

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. CALIXTO ZINAMPAN, ARTEMIO APOSTOL, ROGER ALLAN (ALL AT LARGE), AND ELVIS DOCA, ACCUSED,

G.R. No. 126781. September 13, 2000

Ponente: DE LEON, JR., J.

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DE LEON, JR., J.:

Before us on appeal is the Decision[1] of the Regional Trial Court of Tuguegarao, Cagayan, Branch 02, in Criminal Case No. 1339 convicting herein appellant, Elvis Doca, of the crime of robbery with homicide.

Appellant Elvis Doca and his co-accused, Calixto Zinampan alias Gorio, Artemio Apostol alias Temy, Ignacio Cusipag, Robert Cusipag, Roger Allan and Miguel Cusipag were charged with the crime of robbery with homicide defined and penalized under Article 294(1) of the Revised Penal Code, in an Information that reads:

That on or about December 8, 1988, in the Municipality of Tuguegarao, Province of Cagayan, and within the jurisdiction of this Honorable Court, the said accused, Calixto Zinampan alias Gorio, Artemio Apostol alias Temy, Ignacio Cusipag, Elvis Doca, Robert Cusipag, Roger Allan, and Miguel Cusipag together with one John Doe who was not identified, armed with guns, conspiring together and helping one another went inside the house of one Mr. and Mrs. Henry Narag, and once inside the house, with intent to gain and by the use of force, violence against and intimidation of persons, did then and there wilfully, unlawfully and feloniously ransack the house of the said Mr. and Mrs. Henry Narag and after which, take, steal and carry away against the will of the owner, the following items, to wit:

a) Cash money in the amount of----- P17,000.00

b) Assorted merchandise, cigarettes

and coffee all valued at----- P 3,000.00

P20,000.00

with a total value of P20,000.00, and all belonging to Mr. and Mrs. Henry Narag, to the damage and prejudice of the said owner, Mr. and Mrs. Henry Narag in the aforesaid amount of TWENTY THOUSAND PESOS (P20,000.00) Philippine Currency; and that by reason of or on the occasion of the said robbery, and for the purpose of enabling the said accused to take, steal and carry away the items above-stated, the said accused likewise armed with their aforesaid firearms, likewise conspiring together and helping one another with intent to kill, did then and there wilfully, unlawfully and feloniously treacherously attack, assault, maul and hit with their aforesaid arms one, Henry Narag, inflicting upon him injuries which caused his death.

Contrary to law.

Accused Robert Cusipag, Ignacio Cusipag and Miguel Cusipag were arrested by the police on February 6, 1990; while accused Elvis Doca was arrested on February 14, 1990. Accused Calixto Zinampan, Artemio Apostol and

Roger Allan were never arrested and remain at large up to the present.

Upon being arraigned on May 29, 1990, accused Robert Cusipag, Ignacio Cusipag, Miguel Cusipag and Elvis Doca, assisted by their counsel, separately entered the plea of “Not guilty” to the information in this case.

During the pre-trial conference which was held on September 18, 1990, all the accused, represented by Atty. Romeo Calubaquib, and the prosecution, represented by Assistant Provincial Prosecutor Pablo M. Agustin, entered into the following stipulation of facts:[2]

- That the accused admits (sic) the cause of the fact of death of the victim Henry Narag without admitting culpability as evidenced by the certificate of death:[3]
- That the civil liability as agreed upon by the parties is P50,000.00 in case of conviction;
- That the prosecution will present four witnesses, and six witnesses for the defense.

Thereafter, trial on the merits ensued.

The evidence of the prosecution shows that Marlyn Calaycay worked as housemaid for the spouses Henry and Gaspara Narag in Linao, Tuguegarao, Cagayan. On December 8, 1988 at around 6:30 o'clock in the evening, Gaspara called for Marlyn, who was washing the dishes in the kitchen, to identify the four (4) persons who entered their sari-sari store. Before Marlyn could proceed to the store, which was adjacent the sala, the four (4) persons, namely: Elvis Doca, Artemio Apostol, Calixto Zinampan and Roger Allan, had entered the house. Elvis Doca grabbed Marlyn by the arm and pulled her back to the store, while his companions dragged Henry Narag, who was eating supper, into the sala.[4]

