

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROBERTO GONZALES Y MENDOZA ALIAS “BOBBIT”, ACCUSED-APPELLANT.

G.R. No. 130507. July 28, 1999

Ponente: GONZAGA-REYES, J.

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GONZAGA-REYES, J.:

This is an appeal from the Decision[1] dated April 8, 1997 of the Regional Trial Court of Danao City, Branch 25 in Criminal Case No. DNO-1385 finding accused-appellant Roberto Gonzales y Mendoza alias "Bobbie" guilty beyond reasonable doubt of the crime of Murder and sentencing him to suffer the penalty of death.

On January 17, 1995, accused Roberto Gonzales y Mendoza alias "Bobbie" was charged with the crime of Multiple Murder in an Information which reads, to wit:

"That on November 20, 1994 at about 10:00 o'clock in the evening, more or less, at sitio Mahawak, Barangay Damalog, Municipality of Sogod, Province of Cebu, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with deliberate intent to kill, with treachery and evident premeditation, did then and there wilfully, unlawfully and feloniously slash the necks of Yolen Hortezaño, 16 years old, Josel Hortezaño, 9 years old and Aileen Hortezaño, 5 years old, with the use of an 8" kitchen knife, while asleep, causing their instantaneous death.

CONTRARY TO LAW."

Upon arraignment, accused, assisted by counsel de oficio, entered a plea of not guilty to the crime charged.[2]

Trial ensued. The prosecution presented the following witnesses: (1) Dr. Ariel C. Roque, the Municipal Health Officer who conducted the autopsy of the victims' corpses; (2) Mary Iris Hortezaño, the eight-year old eyewitness and sister of the victims; (3) PO3 Elvis M. Arche, the police officer who facilitated the arrest of the accused-appellant; and (4) Yolanda Hortezaño, the mother of the victims who was presented to prove the civil aspect of the case.

Only the accused was presented as witness for the defense.

Dr. Ariel C. Roque is the Municipal Health Officer of Sogod, Cebu whose duties include, among others, conducting autopsy examination and other medico legal cases. He testified that he examined the three (3) dead bodies of the children of Mr. Hortezaño in their house at 10:30 p.m. on November 20, 1994. He first examined Yolen, 16 years old; then Jocelle, 9 years old; and finally, Aileen, 5 years old.[3]

He submitted the following Post Mortem Reports:

"I have the honor to inform you that Hortezaño, Yolin Damalog, Sogod, Cebu; a medico-legal case has been attended in this office on 11-21-94 at 8:30 am for the following findings: DOI = 11-20-94

TOI = 10:30 pm

POI = Victims House

POSTMORTEM FINDINGS:

- Deep incised wound (9-10 cm deep) 21 cm in length from left to right transverse in direction severing the trachea, neck muscles, major vessels of neck both (R) and (L) (carotid artery & jugular vein) anterior aspect
- Superficial incised wound 5 cm in length 3 cm below no. 1
- Superficial incised wound 1 cm in length lateral aspect distal 3[rd] (R) forearm
- Superficial incised wound 2 cm in length middle 3[rd] posterior aspect (R) forearm
- Cadaveric position showing resistance
- Blood stain found all over the body
- Pelvic exam - panty intact with napkin
- no bruises on thigh & legs
- hymen intact"[4]

x x x x x x x x

"I have the honor to inform you that HORTEZANO, JOCELLE 9 y.o., Male, Mahawak, Damolog, Sogod, Cebu; a medico-legal case has been attended in this office on 12-21-94 at 8:30 AM for the following findings:

DOI = 11-20-94

TOI = 10:30 PM

POI = Victims House

POSTMORTEM FINDINGS:

1) Deep incised wound (6 cm deepness) 14 cm in length anterior neck directed left to right transverse in direction severing the trachea, major vessels of (R) side of neck, Neck muscles (R) w/ chip cervical bond fracture (R) lateral aspect."[5]

x x x x x x x x

"I have the honor to inform you that HORTEZANO, AILEEN 5 y.o., Female, Mahawak, Damolog, Sogod, Cebu; a medico-legal case has been attended in this office on 11-21-94 at 8:30 am for the following findings:

