

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. CARLITO QUIBOYEN ALIAS JUN QUIBOYEN, ACCUSED-APPELLANT.

G.R. No. 130636. July 14, 1999

Ponente: GONZAGA-REYES, J.

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GONZAGA-REYES, J.:

Before the Court is an appeal certified by the Court of Appeals (Eighth Division) from a judgment of conviction of the crime of Homicide rendered by the Regional Trial Court, Branch XIX, 12th Judicial Region, Isulan, Sultan Kudarat in Criminal Case No. 2042.

In its judgment/decision dated 16 June 1994, the Regional Trial Court found appellant Carlito Quiboyen alias "Jun" guilty beyond reasonable doubt of the crime of Homicide and sentenced him to suffer the indeterminate penalty of imprisonment, ranging from EIGHT [8] YEARS and ONE [1] DAY of prison mayor, as minimum, to FOURTEEN [14] YEARS, EIGHT [8] MONTHS and ONE [1] DAY of reclusion temporal, as maximum; to indemnify the heirs of the late Edwin Valdez, the amount of FIFTY THOUSAND (P50,000.00) PESOS, as statutory indemnity for the death of the deceased victim, Edwin Valdez; and to pay the costs of suit."^[1]

On May 18, 1992, accused-appellant Carlito Quiboyen alias Jun Quiboyen was charged, together with Felipe Tabuga, who is still at large, with the crime of Murder in an Information which reads:

"That in the evening of January 9, 1992, at Barangay Kangkong, Municipality of Esperanza, Province of Sultan Kudarat, Philippines, and within the jurisdiction of this Honorable Court, the said accused, in company with FELIPE TABUGA, JR. who is still at-large and whose case is still pending preliminary investigation before the 4th Municipal Circuit Trial Court of Bagumbayan-Esperanza, Sultan Kudarat, armed with firearms, conspiring, confederating together and mutually helping each other, with intent to kill, with evident premeditation and treachery, did then and there, wilfully, unlawfully and feloniously, attack, assault and shot one EDWIN VALDEZ with the use of the afore-mentioned weapon, thereby inflicting gun shot wound upon the latter which caused his instantaneous death.

CONTRARY TO LAW, particularly Article 248 of the Revised Penal Code of the Philippines."^[2]

When arraigned, accused Quiboyen pleaded not guilty. Pre-trial was waived by the accused and trial on the merits immediately ensued.

During the trial, the prosecution presented six (6) witnesses, namely Danilo Consolacion,^[3] Larry Consolacion, Virginia Consolacion, Bernardo Calica, Bienvenida Calacasan (Local Civil Registrar of the town of Esperanza) and Dr. Timoteo Molleno, Jr. It also submitted and marked Exhibits A to E which are the affidavit of Danilo Consolacion, Certificate of Death of Edwin Valdez; letter-request for autopsy of the Chief of Police of Esperanza; autopsy report of Dr. Molleno, Jr. and a pellet taken by Dr. Molleno from the cadaver of deceased Edwin Valdez, respectively. On the other hand, the defense called to the witness stand the accused Jun Quiboyen, SPO2 Carlito Bautista, SPO3 Claudio Golveque of the Philippine National Police assigned at the Esperanza Police Station, Sultan Kudarat, Arnaldo Baño, Barangay Captain of Kangkong, Esperanza, Sultan Kudarat, and Jenelyn

Quiboyen, daughter of the accused.

The trial court summed up its findings as follows:

"It can thus be seen from the foregoing evidence adduced in Court that the prosecution would like to show that it was the accused, Carlito Quiboyen alias Jun, who shot and killed Edwin Valdez in the evening of January 9, 1992, inside the cottage owned by his brother-in-law, Marcelo Adaya, at barangay Kangkong, Esperanza, Sultan Kudarat; while, upon the other hand, the accused interposed a defense of alibi and denial in the commission of the crime imputed against him in the above-entitled case which caused the death of the deceased victim, Edwin Valdez, the nephew of his wife.

Under the foregoing factual backdrops, has the prosecution successfully discharged the burden of proving the guilt of the accused, Carlito Quiboyen alias Jun, of the crime of Murder beyond reasonable doubt?

Confronted with two contrasting narration of facts, the vital question that presents itself before the Court is, which version is more credible?