They ordered Henry to produce his gun and money. When he answered in the negative, Artemio hit him in the head with his gun. Calixto also hit Henry at the back of the head with the butt of his gun even as Henry acceded to give them money but reiterated that he had no gun in the house. After Henry fell on the floor, Gaspara pleaded for their lives. She gave them P2,000.00 but swore that they really had no gun. The intruders then proceeded to ransack the house and took with them assorted goods, valued at approximately P1,000.00, which they placed inside a sack before they left.[5]

Gaspara helped her husband to a chair while Marlyn fetched Henry's nephew who assisted them bring the victim to the hospital.[6] Henry died in the hospital five (5) days after the incident at the age of 63.[7]

Marlyn testified that the other accused, namely: Miguel Cusipag, Robert Cusipag and Ignacio Cusipag remained outside the house presumably to serve as look out.[8] However, on cross-examination, Marlyn admitted that she did not see the said accused at the time of the incident on December 8, 1988.[9]

The same prosecution witness revealed that the Narag spouses had two (2) children but both were not at home in the evening of December 8, 1988. One was employed in Saudi Arabia while the other was staying in Manila. Although it was already 6:30 o'clock in the evening when the four (4) accused broke into the house of Henry Narag, Marlyn easily recognized their faces due to the light that was coming from the four (4) fluorescent lamps. Moreover, she had seen Elvis Doca for at least three (3) times prior to December 8, 1988. In one instance, Elvis came to the house of Henry Narag together with a certain Miguel, who was a nephew of Narag, to visit the latter's son, Romeo. In another instance, Miguel and Elvis were in the company of Calixto Zinampan, Artemio Apostol and Roger Allan when they visited Romeo Narag in the house on the New Year's eve of 1987, to have a drinking session.[10]

Marlyn was interrogated by the police at the crime scene on the day the incident happened but she was formally investigated at the police station of Tuguegarao, Cagayan only on December 27, 1988.[11]

Nicanor Zinampan testified that at around 5:30 o'clock in the afternoon of December 8, 1988, he met eight (8) persons along the highway in Linao East, Tuguegarao, Cagayan while he was on his way home after watching a basketball game. He recognized Roger Allan, Ignacio Cusipag and Miguel Cusipag. He also recognized Elvis Doca but did not know his name at the time he met him. Roger Allan, Ignacio Cusipag, Miguel Cusipag and Elvis Doca drank beer grande at Henry Narag's store, while the rest of their companions stayed at the waiting shed just across the highway. Nicanor did not notice anything unusual when he met them.[12]

Dr. Raymund Frogoso, M.D., resident physician at the Cagayan Valley Regional Hospital, treated Henry Narag for head injuries. Dr. Frogoso testified that when he examined Henry Narag on December 9, 1988, the patient was in a semi-conscious condition with manifest increase in his breathing due to the injuries inflicted on his head that may have severely damaged the brain. The fracture in the skull as well as the wounds and contusions indicate that severe blows were applied on the head of the victim.[13]

The physical condition of Henry Narag deteriorated by the hour until he became unconscious and no longer reacting to any painful stimuli. After having administered oxygen and intravenous fluid, Henry Narag was transferred to the UST Hospital in Manila. Dr. Frogoso accompanied Henry Narag to Manila and he left only after his patient was properly endorsed to the doctors of the UST Hospital.[14]

On December 13, 1988 Henry Narag died at the UST Hospital. The Autopsy Report[15] which was prepared by Dr. Renato C. Bautista, M.D. and approved by Dr. Ricardo G. Ibarrola, Jr., M.D., Acting Chief, N.B.I. Medico-Legal Division, shows the following findings, to wit:

Body previously embalmed and well-preserved.

Pallor, lips and nailbeds.

Hematomas: scalp, parieto-occipital regions, bilateral extending down to the nape, left side, 9.0 x 14.0 cms., Hand dorsal aspect, left.

Lacerated wound, parieto-occipital region, left side, 6.5 cms., long.

Hemorrhage, meningeal: subdural and subarachnoidal, right cerebral hemisphere.

Fracture, base of posterior cranial fossa, left side.

Heart and other visceral organs, pale.

Stomach, contains small amount of greenish fluid material.

Cause of death: Hemorrhage, intracranial, traumatic, severe, with skull fracture.

On August 27, 1993, the prosecution rested its case after the admission of its documentary evidence consisting of Exhibits "A" to "E" and sub-markings.

