

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RONILO SUALOG Y MONTAÑO, ROLANDO BIÑAS AND ROGELIO BIÑAS, ACCUSED-APPELLANTS.

G.R. No. 134310. November 15, 2000

Ponente: DAVIDE JR., C.J.

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DAVIDE JR., C.J.:

This is an appeal from the decision[1] of 27 April 1998 of the Regional Trial Court of Pasig City, Metro Manila, Branch 262, in Criminal Case No. 110744-H, finding accused-appellants Ronilo Sualog y Montaña, Rolando Biñas and Rogelio Biñas (hereafter RONILO, ROLANDO and ROGELIO, respectively) guilty beyond reasonable doubt of the crime of murder for the death of Rommel Panisales y Geronimo (hereafter ROMMEL) and sentencing each of them to suffer the penalty of reclusion perpetua, with all the accessory penalties thereof, and ordering them to jointly and severally indemnify the heirs of the victim in the total amount of P129,376.00, and pay proportionally the costs of suit.

The original information[2] filed on 20 August 1996, charged with murder only RONILO and at his arraignment on 4 September 1996, RONILO entered a plea of not guilty.[3]

Subsequently, on 8 October 1996, the prosecution filed an amended information[4] to implead as RONILO's co-accused the brothers ROLANDO and ROGELIO. The accusatory portion of the amended information reads as follows:

On or about August 15 1996, in Tagig, Metro Manila and within the jurisdiction of this Honorable Court, the accused, conspiring and confederating together and mutually helping and aiding one another, armed with a knife, with intent to kill, treachery and abuse of superior strength, did then and there willfully, unlawfully and feloniously attack, assault and stab with the said knife Rommel Panisales y Geronimo, hitting him on the vital part of his body, thereby inflicting upon the latter mortal wound which directly caused his death.

Contrary to law.

At their arraignment on the amended information on 13 November 1996, ROLANDO and ROGELIO each entered a plea of not guilty.[5]

The witnesses presented by the prosecution were Roquito Gequillo, Felomina B. Panisales, SPO1 Dario San Luis, Dr. Jose Rabe, and Dr. Shirante Parayno. Their testimonies are hereafter summarized.

On 15 August 1996, at around 8:30 p.m., prosecution witness Felomina Panisales, wife of ROMMEL, went out from their house at Block 136, Lot 20, Upper Bicutan, Tagig, Metro Manila, to fetch ROMMEL, who was then having a drinking spree at Joseph's store. The store is located just a few "stone's-throw" away from their house. Upon reaching Joseph's store, Felomina saw ROMMEL and RONILO about to have a fistfight. The two eventually had a fistfight. Felomina attempted to calm them down; but her efforts prove futile.[6]

Roquito Gequillo, half-brother of ROMMEL who was about to retire for the night, heard a voice from a woman outside informing him that ROMMEL was having a fight in front of the store of Joseph. The woman immediately left before Roquito could verify who she was. Nonetheless, Roquito hurried towards the store,[7] located about one hundred meters from his house, where he saw ROMMEL and RONILO engaged in a fistfight. He also saw ROGELIO, ROLANDO and other persons watch the incident. Roquito approached ROMMEL and RONILO to pacify them. However, after he pacified them ROGELIO attempted to stab ROMMEL with a bladed knife. Felomina embraced ROMMEL and led him away. At this juncture, Roquito saw ROLANDO hand a knife to RONILO. Both of them were at the back of ROMMEL. RONILO then stabbed ROMMEL at the left arm hitting ROMMEL's left armpit. RONILO then ran away. ROLANDO went inside his house. ROGELIO also went home. Roquito chased RONILO, but as the latter had already gone a distance away, Roquito gave up the chase and returned to the wounded ROMMEL. Roquito and Felomina immediately rushed ROMMEL to the hospital.[8]

At around 10:30 p.m., that same day, SPO1 Dario San Luis of the Tagig Police Station received a report from one Teresa Delima regarding a stabbing incident at Upper Bicutan. He and SPO1 Belando proceeded to the scene thereof to investigate. In the course of the investigation they gathered that RONILO, alias "Toto," was hiding inside a certain house. The officers then went to the subject house[9] and knocked at the door. A man claiming to be a police officer opened the door and allowed San Luis and Belando to enter the house. Inside the house, the man admitted that RONILO was indeed inside the house as he needed protection from the members of the Civilian Volunteer Brigade who wanted to avenge the stabbing of ROMMEL, their co-member. RONILO then gave himself up to the police officers.[10]