DOI = 11-20-94

TOI = 10:30 PM

POI = Victims House

POSTMORTEM FINDINGS:

1) Deep incised wound (4 cm deep) 12 cm in length left lateral aspect anterior neck severing the deep muscles of the neck, major blood vessels of left side of the neck."[6]

Dr. Roque further testified that the wounds suffered by the three (3) children were all caused by slashing of the necks with a knife cutting the carotid arteries and veins which caused the instantaneous death of the children. Their eyes were closed and somewhat swelling; their bodies were already in rigor mortis at the time of the examination. The body of Yolen, the eldest, was in a position "which could be described as struggling with her hands in half raised frontal position like an L." Their bodies were all bathed with blood. The instrument used in slashing the children was a sharp bladed instrument.[7]

Mary Iris Hortezano, eight (8) years old and sister of the victims, was presented as an eyewitness to the incident which happened in their house on November 20, 1994 at about 10:00 o'clock in the evening. She testified that she was asleep with her brothers and sisters Yolen, Jocelle, Aileen and Junjun. On the date of the incident, their parents were not at home because they were at the fiesta at Lapulapu City. At around midnight of November 20, 1994, while sleeping with her brothers and sisters, she was awakened by the entry of Noy Bobbit, their neighbor, who barged into their house through the window.[8] Noy Bobbit immediately placed ("patong") his body over that of her sister Yolen, whose stomach was being pressed by Noy Bobbit; when Yolen kept on resisting, Bobbit slashed her sister's neck with a knife.[9] Her brother Jocelle, who was beside Yolen, was also awakened by the entry of the accused into their house. Jocelle fainted but accused also slashed his neck; then, accused slashed the neck of Aileen who was then sleeping beside Mary Iris because she had fever at that time.[10]

Prosecution witness Mary Iris further testified that she was not killed because her body was already stained with blood and accused probably thought she was already dead.[11] After accused killed Aileen, he stood up, placed his hands in akimbo and left passing the main door of the victim's house.[12] After accused left the house, Mary Iris went downstairs to go to the house of Noy Eleazar.[13]

On cross-examination, prosecution witness Mary Iris testified that when the incident happened, she was 7 years old and in Grade I.[14] On the night of the incident, she slept at 6:00 o'clock in the evening, ahead of her sister Yolen. They slept in one room and in one line. Aileen was at her right while Junjun was beside Aileen. To her left were Jocelle, then Yolen. At the time, the house was lighted by a lamp. Accused was wearing a white t-shirt.[15] She further testified that when accused "attacked" her sister, Yolen pleaded "Please Noy Bobbit, it's enough, it is very hurt"; that her sister's shouting was loud which awakened her and Jocelle; and that when she saw accused slashed her sister Yolen's neck, she fainted.[16] When she regained consciousness, she saw accused slashing the necks of Jocelle and Aileen.[17] Junjun, who was then sleeping, was not harmed.[18]

Prosecution witness PO3 Elvis Arche, who went to the victims' house at midnight immediately after the report of the incident, saw three (3) bodies lying down and already dead.[19] He testified that he saw a pair of slippers and footsteps of blood leading to the house of the accused and thereafter arrested the latter. He found the slippers at a distance of around three (3) meters outside the house of the victims[20] but there was no blood.[21] In the cemented pathway from the entrance of the fence to the house of the accused were more than ten (10) bloodied footprints. The bloodied footprints ended at the entrance of the house of the accused.[22] Witness called out at the accused at the latter's house who responded "Don't shoot me, I will go out." [23] Accused went out and looked for some slippers but he could not find any because it could not fit his feet.[24] Witness further found a knife under three layers of hollow blocks located at the left corner inside the house of the accused.[25] This knife was clean but was still wet.[26] Witness further testified that when he searched the body of the accused, he found some scratches on his body, "as if he is coming from the bushes." [27]