On January 18, 1995, the trial court dismissed the instant criminal case with respect to accused Robert Cusipag, Ignacio Cusipag and Miguel Cusipag on the ground of insufficiency of evidence after a motion to dismiss on demurrer to evidence was filed in court by the counsel of the said accused.[16]

For his defense, Elvis Doca testified that he never had any formal education on account of his father's untimely demise while he was at a very young age. He is married and has five (5) children.[17] He used to live in Villa Salud, Solana, Cagayan and later transferred his residence in Nangka, Solana, Cagayan where he was arrested by the police on February 14, 1990.[18]

Elvis could not recall where he was on December 8, 1988 at 6:30 o'clock in the evening. However, he vehemently denied any responsibility for the crime of robbery with homicide charged in the instant information. He did not know Henry Narag, Gaspara Narag, Marlyn Calaycay and Nicanor Zinampan as he had never been to Linao, Tuguegarao, Cagayan. He likewise did not know anyone of his co-accused in this case whom he met only at the provincial jail after he was arrested.[19]

After analyzing the evidence, the trial court rendered a decision, the dispositive portion of which is quoted hereunder, to wit:

WHEREFORE, finding the accused Elvis Doca guilty beyond all reasonable doubt of the crime of ROBBERY WITH HOMICIDE, he is hereby sentenced to a prison term of RECLUSION PERPETUA and to indemnify the heirs of Henry Narag and Gaspara Narag the amount of P750.00 equivalent to ¼ of his share as compensatory damages, and likewise to pay P12,000.00 as his ¼ share for the death of Henry Narag. Costs against said accused.

SO ORDERED.

In his appeal, Elvis Doca raised the following assignment of errors:

I

THE TRIAL COURT ERRED IN GIVING DUE WEIGHT AND CREDENCE TO THE TESTIMONY OF PROSECUTION ALLEGED LONE EYEWITNESS DESPITE ITS INHERENT INFIRMITIES AND MATERIAL CONTRADICTION AND UNRELIABILITY.

II

THE TRIAL COURT ERRED IN RELYING ON THE WEAKNESS OF DEFENSE EVIDENCE RATHER THAN ON THE STRENGTH OF PROSECUTION EVIDENCE IN FINDING APPELLANT GUILTY AS CHARGED.

III

THE TRIAL COURT ERRED IN FAILING TO CONSIDER THE LACK OF EDUCATION AND INSTRUCTION OF THE APPELLANT AS MITIGATING CIRCUMSTANCE IN THE IMPOSITION OF PENALTY ON THE LATTER.

It appears that the spouses Henry and Gaspara Narag, together with their housemaid Marlyn Calaycay, were the only persons present when four (4) men robbed their house in Linao, Tuguegarao, Cagayan in the early evening of December 8, 1988. Henry Narag died five (5) days after slipping into coma due to the severe head injuries which he suffered from the hands of the robbers. Incidentally, Gaspara Narag passed away^[20] while the instant criminal case was pending with the trial court, before she could testify as witness for the prosecution. Marlyn Calaycay was the prosecution's lone eyewitness.

Appellant Elvis Doca contends that the testimony of Marlyn Calaycay was marked with infirmities and material contradictions hence, unreliable. Specifically, Elvis pointed out the following alleged material inconsistencies in her testimony: 1) Marlyn gave conflicting dates with respect to the execution of her sworn statement before the police authorities of Tuguegarao, Cagayan involving the robbery and killing of Henry Narag on December 8, 1988; 2) The pertinent entry in the police blotter of Tuguegarao, Cagayan for the period of December 1988 allegedly provided by Marlyn Calaycay does not reflect any names of the alleged perpetrators of the crime contrary to the claim of Marlyn in her testimony that she knew the names of the malefactors even prior to December 8, 1988 when the incident happened; and 3) Marlyn gave perjured testimony when she retracted on cross examination her testimony on direct examination that accused Manuel Cusipag, Ignacio Cusipag and Robert Cusipag remained outside the house of Henry Narag while the crime was in progress to serve as look out.

After a thorough review of the evidence on record, the Court finds the above contentions of the appellant insufficient to justify a deviation from the judgment of the trial court finding him guilty beyond reasonable doubt of the crime of robbery with homicide. It is well-settled rule that testimonial evidence to be believed must not only proceed from the mouth of a credible witness but must foremost be credible in itself.^[21] The test to determine the value or credibility of testimony of a witness is whether or not such is in conformity with common

knowledge and consistent with the experience of mankind.[22]

It has been established by the evidence that Marlyn was present when four (4) persons robbed the house of spouses Henry and Gaspara Narag on December 8, 1988 and inflicted, on the same occasion, serious injuries on the head of the said Henry Narag that eventually caused his death. The facts show that Marlyn was then washing the dishes in the kitchen being the housemaid of the Narag spouses. Subsequently, Gaspara called for her to identify the four (4) persons who entered their store which was adjacent the sala. In no time however, the intruders had entered the house and began to consummate their evil design.

