

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. LOCSIN FABON @ “LOKLOK,” ACCUSED-APPELLANT.

G.R. No. 133226. March 16, 2000

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PER CURIAM:

Circumstantial evidence coupled with accused-appellant's flight from the town where the crime as committed sealed his fate and merited his conviction of a heinous crime and the corresponding imposition of the supreme penalty of death.

In an information filed before the Regional Trial Court of Hilongos, Leyte, docketed as Criminal Case No. H-642, accused-appellant Locsin Fabon, alias "Loklok." was charged with the crime of robbery with homicide accompanied by rape and intentional mutilation.[1] The information reads:

That on or about the 23rd day of April 1995, in the Municipality of Hilongos, Province of Leyte, Philippines and within the jurisdiction of this Honorable Court, said accused at the house of the victim did then and there, willfully, unlawfully and feloniously with intent to gain by means of force and violence against one BONIFACIA LASQUITE, take and carry away, sum of money consisting of bills of assorted denominations and coins amounting to TWENTY FIVE THOUSAND PESOS (P25,000.00) more or less, Philippine Currency, and by reason or on occasion of the robbery the same accused attack (sic) and take (sic) the life of the victim with the use of [a] bladed weapon, thus wounding:

- Lacerated wound on (R) side of the forehead about 0.5 cm. x 0.2 cm. with a depressed skull fracture;
- Stabbed (sic) wound (punctured-like) at the (R) side of the epigastic area;
- Stabbed (sic) wound (punctured-like) at the 3rd intercostal space (L) parasternal line;
- Depressed fracture (L) parieto-occipital area;
- Hematoma formation, lower jaw and at the base of the neck;
- Multiple hematoma formation at the epigastic area, RUQ and anterior chest wall; which clearly evince the manifest and intentional mutilation of victim's person or corpse (sic); and likewise on the same occasion of the robbery, rape has (sic) been committed by the same accused on the person of the victim, BONIFACIA LASQUITE, as shown by the autopsy report, thus:
- Hematoma formation noted on both sides of vaginal canal and near urethral opening;
- Hematoma formation (L) hand, dorsal aspect of metacarpo-phalangeal joint;
- Tonge (sic) half bitten and directed to the right side.

ACTS CONTRARY TO LAW.[2]

Upon being arraigned on 26 September 1995, accused-appellant, assisted by counsel de oficio, Atty. Mario Alonzo of the Public Attorney's Office, pleaded "not guilty" to the offense charged.[3]

The prosecution presented Benjamin Milano, the nine (9) year old nephew and neighbor of the accused-appellant, as its first witness. He testified that on 23 April 1995, at around five o'clock in the morning, he was awakened by his mother to fetch water for their morning meal.[4] Bringing along a container, he then proceeded to the water pump of Bonifacia Lasquite, located at the back of the latter's house.[5] After filling up his container, he then went on his way home.[6] However, while still near the house of Bonifacia Lasquite, he noticed that someone was coming from the fence of Bonifacia Lasquite's house.[7] Although it was still a little dark,[8] he recognized it to be his uncle, accused-appellant.[9] While standing only five (5) meters away,[10] accused-appellant asked him: "Toy, is there somebody fetching water?"[11] He responded in the negative. He noticed that the forehead, t-shirt and hair of accused-appellant were stained with blood.[12] He also noticed that accused-appellant was carrying a plastic bag[13] and had a bolo tucked in his pants.[14] Accused-appellant then walked away in a hurried manner while repeatedly looking over his shoulders.[15] Later on in the day, he was informed by a certain Emma about the death of their neighbor, Bonifacia Lasquite.[16] Because of this, he informed Roberto Lasquite, the son of Bonifacia Lasquite, of his encounter with accused-appellant in the early morning of the ill-fated day.[17]

The second witness presented by the prosecution was Mario Vinculado. He testified that he has been a resident of Brgy. Santa Cruz, Hilongos, Leyte, since his birth and, as such, he knows both accused-appellant and the victim.[18] Sometime in the second week of August of 1995, he went to Ampayon, Butuan City together with a police officer named Lumayno from the Hilongos Police Station.[19] He went to the said town because he was requested by Roberto Lasquite to accompany police officer Lumayno in ascertaining whether accused-appellant was indeed in Ampayon pursuant to an information sent by the Butuan Police Station to the Hilongos Police Station.[20] When they arrived in Ampayon, they went to the municipal jail where they found accused-appellant being investigated by the police.[21] After the investigation, accused-appellant asked Mario Vinculado if they could have a talk.[22] During their conversation, accused-appellant informed Mario Vinculado that he had a companion when he assaulted Bonifacia Lasquite[23] and that he was only able to stab the victim twice in the breast.[24] Upon Mario Vinculado's return to his hometown, he informed the Hilongos police and Roberto Lasquite of the admission made to him by accused-appellant.

