

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
RANILLO PONCE HERMOSO ALIAS "ALLAN,"
ACCUSED-APPELLANT.**

G.R. No. 130590. October 18, 2000

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PER CURIAM:

For review is the decision[1] of the Regional Trial Court, Branch 19, Pagadian City, finding accused-appellant Ranillo Ponce Hermoso, alias "Allan," guilty of rape with homicide and sentencing him to suffer the penalty of death with all the accessory penalties prescribed by law and to indemnify the heirs of the victim, Glery P. Geoca, in the amount of P500,000.00 as actual damages, P750,000.00 as moral damages, and P500,000.00 as exemplary damages, without subsidiary imprisonment in case of insolvency.

The amended information[2] against accused-appellant alleged —

"That on June 2, 1996 at about 9:30 o'clock in the evening at Barangay Little Baguio, Municipality of Imelda, Province of Zamboanga del Sur, Republic of the Philippines, and within the jurisdiction of this Honorable Court, the above-named accused by means of force and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge with one Glery Geoca, a minor, seven (7) years of age, against the latter's will and on said occasion and by reason of the rape, the said Glery Geoca died as a result of personal violence inflicted upon her by the accused.

"Act contrary to Article 335 of the Revised Penal Code as amended by R.A. No. 7659."

On September 11, 1996, accused-appellant, assisted by counsel, was arraigned during which the information was read to him in the Cebuano dialect which he confirmed to have understood. He then entered a plea of not guilty. He was informed by the trial court of the names of the five prosecution witnesses and their respective addresses. Then the case was tried.

The prosecution presented six witnesses, namely, Josephine Gonzales, Naciansino Hermoso, Sonny Boy Altamera, Joveniano Pansacala, Ireneo Geoca, father of the victim, and Dr. Atilano A. Ocampos, Chief of Hospital I of the Alicia District Hospital in Alicia, Zamboanga del Sur.

The prosecution also offered the following object and documentary evidence, to wit: the wallet (Exh. A) of accused-appellant containing his personal identification, such as Social Security System I.D. Card No. 0462677-7 (Exh. B), a photocopy of his SSS personal record (Exh. D), and his Community Tax Certificate No. 18046043 (Exh. E); five sweepstakes tickets bearing No. 236458 with April 21, 1996 as draw date (Exh. C); a picture of Miss Limpac (Exh. F), niece of Naciansino Hermoso, with a dedication at the back of the picture reading "Love, take care, good health, good luck, God Bless You"; a small picture (Exh. G); another picture (Exh. H); a picture of accused-appellant's younger sister (Exh. I) a picture of his younger brother named Benjie (Exh. J); a group picture (Exh. K); and two coins (Exh. L) - a P1.00 coin and a P0.10 coin; the birth certificate of the victim Glery P. Geoca (Exh. M, with sub-markings) showing her date of birth as September 12, 1988; and a Certification issued by Dr. Atilano A. Ocampos (Exh. N and its sub-markings) on the postmortem examination conducted on the victim.

The prosecution evidence shows the following:

At about 6:00 p.m. of June 2, 1996, Ireneo Geoca, father of the victim Glery P. Geoca, became worried as his daughter had not come home from the Little Baguio Elementary School in Imelda, Zamboanga del Sur where she was in Grade II. Ireneo Geoca sent his other daughter Girlie Geoca to look for the victim. When the victim failed to be home at 7:00 p.m., Ireneo Geoca sought the help of the barangay officials and his neighbors.[3] In response, Barangay Captain Sonny Boy Altamera organized a search team composed of barangay tanods and other civilians. On their way to look for Glery, Altamera and his party met Josephine Gonzales who told them that she saw the victim in the company of accused-appellant at about 5:30 p.m. of that day as they passed by her house. The two were walking toward the house of one Helen Dabasol, according to the witness. Altamera was likewise informed by Lilia Bartido, who owned a nearby store, that she saw accused-appellant handing some candies to the victim at about 6:00 p.m. of that day.[4]

