

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. CORNELIA SUELTO ALIAS “ELY” ALIAS “ROGELIA SUELTO”; ACCUSED-APPELLANT.

G.R. No. 126097. February 08, 2000

Ponente: GONZAGA-REYES, J.

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GONZAGA-REYES, J.:

Accused-appellant Cornelia Suelto alias Rogelia Suelto appeals from the judgment rendered by Branch 34 of the Regional Trial Court of Negros Oriental, in Criminal Case No. 10753 finding her guilty of the murder of Isabel Ruales.[1]

The information charging accused reads –

That on or about 2:00 o'clock in the afternoon of November 8, 1992, at barangay Cancawas, San Jose, Negros Oriental, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, with treachery and evident premeditation, did, then and there, wilfully, unlawfully and feloniously attack and stab several times one Isabel Ruales, with the use of a bladed instrument, with which the accused was armed at that time, thereby causing several injuries on the body of said victim, which injuries caused her instantaneous death, to the damage and prejudice of the heirs of the same victim.

The prosecution's case rests primarily on the testimony of two witnesses who claimed to have personally witnessed the killing.

Milyn Ruales, who was nine years old when the killing occurred and a resident of Cancawas, San Jose, Negros Oriental, testified that in the afternoon of November 8, 1992 she was sent by her father on an errand to buy "calburo" at the town proper of San Jose, which is about a kilometer away from their residence. On her way home, she met Tomas Rama and his wife Doring on the road and they asked her to walk with them since they were headed in the same direction. At some point, a certain Peria joined their group. They decided to rest at a bamboo grove upon being invited to do so by accused who was already resting there together with a woman named Ansing Bacubac and her grandson, Lorenzo Bacubac. Shortly after, Isabel Ruales arrived at the grove. It was not long before the group decided to continue on their way home. Isabel Ruales borrowed the basket of Tomas Rama so that she could use it to carry the corn cereal she had bought. Isabel Ruales hung the basket which was about three feet in length upon her shoulder.

Initially, Milyn tried to keep pace with her companions, but since they were walking briskly, she was left lagging behind them. As she was walking behind accused and Isabel Ruales at a distance of about two meters, Milyn observed that the two spoke with each other in low tones, but she could not understand their conversation. Milyn also noticed that the face of accused was reddish. She testified that accused suddenly drew a knife from her waist, pushed aside the basket Isabel Ruales was carrying and stabbed the victim. The knife used by accused was about 8 to 10 inches long and 1 ½ inches in width. Accused stabbed the victim twice, first in the chest and then below the neck. Upon being stabbed, Isabel Ruales was able to utter a solitary shout for help. Milyn noticed that Tomas

Rama, who was only a short distance ahead, turned to look back upon hearing the cry. Immediately after the stabbing took place, Milyn ran uphill towards her house. When she looked back, she saw the lifeless body of the victim sprawled on the ground.[2]

On cross-examination, Milyn declared that she and the victim Isabel Ruales were not related, but that she knew Isabel Ruales because the latter would visit their house.[3] She also testified that the first time she saw accused was on November 8, 1992, at the time of the stabbing incident. She was able to identify accused by the brown marks ("butibuti") or freckles ("talumtum") on her face and because accused appeared to have goiter.[4]

Milyn Ruales' testimony was corroborated in all material respects by the testimony of prosecution witness Tomas Rama, who was seventy years old at the time the incident took place and also a resident of Cancawas, San Jose, Negros Oriental. Tomas Rama testified that on November 8, 1992, at about past 2:00 in the afternoon, he and his wife Doring Rama[5] were on their way home to barangay Cancawas after buying some dried fish in the poblacion of San Jose. Along the way, they decided to take a rest underneath some bamboo trees. Already there were accused, whom Tomas Rama referred to as "Elli Suelto," Ansing Baucbac and Peria Bucubac. Tomas overheard accused telling her companions that her father-in-law was imprisoned because of a land conflict with Isabel Ruales. Milyn Ruales and Isabel Ruales arrived shortly after and the latter borrowed Tomas Rama's basket to carry the corn she bought. After resting, the group continued their walk home. Tomas Rama and his wife were walking ahead of the others. He then heard Ansing and Peria Bacubac shout "Run." When he looked back, he saw accused stabbing the victim with a hunting knife.[6]