The prosecution then presented Dr. Conrado Abiera as its expert witness. He testified that on 23 April 1995, he conducted an autopsy on the victim and, correspondingly, accomplished a gross autopsy report.[25] The gross autopsy report reads:

Name: BONIFACIA FABON LASQUITE Age: 64 years old

Address: Brgy. Sta. Cruz, Hilongos, Leyte Sex: Female

Civil Status:

Widow

Occupation: Housekeeper

Requesting Officer: Jaime S. Yamba

Sr. Insp. PNP

Acting Chief of Police

Date & Time of Autopsy: April 23, 1995 at 2:10 p.m.

Place of Autopsy: Brgy. Sta. Cruz, Hilongos, Leyte

General Survey:

Fairly build (sic), fairly nourished, fairly developed, whole body covered with with (sic) blanket, when removed the face is (sic) covered with moist, torned (sic) cloth the upper half of the body covered with cloth and lower half naked, in the state of cadaveric spasm with hematoma formation on the jaw and base of the neck, lacerated wound on the forehead, stabbed (sic) wound on the anterior chest wall and multiple hematoma formation on the anterior chest wall.

Pertinent Findings:

1.

Lacerated wound on (R) side of the forehead about 0.5 cm. x 0.2 cm. with a depressed skull fracture.

2.

Stabbed (sic) wound (punctured-like) at the (R) side of epigastric area.

3.

Stabbed (sic) wound (punctured-like) at the 3rd intercostal space (L) parasternal line.

4.

Depressed fracture (L) parieto-occipital area.

5.

Hematoma formation, lower jaw and at the base of the neck.

6.

Multiple hematoma formation at the epigastric area, RUQ and anterior chest wall.

7.

Hematoma formation noted on both sides of vaginal canal and near the urethral opening.

8.

Hematoma formation (L) hand, dorsal aspect of metacarpo-phalangeal joint.

9.

Tongue half-bitten and directed to the right side.

Cause of Death:

Internal Hemorrhage due to stabbed (sic) wound at the heart and liver area.

Suffocation secondary to strangulation.

(signed)

DR. CONRADO B. ABIERA III

Medical Officer III[26]

During his testimony, Dr. Abiera clarified the statements he made in the gross autopsy report. He stated that lacerated wound in the victim's forehead and the depressed skull fracture, reported as the first item under the heading Pertinent Findings, signified that the victim was hit with a blunt instrument which could have been a stone, a piece of wood or the back portion of a bolo.[27] He added that the same blunt instrument may have also been used in the depressed fracture in the parieto-occipital area.[28] Dr. Abiera also explained that the punctured-like stab wounds, reported as the second and third items under the heading Pertinent Findings, meant that the assailant used an instrument similarly shaped as an ice pick or a sharpened welding rod.[29] With regard to the hematoma formation at the lower jaw and at the base of the neck, reported as the fifth item above, this signifies that the victim was strangled.[30] Dr. Abiera added that the strangulation of the victim caused her to struggle for air and, in the process, she probably bit her tongue which, thus, accounts for the finding in the ninth item above.[31] He concluded that this strangulation could not have been caused by a wire or a rope since these instruments would have left marks in the neck of the victim. In his expert opinion, Dr. Abiera deduced that the victim was strangled through the use of a handkerchief or some other piece of cloth.[32] With regard to the hematoma formation in the vaginal canal and near the urethral opening, the seventh item above, he explained that this could mean that the victim was raped.[33] However, he clarified that he cannot assert such conclusion with certainty because he did not examine if there were sperm cells in the victim's vagina since the autopsy was conducted in a barrio where there was no laboratory.[34] Looking at the gross autopsy report in its entirety, Dr. Abiera concluded that the assault on the victim could have been done by more than one assailant considering that three devices were used in attacking the victim, i.e., a blunt object, an ice-pick like tool and a cloth-like instrument. On the aspect of mutilation, Dr. Abiera stated that no vital part of the victim's body was severed which, thus, negates mutilation.[35]

