCUSED ALEX RIVERA AND ROGITO RIVERA FOR THE CRIME OF MURDER ON TWO COUNTS QUALIFIED BY ABUSE OF SUPERIOR STRENGTH INSTEAD OF HOMICIDE.[21]

The appeal has no merit.

It is evident at the outset that the resolution of this appeal hinges on the issue of credibility of witnesses. Once more, we stress that the manner of assigning values to declarations of witnesses on the witness stand is best and most competently performed by the trial judge who had the unmatched opportunity to observe the witnesses and assess their credibility by the various indicia available but not reflected on record. The demeanor of the person on the stand can draw the line between fact and fancy or evince if the witness is telling the truth or lying through his teeth.[22] We have consistently ruled that when the question arises as to which of the conflicting versions of the prosecution and the defense is worthy of belief, the assessment of the trial courts are generally viewed as correct and entitled to great weight.[23] Furthermore, in an appeal, where the culpability or innocence of the accused depends on the issue of credibility of witnesses and the veracity of their testimonies, findings of the trial court are given the highest degree of respect if not finality.[24]

Equally important is the trial court's assessment of the substance and quality of the testimony of the witnesses. In this light, magistrates have always been guided by the legal truism that evidence to be believed must not only proceed from the mouth of a credible witness, but must be credible in itself.[25]

After a circumspect study of the records, we find that the trial court did not err in its appreciation of the credibility of the witnesses. Truly, the version of the defense is less plausible when juxtaposed with that of the prosecution's.

We agree with the trial court when it pronounced that the version of the defense does not inspire belief, thus:

The defense' version of the incident pointing to the victim Domingo Ramos as the aggressor, does not inspire belief. It must be noted that the prosecution witnesses repeatedly claimed that at the time of the incident, Domingo Ramos was nursing an injury and in fact he was in crutches having met an accident. This particular point, remains up to this day, uncontradicted. There is, therefore, no reason for this court to disbelieve such claim. x x x

And if Domingo Ramos was in crutches during the incident, the possibility of him initiating the attack against the person accused, Alex Rivera, appears nil. x x x.[26]

Accused-appellant Alex Rivera admitted on cross-examination that Domingo Ramos was in crutches at the time of his death, but nonetheless proposed that the latter was able to run and stab him.[27]

The trial court also entertained doubts as to the veracity of the alleged second attack on accused-appellant Rogito Rivera by the deceased, Domingo Ramos.[28] Indeed, considering that the victim was limp and in crutches, it was highly improbable that he was able to launch the second attack considering that he had already sustained a fatal wound and was then profusely bleeding from the stab wound inflicted earlier by Alex Rivera.[29]

Evidence to be believed must be credible in itself, such that common experience and observation of mankind lead to the inference of its probability under the circumstances.[30] We share the trial court's view that it was highly improbable for Domingo Ramos, who was at that time physically handicapped and later on fatally wounded, to be able to engage himself in a violent scuffle.

With respect to the manner in which Percelina Ramos was stabbed, Rogito Rivera had an even more curious story to tell:

ATTY. APOYA

Q: When you hit Domingo Ramos while you were parrying what happened to Domingo Ramos?

A: He shouted.

Q: What did he shout?

A: "Help me!"

Q: What did you do next after Domingo Ramos shouted for help?

A: His wife approached him and pulled him and dragged him.

Q: What happened next, if any?

A: When his wife pulled him, he hit his wife when his wife was about to pull him. (emphasis ours).

COURT

Q: You said the wife helped and lent assistance to Domingo Ramos, and then the wife was hit by Domingo Ramos, is that right?

A: Yes, Your Honor.

Q: Was the wife hit while she was dragging her husband?

A: Yes, Your Honor.

Q: You want to convey to the court that the wife came to the assistance of the husband and she was hit by her husband?

A: Yes, Your Honor. (emphasis ours)[31]

Rogito Rivera and defense witness Francisco Almocera[32] insist that Domingo Ramos, despite having sustained three lethal and penetrating wounds and one muscle-deep wound, without discounting the fact of his disability, had the strength to inflict a deadly penetrating stab wound on his wife who was, after all, trying to help him. We are certainly not persuaded.

Another defense witness, Jose Carmen, in a vain attempt to corroborate the story of Rogito Rivera, testified that it was impossible for either Alex or Rogito Rivera to have stabbed Percelina, surmising that it was Domingo Ramos who stabbed his wife.[33] His testimony, however, consists of an opinion and not what he actually perceived. By his own admission, he did not see who stabbed Percelina Ramos.[34] Well-entrenched is the rule that witnesses must state facts and not draw conclusions or draw opinions unless otherwise permitted and excepted by the rules.[35] Jose Carmen's testimony does not fall under any of the recognized exceptions. Hence, his testimony cannot be relied upon.