ROMMEL was given medical attention at the Cruz-Rabe Maternity and General Hospital at 37 General Luna Street, Tuktukan, Tagig, Metro Manila, by Dr. Jose Rabe and Dr. Shirante Parayno. In the medical certificate[11] signed by the latter ROMMEL was found to have sustained two stab wounds, to wit:

Stab wound 3 cm (L) midaxillary line 7th 1CS

Stab wound 2 cm through and through

Pneumohemothorax (L) arm

Unfortunately, he died two days later. The Certificate of Death[12] issued by Dr. Shirante Parayno, reveals the following findings:

Causes of Death

Immediate Cause: Cardio-Pulmonary Arrest

Antecedent Cause: Lung Atelectasis

Underlying Cause: Pneumothorax 2 (secondary to) Stab wound (L) midaxillary line 7[th] ICS

As a consequence of the untimely death of her husband ROMMEL, Felomina spent around P29,376.00, for hospitalization, burial and other incidental expenses.[13]

The witnesses called to the witness stand by the defense were RONILO, ROLANDO, ROGELIO, Ricardo Abella, Efren Sevilla, and Julieta Pascual, and Melinda Biñas.

RONILO claimed that at around 4:00 p.m. of 15 August 1996 he was at the house of Eric Martinez (hereafter Eric) located at Block 73, Lot 27, Purok, Upper Bicutan, Tagig, Metro Manila. He had a drinking spree with ROMMEL, Eric, and two other persons. He and ROMMEL left Eric's place at about 8:00 p.m.[14] On their way home, RONILO passed by the store of Joseph to buy some cigarettes, while ROMMEL bought two pieces of balut from a vendor and gave one to RONILO. Thereafter, RONILO left ROMMEL at the store of Joseph. However, while RONILO was walking away from the store, ROMMEL suddenly held the shoulder of the former and took

money from his pocket to pay for the balut. Since ROMMEL did not follow him to return the change of his money, RONILO tried to look for ROMMEL and subsequently found ROMMEL at Joseph's store. RONILO then confronted ROMMEL about the change. ROMMEL answered that he still wanted to continue their drinking spree. As RONILO was already drunk and sleepy, he turned down ROMMEL's invitation. Since ROMMEL insisted, the two had a heated exchange of words which ended up in a fistfight. ROLANDO came out of his house situated nearby to pacify the protagonists. At this juncture, Roquito Gequillo suddenly appeared and attacked RONILO with a long jungle knife. RONILO ran towards the house of ROLANDO to seek refuge, but was caught up by Roquito and ROMMEL at the sala of ROLANDO. ROMMEL held and choked RONILO on the neck while Roquito repeatedly stabbed RONILO for about ten minutes until the latter was able to seize the jungle knife from Roquito, who scampered away after being disarmed.[15]

RONILO claimed that he escaped death because he was able to parry with his hands all the thrusts of Roquito. Thus, he sustained minor injuries on his hands and fingers and two superficial wounds, located at his right back shoulder and right buttock.

RONILO further declared that after he seized the 12-inch jungle knife from Roquito, he sought the assistance of a friend whose boarder is a policeman. However, to his astonishment, he was arrested at his friend's house and brought to the police station where he was pointed to by Felomina as the one who stabbed ROMMEL.[16]

Finally, RONILO testified that despite his pleas to seek medical attention for his wounds the police did not allow him to do so. It was only on 22 August 1996 when he was already feverish because of his swelling hands that the police finally acceded to his request.[17] He actually filed a criminal case for the attempt on his life against Roquito during his detention, but the case was dismissed by the Prosecutor's Office for lack of merit.[18]