The fourth and final witness for the prosecution was the son of the victim, Roberto Lasquite. He testified that on 22 April 1995, he went with a friend to Sitio Panas, Brgy. Bilibol, Southern Leyte, to attend a fiesta.[36] He stayed in the said place until the following day. On 23 April 1995, at around ten o'clock in the morning, a certain Costan Taping informed him that his mother was dead.[37] He immediately went home together with Costan Taping and his fiancée and arrived at their house at noon of the same day.[38] He found his mother lying dead on the kitchen floor with their things scattered.[39] When he searched for the shell where they kept their money, it was no longer in its hiding place in their cabinet.[40] Inside the missing shell was the Twenty Five Thousand Pesos (P25,000.00) that was sent to them by the victim's sister who lives in Denmark.[41] Later on in the day, Benjamin Milano informed him of his encounter with accused-appellant while he was fetching water.[42] Because of this, he and the barangay tanods looked for accused-appellant.[43] They searched for accused-appellant for more than a month but could not find him.[44] He only learned about the whereabouts of his mother's assailant when he was informed by police officer Lumayno that accused-appellant had been arrested in Butuan City.[45] Roberto Lasquite then went to their councilor, Mario Vinculado, to request the latter to go to Butuan City and confirm if accused-appellant indeed killed his mother.

In his defense, accused-appellant took the witness stand and denied the accusations against him. He testified that he was registered as a resident of Brgy. Bliss but he actually resides in the house of his brother in Brgy. Sta.

Cruz,[46] which is around 380 meters away from the house of Bonifacia Lasquite, her aunt.[47] He stated that in the morning of 22 April 1999, he was with his live-in partner, Prima Naul, washing clothes since they were preparing to leave for Butuan City the following day[48] in order to look for her live-in partner's long lost father.[49] At noon of the same day, he and Prima Naul went to his mother's house to have lunch.[50] They left his mother's house at around one o'clock in the afternoon and returned to their house.[51] He turned in for bed at around nine o'clock in the evening and woke up at 5:30 a.m. the following day, 23 April 1995.[52] He then prepared their provisions for their Butuan trip and finished at around 8:00 a.m.[53] Thereafter, he went to the house of the Brgy. Captain of Brgy. Bliss to get a residence certificate.[54] He was informed by the Brgy. Captain that he can get his residence certificate from the Brgy. Secretary, Mrs. Lumayno.[55] He went to the house of Mrs. Lumayno and was able to get a residence certificate.[56] He and his live-in partner then proceeded to Butuan City and arrived thereat in the morning of the following day.[57] During their stay in Butuan City, they were unable to locate her live-in partner's father. When inquired upon with regard to the testimony of Benjamin Milano, accused-appellant denied that he saw the child in the morning of 23 April 1995. On cross-examination, accused-appellant testified that he does not know of any reason why Benjamin Milano testified the way he did.[58] He also admitted having seen Mario Vinculado in the police station while he was incarcerated and being investigated in Butuan City on account of another charge for robbery.[59] Despite his having seen Mario Vinculado, he denies having spoken with the latter and that he admitted to killing the victim.[60] He reasoned that he was unable to speak with Mario Vinculado since he was being investigated by the police.[61] He also stated that when he left for Butuan City, he was not aware that Bonifacia Lasquite was dead.[62] He, however, admitted that while he was in Butuan City, he was informed by a certain Citas about the killing of the victim and that he was being made responsible for the same.[63] Nevertheless, despite learning of this matter, he admitted not having exerted any effort to inform Roberto Lasquite of his innocence and justified his complacency with the excuse that he had differences with Roberto Lasquite.[64] Their differences arose sometime in 1992 when he was accused by Roberto Lasquite of having stabbed the latter's carabao.[65] Accused-appellant also admitted having escaped from prison during the pendency of the present case before the lower court.[66] He was, however, recaptured by prison guards for which he suffered a gunshot wound.[67] When asked why he escaped, accused-appellant reasoned that his decision to escape was due to the fact that he was denied his conjugal visits by prison authorities since Prima Naul was only his live-in partner.[68]

