

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. DANIEL MENDOZA CERBITO, VICENTE MENDOZA ACEDERA AND JIMBOY CERBITO MORALES, ACCUSED-APPELLANTS.

G.R. No. 126397. February 01, 2000

Ponente: GONZAGA-REYES, J.

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GONZAGA-REYES, J.:

On the 3rd day of September 1992 at around 2:20 p.m. the passengers of a Philippine Rabbit Bus travelling on the North Expressway on its way to Manila were victimized in a hold-up committed by four men who boarded the bus as it was approaching the Tabang tollgate. A policeman who was a passenger in the bus shot one of the holduppers. The policeman was shot in turn by another holdupper; the policeman died.

On September 24, 1992, the following information was filed against Daniel Mendoza Cerbito alias "Daniel", Vicente Mendoza Acedera, Jimboy Cerbito Morales alias "Emboy", and John Doe, all of Laoang, Northern Samar, for violation of P.D. 532 (otherwise known as the Anti-Highway Robbery Act):

"The undersigned Asst. Provincial Prosecutor accuses Daniel Mendoza Cerbito alias "Daniel", Vicente Mendoza Acedera, Jimboy Cerbito Morales alias "Emboy" and John Doe, whose identity is still unknown of violation of P. D. 532, otherwise known as the Anti-Highway Robbery Act, committed as follows:

That on or about the 3rd day of September, 1992, in the municipality of Guiguinto, province of Bulacan, Philippines, along the North expressway, and within the jurisdiction of this Honorable Court, the above-named accused, armed with firearms and bladed weapons, conspiring, confederating together and helping one another, did then and there wilfully, unlawfully and feloniously, with force employed on and intimidation of persons and with intent of gain, rob, take and carry away with them money, pieces of jewelry and other personal belongings amounting to more or less P20,000.00, to the damage and prejudice of the passengers of the Philippine Rabbit Bus No. 1271 in the aforesaid amount.

Contrary to law."^[1]

On March 26, 1993 another information for homicide was filed against the same four accused as follows:

"The undersigned Asst. Provincial Prosecutor accuses Daniel Mendoza Cerbito alias "Daniel", Vicente Mendoza Acedera, Jimboy Cerbito Morales alias "Emboy" and John Doe, whose identity is still unknown of the crime of homicide, penalized under the provisions of Art. 249 of the Revised Penal Code, committed as follows:

That on or about the 3rd day of September, 1992, in the municipality of Guiguinto, province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with firearms and bladed weapons and with intent to kill one Pat. Edgar Ponce y Bato, conspiring and confederating together and mutually helping one another, did then and there wilfully, unlawfully and feloniously attack, assault, and shoot with the said firearms the said Pat. Edgar Ponce y Bato, hitting the latter on his neck, thereby inflicting on him serious physical injuries which directly caused his death.

Contrary to law."[2]

The accused pleaded not guilty to the two offenses charged. The two cases were consolidated for joint trial.

Two passengers of the bus were presented by the prosecution; their testimonies were summarized by the trial court as follows:

"Concordia Ramilo Pagdanganan testified: On September 3, 1992, 2 p.m., she was on aboard the Philippine Rabbit Bus No. 1271. She came from Brgy. San Jose, Calumpit, Bulacan on her way home to Manila. While she was on board the bus at about 2:20 p.m. four men, namely: Daniel Cerbito, Vicente Acedera, a small person about sixteen years old, and Jimboy boarded the bus at Eurobake. At Tabang Plaza, Daniel Cerbito (he was at the last row of the bus) announced a hold-up. There was a policeman between them (Concordia Pagdanganan), the holdupper, the policeman, he is at her side and another man at back of the driver, he announced a hold-up and the policeman stood up and he shot Vicente Acedera at her (Concordia Pagdanganan's) back. Vicente Acedera could not stand up anymore but the policeman tried to lie down beside her because there is another holdupper Jimboy beside him standing up but Daniel Cerbito took the money of that student Magsakay of Malolos, a student of PMI, and a Seiko watch and P40.00. Jimboy shot the policeman. The policeman was seated at the right seat, at the same row as Concordia Pagdanganan. Jimboy was beside this policeman. Aside from her, an old man (she does not know him) was seated behind the driver. The two of them (Concordia Pagdanganan and the old man) were seated beside the driver. The policeman Edgar Ponce shot Vicente Acedera at her (Concordia's) back. Vicente Acedera was hit at the stomach. (She identified Vicente Acedera in open Court).

