

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ANTONIO L. SANCHEZ, ARTEMIO AVERION, LANDRITO “DING” PERADILLAS AND LUIS CORCOLON, ACCUSED. ANTONIO L. SANCHEZ AND ARTEMIO AVE...

G.R. No. 131116. August 27, 1999

Ponente: PARDO, J.

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PARDO, J.:

What is before this Court is an appeal from the decision of Regional Trial Court, Branch 160, Pasig City,[1] finding accused Antonio L. Sanchez, Luis Corcolon y Fadialan, Landrito "Ding" Peradillas and Artemio Averion guilty beyond reasonable doubt of murder committed against Nelson Peñalosa and Rickson Peñalosa, and sentencing each of the accused, as follows:

"WHEREFORE, foregoing considered, the Court finds the accused Antonio Sanchez, Landrito "Ding" Peradillas, Luis Corcolon, and Artemio Averion GUILTY beyond reasonable doubt of the crime of MURDER punishable under ART. 48 of the Revised Penal Code and hereby sentences each of said accused to suffer the penalty of reclusion perpetua and to pay jointly and severally, the heirs of the victims each the sum of P100,000.00 for the death of Nelson Peñalosa and Rickson Peñalosa, P50,000.00 as actual damages and moral damages of P 50,000.00 and exemplary damages of P30,000.00 and to pay the costs."

"SO ORDERED.

"City of Pasig.

"December 27, 1996.

"(s/t) MARIANO M. UMALI

"Judge"[2]

On March 1, 1994, Senior State Prosecutor Hernani T. Barrios filed with the Regional Trial Court, Calamba, Laguna, an information for double murder against accused Antonio L. Sanchez, Luis Corcolon y Fadialan, Landrito "Ding" Peradillas and Artemio Averion, the accusatory portion of which reads:

"That on or about April 13, 1991, at about 7:45 p.m. more or less, in Barangay Curba, Municipality of Calauan, Province of Laguna, and within the jurisdiction of the Honorable Court, the above-named accused conspiring, confederating, and mutually aiding one another, with treachery and evident premeditation, and with the use of a motor vehicle, at night time, all the accused then being armed and committed in consideration of a price, reward or promise and of superior strength, did then and there willfully, unlawfully, and feloniously shoot with the use of automatic weapons inflicting multiple gunshot wounds upon Nelson Peñalosa and Rickson Peñalosa which caused their instantaneous deaths to the damage and prejudice of their heirs and relatives.

"CONTRARY TO LAW."[3]

On March 16, 1994, the case was raffled to Branch 34, Regional Trial Court, Calamba, Laguna.[4] On March 17, 1994, the court ordered the arrest of accused Antonio L. Sanchez, Luis Corcolon and Ding Peradillas. On the same date, Artemio Averion voluntarily surrendered to the court, which ordered Averion's transfer to the provincial jail, Sta. Cruz, Laguna.[5]

Thereafter, the trial court committed the accused to the custody of proper authorities.[6]

Upon arraignment on April 10, 1995, all the accused pleaded not guilty.[7] The trial of the case thereby ensued. On December 27, 1996, the trial court convicted all the accused of the complex crime of double murder, as charged, the dispositive portion of which is set out in the opening paragraph of this opinion.

On February 27, 1997, all the accused, except Ding Peradillas, were present for the promulgation of the decision. Peradillas was a member of the Philippine National Police and was under the custody of his superiors. The trial court ordered his custodian to explain accused's non-appearance. On March 14, 1997, P/C Supt. Roberto L. Calinisan, Chief, PNP-PACC Task Force Habagat, denied any knowledge of the murder case against Peradillas. Hence, Peradillas was not suspended from the service pending trial. However, at the time that Peradillas was to be presented to the court for the promulgation of the decision, he had disappeared and could not be located by his custodian.[8] The promulgation of the decision as to him was in absentia. Peradillas and Corcolon did not appeal from the decision.

Accused Antonio L. Sanchez and Artemio Averion filed their respective appeals to this Court.

