

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. LEO MACALIAG, JESSE TORRE AND JULIVER CHUA, ACCUSED.

G.R. No. 130655. August 09, 2000

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

This is an appeal from the decision dated June 19, 1997 of the Regional Trial Court, Branch 2 of Iligan City in Criminal Case No. 5923, the dispositive portion of which reads:

WHEREFORE, and in view of the foregoing considerations, judgment is hereby rendered finding all the accuseds (sic) namely: Leo Macaliag, Jesse Torre, a.k.a. “Sasot” and Juliver Chua, a.k.a. “Botyok”, guilty beyond reasonable doubt as principals of the crime of murder as the same is defined and penalized under Article 248 of the Revised Penal Code, sentencing each and every accused to suffer the penalty of reclusion perpetua with all the accessory penalties provided for under the law as well as to pay the cost. They are furthermore ordered to pay the heirs of the deceased, jointly and severally, the sum of P50,000.00 as and for the death of deceased Brian Jalani and further the sum of P20,000.00 as and for moral damages.

SO ORDERED.[1]

This case originated from the information filed against accused-appellants Jesse Torre, a.k.a. “Sasot” and Juliver Chua, a.k.a. “Botyok”, along with co-accused Leo Macaliag which alleged:

That on or about April 16, 1995, in the City of Iligan, Philippines, and within the jurisdiction of this Honorable Court, the said accused, conspiring and confederating together and mutually helping each other, armed with a deadly weapon, by means of treachery and evident premeditation, and with intent to kill, did then and there wilfully, unlawfully and feloniously attack, assault, stab and wound one Brian Jalani, thereby inflicting upon him the following physical injuries, to wit:

- Cardio Respiratory Arrest
- Hypovolemic Shock, R shoulder
- R Infrascapular area, L Lumbar
- all penetrating

which caused his death.

Contrary to and in violation of Article 248 of the Revised Penal Code with the aggravating circumstances of treachery and evident premeditation.[2]

The prosecution relied, for the most part, on the testimony of eyewitness Anacleto Moste who related in open court the relevant incidents of that fateful night of April 16, 1995. According to him, he was then watching a political rally at Purok Rosal, Villaverde, Iligan City on or about 9:30 o'clock in the evening when he heard a certain David, who was in a state of panic, asking for help because someone was being stabbed near Baslayan Creek, not too distant from where the rally was taking place. When he arrived at the scene, he saw three (3) men attacking a lone victim. He was able to recognize the three (3) accused as the perpetrators, as well as the hapless

victim, one Brian Jalani, for they were all personally known to him. There was adequate lighting coming from a nearby lamp post, and witness Moste was only a mere eight (8) to ten (10) meters away from them. Furthermore, there were no obstructions to his line of vision. In describing the positions of the accused relative to the victim, witness Moste testified that accused Torre was holding the neck of victim Jalani from the latter's back, while the other two accused, Chua and Macaliag, were to the victim's right and left, taking turns in stabbing him. He shouted at the perpetrators three (3) times before accused Torre pushed the victim into the creek, after which all the three (3) accused fled towards the direction of Purok Gumamela. Moste was about to chase them, but decided against it when he heard the cries of the victim who was sinking into the mud and gasping for breath, at the same time bleeding profusely from his stab wounds. Moste tried to solicit the aid of some onlookers, shouting for help, as he himself started to drown in the mud while striving to keep victim Jalani from sinking. Finally, three workers from Dado Lechon took pity and pulled Moste and Jalani out of the muddy creek.