Then Jimboy shot the policeman but Concordia Pagdanganan was not able to see whether the policeman was hit or not. All she knows is that the policeman died after they took the wallet. When the policeman slumped near her legs, he just lied down and was looking upward. Then Daniel Cerbito went near the policeman and got his revolver, the wallet and the police badge (chapa) and then he shot the policeman on the head and the latter died there. (She identified Daniel Cerbito in open Court). After Daniel Cerbito shot the policeman, the latter died. After the policeman died, he took the .38 caliber, the money and the police badge. After divesting the policeman of the revolver, money and his watch, they (accused) took the money from the other passengers (almost 50 of them) who were aboard the bus. They did not take anything from her because Jimboy asked her, "Do you have any money, Manang?" She said, "No, I don't have any." Afterwards, Jimboy just put the gun at the head of the driver. She knows some of the passengers who were divested of money, namely Magsakay, student of PMI and one friend of Magsakay. At the time the other passengers were divested of their cash and belongings, Vicente Acedera was not at the front seat of the driver because he was already hit on the stomach and complaining of pain. The fiscal asked her where was Daniel Cerbito positioned then when these other co-passengers were being divested. She replied Jimboy was inside the bus taking money from other passengers together with the small sixteen years old boy.

After these accused divested her co-passengers of their cash and belongings, Jimboy pointed the gun to the driver and Vicente Acedera was also near him was seated at the right side of the driver, while Cerbito was divesting all passengers. Then he took the jacket from one of the passengers (who was a security guard from San Fernando) and put it on Vicente Acedera. Then the accused stopped at the Malinta Exit and they alighted there. The bus stopped at the Malinta Exit because they (accused) ordered the driver to stop the vehicle at Malinta Exit to let them disembark. This incident was reported to the police station. She gave a statement to the police. She was shown a statement consisting of 2 pages dated September 16, 1992 and was asked whether this is the same statement she gave to the police authority. She replied in the affirmative. (The statement consisting of 2 pages was marked as Exh. A, the second page as Exh. A-1). She identified her signature over the typewritten name Gng. Concordia Pagdanganan (the same was marked as Exh. A-2). She was able to identify these 2 persons because she was looking at them through the mirror. After the hold-up, she saw them again when they were looking for Vicente Acedera when she was asked to identify them at the NBI. (TSN, February 10, 1993, pp. 4-9, 11-15).

She identify the accused Daniel Cerbito in open Court. When asked as to the participation of Daniel Cerbito, she replied during that time, he was the leader of the robbery holdup last September 2, 1992 at 2:20 p.m. as the leader, he was the one who took the gun from Eduardo Ponce. Daniel Cerbito shot Edgar Ponce. (She identified the accused Vicente Acedera and Jimboy Cerbito in open court. (TSN, January 25, 1994).

On cross-examination, she testified: After this incident, she was not approached by the relatives of the victim to testify in this case. The persons who came to her were the police of San Juan and the NBI. On the date of the incident, she was then on board a Philippine Rabbit bus bound for Manila. While approaching the Tabang tollgate, 4 persons boarded the bus. She was sitting on the left side of the bus just behind the driver's seat. Then the 4 persons who boarded the bus spread themselves inside the bus. Defense counsel asked her being in front settled in the bus, how would she notice that all of these persons seated at their respective places in the bus. She replied that there is a big mirror in front of the bus so a person can see every one who will board the bus from head to foot. She will be able to see all persons who boarded the bus from head to foot. She was able to see the feet of these 4 persons. They were wearing rubber shoes. When asked as to what are the colors, she replied the other one is flesh-colored; the other one is white and they have a 16 year old companion wearing slippers. Vicente Acedera (the one who was injured) was wearing the flesh colored shoes. After boarded the bus, Daniel Cerbito announced the hold-up together with the 16 year old boy. (TSN, December 10, 1993, pp. 2-6).

She knows the relatives of the deceased (one of whom is the brother of E. Ponce who is in court) but they did not ask her to testify against the accused. When asked by the court whether she testified (her) even before she met that person, she replied that she testified there in the NBI. Defense counsel asked her whether she did not even talk to the relatives of the deceased before testifying in the NBI. She replied that she was not the one who talked to them, it was the NBI. She was able to talk to the relatives (of E. Ponce) when they were together but they (the relatives) did not request her to testify, but the NBI requested her to testify. (TSN, January 25, 1994, pp. 6, 7).

