# PEOPLE OF THE PHILIPPINES, APPELLEE, VS. RONALD SAMSON, JERRY ESPIRITU, JOHN DOE AND PETER DOE, ACCUSED.

*G.R. No. 133437. November 16, 2001*

Ponente: DE LEON, JR., J.

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**DE LEON, JR., J.:**

A life hangs on the balance in this automatic review of the Decision[1] of the Regional Trial Court of Biñan, Laguna, Branch 25, convicting the appellant, Ronald Samson, for the fatal shooting of Barangay Captain Glicerio Barrio of Barangay Butong, Cabuyao, Laguna.

The Information charging the appellant, Ronald Samson, and his co-accused,[2] Jerry[3] Espiritu, John Doe and Peter Doe of the crime of murder, as defined and penalized under Article 248, as amended, of the Revised Penal Code, reads:

> That on or about January 6, 1997, in the Municipality of Cabuyao, Province of Laguna, Philippines and within the jurisdiction of this Honorable Court, accused RONALD SAMSON, conspiring and confederating with JERRY ESPIRITU who is still at-large, JOHN DOE and PETER DOE, whose identities have not yet been ascertained and mutually helping one another, with intent to kill and while conveniently armed with a firearm Caliber .45 with treachery, evident premeditation and abuse of superior strength, did then and there wilfully, unlawfully and feloniously shoot one BRGY. CAPTAIN GLICERIO BARRIO Y RICAMORA with the said firearm, thereby inflicting upon the latter multiple gunshot wounds on his body, which directly caused his death, to the damage and prejudice of his surviving heirs.
>
> That in the commission of the crime the qualifying aggravating circumstances of treachery, evident premeditation and abuse of superior strength are present.
>
> CONTRARY TO LAW.

Upon being arraigned on July 7, 1997, appellant Ronald Samson, assisted by his counsel de parte, entered the plea of "Not guilty" to the charge in the Information. Pre-trial was waived by the appellant when pre-trial in criminal cases was not yet mandatory at that time.

Meanwhile, appellant, through counsel, filed a petition for bail[4] which was opposed by the prosecution.[5] After hearings were conducted, the trial court denied the petition for bail in an Order dated October 13, 1997.

It appears from the evidence adduced by the prosecution that on January 6, 1997 at around 8:00 o'clock in the evening, the victim, Barangay Captain Glicerio Barrio, was in front of his house in Barangay Butong, Cabuyao, Laguna. Glicerio was waiting for other people to arrive at the meeting which he had earlier called to discuss the proposed construction of a fence around the barangay chapel.[6]

According to prosecution witness Filomeno Alviar, Glicerio's half brother, the victim, who was seated on a bench, with his back facing the road, was addressing the persons who had arrived at the meeting. At that juncture, an unidentified man passed behind Glicerio, followed by three (3) other men. Glicerio was surprised as the three (3)

strangers pulled their guns. One of the strangers immediately shot him on the chest with a .45 caliber pistol as he was about to face them. Three (3) more shots were fired by the assailant causing the victim to fall to the ground. Subsequently, the same assailant stooped over the prostrate body of the victim and shot him again on the neck. The assailant then remarked "Pare, ayos na." as he rejoined his two (2) companions who were armed with a .45 caliber pistol and an Uzi machine pistol, respectively. They fired gunshots in the air as they fled from the scene of the crime and boarded a tricycle that headed towards the direction of Barangay Bigaa, Cabuyao, Laguna.[7]

Filomeno testified that he recognized appellant Ronald Samson as one of the two (2) persons who served as back-up of the assailant and was armed with an Uzi machine pistol, and that the other back-up man who was armed with a .45 caliber pistol was the other accused, Jerry Espiritu. According to this witness, both men arrived earlier sometime in December 1996 in the house of Leonardo Misa which is opposite his (Filomeno's) store in Barangay Butong, Cabuyao, Laguna, and that the two (2) men were then aboard on dump trucks which were being used by Leonardo in his hauling business. Since then, he often saw the appellant who one occasion even went to his store to buy some goods. Filomeno suspects that business rivalry between Leonardo and the victim is the motive for the killing.[8]

Prosecution witness Charrie Barrio testified that on January 6, 1997 at around 8:00 o'clock in the evening, he and other members of their family were watching television inside their house when they heard a gunshot. Charrie hurriedly went outside and saw how his father, Glicerio, was shot in the neck by one of the suspects, that the other suspect was standing on the left side of his father while the third suspect, whom he identified in court as the appellant, was positioned at about four (4) meters away from him.[9]