After some difficulty in securing a vehicle, the victim was finally brought to the Dr. Uy Hospital for treatment, but he (Jalani) succumbed to death shortly thereafter. By then, witness Moste had already left the hospital to notify Jalani's mother and to report the incident to one SPO4 Lubang, who happened to be Moste's neighbor.[3]

The prosecution also presented Dr. Livey Villarin to identify the necropsy report. The doctor testified that the victim sustained six (6) stab wounds in all: three (3) in front and three (3) at his back; the most fatal of which was the one on the victim's chest.[4]

The final witness for the prosecution was SPO4 Antonio Lubang who was, at the time of the incident, the Assistant Chief of the Special Investigating Unit of Precinct 4 of the Iligan City Police Command. He testified that at 1:00 o'clock in the early morning of April 17, 1995, he was awakened by witness Moste and a certain Rene Alasagas who reported the stabbing incident involving the victim Brian Jalani and the three accused. He further averred that upon investigation, other witnesses positively identified Macaliag as one of the perpetrators. He was also able to interview one Jeffrey Yorong who stated that had he not been able to escape, he would have been the first victim of the same perpetrators that night.[5]

There were no immediate arrests since all three accused had fled the vicinity. It was only on February 1, 1996 or almost ten (10) months later that accused Juliver Chua was apprehended. The other two accused, Leo Macaliag and Jesse Torre, were brought under the jurisdiction of the trial court some four (4) months thereafter. Upon their arraignment, all three accused pleaded not guilty, interposing the defense of alibi.

For his part, accused Juliver Chua argued that he could not have been in the vicinity of the crime because he was then dancing at a disco in Tambacan, Iligan City; that he only returned to Villaverde, Iligan City in the early hours of the morning of April 17, 1995; that he even met prosecution witness Moste along the way, where the latter allegedly asked him (Chua) if he knew the whereabouts of Leo Macaliag and Jesse Torre.

On cross-examination, accused Chua testified that on or about 1:10 in the morning, on his way home from the disco, he met co-accused Leo Macaliag and Jesse Torre at Aldo Arts and Signs, both of whom persuaded him to accompany them to Purok Manuang, Mahayahay, Iligan City. It was there where he first learned that Brian Jalani had been stabbed to death by Macaliag and Torre, allegedly with the participation of one Jun Tacastacas and Michael Pato, who were then having a drinking session. He decided to go home because he was afraid that he would be implicated in whatever crime Macaliag and the others had committed.[6]

Accused Chua's alibi was corroborated by his girlfriend, Carla Garces. She testified that she was with Chua at the disco on the night of the incident and that they were together the whole time. They left the disco together at about 1:00 o'clock in the morning, parting ways at the traffic light at Quezon Avenue.[7]

Next to testify on Chua's behalf was his mother Antonia Chua, who related that at 10:00 o'clock in the evening of April 16, 1995, she went to the disco to fetch her son, but she left him in the company of his girlfriend Carla Garces who agreed to accompany him home. The elder Chua further stated that her son arrived home at 1:30 o'clock in the morning of the following day.[8]

On the part of accused Jesse Torre, his mother, Rosita Torre testified that at the time of the incident, Jesse was with her at their home, sleeping until the following morning because he had a fever. After he recovered from his illness, accused Torre left for Cagayan de Oro City, where he worked vending peanuts until he and co-accused Leo Macaliag were arrested in June of 1996.[9]

Accused Jesse Torre reiterated that he was at home, sick with fever, on the night of the tragic incident. He denied knowing the victim, Brian Jalani, while averring that he met co-accused Chua for the first time when both were already incarcerated in the city jail. He also refuted earlier testimony that he and Macaliag were notoriously known as partners in crime, saying that they were mere acquaintances. And contrary to accused Chua's earlier allegation, Torre said he was not with the group of Macaliag, Tacastacas, Pato and Chua in Barrio Manuang, Mahayahay, Iligan City, in the early morning of April 17, 1995.[10]

When it came time for accused Leo Macaliag to testify, he asserted that at the time of the incident, he was home drinking beer with his father. He only learned of the incident when accused Chua came knocking and asked if he (Chua) could hide in the Macaliag house for a while. He recalled that Chua's clothes were bloodied and covered with mud, prompting him to refuse Chua's request. Shortly thereafter, SPO4 Antonio Lubang and prosecution witness Moste arrived, asking the whereabouts of Leo Macaliag's younger brother, Roel, who was then attending the political rally. He further averred that he stayed home for several weeks before moving to Cagayan de Oro City, where he also found a job selling peanuts until he was apprehended.[11]