In contrast, the testimonies of Soledad and Jenny Ramos bear the earmarks of truth, sincerity, and candidness. Their testimonies were spontaneously and naturally delivered, and they withstood attempts of the defense to discredit them. During her cross-examination, fourteen year-old Soledad Ramos even shed tears as she was forced to recount the brutal slaying of her father and the helplessness with which she and her brother witnessed it.[36]

It has been held time and again that relatives of the victim have a natural knack for remembering the faces of the attackers. They, more than anybody else, would be concerned with obtaining justice for the victims by ensuring that the felons are brought to justice.[37] This is especially true in the case at bar where minor children witnessed the killing of their own parents. No doubt, this kind of witnesses usually strive harder to remember the faces of the

assailants[38] and recall the manner in which the crime was committed. It is unnatural for the victim's children, who are interested only in vindicating the crime perpetrated against their parents, to accuse somebody other than the real culprits.[39] If an accused really had nothing to do with a crime, it would be against the natural order of events and of human nature, and against the presumption of good faith, that such a prosecution witness would falsely testify against him.[40]

Neither can the witnesses' relationship to the victims impair their credibility, where no improper motive has been convincingly and reasonably brought up by the defense.[41] In this case, no such ill motive was ever proffered by the accused-appellants.

In their brief,[42] accused-appellants assert that Alex Rivera was not positively identified by Jenny Ramos. The defense cites the following testimony of Jenny Ramos when he was asked to point to the two accused-appellants:

PROSECUTOR:

Q: By the way, you mentioned of the two (2) names Alex and Rogito Rivera, if both of them are inside the court would you point to them?

A: Yes, Sir.

Q: Please point to Rogito Rivera.

A: Witness pointing to a person wearing white t-shirt and when asked answered Rogito Rivera. (emphasis ours)

Q: How about Alex Rivera?

A: Witness pointing to a person inside the court room and when asked his name, answered Rogito Rivera, wearing a stripe polo. (emphasis ours).[43]

Accused-appellants contend that since the second person pointed out by Jenny Ramos answered to the name of "Rogito Rivera" rather than "Alex Rivera" – the person being asked to be pointed out – it stands to reason that Jenny Ramos failed to identify Alex Rivera.

This point of accused-appellants is unconvincing.

A closer scrutiny of the testimony reveals that the second person who answered to the name of "Rogito Rivera" was wearing a different shirt. There were clearly two different persons pointed by the witness – one wearing a white t-shirt and the other wearing a striped polo shirt. The logical explanation, therefore, is that there must have been some typographical or other error which caused the discrepancy in the transcripts. The portion of the testimony of Jenny Ramos being referred to by accused-appellants is at best ambiguous. In any event, Soledad Ramos was able to positively identify accused-appellant Alex Rivera. Well-entrenched is the rule in this jurisdiction that witnesses are weighed, not numbered, such that the testimony of a single trustworthy and credible witness may suffice to convict an accused.[44]

More importantly, accused-appellants are barred from challenging their identification as the assailants. By pleading self-defense, accused-appellants necessarily admitted the authorship of the killing, although they invoke justification for the same.

Accused-appellants' claim of self-defense is unavailing. Self-defense is a time-worn excuse resorted to by assailants in appealed criminal cases.[45] Like alibi, self-defense is an inherently weak defense since it can easily be concocted.[46]

Accordingly, although it is a cardinal principle in criminal law that the prosecution has the burden of proving the guilt of the accused, the rule is reversed where the accused admits committing the crime but claims that he defended himself.[47] Thus, the claim of self-defense by the accused-appellants shifts the burden of proof in their area of responsibility.[48] Accused-appellants must therefore show by strong, clear and convincing evidence that the killing was justified and that, therefore, no criminal liability has attached.[49]

To successfully interpose self-defense, accused-appellants must clearly and convincingly prove: (1) unlawful aggression on the part of the victim; (2) reasonable necessity of the means employed to prevent or repel the attack; and (3) the person defending himself must not have provoked the victim into committing the act of aggression.[50] A plea of self-defense can not be justifiably appreciated, where it is not only uncorroborated by independent and competent evidence, but also extremely doubtful by itself.[51]

Applying the above-mentioned yardsticks in the case at bar, we find that the defense has not proven by clear and convincing evidence its claim of self-defense. The version of the story on which the claim of self-defense hinges is at best dubious if not incredible. One of accused-appellants' flight to Ticao Island after the incident betrays his guilt,[52] and perforce becomes fatal to his claim of self-defense.