The suspects then aimed their firearms at Charrie and the other members of the family of the victim so that they all had to duck on the ground. Thereafter, the suspects fired their guns in the air to scare the people as they fled on board a tricycle bound for Barangay Bigaa. Charrie could not recall the faces of the suspects other than the appellant whom he claimed he had seen many times in their barangay prior to the killing of his father on January 6, 1997.[10]

On January 7, 1997, a cartographer from the Philippine National Police (PNP) arrived in their house to draw the sketches of the suspects. Prosecution witnesses Filomeno Alviar and Charrie Barrio and the other persons who allegedly witnessed the shooting incident gave descriptions of the suspects.[11] They described the gunman as basically sporting a thin moustache[12]while the back-up who was armed with .45 caliber pistol as having a brushed-up hair.[13] The other back-up who was armed with an Uzi machine pistol and wearing a baseball cap, was described by Filomeno and Charrie as having thick eyebrows and slightly bulging pair of eyes.[14]

On January 16, 1997, prosecution witnesses Filomeno Alviar and Charrie Barrio went to the Police Station in Cabuyao, Laguna and gave their respective sworn statements[15] on the killing of the victim before PO2 Gerry C. Crisostomo. Both prosecution witnesses stated therein that the names of appellant, Ronald Samson, and his co-accused, Jerry Espiritu, were only given to them by the people in their barangay who knew those two (2) persons.

Dr. Esmeraldo P. Plastina, M.D., Municipal Health Officer of Calamba, Laguna conducted the autopsy on the body of the victim. From the Medico-Legal Necropsy Report[16] prepared and signed by Dr. Plastina, the following findings appear:

I-EXTERNAL FINDINGS:

- Gunshot wound of entrance measuring 1 x 0.9 cm. right side of the neck.

- Gunshot wound of exit measuring 2 x 1.2 cm. left frontal region of the head.


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- Gunshot wound of entrance measuring 0.9 x 0.9 cm. left infra-clavicular region.

- Gunshot wound of exit measuring 2 x 1.1 cm. scapular region.

- Gunshot wound of entrance measuring 0.9 x 0.9 cm. left mammary region.

- Gunshot wound of exit measuring 1.9 x 1.5 cm. left scapular region.

- Gunshot wound of entrance measuring 1 x 0.9 cm. right deltoid region.

- Gunshot wound of entrance measuring 0.9 x 0.9 cm. left inner lower arm.

- Gunshot wound of exit measuring 1.5 x 1.3 cm. left outer lower arm.

II-INTERNAL FINDINGS:

- Brain, left lung with bullet wound.

- One (1) slug recovered inside the body.

The widow of the victim, Elena Barrio, testified that her family incurred the following expenses during the wake of her husband:

a)

Funeral services

P 60,000.00

b)

Food, drinks and other expenses for the wake

P 50,000.00

c)

Rental of burial lot for five (5) years

P 5,000.00

Total

P115,000.00

She also testified that Glicerio was engaged in the business of raising fighting cocks, and worked regularly as manager of a cockpit arena where he derived a monthly income of Twenty Thousand Pesos (P20,000.00).[17]

The defense denied any liability of the accused-appellant for the killing of Glicerio Barrio. Appellant Ronald

Samson, a table cloth maker, admitted being an acquaintance of Leonardo Misa who is the father-in-law of his sister, Rosanna Samson. He recalled that Leonardo sought his assistance sometime in November 1996 in securing the services of dump trucks from Bulacan for the former's hauling business in Laguna. Hence, Ronald had been to the residence of Leonardo in Barangay Butong, Cabuyao, Laguna to accompany the dump trucks from Bulacan and for which he received One Hundred Pesos (P100.00) for every trip from Leonardo.[18]

However, appellant denied having been to Cabuyao, Laguna on January 6, 1997. On the said date, he left his house in Calumpit, Bulacan at 8:00 o'clock in the morning to meet with Honesto Redoblado in Balagtas, Bulacan and discussed the decision of the latter to stop sending dump trucks to Cabuyao, Laguna. After the meeting, appellant remained in the house of Honesto Redoblado until 3:00 o'clock in the afternoon as he waited to collect from the dump truck drivers a refund of the cash advance that they obtained from Leonardo Misa.[19] Defense witness Honesto Redoblado corroborated appellant's testimony on material points during the trial. The same witness denied any resemblance of the cartographic sketches with any of his drivers and crew.[20]