The facts are as follows:

On April 13, 1991, at around 10:00 in the morning, state witness Vivencio Malabanan, team leader of a group of policemen, went to the Bishop Compound in Calauan, Laguna, as part of the security force of mayor Antonio L. Sanchez. After a while, accused Ding Peradillas arrived and asked for mayor Sanchez. Peradillas informed mayor Sanchez that there would be a birthday party that night at Dr. Virvilio Velecina's house in Lanot, Calauan, Laguna, near the abode of Peradillas. Peradillas assured mayor Sanchez of Nelson Peñalosa's presence thereat. Dr. Velecina was a political opponent of mayor Sanchez for the mayoralty seat of Calauan, Laguna. Mayor Sanchez then replied, "Bahala na kayo mga anak. Ayusin lang ninyo ang trabaho," and left the premises. Peradillas immediately called Corcolon and Averion and relayed the message - "Ayos na ang paguusap at humanap na lang ng sasakyan." All the accused, including Malabanan, understood it as an order to kill Nelson Peñalosa, one of the political leaders of Dr. Velecina.[9]

Afterwards, Peradillas, Corcolon and Averion made arrangements to acquire two-way radios and a vehicle for the operation. At around 2:30 in the afternoon, Malabanan and the three accused went their separate ways and agreed to meet at mayor Sanchez' house at 6:00 in the evening. Malabanan returned to his detachment area at Dayap, proceeded to the municipal hall, then went home where Peradillas fetched him at 6:00 p.m. They proceeded to mayor Sanchez' house where they met Averion and Corcolon, with the car and two-way radios.[10]

At around 7:00 in the evening, Malabanan and the three accused boarded the car and went to Marpori Poultry Farm in Barangay Lanot, near Dr. Velecina's house. Peradillas alighted and walked towards his own house, near Dr. Velecina's house, to check whether Nelson Peñalosa was at the party.

Thereafter, using the two-way radio, Peradillas informed the occupants of the car that Nelson Peñalosa's jeep was leaving the Velecina compound. Accused Averion immediately drove the car to the front of Peradillas' house and the latter hopped in the car's back seat. Corcolon sat in the front seat beside him; witness Malabanan sat at the left side of the backseat and Peradillas stayed at the right side of the back seat. The group pursued Peñalosa's jeep. When the accused's car was passing Victoria Farms, located about 100 meters from Peñalosa compound,

Corcolon ordered Averion to overtake Peñalosa's jeep. As the car overtook the jeep, Peradillas and Corcolon fired at Peñalosa's jeep, using M-16 and baby armalite rifles, executed in automatic firing mode. There were three bursts of gunfire. Based on the sketch prepared by Malabanan, illustrating the relative position of their car and Nelson's jeep at the time of the shooting, the assailants were at the left side of the jeep.[11]

Rickson Peñalosa, son of Nelson Peñalosa, fell from the jeep. The jeep, however, continued running in a zigzag position until it overturned in front of Irais Farm. After the shooting, the accused proceeded to the house of mayor Sanchez in Bai, Laguna, and reported to mayor Sanchez that Peñalosa was already dead.[12]

Together with his superior SPO4 Lanorio and photographer Romeo Alcantara, policeman Daniel Escares went to the crime scene. There, he saw the body of Nelson Peñalosa slumped at the driver seat of the owner-type jeep. They recovered the body of Rickson Peñalosa slumped on a grassy place not far from where they found Nelson Peñalosa. After all the evidence and photographs were taken, they brought the cadavers to Funeraria Señerez. Daniel Escares submitted his investigation report of the incident to the Provincial Director, Laguna PNP Command.[13]

Dr. Ruben B. Escueta, Rural Health Physician, Rural Health Unit, Calauan, Laguna, conducted an autopsy on the bodies of Nelson and Rickson Peñalosa. Nelson Peñalosa suffered massive intra-cranial hemorrhage and died of cranial injury due to gunshot wounds. Rickson Peñalosa died of massive intra thoracic hemorrhage due to gunshot wounds.[14] Dr. Escueta, as a defense witness, testified that based on the points of entrance and exit of the wounds sustained by the Peñalosas, it was not possible for the assailants to be at the left side of the victims.[15] It contradicted Malabanan's testimony that they were at the left side of the victims when the shooting took place. He further stated that based on the wounds inflicted on the victims, the assailants were either in a sitting or squatting position when they shot the victims. Some of the wounds indicated an upward trajectory of the bullets.