As earlier stated, we find it difficult to believe that the victim Domingo Ramos, who was limp and on crutches, initiated the attack on accused-appellant Alex Rivera and, shortly after being seriously wounded from the encounter with the latter, had the strength to assault Rogito Rivera. Even more improbable is the supposition that Domingo even stabbed his own wife to death after having sustained multiple fatal injuries. Besides, there appears no plausible reason why Domingo Ramos would stab his wife who, after all, only came to his aid.

Accused-appellants, realizing that their claim of self-defense was not clearly and convincingly proven,[53] pray that, at the very least, the mitigating circumstance of incomplete self-defense be applied in their favor. This is untenable. Even the said mitigating circumstance cannot be considered in this case because the two other elements of self-defense, namely, reasonable necessity of the means employed and lack of sufficient provocation, are also absent.

Accused-appellant, furthermore, acted in conspiracy. There is conspiracy when two or more persons come to an agreement concerning the commission of a felony and decide to commit it.[54] Proof of an actual planning of the perpetration of the crime is not a condition precedent for conspiracy to exist,[55] as direct proof of conspiracy is rarely found.[56] Criminals are certainly not credulous creatures expected to write down, much less, indiscreetly announce their abhorrent and sinister plots and plans. Thus, conspiracy may be deduced from the mode and manner in which the offense was perpetrated or inferred from the acts of the accused evincing a joint or common purpose and design; concerted action and community of interest.[57]

Soledad and Jenny Ramos positively identified accused-appellants as their parents' assailants. The evidence clearly shows that both accused-appellants were seen carrying bolos when they attacked Domingo Ramos. They were heard challenging the victim to a fight and seen dragging their hapless victim towards the locus criminis, where they took turns in stabbing and hacking him to death. After that, accused-appellants turned their sights on Domingo's wife, Percelina. Alex Rivera caught up with Percelina Ramos and hacked her to death as well.[58] The aforementioned circumstances indubitably show accused-appellants' uniform and concerted action to kill Domingo and Percelina Ramos.

Conspiracy having been established, accused-appellants are thus liable as co-principals regardless of the extent and character of their participation because in contemplation of law, the act of one is the act of all.[59]

Accused-appellants challenge the trial court's appreciation of the circumstance of abuse of superior strength

which qualified the crime to murder, saying that the same was not alleged in the complaint originally filed with the Municipal Circuit Trial Court of Mobo-Masbate, or in the Information filed with the Regional Trial Court of Masbate, Masbate.

The contention lacks merit.

It is true that the complaint[60] which was subscribed and sworn to by Jenny Ramos on March 15, 1991, accusing accused-appellants of murder, did not allege abuse of superior strength. Nonetheless, the Information which was subsequently filed with the Regional Trial Court of Masbate, Masbate by the provincial prosecutor, and to which accused-appellants entered their pleas of not guilty, specifically averred that the killing was committed with evident premeditation, treachery and superiority of strength.

It can not, therefore, be argued that accused-appellants were not apprised of the charges against them or that they were deprived of the right to prepare their defense, as in fact they did defend themselves and interposed self-defense and denial.

The original complaint, furthermore, has no bearing insofar as the accused-appellants' constitutional right to be informed of the nature and cause of the accusation against them is concerned. All criminal actions either commenced by complaint or information shall be prosecuted under the direction and control of the prosecutor.[61] The appreciation of what crime or what circumstances are to be included and alleged in the information is within the sound discretion and prerogative of the public prosecutor, he being the public official specifically charged with the prosecution of public offenses. Moreover, complaints are mostly prepared in municipalities, without the advice or help of counsel, and the prosecutor usually conducts another investigation and files such information as the results thereof justify.[62]

Treachery is present in the case at bar. The victim was not in a position to defend himself, and the offenders consciously and deliberately adopted the particular means, methods, or form of attack employed.[63] An attack upon a person who could not put up a defense by reason of his temporary physical handicap is treacherous. According to the testimonies of prosecution witnesses, Domingo Ramos clearly declared that he would not fight the Rivera brothers when he was initially challenged by the latter. The victim contended that he was limp and in crutches and that he had done nothing wrong to accused-appellants. But accused-appellants, bent on killing the defenseless victim, dragged him a few meters down the river and there stabbed and hacked him to death.