Altamera and his party, therefore, proceeded to the house of accused-appellant where he met Federico Hermoso, father of the accused-appellant. Altamera informed the elder Hermoso that Glery was missing and that she was last seen with his son. Altamera was allowed inside the house but he did not find accused-appellant. He later found accused-appellant under a tree, about 10 meters away from the house. Accused-appellant denied knowledge of the whereabouts of the missing girl. At about 9:30 a.m., with the consent of his family, accused-appellant was taken by Altamera to his house. Accused-appellant was accompanied by Federico Hermoso, Ernesto Pardillo, Jave Tamac, and some neighbors.[5]

At about 12:30 a.m. of June 3, 1996, Naciansino Hermoso and his group went to the house of Altamera bringing with them a man's wallet, which Naciansino said he found on a grassy area in Barangay Little Baguio. The wallet contained, among other things, accused-appellant's SSS identification card, a photocopy of his SSS personal record, his Community Tax Certificate No. 18046043, five sweepstakes tickets, pictures of accused-appellant's younger brother and sister, and two coins.[6] Naciansino turned over the wallet and its contents to Barangay Captain Altamera. Upon seeing his wallet, accused-appellant admitted raping and killing Glery P. Geoca and pointed out the place where the body of the victim could be found, which is about 200 meters away from where the wallet was discovered. A team led by Joveniano Pansacala found the body of the victim at about 1:00 a.m. of that day. The body showed signs that Glery had been subjected to violence and raped.

Accused-appellant was thereafter turned over to the police. In the meantime, upon instructions of the mayor, the body of the victim was examined.[7] Per her Certificate of Death,[8] the cause of Glery P. Geoca's death was cardio-respiratory failure, the antecedent cause was rape and the underlying cause was asphyxia by strangulation. Dr. Atilano A. Ocampos, who conducted an autopsy on the body on June 3, 1996, found the following:

"= Multiple punctuate hematoma temporal right, abrasions inner canthi, bilateral; hematoma 8 inches in length, 1 inch in width, semi-circular, temporo-frontal area, face left, extending to the zygomatic area; multiple abrasions of buccal mucosa upper and lower lips

= Multiple abrasions 1x1 in diameter, average, neck

= Circular hematoma 2x3 in diameter, bilateral, mammary glands

= Massive hematoma 3x3 in diameter, circular, lateral arm left; linear abrasions multiple, forearm right

= Abrasion 1 centimeter diameter 5th finger, left, dorsum

= Multiple abrasion lateral and medial aspect upper extending right

= Hematoma massive vulva and mons pubis

= Hematoma moderate 2 in number anterior thigh, right
= Hematoma 1x 1 in diameter middle anterior shin, left
= Linear abrasion 1 inch postero-lateral, level of the 10[th] posterior rib
= Linear abrasion 6 inches in length running oblique lumbo-sacral area, posterior
= Massive hematoma 4 inches in diameter level of the 10[th] thoracic vertebrae
= Hematoma labia minora right upper quadrant = Laceration, entroitus, ruptured hymen
= Hematoma cervix left, laceration vaginal canal right"[9]

Dr. Ocampos testified that the body was in a state of rigor mortis when he examined it. The victim sustained contusions and multiple hematoma and was thereafter choked to death. He opined that the hymenal laceration could have been caused by pressure or trauma such as sexual intercourse.[10]

After the prosecution had offered its testimonial and documentary evidence, accused-appellant filed a demurrer to which the prosecution filed a reply. On January 9, 1997, the trial court denied accused-appellant's demurrer to evidence for lack of merit.

