

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. TONY ADOC, DANNY ADOC AND EDDIE ADOC, ACCUSED.

G.R. No. 132079. April 12, 2000

Ponente: GONZAGA-REYES, J.

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GONZAGA-REYES, J.:

This is an appeal from the August 21, 1997 decision[1] of the Regional Trial Court of Aklan, Branch 1, finding accused-appellants DANNY ADOC and EDDIE ADOC guilty beyond a reasonable doubt of the crime of murder and sentencing each of them to suffer the penalty of reclusion perpetua and holding them solidarily liable for the amount of P50,000 as indemnity to the heirs of the victim.

The accusatory portion of the information reads as follows:

That on or about the 5th day of November, 1995, in the evening, in Osmena Avenue, Municipality of Kalibo, Province of Aklan, Republic of the Philippines, and within the jurisdiction of this Honorable Court, the above-named accused while armed with wooden stall [sic] and knife, conspiring, confederating and helping one another, with treachery and evident premeditation, and with intent to kill, did then and there, willfully, unlawfully and feloniously, attack, assault, strike and stab one RICKY DESLATE thereby inflicting upon the latter mortal wounds, ...

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CONTRARY TO LAW.[2]

On July 5, 1996, EDDIE and DANNY were arraigned and, with the assistance of counsel, both of them pleaded not guilty to the crime charged.[3] Accused TONY ADOC has remained at large.

Prosecution witness Regie Diapo testified that, at around 10:45 p.m. on the evening of November 5, 1995, she was watching over the store of Annie Quimpo at the Ceres bus terminal on Osmena Avenue, Kalibo, Aklan, when EDDIE, DANNY, and TONY[4] arrived with three women for some refreshments.[5] At midnight, Ricky Deslate, who was the conductor for the 2:30 a.m. trip, entered the store by himself intending to get his uniform, but was prevented from doing so due to the commotion which erupted.[6] EDDIE hit Ricky with a wooden stool at the back of his neck while the latter's arms were being held down by DANNY and TONY. Reeling from the blow, Ricky lost his balance and fell to the ground. Immediately after, DANNY, also using a stool, delivered another blow, which landed above the victim's nose.[7] Regie testified that she did not observe TONY's participation in the attack.[8] Furthermore, she admitted that she could not testify on why the fighting began, not having heard any arguments between the victim and the accused before the altercation.[9]

When the fighting started, the three women who were with the accused ran from the store; the accused themselves fled from the terminal after their attack, leaving Ricky lying on the floor.[10] Regie shouted for help and looked for a tricycle to take Ricky to the hospital. With the assistance of Diomedel Diapo and Ronald Heradora, the victim was brought to the hospital, but was pronounced dead on arrival.[11]

Dr. Landelino Menez, who conducted the autopsy[12] and prepared the death certificate,[13] described the cause of death as "cardio-respiratory arrest, secondary to severe hypovolemia, secondary to stabbed wound." In the medico-legal report,[14] Dr. Menez noted that the victim sustained the following injuries: (1) a stab wound, left anterior chest level of the 6th – 7th intercostal space penetrating the thoracic cavity and bisecting the heart and (2) a lacerated wound, approximately two (2) centimeters, in the occipital area.[15] According to Dr. Menez, the first wound was fatal.[16]

Not satisfied with the autopsy conducted by Dr. Menez, the prosecution had the victim's body re-examined by Dr. Renato Bautista, a medico-legal expert from the National Bureau of Investigation. Based on his examination of the cadaver, Dr. Bautista noted the following wounds: (1) hematoma on the occipital region of the scalp measuring 6 by 7 centimeters; (2) hematoma on the nape measuring 5 by 6 centimeters; (3) chip fracture on the left side of the victim's nasal bone and (4) stab wound located on the left side of the chest, penetrating the heart.[17] In his opinion, the hematomas were probably inflicted by a blunt instrument while the victim was still alive, whereas the fracture on the nasal bone was most likely caused by a strong and direct blow with the use of one's fists or a blunt object, such as a piece of wood.[18] It is very likely that such injuries rendered the victim unconscious and immobile.[19]