On cross-examination, PO3 Arche testified that when he was searching for evidence at the crime scene, he saw a pair of blue slippers with shoetack protruding, about 11 inches in size.[28] The house of the accused was about 150 meters from the place of the incident.[29]

Yolanda Hortezano was presented to testify on the matter of civil damages. She testified that when she heard that her children were killed, she "felt sad" and she prayed for moral damages in the amount of P50,000.00 and attorney's fees in the amount of P50,000.00 as she engaged the services of counsel in prosecuting this case.[30]

The defense presented accused himself as sole witness. Accused, a welder, denied the allegations in the complaint.[31] The version of the defense, as narrated in the accused-appellant's brief is as follows:

"The defense presented as its only witness, the accused-appellant himself, Roberto Gonzales, to refute the

imputations marshalled by the prosecution. He swore that he did not know anything about the killing of the victims as he was sleeping alone in his house located at Damolog, Sogod, Cebu during the evening of November 20, 1994 since 9:30 p.m.

He stressed that he was all alone that fateful night as his wife and children were in Mindanao. He recalled being rudely awakened by the barking of the dog and the loud voices of two persons, who were later on identified as policeman Elvis Arche and a certain Ilao, who were calling out his name in the night and ordering him to step out of his house. He narrated that he initially peeped through the window to see who was summoning him and when he saw the effigies of the two persons outside pointing their firearms at him, he asked them politely what his fault was and why they wanted him to get out of his house. To this, they responded by asking him where his .38 revolver was to which he replied that he had no weapon on him. In fear that they might shoot him, he did as he was ordered and went out. As soon as he was about to unlock the padlock of the door of his fence though the two persons immediately grabbed him and dragged him outside of his fence and then frisked him.

He accentuated the fact that since the two persons were unable to find anything on him, they tied his hands with a rope and searched his house although they were not armed with a search warrant. He recounted that they were looking for a firearm and having been unable to find one, they accosted him and brought him to the police headquarters in Sogod, Cebu where he was incarcerated.

While in jail, the policemen, PO3 Elvis Arche and his companion approached him at around 11:00 o'clock that same night to force him to admit that he is the owner of a pair of red slippers. When he refused to admit the same, he was struck on the head by them with one of the slippers. The following morning at around 8:00 a.m. of November 21, 1994, his incarcerators brought him again to his house which they searched for a second time. Considering that they were still unable to find anything useful to pin him down, they got a knife from the spoon and fork tray. Following this incident, he was again detained at the police station.

Later on, the policemen presented him before the Provincial Prosecutor. During that time, he was surprised to learn that they offered the knife which they took from his tray and a pair of blue slippers as evidence to establish his connection to the crime. He informed the court a quo that he was astonished when the pair of blue slippers was given as evidence to the prosecutor instead of the pair of red slippers which he was earlier being forced to admit ownership of. When asked to explain the ten (10) bloody footprints found by policeman Arche on the cemented pathway from the entrance of the house of the accused-appellant, he replied that the same were nothing more but traces of floorwax which he (i.e. the accused-appellant) applied while cleaning his house earlier. He further propounded that he did not have any grudge with policeman Elvis Arche prior to the incident."^[32]

After trial, the court a quo rendered judgment on April 8, 1997, the dispositive portion of which reads:

"WHEREFORE, the Court finds accused Roberto Gonzales GUILTY beyond reasonable of the heinous crime of Murder and hereby sentences accused Roberto Gonzales the supreme penalty of death.

Accused is further ordered to indemnify the private complainants the sum of P150,000.00 as moral damages and to pay private complainants the sum of P50,000.00 as attorney's fees."

Hence, this automatic review.

Accused-appellant raises the following assignment of errors:

"I

THE COURT A QUO ERRED IN ACCORDING WEIGHT AND CREDENCE TO THE TESTIMONY OF EYEWITNESS MARY IRIS HORTEZANO AND THE TESTIMONY OF PO3 ELVIS ARCHE DESPITE THEIR LACK OF CREDIBILITY.

