

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. TEODORO “JAY” I. GONZALES AND ENRICO “KOKO” SORIANO, ACCUSED-APPELLANTS.

G.R. No. 128282. April 30, 2001

Ponente: PARDO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-128282/>

PARDO, J.:

Accused Teodoro “Jay” I. Gonzales and Enrico Soriano @ “Koko” appeal from the joint decision[1] of the Regional Trial Court, Branch 127, Caloocan City finding each of them guilty beyond reasonable doubt of murder[2] for the death of Froilan Manalo, and sentencing each to reclusion perpetua and to indemnify the heirs of the victim in the amount of P50,000.00, plus actual damages of P30,224.20; and of two (2) counts of frustrated murder[3] against Rolando P. de Leon and Joselito V. Leoncio, sentencing each of them to two terms of an indeterminate penalty of eight (8) years and one (1) day of prision mayor, as minimum, to seventeen (17) years, four (4) months and one (1) day of reclusion temporal, as maximum, and to indemnify Rolando de Leon in the amount of P20,000.00, plus P3,000.00 as actual damages, and Joselito Leoncio in the amount of P20,000.00, and to pay the costs.[4]

On January 23, 1995, Caloocan City Assistant Prosecutor Aurelio R. Ralar, Jr. filed with the Regional Trial Court, Caloocan City an Information for murder against Teodoro “Jay” I. Gonzales and Enrico Soriano @ “Koko” for the death of Froilan Manalo, the accusatory portion of which reads:

Criminal Case No. C-48399:

“That on or about the 19[th] day of September 1994 in Caloocan City, M. M. and within the jurisdiction of this Honorable court, the above-named accused, conspiring together and mutually helping one another, with deliberate intent to kill, treachery and evident premeditation, did then and there willfully, unlawfully and feloniously stab one FROILAN MANALO, thereby inflicting upon the latter serious physical injuries which injuries eventually caused his death.

CONTRARY TO LAW.”[5]

On the same date, Assistant City Prosecutor Aurelio R. Ralar, Jr. filed two separate information for frustrated murder against Teodoro “Jay” I. Gonzales and Enrico Soriano @ “Koko” for the serious physical injuries inflicted on Rolando P. de Leon and Joselito V. Leoncio, the accusatory portions of which read:

Criminal Case No. C-48400:

“That on or about the 19[th] of September 1994 in Caloocan City, M. M. and within the jurisdiction of this Honorable Court, the above-named accused, conspiring together and mutually helping one another, with deliberate intent to kill, treachery and evident premeditation, did then and there willfully, unlawfully and feloniously stab one ROLANDO DE LEON, thereby inflicting upon the latter serious physical injuries, thus performing all the acts of execution as a consequence of which it would have produce the crime of Murder, but which nevertheless did not produce it by reason or causes independent of the will of the herein accused, that is,

due to the timely, able and efficient medical attendance rendered to the victim at the Jose Reyes Memorial Medical Center which prevented his death.

CONTRARY TO LAW.”[6]

Criminal Case No. C-48401:

“That on or about the 19[th] day of September 1994 in Caloocan City, M. M. and within the jurisdiction of this Honorable Court, the above-named accused, conspiring together and mutually helping one another, with deliberate intent to kill, treachery and evident premeditation, did then and there willfully, unlawfully and feloniously stab one JOSELITO LEONCIO, thereby inflicting upon the latter serious physical injuries, thus performing all the acts of execution as a consequence of which it would have produce the crime of Murder, but which nevertheless did not produce it by reason or causes independent of the will of the herein accused, that is, due to the timely, able and efficient medical attendance rendered to the victim at the Jose Reyes Memorial Medical Center which prevented his death.

CONTRARY TO LAW.”[7]

On February 28, 1995, the trial court arraigned accused Teodoro “Jay” I. Gonzales and Enrico “Koko” Soriano. They pleaded not guilty to all charges.[8] Thereafter, the trial court conducted simultaneous trial of the cases.