The last witness for the defense was one Estela Minister, a neighbor of accused Macaliag, who testified that at 11:00 o'clock in the evening of April 16, 1995, she was doing her laundry in front of her house. She corroborated Macaliag's testimony that accused Juliver Chua came to the Macaliag residence, but Chua was harangued by Leo's mother who scolded him (Chua) and denied him entry. That upon seeing Chua's dirty clothes and bloodied hands, she discontinued her washing, fearful that Chua would return.[12]

After carefully evaluating all the conflicting testimonies and evidence adduced by the opposing parties, the Regional Trial Court rendered its decision finding all the accused guilty of the murder of Brian Jalani.

Not satisfied with the decision rendered by the trial court, accused Jesse Torre and Juliver Chua filed the instant appeal. Accused-appellants contend that –

I

THE TRIAL COURT GRAVELY ERRED IN GIVING FULL WEIGHT AND CREDENCE TO THE TESTIMONY OF THE ALLEGED EYEWITNESS.

II

THE TRIAL COURT GRAVELY ERRED IN CONVICTING ACCUSED-APPELLANTS OF THE CRIME OF MURDER DESPITE FAILURE OF THE PROSECUTION TO PROVE THEIR GUILT BEYOND REASONABLE DOUBT AND IN NOT CONSIDERING THE DEFENSE INTERPOSED BY THE ACCUSED-APPELLANTS.

III

ON THE ASSUMPTION THAT ACCUSED-APPELLANTS INDEED KILLED THE VICTIM, THEN THE

TRIAL COURT GRAVELY ERRED IN CONVICTING ACCUSED-APPELLANTS OF MURDER
INSTEAD OF THE LESSER OFFENSE OF HOMICIDE.[13]

In support of the first and second assigned errors, the accused-appellants argued that while it is the rule that conclusions and findings of fact of the trial court are binding and are generally not disturbed on appeal, said rule is not without exception, such as when the trial court ignored and overlooked facts of such weight and influence which could alter the result if considered.[14] The appellants submit that their case is an exception to the general rule, for the trial court overlooked and ignored the fact that the testimony of the alleged eyewitness Anacleto Moste was patently incredible and sadly lacking in truth, candor and spontaneity.[15]

In particular, the accused-appellants found it hard to believe that Moste, knowing that the assailants were supposedly “police characters”, could summon the courage to shout at them, and even contemplate running after them. To the accused-appellants, such a show of bravery runs counter to the ordinary course of human experience. Secondly, they pointed out that Moste’s testimony did not agree with the medical findings that the victim sustained only six (6) stab wounds, which in their opinion was too few considering that some amount of time had elapsed since a certain David first witnessed the stabbing until Moste’s arrival at the scene. Furthermore, Moste’s testimony that there were no policemen or bodyguards during the political rally at Purok Rosal is not to be believed since it is public knowledge that there are always bodyguards or police escorts protecting the candidates during rallies.

The accused-appellants’ contentions are bereft of merit. The trial court based its judgment on the credible and overwhelming evidence presented by the prosecution. Thus, we find no reason to disturb the conclusions or findings of fact of the trial court. First, the bravery, or even heroism, of eyewitness Moste should not be belittled by the appellants’ apparent lack of faith in the inherent goodness of human beings. While it cannot be denied that not all men are heroes, neither are all men cowards. Besides, what was in Moste’s testimony that was unbelievable? He admitted that his initial reaction was fear, but such fear did not paralyze him to inaction or apathy. Instead, the better and more compassionate part of his being drove him to perform a civic, if not moral duty. Eyewitness Moste is not a stranger to violence or civic duty. He was once a member of the Philippine Constabulary assigned in Lanao del Sur[16] and later with the PNP[17] and as such, he must have witnessed countless violent acts while relying on inner courage to preserve the life and limb of others. Given the circumstances as well as the character and experience of eyewitness Moste, we find nothing incredible in his reaction to the incident and his consequent testimony. While witnessing a crime is an unusual experience which draws varying reactions from different people, it is well-established that there can be no clear cut standard form of behavior or response that can be expected.[18] Fortunately for the prosecution, eyewitness Moste is possessed of better qualities than most men. No amount of nonchalance or even condescension on the part of the accused-appellants can diminish eyewitness Moste’s apparent selflessness, as well as credibility.