On March 17, 1997, the defense manifested in open court that accused-appellant was changing his plea from "not guilty" to "guilty." Defense counsel Atty. Pablito Pielago, Jr. informed the trial court that he had prepared for trial but accused-appellant insisted on changing his plea even after being told of the consequences of pleading guilty to the charge, including the probability that he would be sentenced to death should he be found guilty. Accordingly, the trial court issued an order on the same day stating:

"When the above-entitled case was called for continuation of trial for the purpose of presenting evidence of accused Ranillo Ponce Hermoso alias Allan, Prosecutor Edilberto Absin appeared for the state in collaboration with private prosecutor Atty. Marcial Empleo, while Atty. Pablito Pielago, Jr., appeared as counsel de oficio for the accused. In open court, Atty. Pablito Pielago, Jr., Manifested that the accused has intimated to him on his desire to change his plea of Not Guilty to one of GUILTY. When asked by the Court whether he has explained to the accused of the seriousness of the crime he is charged, Atty. Pablito Pielago, Jr., confirmed to the Court that he has explained in detail to the accused on the seriousness of the charge he is facing, but he still insisted on his desire to admit his guilt. In fact, according to Atty. Pielago, he went to the extent of telling the accused that it is possible that the Court may render the penalty of death, but accused insisted on his desire to change his plea of Not Guilty to one of Guilty.

"With such manifestation of Atty. Pielago, the Court called on the accused and asked him through the interpreter in Cebuano dialect, which he confirmed to have known and understood, on his desire to change his plea of Not Guilty to one of Guilty, and in open court, in the presence of his counsel, the public prosecutor and the private prosecutor, accused voluntarily admitted his guilt of the charge filed against him in this case.

"WHEREFORE, with such desire of the accused to change his plea from Not Guilty to one of Guilty, let him be arraigned anew.

"SO ORDERED."[11]

The defense then informed the court that it was not presenting any evidence, for which reason the case was considered submitted for decision.

On June 10, 1997, the trial court rendered its decision, the dispositive portion of which reads:

"WHEREFORE, this Court hereby finds accused RANILO PONCE HERMOSO alias "Allan" guilty beyond

reasonable doubt of the crime of RAPE WITH HOMICIDE, and sentences him to the ultimate penalty of DEATH, with all the accessory penalties prescribed by law, and orders him to pay the heirs of Glery Geoca the sum of P500,000.00 as actual damages, P750,000.00 as moral damages and P500,000.00 as exemplary damages without subsidiary imprisonment in case of insolvency.

"No pronouncement as to costs.

"SO ORDERED." [12]

Pursuant to Rule 122, section 10 of the Rules on Criminal Procedure, the case was elevated to this Court for automatic review in view of the imposition of the death penalty on accused-appellant.

Accused-appellant maintains that, based on the evidence of the prosecution, his guilt has not been shown beyond reasonable doubt. Reiterating the grounds for his demurrer to the evidence, he contends that while Josephine Gonzales said she saw the victim and accused-appellant and other children pass by her house as they went towards the house of her neighbor Helen Rabasol, there was no testimony showing that he was the perpetrator of the crime. Accused-appellant also denies the testimony of Naciansino Hermoso who claimed to have found the wallet belonging to accused-appellant while looking for Glery P. Geoca. Accused-appellant avers that the wallet does not constitute direct evidence to link him to the crime. Naciansino Hermoso and accused-appellant's father are brothers. Accused-appellant claims that Naciansino had a grudge against accused-appellant's father because the latter had been occupying and cultivating the agricultural land of their parents to the exclusion of Naciansino. Accused-appellant alleges that Naciansino sought revenge towards accused-appellant's father by testifying against accused-appellant. Accused-appellant alleges that the testimonies of Joveniano Pansacala, Dr. Atilano A. Ocampos, and Ireneo Geoca are hearsay evidence and do not prove his guilt. He argues that his confession is inadmissible in evidence because it was given without counsel while he was under custodial investigation by Barangay Captain Sonny Boy Altamera.

These contentions are without merit.

