

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. NOEL SANTOS Y CRISPINO AND FELICIANO FUNCION ALIAS JON-JON, ACCUSED. NOEL SANTOS Y CRISPINO, ACCUSED-APPELLANT.

G.R. No. 127500. June 08, 2000

Ponente: GONZAGA-REYES, J.

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GONZAGA-REYES, J.:

Before us is an appeal from the decision of the Regional Trial Court of Pasay City, Branch 117,[1] convicting accused-appellant of violation of Republic Act No. 6539, as amended, also known as the Anti-Carnapping Act, and sentencing him to suffer the penalty of reclusion perpetua, on the basis of an Information the accusatory portion of which reads:

That on or about the 18th day of June, 1995, in Pasay City, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together and mutually helping one another, with intent to gain, and by means of violence employed against RUEL VALENTINO MORALES, did then and there willfully, unlawfully and feloniously take and drive away from the latter a Toyota Tamaraw, bearing Plate No. UAM 540, Engine No. 2-C 2928663 and Chassis No. CF50-0012454 valued at P387,000.00 and belonging to TEODULO NATIVIDAD y DELA CRUZ, to the damage and prejudice of said owner in the amount of P387,000.00; that as a result of the violence employed on the person of RUEL VALENTINO MORALES, the latter sustained injuries which caused his death.[2]

The above Information, which named as accused Noel Santos and one John Doe, was amended on July 31, 1995 to cancel the designation of John Doe and substitute in its place the name of Feliciano Funcion, alias Jon-jon.[3] Up to the time of the rendition of the assailed decision, however, accused Funcion remained at large.

The prosecution presented ten witnesses during trial, consisting of the apprehending and investigating officers of the Pasay City and Magalang, Pampanga police stations, the medico-legal officer, and the family and friends of the victim. Also submitted in evidence were the articles recovered at the scene of the crime, including the murder weapon and personal belongings of both the victim and accused-appellant.

PO3 Alfredo Galang was manning the traffic at the intersection in Dolores, Magalang, Pampanga at around 2:30 in the morning of June 19, 1995 when he noticed an "overspeeding" Toyota Tamaraw FX. He signaled for the vehicle to pull over to the side of the road, approached the vehicle then asked the driver for his license. The driver, who turned out to be accused-at-large Jon-jon Funcion, handed him an expired driver's license without plastic cover issued in the name of the victim, Ruel Morales.[4] Observing that the driver and his companion, herein accused-appellant, were acting suspiciously, PO3 Galang asked them to turn on the lights inside the vehicle, to which accused-appellant complied. He then borrowed the key to the rear door of the FX from the driver. While PO3 Galang was opening the rear door, the driver fled unpursued towards a nearby sugarcane field. The rear portion of the FX, as PO3 Galang found out shortly thereafter, contained the dead body of victim Ruel Morales wrapped in the seat cover and curtains of the vehicle.

This account was corroborated by Ernesto Gonzales, one of two traffic aides then stationed at the traffic outpost in Dolores, Magalang, Pampanga, and who assisted PO3 Galang in the inspection of the FX and the apprehension of accused-appellant.

PO3 Galang took custody of accused-appellant, who all through out the incident remained seated in the front passenger seat of the FX. He called a funeral parlor to collect the corpse, brought the FX and accused-appellant to the Magalang police station, and immediately executed an affidavit of arrest[5] against accused-appellant.

The next day, accused-appellant was brought by one SPO2 Nuqui of the Magalang police station to the Pasay City police station and indorsed to the officer on duty, SPO2 Renato Guzman. It was SPO2 Guzman who interviewed accused-appellant, who in turn denied responsibility for the death of Morales and pointed all the blame at accused-at-large Jon-jon Funcion.