The fact that the victim sustained only six (6) stab wounds considering the amount of time that had elapsed is irrelevant to Moste’s credibility as a witness. The length of time that a crime takes to accomplish is never an indication of the number or severity of the wounds that the perpetrators can inflict on a victim. It is sufficient that eyewitness Moste saw and recognized the appellants while they were engaged in the dastardly deed of stabbing the victim. Besides, the victim also sustained abrasions apart from the multiple stab wounds, as testified to by the doctor who conducted the autopsy.[19] It could even be concluded that said injury was sustained while the victim tried to fight off his assailants. The victim’s resistance obviously slowed down the accused-appellants in the perpetration of their crime. Be that as it may, this supposed inconsistency is too minor and insignificant to affect the credibility of Moste as a witness.[20]

Besides, such a perceived inconsistency makes Moste’s testimony even more credible. The rule is well-settled

that inconsistencies and contradictions which are minor, trivial and inconsequential cannot impair the credibility of the witness. On the contrary, they only serve to strengthen the veracity of his categorical, straightforward and spontaneous testimony.[21]

Consequently, it is of no moment that eyewitness Moste did not see any policemen or bodyguards of the candidates at the political rally. This argument is too trivial to be entertained. It has no bearing at all on the crime committed, and it is obvious that the accused-appellants are merely clutching at straws to bolster a very tenuous attack on the eyewitness' credibility.

Given the weakness of the accused-appellant's arguments impugning the credibility of eyewitness Moste, the trial court did not err in giving full weight and credence to his testimony. The factual findings of the trial court based on eyewitness Moste's testimony deserves the respect of this Court and must be accorded finality.[22] In the absence of any indication that the trial court overlooked some material fact or gravely abused its discretion, we see no compelling reason to interfere with the trial court's assessment of the eyewitness' credibility.[23]

In the second assigned error, accused-appellants contend that the prosecution failed to prove their guilt beyond reasonable doubt. This contention is equally without merit. Even though Moste is the lone eyewitness to testify, his testimony is sufficient to convict the accused since his testimony bears the earmarks of truth and sincerity, spontaneously and naturally delivered in a straightforward manner.[24] Besides, the accused-appellants never questioned eyewitness Moste's motives for testifying against them. There was no indication that Moste's motives were improper, such that he would be driven to falsely testify against the accused-appellants under solemn oath. It would run counter to the natural order of events and of human nature, and contrary to the presumption of good faith, for a prosecution witness to falsely testify if the accused is truly innocent.[25]

Moreover, the lone testimony of eyewitness Moste, having been found credible and positive, is sufficient to convict the appellants for the truth is established not by quantity, but by the quality of his testimony.[26]

Be that as it may, the accused-appellants argue that there was reasonable doubt because their defense of alibi was supported by candid and credible testimony. While admitting that the defense of alibi is inherently weak, such defense was sufficiently proven by the accused-appellants and their witnesses.