On September 15, 1993, Janet P. Cortez, PNP ballisticsian, completed the ballistic tests conducted on the twelve (12) empty shells found at the crime scene and the M-16 baby armalite surrendered by Corcolon.[16] She concluded that the 12 empty shells were fired using three (3) different firearms, one of which was the M-16 baby armalite.[17]

On August 18, 1995, Adelina Peñalosa, common law wife of Nelson Peñalosa and mother of Rickson, testified that the whole family was in mourning and could not eat after what happened.[18] She testified that the family incurred P250,000.00 for funeral expenses, but failed to present the appropriate receipts. She also stated that Nelson Peñalosa was earning one (1) million pesos per annum from his businesses. However, no income tax return or other proofs were shown to substantiate the statement.[19]

The accused interposed the defense of alibi and denial.

Luis Corcolon stated that he spent the whole day of April 13, 1991, until 8:30 in the evening, supervising the poultry farm of his employers, Edgardo Tanchico and Orlando Dizon. He denied that he was in the company of Averion and Peradillas that day, and that he participated in the Peñalosa killings. He denied that he was ever assigned as a security guard of mayor Sanchez. He claimed that the murder charges were concocted against them for his refusal to testify against mayor Sanchez in the Gomez-Sarmenta case. He alleged that he was maltreated, tortured, electrocuted and forced to implicate mayor Sanchez in the Gomez-Sarmenta rape-slayings. He denied that he owned the M-16 baby armalite used in killing the Peñalosas.[20]

Detention prisoner George Medialdea corroborated Corcolon's statement that they were implicated in the Peñalosa killing for their refusal to testify against mayor Sanchez. He claimed that Malabanan confessed to him that the latter had killed the Peñalosas, but with the aid of CAGU men and not herein accused. He averred that Corcolon

and Averion were wrongfully implicated in the murder charges in deference to the wishes of the investigators.[21] Zoilo Ama, another detention prisoner, claimed that Malabanan confessed that he killed the Peñalosas, but did not mention the involvement of Corcolon, Averion and mayor Sanchez.[22]

Accused Artemio Averion, a godson of mayor Sanchez, denied that he was involved in the Peñalosa slayings. On April 13, 1991, he claimed that he was in Lucena City, attending to his ailing father. He stayed there until April 15, 1991. He maintained that he was wrongfully implicated in the Peñalosa killings for his refusal to testify against mayor Sanchez regarding the Gomez-Sarmenta rape-slayings. Malabanan asked for his forgiveness for falsely incriminating them in the Peñalosa case.[23]

Jesus Versoza, PNP Officer, Camp Crame, denied the allegations of Medialdea and Averion that they were tortured and forced to testify against mayor Sanchez.[24]

Accused mayor Antonio L. Sanchez stated that on April 12, 1991, he went to Anilao, Batangas, with his family. Around 1:00 in the afternoon of April 13, 1991, his family went to Tagaytay City and stayed overnight at Taal Vista Lodge. Around 10:00 in the morning of April 14, 1991, they went home to Calauan, Laguna. After reaching his abode in Calauan around 12:00 noon, mayor Sanchez learned of the ambush-slayings of the Peñalosas. He immediately ordered an investigation of the case. He denied any involvement in the killing of the victims.[25]

The trial court ruled that the prosecution's evidence clearly and convincingly established the participation of the four (4) accused in killing the Peñalosas. Malabanan gave a sincere, frank and trustworthy account of the circumstances surrounding the killing. Furthermore, the trial court explained the discrepancies between Malabanan's recollection of how the victims were shot and Dr. Escuesta's conclusion on what transpired based on the injuries sustained by the victims.