Also delivered to the Pasay City police were an autopsy report of the body of the victim, a gray Toyota Tamaraw FX with Plate No. UAM 540, and the items recovered therein. SPO1 Manuel Abenoja, the evidence custodian of the Pasay City police station, identified in open court the articles recovered from inside the FX, namely: a deformed and blood-stained kitchen knife, a stone measuring about 3 to 4 inches across, a Certificate of Registration pertaining to the Toyota Tamaraw FX issued in the name of Teodulo C. Natividad, a pair of checkered short pants, a wrist watch, a brown scapular necklace, two leather wallets, a PCIBank card in the name of Ruel Valentino Morales, a Makati Public Safety Office badge, three pictures of Ruel Morales, a pair of denim long pants, a leather belt, three pairs of shoes, and assorted identification papers in the name of Ruel Morales.[6]

Dr. Ma. Lourdes Natividad, rural health physician of Magalang, Pampanga, conducted the post-mortem examination of the body of the victim. Based on her findings, the cause of death was hemorrhage as a result of the victim's fractured skull. Dr. Natividad testified to the presence of the following injuries on the victim's body: fracture of the frontonasal bone (between the victim's eyes[7]); multiple lacerations, incisions and hematoma on the face and arms, abrasions on the face and lower extremities, and ligature extending horizontally from right to left and covering almost two-thirds of the neck.[8] In her testimony, the doctor stated that the fracture between the victim's eyes and the contusions were likely caused by a blunt instrument, while the lacerated and incised wounds were inflicted by a sharp instrument. The ligature across the neck could have been caused by strangling with a rope.[9]

Three of the victim's friends who last saw him alive were also presented as prosecution witnesses. Elizalde Claridad declared that at around 11:00 in the evening of June 18, 1995, he was drinking with his friends at the corner of Lim and M. Reyes Streets in Makati City when Ruel Morales drove by in a Toyota Tamaraw FX. Morales called to him and asked that he accompany him in looking for his (Morales's) brother, Hoppy. Morales was wearing a T-shirt, shorts, slippers and a lady's Rolex wrist watch with gemstones. They drove around Barangay Bangkal in Makati then proceeded to Padi's Point, a restaurant-bar at Pasay Road, also in Makati; unable to locate the brother, Morales dropped him off at the corner of Lim and M. Reyes Streets and drove back to Pasay Road. The next time he saw Morales was the next day, when they fetched his body in the morgue in Pampanga.

Meanwhile, Arnie Bordeos testified that on the night of June 18, 1995, between 10:00 to 11:00, he saw Ruel Morales in a Toyota Tamaraw FX along M. Reyes and General Luna Streets in Makati conversing with two persons by the side of the road. Earlier to this conversation, these two persons approached him and his friends and talked to them in a drunken and rude manner. One of them, whom he identified as herein accused-appellant, even bragged that he was the nephew of a city mayor. He then saw Morales opening the passenger doors to let the two persons in, then Morales drove away with the two on board. Leo Soriba, who was with Arnie Bordeos at the time,

corroborated this account.

Teodulo Natividad testified that he was the owner of the Toyota Tamaraw FX where the victim's body was found. He stated that on June 18, 1995 he lent the FX to the victim, Ruel Morales, who was a good friend of his and who often borrowed the FX from him. The vehicle was recovered and restored to him by the Pasay City police. It had a dent on the roof and the seat covers and curtains were missing, but it was in otherwise good condition.[10]

Antonio Morales, Jr. presented receipts covering the expenses incurred by his family for the wake and burial of his brother. The total costs reflected in the receipts amounted to P56,319.30. He also stated that his brother worked as an entertainer in Japan, earning US\$1,000.00 a month.[11] He was, however, unable to submit documentary evidence to support this.

In contrast to the ten witnesses presented by the prosecution, defense presented as its sole witness accused-appellant himself. In his version of the story, accused-appellant was at the Malvar Sports Complex in Bangkal, Makati City on June 18, 1995 at around 10:00 in the evening. He was playing darts with accused-at-large Jon-jon Funcion and two other friends, when Jon-jon told them that he was in need of money as he needed to go to Tarlac to see his girlfriend. Because no one among them could lend him money, Jon-jon asked accused-appellant to accompany him to the house of one Councilor Ferdie Eusebio from whom he intended to borrow money. Upon reaching Eusebio's house, however, Jon-jon decided against it because it was already late at night and it seemed as if the occupants of the house were already asleep. They returned to the Malvar Sports Complex where one of their friends, Jeffrey Abigabel, suggested they try borrowing money from his friend, Joel. Jon-jon left with Funcion to go to Joel, but they returned shortly after. Jeffrey then said he was going home, and as Jeffrey was walking away from them a Toyota Tamaraw FX stopped beside him. Accused-appellant saw Jeffrey converse with the driver of the FX, then Jeffrey went on his way and the FX went towards Mabolo Street. Accused-appellant then said that Jon-jon asked him who the driver of the FX was, but he answered that he did not know. Then Jon-jon left towards the direction of Mabolo Street, saying "didiskarte raw siya ng pera." [12]