ROGELIO declared that at around 8:30 p.m. of 15 August 1996, while he, ROLANDO and Ricardo were seated on a bench, ROMMEL and RONILO, both tipsy, passed by. The two stopped at Joseph's store, which was located ten meters away from the bench. ROGELIO overheard ROMMEL tell RONILO that he would buy balut but RONILO had to pay for it. RONILO did not agree. Nonetheless, ROMMEL still got two baluts from the vendor and gave one to RONILO. The two then ate their balut. Thereafter, ROMMEL told RONILO to pay for the balut, but RONILO answered that it should be ROMMEL who should pay because he got them. RONILO then left. ROMMEL and the balut vendor then followed RONILO and returned later to Joseph's store. RONILO also came back to ask for the change of his money. But ROMMEL refused to return the change. Both had a heated exchange of words which eventually ended in a fistfight. ROGELIO rushed to the protagonists to pacify them. At this point, Roquito suddenly arrived with a knife and started to chase RONILO who ran towards the house of ROLANDO. Roquito and ROMMEL then caught up with RONILO at ROLANDO's house. ROMMEL choked RONILO on the neck, while Roquito repeatedly thrust his 12-inch knife to RONILO. RONILO successfully got hold of the knife from Roquito. The latter ran away.[19] Then RONILO tried to stab ROMMEL. However, he could not tell if ROMMEL was hit.[20]

ROLANDO testified that he was in his house when the incident occurred. His house is about sixteen meters away from the store of Joseph. He overheard the exchange of words between ROMMEL and RONILO. They were fighting over the change of RONILO's money ROMMEL got to pay for the balut. It appeared that ROMMEL got P100 from RONILO.[21] Since the former did not return the change, each challenged the other. The challenge prompted ROMMEL to go to his house and to return with a knife. ROGELIO and Ricardo then rushed out to pacify ROMMEL and RONILO.

ROLANDO subsequently joined ROGELIO and Ricardo in pacifying the two. At this point, RONILO asked ROLANDO if he could stay in his house. ROLANDO acceded. So ROLANDO, ROGELIO, RONILO and

Ricardo headed for ROLANDO's house. As ROLANDO was about to close the door, Roquito suddenly barged into the door and in the process hit ROLANDO's son on the forehead. ROLANDO brought his son to the bedroom. However, before ROLANDO could enter the room, ROMMEL choked RONILO on the neck and Roquito lunged his jungle knife at RONILO.[22] ROLANDO, who was inside his room, heard his brother ROGELIO shout, "Pareng Onok, huwag." ROLANDO then heard ROMMEL tell Roquito that he has been stabbed. ROMMEL bumped himself against the door frame as ROLANDO headed for the outside of the room to the sala. At the sala, ROLANDO only saw ROGELIO and Eric as Roquito was not there anymore. ROLANDO went out of his house and saw many people milling around. He was informed that ROMMEL was wounded and brought to the hospital.[23] A few minutes thereafter, the barangay officials arrived. Then ROMMEL's brother and sister Belen told the officials to arrest ROGELIO. ROLANDO protested and tried to stop the barangay officials from apprehending ROGELIO. However, as ROGELIO voluntarily acceded, the barangay officials then brought ROGELIO to the barangay hall. That same night, ROGELIO was released.[24]

Melinda Biñas corroborated the testimony of her husband ROLANDO.

Eric Martinez recounted that between 2:00 to 3:00 p.m. of 15 August 1996, he saw RONILO at the tricycle terminal near his house. Thereafter, he requested RONILO, ROMMEL, Franklin Macatigib and Jobert Mendoza to assist him in hauling certain construction materials he had just purchased. The four acceded and they finished the work at around 6:00 to 7:00 in the evening. Eric then treated the four to a drink. The four subsequently left at around 8:00 to 9:00 p.m.[25]

Ricardo Abella recounted that on 15 August 1996, between 9:00 and 10:00 p.m. while he was smoking outside the gate of his house, he noticed a commotion nearby. The protagonists were thereafter pacified, but he did not actually see or even know who pacified them. He was only told that the protagonists in the fistfight were RONILO and ROMMEL.[26]

Efren Sevilla declared that he is the chief of the Barangay Tanod. At around 8:00 p.m. of 15 August 1996 while he was at the barangay hall, a certain Franklin Macatigib reported a stabbing incident. Efren then entered the reported incident in the logbook, gathered his tanods and proceeded to the place of the incident. They were led to the house of a certain Melinda where he saw the things therein scattered, damaged and in disarray. They then left the place and returned to the barangay hall. At about 11:00 p.m. that same evening, Melinda arrived at the barangay hall to report an incident involving ROMMEL, RONILO and Roquito. Later on, Felomina also arrived to make a report. Both reports were recorded.[27]