Past midnight of September 19, 1994, Joselito V. Leoncio, Froilan Manalo, and Rolando P. de Leon went to Atoy King Pub House, located along Samson Road, Caloocan City, just opposite the Caloocan, PNP Police Headquarters. Inside the pub house, Joselito saw accused Teodoro I. Gonzales and Enrico Soriano, together with an unidentified companion. Enrico was wearing a yellow t-shirt, while Teodoro was clad in white sando and short pants. Because accused Enrico was a former schoolmate at A. Bonifacio High School (now Polytechnic College), and he also knew accused Teodoro, who was a son of the former barangay captain of the place where he resided before, Joselito proceeded to their table and chatted with them. After two (2) minutes, he rejoined his companions Froilan and Rolando who were seated at a table next to that of accused Teodoro and Enrico.

Around 1:00 in the morning, and after downing two (2) bottles of beer each, they left the place. When they left, Joselito noticed that the two (2) accused were no longer around.[9]

While Joselito, Froilan, and Rolando were on their way home walking along Gen. San Miguel St., Caloocan City, in front of Polytechnic College, accused Teodoro suddenly appeared from the direction of Bisig ng Kabataan St., Caloocan City. Armed with a fan knife, accused Teodoro attacked Rolando, hitting him at the middle portion of the chest. Rolando noticed another person behind Teodoro, but he failed to recognize him because it was dark.[10] Teodoro made a second attack on Rolando which the latter evaded. Teodoro turned to Froilan and hit him in the stomach.

Teodoro attacked Joselito next. He sustained a wound at the right side of the stomach. He fought back. He picked a stone from the ground and threw it at Teodoro, who retaliated and stabbed Joselito a second time at the left side of the body. While stooping down to pick up the stone, Joselito saw Enrico standing behind the Meralco post some four (4) meters away from where they were. He noticed that Enrico was acting strangely, looking at the back and front direction, as if expecting somebody to come along.[11] Thereafter, Teodoro, still carrying the knife, and Enrico, fled towards the direction of Bisig ng Kabataan St.[12]

Rolando managed earlier to run away. While fleeing from the scene of the crime, Rolando saw the other accused, Enrico Soriano standing behind the Meralco post 4 meters away and acting as the look out. On the way, Rolando met barangay tanods and sought their assistance. The barangay tanods rushed the victims to the Caloocan General Hospital where they were given first-aid treatment. From Caloocan General Hospital, Joselito and Rolando were

transferred to Jose Reyes Memorial Medical Center, while Froilan, who was in very critical condition, was transferred to the MCU Hospital, where he died while undergoing operation.

Barangay tanod Faustino Barredo proceeded to the scene of the crime. Finding nothing, he headed towards Samson Road and met accused Teodoro and Enrico at the railroad tracks near Atoy King Pub House. When Barangay Tanod Barredo approached accused Teodoro to invite him for questioning, the latter resisted and uttered “tabla-tabla lang.”[13]

On October 3, 1994, Joselito and Rolando, assisted by Marissa Manalo, sister of deceased Froilan, reported the incident to the barangay authorities, as well as to the Caloocan City Police Station. PO3 Feliciano Almojuela, Jr. took their statements and affidavits. All the victims pointed to Teodoro “Jay” Gonzales and to “Rico” of Bisig ng Kabataan St. as their assailants.

On October 5, 1994, dissatisfied with the investigation conducted by Caloocan City policemen, Joselito and Rolando went to the National Bureau of Investigation (NBI) and executed a statement before NBI agent Arnel Garcia. They identified the assailants as Teodoro “Jay” Gonzales and one Rico alias Koko.

In the morning of January 31, 1995, while Joselito was recuperating at his house in Paombong, Bulacan, the parents of accused Teodoro and Enrico arrived. Accompanied by five unidentified persons, they asked him if it was possible for him not to testify in the criminal cases, adding that “[I]kaw rin, may pamilya ka.”[14]

Joselito took this as a threat as they even told him that win or lose, they would return for him. Thus, he acceded to their request. Before leaving their house, the parents of the accused assured him that his hospitalization expenses would be reimbursed. On February 3, 1995, the incident was recorded in the police blotter of Paombong Police Station.[15]

Dr. Ronnie Torres, the surgeon who performed the operation on Froilan Manalo testified that the victim was in critical condition when the operation was conducted. He sustained a 2.5 cm. single stab wound at the left sub-coastal area, which proved to be fatal. Froilan Manalo expired on the operating table at exactly 5:20 in the morning of September 19, 1994.[16] Based on the death certificate, the cause of Froilan’s death was:

“CAUSES OF DEATH:

“Immediate cause : a. Hypovolemic shock

“Antecedent cause : b. Intra-abdominal injuries

“Underlying cause : c. Stab wound, abdomen”[17]

Testifying on the civil aspect of the case for the death of Froilan Manalo, his sister, Marissa Manalo declared that the family incurred expenses in the total amount of P30,224.60.[18]

Based on the medico-legal certificate issued by Dr. Rodel P. Galang, attending physician at the Jose Reyes Memorial Medical Center, Joselito V. Leoncio sustained the following injuries:

“Sutured wound, 2.0 cm., subcostal area, right

“Sutured wound, 1.0 cm., 10[th] ICS, MAL, left

“Diaphragmatic injury, 2 cm., with active bleeding;

“(+) AB”[19]

For this, Joselito paid P8,000.00 for his six (6) days hospitalization at the Jose Reyes Memorial Medical Center,

of which only P3,000.00 was supported by receipts.[20]

Rolando P. de Leon sustained a “stab wound, 2.0 cm., 6[th] ICS, PSL, right (+) AB; lacerated wound, 5 cm., infrazygomatic area, left; lacerated wound, 5 cm., parieto-temporal area, left,”[21] and spent P5,000.00 for medicine and hospitalization expense. He failed to present the corresponding receipts.

In their defense, accused Teodoro “Jay” I. Gonzales and Enrico “Koko” Soriano both interposed denial and alibi.

Accused Teodoro I. Gonzales testified that at about 10:00 in the evening of September 18, 1994, together with companions, Ronnie Soriano and another named Bobby, they went to Atoy King Pub House to drink beer. At around 11:45 in the evening, the group of Froilan, Joselito and Rolando arrived at the same pub house. A few minutes after, Enrico noticed that Rolando was engaged in an argument with a balut vendor, with Rolando ending up returning the balut to the vendor.[22] Around 12:30 the next morning, they left the pub house. After thirty (30) minutes, accused Teodoro and Enrico also left the pub house. Their unidentified companion was left behind at the pub.[23]

On the way home, while walking near the railroad tracks, accused Teodoro and Enrico met Remigio Recaya and the members of the barangay tanod. They were questioned about the stabbing incident that occurred earlier in front of Polytechnic College. Accused Teodoro and Enrico denied any knowledge about it. They were bodily frisked, but nothing was found in their persons.[24] Thereafter, they were invited to the barangay outpost for questioning. In the course of the investigation, Barangay Tanod Barredo collared accused Teodoro by the neck and said “baka kasama kayo,” to which Teodoro responded “wala kaming alam diyan, tabla-tabla tayo.”[25] Failing to elicit anything from the accused, Barangay Captain Ely Natividad permitted them to go home.

Before going home, accused Enrico passed by the house of Froilan Manalo to inform his mother that Froilan had been stabbed. However, his mother had been informed about the incident.[26]

The defense presented PO3 Feliciano Almojuela of the Caloocan City Police Station to show that the victims failed to identify their assailants when they were initially questioned at the hospital.[27] It was only on October 3, 1994 that the victims, together with Marissa Manalo, sister of one of Froilan Manalo, reported the incident to the Caloocan City PNP Station and identified their assailants as accused Teodoro and Enrico.[28]

Benjamin Bring, Joselito’s and Rolando’s uncle denied that a complaint for threat had been lodged against him and the parents of the accused. He admitted that on January 31, 1995, he and the parents of the accused together with two others went to Joselito’s house in Paombong, Bulacan to inquire from the latter why he was implicating innocent persons, to which Joselito did not reply.[29]

When questioned why he was giving a testimony adverse to that of his nephews,[30] Benjamin replied that he was not testifying against them, but merely telling the truth. He loved his nephews and his relationship with their respective families was cordial.[31]

After due trial, on January 10, 1997, the trial court rendered a decision finding accused Teodoro “Jay” I. Gonzales and Enrico Soriano @ “Koko” guilty of murder for the killing of Froilan Manalo[32] and of two counts of attempted murder[33] for the serious physical injuries inflicted on Joselito Leoncio and Rolando Manalo. The trial court relied on the straightforward and categorical testimonies of prosecution witnesses and rejected accused’s defense of denial and alibi. The trial court held that alibi could not prevail over the positive identification of the accused by the prosecution witnesses. The dispositive portion of the decision reads as follows:

“WHEREFORE, premises considered and the prosecution having established the guilt beyond an iota of doubt of the Accused TEODORO GONZALES and ENRICO SORIANO, and in the absence of any modifying circumstance, hereby sentences them as follows:

“1. In Crim. Case No. 48399 for Murder- to suffer each the penalty of reclusion perpetua; to indemnify each the heirs of the deceased FROILAN MANALO the amount of P50,000.00 plus actual damages of P30,224.20;

“2. In Crim. Case No. 48400- for Attempted Murder to suffer each the indeterminate prison term of from eight (8) years and one (1) day of Prison Mayor as minimum to seventeen (17) years, four (4) months and one (1) day of Reclusion Temporal as maximum; to indemnify each the offended party ROLANDO DE LEON the amount of P20,000.00 plus P3,000.00 as actual damages;

“3. In Crim. Case No. 48401 to suffer each the indeterminate prison term of from eight (8) years and one (1) day of Prison Mayor as minimum to seventeen (17) years, four (4) months and one (1) day of Reclusion Temporal as maximum, to indemnify each the offended party the amount of P20,000.00.

“With costs against the Accused in all the above cases.

“The period of the Accused preventive imprisonment [sic] shall be credited in full in the service of their respective sentences if they agree in writing to abide by the rules imposed upon convicted prisoners pursuant to Art. 29 of the Revised Penal Code.

“SO ORDERED.

“Caloocan City, January 10, 1997.

[Sgd.]

“MYRA DIMARANAN VIDAL

“Judge”[34]

Accused Teodoro “Jay” I. Gonzales filed a notice of appeal on January 31, 1997.[35] Co-accused Enrico Soriano @ “Koko” filed his appeal on February 3, 1997.[36]

Accused-appellant Enrico Soriano @ “Koko” alleged that the trial court erred in concluding that there was conspiracy.[37] He contended that mere physical presence at the scene of the crime, without the performance of any overt act, would not suffice to give rise to conspiracy. If at all, the evidence showed that it was only accused-appellant Teodoro I. Gonzales who was responsible for all the crimes. Hence, he prayed for an acquittal.

For his part, accused-appellant Teodoro I. Gonzales reiterated the defense of alibi. He claimed that it was physically impossible for him and co-accused Enrico Soriano to be in two places at the same time, at the scene of the crime and at the same time at the pub house, which is about 100 meters away from where the stabbing incident occurred. He alleged that the trial court erred in relying heavily on the positive identification made by the victims, despite the fact that the evidence pointed to an unidentified assailant. Neither was the prosecution able to advance any ill motive against the accused for them to commit the crimes in question.

As a general rule, the trial court’s evaluation of the testimony of the witnesses is accorded respect and finality in the absence of any indication that it overlooked certain facts or circumstances of weight and influence, which if considered, would alter the result of the case.[38] There were no such facts or circumstances.

However, we find merit in accused-appellant Enrico Soriano’s contention regarding the absence of conspiracy.

Conspiracy is not presumed.[39] To effectively serve as a basis for conviction, conspiracy must be proved as convincingly as the criminal act itself.[40] There must be proof that two or more persons came to an agreement concerning the commission of a felony, and decided to commit it.[41]

In the instant case, there was no proof of a prior agreement between the two accused-appellants. What was clear

was how the offenses had been committed. Witnesses indubitably identified accused-appellant Teodoro I. Gonzales as the lone assailant. There was no showing that accused-appellant Enrico Soriano, though present at the scene of the crime, performed any overt act or actively participated and assisted Teodoro in the commission of the crime. What was extant in the records was the fact that accused-appellant Enrico was within the premises when co-accused Teodoro attacked and stabbed Joselito, Rolando and Froilan.