The second and last witness presented by the defense was Remedios Lumayno, the secretary of the barangay who issued accused-appellant's residence certificate.[69] She corroborated the testimony of accused-appellant that the latter obtained a residence certificate from her on 23 April 1995 at around eight o'clock in the morning.[70] She also stated that when accused-appellant secured his residence certificate, the latter explained to her that he was going to use it for his trip to Marangog where he will harvest coconut.[71]

In its Decision, dated 15 December 1997, the lower court convicted accused-appellant of the crime of robbery with homicide and rape aggravated by dwelling. The pertinent portion of the decision reads:

There having been sufficient and convincing evidence by the prosecution, the court finds and so holds the accused liable for robbery with homicide and rape as charged. Robbery with Homicide is defined and penalized under Article 294, number 1 of the Revised Penal Code, as amended by R.A. 7659 with the penalty of Reclusion Perpetua to Death, when by reason or on occasion of the robbery, the crime of Homicide shall have been committed or when the robbery shall have been accompanied by rape or intentional mutilation or arson. The homicide committed by the accused on the occasion of the robbery of victim Bonifacia Lasquite was perpetrated inside her home. Consequently, the aggravating circumstance of dwelling should be appreciated to maximize the penalty.

WHEREFORE, premises considered, the Court finds the accused LOCSIN FABON, alias "Loklok" GUILTY

beyond reasonable doubt of the crime of Robbery with Homicide and Rape, penalized under Article 294, number 1 of the Revised Penal Code, as amended by R.A. 7659 and there being aggravating and no mitigating circumstance hereby SENTENCES him to suffer the maximum penalty of DEATH.

In addition, the accused is ordered to pay the heirs of the victim Bonifacia Lasquite the following sums:

- a. P50,000.00 as indemnity for Bonifacia lasquite's death;
- b. To pay the sum of P25,000.00 by way of reparation of the stolen cash money.

Cost taxed against the accused.

SO ORDERED.[72]

The case is now before us on automatic review pursuant to Section 10 of Rule 122.

Parenthetically, we note that the trial court inaccurately designated the crime committed as "robbery with homicide and rape." [73] When the special complex crime of robbery with homicide is accompanied by another offense like rape or intentional mutilation, such additional offense is treated as an aggravating circumstance which would result in the imposition of the maximum penalty of death. [74] In the case of *People vs. Lascuna*, [75] we said:

We agree with the Solicitor General's observation that the crime committed was erroneously designated as robbery with homicide, rape and physical injuries. The proper designation is robbery with homicide aggravated by rape. When rape and homicide co-exist in the commission of robbery, it is the first paragraph of Article 294 of the Revised Penal Code which applies, the rape to be considered as an aggravating circumstance. xxx [76]

We now come to the merits of the case.

The core issue the instant case is whether the circumstantial evidence on record forms an unbroken chain which leads to the conclusion that accused-appellant committed the crime for which he is being made accountable for, to the exclusion of all others. Circumstantial evidence is defined as that which indirectly proves a fact in issue. [77] Under Section 4 of Rule 133 of the Revised Rules on Evidence, circumstantial evidence is sufficient to convict an accused if the following requisites concur: (a) there is more than one circumstance; (b) the facts from which the inferences are derived are proven; and (c) the combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.

The peculiarity of circumstantial evidence is that the guilt of the accused cannot be deduced from scrutinizing just one particular piece of evidence. It is more like a puzzle which, when put together, reveals a convincing picture pointing towards the conclusion that the accused is the author of the crime.