After collecting from the dump truck drivers the amount of Seven Thousand One Hundred Pesos (P7,100.00) as evidenced by a check and voucher[21]dated January 6, 1997, appellant returned home where he spent the rest of the day. He then called up Leonardo Misa for the latter or his daughter-in-law, Rosanna Samson, to pick up the documents in Calumpit, Bulacan. Since Leonardo failed to pick up the documents, appellant brought the same with him on his business trip to Lucena City on January 12, 1997. From Lucena City, appellant dropped by the house of Leonardo Misa in Pulo, Cabuyao, Laguna where he gave the check and voucher to Leonardo's daughter.[22]

Appellant learned that he was one of the suspects in the killing of Barangay Captain Glicerio Barrio of Cabuyao, Laguna through a newspaper report[23]dated January 25, 1997. His parents went to Cabuyao, Laguna to verify the news and that they allegedly learned from the police that there were many suspects in the fatal shooting of Glicerio Barrio. He was subsequently arrested on April 24, 1997[24] by the police at his residence in Pungo, Calumpit, Bulacan in connection with this case.

Defense witness Leonardo Misa, a distant cousin of the victim, Glicerio, denied the existence of any business rivalry between him and the victim, although Leonardo's father ran but lost to Glicerio in the last barangay elections. Leonardo narrated that at the time of the incident, he rushed outside his house, which was about 200 to 300 meters from the house of the victim to verify what was happening after hearing several gunshots. He noticed that among the persons running from Glicerio's house towards the north was Filomeno Alviar who informed him that Glicerio was gunned down and that he was probably dead. Filomeno, however, could not tell him as to who shot Glicerio. Neither PO2 Gerry Crisostomo whom he met at the Cabuyao Municipal Hall after a futile search for the assailants could furnish any information about the identities of the assailants.[25]

Leonardo denied any knowledge as to the identities of the persons whose faces appear on the cartographic sketches. He admitted familiarity with the appellant as far back as November 1996 when he went to Calumpit, Bulacan to ask for the hand of appellant's sister in marriage to his (Leonardo's) son. Leonardo suspected that a certain engineer with whom Glicerio had an argument a few days before the shooting incident had a hand in the killing of the victim.[26]

The trial court then rendered a Decision[27]on February 17, 1998, the dispositive portion of which reads:

> WHEREFORE, this Court hereby finds accused RONALDO SAMSON Y SANTOS, GUILTY beyond reasonable doubt of the crime of MURDER qualified by treachery and there being present the aggravating circumstances that the killing was done (a) with insult or in disregard of the respect due victim Glicerio Barrio on account of his rank as Barangay Chairman, without any provocation on his part and; (b) with the aid of

armed men who insured or afforded impunity, hereby imposes upon him the DEATH PENALTY and orders him to indemnify the heirs of Glicerio Barrio in the following sums:
a) P50,000.00 as moral damages;
b) P115,000.00 for funeral expenses; and
c) P3,600,000.00 for loss of earning capacity of the victim.

**SO ORDERED.**

In his Brief,[28] appellant interposed the following assignment of errors:

I

THE LOWER COURT ERRED IN HOLDING THAT THE PROSECUTION, THROUGH WITNESSES FILOMENO ALVIAR AND CHARRIE BARRIO, HAS SUCCESSFULLY IDENTIFIED ACCUSED-APPELLANT RONALD SAMSON AS ONE OF THE GUNMEN WHO KILLED BARANGAY CAPTAIN GLICERIO BARRIO IN THE EVENING OF JANUARY 6,1997.

II

THE LOWER COURT ERRED IN HOLDING, AFTER ERRONEOUSLY CONCLUDING THAT THE ACCUSED-APPELLANT HAS BEEN POSITIVELY IDENTIFIED AS ONE OF THE AUTHORS OF THE CRIME, THAT MOTIVE FOR THE KILLING OF THE VICTIM NEED NOT BE PROVED BY THE PROSECUTION, THEREBY SIDESTEPPING DISCUSSION ON WHY THE PROSECUTION AVOIDED TO EXPLAIN ITS WILD AND FANTASTIC WHOLE STORY, WHICH DISCUSSION COULD HAVE EXPOSED THE WEAKNESS OF THE EVIDENCE OF GUILT OF THE ACCUSED-APPELLANT.

III

THE LOWER COURT ERRED IN SHOWING STRONG BIAS AND PREJUDICE AGAINST THE ACCUSED-APPELLANT WHICH WAS PROBABLY A BIG FACTOR IN HIS WRONGFUL CONVICTION BY THE LOWER COURT.