Marlyn could not have any difficulty identifying the malefactors in view of the fact that the premises were sufficiently illuminated by four (4) fluorescent lamps. She recognized the appellant, Elvis Doca, whom she clearly and positively identified in court during the trial, as the person who grabbed and pulled her towards the store while his companions dragged Henry Narag to the sala. They ordered Henry to produce his gun and money. When he refused, two of appellant's co-accused took turns hitting his head with their guns that sent him to the floor unconscious. At that instant, Gaspara handed them P2,000.00 and pleaded for their lives. Thereafter, the appellant and his co-accused ransacked the house and took with them assorted goods valued at approximately P1,000.00 which they placed inside a sack before they left.

Contrary to appellant's contention, the detailed testimony of the prosecution witness appears clear and convincing thus, giving the Court the impression that she was sincere and credible. Besides, the appellant failed to adduce any evidence to establish any improper motive that may have impelled the same witness to falsely testify against him. The absence of evidence of improper motive on the part of the said witness for the prosecution strongly tends to sustain the conclusion that no such improper motive exists and that her testimony is worthy of full faith and credit.[23]

In contending that Marlyn Calaycay gave during the trial inconsistent dates relative to the execution of the sworn statement that she gave before the police authorities, the appellant adverted to the pertinent portion of her testimony on cross-examination that reads:

Q:

Now, you said that you were interrogated by the police, when for the first time were you interrogated by the police?

A:

One month after the incident, sir.

Q:

Your employer Mrs. Gaspara Narag was also interrogated, if you know, one month after the incident together with you?

A:

No, sir.

Q:

Your sworn statement is dated December 27, 1988, and was subscribed before Judge Tugade on December 28, 1988, now you gave your statement to the police for the first time on this date December 27, 1988, is it not?

A:

Yes, sir.

Q:

According to you, you saw the incident wherein your landlord or your employer Henry Narag was even struck by the butt by the accused (sic) Gorio Zinampan, and also by Artemio Apostol, now, according to you he was brought to the hospital, how about you, did you go to the police station to give your statement on the very day of the incident on December 8, 1988?

A:

They called for a policeman in the house of Mr. Narag and it was in the house of Mr. Henry Narag where I gave my statement, sir.

Q:

But you mentioned a while ago that it was only after one month after the incident that you gave your statement for the first time, which is now correct, did you give your statement on the very day of the incident on December 8, 1988 or one month thereafter?

A:

During the day of the incident I gave my statement.[24]

A cursory examination of the above-quoted testimony reveals however, that Marlyn was actually referring to two kinds of statements that she gave to the police authorities on separate occasions involving the crime subject of the instant criminal case. The statement that she made on December 8, 1988 clearly refers to the pieces of information that she gave in response to the queries of the police investigator during the initial spot investigation on the date of the commission of the crime. On the other hand, Marlyn gave her written sworn statement[25] before Police Investigator Mario Taguinod at the Tuguegarao Police Station, Tuguegarao, Cagayan only on December 27, 1988. Hence, the appellant's claim of alleged inconsistency in the testimony of the prosecution witness relative to the date of the execution of her sworn statement is more apparent than real.

The appellant may not validly impeach the credibility of Marlyn Calaycay on the basis of the entry in the police blotter of the Tuguegarao, Cagayan police pertaining to the robbery and killing on December 8, 1988. Appellant claimed that the pertinent entry in the said police blotter which was elicited from prosecution witness Calaycay does not reflect any names of the alleged perpetrators of the crime contrary to her testimony during the trial of the instant criminal case that she knew the names of the malefactors even prior to December 8, 1988. In impeaching a witness by evidence of prior inconsistent statements, Section 13, Rule 132 of the Revised Rules of Court provides

that:

SEC. 13. How witness impeached by evidence of inconsistent statements- Before a witness can be impeached by evidence that he has made at other times statements inconsistent with his present testimony, the statements must be related to him, with the circumstances of the times and places and the persons present, and he must be asked whether he made such statements, and if so, allowed to explain them. If the statements be in writing they must be shown to the witness before any question is put to him concerning them.