The trial court stated that the doctor's conclusion was based on the assumption that the victims were in a sitting position inside the jeep. However, it was possible that after the first burst of gunfire, the victims were hit and fell. During the second burst of gunfire, the victims were lying down or in a crouching position. Thus, the entry-exit points of the bullets did not entirely correspond to Malabanan's account, which was based on the assumption that the victims did not change their positions during the shooting incident.

The trial court ruled that the accused conspired in committing the crime. Treachery was present, thereby qualifying the crime to murder. It appreciated the aggravating circumstances of evident premeditation, nighttime and use of motor vehicle.

The trial court considered the crime as a complex crime of double murder punishable under Article 48 of the Revised Penal Code. However, at the time of the commission of the offense on April 13, 1991, there was a constitutional proscription on the imposition of the death penalty. Thus, each of the accused was sentenced to reclusion perpetua, and to pay damages to the heirs of the victims, as earlier quoted.

Accused mayor Antonio L. Sanchez and Artemio Averion jointly appealed from the decision to the Supreme Court.

In their sole assignment of error, accused mayor Sanchez and Averion contended that the trial court failed to recognize the material inconsistencies between Malabanan's testimony and the physical and scientific evidence presented before it. They pointed out the following inconsistencies, to wit:

- Malabanan testified that a) when they fired at the victims, they were about the same elevation;[26] b) they used two (2) guns in killing the victims;[27] c) they were at the left side of the victims when the shooting incident occurred.[28] However, Dr. Escuesta's autopsy report revealed that: 1) the assailants were at a lower elevation; 2) three (3) kinds of guns were used; and 3) based on the injuries, assailants were on the right side of

the victims.

- Malabanan's affidavit "Exhibit V" made on August 16, 1993, and sworn to on August 17, 1993, bears two (2) signatures of the affiant Malabanan and dated September 15, 1993. However, during cross-examination, Malabanan stated that he executed and signed the affidavit on one occasion only, August 15, 1993.

- Aurelio Centeno testified in the case of Gomez-Sarmenta slayings that Malabanan only responded to the report that Peñalosa had been killed. He averred that contrary to Malabanan's report, the latter was not at the crime scene.

The two accused further averred that the material inconsistencies between Malabanan's testimony and the autopsy and laboratory findings and conclusions seriously affect his credibility. They stressed that Malabanan has sufficient motive to implicate mayor Sanchez and Corcolon in the Peñalosa killings due to threats of mayor Sanchez. They alleged that although generally alibi is considered a weak defense, there are times when it is worthy of credence, such as in this case.

The Solicitor General supports the trial court's ruling that the prosecution adequately established the guilt of the accused beyond reasonable doubt. Malabanan positively identified the accused as the perpetrators. He testified in a categorical, straightforward, spontaneous and frank manner. The defense failed to satisfactorily show that Malabanan had an ill motive to testify falsely against the accused. The alleged threat to Malabanan's life was not adequately established or sufficient for him to falsely implicate the accused. As regards the supposed inconsistencies between Malabanan's account of the event vis á vis the autopsy and ballistic reports, the Solicitor General pointed out that both vehicles were running at the time of the ambush. It was a matter of instinct for the victims to shift positions as they were fired upon. Thus, contrary to Dr. Escueta's conclusion, it was not impossible that the victims were hit from the right side of their bodies, even if assailants were physically situated at the victims' left side. Hence, the apparent inconsistencies do not affect witness Malabanan's credibility.

After a careful scrutiny of the evidence on record, we agree with the trial court that the prosecution adequately established accused's guilt beyond reasonable doubt.

Malabanan gave a detailed account of the planning, preparation and the shooting incident. He narrated the participation of each of the accused, to wit: (1) the order given by mayor Sanchez to execute Peñalosa; (2) Averion's acquisition of a vehicle and two-way radios to be used for the operation and in driving the car; (3) Peradillas' act of relaying the information that Nelson Peñalosa's jeep was leaving the Velecina compound; 4) the way they pursued the victims; and 5) Corcolon and Peradillas' act of firing and killing the Peñalosas.