"II

THE COURT A QUO ERRED IN CONVICTING THE ACCUSED-APPELLANT ON THE BASIS OF CIRCUMSTANTIAL EVIDENCE ARRIVED AT THROUGH A LABORED CORRELATION.

"III

THE COURT A QUO ERRED IN ACCORDING WEIGHT AND CREDENCE TO THE EXTRAJUDICIAL CONFESSION OF THE ACCUSED-APPELLANT NOTWITHSTANDING THE FACT THAT THE LATTER REFUTED THE SAME FOR HAVING BEEN EXECUTED INVOLUNTARILY.

"IV

THE COURT A QUO ERRED IN AWARDING MORAL DAMAGES IN THE AMOUNT OF P150,000.00 AND ATTORNEY'S FEES IN THE AMOUNT OF P50,000.00 TO THE HEIRS OF THE VICTIMS."

In the first assignment of error, appellant contends that the direct examination of prosecution witness Mary Iris Hortezano was replete with leading questions which would give the impression that the answers given by her were all coached and not spontaneous. He argues that witness Mary Iris was only 7 years old at the time the incident happened and she could not have possibly recalled with strikingly precise detail the gruesome events as they unfolded. Appellant further argues that the testimony of Mary Iris that she saw appellant slash the throats of her siblings, despite the insufficient illumination, leaves much to be scrutinized; that the line of questioning of the prosecutor suggests a series of rehearsed responses to compensate for the deficiencies in the testimony of the prosecution witness; and that the witness should have been disqualified by reason of her immaturity pursuant to Section 21(b) of Rule 130.

The contentions are untenable.

The fact that prosecution witness Mary Iris Hortezano was merely seven (7) years old at the time of the incident and eight (8) years old at the time she testified does not disqualify her from being a witness nor does this circumstance render her testimony incredible. It is well-settled that any child regardless of age, can be a competent witness if he can perceive, and perceiving, can make known his perception to others and that he is capable of relating truthfully facts for which he is examined. The requirements of a child's competence as a witness are: (a) capacity of observation; (b) capacity of recollection; and (c) capacity of communication.[33] Even a mental retardate is not, per se, disqualified from being a witness.[34] And, there is no minimum age for witnesses, even a child can be a witness so long as he can perceive and relate his perceptions. Besides, the testimony of children of sound mind is likely to be more correct and truthful than that of older persons.[35]

As regards the claim that the direct examination of prosecution witness Mary Iris was replete with leading questions, there is no doubt that witness Mary Iris was a "child of tender years" as she was only 8 years old at the time she testified. Section 10 of Rule 132 is clear on this matter, thus:

SEC. 10. Leading and misleading questions. - A question which suggests to the witness the answer which the examining party desires is a leading question. It is not allowed, except:

(a) x x x

(b) x x x

(c) When there is difficulty in getting direct and intelligible answers from a witness who is ignorant, or a child of tender years, or is of feeble mind, or a deaf mute;

(d) x x x

(e) x x x." (underscoring supplied)

Moreover, minor lapses are to be expected when a person is recounting details of a traumatic experience too painful to recall.[36] A witness is not expected to remember an occurrence with perfect recollection of minor and minute details.[37] Furthermore, it has been held that minor inconsistencies do not discredit but rather strengthen the testimony of a witness as they erase any suspicion of a rehearsed testimony.[38] Thus, the testimony of witness Mary Iris that there was a lamp and the reference to a "parol"[39] and a kerosene lamp[40] by the prosecution, are mere minor inconsistencies which do not destroy the fact that the place of the incident was lighted; enough for witness Mary Iris to identify accused-appellant whom she has known because they were neighbors.[41] And it has been held that the illumination from a kerosene lamp is sufficient to permit the identification of a malefactor.[42]

In the second assigned error, appellant contends that the trial court convicted him on the basis of circumstantial evidence culled exclusively from the testimony of prosecution witness PO3 Arche. Appellant argues that Arche's testimony was concocted and not corroborated by testimonies of other prosecution witnesses, and hence, self-serving. He further alleges that the traces of blood found on the cemented pathway are nothing more but floor wax spilled by him while cleaning his house and the prosecution was not diligent enough to have the same analyzed to verify its exact nature.