To be sure, a perusal of the records show that the trial court accepted accused-appellant's plea of guilty to a capital offense without making a searching inquiry to determine whether he understood the consequences of his plea. This is contrary to Rule 116, section 3 of the Rules on Criminal Procedure which makes it the duty of the court, when an accused pleads guilty to a capital offense, to undertake the following: (1) conduct a searching inquiry into the voluntariness of the plea and the accused's comprehension of the consequences thereof; (2) require the prosecution to prove the guilt of the accused and the precise degree of his culpability; and (3) ask the accused if he desires to present evidence on his behalf and allow him to do so if he desires. [13] To constitute a searching inquiry, the questioning must focus on (1) the voluntariness of the plea, and (2) whether the accused understood fully the consequences of his plea. [14] The judge must be convinced that in pleading guilty, the accused is truly guilty by requiring the accused to narrate the events leading to the crime, making him re-enact it, or asking him to supply missing details.

In the present case, the records show that the trial court did not observe these safeguards to ensure that the plea of guilty is not improvidently made. There was no affidavit presented nor statement made in court to show why accused-appellant changed his plea from "Not guilty" to "guilty." The records merely contain an order, dated March 17, 1997, [15] allowing accused-appellant to be arraigned anew, the Certificate of Arraignment, dated March 17, 1997, [16] and the order, likewise dated March 17, 1997, making accused-appellant's plea of guilt of record. This last order states:

"Accused Ranillo Ponce Hermoso alias Allan having manifested in court duly assisted by his counsel to change his plea of Not Guilty to one of Guilty, the Court arraigned him anew by reading the Information in

Cebuano dialect, and in open court, duly assisted by Atty. Pablito Pielago, Jr., his counsel de oficio, accused entered the plea of Guilty, changing in effect his original plea of Not Guilty.

"WHEREFORE, in view of the foregoing, and the Court having been satisfied on the voluntariness of the change of plea of Guilty from one of Not Guilty by accused Ranillo Ponce Hermoso, consider the above-entitled case as deemed submitted for decision.

"SO ORDERED." [17]

In the case of *People vs. Nadera*, [18] we explained the importance of the trial court conducting a searching inquiry, thus:

"The warnings given by the trial court in this case fall short of the requirement that it must make a searching inquiry to determine whether accused-appellant understood fully the import of his guilty plea. As has been said, a mere warning that the accused faces the supreme penalty of death is insufficient. (*People v. Estomaca*, 326 Phil. 429 (1996)). For more often than not, an accused pleads guilty upon bad advice or because he hopes for a lenient treatment or a lighter penalty. The trial judge must erase such mistaken impressions. (*People v. Bello*, G.R. Nos. 130411-14, October 13, 1999) He must be completely convinced that the guilty plea made by the accused was not made under duress or promise of reward. The judge must ask the accused the manner the latter was arrested or detained, and whether he was assisted by counsel during the custodial and preliminary investigations. In addition, the defense counsel should also be asked whether he conferred with the accused and completely explained to him the meaning and the consequences of a plea of guilt. Furthermore, since the age, educational attainment and socio-economic status of the accused may reveal insights for a proper verdict in the case, the trial court must ask questions concerning them. (*People v. Estomaca*, supra) In this case, absent any showing that these questions were put to accused-appellant, a searching inquiry cannot be said to have been undertaken by the trial court."

However, although accused-appellant's plea of guilty was improvidently made, there is no need to remand the case to the lower court for the reception of evidence in view of the fact that there exists other evidence on which accused-appellant's conviction may be based. Independently of his plea, there is sufficient evidence showing that accused-appellant indeed committed the crime with which is charged.