Diomedel Diapo substantially corroborated Regie Diapo's testimony. He claimed that on November 5, 1995, at around 11p.m., he was with Ricky Deslate and some other friends at a fair. After leaving the fair at 11:30 p.m., Diomedel proceeded to his house, which is located right across the Ceres terminal, to eat his supper, while Ricky and the others went their own separate ways.[20] At around midnight, Diomedel heard shouts coming from the direction of the terminal prodding him to walk across the street to see what was going on.[21] From where he stood - a distance of about five meters from the accused and the victim[22] - Diomedel observed practically the same incidents as those seen by his sister Regie. He saw (1) Ricky's arms being held down by DANNY and TONY and EDDIE hitting him with a stool at the back of the neck, and a few seconds after, (2) DANNY hitting Ricky in between the eyes with another stool. Diomedel remarked that he heard a cracking sound when DANNY delivered the blow. Also, Diomedel testified that he saw TONY stab Ricky. After they had finished attacking the victim, the accused, together with their female companions, ran away from the bus terminal, towards the intersection of Osmeña Avenue and Quezon Avenue.[23] Diomedel brought Ricky to the hospital in a tricycle called by Regie; afterwards, he proceeded to the house of Ricky's parents to tell them about what had happened.[24]

DANNY, EDDIE, Vivian Adoc and Jocelyn Adoc testified for the defense. Expectedly, the version of the defense varied substantially from that of the prosecution.

EDDIE claimed that he acted in self-defense. He explained that while he was eating at the Ceres terminal, together with his brothers DANNY and TONY, Vivian Adoc (wife of DANNY), Nita Adoc (wife of TONY) and Jocelyn Adoc (niece of the Adoc brothers), three men armed with knives approached their group. One of these men was Ricky, whom EDDIE recognized because he often saw him whenever he would go to the bus terminal. Without any provocation coming from the group of the accused, Ricky uttered to EDDIE, "[I]kaw gid ro siga iya." ("You are behaving like a tough guy here.") When EDDIE asked him what he had done, Ricky boxed EDDIE's right cheek. Immediately after, one of Ricky's companions boxed EDDIE on his left cheek. Noticing that Ricky was about to stab him, EDDIE picked up a wooden stool and hit Ricky on the back of the head and then he ran outside the terminal. However, when he saw that Ricky was still following him, he stopped and hit him again with the stool, which blow landed between the victim's eyes.[25] EDDIE maintained that at the beginning of the altercation, TONY and his wife Nita were standing outside the terminal waiting for a tricycle. When TONY saw Ricky chasing after EDDIE, TONY stabbed Ricky.[26]

During this entire period, Ricky's companions, although both armed with knives and standing beside the victim, did not help him nor use their weapons in his defense. EDDIE also claimed that Ricky himself had already drawn his own knife from his scabbard and held it in his left hand, and yet never used it against him. [27]

For his part, DANNY vigorously denied any participation in the attack. He asserted that when Ricky boxed EDDIE, his pregnant wife hugged him and they ran from the terminal towards Calachuchi road, where they hid for twenty minutes before eventually heading home.[28] As asserted by EDDIE, DANNY also maintained that, when Ricky and his companions arrived, TONY was standing outside the terminal with his wife waiting for a tricycle, up until the time DANNY and his wife ran out of the terminal.[29]

Vivian Adoc, DANNY's wife, testified that on the evening of November 5, 1995, they brought their niece Jocelyn Adoc to the Ceres terminal since she intended to catch the first bus ride home to Iloilo the following day.[30] As they were eating their snacks at one of the terminal's stores and quietly conversing among themselves, three men arrived, one of whom accosted and boxed EDDIE under the right ear. She later identified this man as the victim. Following suit, one of Ricky's companions also boxed EDDIE, but on the opposite cheek. Ricky and the two men with him were armed with knives. Not wanting her husband to get involved in a fight, Vivian hugged DANNY in order to prevent him from helping his brother; DANNY and her then ran from the terminal.[31] After hiding in Calachuchi road, DANNY and her went directly to their house, and shortly after, EDDIE arrived. When the fray began, TONY and Nita were across the road waiting for a tricycle; however, they never showed up at the house that night and have not been heard from since the time of the incident.[32]