Tomas Rama asserts that he knows accused, a resident of Inawasan, Pamplona, Negros Oriental, from the time she got married to Floro Suelto several years before the incident because the accused had lived with her in-laws in Cancawas, San Jose, Negros Oriental.[7] He also claims to be acquainted with the victim Isabel Ruales since he used to pass by her house in Cancawas.[8]

Dr. Bienvenida Palongpalong, municipal health officer of San Jose, Negros Oriental,[9] testified as to the cause of death of Isabel Ruales. In her post-mortem examination, she observed that the victim sustained five wounds,[10] described as follows:

1)

Lacerated wound, 2.5 inches in length x 3.5 inches in depthness, between the clavicle and scapula;

2)

Lacerated wound, 3 inches in length x 2 inches in depthness, second subcostal area, (R), about ½ inch from the midline;

3)

Lacerated wound, 2.5 inches in length x 3.5 inches in depthness, level of second subcostal region to the fourth subcostal region, with fracture complete, of the third rib, about 1 inch from the midline;

4)

Lacerated wound, 1 inch in length x ½ inch in depthness, level of the 4th rib, about 1 inch from midline;

5)

Lacerated wound, 1 inch in length x ½ inch in depthness, medial side of lower third of (R) arm.

Based on her examination,[11] Dr. Palongpalong concluded that Isabel Ruales died due to hemorrhage and

multiple stab wounds.[12] According to Dr. Palongpalong, the first three wounds were fatal since they penetrated the internal organs and perforated the lungs. In her expert opinion, the weapon most probably used by the assailant was a sharp, bladed instrument, like a knife.[13]

Police officers Melanio Bacay and Edmund Tubac were presented by the prosecution to prove that accused eluded arrest after the commission of the crime. They tried to serve the warrant of arrest upon accused on December 19, 1992, but she was not to be found at her residence in Inawasan, Pamplona, Negros Oriental. Tubac, together with some local officials, succeeded in apprehending accused only on August 18, 1993 at sitio Manggilamon, Barangay Haklupan in Talisay, Cebu.[14]

Accused's defense consists solely of an alibi. She claims that on November 8, 1992 she was at her home in Inawasan, Pamplona, Negros Oriental celebrating the birthday of her daughter Emerita. She asserts that it was impossible for her to have been at the scene of the crime because Inawasan is several kilometers away from San Jose. The testimonies of Carlito Catubig, Alberto Quibate, Floro Suelto, Emerita Suelto and the accused herself were offered by the defense in support of this alibi.

On June 17, 1996, accused's alibi was rejected by the Regional Trial Court of Negros Oriental. The dispositive portion of its decision states -

Wherefore, accused CORNELIA SUELTO, alias "Elly", alias Rogelia Suelto, is hereby found guilty beyond reasonable doubt of the crime of Murder, qualified by the aggravating circumstance of treachery, and the Court hereby imposes upon her the imprisonment of RECLUSION PERPETUA.

Accused shall also indemnify the family of victim Isabel Ruales the sum of Fifty Thousand Pesos (P50,000.00); burial expenses in the sum of Ten Thousand Pesos (P10,000.00); and moral damages in the sum of Twenty Thousand Pesos (P20,000.00), and to pay the costs.[15]

The accused is now before this Court seeking a reversal of the trial court's judgment, claiming that the court a quo erred in giving full faith and credence to the testimonies of the two (2) alleged eye witnesses and in finding the herein accused-appellant guilty beyond reasonable doubt of murder, qualified by treachery. In her appellant's brief, the accused asserts that Milyn Ruales only testified due to the undue pressure exerted upon her by her mother, due to the prodding of the victim's husband, Simeon Rulaes. The accused also claims that Tomas Rama's inconsistent testimony pertaining to his identification of the accused cannot properly serve as a basis for a conviction.[16]

We sustain the trial court's conviction of accused for the crime of murder.