The appellant contends, in substance, that based on the evidence, while prosecution witnesses Filomeno Alviar and Charrie Barrio may have been familiar with the appellant even before the occurrence of the shooting incident on January 6, 1997, nevertheless, the said prosecution witnesses failed to mention the appellant as one of the perpetrators of the crime in the aftermath of the shooting incident in the same evening, and when sketches of the suspects drawn by a PNP cartographer were shown to them two (2) days thereafter. The identification of the appellant by the prosecution witnesses during the trial of the case should not have been given credence by the trial court inasmuch as a significant amount of time had lapsed before they managed to identify the appellant as an alleged companion of the assailant.

The appellant also contends that the prosecution failed to establish the motive for the commission of the crime. While the prosecution opined that business rivalry was the motive for the killing of the victim, it failed to include Leonardo Misa as one of the co-accused in the instant information despite its claim that he was the alleged mastermind and business competitor of the victim.

The appellant also deplored as unfair the trial court's undue consideration of his political background as a rebel returnee in the resolution of the case at bar.

In the prosecution of an offense, it is sufficient that there is moral certainty as to the presence of the elements constituting the offense as well as to the identity of the offender if it has been duly established.[29] The attendant facts show that the victim, Glicerio Barrio, who was then the barangay captain of Barangay Butong, Cabuyao, Laguna, was fatally shot by an unknown assailant in front of his house on January 6, 1997 at 8:00 o'clock in the


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evening.

Prosecution witnesses Filomeno Alviar and Charrie Barrio testified that the attack was perpetrated before shocked villagers by three (3) persons one of whom acted as the triggerman while the two others served as his back-up. During the trial of this case, both prosecution witnesses pointed to the accused-appellant as one of the alleged back-up men who was carrying an Uzi machine pistol.

The trial court then concluded that the identification by the said prosecution witnesses of the appellant, as one of the alleged perpetrators of the crime, was entitled to full faith and credence, and hence, the appellant's defense of alibi cannot prosper.

It is hornbook doctrine that findings of the trial court as to the credibility of witnesses are usually accorded great weight and even finality, on appeal, unless the trial court has failed to appreciate certain facts and circumstances which, if taken into account, would materially affect the result of the case.[30] The reason for the rule lies in the fact that trial judges have the opportunity to observe the witnesses and to assess their credibility by the various indicia available but not reflected in the record.[31]

However, this Court is quite disturbed by the complete absence in the record of any fairly appreciable description of the lighting condition in the area where the shooting incident occurred. Notably, the shooting incident occurred at around 8:00 o'clock in the evening in a remote barangay in Cabuyao, Laguna. While the facts show that the crime was committed in front of the house of the victim while the latter was waiting to preside over a meeting, there is absolutely nothing in the record to show that the lighting condition in the said premises afforded for convenient or sufficient identification of the assailant and his companions. Mere mention of the site where the shooting incident transpired is certainly not a sufficient basis from which a definitive conclusion can be drawn that there was ample illumination thereat. It was therefore erroneous for the trial court to presume that the condition of illumination was sufficient to enable the prosecution witnesses to identify the assailant and his two (2) companions during that shooting incident.

Our apprehension is all the more heightened by the tentative manner the prosecution witnesses identified the accused-appellant during the initial investigation of this case by the police. Filomeno and Charrie claimed that sometime in December 1996, the appellant and the two (2) other accused in this case arrived in their barangay aboard dump trucks that were being used by defense witness Leonardo Misa in his hauling business. Since then, the prosecution witnesses claimed they had often seen the appellant who, they later learned, was a resident of Pungo, Calumpit, Bulacan. Filomeno recalled that the appellant even bought some goods from his store.

Filomeno and Charrie failed on at least three (3) occasions in the aftermath of the shooting incident to mention having recognized that one of the perpetrators of the crime was the appellant. Minutes after the fatal shooting of the victim, Police Chief Inspector Dionisio Borromeo and PO2 Gerry Crisostomo proceeded to the scene of the crime in Barangay Butong, Cabuyao, Laguna to investigate because a report about the crime was received by the police over the radio. During that spot investigation by the police, Filomeno failed to identify the appellant as one of the alleged perpetrators of the crime on January 6, 1997.[32]