Julieta Pascual testified that at around 8:30 p.m. of 15 August 1996, while she and the members of her family were inside their house watching television she observed a commotion in the house of ROLANDO which is separated by a wooden partitions from theirs. She surmised that it could be a domestic dispute. But since she thought that as a block leader in the area, it was incumbent upon her to check on the incident, she peeped through the door of her house and saw ROMMEL holding the neck of RONILO and Roquito repeatedly trying to stab RONILO with a twelve (12) inch knife. Fortunately, RONILO was not hit, because he successfully parried with his hands all the thrusts of Roquito.[28]

In its decision[29] of 27 April 1998, the trial court found RONILO, ROGELIO and ROLANDO guilty as principals, being co-conspirators, of murder, with treachery as the qualifying circumstance. It gave credence to the testimonies of eyewitnesses Felomina Panisales and Roquito Gequillo and held that both positively identified accused ROGELIO as having made the first attempt to stab ROMMEL and accused ROLANDO as having given RONILO the knife used by the latter to inflict the fatal blow. The trial court further observed that, taking into account their demeanor on the witness stand, the testimonies of Roquito and Felomina were "straightforward,

credible and unbiased, and worthy of great evidentiary value;" and no ulterior motive on the part of Roquito and Felomina for implicating the three to the killing of ROMMEL was established.

In ruling that conspiracy existed, the trial court opined that from their separate conduct RONILO, ROLANDO and ROGELIO were moved by a unanimity of design to kill ROMMEL and to have acted in concert in the implementation of that design. The prosecution's evidence established with certainty that RONILO, ROLANDO and ROGELIO were together and while it was RONILO who delivered the fatal blow, there was no showing that ROLANDO and ROGELIO tried to prevent RONILO from consummating his criminal intent. On the contrary, ROGELIO similarly tried to stab ROMMEL and ROLANDO handed to RONILO the weapon the latter used to inflict the fatal blow on ROMMEL. The trial court found incredible the version of RONILO, ROLANDO and ROGELIO.

As to the qualifying circumstance of treachery, the trial court held that "on account of the concerted efforts of RONILO, ROLANDO and ROGELIO, ROMMEL had no opportunity to defend himself," a condition made "more pronounced by reason of the fact that Rommel was suddenly attacked from behind when he was unarmed"; and that "the means of execution were consciously and deliberately adopted" as shown by the fact that "immediately after accused Rogelio handed a 12-inch jungle knife to accused [RONILO], who effected the fatal blow from behind."

Finally, the trial court also found the presence of abuse of superior strength, which is alleged as a qualifying circumstance in the amended information. However, it ruled that it was absorbed in the qualifying circumstance of treachery.[30]

The trial court gave full credit to Felomina's testimony on the expenses she incurred in connection with the death of ROMMEL in the aggregate amount of P29,376, granted indemnity of P50,000 for such death and awarded P50,000 as moral damages, or in the total sum of P129,376.

It then decreed:

WHEREFORE, judgment is hereby rendered finding accused RONILO SUALOG y MONTAÑO, ROLANDO BIÑAS, and ROGELIO BIÑAS GUILTY beyond reasonable doubt of the crime of murder and, in the absence of any modifying circumstance, sentencing the three (3) accused to: (a) suffer the penalty of reclusion perpetua, (b) suffer all the appropriate accessory penalties consequent thereto; (c) jointly and severally indemnify the heirs of the victim, Rommel Panisales y Geronimo, in the total amount of One Hundred Twenty Nine Thousand Three Hundred Seventy Six Pesos (P129,376.00); and (d) proportionally pay the costs.

SO ORDERED.[31]

RONILO, ROLANDO and ROGELIO appealed to us from the judgment. RONILO filed a separate Appellant's Brief raising this lone assignment of error:

THE LOWER COURT GRAVELY ERRED IN HOLDING THE ACCUSED-APPELLANT SUALOG RESPONSIBLE FOR THE KILLING OF ROMMEL PANISALES, WITH AN ATTENDING QUALIFYING CIRCUMSTANCES OF TREACHERY AND ABUSE OF SUPERIOR STRENGTH [sic].[32]

While ROLANDO and ROGELIO claim in their Appellants' Brief that the trial court erred:

IN RENDERING A VERDICT OF CONVICTION AS AGAINST ACCUSED ROLAND AND ROGELIO BIÑAS AS IT IS CONTRARY TO THE EVIDENCE AND JURISPRUDENCE (sic) ON THE MATTER AS SHOWN IN THE DISCUSSIONS/ARGUMENTS BELOW.[33]

RONILO argues that he and his co-accused cannot be held liable for the crime charged because it was actually

ROMMEL and his brother Roquito Gequillo who chased, assaulted and stabbed him and his co-accused. He further asserts that prosecution witnesses Felomina Panisales and Roquito Gequillo, wife and brother of ROMMEL, should not be believed because they were moved by an improper motive to testify falsely against him and his co-accused.