First of all, accused's alibi does not deserve credence. Basically, the defense's theory is that the accused could not have stabbed Isabel Ruales at around 2 p.m. on November 8, 1992 in a road in Cancawas, San Jose, Negros Oriental because she spent the whole day at her house in Inawasan, Pamplona, Negros Oriental, with family and friends, celebrating the birthday of her daughter Emerita. However, the testimonies of the defense witnesses offered in support of this alibi were inconsistent and plainly contradictory, both in significant and minor details, whether considered separately or collectively.

Defense witness Carlito Catubig testified that he was at the house of accused on November 8, 1992, from 10 a.m. to 4 p.m. in order to celebrate the birthday of accused's child. On direct examination, he stated categorically that the only people in the house were accused, Floro Suelto and his own family.[17] However, Carlito Catubig's testimony was directly contradicted by that of defense witness Alberto Quibate, who claimed to also have been at the Suelto residence on the same date from 2 to 4 p.m.[18] According to Alberto Quibate, besides himself, those who attended Emerita's birthday celebration were Teodulo Caladenia and his family, Felipe Teves and his family,

and his own son, Nelson Quibate.[19] Alberto Quibate expressly denied having even seen Carlito Catubig while he was at accused's house.[20] Alberto Quibate also appears to be an unreliable witness for, when asked on cross-examination, he could not even give the name of the birthday celebrant.[21]

Floro Suelto, the husband of the accused, was also offered as a witness and, regrettably, his testimony proved to be the most damaging of all to the defense's case. His testimony was self-contradictory and irreconcilable with the testimonies of the other defense witnesses. He began by asserting that his wife was in their house the entire day of November 8, 1992 celebrating the birthday of their daughter Emerita.[22] However, while still on direct examination, he subsequently claimed that he and his wife were in Cebu. The transcripts of stenographic notes attests to his evasive and incongruous answers -

Q

So that in the information of this case against your wife was that, the fact Isabel Ruales was supposed to be killed in the afternoon of November 8, 1992, where was your wife then at that very time? Was she in Negros Oriental or in Cebu, when you came together back to Negros Oriental?

A

When we turned over the bail bond papers to Atty. Flores, we came directly from Cebu.

COURT:

Q

Be categorical. The question of your counsel is, on November 8, 1992 where was your wife Cornelia Suelto? Was she in Cebu or here in Negros Oriental?

A

We were from Inawasan. When we received a letter requesting us to go to Cebu, we went to Cebu. Later we received a letter from Negros Oriental telling us that our parents were incarcerated and for us to go home immediately for the preparation of their bail bond for their temporary liberty, we came back to Negros Oriental. When we arrived here, we were met by Atty. Marcelo Flores with the group conducting the survey of the land in the mountains of San Jose. At that particular time, he informed us that the complainant against my parents, Isabel Ruales, was killed. In fact, he asked us as to who was responsible of the death of Isabel Ruales, but we told them that we do not know anything about it.

COURT:

You did not answer the question of the court, categorically. The question of the court is simple and clear. I'll repeat it again.

Q

On November 8, 1992, where was your wife Cornelia Suelto alias Rogelio Suelto? Was she in Cebu or here in Negros Oriental? That is the question.

A

Actually, she was just here in Negros Oriental but when we received a letter informing us of the death of our grandson, that's why we proceeded to Cebu. Later, we received a letter from my sister Carmen, telling that our parents were incarcerated and for us to go home and assist in the preparation of the bail bond, that's why we came back here in Negros Oriental. In fact, I was not able to attend the last prayer of my grandson.

Q

Which is which now? Earlier you gave the impression upon the court that you and your wife, Cornelia Suelto alias Rogelia Suelto, came from Cebu and arrived here in Negros Oriental on November 9, 1992. Now, with your last answer, you stated that all the while, your wife, Cornelia Suelto alias Rogelia Suelto, was just here in Negros Oriental, which is which now? Okay, I'll repeat again the question.

Q

On November 8, 1992, where was your wife? Was she in Cebu or in Negros Oriental?

A

We were in Inawasan.