The trial court deduced the existence of conspiracy from the following facts: “(1) accused Soriano and Gonzales left Atoy King Pub House together; (2) the duo entered the crime scene together; (3) while accused Gonzales struck the stabbing blows against the victims, accused SORIANO posted himself at a strategic distance purportedly to watch the approach of anyone to see to it that no one would come to the aid of the victims; (4) after the assault the duo fled together from the scene of the incident.”[42]

Mere presence at the scene of the crime at the time of its commission is not, by itself, sufficient to establish conspiracy.[43] To establish conspiracy, evidence of actual cooperation rather than mere cognizance or approval of an illegal act is required.[44] “Nevertheless, mere knowledge, acquiescence or approval of the act, without the cooperation or agreement to cooperate, is not enough to constitute one a party to a conspiracy, but that there must be intentional participation in the transaction with a view to the furtherance of the common design and purpose.”[45]

The fact that accused-appellant Enrico Soriano and co-accused Teodoro I. Gonzales were drinking together at the Atoy King Pub House would not be sufficient to justify the conclusion that conspiracy existed, for a perceived intimacy among friends does not give much significance to the existence of criminal conspiracy.[46] Neither could the fact that Enrico and Teodoro left the scene together, without the performance of any other act, instantly support a finding of conspiracy,[47] for conspiracy transcends companionship.[48]

Moreover, accused-appellant Enrico Soriano’s behavior after the stabbing incident belies his guilt and active involvement in its commission. Conspiracy may be inferred from the conduct of the accused, before, during and after the commission of the crime, which, if all taken together, would reasonably be strong to show a community of criminal design.[49] In this case, however, despite knowledge that he was a prime suspect, accused-appellant unabashedly went to the house of one of the deceased Froilan Manalo, and braved possible harm or injury to himself in the event that the latter’s relatives act in retaliation. This reaction is consistent with “a truly innocent person who would normally grasp the first available opportunity to defend himself and to assert his innocence over a crime imputed against him.”[50]

Hence, in the absence of conspiracy, if the inculpatory facts and circumstances are capable of two or more explanations, one of which is consistent with the innocence of the accused and the other consistent with his guilt, then the evidence does not fulfill the test of moral certainty[51] and is not sufficient to support a conviction.[52] As the prosecution failed to discharge its burden to overcome the constitutional presumption of innocence, then it is not only the accused’s right to be freed; it is, even more, the court’s constitutional duty to acquit him.[53] Thus, accused-appellant Enrico Soriano’s acquittal is in order.

The conclusion, however, is different with regard to accused-appellant Teodoro I. Gonzales whose defense is primarily anchored on alibi. We have consistently held that this defense is considered with suspicion and received with caution, not only because it is inherently weak and unreliable, but also because it is easily fabricated and concocted.[54] For this defense to prosper, it would not be enough for the accused to prove that he was elsewhere when the crime was committed. He must further demonstrate that it would have been physically impossible for him to be at the scene of the crime at the time of its commission.[55]

In the case at bar, Joselito and Rolando who survived the attack positively identified accused-appellant Teodoro I.

Gonzales as the assailant. We do not doubt the credibility of the victims when they pointed to accused-appellant since they were familiar with accused-appellant Teodoro. Despite the darkness of the night, recognition and identification of accused-appellant Teodoro was made possible not only by the light from the Meralco post, but more by the fact that the accused and the victims were familiar with one another. Once a person has gained familiarity with another, identification becomes quite an easy task even from a considered distance.[56]

The failure of Joselito and Rolando to reveal at once the identity of the accused as one of the perpetrators of the crime does not affect, much less impair, their credibility as witnesses.[57] The probative value of testimonial evidence, particularly that which relates to the identity of the culprits, will not be diminished as long as the main testimony jibes on material points.[58] The testimonies of Rolando and Joselito were candid, straightforward and consistent and positively pointed to accused-appellant Teodoro I. Gonzales as the culprit.

Hence, the defense of denial and alibi crumbles in light of the unwavering and positive identification of the assailant. Positive identification, where categorical and consistent, prevails over unsubstantiated denials because the latter are negative and self-serving, and thus, cannot be given any weight on the scales of justice.[59]

Moreover, contrary to what accused-appellant Teodoro I. Gonzales contends, it was not physically impossible for him to be at the place where the crime took place, stabbed the victims and then rushed back to the pub house where they were apprehended by the members of the barangay tanod. The place where the crime took place was very near. It was only about a hundred meters away from the pub house.