The accused concentrated mainly on the seeming contradiction between the narration of Malabanan on how the victims were shot, and the physician's report on the location of injuries sustained by them.

However, as the Solicitor General stated, both vehicles were running at the time of the shootout. It was unlikely that the victims drove in a straight line parallel to that of the assailants. In fact, Malabanan testified that while being fired at, Peñalosa's jeepney was running in zigzag manner.[29] It was a natural reaction for Peñalosa to evade the assailants as much as possible and to try to dodge the bullets. Furthermore, the assailants fired the guns in automatic firing mode. Thus, the bullets burst out in different directions simultaneously. Hence, it was not impossible for the victims to be hit in different parts of the body.

"This Court has held time and again that any minor lapses in the testimony of a witness tend to buttress, rather than weaken, his or her credibility, since they show that he or she was neither coached nor were his or her answers contrived. Witnesses are not expected to remember every single detail of an incident with perfect or total recall." [30]

Furthermore, the fact that the trial court relied on the testimony of a single witness does not affect the verdict of conviction. Criminals are convicted, not on the number of witnesses against them, but on the credibility of the testimony of even one witness, who is able to convince the court of the guilt of the accused beyond a shadow of doubt.[31] What witness can be more credible than someone who was in the planning, preparation and execution of the crime.

The inconsistency between the affidavit and testimony of Malabanan is too minor to affect his credibility. At any rate, we have held that affidavits are generally subordinate in importance to open court declarations. Affidavits are not complete reproductions of what the declarant has in mind because they are generally prepared by the administering officer and the affiant simply signs them after the same have been read to him.[32]

Accused-appellants raised that Malabanan's delay in reporting the involvement of the accused in the crime casts doubt on his credibility. However, jurisprudence teaches us that delay in revealing the identity of the perpetrators of a crime does not necessarily impair the credibility of a witness, especially where such witness gives a sufficient explanation for the delay.[33] It was natural for Malabanan to keep silent during that time for, aside from being a co-conspirator, mayor Sanchez was a powerful opponent.

Consequently, we find that accused-appellants' defenses of alibi and denial are bereft of merit. The defenses of alibi and denial are worthless in the face of positive testimony of a witness showing the involvement of each of the accused.

However, we disagree with the trial court that the accused committed a single complex crime of double murder. Article 48 of the Revised Penal Code provides that when a single act constitutes two or more grave or less grave felonies, or when an offense is a necessary means of committing the other, the penalty for the more serious crime in its maximum period shall be imposed.

The question is whether the act of shooting the victims using armalites in automatic firing mode constitutes a single act and, thus, the felonies resulting therefrom are considered as complex crimes. We rule in the negative.

In *People v. Vargas, Jr.*, we ruled that "several shots from a Thompson sub-machine, in view of its special mechanism causing several deaths, although caused by a single act of pressing the trigger, are considered several acts. Although each burst of shots was caused by one single act of pressing the trigger of the sub-machinegun, in view of its special mechanism the person firing it has only to keep pressing the trigger of the sub-machinegun, with his finger and it would fire continually. Hence, it is not the act of pressing the trigger which should be considered as producing the several felonies, but the number of bullets which actually produced them." [34] In the instant case, Malabanan testified that he heard three bursts of gunfire from the two armalites used by accused Corcolon and Peradillas. Thus, the accused are criminally liable for as many offenses resulting from pressing the trigger of the armalites. Therefore, accused are liable for two counts of murder committed against the victims, Nelson and Rickson Peñalosa, instead of the complex crime of double murder.

Evidently, treachery was present in the execution of the crimes. The attack against the victims, who were unarmed, was sudden, catching them unaware and giving them no opportunity to defend themselves.[35] The presence of treachery qualifies the crimes to murder.