COURT:

Please proceed.

ATTY. UYPITCHING:

Q

When you said Inawasan, you are referring to Pamplona, Negros Oriental?

A

Yes, sir.

Q

So, when did you and your wife leave for Cebu because of the fact that you received a letter from you daughter so that you and your wife was requested to be present there, when was that?

A

In the first week of November.

Q

Can you tell us the exact date of the first week of November because this incident happened on November 8, 1992?

A

On November 2, 1992, we were in Cebu.

Q

And, when did you come back?

A

We came back to put up the bail bond for the temporary liberty of my parents.

Q

Precisely, since you said you were there because of the call of your daughter regarding the death of your

grandson which calls you to be there, together with your wife. Then later on, you received from your brothers and sisters here in Negros calling you to come back because your parents were incarcerated and to help arrange for the bail bond, when did you come back?

A

On the ninth (9th).

COURT:

Month and year?

A

November 1992.

ATTY. UYPITCHING:

Q

In other words, so that the date of the killing on November 8, 1992, as appearing in the Information charged, you and your wife were still in Cebu because it was only on November 9 that you came back to Negros?

A

Yes sir, when we filed the bail bond papers for my parents.[23]

(underscoring supplied)

Apparently, Floro Suelto could not make up his mind as to the exact whereabouts of himself and of accused on November 8, 1992. Earlier, he had even testified that it was in August, 1993 that they went to Cebu upon learning of the death of their grandchild.[24] Other parts of Floro Suelto's testimony were similarly shifty and confused. He could not even give a categorical pronouncement as to the exact date when the Suelos allegedly celebrated the birthday of Emerita, a fact which was crucial to the defense. While Carlito Catubig, Alberto Quibate and accused all testified that it was on November 8, 1992 that they celebrated the birthday of accused's child, Floro Suelto declared several times that it was on November 26 that they held a party for Emerita, and not on November 8.[25] Also, Floro Suelto's testimony regarding the guests at Emerita's birthday contradicted the testimonies of the other witnesses for the defense.[26]

Despite the wavering and unreliable testimony given by her husband, accused still maintained that she was at her home in Inawasan, Pamplona, Negros Oriental the entire day of November 8, 1992, celebrating the birthday of her daughter Emerita.[27]

Accused made an effort to conceal her true identity by claiming that she has never been known by any other name except for "Rogelia Suelto,"[28] contrary to the claims of prosecution witness Tomas Rama that accused also goes by the name "Elli Suelto." However, accused's claims that Tomas Rama was not able to positively identify her were belied by her own testimony. Although she asserts that the first time she met Tomas Rama was at the trial of this case, she nevertheless admitted that he was present at her wedding and even spoke to her parents-in-law.[29] When questioned as to the possible reason why Tomas Rama would point to her as the perpetrator of the crime when in fact they had never even met before the trial, accused declared that it was because she put up a bail bond for her parents-in-law who were incarcerated due to a complaint for qualified theft filed by the victim against

them.[30] Accused testified that she put up a bail bond for her parents-in-law on November 9, 1992.[31] Obviously, by testifying thus, accused impliedly admitted that Tomas Rama is in fact acquainted with her and her husband's family.

Alibis are generally considered with suspicion and are always received with caution, not only because they are inherently weak and unreliable, but also because they can be easily fabricated.[32] Therefore, for alibi to serve as a basis for acquittal, the accused must establish by clear and convincing evidence (a) his presence at another place at the time of the perpetration of the offense and (b) that it would thus be physically impossible for him to have been at the scene of the crime.[33] Furthermore, the alibi must receive credible corroboration from disinterested witnesses.

We hold that accused has failed to establish her alibi by clear and convincing evidence. No credence could be properly accorded to the testimonies of the witnesses for the defense, which were inconsistent and plainly contradictory on material points, not to mention that said witnesses were all family and friends of the accused. Accordingly, the alibi of the accused is reduced to self-serving evidence undeserving of any weight in law.

