

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. BILLY DE LEON, DOMINADOR DE LEON AND LEOPOLDO DE LEON, ACCUSED.

G.R. No. 129057. January 22, 2001

Ponente: DE LEON, JR., J.

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DE LEON, JR., J.:

This is an appeal from the Decision[1] dated January 30, 1997 of the Regional Trial Court, Branch 38, Lingayen, Pangasinan, in Criminal Case No. L-5499, finding accused-appellants Leopoldo and Dominador, both surnamed de Leon, guilty of murder and sentencing them to suffer the penalty of Reclusion Perpetua and to pay, jointly and severally, the heirs of the deceased victim, Ignacio Jimenez, the sum of P15,000.00 as actual damages, P50,000.00 as compensatory damages and P50,000.00 as moral damages, as indemnity plus the cost of the suits.

The record shows that on July 23, 1996, Assistant City Prosecutor (on detail) Abraham L. Ramos II filed with the Regional Trial Court of Lingayen, Pangasinan an Information charging the brothers, Billy, Dominador and Leopoldo, all surnamed de Leon, with murder, allegedly committed as follows:

That on or about the 13th day of June 1996 in the afternoon, in barangay Lomboy, Municipality of Binmaley, province of Pangasinan, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping one another, armed with a bladed instrument, with treachery and used of superior strength and intent to kill, did then and there wilfully, unlawfully and feloniously attack, assault and stab Ignacio Jimenez, inflicting upon him the following:

- multiple stab wounds chest
- multiple hacked wound head with fracture

which injuries directly caused his death, to the damage and prejudice of the heirs of the said Ignacio Jimenez.

Contrary to Article 248 of the Revised Penal Code.[2]

Only appellants Leopoldo and Dominador de Leon were brought to trial inasmuch as co-accused Billy de Leon evaded arrest. Upon being duly arraigned, Leopoldo and Dominador pleaded "Not Guilty".[3]

The prosecution's case relied primarily on the testimony of prosecution witnesses, Chito (Tito) Jimenez and Annaluz Hilarion, who claimed to have personally witnessed the killing as well as on the post-mortem examination and findings of Dr. Nicanor Arzadon who testified thereon.

Chito Jimenez, son of the victim, Ignacio Jimenez, testified that on June 13, 1996 at around 3:00 o'clock in the afternoon, while watching a game of pool beside the house of Romy Castro in Barangay Lomboy, Binmaley, Pangasinan, he saw accused Billy de Leon struck his father, Ignacio with a cap. Chito called the attention of Billy to the fact that his father was already old. Instead of heeding Chito's request, Billy boxed him on the stomach, forcing Chito to retaliate, thus a fistfight ensued. Ignacio pacified Billy and Chito, after which Ignacio and Billy left while Chito remained in the said place. Ten (10) minutes later, Billy returned, and immediately boxed and

slapped Chito several times and drew a 10-inch long bolo. Chito ran towards the southern direction and met his father, Ignacio who came out of their house. While he was 10 meters away from his father, he stopped and saw Billy accosting and stabbing his father on the stomach several times. At that very instant, Leopoldo and Dominador arrived, and thereupon Leopoldo held the arms of his father, Ignacio, while Dominador stabbed the back portion of Ignacio's head. Thereafter, the three (3) brothers ran away while the victim, Ignacio, walked towards his house and once near Chito, told his son to bring him to the hospital. Chito called Annaluz Hilarion who was five (5) meters away from the incident, to accompany them to the hospital. The victim was brought to the Pangasinan Provincial Hospital in Dagupan City where he later expired.[4]

Annaluz Hilarion corroborated the testimony of Chito Jimenez on some material points. Annaluz testified that at around 3:00 o'clock in the afternoon of June 13, 1996 while she was resting in their house, she heard a startling commotion outside their house. Immediately, she stood up and looked through the window and saw Chito running southward to their house, and being chased by Billy who was followed by Leopoldo and Dominador. She also saw Chito's father, Ignacio, walking towards the opposite direction. When the de Leon brothers met Ignacio, they accosted the latter. Billy stabbed Ignacio on the stomach and then Leopoldo held the arms of Ignacio while Dominador took his turn in stabbing the said victim at the back of his head. Thereafter, Billy continued stabbing Ignacio on the right side of the stomach several times, and then the said de Leon brothers ran away. Ignacio struggled toward the direction of his house, but he fell down and was not able to reach the same. Together with Chito, they brought the victim to the Pangasinan Provincial Hospital in Dagupan City but expired while being treated.[5] Annaluz likewise stated that neither Chito nor Ignacio was holding a stone or any weapon at the time she saw them.[6]