Obviously, the prosecution relied heavily on the testimonies of Larry Consolacion and his mother, Virginia Consolacion, who positively identified the accused, Carlito Quiboyen alias Jun, as the person who shot and killed the deceased victim, Edwin Valdez, in the evening of January 9, 1992, inside the cottage at barangay Kangkong, Esperanza, Sultan Kudarat. It was not disputed by the defense that Larry Consolacion and Virginia Consolacion knew personally the accused in barangay Kangkong, neither was it disputed by the defense that the said Larry Consolacion and Virginia Consolacion were with the deceased victim, Edwin Valdez, inside the cottage of Marcelo Adaya, at the time the said deceased victim was shot and killed in the evening of January 9, 1992. Furthermore, the defense did not present evidence to prove that Larry Consolacion and his mother, Virginia Consolacion, could not have identified the assailant of the deceased victim, as it was nighttime. On the contrary, the prosecution had established that the assailant could have been clearly identified as there was accordingly a lighted kerosene torch placed on top of a table inside the cottage. The place was, therefore, well lighted and sufficiently illuminated. Moreover, the prosecution, likewise, relied on the testimony of Danielo Consolacion who met allegedly the accused in the evening of January 9, 1992, before the deceased victim was shot, and told him that he was looking for Edwin Valdez as he was going to kill him. The accused was accordingly in possession of a handgun at that time and was apparently drunk, as he proceeded towards the cottage of Marcelo Adaya with one Felipe Tabuga, while Danielo Consolacion went home hurriedly to warn the deceased victim who was at that time staying in their house, but he failed to find him. The accused, Carlito Quiboyen alias Jun, is accordingly known personally to the said Danielo Consolacion. After the gunshot, the latter had, in fact, allegedly seen the accused and Felipe Tabuga running away from the cottage, holding their firearms. They were, likewise, seen running away, by prosecution witness Bernard Calica, coming from the cottage after a gunshot was fired, and the said witness had earlier seen the accused and Felipe Tabuga, Jr., on the road going towards the direction of the cottage, before he heard the gunshot.

Admittedly, the main defense impliedly put up by the accused in this case is alibi and complete denial, a defense which is said to be the weakest, seldom believed or given weight, as it is easy of fabrication, except when the identity of the accused has not been positively made and when the evidence of alibi is airtight, which means that there was physical impossibility for the accused to be in the place where the incident took place because he was in another place which makes it physically impossible for him to be at the place of the incident. The Court is not, however, impressed by the alibi put up by the accused. It is far from being airtight. Considering that the distance of the place, where the accused claimed he was at the time of the incident, was not more than one (1) kilometer at most, it was not improbable that the accused could have been in the place of the incident, committed the crime imputed against him, then returned to the place where he claimed he was, by negotiating the distance in a short time. x x x The claim of the accused in the case at bar that he was in his house and very drunk in the evening of January 9, 1992, could have been true, but that was after 7:00 o'clock in the evening when the crime in question was already committed, as it was shown by the prosecution that the

accused was already drunk when he was seen in the early evening of January 9, 1992, shortly before the incident in question took place. x x x Evidently, the accused failed to meet the aforesaid requirement, as his defense of alibi was even more dubious because of the attempt to buttress the same through his daughter, whose testimony corroborating the alibi of the accused (her father) is undeniably tainted with bias, for it springs from the natural desire of a daughter to exculpate her father from criminal liability. x x x

Except for denying any direct participation in the commission of the crime imputed against him in this case, on the ground of alibi, the positive identification of the accused by the prosecution's witnesses was not assailed and/or contradicted by the defense x x x

Verily, the defense of denial and alibi could not prevail over the positive identification of the accused, Carlito Quiboyen alias Jun, by the prosecution's witnesses as the author of the crime in question. x x x

Evidently, the bare denial of the accused, Carlito Quiboyen alias Jun, that he could not have shot and killed Edwin Valdez in the evening of January 9, 1992, at the crime scene, since he was allegedly at his house, about one (1) kilometer away, is indubitably insufficient to overcome his positive identification by the witnesses of the prosecution, against whom, the accused had not shown any evil motive that may have prompted them to accuse him unjustly. Furthermore, the defense did not present evidence to impeach the credibility of the witnesses of the prosecution, so that without the credibility of the said witnesses having been assailed, and there being no evidence presented to show improper motive against them, the presumption is that, the witnesses for the prosecution were not actuated by improper motive in testifying against the accused, hence, their testimonies are entitled to full faith and credit. x x x.

Upon the other hand, the Court finds the testimonies of the accused and his witnesses evidently doubtful, unreliable and unconvincing which do not easily inspire belief and credence.