At this point, accused-appellant decided to go home. While walking along Macabulos Street he met the FX, being driven by Jon-jon, which stopped beside him. The person on the front passenger seat opened his window, and he observed that the person was "gay". Jon-jon asked him where he was going, and when he said he was on his way home, he and the "gay" passenger invited him to ride with them and that they will drop him off at his house. He identified the passenger as "Sharon", or the victim Ruel Morales in the instant case. Accused-appellant accepted the offer and boarded the FX.

However, instead of dropping him off at his house in Malibay, Pasay City, Jon-jon drove to PICC, where they parked in a dark area where the trees screened off the light of the electric lamps. Jon-jon then asked accused-appellant to step out of the FX, saying that he and "Sharon" had matters to discuss. He consented, walking about 8 meters away from the vehicle. Because it was dark, he could not see the interior of the FX but he observed that it was "umuuga", or rocking lightly, for about 10 to 15 minutes. He came to the conclusion that the two were having sex.

Then Jon-jon called him and alighted from the middle right-side door of the FX. When accused-appellant approached, Jon-jon placed his right arm on the right shoulder of accused-appellant, and the latter noticed from the open car door that someone was lying inside the FX. He asked Jon-jon what happened and he reportedly replied, "Don't ask anymore, you might be the next one." [13] Then he felt something poke him sharply on the neck, and Jon-jon said in an angry voice, "Just follow what I instructed (sic), if not, I will kill you." [14] Jon-jon then told him to remove the seat covers of the FX and as he did so, Jon-jon went behind him leveling the knife on accused-appellant's neck with one hand while holding to the waistband of accused-appellant's pants with the

other.[15] Jon-jon made him cover the dead body with the seat covers; then Jon-jon tied both of accused-appellant's hands behind his back, took his wallet and made him sit on the front passenger seat of the FX. He then placed a seat belt around him, locked the door at his side, started the engine and drove to Buendia Avenue and north to Pampanga. All the while Jon-jon reportedly threatened to kill him if he attempted to escape or to alert anyone, such as the toll booth personnel, of what was happening.[16] Throughout his testimony, which ran the course of four hearings, accused-appellant insisted that he had no opportunity to escape and that he was overcome by fear of accused-at-large Jon-jon Funcion.

When they were accosted at the intersection in Dolores, Magalang, Pampanga, accused-appellant testified to the following chain of events: Jon-jon pulled over to the side of the road, unfastened the seat belt around accused-appellant, untied accused-appellant's hands, threw something at the back of the vehicle, turned on the light, told accused-appellant to remove his (accused-appellant's) sweatshirt, wore the sweatshirt to cover the blood stains on his arms, turned off the light, threatened him some more, took money from accused-appellant's wallet, then alighted.[17] All of this presumably transpired during the interim that it took for PO3 Galang, who was at a distance of about 30 meters away,[18] to approach the FX.

At some point in his testimony, accused-appellant said that while the policeman and Jon-jon were talking, he called to one of the traffic aides and said that there was a dead body at the back of the car.[19] This, however, was not in the testimony of Ernesto Gonzales, one of the traffic aides present at the time.

After Jon-jon Funcion fled and the police officer found the dead body at the back of the FX, they approached accused-appellant who remained seated at the front passenger seat and led him to the nearby police outpost. He was then brought to a police station where he was placed under investigation.