Nicanor Arzadon, resident physician of the Pangasinan Provincial Hospital[7] at Dagupan City testified on the injuries sustained by Ignacio and the cause of his death. He testified that he conducted an autopsy of the victim several hours after the latter's death and thereafter prepared an autopsy report. In his post-mortem examination,[8] he observed the following wounds sustained and the cause of death of the victim, thus:

- Incised wound 7 cm. angle of mandible (L) located on the left face;
- Hacked wound 8 cm. Temporal area (L) on the left side of the head;
- Stab wound 3 cm. (L) midaxillary line, level of the 7th ICS, penetrating, perforating middle portion lower lobe (L) lung;
- Stab wound 4 cm., 8th ICS, ant. Axillary line, penetrating, lacerating diaphragm, penetrating, perforating greater curvature of stomach;
- Stab wound 4 cm. mid. Hypochondria area, (L) penetrating, perforating lesser curvature;
- Stab wound, 3 cm. Epigastric area (L) penetrating, perforating body of stomach, thru and thru, penetrating, lacerating body of pancreas;
- Stab wound 7 cm. Intercostal space, mid-clavicular line (R) non-penetrating, right side below right nipple;
- Stab wound 3 cm. Intercostal space, midclavicular line (R) penetrating lacerating lower lobe (R) liver;
- Hacked wound, 6 cm. parietal area;
- Massive intra-abdominal bleeding.

CAUSE OF DEATH: Hypovolemia 2[o] to multiple stab wound.

Dr. Nicanor Arzadon declared that a sharp bladed instrument caused the said wounds, and based on the sizes of

the wounds, it is likely possible that two (2) or more kinds of weapons were used in hacking or stabbing the victim.[9]

Rita Jimenez, wife of victim Ignacio, testified regarding the expenses incurred by the family in connection with her husband's death, as follows: for the 9 days vigil, P4,500.00; for coffin and funeral services, P7,500.00; for the autopsy examination, P1,000.00; for wreath, P1,000.00; for the last night vigil, P3,500.00; for food and fish, P2,000.00; for church rites, P600.00; for the novena, P500.00; and for the lompos, P1,500.00.[10]

On their part, both accused-appellants Leopoldo and Dominador invoked the defense of denial and alibi. They claimed that in the afternoon of June 13, 1996, they went to Manat, Binmaley upon the invitation of Modesto Reyes, to harvest fish in the latter's fishpen. They arrived at around 1:00 o'clock in the afternoon and left the said place at around 3:00 o'clock in the afternoon of the same day. At around 4:00 o'clock, they were already home. Mercedes, wife of Leopoldo, informed them that their brother, Billy, stabbed Ignacio. Mercedes told Leopoldo not to go out of the house as Ignacio's sons might retaliate against them. When the policemen arrived, Leopoldo and Dominador were invited to the police station. After some questioning by SPO4 Crispin Cancino, they were asked to go out of the room and made to sign the police blotter. They were not allowed to leave the police station, and on the following day, they were placed behind bars.[11]

Mercedes de Leon, wife of Leopoldo, Dina de Leon, wife of Dominador and Modesto Reyes, owner of the fishpen where accused-appellants have allegedly harvested fish, tried to corroborate accused-appellants' alibi. Those three (3) defense witnesses declared that at the time of the stabbing incident, Leopoldo and Dominador were at Manat, Binmaley, Pangasinan, harvesting fish; and that accused-appellants arrived home from Manat at 4:00 o'clock in the afternoon, or after the stabbing incident.

On January 30, 1997, a Decision was rendered by the trial court finding accused-appellants guilty of murder. The judgment reads:

Accordingly, in the light of all the considerations discussed above, the court finds and holds the accused, Dominador de Leon and Leopoldo de Leon, guilty beyond reasonable doubt of the crime of Murder charged in the Information filed against them, and pursuant to law, hereby sentences each of the above-named accused to suffer the penalty of Reclusion Perpetua and to pay proportionately the cost of the proceedings.

The court further directs the accused to indemnify jointly and severally the heirs of the deceased, the sum of P15,000.00 as actual damages; P50,000.00 as compensatory damages and P50,000.00 as moral damages, without subsidiary imprisonment in case of insolvency.