The positive identification of the accused as the perpetrator of the crime by the prosecution witnesses, absent any showing of ill motive, must prevail over the weak and obviously fabricated alibi of accused.[34] Based on a thorough and careful perusal of the transcripts, we note that the testimonies of Milyn Ruales and Toms Rama, both eye witnesses to the crime, were candid, straightforward, and consistent in all crucial points, thus, deserving of belief. Furthermore, the weight and credence accorded by the trial court to the testimonies of the prosecution witnesses, being factual findings of the trial court, are entitled to great respect and will not be disturbed on appeal. It is well-settled that the trial court is in a much better position than an appellate court to properly evaluate testimonial evidence, such as observing directly the witnesses' deportment and manner of testifying.[35]

The motive of accused for killing Isabel Ruales was provided by Floro Suelto and accused herself. They testified that Isabel Ruales, who is the first cousin of Alfredo Suelto, accused's father-in-law, filed a case for qualified theft against Alfredo Suelto and his wife, resulting in their incarceration. On November 9, 1992, one day after the killing of Isabel Ruales, Floro Suelto and his wife put up a bail bond for their temporary liberty.[36] Accused even admitted that her parents-in-law were enemies of Isabel Ruales.[37]

The trial court found that the killing of Isabel Ruales by accused was attended by the qualifying circumstance of treachery.[38] Treachery exists when the offender commits any of the crimes against persons, employing means, methods, or forms which tend directly and specially to insure the execution of the crime without risk to himself arising from the defense which the offended party might make.[39]

Milyn Ruales, who was about 2 meters away from the accused and the victim at the time of the stabbing, testified as follows:

Q

Where did the killing took [sic] place in relation to the bamboo grooves where you rested?

A

It's quite far from the bamboo grooves. It's near the "buli".

Q

When the killing incident took place, how far were you from the scene of the incident?

A

I was in the place where I am now situated and they were at the place where the stenographer is located because they were ahead of us. (The distance is about two (2) meters, as stipulated by the parties).

Q

Who was ahead of you?

A

Lola Sabel was ahead and the woman who killed her.

Q

Were there other persons ahead from you who was ahead your Lola Sabel and the woman who killed?

A

Yes, sir.

Q

Can you recall the name?

A

Yes, sir, they were Nong Tomas, his wife Doring, an old woman and a small boy.

Q

Do you know who was that woman who killed your Lola Sabel?

A

Yes, sir.

Q

Who was that woman?

A

(The witness pointed to a woman who when asked of her name answered, Cornelia Suelto.)

Q

This Cornelia Suelto to whom you have just pointed, do you know her before the incident took place?

A

It was the first time I saw her.

Q

Did you know that her name is Cornelia before you pointed to her?

A

Yes, sir.

Q

You said that she was the one who killed your Lola Sabel. What did she use in killing your Lola Sabel, if any?

A

A knife, sir.

Q

Can you recall how long was that knife?

A

(The witness answered by showing the distance between her left and right hands which is about eight (8) to ten (10) inches as stipulated by the parties).

Q

How wide was that knife?

A

(About one and one-half inches, as stipulated by the parties.)

Q

Were you able to see from where Cornelia Suelto took that knife?

A

She got it from her waistline.

Q

Was it from her pocket?

A

No, sir, because she was then wearing a skirt.

Q

When she got that knife from her waistline, what did she do with that knife?

A

She stabbed Lola Sabel.

Q

Was your Lola Sabel hit when she was stabbed by Cornelia Suelto?

A

Yes, sir.

Q

Where was she hit for the first stab?

A

She was hit at the middle of her chest.

Q

Where was Cornelia Suelto situated when she delivered the first stabbing blow to your Lola Sabel?

A

They were facing each other because Lola Sabel was then carrying a basket on her back. Suddenly, Cornelia Suelto breast-aside [sic] the basket resulting in Cornelia Suelto facing Lola Sabel and it was then that Cornelia Suelto delivered the first stab.

Q

When you said that your Lola Sabel was hit somewhere at the chest during the first stab, did you see blood coming from the body of your Lola Sabel?

A

Yes, sir.

Q

What happened to your Lola Sabel when she was hit for the first time?

A

She shouted for help and she was zigzagging.