First. In the absence of eyewitnesses to the crime, a case of rape with homicide poses difficulty of proving by direct evidence the culpability of the accused because the victim can no longer testify. In such a case, the evidence necessarily must be circumstantial. [19] Under Rule 133, section 4 of the Rules on Evidence, circumstantial evidence is sufficient to sustain a conviction if (a) there is more than one circumstance; (b) the facts from which the inferences are derived are proven; and (c) the combination of all circumstances is such as to produce conviction beyond reasonable doubt. [20] As has been said, facts and circumstances consistent with guilt and inconsistent with innocence constitute evidence which, in weight and probative force, may surpass even direct evidence in its effect upon the court. [21]

In this case, there is circumstantial evidence pointing to accused-appellant as the author of the crime of rape with homicide, to wit:

- Accused-appellant was seen with the victim Glery P. Geoca by Josephine Gonzales and Lilia Bartido between 5:30 to 6:00 p.m. of June 2, 1996;
- A wallet belonging to accused-appellant and containing the latter's identification cards and other personal effects was found near the scene of the crime;
- The body of the victim was found at about 1:00 a.m. of June 3, 1996 at the exact location pointed by accused-appellant;

- The grass in the place where the accused-appellant's wallet was found had been trampled upon "as if there was a fight of pigs (maora ug gibugno-an ug baboy)," suggesting that a struggle took place between the accused-appellant and the victim, as a result of which accused-appellant dropped his wallet;

- The postmortem examination conducted by Dr. Atilano A. Ocampos at 6:30 p.m. of June 3, 1996 showed hematoma and abrasions on different parts of the victim's body indicating that she had been strangled and lacerations on her hymen indicating that she had been sexually abused.

Second. Accused-appellant confessed to Barangay Captain Sonny Boy Altamera that he had raped and killed the victim. Accused-appellant contends, however, that his confession before Barangay Captain Altamera is inadmissible.

Article III, section 12 of the Constitution provides:

"(1) Any person under investigation for the commission of an offense shall have the right to be informed of his right to remain silent and to have competent and independent counsel, preferably of his own choice. If the person cannot afford the services of counsel, he must be provided with one. These rights cannot be waived except in writing and in the presence of counsel.

"(2) No torture, force, violence, threat, intimidation or any other means which vitiate the free will shall be used against him. Secret detention places, solitary, incommunicado, or other similar forms of detention are prohibited.

"(3) Any confession or admission obtained in violation of this or Section 17 shall be inadmissible in evidence against him."

The question in this case is whether the confession given to the barangay captain was made while accused-appellant was under custodial interrogation. It will be recalled that accused-appellant had been pointed to by Josephine Gonzales and Lilia Bartido as the person Glery P. Geoca was with shortly before the latter disappeared. Accordingly, the barangay captain and his men looked for him in his house and, when they did not find him there, they continued their search until they found him under a tree. When they finally found him, they interrogated him in his house and, failing to get anything from him, took him to the barangay captain's house where they continued questioning him. There, Naciansino produced a man's wallet containing the personal effects of accused-appellant. At that point, accused-appellant broke down and confessed to the crime.

The investigation had thus ceased to be a general exploratory investigation of an unsolved crime. It had begun to focus on the guilt of accused-appellant so much so that he was no longer allowed to leave. This case therefore comes within the purview of Article III, section 12, paragraph (1). It is distinguishable from cases in which we found the confession to have been given under circumstances not constituting custodial interrogation.

In *People vs. Andan*,^[22] the confession of the accused which he gave to the municipal mayor was held to be admissible in evidence because it was shown that the mayor was a confidant of the accused and he did not act as a law enforcement officer when he heard the confession of the accused. We held that constitutional procedures on custodial investigation do not apply to a spontaneous statement not elicited through questioning by the authorities but given in an ordinary manner whereby the accused orally admit having committed the crime.

In another case, *People vs. Marra*,^[23] the accused, a security guard of the "Linda's Ihaw-Ihaw" restaurant, was charged with murder. A policeman, who received a report of a shooting incident, proceeded to the scene of the crime together with three other officers. They found the accused in a restaurant. When they asked whether he was the security guard of the restaurant, he answered in the affirmative. After answering several questions, he told the policemen that he was the security guard pointed to by a witness; that his tour of duty was from 7:00 p.m. of the

preceding day to 6:00 a.m. of the following day; that he was on duty at around 2:30 a.m. of March 7, 1992 when the victim was shot; and that the firearm issued to him was in his house. Upon the request of the policemen to see the firearm, he took them to his house and showed them a .38 caliber revolver which he took from inside an aparador. The revolver had five bullets and one spent shell. The policemen smelled gunpowder from the barrel of the gun. They asked accused when he last fired the gun but the latter denied he ever did so. Then a police investigator asked him point-blank why he shot the victim. At first the accused denied the accusation, but when told that someone saw him shoot the victim, he admitted having done so although he claimed he had acted in self-defense.