And considering that accused, Billy de Leon is still at large and has not yet been arrested up to the present, let the record of the case insofar as said accused is concerned be sent to the files, without prejudice on the part of the prosecution to prosecute him after he is arrested or has surrendered to the court.

Meantime, let an order of arrest be issued against accused Billy de Leon, to be served upon him by the PNP, Binmaley, CIG, Dagupan City and NBI, Dagupan City.

SO ORDERED.

Hence, this appeal.

Accused-appellants, in their appeal prayed for acquittal by (1) impugning the credibility of the two (2) main prosecution witnesses, Chito Jimenez and Annaluz Hilarion, and (2) claiming alibi that they were somewhere else when the crime happened.

On the first issue for resolution, i.e. whether the trial court erred in giving credence to the prosecution's version of

the incident that not only Billy de Leon, but also accused-appellants Leopoldo and Dominador were guilty of stabbing the victim, Ignacio Jimenez, to death, well settled is the rule that when the issue is one of credibility of witnesses, appellate courts will generally not disturb the findings of the trial court, considering that the latter is in a better position to decide the question, having heard the witnesses themselves and observed their deportment and manner while testifying during the trial, unless the trial court has plainly overlooked certain facts of substance and value that, if considered, might affect the result of the case.[12] No cogent reasons exist to disturb the factual findings of the trial court, more particularly on its assessment of the credibility of the prosecution witnesses.

The trial court correctly ascertained that the testimonies of the prosecution witnesses Chito and Annaluz clearly and adequately proved how the killing happened and the extent of accused-appellants' participation in that incident. Both witnesses testified in a straightforward, clear and positive manner and the court finds no valid and plausible reason to discredit the truth and veracity of their narration. As recounted by Annaluz in her testimony -

ATTY. BASBAS

Will you kindly tell the Honorable Court what was that incident that called your attention, Madam Witness?

A They said that there is trouble, sir.

Q What, if any, did you do when you heard the word in Pangasinan dialect, "gulo", which means trouble?

A I stood up and looked out the window, sir.

Q What, if any, did you see when you looked out the window?

A I saw Chito Jimenez running, then, Ignacio Jimenez passed by, sir.

COURT

Passed by your house?

A Yes, sir.

ATTY. BASBAS

To what direction was Chito Jimenez proceeding when you saw him running?

A Towards their house, south direction, sir.

Q How about Ignacio Jimenez?

A While Ignacio Jimenez was running towards the north direction, sir.

Q By the way, do you know the relation between Ignacio Jimenez and Chito Jimenez?

A They are father and son, sir.

Q

What happened next after you saw Chito Jimenez running towards their house going to southern direction and Ignacio Jimenez on the northern direction?

A Billy de Leon, Dominador de Leon and Leopoldo de Leon were also running, sir.

Q

To what direction were [sic] Billy de Leon, Dominador de Leon and Leopoldo de Leon proceedings when you saw them running?

A They were chasing Chito Jimenez, sir, going south.

Q

What happened next after you saw Billy de Leon, Dominador de Leon and Leopoldo de Leon running and chasing Chito Jimenez?

A They saw Ignacio Jimenez and they accosted him, sir.

Q When you said they accosted him, to whom are you referring to as accosted?

A Ignacio Jimenez, sir.

Q

After Ignacio Jimenez was accosted by the three (3) Billy de Leon, Dominador de Leon and Leopoldo de Leon, what happened next?

A They stabbed him, sir.

Q Do you know who among the three (3) stabbed Ignacio Jimenez?

A First, it was Billy de Leon who stabbed Ignacio Jimenez while Leopoldo de Leon held Ignacio Jimenez, sir.

Q After Leopoldo de Leon held Ignacio Jimenez, what happened next?

A

Then, Dominador de Leon stabbed Ignacio Jimenez on his head, sir. (Witness pointing the back top of the head).

Q

Will you kindly stand up, Madam witness, and demonstrate before this Honorable Court how did Leopoldo de Leon hold Ignacio Jimenez?

A

Like this, sir (Witness place herself behind with both arms holding the shoulder. The court interpreter represents the victim in the demonstration through the armpit).

Q What happened next after Dominador de Leon stabbed Ignacio Jimenez at the back of his head?