With regard to the attendance of the qualifying circumstance of treachery, the court a quo properly considered this, as the attack on the victims was sudden, catching them unaware and giving them no opportunity to defend themselves or retaliate.[60] The elements of treachery are: (1) the employment of means, methods or forms of execution that give the person attacked no opportunity to defend himself or retaliate; and (2) the deliberate and conscious adoption of the means of execution.[61] Without any provocation or aggression on the part of the victims, accused-appellant Teodoro I. Gonzales suddenly appeared and stabbed Joselito, Rolando and Froilan, who were all unarmed and completely unaware of any impending danger to their lives.[62]

Thus, the killing of Froilan Manalo, as correctly found by the trial court, was murder attended with the qualifying circumstance of treachery.[63] With regard to the physical injuries sustained by Joselito V. Leoncio and Rolando P. de Leon, we sustain the court a quo's finding that the offense committed was attempted murder, in the absence of showing that the wounds sustained by the victims were fatal and sufficient to cause their death, if not for timely medical attention.

For the death of Froilan Manalo, the award of P50,000.00, as civil indemnity without need of specific proof of damages is proper.[64]

WHEREFORE, the Court AFFIRMS the appealed decision of the Regional Trial Court, Branch 127, Caloocan City in Criminal Cases Nos. C-48399, C-48400 & C-48401 with modification.

In Criminal Case No. C-48399, the Court sentences accused-appellant Teodoro "Jay" I. Gonzales to reclusion perpetua, and to indemnify the heirs of Froilan Manalo in the amount of P50,000.00, as civil indemnity, and P30,000.00, as actual damages.

In Criminal Case No. C-48400, the Court sentences accused-appellant Teodoro "Jay" I. Gonzales to an indeterminate penalty of eight (8) years and one (1) day of prision mayor, as minimum, to seventeen (17) years, four (4) months and one (1) day of reclusion temporal, as maximum, to indemnify Rolando de Leon in the amount of P20,000.00, as civil indemnity, plus P3,000.00, as actual damages.

In Criminal Case No. C-48401, the Court sentences accused-appellant Teodoro “Jay” I. Gonzales to an indeterminate penalty of eight (8) years and one (1) day of prision mayor, as minimum, to seventeen (17) years, four (4) months and one (1) day of reclusion temporal, as maximum, to indemnify Joselito Leoncio in the amount of P20,000.00, as civil indemnity.

With costs against accused Teodoro “Jay” I. Gonzales in all the cases.

The Court ACQUITS accused-appellant ENRICO SORIANO @ “KOKO” of the charges against him for failure of the prosecution to prove his guilt beyond reasonable doubt.

Costs de officio.

The Director of Corrections is hereby directed to forthwith release accused-appellant Enrico Soriano @ “Koko” unless he is lawfully held for another case, and to inform the Court of his release within ten (10) days from notice.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Puno, Kapunan, and Ynares-Santiago, JJ., concur.

[1]In Criminal Case No. C-48399, for Murder and Criminal Cases Nos. C-48400 and C-48401, for Frustrated Murder, Joint Decision dated January 10, 1997, Judge Myrna Dimaranan Vidal, presiding, Rollo, pp. 151-163; Two judges heard the proceedings in these cases. Judge Oscar Payawal heard the testimonies of the prosecution, while it was Judge Myrna Dimaranan Vidal who heard the testimonies of the defense.

[2]In Criminal Case No. C-48399.

[3]In Criminal Cases Nos. C-48400 and C-48401.

[4]Regional Trial Court Decision, Rollo, pp. 31-43.

[5]Rollo, p. 6.

[6]Rollo, p. 7.

[7]Rollo, p. 8.

[8]Regional Trial Court Records, p. 37.

[9]TSN, May 3, 1995, pp. 6-13.

[10]TSN, August 1, 1995, p. 16.

[11]TSN, May 3, 1995, pp. 15-19.

[12] Ibid., p. 23.

[13]TSN, August 6, 1996, pp. 9-11.

[14]TSN, January 22, 1996, p. 12.

[15]Ibid., pp. 13-14.

[16]TSN, July 22, 1996, pp. 5-6.

[17]Regional Trial Court Records, p. 3.

[18]Consists of hospitalization expense of P17,224.20, as well as for funeral and incidental expenses of P13,000.00.1

[19]Exhibit “A”, Folder of Exhibits for Prosecution, p. 1.

[20]Exhibits “B-1 to B-40”, Folder of Exhibits for Prosecution, pp. 2-13.

[21]Exhibit “C”, Folder of Exhibits for Prosecution, p. 14.

[22]TSN, September 3, 1996, p. 4.

[23]TSN, August 21, 1996, pp. 3-7.

[24]TSN, September 3, 1996, pp. 5-6.