The Solicitor General correctly noted that appellant's counsel never confronted Marlyn Calaycay during the proceedings in the trial court regarding the entries in the police blotter to give her the opportunity to confirm or deny authorship thereof, and in case of the former, to explain the alleged discrepancy. It has been held that previous inconsistent statements cannot serve as bases for impeaching the credibility of a witness unless his attention was first directed to the discrepancies and he was then given the opportunity to explain them.[26] The rationale for the rule was amply discussed by this court in the relatively recent case of *People vs. de Guzman*[27] , thus:

The rule which requires a sufficient foundation to be first laid before introducing evidence of inconsistent statements of a witness is founded upon common sense and is essential to protect the character of a witness. His memory is refreshed by the necessary inquiries, which enables him to explain the statements referred to, and to show that they were made under a mistake, or that there was no discrepancy between them and his testimony.

It would be unjust to complainant at this stage to be declared an incredible witness as a result of the unauthorized procedure adopted by the appellant. It is evidentiarily proscribed to discredit a witness on the basis of the purportedly prior inconsistent statements which were not called to the attention of that witness during the trial, although the same are supposedly contained in a document which was merely offered and admitted in its entirety without the requisite specifications.

Through such a somewhat underhanded recourse, a party can expediently offer in evidence at the trial the whole document containing allegedly variant statements and then point out much later on appeal the supposed contradictory statements which were not specified, intentionally or otherwise, in the same trial. That sub silencio gambit would necessarily deprive a witness of the chance to explain the seeming divergencies, which is the paramount consideration of the rule mandating the laying of the proper predicate.

In a last ditch attempt to impair the credibility of Marlyn Calaycay, the appellant claimed that Marlyn gave perjured testimony when she retracted, on cross-examination, her previous testimony on direct examination that appellant's then co-accused, Manuel Cusipag, Ignacio Cusipag and Robert Cusipag, remained outside the house of Henry Narag as look out. Far from being a malicious concoction, the testimony of Marlyn Calaycay against the then accused Manuel, Ignacio and Robert Cusipag was found by the trial court as simply based on hearsay information. Accordingly, the said court dismissed the case against them on demurrer to evidence after a clarification from the same prosecution witness that her testimony was based on information that she gathered from the other witnesses. Such a candid admission of the prosecution witness enhances rather than impugns her credibility and certainly belies the existence of any intention to commit perjury. The pertinent portion of her testimony is quoted hereunder, to wit:

Q:

I am giving you exhibit "A" and go over the same document and tell this Honorable Court if you find the names of Miguel Cusipag, Robert Cusipag and Ignacio Cusipag in this document mentioned?

A:

I did not mention their names in my sworn statement but the other witnesses were the ones who mentioned them.

Q:

You did not mention the name Ignacio, Robert and Miguel Cusipag in your statement during that incident because you never saw these three persons, is it not?

A:

Yes, sir, I did not tell then because... but I am the one telling because one of the witnesses did not come to court and testify.

Q:

Just be specific, did you or did you not see Robert, Ignacio and Miguel Cusipag in the evening of December 8, 1988?

A:

No, sir. I did not see them.[28]

In view of the foregoing, there is sufficient evidence to support the conviction of the appellant for the crime of robbery with homicide under Article 294 (1) of the Revised Penal Code which provides that:

ART. 294. Any person guilty of robbery with the use of violence against or intimidation of any person shall suffer:

- The penalty of from reclusion perpetua to death, when by reason or on occasion of the robbery, the crime of homicide shall have been committed; or when the robbery shall have been accompanied by rape or intentional mutilation or arson.

The elements of the crime of robbery with homicide are: (1) the taking of personal property is committed with violence or intimidation against persons; (2) the property taken belongs to another; (3) the taking is done with animo lucrandi; and (4) by reason of the robbery or on the occasion thereof, homicide (used in its generic sense) is committed.[29]

Contrary to appellant's contention in the second assignment of error, his guilt for the crime of robbery with homicide was adequately proven primarily by the testimony of the sole prosecution eyewitness which we found to be honest and credible. Unless expressly required by law, the testimony of a single witness, if found credible and positive such as in the case at bench, is sufficient to convict for the truth is established not by the number of witnesses but by the quality of their testimonies.[30] Despite the contrary protestation of the counsel of the appellant, the record of this case reveals that the said appellant, represented by Atty. Calubaquib, admitted the fact and cause of death of Henry Narag during the pre-trial stage of this case. Hence, the testimony of Dr. Renato C. Bautista, M.D. of the NBI, Medico-Legal Division was dispensed with by the prosecution.