Amor Magsakay testified: On September 3, 1992, 2 p. m., he was riding on a bus. He boarded the Philippine Rabbit Bus waiting shade at the crossing of Malolos, Bulacan. When he boarded the bus, there were other passengers inside that bus. An usual incident happened while the bus was cruising along the North Diversion Road on September 3, 1992. He was on his way to Avenida, Manila. While he was inside the bus, somebody shouted "This is a hold-up" and then there was a commotion inside the bus. Then they started getting all their (A. Magsakay's and other passenger) watches and money and they (A. Magsakay and other passengers) did not know that there was a policeman in front. Four persons announced that hold-up inside the bus. He was able to know the names of the accused. (He identified the 3 accused Daniel Cerbito, Vicente Acedera and Jim Morales) although 4 persons announced the hold up inside the bus. A. Magsakay did not know what happened to the other one. When these 4 persons announced the hold up inside the bus, they were armed with guns and 26 balisong. Daniel Cerbito was holding a gun. When asked as to the caliber of the firearm used by D. Cerbito, he replied that it was a paltik. He knew that it was a paltik because D. Cerbito pointed the gun at him and he (D. Cerbito) asked for his (Amor's) money and his watch. It was a revolver. His Seiko 5 watch (given by his father) and P40.00 were taken from him.

At the time the hold up was announced, Vicente Acedera was holding a revolver. While the hold up was in progress aboard the bus, Vicente Acedera did not do anything to him (A. Magsakay) but he was in front of the bus getting the money of the passengers. At that time, Jimboy Morales was holding a balisong knife. While the hold-up was in progress on board that bus, J. Morales was getting the money of the passengers, the same thing that the 2 others were doing. Daniel Cerbito shot the policeman (who was on board also) because the latter bought with the robbers when he knew that there was a hold-up; the policeman stood up and shot one of the robbers. A. Magsakay does not know the name of the person who was shot. Then the policeman was shot. After the shoot out, the robbers went down at the Meycauayan exit. A. Magsakay and his co-passengers did not do anything. A. Magsakay was investigated by the police and he gave a written statement. The policeman who

was shot died. (TSN, August 17, 1994, pp. 3-14).

On cross-examination he testified: When he first heard the shot, he instinctively hid himself among the passengers for reasons of safety with his face towards the floor of the bus. After the first shot, he was not able to see anymore what happened because his face was towards the floor of the bus. When asked by the court as to how did he know as to who shot the policeman, he replied after the 2 shots, he raised his head and saw that it was one of the robbers who shot the policeman. It was only after the second shot which he witnessed. The court asked him if the at the first shot, he saw the policeman who was shot by one of the robbers and he (Amor) bowed his head. He replied in the affirmative. He looked up when he saw the robbers shot the policeman. He cannot remember the plate number of the Philippine Rabbit bus. (Ibid, pp. 14-16).[3]

The accused raised the defense of denial and alibi. Daniel Cerbito testified that he was in Northern Samar attending the town fiesta in Marubay, Laoang on the date in question. Jimboy Cerbito Morales declared that he was in his hometown at Candawit, Laoang, Northern Samar where he farmed copra as a source of livelihood and where he was arrested on March 19, 1993. Vicente Acedera claimed that he was at his brother's house at 1-C Calamansi St. corner Luzon Ave., Quezon City on September 3, 1992, and that he sustained the gunshot wound as he was walking through a street going to the house of his cousin in Navotas.

The trial court held that the evidence presented by the accused was not sufficient to refute the evidence presented by the prosecution. It found the accused guilty in the two cases, as follows:

"WHEREFORE, in view of the foregoing, judgment is hereby rendered as follows in Criminal Case Nos. 1941-M-92 and 569-M-93:

- finding the accused DANIEL MENDOZA CERBITO, VICENTE MENDOZA ACEDERA and JIMBOY MORALES GUILTY beyond reasonable doubt of the crime of robbery with homicide penalized under P. D. 532 (otherwise known as the Anti-Highway Robbery Law) and are hereby sentenced to suffer the penalty of reclusion perpetua;

- ordering accused Daniel Mendoza Cerbito, Vicente Mendoza Acedera and Jimboy Cerbito Morales to pay jointly and severally the following amount:

a) to the heirs of the victim Pat. Edgar Ponce:

P 50,000.00 - for the life of the victim

50,000.00 - for moral damages

19,000.00 - for actual damages (based on Schedule I and supported by Exhibit C for the prosecution)

936,000.00 - for reasonable living allowance of victim Pat. Edgar Ponce (50% of P 1,872,000.00 of Schedule II)

P1,055,000.00 TOTAL AMOUNT TO BE PAID

b) P 40,000.00 to private complainant Amor Magsakay

with 6% interest on all amounts due from the filing of the information of Criminal Case Nos. 1941-M-92 on September 24, 1992."