During the wake of the victim on the following day, January 7, 1997, a cartographer from the PNP, accompanied by Police Chief Inspector Borromeo and PO2 Crisostomo, came to the residence of the victim in Barangay Butong in order to draw the sketches of the assailant and his companions. Filomeno and Charrie who were then present, assisted in providing physical descriptions of the assailants and his companions. But these two prosecution witnesses in that occasion again failed to inform the police investigators that the appellant was one of the alleged perpetrators of the crime. In fact, they did not inform anyone about the identity of the appellant until they gave their respective sworn statements nine (9) days later on January 16, 1997 before PO2 Gerry Crisostomo

at the police headquarters in Cabuyao, Laguna. Prosecution witness Filomeno Alviar testified thus:

x x x x x x x x x

Court: (continuing)

Q:

Did you not tell this cartographer that you have seen this person wearing the baseball cap while he was staying in the house of Leonardo Misa?

A:

No, your honor.

Q:

Did you not tell the cartographer that you saw this Ronald Samson when he came to Brgy. Butong with these dump trucks coming from Bulacan?

A:

No, your honor.

Q:

Did you not tell this cartographer that this Ronald Samson bought some articles from your store sometime ago?

A:

No, your honor.

Q:

Then why?

A:

I was afraid, your honor.

Q:

You were afraid. Was the cartographer accompanied by any policeman when he was soliciting from you the details of the suspects?

A:

There was, your honor.[33]

Likewise, Charrie Barrio testified as follows:

Q:

Did you talk to the residents of your barangay during the wake?

A:

Yes, sir.

Q:

And did these persons who attended the wake asked you questions about the identities of those who gunned down your father?

A:

Yes, sir?

Q:

Who among those who attended the wake asked you about the appearance of the gunmen?

A:

Gavino Macado, a barangay tanod and Monico Bestiños, the No. 1 councilor in our place, sir.

Q:

Who else?


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A:

Many of the elders, sir.

Q:

And you gave them the physical description of those who gunned down your father?

A:

Yes, sir.

Q:

Did you tell them that one of the gunmen used to live in the house of Leonardo Misa?

A:

No, sir.

Q:

Why did you not tell them?

A:

Because at that time I was not yet sure of myself if he (accused-appellant) is one of those who killed my father.

Q:

That is all.[34]

The fact that Filomeno and Charrie took quite some time or nine (9) days to be able to identify the appellant raised doubts if they really saw and recognized the appellant as one of the alleged assailants of the victim during the shooting incident which happened at night. Had these two (2) prosecution witnesses been able to promptly disclose to the police authorities what they knew about the appellant, there would have been no need for the police authorities to conduct the tedious and cumbersome process of preparing a cartographic sketch. Significantly, the appellant did not go into hiding despite reports of his indictment in the killing of the victim. That fact meant that accused-appellant had a clear conscience, and implied, at least, his innocence as regards the said indictment.

Filomeno claimed that shock and fear of possible reprisal held him from promptly revealing the alleged identity of the appellant. We are not unaware that initial reluctance to volunteer information regarding a crime due to fear of reprisal is common enough that it has been judicially declared as not affecting a witness' credibility.[35] Nevertheless, without identifying or implicating the appellant, prosecution witness Filomeno informed the police

authorities about the number of the perpetrators of the crime, including the description of their physical features, immediately after the shooting incident on January 6, 1997, and also on the following day during the wake of the victim. Consequently, the failure of prosecution witness Filomeno to implicate the appellant during those occasions rendered his subsequent identification nine (9) days later and during the trial of this case tenuous and therefore such identification could not have been as candid and categorical as characterized by the trial court.

For his part, prosecution witness Charrie admitted that the reason for his failure to reveal immediately to anyone the identity of the appellant was because he was not sure if indeed the appellant was one of those who killed his father. This particular admission of Charrie during the trial should have been sufficient reason for the trial court to doubt his credibility and to reject his subsequent and belated identification of the appellant.

The wavering and doubtful attitude of the said two (2) prosecution witnesses in identifying the appellant during the initial police investigation of the case can be traced to the fact that only the triggerman approached and fired at the victim while the two (2) back-up men, one of whom was even wearing a baseball cap, stood a few meters behind. Moreover, prosecution witness Filomeno was shocked because of the sudden and unexpected manner in which the victim was shot by the unknown assailant. The people at the crime scene had to duck and secure themselves since the gunman pointed his firearm at them before he walked back to rejoin his companions.

The alleged business rivalry between the victim and defense witness Leonardo Misa was not proven by any credible evidence on record. Misa himself vehemently denied that there was any business rivalry between him and the victim who was even his distant relative. Besides, Misa was not indicted as one of the co-accused in the case at bar.