PO3 Arche testified that there were traces of bloody footprints found on the cemented pathway; that a pair of blue slippers was found in between the houses of appellant and the victims; that the bloodied footprints led to the house of appellant; that there were scratches on appellant's body; that a newly washed knife was found under three (3) layers of hollow blocks in the sala of appellant's house; and that appellant looked restless when he put on a pair of small slippers as he could not find one his size. These are circumstances providing a strong corroboration of the statements made by eyewitness Mary Iris pointing to appellant as the assailant. Moreover, there is no ill-motive whatsoever that has been attributed to prosecution witness Arche as to why he would testify against appellant and implicate him of such a heinous crime; hence Arche's testimony is entitled to full faith and credit.[43]

The testimony of PO3 Arche would merely be corroborative. There is an eyewitness in the person of the victims' sister Mary Iris. The doctrine of long standing is that the testimony of a single eyewitness, if credible and positive, is sufficient to support a conviction, even in a charge for murder.[44] Even an uncorroborated testimony of a single witness, if credible, is enough to warrant conviction.[45]

Furthermore, the defense consists of denial and alibi. Accused-appellant's bare denials cannot stand in view of the positive identification made by eyewitness Mary Iris Hortezano. It has been held that the positive identification by an eyewitness has greater weight than the unsubstantiated denial of the accused. Denial, like alibi, is a weak defense, which becomes even weaker in the face of positive identification of the assailant by an eyewitness.[46]

Settled likewise is the rule that alibi cannot prevail over the positive identification made by the prosecution witness.[47] For alibi to prevail, it must be established by positive, clear and satisfactory proof that it was physically impossible for the accused to have been at the scene of the crime at the time of its commission, and not merely that he was somewhere else.[48] In this case, there was no physical impossibility because accused-appellant's house was only about 150 meters away from the victims' residence.[49]

Anent the third assignment of error, appellant contends that the trial court should not have admitted and accorded consideration of his extrajudicial confession marked as Exhibit "M". He argues that he was forced to sign the said document as he could no longer bear the pain being inflicted on him. He further argues that Atty. Teofilo Tumulak who assisted him was not his counsel of choice.

This is untenable.

In the appellant's extrajudicial confession,[50] he admitted the killing of the minor children inside the latter's house on November 20, 1994; that he used a kitchen knife in stabbing the children; that he wore a pair of slippers at that time; and that an "enchanted spirit" guided him to kill the children. The document was signed in the presence of Atty. Teofilo Tumalak and subscribed by the Municipal Mayor Thaddeus Durano.[51]

In the case of *People vs. Suarez*,[52] the Court ruled that the accused has the final choice of the lawyer as he may reject the counsel chosen for him and ask for another one. However, a lawyer provided by the investigators is deemed engaged by the accused where, as in this case, he never raised any objection against the former's appointment during the course of the investigation and the accused thereafter subscribed to the veracity of his statement before the swearing officer. In the case at bar, there is no evidence adduced by accused-appellant to discredit the confession.

More important, it should be stressed that the extrajudicial confession was not the basis of appellant's conviction. Where there is independent evidence, apart from the accused's alleged uncounseled confession, that the accused is truly guilty, the latter nevertheless faces a conviction.[53] The victims' sister, Mary Iris, was an eyewitness to the gruesome incident and, in a simple and straightforward manner, she positively identified appellant as the one who slashed the necks of her three siblings on that fateful night. As stated above, even an uncorroborated testimony of a single eyewitness, if credible and positive, is sufficient to warrant a conviction, even for a charge of murder.