The accused appealed to the Court on a lone assignment of error, namely:

"THE COURT OF ORIGIN HAS COMMITTED AN ERROR IN CONVICTING ACCUSED-APPELLANTS DANIEL MENDOZA CERBITO, VICENTE MENDOZA ACEDERA AND JIMBOY CERBITO MORALES FOR ALLEGEDLY VIOLATING PRESIDENTIAL DECREE NO. 532 (ANTI-HIGHWAY

ROBBERYLAW)"[4]

In a seven-page memorandum, the Public Attorney's Office pleads that the accused should be absolved on the ground of reasonable doubt. The defense of alibi should have been given credence because it was physically impossible for them to be at the scene of the crime (North Expressway) on September 3, 1992 as they were several miles away:

"xxx during the alleged highway robbery on September 3, 1992 accused-appellants Daniel Mendoza Cerbito and Jimboy Cerbito Morales were in Laoang, Northern Samar. Daniel Mendoza was there in Samar and attended a fiesta (Page 05, Decision, Ibid.) And this fact (and truth) was corroborated by his better half (or spouse) in the person of Felisa Castro-Cerbito; by former barangay captain Nilo Sacaquing of Marubay, Laoang, Northern Samar; and by one Romeo Incinares. (Pages 06-07, 10 and 17, Decision, Ibid). In the same conduit, Jimboy Cerbito Morales was also there in Northern Samar on the particular date. Like Daniel Mendoza Cerbito, he (Jimboy Morales) also attended the said fiesta as confirmed by defense witness Nilo Sacaquing (Page 07, Decision, Ibid.) And defense witness Adelaida Balang likewise supported the fact that Jimboy Morales was in Samar at that point in time. (Pages 13-14 and 17, Decision, ibid.)

Regarding accused-appellant Vicente Mendoza Acedera, he was in the residence of his brother located at 1-c Calamansi Street corner Luzon Avenue, Quezon City on the alleged date of highway robbery. (Page 12, Decision, ibid.)"[5]

The Solicitor General seeks an affirmance of the conviction but recommends a modification of the penalty. The appellee's brief points out that the defense of alibi must fail as against the positive identification of the two prosecution witnesses, and in view of the presence of conspiracy as proven by the circumstances attending the robbery, each of the appellants incurred the same civil liability and should suffer a uniform penalty. As the two were charged with two separate informations, one for highway robbery under P. D. 532, and the other for homicide, they should be convicted for two separate crimes.

The evidence of the prosecution has established the guilt of the three accused beyond reasonable doubt.

The testimonies of the two passengers who witnessed the robbery and the homicide, namely Concordia Pagdanganan[6] and Amor Magsakay[7] who identified all three accused-appellants in court[8] are of vital if not decisive value.

Concordia Pagdanganan was on board the Philippine Rabbit Bus Number 1271 on her way home from Calumpit, Bulacan to her home in Manila. She was seated at the back of the driver in the same row as Patrolman Edgar Ponce. The three accused-appellants, together with a 16-year old boy boarded the bus as it was approaching the Tabang tollgate. She saw the four men because there was a big mirror in front of the bus, through which one can see everyone who will board the bus from head to foot. At Tabang Plaza, Daniel Cerbito, who had seated himself in the last row of the bus, announced a hold-up. Policeman Ponce stood up and shot Vicente Acedera hitting him in the stomach. Vicente Acedera could not stand up anymore. Jimboy Morales, who was seated beside Ponce shot the latter, but she was not able to see whether Ponce was hit or not. Ponce slumped beside her legs, and as he was lying down, Daniel Cerbito approached and shot Ponce in the head after getting the latter's revolver, wallet and police "chapa". Jimboy Morales together with the 16-year old boy, divested the other passengers of their cash and belongings; there were almost fifty passengers in the bus. Among the victims were Magsakay, a student of PMI and his friend. Magsakay was divested of his watch and P40.00 by Daniel Cerbito. Nothing was taken from Concordia because Jimboy asked her if she had any money and she answered she had none. Cerbito took the jacket of one of the passengers, who was a security guard from San Fernando, and put it on Vicente Acedera. Afterwards, the accused-appellants ordered the driver to stop the bus at Malinta exit where they disembarked.[9] On cross-examination, Concordia testified that when the four persons boarded the bus they spread themselves