The required elements for alibi to be appreciated are: (1) to prove the accused's presence at another place at the time of the perpetration of the crime; and (2) to demonstrate that it would thus be physically impossible for the accused to be at the scene of the crime.[27] Accused-appellant Juliver Chua claimed that he was at a disco with his girlfriend at the time of the stabbing incident. His corroborative witnesses were his girlfriend, Carla Garces, and his mother, Antonia Chua. Accused-appellant Jesse Torre claimed that he was at home, sick with fever, a declaration which his mother, Rosita Torre, confirmed. An examination of the accused-appellants' defense of alibi reveals the same to be self-serving and undeserving of any weight in law. The appellants failed to present other witnesses to substantiate their alibi. Thus, their alibi was not sufficiently proven in the absence of credible corroboration from disinterested witnesses.[28]

It is a well-entrenched rule that when an accused's alibi can only be confirmed by his relatives and friends who may not be impartial witnesses, his denial of culpability of affirmative testimony merits scant consideration, especially in the face of affirmative testimony of an eyewitness as to the accused's presence in the crime scene.[29] It has been uniformly held time and again that alibi and denial is worthless and cannot prevail over positive identification that is categorical, consistent and without any showing of ill motive on the part of the eyewitness.[30]

Moreover, since the accused-appellants' alibi was established only by themselves, their relatives and friends, their

denial of guilt should be treated with the strictest scrutiny.[31] While they claimed that the accused-appellants were at another place at the time of the perpetration of the crime, they could not prove that it was physically impossible for the accused-appellants to be at the scene of the crime. As found by the trial court, to wit:

There exists no physical impossibility in instances where it would take the accused only fifteen to twenty minutes by jeep or tricycle or some one and a half hours by foot to traverse the distance between the place where the accused allegedly was at the time of the commission and the scene of the crime. Recently, the highest Court has ruled that there can be no physical impossibility even if the distances between the two places is merely two (2) hours by bus. (People vs. Abuyan Jr., G.R. No. 95254-55, July 1992; People vs. Pidia, 249 SCRA 687).

The testimony of accused Juliver Chua's mother (Antonia Chua) and his sweetheart (Carla Garcia) are bereft of any proof that accused Juliver Chua could not have been at the scene of the crime on the said date at around 9:30 in the evening.[32]

We note that when faced with the indubitable evidence of the prosecution, it became "every man for himself" for the accused-appellants. Juliver Chua testified that it was Macaliag and Torre who killed Jalani, while Macaliag countered by testifying that it was Chua who did the victim in. As most guilty conspirators are prone to do, when caught between a rock and a hard place, they turn on each other in the vain hope that blame is shifted to someone else. All these accusations and counter-accusations only tend to prove that they had personal knowledge of the crime. It is clearly a desperate ploy to escape culpability. It is not too difficult to see this tactic as a last-ditch attempt to pin the guilt on the other accused to bolster a sagging defense. The courts are not easily swayed by such conflicting testimonies, especially when the obvious motive is to distort the truth and frustrate the ends of justice.

Finally, the accused-appellants assail the trial court's finding that the offense was committed with treachery as manifested by their taking advantage of their weapon and superiority in number. The accused-appellants contend that the trial court should not have convicted them for murder considering that the lone eyewitness did not see how the fatal incident started.

It is well-established that treachery, to be considered a qualifying circumstance, must be proven as clearly and indubitably as the crime itself,[33] and it may not be simply deduced from presumption.[34] In the instant case, the trial court based its conclusion that there was treachery on the mere fact that there were three perpetrators as against a lone victim, and that a bladed weapon was used to execute the crime. The lower court, however, failed to consider that the lone eyewitness did not testify as to how the stabbing incident commenced, for indeed, said eyewitness would have no knowledge thereof. He arrived at the scene some time after the stabbing started and thus, he could not testify as to whether or not there was provocation on the part of the victim.

This Court has uniformly ruled that treachery cannot qualify a killing to murder if the solitary eyewitness did not see the commencement of the assault. In the absence of indubitable testimony on the manner in which the aggression was commenced, treachery cannot be reasonably appreciated as a qualifying circumstance.[35] Thus, since the eyewitness failed to witness the initial attack inflicted on the victim, the qualifying circumstance of treachery cannot be applied.[36]

In the recent case of *People v. Cario*,[37] this Court ruled that:

"Treachery cannot be presumed, it must be proved by clear and convincing evidence or as conclusively as the killing itself. Thus, where no particulars are shown as to the manner by which the aggression was commenced or how the act which resulted in the death of the victim began and developed, treachery can in no way be established from mere suppositions, drawn solely from circumstances prior to the killing. x x x. The crime thus committed is only homicide, not murder as held by the trial court."