Accordingly, on the basis of the foregoing considerations, it is evidently plain from the evidence adduced in Court that the accused, Carlito Quiboyen alias Jun, was duly and positively identified as the assailant who shot and killed the deceased victim, Edwin Valdez, in the evening of January 9, 1992, inside the cottage, owned by Marcelo Adaya, at barangay Kangkong, Esperanza, Sultan Kudarat."[4]

The trial court rendered judgment finding accused Carlito Quiboyen guilty of the crime of Homicide and not of Murder in view of the alleged failure of the prosecution to prove or establish the qualifying aggravating circumstances of treachery and evident premeditation, as alleged in the Information filed against the accused. The trial court said:

"x x x Definitely, no evidence was presented by the prosecution to show that treachery was consciously adopted by the accused as a method or form of attack in the commission of crime which directly caused the death of Edwin Valdez and while the crime was committed at night-time, the same was not especially sought for by the accused as to absorb treachery. Similarly, evident premeditation was not duly established by the prosecution x x x as there was no evidence showing that the accused meditated and reflected on his intention between the time when the crime was conceived by him and the time when the crime was actually perpetrated."[5] x x x."

On appeal, the Court of Appeals upheld the findings and conclusion of the trial court that based on the clear and positive testimonies of prosecution witnesses Larry and Virginia Consolacion, accused-appellant Carlito Quiboyen is the one who shot and killed Edwin Valdez.

However, the appellate court disagreed with the trial court's finding as regards the presence of the qualifying circumstance of treachery stating that:

"Prosecution's evidence tends to establish that at about 7:00 o'clock in the evening of January 9, 1992, Larry Consolacion, his mother Virginia Consolacion, Edwin Valdez, Marcelo Adaya and Mario Salvador, were

having conversation and drinking `tuba' at the cottage of Adaya in Sitio Kangkong, Esperanza, Sultan Kudarat. While they were thus together, appellant suddenly appeared with a 12-gauge shotgun and went directly to Edwin Valdez who was seated. Without uttering a single word, he shot Edwin on the face. Hit on the chin, Edwin fell bloodied. Larry, Virginia, Mario and Marcelo all scampered away, while appellant quickly fled from the scene (TSN, January 19, 1993, pp. 4, 14-15).

x x x x x x x x

"x x x The evidence indicates that prior to the shooting, he (accused Quiboyen) told Danielo Consolacion that he was going to kill Edwin. Edwin was seated, conversing and drinking with four other persons, namely: Larry Consolacion, Virginia Consolacion, Marcelo Adaya and Mario Salvador when appellant approached the group. Without any word, appellant went directly to Edwin and shot him point blank with a 12-gauge shotgun producing a fatal wound. Under these circumstances, it is evident that Edwin had no inkling he would be assaulted by appellant, and because of the suddenness of the attack and the weapon used --- a 12-gauge shotgun --- he was completely defenseless. A sudden and unexpected attack under circumstances which render the person attacked unable to defend himself by reason of the suddenness and severity of the attack constitutes alevosia (Aquino, The Revised Penal Code, 1976 Ed., Vol. I, pp. 362-364, citing De Silva 14 Phil. 413; Matanog 11 Phil. 188; Baoit 15 Phil. 338; and Atilano-Alcantara, CA 45 O.G. 3451)."[6]

Accordingly, the appellate court in its decision dated July 30, 1997 found appellant Carlito Quiboyen alias Jun Quiboyen guilty beyond reasonable doubt of the crime of MURDER. The dispositive portion of the judgment reads:

"WHEREFORE, pursuant to Section 13, Rule 124, Rules on Criminal Procedure and Article 8, Section 5 of the 1987 Constitution of the Philippines and finding Carlito Quiboyen guilty beyond reasonable doubt of the crime of MURDER, as defined and penalized under Article 248 of the Revised Penal Code as amended, in its minimum period of reclusion perpetua. We certify this case to the Honorable Court for final determination and appropriate action (see *People vs. Demecillo*, 186 SCRA 161-164).

SO ORDERED."[7]

As stated, the trial court and the appellate court are one in the conclusion that accused-appellant Carlito Quiboyen alias Jun was positively identified by the prosecution's witnesses as the assailant who shot and killed the deceased victim Edwin Valdez, in the evening of January 9, 1992 inside the cottage owned by Marcelo Adaya at Barangay Kangkong, Esperanza, Sultan Kudarat, and that the defense of denial and alibi put up by accused-appellant was not deserving of any credence.