Q

What else did Cornelia Suelto do, if any, after your Lola Sabel was hit?

A

After I saw blood oozing from the body of Lola Sabel, I ran towards the hill and when I turned my back, I already saw Lola Sabel lying on her stomach.

Q

When you looked back, did you still see Cornelia Suelto there?

A

Yes, sir, and after seeing her I ran towards home.

Q

When you looked back and saw Cornelia Suelto, what did she do?

A

She was just standing there because Lola Sabel was already lying on the ground.

COURT:

Q

How many times did you see your Lola Sabel being stabbed?

A

Twice (2x).

Q

At the time you saw this Cornelia Suelto stabbing Lola Sabel, when was this? Before you ran away or after you ran away?

A

It was before I ran.

Q

The second stab, where did it hit its mark?

A

Just below the neck.

Q

Were you able to arrive in your house when you ran?

A

Yes, sir.

xxx xxx xxx

Q

When you rested for the second time under the bamboo grooves, was there any conversation that took place by and between the persons there resting under the bamboo grooves?

A

When we rested for the second time, Lola Sabel asked that she be allowed to borrow the basket. After doing so, I saw Lola Sabel talking with Cornelia Suelto.

Q

To whom did your Lola Sabel request that she be allowed to borrow a basket?

A

It was addressed to Lolo Tomas.

Q

You said that you saw Lola Sabel and Cornelia Suelto conversing with each other, did I hear you right?

A

Yes, sir.

Q

Were you able to hear what they were talking about?

A

I did not mind what they were talking about.

Q

Are you telling the court that you did not understand anything on what they were talking about?

A

Yes, sir.

COURT:

Q

What is the manner of their conversation, were they shouting at each other or they were talking in a low tone?

A

They were just talking in a conversational tone.

PROSECUTOR SALMIN:

Q

When you said they were already talking and you were at a distance of two meters away, were they still talking with each other?

A

Yes, sir.

Q

Were they quarreling or they were not quarreling?

A

No, sir, they were not quarreling.

Q

Are you telling the court that when Cornelia Suelto got that knife from her waistline, it was so sudden?

A

Yes, sir.

COURT:

Q

In your observation, did your Lola Sabel inspect [sic] that she will be stabbed by Cornelia Suelto?

A

No, sir, because it was so sudden; that when Cornelia Suelto breast-aside [sic] the basket, Lola Sabel could not run because the basket was tied on her breast.

Q

Did you notice whether that basket which your Lola Sabel was carrying was filled with anything?

A

Yes, sir.

Q

What was inside the basket?

A

Corn and dried fish.

Q

How did your lola Sabel carry that basket?

A

The basket was just hanged on her shoulder.

Q

How big was the basket?

A

As big as this. (The witness indicated the length which is about three feet, as stipulated by the parties.)(40]

It is apparent to us that the means employed by accused in killing Isabel Ruales did not afford the latter any opportunity to defend herself. The attack was sudden and unexpected. The victim and the accused were having a casual conversation when accused suddenly stabbed Isabel Rulaes. There was no quarrel or argument which could have warned the victim of the impending attack.[41] In fact, prior to the stabbing incident, the two were peacefully resting in the same bamboo grove and did not even speak.

Moreover, Milyn Ruales also testified that the knife used by accused was hidden from view.[42] Thus, Isabel Ruales was not prepared for such a violent attack, especially considering that, at the time, she was unarmed and was burdened with a large basket filled with about six kilos of corn and dried fish hanging from her shoulders and thus, could not have possibly warded off the blow or run away from her assailant.[43] Although Milyn Ruales described the attack as having been frontal, this does not negate treachery since the essence of treachery is the suddenness and unexpectedness of the attack, giving the victim no opportunity to repel it or offer any defense of his person.[44] Thus, we hold that the trial court correctly appreciated the qualifying circumstance of treachery.

We uphold the trial court's finding that the qualifying circumstance of evident premeditation was not sufficiently established. This circumstance qualifies killing to murder if the following elements are proven: (1) the time when the offender determined to kill his victim; (2) an act of the offender manifestly indicating that he clung to his determination to kill his victim; and (3) a sufficient lapse of time between the determination and the execution of the killing to allow the offender to reflect upon the consequences of his act.[45] The prosecution did not adduce any evidence to prove these elements.