The trial court viewed with disbelief the version of accused-appellant. In its decision rendered on October 25, 1996, it declared:

The Court believes that Jon-jon alone could not inflict all the wounds on Morales alias Sharon which caused his death. So that the claim of Santos that he had no participation in the killing of Morales is not credible. Santos himself testified that his friend Jon-jon was in need of money as he was to go to his girlfriend in Tarlac. When they were not able to borrow money from Councilor Eusebio, Morales came along and invited them to PICC. Morales alias Sharon being a gay wanted to use Jon-jon and Santos who were teenagers. While there is no direct evidence in the killing of Morales, the presumption is that the person found in the unexplained possession of the stolen effects is the author of the aggression and death of the victim and the robbery committed on him. (People vs. Prado, G.R. No. 95260, March 8, 1996) At the time they were committing the crime, their action impliedly showed a unity of purpose between them and a concerted effort to bring about the death of Morales. (People vs. Ferrer, et. al., G.R. Nos. 114931-33, November 16, 1995)[20]

Thus, the trial court made a finding of implied conspiracy and meted out a judgment of conviction. The dispositive portion of the assailed decision is quoted as follows:

WHEREFORE, in view of the foregoing, the Court finds the accused Noel Santos y Crispino GUILTY beyond reasonable doubt for violation of Republic Act No. 6539, as amended (Anti-Carnapping Act). There being no aggravating or mitigating circumstances, the Court sentences him to the penalty of reclusion perpetua; to indemnify the heirs of Ruel Valentino Morales in the amount of P50,000.00; the amount of P56,319.30 as damages, and to pay the costs.

SO ORDERED.[21]

On appeal, accused-appellant assigns the following errors:

1. The trial court gravely erred in finding that Noel Santos is guilty of violating Republic Act No. 6539, as

amended (the "Anti-Carnapping Act"), considering that the prosecution failed to prove the guilt of Noel Santos beyond reasonable doubt.

1a. The trial court gravely erred in finding that there was conspiracy between Funcion and Noel Santos, and that their actions showed unity of purpose and a concerted effort to bring about the death of victim Morales.

1b. The trial court gravely erred in finding that Noel Santos participated in the forcible taking of the Tamaraw FX and the killing of victim Morales.

1c. The trial court erred in finding that Funcion alone could not inflict all the wounds victim Morales sustained.

2. The trial court gravely erred in finding that the prosecution was able to sufficiently establish the presence of Noel Santos in the vehicle when the crime was committed by Funcion.

2a. The trial court gravely erred in finding Noel Santos guilty based on a presumption that the person found in the unexplained possession of the stolen effects is the author of the aggression and death of the victim and of the robbery committed on him, considering that Noel Santos was able to fully explain his presence in said vehicle where the body of the victim Morales was found.[22]

Every criminal conviction requires of the prosecution to prove two things: the fact of the crime, i.e., the presence of all the elements of the crime for which the accused stands charged, and the fact that the accused is the perpetrator of the crime. In the instant case we find the prosecution unable to discharge on both aspects, leaving us with no option but to acquit on reasonable doubt.

"Carnapping", as defined by Republic Act No. 6539, or the Anti-Carnapping Act, as amended, is the taking, with intent to gain, of a motor vehicle belonging to another without the latter's consent, or by means of violence against or intimidation of persons, or by using force upon things.[23] By the amendment in Section 20 of Republic Act No. 7659, Section 14 of the Anti-Carnapping Act now reads:

SEC. 14. Penalty for Carnapping. --- Any person found guilty of carnapping, as this term is defined in Section Two of this Act, shall, irrespective of the value of the motor vehicle taken, be punished by imprisonment for not less than fourteen years and eight months and not more than seventeen years and four months, when the carnapping is committed without violence or intimidation of persons, or force upon things, and by imprisonment for not less than seventeen years and four months and not more than thirty years, when the carnapping is committed by means of violence or intimidation of any person, or force upon things; and the penalty of reclusion perpetua to death shall be imposed when the owner, driver or occupant of the carnapped motor vehicle is killed or raped in the course of the commission of the carnapping or on the occasion thereof. (Emphasis supplied)

On the last clause, three amendments have been made to the original Section 14 of the Anti-Carnapping Act: (1) the change of the penalty from life imprisonment to reclusion perpetua, (2) the inclusion of rape, and (3) the change of the phrase "in the commission of the carnapping" to "in the course of the commission of the carnapping or on the occasion thereof." [24] This third amendment makes clear the intention of the law to make the offense a special complex crime, by way of analogy vis-a-vis paragraphs 1 to 4 of the Revised Penal Code on robbery with violence against or intimidation of persons.[25] Thus, under the last clause of Section 14 of the Anti-Carnapping Act, the prosecution not only has to prove the essential requisites of carnapping and of the homicide or murder of Ruel Morales[26] but more importantly, it must show that the original criminal design of the culprit was carnapping and that the killing was perpetrated "in the course of the commission of the carnapping or on the occasion thereof." Needless to say, where the elements of carnapping are not proved, the provisions of the Anti-Carnapping Act would cease to be applicable and the homicide or murder (if proven) would be punishable under the Revised Penal Code.