Conspiracy is likewise adequately established. Notwithstanding the fact that mayor Sanchez was not at the crime scene, we are convinced that he was not only a co-conspirator, he was the mastermind of the ambush slayings or the principal by inducement.[36] Malabanan testified that Nelson Peñalosa was killed upon order of mayor Sanchez. After the commission of the crime, the assailants reported to mayor Sanchez. In conspiracy, it is not necessary to show that all the conspirators actually hit and killed the victim. What is important is that the

participants performed specific acts with such closeness and coordination as unmistakably to indicate a common purpose or design in bringing about the death of the victim. Conspiracy renders appellants liable as co-principals regardless of the extent and character of their participation because in contemplation of law, the act of one conspirator is the act of all.[37]

The trial court properly appreciated the existence of evident premeditation. The prosecution clearly showed the presence of the following requisites: a) the time when the accused determined to commit the crime; b) an act manifestly indicating that the accused had clung to their determination; and c) sufficient lapse of time between such determination and execution to allow them to reflect upon the consequences of their acts.[38] As early as 10:00 in the morning, the accused had conspired to kill Nelson Peñalosa. They even looked for two-way radios and a vehicle to be used for the operation. Indeed, sufficient time had lapsed to allow the accused to reflect upon the consequences of their actions.

Accused specifically used a motor vehicle to execute the crime. Thus, the aggravating circumstance of use of a motor vehicle must be appreciated.

However, we cannot appreciate the generic aggravating circumstance of nighttime; while the crime was committed at night, the prosecution failed to show that the malefactors specifically sought this circumstance to facilitate the criminal design.[39] The fact that the crime happened at 7:00 in the evening does not indicate that accused made use of the darkness to conceal the crime and their identities.

At the time of the commission of the crime on April 13, 1991, the penalty for murder under Article 248 of the Revised Penal Code was reclusion temporal in its maximum period to death. Considering the presence of aggravating circumstances, the accused should be sentenced to the death penalty for each murder. However, in view of the constitutional proscription of the death penalty at that time, each of the accused is sentenced to two (2) penalties of reclusion perpetua.

Regarding the civil liability of the accused, the trial court ordered the accused to pay the heirs of Nelson and Rickson Peñalosa each, the sum of P100,000.00, P50,000.00 as actual damages, P50,000.00 as moral damages, and P30,000.00 as exemplary damages, and to pay the costs.

The P50,000.00 award as actual damages should be deemed as indemnity for the untimely demise of the victims. We have held that only expenses supported by receipts and which appear to have been actually expended in connection with the death of the victims may be allowed.[40] No proof was presented to sustain the award of actual damages.

Similarly, we can not award damages for loss of earning capacity. All that was presented in evidence was the testimony of the common law wife, Adelina Peñalosa, that Nelson earned P1,000,000.00 a year. We have held that "for lost income due to death, there must be unbiased proof of the deceased's average income. Self-serving, hence unreliable statement, is not enough." [41]

Considering the attendance of aggravating circumstances, we sustain the award of exemplary damages of P30,000.00, per victim, in accordance with Article 2230 of the Civil Code.[42]

As regards moral damages, we affirm the P50,000.00 awarded to the heirs of Rickson Peñalosa.[43] His mother, Adelina Peñalosa, testified to the suffering caused by his death.[44] We also sustain the award of moral damages to the heirs of Nelson Peñalosa. His common law wife testified to the mental anguish suffered by the family due to Nelson's death.[45] Under Article 2206 of the Civil Code, the spouse, legitimate and illegitimate descendants and ascendants of the deceased may demand moral damages for mental anguish by reason of the death of the deceased. However, the common law wife is not entitled to share in the award of moral damages.

WHEREFORE, the Court MODIFIES the decision of the Regional Trial Court, Branch 160, Pasig City, and finds accused-appellants Antonio L. Sanchez and Artemio Averion guilty beyond reasonable doubt of two (2) counts of murder, and sentences each of them to suffer two (2) penalties of reclusion perpetua, and each to pay jointly and severally the respective heirs of victims Nelson and Rickson Peñalosa, as follows:

1) Indemnity for death - P 50,000.00

2) Moral damages - 50,000.00

3) Exemplary damages - 30,000.00

Total P130,000.00

With costs.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Puno, Kapunan, and Ynares-Santiago, JJ., concur.

[1] In Crim. Case No. 107789-H, presided over by Judge Mariano M. Umali, rendered on December 27, 1996, Rollo, pp. 37-66.