A Then, Billy de Leon kept on stabbing the victim, sir.

Q

By the way, Madam Witness, you mentioned a while ago that Billy de Leon first stabbed Ignacio Jimenez, my question, what part of the body of Ignacio Jimenez was hit by Billy de Leon when he was first stabbed by Billy de Leon?

A On his stomach, sir (Witness pointing to the right side of his stomach).

Q

And when you said that Billy de Leon continued stabbing Ignacio Jimenez after he was stabbed by Dominador de Leon at the back of his head, what part or parts of the body of Ignacio Jimenez was hit by Billy de Leon?

A On the abdomen, sir.

Q What happened next after Billy de Leon stabbed Ignacio Jimenez in the abdomen?

A The three (3) ran away, sir.[13]

On cross-examination, Annaluz categorically stated that:

ATTY. CAMPOS

By the way, who was the first one whom you saw running among the three?

A Billy de Leon was ahead, sir.

COURT

Followed by?

A Dominador de Leon and Leopoldo de Leon, sir.

ATTY. CAMPOS

As you sense they were running, they were chasing Chito Jimenez?

A Yes, sir.

Q And they were unable to catch Chito Jimenez?

A No, sir.

Q At that time when you saw Billy de Leon, he was already injured, am I correct?

A Not yet, sir.

Q You did not see him to have wound on his head?

A None, sir?

Q

Along their way, Madam Witness, the three (3), Billy de Leon, Dominador de Leon and Leopoldo de Leon, met Ignacio Jimenez who was running towards north?

A Yes, sir.

Q

It was at that instance the three (3) met Ignacio Jimenez when the three (3), according to you, stabbed Ignacio Jimenez?

A Yes, sir.

Q

When you saw Billy de Leon, Dominador de Leon and Leopoldo de Leon running and chasing Jimenez, you did not see them arm, am I correct?

A They were armed, sir.

Q And who was armed, Madam Witness?

A The three (3) were armed, sir.

Q And what was Billy de Leon carrying with him as a weapon?

A Billy de Leon was carrying a bolo about one (1) foot long, sir.

Q How about Dominador de Leon?

A Bolo with the same size, sir.

Q How about Leopoldo de Leon?

A Before he held Ignacio Jimenez on the shoulders, he threw his bolo, sir.

Q Were you able to find this bolo which was thrown by Leopoldo de Leon?

A No more, sir.

Q You saw where Leopoldo de Leon threw the bolo?

A

At the time they ran away towards their house, they picked up the bolo and then brought with them, sir.[14]

Likewise, Chito Jimenez on cross-examination declared that:

ATTY. CAMPOS

The moment you met your father along your way when you were running, the two (2) other accused, Leopoldo de Leon and Dominador de Leon, were not yet around?

A

After I met my father, then, my father met Billy de Leon and then the two (2) Dominador and Leopoldo de Leon, appeared sir.

Q

From what direction did these two (2) other accused, Leopoldo de Leon and Dominador de Leon, come from, Mr. Witness?

A They came from their house, sir.

Q

By the way, how far is the house of Leopoldo de Leon from that place where you met your father when you were running?

A Just beyond the concrete fence, about fifteen (15) meters from the fence of the court building, sir.

Q

And how about the house of Dominador de Leon in relation to that place where you met your father along your way when you were running?

A The same distance, sir.

Q

According to you, you were running so fast and you ran as fast as you could towards your house, you never look back when you were running?

A I looked back, sir.

Q

How could that be that you recognized these two (2) other accused, Leopoldo de Leon and Dominador de Leon, when you were running fast?

A I stopped, sir.

Q When you reached your house, am I correct?

A Yes, sir.

Q And you stayed inside your house upon reaching your house, is that correct?

A I did not proceed home but I stopped besides the house of Annaluz, sir.

Q

And you are now changing your testimony when you said a while ago that you stopped running upon reaching home?

A Yes, sir, is not true.

Q The truth now is that, you where, Mr. Witness?

A Ten (10) meters away from the place of stabbing, sir.

Q Why did you stop, Mr. Witness?

A Because Billy de Leon accosted my father and then these two (2) brothers arrived, sir.

Q Did you really see how Billy de Leon accosted your father?

A Yes, sir.

Q

When your father was accosted by Billy de Leon, you did not notice Leopoldo de Leon and Dominador de Leon around?

A It was then that the two (2) arrived, sir.