After a thorough and meticulous examination of the evidence on record, the Court finds no reason to disturb the trial court's reliance on the eyewitness account of Mary Iris Hortezano. We agree with the trial court that the evidence points to the appellant beyond reasonable doubt, as the one responsible for the deaths of the three (3) Hortezano children. There is also sufficient evidence that the aggravating circumstance of treachery attended the killings, thus qualifying the same to murder. Appellant's act of slashing the necks of the children aged 16, 9 and 7, while they were asleep clearly constitutes treachery and qualifies the killing to murder. It has, time and again, been held that the killing of minor children who, by reason of their tender years, could not be expected to put up a defense is considered attended with treachery[54] even if the manner of attack was not shown.[55]

While this Court agrees with the trial court's judgment of conviction, there is a compelling reason to reduce the sentence from death to reclusion perpetua in view of the absence of an aggravating circumstance. The Information charged appellant of Multiple Murder. The three (3) killings resulted not from a single act but from several individual and distinct acts of slashing. We therefore, rule that appellant is guilty not of a complex crime of multiple murder but of three (3) counts of murder for the death of the three (3) victims in this case.[56] Pursuant to Article 248 of the Revised Penal Code, as amended, the penalty for the crime of murder is reclusion perpetua, there being no mitigating nor aggravating circumstance.[57] As appellant is found guilty of three (3) separate counts of murder, the proper penalty should be three (3) sentences of reclusion perpetua.

Finally, anent the award of civil indemnity, in conformity with prevailing jurisprudence,[58] the amount of P50,000.00 each or a total of P150,000.00 as death indemnity is awarded to the heirs of the three (3) victims.

Moral damages in the amount of P150,000.00 awarded by the trial court is reasonable considering the grief and sorrow[59] suffered by the parents at the sudden loss of their three (3) children at one harrowing instance. Moral damages, which include mental anguish, serious anxiety and wounded feelings, may be recovered in criminal offenses resulting in the victim's death.[60]

As regards the award of attorney's fees which is based on the trial court's finding that because of this case, the parents of the victims were compelled to secure the services of counsel,[61] the Court finds the same to be reasonable.

WHEREFORE, the decision appealed from is hereby MODIFIED, and accused-appellant Roberto Gonzales y Mendoza is found guilty beyond reasonable doubt of three (3) counts of Murder and sentenced to suffer the penalty of three (3) sentences of reclusion perpetua.. He is further ordered to pay the heirs of the victims in the amount of P150,000.00 as civil indemnity; P150,000.00 as moral damages; and P50,000.00 as attorney's fees.

SO ORDERED.

Romero, Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Purisima, Pardo, Buena, and Ynares-Santiago, JJ., concur.

Davide, Jr., C.J., on leave.

[1]Written by Judge Esperidion C. Rivala.

[2] Order of September 22, 1995, p. 54, Record.

[3] TSN, October 13, 1995 at pp. 3-5.

[4] Exhibit "A", p. 86, Record.

[5] Exhibit "B", p. 87, *ibid.*

[6] Exhibit "C", p. 88, *ibid.*

[7] TSN, October 13, 1995 at p. 8.

[8] TSN, February 19, 1996 at pp. 4-5, 13 & 16.

[9] *Ibid.* at pp. 5-7.

[10] *Ibid.* at p. 7.

[11] *Ibid.*

[12] *Ibid.* at p. 8.

[13] *Ibid.* at pp. 9-10, 16-18.

[14] *Ibid.* at p. 10.

[15] *Ibid.* at pp. 11-13.

[16] *Ibid.* at p. 14.

[17]*Ibid.* at pp. 16-18.

[18] *Ibid.* at p. 16.

[19] *Ibid.* at p. 19.

[20] *Ibid.* at pp. 19 & 22.

[21] TSN, May 7, 1996 at p. 8.

[22]TSN, February 19, 1996 at pp. 24-25.

[23] *Ibid.* at p. 25; TSN, May 7, 1996, pp. 6 & 8.