And in the case of *People v. Parras*,^[38] this Court had occasion to rule that:

“Treachery must be proved by clear and convincing evidence, or as conclusively as the killing itself. x x x. In this regard, the prosecution failed to definitively establish the manner in which the initial assault against the deceased victim was committed to justify the appreciation of treachery. This hiatus in the prosecution’s evidence cannot be substituted by mere suppositions as what the trial court apparently did. It is a well-settled rule that in order to appreciate treachery as a modifying circumstance in a continuous aggression, as in this case, the same must be shown present at the inception of the attack. Absent any showing therefor, treachery as a qualifying circumstance may not be considered.”

Consequently, the trial court erred in finding the accused-appellants guilty of the crime of murder and penalizing them under Article 248 of the Revised Penal Code. Under the circumstances, they can only be convicted of the lesser crime of homicide under Article 249 of the Revised Penal Code.

Nevertheless, it is clear that the crime was attended by the presence of an aggravating circumstance. It was committed with apparent abuse of superior strength. The victim was clearly overwhelmed by the combined efforts of all three (3) accused who not only enjoyed superiority in number, but also of weapons.^[39] The records reveal that the defenseless victim was held back by accused Torre, while co-accused Chua and Macaliag took turns in stabbing him. There was obviously abuse of superior strength since all three (3) accused acted in concert to accomplish their felonious designs against the unarmed victim. They purposely took advantage of their superior number and combined strength and force which was grossly out of proportion to whatever means of defense was available to their victim.^[40]

Meanwhile, the aggravating circumstance of nighttime cannot be considered since the records reveal that the scene of the crime was well-lighted by a fluorescent lamp. Nocturnity does not become a modifying factor when the place is adequately lighted, and thus could no longer insure the offender’s immunity from identification or capture.^[41] There being only one generic aggravating circumstance, the penalty imposed must be that prescribed by law, in its maximum period.^[42]

Based on all the foregoing, it is clear that the accused-appellants can only be found guilty of the crime of homicide and the appropriate penalty thereof is reclusion temporal in its maximum period. Applying the Indeterminate Sentence Law, accused-appellants should be sentenced to suffer ten (10) years and one (1) day of prision mayor, as minimum, to seventeen (17) years, four (4) months and one (1) day of reclusion temporal, as maximum. The other co-accused, Leo Macaliag, who did not join the appellants in this appeal, shall also benefit from this judgment insofar as it is favorable and applicable to him.^[43]

WHEREFORE, the appealed judgment of the Regional Trial Court is hereby MODIFIED. Accused-appellants Juliver Chua and Jesse Torre, including co-accused Leo Macaliag, are found GUILTY of Homicide and sentenced to suffer the indeterminate penalty of ten (10) years and one (1) day of prision mayor, as minimum, to seventeen (17) years, four (4) months and one (1) day of reclusion temporal, as maximum, with all the accessory penalties provided by law. In all other respects, the judgment of the trial court is AFFIRMED, with costs against said accused-appellants.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Puno, Kapunan, and Pardo, JJ., concur.

[1] Rollo, p. 32.

[2] Rollo, p. 9.