The only point of disagreement is whether the crime committed is Homicide or Murder particularly, whether "treachery" attended the killing of the victim and qualified the crime to murder as charged in the Information.

After a review of the evidence, we affirm the judgment convicting accused-appellant of the crime of MURDER, the killing of victim Edwin Valdez having been attended by alevosia.

It is well-settled that there is treachery when the offender commits any of the crimes against persons, employing means, methods or forms in the execution thereof which tend directly and specially to insure its execution without risk to himself arising from the defense which the offended party might make[8]; that the essence of treachery is the swift and unexpected attack on an unarmed victim without the slightest provocation on the part of the person being attacked[9]; that treachery sufficiently qualifies the killing of a person to murder because under the law[10] only one of the six (6) circumstances enumerated therein is necessary to qualify an offense as murder.[11]

We affirm the conclusion of the Court of Appeals that as borne out by the evidence adduced during the trial, the qualifying circumstance of treachery should be appreciated and considered against accused-appellant Carlito Quiboyen. Portions of the uncontroverted testimonies of prosecution witnesses Larry Consolacion and Virginia

Consolacion quoted hereunder, attest to the presence of treachery in the killing of deceased victim Edwin Valdez:

1. LARRY CONSOLACION

"Q - In the evening of January 9, 1992, at around 7:00 o'clock in the evening where were you?

A - I was at the cottage, sir.

Q - Who is the owner of that cottage?

A - It was owned by my uncle Marcelo Adaya, sir.

Q - Who were your companion at the cottage at around 7:00 o'clock in the evening?

A - Edwin Valdez, Virginia Consolacio, Marcelo Adaya and Mario Salvador and myself, sir.

Q - And what were you doing in the cottage at that time?

A - We were sitting, sir.

Q - Who was beside you while you were having a conversation?

A - Edwin Valdez, sir.

Q - He was at your leftside?

A - At my right side, sir.

COURT:

Q - You were sitting together?

A - Yes, your Honor.

Q - In a long bench?

A -

Yes, your Honor.

FISCAL DE PERALTA:

Q - And who was in front of you at the time while you were sitting together with Edwin Valdez?

A - My mother and my uncle, sir.

Q -

Your uncle who?

A - Marcelo, sir.

COURT:

Q - They were in front of you?

A - Yes, your Honor.

Q - They were also sitting?

A - Yes, your Honor.

FISCAL DE PERALTA:

Q -

When you were sitting together with these four persons and at your right was Edwin Valdez, do you remember if you have seen the accused in this case Carlito Quiboyen at the cottage?

A - I saw him, sir.

Q - And immediately after seeing him what did Carlito Quiboyen do?

A - I saw him pointed a gun and immediately thereafter it burst.

COURT:

Q - You saw him armed?

A - Yes, your Honor.

FISCAL DE PERALTA:

Q - To whom did he point his gun?

A -

To Edwin Valdez, sir.

Q - And after he pointed his gun to Edwin Valdez and the gun burst, what happened to him?

A - He was hit, sir.

Q - And after he was hit, what happened to him?

A - He fell down, sir.

Q - Where was he hit if you know?

A - Here, sir (Witness touching his chin).

Q - When Jun Quiboyen shot Edwin Valdez and you said Edwin Valdez was hit was Jun Quiboyen in front of the two of you, I am referring to Edwin Valdez?

Q - Yes sir.

Q - Did Jun Quiboyen utter any words before he shot Edwin Valdez?

A He said nothing sir.

Q When Jun Quiboyen shot Edwin Valdez, what was Edwin Valdez doing?

A He was sitting sir.

Q Was he talking or not?

A No, sir.

Q And after Carlito Quiboyen shot Edwin Valdez, what did Carlito Quiboyen do next?

A He ran away, sir.

Q You saw him ran away?

A Yes, sir.

Q How far were you from Carlito Quiboyen when you saw him shot Edwin Valdez at the cottage?

A Around two meters. sir.[12]

2. VIRGINIA CONSOLACION:

"Q - In the evening of January 9, 1992, at around 7:00 o'clock, where were you?

A - We were at the cottage of my brother-in-law.

Q - What is the name of your brother-in-law?

A - Marcelo, sir.

Q - The cottage that you are referring to is located at Kangkong?

A - Yes, sir.

Q - Who were your companion at the cottage on January 9, 1992 in the evening?