inside the bus. She noted that one of the four, Vicente Acedera, wore flesh-colored rubbers shoes, the other two accused-appellants wore white rubbers shoes, and the 16-year old companion wore slippers.[10]

Another eyewitness, Amor Magsakay, was presented by the prosecution. He testified that the accused-appellants were armed. Cerbito carried a paltik; pointed the gun at him and took his Seiko 5 watch and money (P40.00). Acedera was also carrying a revolver, and was in front of the bus getting the money of the passengers. Jimboy Morales was holding a balisong knife. He did not know what happened to the fourth hold-upper. He stated that it was Cerbito who shot Policeman Ponce; he put his head down towards the floor after hearing the first shot but after hearing two shots, he put his head up and witnessed the shooting of Ponce by one of the robbers.[11]

All the accused-appellants claimed they were somewhere else at the time of the incident. Jimboy Morales testified that he was in Barangay Candawit, Laoang, Northern Samar, his home province, where he farms copra for a livelihood.[12] A neighbor, Adelaida Balang, corroborated his alibi that he was in Barangay Candawit on September 3, 1992 and that he never left their place; she was sure because almost everyday (she) sends him to run errands for (her).[13]

Daniel Cerbito also denied that he was involved in the hold-up incident. He testified that he was then attending the fiesta in Laoang, Northern Samar with his wife; they left Manila on August 15, 1992 and returned on September 9, 1992.[14] His wife Felisa corroborated his testimony.[15] A co-worker, Romeo Incinares, also testified that he accompanied Daniel Cerbito and his wife on August 15, 1992 to the Bus Terminal at Pasay City on his way to the province.[16]

Nilo Sacaguing, Barangay Captain of Marubay, Laoang, Northern Samar was presented by the defense to corroborate the alibi of Daniel Cerbito. Sacaguing testified that Daniel Cerbito and his family attended the barrio fiesta that was celebrated on August 23 and 24, 1992. He remembered specifically that Daniel Cerbito asked him for a barangay clearance and a letter of recommendation from Congressman Ong who is the owner of Litton Mills. Daniel Cerbito left the barangay the last week of September.[17] Sacaguing also stated that he came to know that Morales was at the town fiesta.[18]

For his part, Vicente Acedera testified that he was at his brother's house at 1-c Calamansi St., cor. Luzon Avenue, from August 16, 1992 up to September 3, 1992. He was on his way to the house of a cousin in Navotas and as he alighted from a bus passing through Letre he heard a gun shot. He fell down as he was hit and was brought to the hospital where he stayed from September 3 to September 12. Jimboy Morales is his cousin. Cerbito is a barriomate.[19]

After a careful examination of the entire evidence, we resolve to affirm the judgment of conviction. We agree with the trial court's rejection of the defense of alibi for the reason that said defense cannot prevail over the positive identification made by the two eyewitnesses presented by the prosecution. Confronted with contradictory declarations and statements, the trial court cannot be faulted for giving greater weight to the positive testimonies of the witnesses who have not been shown to have any motive to falsely implicate the accused-appellants, and whose credibility has not been placed in doubt. Alibi has generally been regarded with disfavor by the court because it is easily fabricated[20] and we have no reason to deviate from this rule.

Highway robbery/brigandage is defined in Section 2(e) of P. D. 532 entitled "Anti-Piracy and Anti-Highway Robbery Law" as "(t)he seizure of any person for ransom, extortion or other unlawful purposes, or the taking away of the property of another by means of violence against or intimidation of person or force upon things or other unlawful means, committed by any person on any Philippine Highway." The robbery must be directed not only against specific, intended or preconceived victims, but against any and all prospective victims.[21] All the above elements were established.