There is treachery when the offender commits any of the crimes against the person, employing means, methods or forms in the execution thereof which tend directly and specially to ensure its execution, without risk to himself arising from the defense which the offended party might make.[64] It is of no moment that the assault was preceded by a challenge to fight. We have consistently held that treachery may still be appreciated even when the victim was forewarned of danger to his person.[65] What is decisive is that at the time the blow was struck, the deceased was helpless and unable to defend himself.[66]

Treachery being attendant in the slaying of Domingo Ramos, the killing is therefore qualified to murder. Abuse of superior strength is deemed absorbed in treachery and cannot thus be separately considered as a generic aggravating circumstance.

On the other hand, the killing of Percelina Ramos constituted murder qualified by abuse of superior strength. An attack made by a man with a deadly weapon upon an unarmed and defenseless woman constitutes abuse of superiority which his sex and weapon used in the act afforded him and from which the woman was unable to defend herself.[67]

The circumstance of evident premeditation cannot be appreciated. No less than direct evidence of the planning

and preparation when the plan was conceived must be established by prosecution. Evident premeditation cannot be deduced from mere presumption or speculation.[68] The prosecution failed to clearly and directly establish evident premeditation.

Accused-appellant Alex Rivera surrendered himself together with the knife he used in stabbing Domingo Ramos to police officer Rene Danao the next day after the killing.[69] The records do not show any arrest issued or made against him. Every circumstance in favor of the accused must be considered.[70] Consequently, the mitigating circumstance of voluntary surrender should be appreciated in favor of Alex Rivera.[71] For voluntary surrender to be appreciated as a mitigating circumstance, the following requisites must concur: (1) the offender had not been actually arrested; (2) the offender surrendered himself to a person in authority; and (3) the surrender was voluntary.[72] All three requisites are present in this case.

We note that accused-appellants were charged with two separate criminal acts of murder in one information. However, accused-appellants did not move to quash the information on the ground of multiplicity of charges. Hence, they are deemed to have waived the defect. Consequently, the trial court validly rendered judgment against the accused-appellants for as many crimes as were alleged and proven.[73]

The trial court, therefore, correctly convicted both accused-appellants of two counts of murder for the killing of Domingo and Percelina Ramos. However, the penalty imposed on Alex Rivera should be modified in view of the mitigating circumstance of voluntary surrender.

Article 248 of the Revised Penal Code, before its amendment by Republic Act No. 7659, prescribed the penalty of reclusion temporal maximum to death for the crime of murder.

Taking into consideration the mitigating circumstance of voluntary surrender and the absence of any aggravating circumstance, and after applying the Indeterminate Sentence Law, Alex Rivera should be sentenced to two indeterminate prison terms for the two counts of murder, each of which has a minimum term within the range of prison mayor maximum to reclusion temporal medium, and a maximum term within reclusion temporal maximum.[74] He is, thus, sentenced to the indeterminate penalty of twelve (12) years and one (1) day of reclusion temporal, as minimum, to seventeen (17) years, four (4) months and one (1) day of reclusion temporal, as maximum, for each count of murder.

With respect to Rogito Rivera, there being neither mitigating nor aggravating circumstance, he should be sentenced to two counts of reclusion perpetua for each murder.

WHEREFORE, in view of the foregoing, the decision of the Regional Trial Court, Branch 47 of Masbate, Masbate, in Criminal Case No. 6547, finding accused-appellants Alex Rivera and Rogito Rivera guilty beyond reasonable doubt of two counts of murder for the deaths of Domingo and Percelina Ramos, is **AFFIRMED** with the **MODIFICATION** that accused-appellant Alex Rivera is sentenced to suffer the indeterminate penalty of twelve (12) years and one (1) day of reclusion temporal, as minimum, to seventeen (17) years, four (4) months and one (1) day of reclusion temporal, as maximum, for each count of murder. Accused-appellant Rogito Rivera is sentenced to suffer the penalty of reclusion perpetua, also for each count of murder. Accused-appellants are further ordered to jointly and severally pay the heirs of the victim the total amount of P100,000.00 as civil indemnity and the total amount of P100,000.00 as moral damages.

Costs de officio.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Vitug, Kapunan, and Austria-Martinez, JJ., concur.