[25]TSN, August 21, 1996, p. 10.

[26]TSN, September 3, 1996, p. 7.

[27]TSN, August 14, 1996, pp. 6-7.

[28]Ibid., p. 12.

[29]TSN, September 2, 1996, pp. 3-7.

[30]The fathers of accused Teodoro Gonzales and Enrico Soriano are both first cousins of witness Benjamin Bring.

[31]TSN, September 2, 1996, p. 11.

[32]In Criminal Case No. C-48399.

[33]In Criminal Cases Nos. C-48400 & C-48401.

[34]Regional Trial Court Decision, Rollo, pp. 31-43, at pp. 42-43.

[35]Rollo, p. 44.

[36]Rollo, p. 45.

[37]Rollo, p. 55.

[38]People v. Merino, 321 SCRA 199, 213 [1999]; People v. Catampangan, 318 SCRA 676, 683 [1999]; People v. Batoon, 317 SCRA 545, 551 [1999]; People v. Manegdeg, 316 SCRA 689, 698 [1999]; People v. Clemente, 316 SCRA 667, 673 [1999]; People v. Roganas, 316 SCRA 457, 467 [1999]; People v. Tahop, 315 SCRA 465, 473-474 [1999].

[39]Froilan v. Sandiganbayan, G. R. No. 115221, March 17, 2001; People v. Gomez, 337 Phil. 160, 170 [1997], citing Magsuci v. Sandiganbayan, 310 Phil. 14, 19 [1995].

[40]De Carlos v. Court of Appeals, 312 SCRA 397, 407 [1999].

[41]People v. Quitlong, 354 Phil. 372 [1998]; People v. Tadeje, 310 SCRA 426 [1999].

[42]Regional Trial Court Decision, Rollo, p. 42.

[43]People v. Desoy, 312 SCRA 432, 445 [1999]; Abad v. Court of Appeals, 353 Phil. 247, 253 [1998].

[44]People v. Tabuso, 317 SCRA 454, 459 [1999]; People v. Alas, 340 Phil. 423, 436 [1997].

- [45]People v. Del Rosario, 305 SCRA 740, 755 [1999].
- [46]People v. Patalinghug, 318 SCRA 116, 140 [1999].
- [47]Ibid., at p. 141 [1999].
- [48]People v. Bolivar, 317 SCRA 577, 592 [1999]; People v. Del Rosario, supra Note 43, 756 [1999].
- [49]People v. Mahinay, 304 SCRA 767, 778 [1999].
- [50]People v. Solis, 353 Phil. 721, 733 [1998].
- [51]People v. Marcos, 305 SCRA 1, 13 [1999].
- [52]People v. Saturno, G. R. No. 126959, March 28, 2001; People v. Lomboy, 309 SCRA 440, 465 [1999].
- [53]People v. Muleta, 309 SCRA 148, 176 [1999].
- [54]People v. Guarin, 317 SCRA 234, 242 [1999]; People v. Andales, 312 SCRA 738, 747 [1999]; People v. Batidor, 303 SCRA 335, 350 [1999]; People v. Cawaling, 293 SCRA 267, 306 [1998]; People v. Tulop, 289 SCRA 316 [1998].
- [55]People v. Lachica, 316 SCRA 443, 453 [1999]; People v. Floro, 316 SCRA 304, 313-314 [1999]; People v. Marcelino, 316 SCRA 104 [1999]; People v. Domingo, 312 SCRA 487, 499 [1999]; People v. Atrejenio, 310 SCRA 229, 243 [1999].
- [56]People v. Reyes, 309 SCRA 672, 634-635 [1999].
- [57]People v. Adoviso, 309 SCRA 1, 13-14 [1999].
- [58]People v. Bihison, 308 SCRA 510, 525 [1999].
- [59]People v. Carullo, 311 SCRA 680, 691-692 [1999].
- [60]People v. Botona, 304 SCRA 712, 735 [1999].
- [61]People v. Realin, 301 SCRA 495, 513-514 [1999].
- [62]People v. Benito, 303 SCRA 468, 479 [1999].
- [63]People v. Verde, 302 SCRA 690, 706 [1999].
- [64]People v. Borreros, 306 SCRA 680, 694 [1999]; Fortune Express, Inc. v. Court of Appeals, 305 SCRA 14, 24 [1999].

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.