Finally, the defense presented its last witness – Jocelyn Adoc, who essentially confirmed the testimonies of the other defense witnesses. She testified that on the evening of November 5, 1995, she met DANNY, EDDIE, TONY, Vivian and Nita at the fair and that they all accompanied her to the Ceres bus terminal so that she could inquire about the bus schedule for Iloilo.[33] Upon reaching the terminal, Ricky's group already was already drinking on the side of the road. Jocelyn asserted that she saw Ricky threaten and box EDDIE, after which EDDIE hit Ricky with the stool twice. She then fled the terminal and ran towards the direction of Cervatos, with the two companions of Ricky chasing after her until a gasoline station, about fifty meters away from the terminal. However, on cross-examination Jocelyn stated that she was not certain that the persons who chased her were the two men who arrived with Ricky at the terminal.[34]

Jocelyn reiterated the statements made by the other defense witnesses regarding the locations of DANNY, TONY and their spouses at the time the fighting started – TONY and Nita were waiting for a tricycle outside the terminal, whereas DANNY and Vivian ran away after EDDIE was boxed. According to Jocelyn, the two men with Ricky also chased DANNY and his wife out of the terminal, but immediately after, Jocelyn declared that she was in fact not sure who chased her uncle and aunt.[35]

In finding accused DANNY and EDDIE guilty of murder, the trial court considered the testimonies of the prosecution witnesses more credible than those of the defense, in the absence of any showing of ill motive. The court held that the prosecution's account of the events – that the Adoc brothers ganged up on Ricky during the commotion – was more in accord with human behavior since it is natural for brothers to help each other in a rumble. Furthermore, their testimonies were consistent with the medical findings.

The defense's version of events, meanwhile, was rejected by the trial court as being unworthy of credit for several reasons. First of all, EDDIE's assertions - that after he had hit Ricky on the nape and on his nose, which blows resulted in a hematoma and a fracturing of the victim's nasal bone, the latter still chased him for a distance of about twenty (20) meters – were directly contradicted by the expert testimony of Dr. Bautista, who explained that such injuries were sufficient to render the victim unconscious, immobile and unable to defend himself. Secondly,

if Ricky and his two companions in fact had knives, it is difficult to believe that they never used it in the course of the altercation. Also, EDDIE could not display any physical injuries which he sustained as a result of the alleged assault by Ricky and his companion. Finally, in view of the close familial ties characteristic of Philippine culture, DANNY's claim that he did not help his brother EDDIE was incredulous.

In essence, the trial court rejected EDDIE's claim that he acted in self-defense and DANNY's denial of any participation in the killing, holding that the testimonies of the defense witnesses were not supported by credible evidence. It declared that evidence, to be worthy of credit, must not only proceed from a credible source, but must be credible in itself.

Finding that the accused acted in conspiracy, the following acts were cited by the court as evincing a "joint purpose and design, concerted action and community of interest" among the accused: (1) DANNY and TONY held Ricky to enable EDDIE to strike at him; (2) DANNY immediately delivered another blow upon the victim; and (3) TONY stabbed the victim, who had been rendered helpless by the two previous blows.

The trial court held that the killing was executed with treachery, as evidenced by the way DANNY and TONY held Ricky down to prevent him from putting up a defense, thus providing EDDIE a clear chance to strike him. Moreover, the blow to Ricky's head rendered him helpless and unable to defend himself against the subsequent injuries inflicted upon him by the accused.[36]