- [3] TSN, May 21, 1996, pp. 6-21.
- [4] TSN, September 3, 1996, pp. 12-18.
- [5] TSN, July 17, 1996, pp. 8-9.
- [6] TSN, November 20, 1996, pp. 21-38.
- [7] Id., pp. 3-10.
- [8] Id., pp. 11-20.
- [9] TSN, November 21, 1996, pp. 3-13.
- [10] Id., pp. 15-25.
- [11] TSN, February 6, 1997, pp. 3-15.
- [12] TSN, March 11, 1997, pp. 2-5.
- [13] Rollo, p. 57.
- [14] *People v. Ganan, Jr.*, 265 SCRA 260, 279 (1996) citing *People v. Aguilar*, 222 SCRA 394, 405 (1993); *People v. Frago*, 232 SCRA 653 (1994); *People v. Dismuke*, 234 SCRA 51 (1994); *People v. Pastores*, 227 SCRA 424 (1993).
- [15] Rollo, p. 63.
- [16] TSN, May 21, 1996, p. 6.
- [17] TSN, September 3, 1996, p. 5.
- [18] *People v. Laceste*, 293 SCRA 407 (1998); *People vs. Matubis*, 288 SCRA 210, 220 (1998).
- [19] TSN, September 3, 1996, p. 15.
- [20] *People v. Gargar*, 300 SCRA 542, 553 (1998); *People v. Grefaldia*, 298 SCRA 337, 347 (1998).
- [21] *People v. Ibalang*, 286 SCRA 387, 399 (1998); *People v. Ebrada*, 296 SCRA 353, 363 (1998); *People v. Llaguno*, 285 SCRA 124, 140 (1998); *People v. Ramos*, 296 SCRA 559, 569 (1998).
- [22] *People v. Manuel*, 298 SCRA 184, 194 (1998).
- [23] *People v. Sabalones*, 294 SCRA 751, 781 (1998).
- [24] *People v. Burce*, 289 SCRA 445, 463 (1998); *People v. Cabebe*, 290 SCRA 543, 555 (1998).
- [25] *People v. Villamor*, 292 SCRA 384, 395 (1998).
- [26] *Bautista v. CA*, 288 SCRA 171, 178 (1998); *People v. Correa*, 285 SCRA 679, 689 (1998); *People v. Daraman*, 294 SCRA 27, 44 (1998).
- [27] *People v. Magpantay*, 284 SCRA 96, 101 (1998); *People v. Taneo*, 284 SCRA 251, 271 (1998).
- [28] *People v. Cabanela*, 299 SCRA 153, 163 (1998).
- [29] *People v. Mendoza*, 292 SCRA 168, 179-180 (1998); *People v. Araneta*, 300 SCRA 80, 95 (1998).
- [30] *People v. Bibat*, 290 SCRA 27, 39 (1998); *People v. Ravaness*, 284 SCRA 634, 639 (1998); *People v. Siguin*,

299 SCRA 124, 139 (1998).

[31] *People v. Jerez*, 285 SCRA 393, 402 (1998).

[32] *Rollo*, pp. 29-30.

[33] *People v. Albao*, 287 SCRA 129, 155-156 (1998).

[34] *People v. Demonteverde*, 290 SCRA 175, 185 (1998); *People v. Aguilar*, 292 SCRA 349, 358 (1998).

[35] *People v. Sambulan*, 289 SCRA 500, 515 (1998); *People v. Solis*, 291 SCRA 529, 541 (1998).

[36] *People v. Amamangpang*, 291 SCRA 638, 653 (1998), citing *People v. Salvador*, 224 SCRA 819 (1993) and *People v. Cordero*, 217 SCRA 1 (1993).

[37] G.R. No. 123325, 288 SCRA 404, 419-420 (1998).

[38] G.R. No. 114263-64, 255 SCRA 514, 529-530 (1996).

[39] *People v. Araneta*, *supra*.

[40] *People v. Galapin*, 293 SCRA 474, 491 (1998); *People v. Castillo*, *supra*, *People v. Solis*, *supra*.

[41] *People v. Pallarco*, 288 SCRA 151, 170 (1998); *People v. Prades*, 293 SCRA 411, 429 (1998).

[42] Article 64, Section 3, Revised Penal Code.

[43] *People v. Caballes*, 274 SCRA 83, 100 (1997), citing Section 11, Rule 122 of the Rules of Court; *Ladino v. Garcia*, 265 SCRA 422, 427-428 (1996); *People v. Ganan, Jr.*, *supra*.

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