Q And the moment Billy de Leon accosted your father, he stabbed your father?

A Yes, sir.

Q

Comes these two (2) other accused, first, Leopoldo de Leon held the arms of your father, then Dominador de Leon whom you alleged to have also stabbed your father?

A Yes, sir.

Q And when these were happening you were about ten (10) meters away from the four (4)?

A Yes, sir.

Q

And while Ignacio Jimenez or your father was being handled by the three (3) accused, you did not do anything

just watched, am I correct?

A Yes, sir. I watched them because I got frightened, sir.

Q You did not come to the aid of your father?

A No, sir.

Q Neither that you called for help from other persons who were around?

A No, sir.

Q But there were other persons around, am I correct?

A I did not notice, sir.

Q And so, your attention was only focused on what was happening to your father?

A Yes, sir.[15]

In an attempt to discredit the prosecution witnesses, accused-appellants contend that their testimonies are contradictory in that while Annaluz testified that accused-appellants Leopoldo and Dominador ran with Billy in chasing Chito, prosecution witness Chito, on the other hand, declared that Leopoldo and Dominador appeared only when his father, Ignacio, was being accosted by Billy. The inconsistencies, if any, were more imaginary than real. Besides, the inconsistencies, if any, in the testimony of the prosecution witnesses refer only to minor details and collateral matters which do not affect the substance, veracity, and weight of their testimony. They even tended to strengthen rather than weakened, the credibility of the witnesses as they negate any suspicion of a rehearsed testimony.[16] Furthermore, the court cannot and should not expect the testimonies of different witnesses to be completely identical and to coincide with each other for not all persons who witnessed an incident are impressed in the same manner; and it is only natural that, in relating their impressions, they might disagree on some minor details.

The credibility of the prosecution witnesses is not affected by their relationship with the deceased. The fact that witness Chito is the son of the victim while Annaluz's mother-in-law is the second cousin of the wife of the victim is of no consequence since mere relationship with the victim does not necessarily tarnish the testimony of a witness. When there is no showing of improper motive on the part of the witness in testifying against the accused, her relationship with the victim does not render her testimony less worthy of full faith and credence.[17] In fact, relationship itself could even strengthen credibility in a particular case, for it is highly unnatural for an aggrieved relative to falsely accuse someone other than the actual culprit. The earnest desire to seek justice for a dead kin is not served should the witness abandon his conscience and prudence to blame one who is innocent of the crime.[18]

Likewise, as shown by the medical examination, the victim sustained nine (9) stab wounds. Dr. Arzadon who conducted the post mortem examination of the victim opined that two (2) different weapons could have caused the wounds of the victim. He testified:

COURT

Now, considering the two possibilities that it could be one weapon or more than two weapons, what is the greater possibility?

A I could not tell, sir.

Q You could not tell despite the fact that there are different sizes as you say about the length?

A In my opinion, it is more than two, sir.

Q So, the greater possibility is more than two weapons?

A Yes, sir.

Q

Now, considering also the nature of the wounds more particularly in their sizes, is it possible that there are more than one weapon used in inflicting the injuries?

A It is possible, sir.

Q Is it also possible that there is only one weapon used or not possible?

A It is possible, sir.

Q

Considering now the two possibilities, which is more possible considering the sizes of the wounds, there are two or more kinds of weapon used or only one kind of weapon?

A More than one kind of weapon, sir.[19]

Billy could not have been solely responsible for all the stab wounds sustained by the victim as the same were in all probability caused by two (2) different weapons. None of the witnesses for the defense, more particularly Mercedes de Leon, who testified that Billy was the only one responsible, declared on the witness stand that Billy used more than one weapon in stabbing the victim.

On the other hand, accused-appellants' defense is a bare and shallow alibi which is a weak defense. It should be rejected inasmuch as the identities of the accused, as in the case at bar, have been sufficiently and positively established by eyewitnesses to the offense.[20] As amply observed by the trial court, there is no proof of physical impossibility for the accused-appellants to be present in the scene of the crime. Hence, in the light of the positive identification of accused-appellants, by two (2) eyewitnesses, as the perpetrators of the crime, their defense of denial and alibi cannot prosper.