EDDIE and DANNY Adoc are now before this Court appealing the aforestated decision convicting them of murder, claiming that the trial court committed errors in ruling that the killing was qualified by treachery and that herein accused acted in conspiracy. They assert that there is no showing that they deliberately and consciously adopted a mode of attack since they did not even know that Ricky would be coming to the terminal that night. Moreover, they contend that their actions were spontaneous as demonstrated by the fact that the attack upon Ricky was preceded by an argument and the entire incident lasted for only about two minutes. As to the trial court's finding of conspiracy, EDDIE and DANNY insist that they did not share in TONY's intention to kill the victim and that they did not even know that TONY was armed.[37]

We find no reason to overturn the trial court's decision to give full faith and credence to the testimonies of the prosecution witnesses. The defense has not presented any evidence that Regie or Diomedel Diapo were impelled by dubious or improper motives, therefore it must be presumed that they were not so moved.[38] At this point, it shall do well to reiterate that, absent any showing that the trial court overlooked, misunderstood, or misapplied some facts of circumstances of weight and substance which would have affected the result of the case, the trial court's evaluation of the credibility of a witness is entitled to the highest respect, for it has the distinct opportunity to observe directly the demeanor of a witness and to determine whether he is telling the truth.[39]

Moreover, the trial court was correct in disbelieving the testimonies of the defense witnesses. Based on our examination and study of the records of this case, we find the defense's evidence to be implausible and unsupported by the medical findings.

EDDIE claims that when he saw that Ricky was about to stab him, he hit the latter with a stool; still, Ricky chased him, causing EDDIE to hit Ricky a second time, which blow was delivered with such force that it resulted in a fracturing of the victim's nasal bone. Despite the fact that the victim had already sustained two very direct blows to his head and face, EDDIE insists that Ricky continued to chase him all the way out of the terminal, at which point TONY stabbed the victim. However, according to Dr. Bautista, the NBI medico-legal expert, the blow sustained by the victim on his head and on his nasal bone were, at the very least, sufficient to make him dizzy, but more likely, rendered him unconscious and unable to move. In such a state, Ricky was certainly in no condition to give chase. Like the trial court, we are more inclined to believe the testimony of Regie Diapo that, after Ricky was

hit on the back of the head by EDDIE, he lost his balance and fell to the ground. In this position, it would have been very easy for DANNY to deliver the second blow and for TONY to stab the victim.

Moreover, if the version of the defense is to be believed, Ricky and his two companions, who were both standing beside Ricky during the altercation, were all armed with knives; in fact, according to EDDIE, at the time Ricky boxed him, the latter was clutching his knife in his left hand. The accused further testified that they had no weapons and were outnumbered by Ricky and his two companions, since TONY was standing outside the terminal at the time. Given this situation, it is incredible that the victim's group did not, even once, make use of their knives in attacking the accused, if such was indeed their intention, and that Ricky's comrades did not come to his aid during the entire duration of the attack. In utter contradiction of the defense's narration of events, it is revealing that it was still Ricky who sustained all the injuries, despite his group's alleged superiority in number and arms; whereas, EDDIE and DANNY escaped totally unscathed.

DANNY claimed that when Ricky boxed EDDIE, he ran away because his pregnant wife did not want him to get into trouble. We cannot believe that DANNY would abandon his brother at the moment the latter was allegedly assaulted by a stranger. In a recent case, we explained that it is natural for brothers to "close in fraternal ranks" in mauling the victim since such conduct is more characteristic of the closeness among Filipino siblings.[40]

Following the defense's theory, it makes no sense that the accused did not inform the authorities of the events which transpired that evening of November 5, 1995. It is the natural reaction of one who has witnessed, or has himself been the victim of a crime, to reveal it to the authorities, unless, of course, he is the author thereof.[41] If DANNY and EDDIE were truly the victims, rather than the aggressors, of an unprovoked offensive coming from Ricky's group, they should have been eager to explain their side to the police in order to clear their names and eliminate any suspicions as to the nature and extent of their participation in the fray. But they did not. After the fracas, EDDIE and DANNY went to the latter's house. Neither of them reported the incident to the police, whether immediately after the incident, or at any time thereafter. TONY and Nita, on the other hand, were never seen or heard from since the incident. Flight, in jurisprudence, has always been a strong indication of guilt, betraying a desire to evade responsibility.[42]

Given the improbable and self-serving nature of the defense's evidence, we cannot give it more weight than the categorical identification of the accused by the prosecution witnesses herein.[43]

We shall now resolve the assigned errors.