In the case at bar, the circumstantial evidence presented by the prosecution clearly establishes the guilt of accused-appellant and overpowers his defense of denial and alibi. Aside from the fact that denial and alibi are inherently weak defenses, accused-appellant's alibi of being in his house at 5:30 in the morning does not preclude his physical presence in the house of the victim considering that their respective residences are only 380 meters apart. Moreover, the proven circumstances in the instant case, when viewed in their entirety, are as convincing as direct evidence and, as such, negate the innocence of accused-appellant, to wit: (1) accused-appellant was present at the scene of the crime; (2) he had blood stains on his body and clothes, had a bolo tucked in his waist and was carrying a plastic bag when he was seen leaving the scene of the crime; (3) he left Brgy. Sta. Cruz for Butuan City on the same day when the victim was killed; (4) he admitted to Mario Vinculado that he kill the victim; (5) he did not even bother to inform Roberto Lasquite of his alleged innocence despite having learned that he was being made accountable for the death of Bonifacia Lasquite; (6) he could not think of any reason as to why Benjamin

Milano, his nephew, would lie in testifying against him; and (7) he escaped from incarceration during the pendency of this case before the lower court. Clearly, the foregoing evidence is consistent with the culpability of the accused and inconsistent with his defense of denial and alibi. Not the least worthy of notice is the fact that accused-appellant twice sought to escape liability: first, on the day that the victim was killed and second, while he was incarcerated in prison. As has often been repeated, flight is a strong indication of guilt.[78] The reasons put forward by accused-appellant to justify the two instances when he fled, i.e., first, to look for his live-in partner's long lost father and second, because he was denied conjugal visits, are simply too lame and whimsical to merit credibility. Moreover, if the purpose of his trip to Butuan City was to look for his live-in partner's father, why did he not return immediately to Brgy. Sta. Cruz after he and his live-in partner failed to locate the whereabouts of the said father? The only logical reason would be that he was avoiding something in Brgy. Sta. Cruz. However, despite his efforts to escape from the long arm of the law, it still caught up with him in Butuan City.

In the appreciation of evidence in criminal cases, it is a basic tenet that the prosecution has the burden of proof in establishing the guilt of the accused for all the offenses he is charged with - *ei incumbit probatio non qui negat*. [79] The conviction of accused-appellant must rest not on the weakness of his defense but on the strength of the prosecution's evidence. In the present case, it is the opinion of the Court that although the prosecution has sufficiently established accused-appellant's guilt for the crime of robbery with homicide, it has, however, failed to substantiate the alleged aggravating circumstances of rape and intentional mutilation. As testified upon by the prosecution's expert witness, Dr. Abiera, it cannot be conclusively stated that the victim was raped. Due to the fact that the entirety of the evidence presented in this case are all circumstantial, the fact that the victim was no longer wearing her underwear when her cadaver was discovered and that the victim had hematoma formations on both sides of vaginal canal and near the urethral opening cannot conclusively prove that she was raped. Moreover, the aggravating circumstance of intentional mutilation cannot also be appreciated since, as also testified upon by Dr. Abiera, no vital body part was severed. Likewise, the fact that the victim's tongue was half-bitten does not prove intentional mutilation since it could have been caused by the victim herself when she was fighting to breathe for air while she was being strangled by accused-appellant.

However, despite our finding that accused-appellant cannot be made liable for the aggravating circumstances of rape and intentional mutilation, a finding which would have lowered the penalty in the instant case to reclusion perpetua, accused-appellant will still have to suffer the supreme penalty of death due to the attendance of the aggravating circumstance of dwelling [80] which was alleged in the information and duly proven during the trial. Dwelling is considered aggravating primarily because of the sanctity of privacy that the law accords to the human abode. [81] In *People vs. Cabato*, [82] we ruled that: "Dwelling is aggravating in robbery with violence or intimidation because this class of robbery can be committed without the necessity of trespassing the sanctity of the offended party's house." [83]

The penalty for robbery with homicide is reclusion perpetua to death which is composed of two (2) indivisible penalties. Applying Article 63 of the Revised Penal Code, the imposable penalty in the present case is death due to the presence of the aggravating circumstance of dwelling and the absence of any mitigating circumstance.

Although four Justices continue to maintain that Republic Act No. 7659, insofar as it imposes the death penalty, is unconstitutional, they nevertheless submit to the ruling of the majority that the law is constitutional and that the death penalty should accordingly be imposed.

IN VIEW OF THE FOREGOING, the Court finds the accused Locsin Fabon, alias "Loklok," guilty beyond reasonable doubt of the crime of "robbery with homicide" under Article 294 (1) of the Revised Penal Code, as amended by Republic Act No. 7659, [84] with the aggravating circumstance of dwelling, and hereby sentences the said accused to suffer the supreme penalty of death, to indemnify the heirs of Bonifacia Lasquite in the amount of

Fifty Thousand Pesos (P50,000.00) and to pay Twenty Five Thousand Pesos (P25,000.00) as actual damages for the stolen money.