On the matter of conspiracy, we have consistently held that conspiracy need not be shown by direct proof of an agreement by the parties to commit the crime.[21] It is sufficient that there is a common purpose and design, concerted action and concurrence of interests and the minds of the parties meet understandingly so as to bring about a deliberate agreement to commit the offense charged, notwithstanding the absence of a formal agreement.[22] The credible testimonies of prosecution witnesses Annaluz and Chito disclosed that after Billy accosted Ignacio, the former stabbed the latter on the stomach one or two (2) times, then Leopoldo held the arms of Ignacio; and then Dominador took his turn in stabbing the victim at the back of the head. Billy continued stabbing the victim, and then the three (3) accused-brothers left and ran away at the same time. These concurrent actions of accused Billy and accused-appellants Leopoldo and Dominador which revealed a mutual intention and determination to kill the victim, Ignacio, indicated conspiracy.

We likewise affirmed the trial court's holding that the killing is qualified to murder by abuse of superior strength, accused-appellants having overpowered the unarmed victim in terms of number and weapons used. To take advantage of superior strength is to purposely use excessive force out of proportion to the means of defense available to the person attacked.[23] Although superiority in number is not always superiority in strength, the same is decidedly true in the case at bar where all the appellants were armed. Furthermore, there was only one adversary, an unarmed man who at that time was in no position to defend himself. As aptly held by the trial court

and we quote:

In the case at bar, the evidence on record shows that during the stabbing accused Leopoldo de Leon held the victim while his brothers Billy and Dominador stabbed him several times in the different parts of his body. Such being the state of affairs at the time the incident happened, the combined strength of the three accused is more superior than the strength of the deceased who was much older than the accused. Verily, the stabbing is qualified by the circumstance of abuse of superior strength, hence the killing is murder as charged in the Information.

Anent accused-appellants' civil liability, the award of P15,000.00 as actual damages should be deleted inasmuch as there were no receipts presented to evidence the same. The award of P50,000.00 designated as "compensatory damages" by the trial court should be properly denominated as civil indemnity ex delicto. This amount of indemnity is in accordance with jurisprudence and it requires no proof other than the fact of death as a result of the crime and proof of the appellants' responsibility therefor.

WHEREFORE, the appealed Decision dated January 30, 1997 of the Regional Trial Court of Lingayen, Pangasinan, Branch 38, in Criminal Case No. L-5499 finding appellants Leopoldo de Leon and Dominador de Leon, guilty beyond reasonable doubt of murder and sentencing them to suffer the penalty of Reclusion Perpetua is **AFFIRMED** with **MODIFICATION** that appellants are ordered to pay, jointly and severally, only the amounts of P50,000.00 as civil indemnity ex delicto and P50,000.00 as moral damages, to the heirs of the victim, Ignacio Jimenez. The award of P15,000.00, as actual damages, is deleted for lack of proof thereof.

SO ORDERED.

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

[1] Penned by Judge Antonio M. Belen; Rollo, pp. 21-31.

[2] Rollo, p. 8.

[3] Original Records, p. 36.

[4] TSN dated October 9, 1996, pp. 4-10.

[5] TSN dated October 8, 1996, pp. 11-15.

[6] Id., p. 22.

[7] Now Don Teofilo Sison Memorial Hospital.

[8] Exhibit "F".

[9] TSN dated October 23, 1996, pp. 9, 12.

[10] TSN dated October 30, 1996, p. 6.

[11] TSN dated November 19, 1996, pp. 5-9.

[12] People v. Tolibas, et al., G.R. No. 103506, February 15, 2000; People v. Naguita, 313 SCRA 292, 304-305 [1999].

[13] TSN dated October 8, 1996, pp. 11-14.

[14] Id., pp. 23-25.

[15] TSN dated October 9, 1996, pp. 19-21.

[16] *People v. Sanchez*, 302 SCRA 21, 51 [1999]; *People v. Lising*, 285 SCRA 595 [1998].

[17] *People v. Gallo*, G.R. No. 128361, November 16, 1999, p. 6.

[18] *People v. Rendoque, et al.*, G.R. No. 106282, January 20, 2000, p. 11.

[19] TSN dated October 23, 1996, p. 12.

[20] *People v. Grefaldia*, 298 SCRA 337, 347 [1998].

[21] *People v. Sabal*, G. R. No. 128158, September 7, 2000.

[22] *People v. Gallo*, G. R. No. 128361, November 16, 1999, p. 8.

[23] *People v. Maldo*, 307 SCRA 424, 441; *People v. Asto*, 277 SCRA 697, 711 [1997].

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