In determining whether or not the killing was committed with treachery, two conditions must be present, namely: (1) the employment of means of execution that gives the person attacked no opportunity to defend himself or to retaliate; and (2) the said means or method of execution was deliberately or consciously adopted.[44]

In the present case, the second element is missing.

The three accused, together with DANNY and TONY's pregnant wives, went to the Ceres bus terminal on the night of November 5, 1995 to inquire about the bus schedule for their niece Jocelyn Adoc, who was planning to leave for Iloilo the following day. The meeting with Ricky took place solely by chance when Ricky entered the bus terminal to get his conductor's uniform. There is no evidence that the accused had any intention of picking a fight with, much less of killing, the victim herein. The altercation which erupted between the accused and the victim was spontaneous, which militates against a finding that the accused deliberately adopted a specific mode of attack to insure the execution of the crime without risk to themselves. The prosecution's own evidence shows that the accused were eating and enjoying a relaxed conversation at one of the stores inside the terminal immediately before the fight commenced. Regie Diapo testified as follows –

Q: Before 12:00 midnight of November 5, 1995 do you also remember if there were also people [who] arrived in that store of Annie Quimpo?

A: Yes, sir.

Q: To the best of your recollection, how many women?

A: Three (3).

Q: How many men?

A: Three (3).

Q: And what did they do at the store of Annie Quimpo?

A: They drunk [sic].

Q: What did they drink?

A: Beer.

Q: What about these three (3) women you mentioned?

A: They had snacks.

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Q: And these three Adocs had been drinking from the time they arrived at around 10:45 until the incident happened?

A: Yes, sir.

Q: So when the incident happened they were still there at the table drinking?

A: Yes, your Honor[,] the table in front.

Q: You mean to say the table in front which is nearest the buses of the Ceres?

A: The tables were placed along side the buses.

Q: So the drinking of the three Adocs were interrupted by the incident?

A: Yes, your Honor.

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Q: Miss Diapo, before the incident these three Adocs were drinking as well as their three companions were also at the store eating snacks, these three Adocs were drinking quietly with each other?

A: They were conversing to [sic] each other.

COURT:

Q: And they were not behaving in an unruly manner?

A: They were talking and they were joking, and they were laughing.[45]

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Diomeded Diapo corroborated Regie Diapo's testimony; he declared that about thirty minutes before the fighting began, the accused were happily conversing with each other.[46]

We also take note of the fact that the two eyewitnesses admitted to not knowing why or how the fighting began.

Regie Dipao testified thus:

Q: Now did you hear of any arguments between Ricky and these Danny and Eddie Adoc before you saw the striking incident?

A: I did not hear.

Q: And you did not also hear of any screams from the 3 women companions of Tony Adoc and Eddie Adoc before you saw that striking incident?

A: I did not.

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Q: And the first time you noticed the incident was when the two Adocs, Danny and Tony were holding Ricky?

A: Yes, your honor.

Q: But before that you do not know or you were not aware of what made Danny and Tony holding [sic] Ricky and then Eddie was striking him [sic]?

A: Yes, your Honor.

Q: Why, where were you before that that you did not notice what happened?

A: Because I was at the cashier's booth with the goods in front of me.

Q: And what made you noticed [sic] them at that time?

A: Because of the noise and Ricky was already struggling.

Q: Why, what were you doing behind the cashier's booth?

A: I was sitting you Honor.

Q: When you heard the noise, what did you do?

A: We [sic] stood up.

Q: And when you stood up what happened?

A: That was the time that I saw Ricky was hit.[47]

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either could Diomedel Diapo testify as to the cause of the fray. He came out of his house, which was across the terminal, only after he already heard shouts, which proves that the fighting had already started when he arrived at the scene of the crime.[48] This failure of the prosecution to present evidence as to the manner in which the altercation started precludes a finding that the killing was qualified by treachery.