In the herein case, we find the charge of carnapping unsubstantiated for failure of the prosecution to prove an unlawful taking. The application of the presumption that a person found in possession of the personal effects belonging to a person robbed or killed is considered the author of the aggression, the death of the person, as well as the robbery committed, has been invariably limited to cases where such possession is either unexplained or that the proffered explanation is rendered implausible in view of independent evidence inconsistent thereto.[27] The rebuttal of such presumption, invariably employed in cases of robbery and theft under the Revised Penal Code, validly applies to a case of carnapping, for indeed the concept of unlawful taking in theft, robbery and carnapping is the same, and had it not been for the enactment of the Anti-Carnapping Act, the unlawful taking of a motor vehicle would certainly fall within the purview of either theft or robbery.[28]

However incriminating the circumstances of accused-appellant were --- having been apprehended in an "overspeeding" Toyota Tamaraw FX, which later turned out to be owned by the victim's friend, and where the victim's body and a blood-stained knife were found --- he did in fact set up a defense of duress on which, as the records plainly show, he had been subjected to exhaustive cross-examination by the prosecution. During cross-examination, accused-appellant adhered to his version of the story, insisting that his presence in the FX was for no reason other than as a captive of accused-at-large. While we are not prepared to say that the explanation of accused-appellant is seamless, the point we want to make at this juncture is that once an explanation is offered for the possession of the stolen effects, the presumption arising from unexplained possession may not anymore be invoked and the burden shifts once more to the prosecution to produce evidence that would render the defense of accused improbable. On this burden we find the prosecution in the instant case unable to discharge.

The carnapping not being duly proved, the killing of Ruel Morales may not be treated as an incident of carnapping. Nonetheless, even under the provisions of homicide and murder under the Revised Penal Code, we find that the guilt of accused-appellant was not established beyond reasonable doubt.

The trial court itself admits that there is no direct evidence indicating the guilt of accused-appellant for the killing of Ruel Morales. Following are the circumstantial evidence relied upon for his conviction: first, accused-appellant was in the Toyota Tamaraw FX containing the victim's body and a blood-stained knife; second, the FX was caught "overspeeding" at 2:30 in the morning at a provincial intersection, and the occupants were acting suspiciously; third, earlier accused-appellant was seen with accused-at-large in Pasay City, appearing drunk and behaving rudely; and fourth, he was seen with accused-at-large boarding an FX being driven by the victim, the same FX where the victim's body was subsequently found.

For circumstantial evidence to convict, the Rules of Court require that: (1) there is more than one circumstance; (2) the facts from which the inferences are derived are proven; and (3) the combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.[29] On the latter, decided cases expound that the circumstantial evidence presented and proved must constitute an unbroken chain which leads to one fair and reasonable conclusion pointing to accused, to the exclusion of all others, as the guilty person.[30]

The circumstances abovementioned do not lead to an inference exclusively consistent with the guilt of accused-appellant. Quite to the contrary, we observe that while the arresting officer was preoccupied with opening the rear door of the FX, at which time accused-at-large took the opportunity to flee, accused-appellant remained seated on the front passenger seat, a behavior quite uncommon for a guilty man faced with the inevitability of arrest. Although no one corroborated accused-appellant's allegation that he volunteered the information that there was a dead body at the back of the car, his demeanor all throughout the search of the FX and during his arrest was, to say the least, not inconsistent with the hypothesis of innocence. He did not resist arrest, and during his testimony he did not waver in insisting that it was accused-at-large alone who was responsible for the crime.

Thus, even if we accept as credible all the testimonies of the prosecution witnesses, it does not rule out the probability of accused-appellant's story --- that it was accused-at-large who killed Morales then threatened him at knife-point ---- having taken place, for there were no eyewitnesses to the killing itself, and all the prosecution was able to show were the events before and after the killing of Morales.