A - Marcelo, Larry Consolacion, myself, Delia and Marites Salvador, sir.

Q - How about this Edwin Valdez, where was he at that time?

A - He was with us, sir.

Q - What were you doing at the cottage together with these persons that you mentioned?

A - We were having a conversation, sir.

Q - Were you sitting at that time?

A - Yes, sir.

Q - How about your son Larry Consolacion he was also sitting?

A - Yes, sir.

Q - Who was in front of you while you were sitting that evening in the cottage?

A - Edwin Valdez, sir.

Q - And while you were sitting having a conversation at the cottage on January 9, 1992 was there any unusual incident that happened?

A - Yes, sir.

Q - What is that?

A - There was a gun burst, sir.

Q - Do you mean to say that you heard a gun burst?

A - Yes, sir.

Q - And when you heard a gun burst, what did you do?

A - I turned around, sir.

Q - And what did you see?

A - I saw a person, sir.

Q - Who was that person?

A - Carlito Quiboyen, sir.

Q - What was he holding when you saw him?

A - A gun, sir.

Q - Towards what direction was the gun pointed to when you saw him holding a gun?

A - It was pointed towards Edwin Valdez, sir.

Q - And when you heard a gun burst, what happened to Edwin Valdez?

A - He fell down, sir.

COURT:

Q - Why did you turn around?

A - Because I was shocked, your Honor.

Q - Granting that you are sitting on the bench and facing towards that direction, will you demonstrate to us how did you turn around after the gun burst?

A - (Witness demonstrated by turning his head to the right and little behind and moving his body).

Q - You said that you saw Carlito Quiboyen, was Carlito Quiboyen behind you?

A - Yes, sir.

Q - Immediately behind you?

A - Yes, sir.

Q - How far was he to you when you saw him after turning around?

A - Very close just immediately at my back, your Honor.

FISCAL DE PERALTA:

Q - And after you saw Carlito Quiboyen holding a gun pointed towards the direction of Edwin Valdez and also after the gun burst, what did you do next?

A - I stand up and ran away, sir.

Q - How were you able to see or recognized Carlito Quiboyen when you turned your back when it was night time?

A - Because I know him long time ago, sir."[13]

The foregoing testimonies were corroborated by prosecution witnesses Danilo Consolacion and Bernardo Calica who both testified that in the afternoon of January 9, 1992, they saw accused Carlito Quiboyen alias Jun and Felipe Tabuga, Jr., before and after the shooting incident. Danilo Consolacion declared that Jun Quiboyen was looking for Edwin Valdez because he was going to kill him and that both Jun Quiboyen and Felipe Tabuga were each carrying a gun; that he (Danilo Consolacion) even told Jun Quiboyen not to kill Edwin Valdez because he is a nephew of Quiboyen's wife. Danilo further testified that Jun Quiboyen and Felipe Tabuga proceeded to the cottage or purok center of Barangay Kangkong and that after a while a gunburst was heard and he saw Jun Quiboyen running away from the cottage still with the gun held in his hand and that immediately thereafter, he went inside the cottage and saw Edwin Valdez wounded and dead.[14] For his part, Bernardo Calica, testified that while at his house in the early evening of January 9, 1993 he saw Jun Quiboyen with a gun and Felipe Tabuga, Jr. walking along the road fronting his house towards the direction where the Kangkong Barangay center/cottage was located; that feeling suspicious he proceeded to the house of his barkada which is ten (10) meters from the cottage and peeped through the window; that while peeping he heard a gunburst and then saw Jun Quiboyen and Felipe Tabuga, Jr. running away from the cottage with Jun Quiboyen still holding a gun in his hand; that after the gunburst, the other persons inside the cottage shouted "Edwin is dead." [15]

We are convinced that the testimonies of the aforementioned prosecution witnesses have established that treachery attended the killing of deceased victim Edwin Valdez and the crime committed is murder qualified by alevosia..