The trial court correctly rejected the defense of denial of the appellant for the reason that he was positively identified by the prosecution witness who does not appear to have any motive against him to fabricate evidence.[31] Moreover, it appears clear from the facts of this case that conspiracy existed between the appellant and his co-accused in the commission of the crime of robbery with homicide. The existence of conspiracy may be inferred from the acts of the accused before, during, and after the commission of the crime which indubitably, point to and are indicative of a joint purpose, concert of action and community of interest.[32] Upon gaining entry into the house of the Narag spouses the appellant immediately grabbed Marlyn Calaycay while his three (3) co-accused dragged Henry Narag to the sala. They demanded money and gun from Henry Narag and when the latter refused, two of the accused took turns in hitting him on the head causing him to fall on the floor, unconscious. The appellant and his co-accused then divested the said spouses of P2,000.00 and assorted merchandise valued at approximately P1,000.00 before they hurriedly left.

The lack of education and instruction of the appellant may not be considered as a mitigating circumstance in this case. The appellant's lack of education which apparently "hampered him from giving coherent and even simple responsive answers" is not sufficient in view of the failure of his counsel to prove convincingly before the court that said appellant, as a result thereof, did not fully realize the consequences of his criminal act.[33] On the other hand, We note that the aggravating circumstance of dwelling attended the commission of robbery and the killing of Henry Narag. Still, the proper imposable penalty is reclusion perpetua considering that at the time of the commission of the crime on December 8, 1988, the imposition of the death penalty was legally proscribed.

WHEREFORE, the appealed Decision of the Regional Trial Court of Tuguegarao, Cagayan, Branch 02, in Criminal Case No. 1339, convicting the appellant, Elvis Doca, of the crime of robbery with homicide and sentencing him to suffer the penalty of reclusion perpetua is hereby **AFFIRMED** with the **MODIFICATION** that the appellant shall pay to the heirs of the deceased victim, Henry Narag, the amount of P50,000.00 by way of civil indemnity ex delicto in addition to the amounts of P20,000.00 as exemplary damages and P3,000.00 for compensatory damages.

SO ORDERED.

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

[1] Penned by Judge Abraham Y. Principe. Rollo, pp. 34-43.

[2] Original records, pp. 57-58.

[3] The sentence was rectified in court to read: 1. That the accused admits (sic) the cause and the fact of death of the victim Henry Narag without admitting culpability as evidenced by the certificate of death. TSN dated January 14, 1993, pp. 2-3.

[4] TSN dated November 6, 1990, pp. 3-5.

[5] Id., pp. 5-8.

[6] Ibid.

[7] Exhibit "B".

[8] TSN dated November 6, 1990, pp. 10-12.

[9] Ibid.

- [10] Id., pp. 13-16.
- [11] Id., p. 7.
- [12] TSN dated December 4, 1990, pp. 4-7, 27-28.
- [13] TSN dated January 22, 1991, pp. 11-16.
- [14] Id., pp. 17-19.
- [15] Exhibit "B".
- [16] Original records, pp. 344-346.
- [17] TSN dated August 14, 1995, pp. 2-3.
- [18] Id., p. 5.
- [19] Id., pp. 4-6.
- [20] TSN dated November 6, 1990, p. 10.
- [21] People vs. Cayabyab, 274 SCRA 387, 398 (1997); People vs. Obzunar, 265 SCRA 547, 567 (1996).
- [22] People vs. Gazmen, 247 SCRA 414, 419 (1995).
- [23] People vs. Ravanos, 284 SCRA 634, 641 (1998).
- [24] TSN dated November 6, 1990, p. 17.
- [25] Exhibit "A".
- [26] People vs. Escosura, 82 Phil. 41, 45 (1948).

[27] 288 SCRA 346, 354-355 (1998).

- [28] TSN dated November 6, 1990, p. 12.
- [29] People vs. Salazar, 277 SCRA 67, 85 (1997).
- [30] People vs. Matubis, 288 SCRA 210, 220 (1998).
- [31] People vs. De Guia, 280 SCRA 141, 158 (1997).
- [32] People vs. Magallano, 266 SCRA 305, 314 (1997).
- [33] People vs. Rizal, 103 SCRA 282, 314 (1981).

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