We cannot sustain the trial court's award of actual damages in the amount of P10,000 for burial expenses. To be entitled to actual damages, it is necessary to prove the actual amount of loss with a reasonable degree of certainty, premised upon competent proof and on the best evidence obtainable by the injured party.[46] The prosecution was not able to present any receipts to prove their allegation that Simeon Ruales spent at least P10,000 for the burial of his wife.

However, consistent with prevailing jurisprudence, we uphold the award of P50,000 as indemnity for the victim's untimely death and order the increase of the award of moral damages to P50,000.[47]

WHEREFORE, the appealed judgment is hereby AFFIRMED, with the modification that the award of actual damages is DELETED and the award of moral damages is INCREASED to P50,000.

No pronouncement as to costs.

SO ORDERED.

Melo, (Chairman), Vitug, Panganiban, and Purisima, JJ., concur.

- [1] Rollo, 35-45. Per Judge Rosendo B. Bandal, Jr.
- [2] TSN, June 13, 1994, 2-14; November 15, 1994, 6, 10.
- [3] TSN, August 19, 1994, 12.
- [4] Ibid., 4-5.
- [5] Also referred to as "Teodora." TSN, August 30, 1994, 3.
- [6] TSN, August 30, 1994, 2-18; January 16, 1995, 16-18.
- [7] TSN, August 30, 1994, 18.
- [8] TSN, January 16, 1995, 9.
- [9] TSN, March 11, 1994, 3.
- [10] Ibid., 6.
- [11] Exhibit A.
- [12] TSN, March 11, 1994, 15; Exhibit C-2.
- [13] TSN, March 11, 1994, 7-8, 11-13.
- [14] TSN, February 15, 1995, 2-25.
- [15] Rollo, 35-45.
- [16] Appellant's Brief, 8-14.
- [17] TSN, April 24, 1995, 5-6
- [18] TSN, April 27, 1995, 6.
- [19] Ibid., 16.
- [20] Ibid., 18.
- [21] Ibid., 10-11.
- [22] May 17, 1995, 11-12, 14.
- [23] TSN, June 5, 1995, 20-23.
- [24] TSN, May 17, 1995, 15; June 5, 1995, 27.
- [25] TSN, June 5, 1995, 8-12.

- [26] TSN, May 17, 1995, 13.
- [27] Ibid., 3.
- [28] TSN, June 22, 1995, 4.
- [29] Ibid., 12-13.
- [30] Ibid., 14.
- [31] TSN, June 23, 1995, 8.
- [32] *People v. Tulop*, 289 SCRA 316 (1998).
- [33] *People v. Balmoria*, 287 SCRA 687 (1998); *People v. Ravanes*, 284 SCRA 634 (1998).
- [34] *People v. Andres*, 296 SCRA 318 (1998); *People v. Enriquez*, 292 SCRA 656 (1998).
- [35] *People v. Grefaldia*, 298 SCRA 337 (1998).
- [36] TSN, June 5, 1995, 4-6; June 22, 1995, 14-15.
- [37] TSN, June 22, 1995, 14.
- [38] Rollo, 44-45.
- [39] *People v. Gungon*, 287 SCRA 618 (1998).
- [40] TSN, June 13, 1994, 6-13.
- [41] *People v. Lapay*, 298 SCRA 62 (1998).
- [42] TSN, August 19, 1994, 17; November 15, 1994, 34,36-37.
- [43] TSN, August 19, 1994, 15-16.
- [44] *People v. Aranjuez*, 285 SCRA 466 (1998).
- [45] *People v. Timblor*, 285 SCRA 64 (1998).
- [46] *People v. Oliano*, 287 SCRA 158 (1998).
- [47] *People v. Gutierrez*, 302 SCRA 643 (1999); *People v. Reyes*, 287 SCRA 229 (1998); *People v. Aringue*, 283 SCRA 291 (1997).

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