The attack and the shooting of the victim were sudden and unexpected and without prior warning or opportunity given to the victim to defend himself. Being defenseless and unarmed at that time, and without any provocation on his part, victim Edwin Valdez was completely taken by surprise and was fatally shot while he was seated on a long bench together with witnesses Larry and Virginia Consolacion and engaged in a conversation and drinking tuba with two others inside the cottage of Marcelo Adaya. The fact that he was shot face to face did not make the attack less treacherous as he was totally surprised and rendered completely defenseless when he was shot.[16] Treachery is present although the shooting was frontal when the attack was so sudden and unexpected that the

victim was not in a position to offer an effective defense.[17] In the instant case, appellant's attack and shooting of deceased Edwin Valdez was deliberate and sudden thus, ensuring the execution of the crime without any risk to himself.[18] The manner of the attack itself is proof enough of alevosia.[19]

As regards the imposable penalty since the crime was committed on January 9, 1992 before the effectivity of R.A. No. 7659 reimposing the death penalty, the case is governed by *People vs. Muñoz*[20] in which the Court clarified that Sec. 19(1), Art. III of the Constitution did not abolish the death penalty but merely suspended its imposition. Conformably, with *People vs. Muñoz* and subsequent cases[21] where the crime of murder is committed without any aggravating or mitigating circumstance the imposable penalty is reclusion perpetua which is the medium period of the penalty for murder prescribed under Article 248 of the Revised Penal code.

The accused is also ordered to pay the heirs of Edwin Valdez the amount of Fifty Thousand (P50,000.00) Pesos as statutory indemnity pursuant to prevailing jurisprudence.

WHEREFORE, the decision of the Court of Appeals finding the accused Carlito Quiboyen alias Jun Quiboyen guilty beyond reasonable doubt of the crime of Murder is **AFFIRMED** with the modification that accused is hereby **SENTENCED** to suffer the penalty of reclusion perpetua, together with the accessory penalty provided by law and to pay the costs. He is further directed to indemnify the heirs of the late Edwin Valdez the amount of **FIFTY THOUSAND (P50,000.00) PESOS**.

SO ORDERED.

Romero, Vitug, Panganiban, and Purisima, JJ., concur.

[1] RTC Decision, p. 23; Rollo, p. 68.

[2] Records, p. 28.

[3] Referred to as *Danielo Consolacion* in the RTC-Decision.

[4] RTC Decision, pp. 15-21; Rollo, pp. 60-66.

[5] RTC Decision, p. 22; Rollo, p. 67.

[6] CA Decision, p. 6; Rollo, p. 95.

[7] CA Decision, p. 7; Rollo, p. 96.

[8] Article 14, Par.16, Revised Penal Code; *People vs. Velaga, Jr.*, 199 SCRA 518, 523 citing earlier cases; *People vs. Lacao, Sr.*, 201 SCRA 317, 330 citing earlier cases; *People vs. Villegas*, 262 SCRA 314; *People vs. Tañedo*, 266 SCRA 34; *People vs. Paynor*, 261 SCRA 615, 628; *People vs. Castillo*, G.R. No. 120282, April 20, 1998; *People vs. Pallarco*, G.R. No. 119971, March 26, 1998; *People vs. Molina*, G.R. Nos. 115835-36, July 22, 1998; *People vs. Sabalones*, G.R. No. 123485, August 31, 1998; *People vs. Cawaling*, G.R. No. 117970, July 28, 1998; *People vs. Tabones @ "Yape"*, G.R. No. 129695, March 17, 1999.

[9] *People vs. Villamer*, 248 SCRA 184; *Sison vs. People*, 250 SCRA 58; *People vs. Alvarez*, 267 SCRA 266; *People vs. Quinao*, 269 SCRA 495; *People vs. Andres*, G.R. No. 122735, September 25, 1998; *People vs. Navarro*, G.R. No. 129566, October 7, 1998.

[10] Article 248 of the Revised Penal Code.

[11] *People vs. Dueño*, 90 SCRA 23.

[12] TSN, January 19, 1993, pp. 3-5.

[13] TSN, January 19, 1993, pp. 13-15.

[14] See TSN, January 11, 1993, pp. 4-7.

[15] See TSN, January 19, 1993, pp. 20-23.

[16] *People vs. Listen*, 179 SCRA 415, 421; *People vs. Dinglasan*, 267 SCRA 26.

[17] *People vs. Cuadra*, 85 SCRA 376, 595.

[18] *People vs. Ramolete*, 56 SCRA 66, 80; *People vs. Toribio*, 198 SCRA 529, 540.

[19] *People vs. Serzo, Jr.* 274 SCRA 553.

[20] 170 SCRA 107 (1989).

[21] *People vs. Parojinog*, 203 SCRA 673 (1991); *People vs. Dela Cruz*, 216 SCRA 476 (1992); *People vs. Amigo*, 252 SCRA 43 (1996); and *People vs. Artiaga*, 274 SCRA 685 (1997).

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