To be sure, motive is not sufficient to support a conviction if there is no other competent and reliable evidence from which it may reasonably be deduced, as in the case at bar, that the appellant was one of the alleged malefactors.[36] The political background of the appellant as a rebel returnee who was granted amnesty by the government is not material and relevant to support his conviction for the killing of the victim who was shot by an unknown assailant.

In view of the foregoing, we cannot sustain the appealed judgment of the trial court in the case at bar. The evidence adduced by the prosecution failed to overcome the constitutional presumption of innocence of the appellant. What is required is that there be proof beyond reasonable doubt that the crime was committed and that the appellant committed the crime.[37] The life of the appellant being at stake in this case, the presumption of innocence in his favor is of paramount importance. It is only when the conscience is satisfied that the crime has been committed by the person on trial that the judgment be for conviction.[38] Also, significantly insofar as the appellant is concerned, conspiracy was not proven. Conspiracy, like the crime itself, must be proven beyond reasonable doubt.[39] Consequently, we need not have to pass upon the appellant's defense of alibi. It is a well-entrenched rule in criminal law that the evidence for the prosecution must stand or fall on its own merit and cannot be allowed to draw strength from the weakness of the defense evidence.[40]

WHEREFORE, the Decision of the Regional Trial Court of Biñan, Laguna, Branch 25, in Criminal Case 9753-B is REVERSED. Appellant Ronald Samson is hereby ACQUITTED of the crime charged on the ground of reasonable doubt. Unless he is being detained for some other lawful causes, said appellant is ordered released immediately from custody.

**SO ORDERED.**

Davide, Jr., C.J., Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Pardo, Buena, Ynares-Santiago, Sandoval-Gutierrez, and Carpio, JJ., concur.

[1] Penned by Judge Pablo B. Francisco. Rollo, pp. 19-45.

[2] The said three (3) co-accused in this case have not been arrested and remain at-large up to the present.

[3] Also spelled as "Gerry".

[4] Original Records, p. 56.

[5] Id., p. 60.

[6] TSN dated July 28, 1997, pp. 5-6.

[7] Id., pp. 7-11.

[8] Id., pp. 22-24.

[9] TSN dated August 26, 1997, pp. 8-11; 19-23.

[10] Id., pp. 12-14; 30.

[11] Id., p. 29; TSN dated August 6, 1997, p. 20.

[12] Exhibit "A".

[13] Exhibit "C".

[14] Exhibit "B".

[15] Exhibits "D"-"D-1"; "F"-"F-1".

[16] Exhibit "L".

[17] TSN dated September 1, 1997, pp. 6-15.

[18] TSN dated November 10, 1997, pp. 24-25.

[19] Id., pp. 17-23.

[20] Id., pp. 5-8.

[21] Exhibits "3"; "4".

[22] Id., pp. 20-22.

[23] Exhibits "5"-"5-a"

[24] TSN dated November 10, 1997, pp. 28-32; 44.

[25] TSN dated October 13, 1997, pp. 6-14.

[26] TSN dated October 21, 1997, pp. 5-13.

[27] See Note No. 1.

[28] Rollo, pp. 67-99.

[29] People v. Ibay, 312 SCRA 153 (1999); People v. Mijano, 311 SCRA 81 (1999); People v. Mangat, 310 SCRA 101 (1999).


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[30] People v. Dizon, 309 SCRA 669, 687 (1999); People v. Batidor, 303 SCRA 335, 345 (1999); People v. Dinglasan, 267 SCRA 26, 39 (1997).

[31] People v. Accion, 312 SCRA 250, 259 (1999); People v. Sanchez, 302 SCRA 21, 46 (1999); People v. Sarabia 266 SCRA 471, 485 (1997).

[32] TSN dated August 18, 1997, pp. 5-7.

[33] TSN dated August 6, 1997, pp. 20-21.

[34] TSN dated August 26, 1997, pp. 36-37.

[35] People v. Navales, 266 SCRA 569, 588 (1997).

[36] People v. Manambit, 271 SCRA 344, 368 (1997).

[37] People v. Mangat, 310 SCRA 101, 116 (1999); People v. Diaz, 308 SCRA 744, 768 (1999); People v. Bansil, 304 SCRA 384, 394(1999).

[38] People v. Vidal, 308 SCRA 1, 24 (1999).

[39] People v. Dulatre, Jr., 248 SCRA 107 (1995).

[40] People v. Balderas, 276 SCRA 470, 480 (1997); People v. Batidor, supra p. 520.

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