In that case, we ruled that the confession made by the accused was admissible because the inquiry had not yet reached a stage wherein the police considered the accused as a particular suspect. The police were just looking into a number of possibilities, having been merely informed that the suspect was wearing what could be a security guard's uniform.

The case at bar is a far cry from these cases. As accused-appellant's confession was made without the assistance of counsel, we hold that it is inadmissible in evidence under Article III, section 12, paragraphs (1) and (3) of the Constitution. However, it appears that the defense failed to object, as required by Rule 132, section 36, immediately when Altamera was presented as a witness for the prosecution or when specific questions concerning the confession were asked. Having failed to do so, accused-appellant is deemed to have waived his right to object to the inadmissibility of Altamera's testimony.

It is noteworthy that accused-appellant's confession is corroborated by the corpus delicti. He in fact was even the one who informed the search team of the exact location where the body of the victim could be found. It is not necessary that an eyewitness should testify on having seen the accused committing the crime or seeing him under circumstances indicating that he committed the crime in order to hold the accused liable under his own confession.[24]

Third. Nor was it shown that the prosecution witnesses, particularly Barangay Captain Altamera and his men, had any ill motive to testify falsely against accused-appellant. In fact, the father of accused-appellant was the "kumpadre" of Altamera.[25] Where there is nothing to show that the witnesses for the prosecution were actuated by improper motive, their testimonies are entitled to full faith and credit.[26] The trial judge's evaluation of the testimony of witnesses is generally accorded not only the highest degree of respect but also finality, unless some circumstances of weight and substance, which could change the result of the case, have been ignored or misunderstood. As the trial judge had the opportunity to observe the witness on the stand, he was in a vantage position to assess his demeanor and determine whether or not he was telling the truth.[27]

Article 335 of the Revised Penal Code, as amended by R.A. No. 7659, provides that, when by reason or on the occasion of the rape of a woman under 12 years of age, a homicide is committed, the penalty shall be death. Being a single indivisible penalty and the only penalty prescribed by law for the crime of rape with homicide, the Court is constrained to apply the same regardless of any mitigating or aggravating circumstances that may have attended the commission of the crime in accordance with Article 63 of the Revised Penal Code.

Four (4) Members of the Court, although maintaining their adherence to the separate opinions in *People vs. Echegaray*[28] that R.A. No. 7659, insofar as it prescribed the penalty of death, is unconstitutional, nevertheless submit to the ruling of the majority that the law is constitutional and that the death penalty should accordingly be imposed.

With respect to the civil liability of accused-appellant, the trial court awarded the heirs of the victim P500,000.00 as actual damages, P750,000.00 as moral damages, and P500,000.00 as exemplary damages, without subsidiary

imprisonment in case of insolvency.

These awards are excessive. In accordance with our current rulings,[29] the indemnity for the death of the victim Glery P. Geoca should be P100,000.00. On the other hand, the award of P750,000.00 as moral damages must be reduced to P50,000.00, also in line with recent cases.[30] Moral damages are awarded to the heirs of the victim in a criminal proceeding by reason of the death of the victim as a consequence of the rape without the need for pleading or proving the basis thereof. The purpose of the award is not to enrich the heirs of the victim but to compensate them for the injuries to their feelings. Finally, the award of P500,000.00 for exemplary damages must be disallowed, there being no aggravating circumstances which attended the commission of the crime.[31]

WHEREFORE, the decision of the Regional Trial Court, Branch 19, Pagadian City finding accused-appellant Ranillo Ponce Hermoso, alias "Allan," guilty of rape with homicide and sentencing him to suffer the penalty of death is AFFIRMED with the MODIFICATION that accused-appellant is ordered to indemnify the heirs of the victim Glery P. Geoca in the amount of P100,000.00 as civil indemnity and P50,000.00 as moral damages.