In *People v. Sambulan*[49] we held that –

In the case at bar, the record is bereft of evidence showing the methods or the means employed by appellant in order to ensure his safety from any retaliation that could be put up by the victim. The witness for the prosecution only saw the actual hacking of the victim and not the preceding events that led to it. Treachery cannot be considered where the lone witness did not see the commencement of the assault. The importance of such testimony cannot be overemphasized considering that treachery cannot be presumed nor established from

mere suppositions. (italics supplied)

This same doctrine on treachery was also applied in *People v. Amamangpang*[50] wherein the Court said:

The trial court, however, erred in finding that the crime was committed with treachery. Treachery, which should be proven as clearly as the crime itself to be considered a qualifying circumstance, was not conclusively established in this case. According to prosecution eyewitness Noculan, when he was alerted to the assault by the warning shout of appellant's daughter and he peeped inside the house, he saw the victim already prostrate on the bamboo floor, blood oozing from his neck and about to be struck by the appellant. Since the lone eyewitness failed to witness the initial attack inflicted upon the victim, treachery cannot be considered a qualifying circumstance.

In *People v. Beltran*, we reiterated the rule that:

x x x. There is treachery when, in the commission of the crime, the offender employs means, methods and forms which directly and specially insure the execution thereof without risk to himself arising from any defense the offended party might make. The essence of treachery is the swift and unexpected attack without the slightest provocation by the victim. In the case at bar, the victim may have sustained twenty-two (22) stab wounds but there is no evidence as to the manner in which the attack was made or how the stabbing resulting in her death began and developed. The existence of treachery cannot be established from mere suppositions nor drawn from circumstances that existed prior and after the killing; it must be proved by clear and convincing evidence or as conclusively as the killing itself. Where treachery is not adequately proved, appellant can only be convicted of homicide.

Thus, the crime committed is only homicide, not murder as held by the trial court.

However, we uphold the trial court's finding that the accused acted in conspiracy. Conspiracy exists when two or more person come to an agreement concerning the commission of a felony and decide to commit it. It need not be proved by direct evidence but may be inferred from the acts of the accused.[51] It is sufficient that the accused acted in concert at the time of the commission of the offense, that they had the same purpose or common design, and that they were united in its execution.[52] Coming now to the instant case, the successive acts of the accused – the blow delivered by EDDIE, while DANNY and TONY were holding Ricky; followed immediately by the infliction of a second blow by DANNY; and finally, the stabbing of the victim by TONY – clearly manifest the existence of a common intent among the three accused to commit the crime.

Since conspiracy has been established, there is no need to determine who among the accused delivered the fatal blow. All of the accused are liable as principals regardless of the extent and character of their participation, for in conspiracy the act of one is the act of all.[53]

Article 249 of the Revised Penal Code prescribes the penalty of reclusion temporal for the crime of homicide. There being no mitigating nor aggravating circumstances, the penalty shall be imposed in its medium period. Applying the Indeterminate Sentence Law, the minimum penalty shall be prision mayor, the penalty next lower in degree from reclusion temporal, which has a range of six (6) years and one (1) day to twelve (12) years; and the maximum penalty shall be reclusion temporal in its medium period, which has a range of fourteen (14) years, eight (8) months and one (1) day to seventeen (17) years and four (4) months.

WHEREFORE, the appeal is GRANTED, in part, and the challenged decision of the Regional Trial Court of Aklan, Branch 1, is hereby MODIFIED. Accused-appellants EDDIE ADOC and DANNY ADOC are hereby declared GUILTY beyond a reasonable doubt as principals of the crime of homicide as defined and penalized in Article 249 of the Revised Penal Code and are hereby sentenced to suffer an indeterminate imprisonment term of EIGHT (8) years and one (1) day of prision mayor medium as minimum to FOURTEEN (14) years, eight (8)

months and one (1) day of reclusion temporal medium as maximum, with all the accessory penalties provided by law.[54] Also, pursuant to current jurisprudence, accused-appellants are also ordered to pay jointly and severally the heirs of the victim the amount of Fifty Thousand Pesos (P50,000) by way of indemnity for the killing.[55] Costs against accused-appellants.