In support of their assigned error RONALDO and ROGELIO also attack the credibility of Felomina Panisales and Roquito Gequillo as being "understandably and apparently suppressed and made purposely to suit prosecution's mission to establish its case."

The Office of the Solicitor General filed two Appellee's Brief, by way of separate answers to the Brief of RONILO and that of ROLANDO and ROGELIO, respectively. The Office of the Solicitor General supports the trial court's findings and conclusions. It affirms the credibility of the witnesses for the prosecution. The fact that the eyewitnesses were relatives of the victim did not impair their credibility. As for the presence of treachery, it asserts that the fistfight between ROMMEL and RONILO had virtually ended; a lull had pervaded and ROMMEL was tagged along by his wife to go home when suddenly he was stabbed from behind by RONILO.

The core issues raised in the separate appeals of RONILO on the one hand and of ROLANDO and ROGELIO on the other hand, are the credibility of prosecution witnesses Felomina Panisales and Roquito Gequillo; the presence of conspiracy; and whether the qualifying circumstance of treachery attended the killing of ROMMEL.

It is well settled that the credibility of the witnesses is best left to the determination of the trial court because the latter is in an advantageous position to determine the demeanor of the witnesses while testifying. As a general rule, appellate courts accord the trial court's evaluation of the testimony of the witnesses with great respect and finality in the absence of any indication that it overlooked certain facts or circumstances of weight and influence, which if considered would alter the result of the case.[34] In this case no reason exists to justify a departure from this rule. The trial court has found that eyewitnesses Felomina and Roquito testified in a "straightforward, credible and unbiased" manner. Our own assessment of their testimonies reflected in the transcript of the stenographic notes thereof convinces us of their credibility.

The imputation of ulterior motive has absolutely no basis at all and is nothing more than a vacuous speculation. Blood relationship between a witness and the victim does not, by itself, impair the credibility of the former.[35] On the contrary, relationship strengthens credibility, for it is unnatural for an aggrieved relative to falsely accuse someone else other than the actual culprit. The earnest desire to seek justice for a dead kin is not served should the witness abandon his conscience and prudence and blame one who is innocent of the crime.[36] Consequently, in the absence of any evidence that would suggest an improper motive against Felomina and Roquito the conclusion is immutable that none had existed and that their testimony is worthy of credence.[37]

Conspiracy among RONILO, ROLANDO and ROGELIO was established with moral certainty from the attendant facts. All of them were at the scene of the crime. While initially only RONILO and ROMMEL had a fistfight, they were, however, pacified. Yet, ROGELIO attempted to stab ROMMEL. Then Felomina held ROMMEL to bring him home. Suddenly, RONILO stabbed ROMMEL from behind with a knife which ROLANDO gave him. The three were thus united in one common end - to assault and kill ROMMEL - and by their concerted act, they were also united in the consummation of the evil plan. There is conspiracy when two or more persons come to an agreement concerning the commission of a felony and decide to commit it. For conspiracy to exist, it is not required that there be an agreement for an appreciable period prior to the occurrence; it is sufficient that at the time of the commission of the offense, the accused - RONILO, ROLANDO and ROGELIO had the same purpose and were united in their execution. Direct proof of previous agreement to commit a crime is not necessary. It may be deduced from the mode and manner in which the offense was perpetrated, or inferred from the acts of the

accused which point to a joint purpose and design, concerted action and community of interest.[38] Another relevant circumstance that prove the conspiracy was the fact that RONILO, ROLANDO and ROGELIO immediately fled after RONILO stabbed ROMMEL.