As regards the imposable penalty, we find well-taken the Solicitor General's recommendation to impose separate penalties for highway robbery and for homicide as these crimes were the subject of separate informations. The accused-appellants can only be penalized for the crimes charged in the information. Otherwise, the appellants would be deprived of their constitutional right to be informed of the nature and cause of accusation against them.[22] The penalty for simple highway robbery is reclusion temporal in its minimum period. However, consonant with the ruling in the case of *People vs. Simon*,[23] since P. D. 532 adopted the penalties under the Revised Penal Code in their technical terms, with their technical signification and effects, the indeterminate sentence law is applicable in this case. Accordingly, for the crime of highway robbery, the indeterminate prison term is from seven (7) years and four (4) months of Prision Mayor as minimum to thirteen (13) years, nine (9) months and ten (10) days of reclusion temporal as maximum.

We must modify the computation of the award for loss of earning capacity. The absence of documentary evidence to substantiate the claim of the victim's sister for the loss will not preclude recovery for said amount.[24] Gloria Guinto, the victim's sister testified that when her brother died, he was 26 years old, single and was earning P4,000.00 a month as a member of the PNP. Loss of earning capacity is computed on the basis of the following formula:[25]

Net Life Expectancy Gross living Expenses

Earning

Capacity = $\frac{2}{3} (80 - \text{age at death}) \times \text{Annual}$

Income

(GAI) - (50% of GAI)

Thus:

$$X = \frac{2}{3} (80 - 26) \times 48,000 - 24,000$$

$$X = 36 \times 24,000$$

$$\mathbf{X = P864,000.00}$$

We likewise modify the award of P40,000.00 to private complainant Amor Magsakay. The evidence showed that what was taken from Magsakay was a Seiko watch and P40.00. We have ruled that an ordinary witness cannot establish the value of jewelry and the trial court can only take judicial notice of the value of goods which are matters of public knowledge or are capable of unquestionable demonstration. The value of jewelry is not a matter of public knowledge nor is it capable of unquestionable demonstration and in the absence of receipts or any other competent evidence besides the self-serving valuation made by the prosecution witness,[26] we cannot award the reparation for the s Seiko watch.

WHEREFORE, Daniel Mendoza Cerbito, Vicente Acedera, and Jimboy Cerbito Morales are found guilty of highway robbery in Criminal Case No. 1941-M-92, and of homicide in Criminal Case No. 569-M-93 and are each hereby sentenced to an indeterminate prison term from seven (7) years and four (4) months of prision mayor as minimum to thirteen (13) years, nine (9) months, and ten (10) days of reclusion temporal as maximum for highway robbery; and an indeterminate prison term from eight (8) years and one (1) day of prision mayor as minimum to fourteen (14) years eight (8) months and one (1) day of reclusion temporal as maximum; and are ordered to pay, jointly and severally (1) the heirs of Edgar Ponce P50,000.00 as death indemnity, P19,000.00 for actual damages, P864,000.00 for loss of earnings, and (2) Amor Magsakay the amount of P40.00.

SO ORDERED.

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

- [1] Criminal Case No. 1941-M-92, p. 2 Records.
- [2] Criminal Case No. 569-M-93, p. 53, Records.
- [3] Decision, pp. 2-4; p. 451-453.
- [4] Rollo, p. 159.
- [5] Rollo, p. 165.
- [6] Tsn., February 3, 1993.
- [7] Tsn., August 17, 1994.
- [8] Tsn., June 25, 1994 at pp. 271-273; Tsn., August 17, 1994, p. 7.
- [9] Tsn., February 3, 1993.
- [10] Tsn., December 10, 1993.
- [11] Tsn., August 17, 1994.
- [12] Tsn., March 29, 1995.
- [13] Tsn., May 23, 1995.
- [14] Tsn., December 9, 1994.
- [15] Tsn., February 10, 1995.
- [16] Tsn., March 14, 1995.
- [17] Tsn., March 14, 1995.
- [18] At pp. 8; 26.
- [19] Tsn., November 14, 1995.
- [20] People vs. Cawaling, 293 SCRA 267.
- [21] People vs. Verzosa, 294 SCRA 466; People vs. Legaspi, 246 SCRA, 206, 213.
- [22] Supra.

[23] 234 SCRA 555.

- [24] People vs. Silvestre, G. R. No. 127573, May 12, 1999 at p. 24; People vs. Verde, G. R. No. 119077, February 10, 1999 at p. 17.
- [25] Supra.
- [26] People vs. Antonio Marcos y Obo, G. R. No. 128892, June 21, 1999, En Banc.

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