[2] Original Record, pp. 488-517.

[3] Original Record, p. 1.

[4] Presided over by Judge Francisco M. Guerrero. On March 28, 1994, the prosecution filed a request for change of venue with the Supreme Court. On May 16, 1994, accused filed with the Executive Judge, Calamba, Laguna, a petition for re-raffle, in view of the impending retirement of Judge Guerrero. The case was raffled to the sala of Judge Norberto Y. Giraldez, Branch 36, Calamba, Laguna. On February 28, 1995, the Supreme Court granted the request for change of venue and transferred the case to Regional Trial Court, Branch 70, Pasig City, presided over by Judge Harriet O. Demetriou. On March 14, 1995, Judge Demetriou voluntarily inhibited herself from trying the case. The case eventually was raffled to Branch 160, Pasig City, presided over by Judge Mariano M. Umali.

[5] Original Record, p. 148.

[6] Antonio Sanchez and Luis Corcolon were placed under the custody of PNP Custodial Group, Camp Crame, Quezon City; Artemio Averion was placed under the custody of the Provincial Warden, Provincial Jail, Sta. Cruz, Laguna; Ding Peradillas was placed under the custody of P/Sr. Supt. Panfilo M. Lacson, PACC Task Force, Habagat Headquarters, Camp Crame, Quezon City. Ibid., pp. 155, 156, 162.

[7] Ibid., pp. 196-199.

[8] Original Record, pp. 530-531.

[9] TSN, June 20, 1995, pp. 8-12, 39-41, 62, 65.

[10] Ibid., pp. 13-14, 41-46.

[11] Ibid., pp. 17-20, 29-35.

[12] Ibid., pp. 21-23.

[13] Exhibit AA.

- [14] Exhibit B, p. 5 and Exhibit H, pp.13-14.
- [15]TSN, March 18, 1996, pp. 4-95.
- [16] Exhibit Q.
- [17]TSN, May 23, 1995, pp. 5-140.
- [18]TSN, August 18, 1995, p. 21.
- [19] TSN, August 18, 1995, pp. 17-20.
- [20] TSN, October 24, 1995, pp. 11-60.
- [21]TSN, October 27, 1995, pp. 4-51.
- [22]TSN, November 14, 1995, pp. 5-27.
- [23] Ibid., pp. 28-54.
- [24] TSN, September 17, 1996, pp. 4-50.
- [25] TSN, March 18, 1991, pp. 98-117.
- [26]TSN, June 20, 1995, pp. 21, 73.
- [27] Ibid., pp. 71, 76.
- [28]Ibid., Exhibit U, pp. 48-50.
- [29]TSN, June 20, 1995, p. 73.
- [30]People v. Henry Benito, G.R. No. 128072, February 19, 1999.
- [31]Bautista v. Court of Appeals, 288 SCRA 171, 178 (1998).
- [32]People v. Lusa, 288 SCRA 296, 302-303 (1998).
- [33] People v. Pallorca, 288 SCRA 151, 164-165 (1998).
- [34] 184 SCRA 254, 263 (1990), citing L. B. Reyes, The Revised Penal Code, pp. 559-560, Book I, 1971 Revised Ed.
- [35] People v. Silveriano Botona, G.R. No. 115693, March 17, 1999.
- [36]Cf. People v. Tabag, 268 SCRA 115 (1997).
- [37]People v. Cara, 283 SCRA 96, 107 (1997).
- [38] People v. Romulo Gutierrez, Jr., G. R. No. 116281, February 8, 1999.
- [39]People v. Oliano, 287 SCRA 158, 178 (1998).
- [40] People v. Cesar Sanchez, G.R. 118423, June 16, 1999.
- [41]People v. Mario Villanueva, G.R. No. 122746, January 29, 1999.
- [42] People vs. Alfonso Badon, G.R. No. 126143, June 10, 1999.
- [43]People v. Mariano Verde, G.R. No. 119077, February 10, 1999.

[44]TSN, August 18, 1995, p. 21.

[45] Ibid.

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