We agree with the trial court that treachery was present in the killing of ROMMEL. For treachery to be appreciated, two elements must concur: (1) the employment of means of execution that gives the person attacked no opportunity to defend himself or retaliate; and (2) the means of execution were deliberately or consciously adopted.[39] The evidence on record, establishes that ROMMEL, while being held by his wife to leave for home, was suddenly attacked by RONILO from behind using the deadly weapon handed to him by ROLANDO right after the brief attempt of ROGELIO to stab ROMMEL. Surely, the concerted acts of the three were consciously and deliberately adopted to insure its execution. ROMMEL was then in no position to defend himself.

We are, however, unable to agree with the finding of the trial court that the circumstance of abuse of superior strength was present in the killing of ROMMEL. Like treachery, abuse of superior strength should be established by clear and positive evidence. The record fails to show sufficient proof RONILO, ROLANDO and ROGELIO deliberately took advantage of their superior strength over ROMMEL.

WHEREFORE, the challenged decision of Branch 262 of the Regional Trial Court of Pasig in Criminal Case No. 110744-H finding accused-appellants RONILO SUALOG y MONTAÑO, ROLANDO BIÑAS and ROGELIO BIÑAS guilty beyond reasonable doubt as co-principals of the crime of murder under Article 248 of the Revised Penal Code, as amended, and sentencing each of them to suffer the penalty of reclusion perpetua, with all its accessory penalties, and to pay the heirs of the victim Rommel Panisales the total sum of P129,376, (P50,000 for indemnity for the death of the victim, P29,376 for actual expenses and P50,000 for moral damages) and to pay the costs is hereby AFFIRMED in toto.

Costs de oficio.

SO ORDERED.

Puno, Kapunan, Pardo, and Ynares-Santiago, JJ., concur.

[1] Original Record (OR), 335-360; Rollo, 24-49. Per Judge Gregory S. Ong.

[2] OR, 1.

[3] Id., 32.

[4] Id., 38-39.

[5] Id., 66.

[6] TSN, 8 January 1997, 3-4.

[7] TSN, 4 November 1996, 3-4

[8] Id., 7-9.

[9] TSN, 27 January 1997, 3-5.

[10] Id., 5-6.

[11] Exhibit "I," OR, 156.

- [12] Exhibit "C," *id.*, 150.
- [13] Exhibit "D" to "H," *id.*, 151-155.
- [14] TSN, 19 May 1997, 3-4.
- [15] TSN, 19 May 1997, 4-8.
- [16] *Id.*, 13.
- [17] *Id.*, 8.
- [18] *Id.*, 11-12.
- [19] TSN, 19 May 1997, 8-12.
- [20] *Ibid.*, 22.
- [21] TSN, 9 September 1997, 6-9.
- [22] TSN, 9 September 1997, 10-15.
- [23] *Ibid.*, 15-19.
- [24] *Id.*, 20-22.
- [25] TSN, 2 December 1997, 3-5.
- [26] TSN, 27 May 1997, 6.
- [27] TSN, 21 January 1998, 11.
- [28] TSN, 15 July 1997, 8-9.
- [29] *Supra* note 1.
- [30] Citing *People v. Caritativo*, 256 SCRA 1 [1996]; *People v. Patrolla*, 254 SCRA 467 [1996].
- [31] OR, 360; Rollo 49.
- [32] Rollo, 59.
- [33] *Id.*, 139.
- [34] *People v. Padilla*, 242 SCRA 629, 639-640 [1995]; *People v. Malunes*, 247 SCRA 317, 324 [1995]; *People v. Gomez*, 251 SCRA 455, 465 [1995].
- [35] *People v. De la Cruz*, 207 SCRA 632, 643 [1992]; *People v. Realin*, 301 SCRA 495, 510 [1999].
- [36] *People v. Boniao*, 217 SCRA 653, 670-671 [1993]; *People v. Viente*, 225 SCRA 361, 368-369 [1993].
- [37] *People v. Lorenzo*, 240 SCRA 624, 636 [1995]; *People v. Hubilla, Jr.*, 252 SCRA 471, 478-479 [1996].
- [38] *People v. Sequino*, 264 SCRA 79, 101-102 [1996].
- [39] *People v. Estrellanes, Jr.*, 239 SCRA 235, 249-250 [1994]; *People v. Cabodoc*, 263 SCRA 187, 203 [1996]; *People v. Peñaflorida*, 313 SCRA 563 [1999].

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