In accordance with Section 25 of R.A. No. 7659, amending Article 83 of the Revised Penal Code, upon finality of this decision, let the records of this case be forwarded to the Office of the President for possible exercise of pardoning power.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Purisima, Pardo, Buena, Gonzaga-Reyes, Ynares-Santiago, and De Leon, Jr., JJ., concur.

[1] Per Judge Franklin A. Villegas.

[2] Rollo, p. 1.

[3] TSN (Ireneo Goeca), October 29, 1996, pp. 10-19; Affidavit of Ireneo Geoca y Seguisabal dated June 13, 1996, RTC Records, p. 6.

[4] TSN (Sonny Boy Altamera), October 8, 1996, pp. 2-10; TSN (Josephine Gonzales), September 11, 1996, pp. 2-5; Sworn Statement of Josephine Gonzales dated June 11, 1996, RTC Records, p. 8.

[5] TSN, (Sonny Boy Altamera), October 8, 1996, pp. 10-15.

[6] TSN (Naciansino Hermoso), September 11, 1996, pp. 14-21; TSN (Naciansino Hermoso) September 12, 1996, pp. 2-8; Sworn Statement of Naciansino Hermoso dated June 11, 1996, RTC Records, p. 7 (Exh. 1).

[7] TSN (Sonny Boy Altamera), October 8, 1996, pp. 15-25; Affidavit of Sonny Boy Altamera dated June 13, 1996, RTC Records, p. 10; TSN (Joveniano Pansacala), October 29, 1996, pp. 2-6; Affidavit of Joveniano Pansacala dated June 11, 1996, RTC Records, p. 9.

[8] RTC Records, p. 14.

[9] RTC Records, p. 15; Index of exhibits, pp. 12-13.

[10] TSN, November 18, 1996, pp. 7, 14-27, 30.

[11] RTC Records, p. 140.

[12] Rollo, p. 22

. [13] People vs. Bello, G.R. Nos. 130411-14, October 13, 1999.

[14] People vs. Alicando, 251 SCRA 293 (1995)

[15] RTC Records, p. 140, see footnote 11.

[16] RTC Records, p. 141-A.

[17] RTC Records, p. 142.

[18] G.R. Nos. 131384-87, February 2, 2000.

[19] People vs. Robles, 305 SCRA 273 (1999).

[20] People vs. Naag, G.R. No. 123860, January 20, 2000.

[21] People vs. Payot, 308 SCRA 43 (1999); People vs. Mahinay, 302 SCRA 455 (1999); People vs. Alberca 257 SCRA 613 (1996); People vs. Abitona, 240 SCRA 335 (1995).

[22] 269 SCRA 95 (1997), cited in People vs. Cabiles, 284 SCRA 199 (1998).

[23] 236 SCRA 565 (1994).

[24] People vs. Dorado, 30 SCRA 53 (1969).

[25] TSN (Sonny Boy Altamera), October 8, 1996, p. 26.

[26] People vs. Bergante, 286 SCRA 629 (1998).

[27] People vs. Valla, G.R. No. 111285, January 24, 2000; People vs. Sanchez, 302 SCRA 21 (1999).

[28] 267 SCRA 682 (1997).

[29] People vs. Robles, *supra*, cited in People vs. Payot, *supra*.

[30] *Id*; People vs. Dizon, G.R. No. 129893, December 10, 1999; People vs. Rondero, G.R. No. 125687, December 9, 1999; People vs. Tahop, G.R. No. 125330, September 29, 1999; People vs. Aquino, 310 SCRA 437 (1999); People vs. Mangat, 310 SCRA 101 (1999).

[31] People vs. Dizon, *supra*.

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