- [1] Record, p. 172; penned by Assisting Judge Manuel S. Pecson.
- [2] TSN, September 16, 1992, pp. 2-4 and 11; TSN, March 8, 1993, p. 19.
- [3] Ibid., p. 5.
- [4] Ibid.
- [5] Ibid., pp. 5-6.
- [6] TSN, March 12, 1993, pp. 3-4 and 6.
- [7] Ibid., pp. 8-9.
- [8] Records, p. 2.
- [9] Ibid., p. 37.
- [10] Ibid., p. 1.
- [11] Ibid., p. 45.
- [12] Ibid., pp. 52 and 168.
- [13] Ibid., p. 155.
- [14] TSN, May 25, 1994, p. 6.
- [15] Ibid., pp. 9-10.
- [16] TSN, November 29, 1994, pp. 3-6.
- [17] Ibid., pp. 6-7 and 18.
- [18] TSN, April 11, 1994, pp. 1-13.
- [19] TSN, April 4, 1994, pp. 1-16.
- [20] TSN, April 11, 1994, pp. 13-14.
- [21] Rollo, p. 75.
- [22] *People v. Sanchez*, 302 SCRA 21, 45 (1999).
- [23] *People v. Zabellero*, 274 SCRA 627, 638 (1997).
- [24] *People v. Deleverio*, 289 SCRA 547, 563 (1998).
- [25] *People v. Magpantay*, 284 SCRA 96, 103 (1998), citing *People v. Baquiran*, 20 SCRA 451, 454 (1967).
- [26] Rollo, p. 16.
- [27] TSN, May 25, 1994, p. 13.
- [28] Ibid., p. 13.

- [29] TSN, May 25, 1994, p. 10.
- [30] *People v. Lagmay*, 306 SCRA 157, 177 (1999).
- [31] TSN, November 29, 1994, pp. 6-7.
- [32] TSN, April 11, 1994, p. 7.
- [33] TSN, April 04, 1994, p. 12.
- [34] *Ibid.*
- [35] *People v. Galleno*, 291 SCRA 761, 771 (1998).
- [36] TSN, September 16, 1992, p. 11.
- [37] *People v. Listerio, et al.*, G.R. No. 122099, July 5, 2000; *People v. Fuertes*, 296 SCRA 602 (1998).
- [38] *People v. Cawaling*, 293 SCRA 267, 299 (1998).
- [39] *People v. Oliano*, 287 SCRA 158, 170 (1998).
- [40] *People v. Torre, et al.*, G.R. 130655, August 9, 2000.
- [41] *People v. Letigio*, 268 SCRA 228, 243 (1997).
- [42] Rollo, pp. 77-78.
- [43] TSN, March 8, 1993, pp. 8-9.
- [44] *People v. Dela Paz, Jr.*, 299 SCRA 86, 92 (1998).
- [45] *People v. Maalat*, 275 SCRA 206, 211 (1997).
- [46] *People v. Noay*, 296 SCRA 292, 303 (1998).
- [47] *People v. Magaro*, 291 SCRA 681, 686 (1998).
- [48] *People v. Timblor*, 285 SCRA 64, 75 (1998).
- [49] *People v. Ignacio*, 270 SCRA 445, 450 (1997).
- [50] *People v. Villamor*, 292 SCRA 384, 395 (1998).
- [51] *People v. Janairo*, 311 SCRA 58, 74 (1999).
- [52] *People v. Laceste*, 293 SCRA 397, 408 (1998).
- [53] *Ibid.*, p. 76.
- [54] Revised Penal Code, Article 8, 2nd paragraph.
- [55] *People v. Botona*, 304 SCRA 712, 733 (1999).
- [56] *People v. Pagpaguitan*, 315 SCRA 226, 243 (1999).
- [57] *People v. Andales*, 312 SCRA 738, 749 (1999).
- [58] TSN, September 16, 1992, pp. 1-4; TSN, March 8, 1993, pp. 1-7.
- [59] *People v. Sanchez*, 313 SCRA 254, 270 (1999).

- [60] Records, p. 2.
- [61] Rules of Court, Rule 110, Section 5.
- [62] *People v. Bangalao, et al.*, 94 Phil. 354, 356 (1954).
- [63] *People v. Santillana*, 308 SCRA 104, 118 (1999).
- [64] Revised Penal Code, Article 14, par. 16.
- [65] *People v. Villonez*, 298 SCRA 566, 583 (1998).
- [66] *United States v. Elicanal*, 35 Phil. 209, 215-216.
- [67] *People v. Suza*, G.R. No. 130611, April 6, 2000.
- [68] *People v. Patawaran*, 274 SCRA 130, 145 (1997).
- [69] Records, p. 6.
- [70] *Sacay v. Sandiganbayan*, 142 SCRA 593, 614 (1986).
- [71] *People v. Cua, et al.*, G.R. No. 131925, March 9, 2000.
- [72] *People v. Sumalpong*, 284 SCRA 464, 488 (1998).
- [73] *People v. Ducay*, 225 SCRA 1, 19 (1993).
- [74] *People v. Panela*, G.R. No. 124475, November 29, 2000.

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