SO ORDERED.

Melo, (Chairman), Panganiban, and Purisima, JJ., concur.

Vitug, J., abroad, on official business.

[1] Rollo, 140-157. Per Judge Marietta J. Homena-Valencia.

[2] Ibid., 5-6.

[3] Ibid., 141.

[4] Regie Diapo identified the three accused during his direct examination. TSN, August 16, 1996, 4-5.

[5] TSN, August 16, 1996, 2-3, 8.

[6] TSN, August 16, 1996, 7, 9, 11-12

[7] This area of the victim's face was mistakenly referred to in the transcripts as the "temple." TSN, September 20, 1996, 3.

[8] TSN, August 16, 1996, 4-5, 16-17.

[9] TSN, August 16, 1996, 9, 11, 13-14, 18, 20.

[10] TSN, August 16, 1996, 5-6.

[11] TSN, August 16, 1996, 6; TSN, September 25, 1996, 7.

[12] TSN, September 25, 1996, 2.

[13] Exhibit "B."

[14] Exhibit "A."

[15] TSN, September 25, 1996, 2, 6.

[16] TSN, September 25, 1996, 2.

[17] TSN, November 14, 1996, 3, 8.

[18] TSN, November 14, 1996, 3, 6-7, 9; Exhibit "E."

[19] TSN, November 14, 1996, 6-7, 10.

[20] TSN, August 21, 1996, 10-12.

[21] TSN, August 21, 1996, 14-15.

[22] TSN, August 21, 1996, 7.

[23] TSN, August 21, 1996, 16-26; TSN, September 20, 1996, 2-5.

[24] TSN, August 21, 1996, 6-8.

[25] TSN, February 7, 1997, 3-4, 9-10.

[26] TSN, February 7, 1997, 5.

[27] TSN, February 7, 1997, 10, 12, 16.

[28] TSN, February 20, 1997, 9-12.

[29] TSN, February 20, 1997, 7, 12, 14, 16-18, 21-22.

[30] TSN, January 13, 1997, 3, 7.

[31] TSN, January 13, 1997, 4-5, 9-11; TSN, January 15, 1997, 4.

[32] TSN, January 13, 1997, 4, 6.

[33] TSN, May 15, 1997, 4.

[34] TSN, June 4, 1997, 9-10, 12-15.

- [35] TSN, June 4, 1997, 9, 19, 22-25.
- [36] Rollo, 140-157.
- [37] Ibid., 59-70.
- [38] People v. Ravanes, 284 SCRA 634 (1998); People v. Mendoza, 284 SCRA 705 (1998).
- [39] People v. Albao, 287 SCRA 129 (1998); People v. Obello, 284 SCRA 79 (1998).
- [40] People v. Gaspar, G.R. No. 131479, November 19, 1999.
- [41] People v. Bautista, 290 SCRA 58 (1998).
- [42] People v. Tidula, 292 SCRA 596 (1998); People v. Villanueva, 284 SCRA 501 (1998).
- [43] People v. Caisip, 290 SCRA 451 (1998).
- [44] People v. Tumaob, Jr., 291 SCRA 133 (1998); People v. Lagarteja, 291 SCRA 142 (1998).
- [45] TSN, August 16, 1996, 3, 18, 19.
- [46] TSN, August 21, 1996, 14.
- [47] TSN, August 16, 1996, 9-10, 18-19.
- [48] TSN, August 21, 1996, 14-16.
- [49] 289 SCRA 500 (1998).
- [50] 291 SCRA 638 (1998).
- [51] People v. Baccay, 284 SCRA 296 (1998).
- [52] People v. Obello, 284 SCRA 79 (1998).
- [53] People v. Gungon, 287 SCRA 618 (1998).
- [54] People v. Cario, 288 SCRA 404 (1998).
- [55] People v. Solis, 291 SCRA 529 (1998).

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