- [24] TSN, February 19, 1996 at p. 26.
- [25] Ibid. at pp. 27-28.
- [26] Ibid. at p. 28.
- [27] TSN, February 19, 1996 at p. 29; TSN, May 7, 1996 at p. 6.
- [28] TSN, May 7, 1996 at pp. 3-4.
- [29] Ibid. at p. 4.
- [30] TSN, May 21, 1996, pp. 5 & 10.
- [31] TSN, October 28, 1996 at pp. 2-3.
- [32] pp. 7-9, Appellant's Brief, pp. 69-71, Rollo.
- [33] People vs. Nang, 289 SCRA 16; People vs. Rodico, 249 SCRA 309; People vs. Amaro, 235 SCRA 58.
- [34] People vs. Español, 271 SCRA 689.
- [35] People vs. Carullo, 289 SCRA 481.
- [36] People vs. Sta. Ana, 291 SCRA 188.
- [37] People vs. Tidula, 292 SCRA 596.
- [38] People vs. Renario Manlapaz y Ocampo, G.R. No. 129033, June 25, 1999; People vs. Carreon, 282 SCRA 544; People vs. Zumil, 275 SCRA 182; People vs. Patawaran, 274 SCRA 130.
- [39] TSN, February 19, 1996 at pp. 12-13.
- [40] Ibid. at p. 16.
- [41] TSN, February 19, 1996 at p. 16.
- [42] People vs. Pallarco, 288 SCRA 151.
- [43] People vs. Flores, 252 SCRA 31; People vs. Danao, 253 SCRA 146.
- [44] People vs. Ferras, 289 SCRA 94; People vs. Bajar, 281 SCRA 262; People vs. Adora, 275 SCRA 441; People vs. Ballabare, 264 SCRA 350; People vs. Tuvilla, 259 SCRA 1; People vs. Abalos, 258 SCRA 523; People vs. Camat, 256 SCRA 52; People vs. Ferrer, 255 SCRA 19.
- [45] People vs. Borce, 289 SCRA 445.
- [46] People vs. Macuha, G.R. No. 110085, July 6, 1999; People vs. Apongan, 270 SCRA 713.
- [47] People vs. Cabebe, 290 SCRA 543; People vs. Pili, 289 SCRA 118; People vs. Viovicente, 286 SCRA 1.
- [48] People vs. Bitoon, G.R. No. 112451, June 28, 1999; People vs. Bibat, 290 SCRA 27; People vs. Sumampong, 290 SCRA 471; People vs. Castillo, 289 SCRA 213.
- [49] TSN, February 19, 1996 at p. 23.
- [50] Exhibit "M", pp. 17-18; Translation on pp. 19-20, Record.
- [51] Exhibits "M-3" & "M-4", respectively, *ibid.*

[52]267 SCRA 119.

[53] People vs. Diamsoy, 178 SCRA 321.

[54] People vs. Abuyen, 213 SCRA 569; People vs. Ganohon, 196 SCRA 431; People vs. Lora, 113 SCRA 366; People vs. Mabilangan, 111 SCRA 398.

[55] People vs. Valerio, Jr., 112 SCRA 208

[56] People vs. Rolando Valdez, G.R. No. 127663, March 11, 1999 (En Banc).

[57] People vs. Sabalones, & Beronga, G.R. No. 123485, August 31, 1998; People vs. Cawaling, et al., G.R. No. 117970, July 28, 1998; People vs. Laceste, et al., G.R. No. 127127, July 30, 1998; People vs. Quitlong, et al., G.R. No. 121562, July 10, 1998

[58] People vs. Robles, G.R. No. 124300, March 25, 1999; People vs. Piamonte, G.R. No. 91999, February 25, 1999; Felipe E. Pepito, et al. vs. Court of Appeals, G.R. No. 119942, July 8, 1999.

[59] TSN, May 21, 1996 at p.10.

[60] People vs. Salcedo, 273 SCRA 473.

[61] p. 11, thereof, p.128, Record; TSN, May 21, 1996 at p. 10.61

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