In accordance with Section 25 of Republic Act No. 7659, amending Article 83 of the Revised Penal Code, upon finality of this decision, let copies of the records of this case be forthwith forwarded to the Office of the President of the Philippines for possible exercise of clemency or pardoning power.

SO ORDERED.

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

[1] Records, pp. 236.

[2] Id., at 38-39.

[3] Id., at 47.

[4] TSN, 28 November 1995, p. 9.

[5] Id., at 12.

[6] Id., at 6.

[7] Id., at 7.

[8] Id., at 12.

[9] Id.

[10] TSN, 28 November 1995, p. 20.

[11] Id., at 7.

[12] Id., at 8-9.

[13] Id., at 7.

[14] Id., at 9.

[15] Id., at 7.

[16] Id. at 10.

[17] Id. at 10-11.

[18] TSN, 22 January 1996, p. 4.

[19] Id., at 6.

[20] Id., at 6-8.

[21] Id., at 10.

[22] Id., at 14.

- [23] Id., at 16.
- [24] Id., at 15.
- [25] TSN, 12 December 1996, p. 4.
- [26] Exhibit "A," Records, p. 7.
- [27] Supra, note 25 at 6-7.
- [28] Id., at 7.
- [29] Id., at 5, 7.
- [30] Id., at 8.
- [31] Id., at 16.
- [32] Id., at 13-14.
- [33] Id., at 15.
- [34] Id., at 17.
- [35] Id., at 15.
- [36] TSN, 23 January 1997, p. 6.
- [37] Id., at 7.
- [38] Id., at 7-8.
- [39] Id., at 8.
- [40] Id., at 8-9.
- [41] Id., at 9-10.
- [42] Id., at 10.
- [43] Id., at 11.
- [44] Id., at 12-13
- [45] Id., at 13.
- [46] TSN, 7 May 1997, p. 5.
- [47] Id., at 13.
- [48] Id., at 6-7.
- [49] Id., at 23.
- [50] Id., at 7.
- [51] Id.
- [52] TSN, 7 May 1997, p. 8.
- [53] Ibid.

[54] *Id.*, at 9.

[55] *Id.*, at 10.

[56] *Id.*, at 9.

[57] *Id.*, at 11.

[58] *Id.*, at 18-19.

[59] *Id.*, at 19.

[60] *Id.*, at 19-20.

[61] *Id.*, at 20.

[62] *Id.*, at 22.

[63] *Id.*, at 32.

[64] *Id.*, at 32-33.

[65] *Id.*, at 33-34.

[66] *Id.*, at 27.

[67] *Ibid*; Records, Prison Guard Report, p. 97.

[68] *Id.*, at 28-29.

[69] TSN, 22 July 1997, p. 4.

[70] *Id.*, at 7.

[71] *Ibid*.

[72] Records, Decision, p. 243.

[73] *Ibid*.

[74] ART. 294. Robbery with violence against or intimidation of persons—Penalties.—Any person guilty of robbery with the use of violence against or any person shall suffer:

- The penalty of reclusion perpetua to death, when by reason or on occasion of the robbery, the crime of homicide shall have been committed, or when the robbery shall have been accompanied by rape or intentional mutilation or arson.

xxx

[75] 225 SCRA 386 (1993).

[76] *Id.*, at 404 (*italics supplied*).

[77] *People vs. Caparas*, 290 SCRA 78 (1998); *People vs. Andal*, 279 SCRA 474 (1997).

[78] *People vs. Guarin*, G.R. No. 125964, 22 October 1999; *People vs. Sanchez*, G.R. No. 118423, 16 June 1999; *People vs. Tidula*, 292 SCRA 596 (1998).

[79] *People vs. Masalihit*, 300 SCRA 147 (1998); *People vs. Olivarez*, 299 SCRA 635 (1998). December 1998.

[80] Art. 14 (3), Revised Penal Code.

[81] People vs. Paraiso, G.R. No. 127840, 29 November 1999.

[82] 160 SCRA 98 (1988).

[83] Id. at 110.

[84] See note 74.

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