A situation as this calls for the application of the equipoise rule, which requires that where the inculpatory circumstances are capable of two inferences, one of which is consistent with the presumption of innocence and the other compatible with a finding of guilt, the court must acquit the accused because the evidence does not fulfill the test of moral certainty and therefore is insufficient to support a judgment of conviction.[31]

Our ruling to acquit does not hold a corollary upholding of the credibility of the testimony of accused-appellant. The basis of the acquittal is reasonable doubt, which simply means that the evidence of the prosecution was not sufficient to sustain the guilt of accused-appellant beyond the point of moral certainty. Proof beyond reasonable doubt, however, is a burden particular to the prosecution and does not apply to exculpatory facts as may be raised by the defense; the accused is not required to establish matters in mitigation or defense beyond a reasonable doubt, nor is he required to establish the truth of such matters by a preponderance of the evidence, or even to a reasonable probability.[32] An acquittal based on reasonable doubt will prosper even though the accused's innocence may be doubted,[33] for a criminal conviction rests on the strength of the evidence of the prosecution and not on the weakness of the defense.[34]

Having resolved against the individual culpability of accused-appellant in this manner, the theory of implied conspiracy of the trial court must likewise fail.

WHEREFORE, the decision in Criminal Case No. 95-7258 of Branch 117 of the Regional Trial Court of Pasay City is hereby REVERSED. Accused-appellant Noel Santos y Crispino is ACQUITTED on the ground that his guilt has not been proved beyond reasonable doubt. His immediate release from detention is hereby ordered, unless other lawful and valid grounds for his further detention exist. No costs.

SO ORDERED.

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

Vitug, J., abroad, on official business.

[1] Presided by Judge Leonardo M. Rivera.

[2] Rollo, 3.

[3] Amended Information; Records of the Case, 40.

[4] TSN, July 24, 1995, 5, 10.

[5] Records of the Case, 6.

[6] TSN, October 3, 1995, 3-8.

[7] TSN, July 24, 1996, 24.

[8] Autopsy Report; Records of the Case, 165.

[9] TSN, July 24, 1995; 26.

[10] TSN, August 15, 1995, 5-6.

[11] TSN, December 13, 1995, 9.

[12] TSN, May 22, 1996, 16.

[13] TSN, June 10, 1996, 6.

[14] Ibid., 7.

[15] TSN, June 26, 1996, 12.

[16] Ibid., 18.

[17] TSN, June 10, 1996, 29-34.

[18] Ibid., 32.

[19] Ibid., 36-37.

[20] RTC Decision; Rollo, 33.

[21] Ibid.; Rollo, 33-34.

[22] Accused-Appellant's Brief; Rollo, 85.

[23] Sec. 2, R.A. No. 6539, as amended.

[24] Prior to the amendment, the last clause of Section 14 of R.A. No. 6539 read: " xxx and the penalty of life imprisonment to death shall be imposed when the owner, driver or occupant of the carnapped vehicle is killed in the commission of the carnapping."

[25] People vs. Mejia, 275 SCRA 127.

[26] In People vs. Mejia, supra, the Court stated that since Section 14 of the Anti-Carnapping Act uses the words "is killed", no distinction must be made between homicide and murder insofar as the penalty is concerned. It is, however, required that the felony of either murder or homicide be consummated for the penalty of reclusion perpetua to death to set in; otherwise, or when the murder or homicide is merely attempted or frustrated, it must be deemed to fall under the clause "when the carnapping is committed by means of violence against or intimidation of any person", also in Section 14 of the same law.

[27] People vs. Geron, 281 SCRA 36.

[28] See People vs. Tan, G.R. No. 135904, January 21, 2000.

[29] Sec. 4, Rule 133, Revised Rules of Court; cited in People vs. Llaguno, 285 SCRA 124; People vs. Mendoza, 284 SCRA 705; People vs. Bato, 284 SCRA 223.

[30] People vs. Geron, supra; see also People vs. Qutorio, 285 SCRA 196; People vs. Llaguno, supra.

[31] People vs. Cawaling, 293 SCRA 267; People vs. Ferras, 289 SCRA 94.

[32] People vs. Geron, supra.

[33] People vs. Fronda, G.R. No. 130602, March 15, 2000.

[34] People vs. Fronda, supra; People vs. Crispin, G.R. No. 128360, March 2, 2000; People vs. Rugay, 291 SCRA 692.

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