

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. VICENTE GARCIA TURTOGA ALIAS “RICKY,” DOMINADOR REGANA ALIAS “JUN MARGALLO,” AND 3 JOHN DOES, ACCUSED,

G.R. No. 135536. June 06, 2002

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

On appeal is the decision[1] dated September 4, 1997, of the Regional Trial Court of Parañaque, Branch 274, in Criminal Case No. 94-0398, as follows:

WHEREFORE, this Court finds the accused Vicente Turtoga alias “Ricky” GUILTY BEYOND REASONABLE DOUBT of the crime of ROBBERY WITH HOMICIDE and HEREBY SENTENCES HIM TO SUFFER THE PENALTY OF RECLUSION PERPETUA.

SO ORDERED.[2]

Appellant Vicente Turtoga alias “Ricky,” with Dominador Regana alias “Jun Margallo” and three John Does, were charged with the crime of Robbery with Homicide. The Information[3] dated March 9, 1994 reads:

That on or about the 25[th] day of January 1994 in the municipality of Parañaque, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating with three (3) John Does, whose true names are still unknown, and all of them mutually helping one another, with intent to gain and by means of force, violence and intimidation employed upon the person of one Elena Padilla and against the will of said complainant, did then and there willfully, unlawfully and feloniously divest from her cash money and pieces of jewels amounting to the total sum of P60,000.00, belonging to said Elena Padilla and her husband, to the damage and prejudice of the latter, in the aforementioned amount of P60,000.00;

That on the occasion of said robbery and in order to insure the commission of the said felony, the above-named accused, with intent to kill and without justifiable cause, did then and there willfully, unlawfully and feloniously attack, assault and slash the neck of said Elena Padilla, thereby causing her serious physical injuries which caused her death.

CONTRARY TO LAW.[4]

Upon arraignment, appellant[5] pleaded not guilty. Trial commenced soon thereafter.

The prosecution presented eight witnesses, namely: the victim’s husband, Col. Nicanor Padilla; Police Officers SPO2 Elpidio Soquiña and Police Section Chief David Catipay, Nicanor Alfonso, Carlito Rosales, Rolando Diño, Rogelio Lumagbas and Dr. Roberto Garcia of the NBI.

As the lone witness for the defense, appellant denied any participation in the commission of the crime and proffered alibi in his defense.

COL. NICANOR PADILLA[6] testified that at around 7:00 A.M. of January 25, 1994, he woke up to find his wife, Elena Padilla, no longer beside him. He did not find this unusual as Elena would normally wake up at around 4:00 or 5:00 A.M. to water her garden. The couple slept together in an upstairs bedroom. Nicanor went down to make himself a cup of coffee. It was then that he noticed that both the front and back doors of the house were open, although the gate and the terrace doors were still padlocked. He thought that it was Elena who opened the doors and was only out in the garden watering her plants. He wondered though why it was taking her so long to come into the house as she usually did when he was already downstairs. Nicanor went out through the back door and immediately saw his wife lying on her back. He thought that she had a heart attack but when he tried to help her sit down, to his utter shock, Elena's head flipped to the left side of her shoulder, revealing a gaping wound on her neck.[7]

After recovering his composure, Nicanor went to another room downstairs to get coins to make a phone call to his son. He found the door to the room wide open and the room had apparently been ransacked. Drawers were on his bed and papers were scattered all over. He also discovered that all his money placed in an envelope was gone and pieces of jewelry were also missing. These were valued at P60,000.[8]

When Elena was lying in state at the Funeraria Nacional in Quezon City, the police arrived and with them was appellant Vicente Turtoga, also known as "Ricky". Nicanor readily identified Turtoga as one of the men who previously worked for him and his wife.[9] Nicanor then recalled that at around the last week of November 1993, Turtoga and another worker named Dominador Regana alias "Jun Margallo" went to their house and begged his wife to give them work. The two were told to come back the following day. The next day, they came with their carpentry tools. They were to add to the height of the hollow block fence from five to eight feet high.[10] The two worked daily from Monday to Saturday and it was on Saturdays when they received their wages for the week from his wife. Nicanor narrated that during Saturdays, his wife always paid them on the "terasa/balkonah" of their house. Whenever she was short of cash, she would go to Nicanor's room downstairs to get more. She did this in full view of the two workers.[11]

The work lasted until December 23, 1993 when Mrs. Padilla asked them to temporarily stop work for the Christmas holidays. As instructed, the men returned after Christmas, but were told to just resume work after the New Year. A day or two after the New Year, only appellant Turtoga returned. When Nicanor asked him what happened, appellant said he needed to borrow money from Mrs. Padilla to pay for their rent or else his family was going to be evicted. However, Mrs. Padilla refused the request and instead scolded the appellant. Turtoga gruffly and hurriedly left.[12]

Witness NICANOR ALFONSO,[13] a carpenter, corroborated Col. Padilla's testimony that appellant Vicente Turtoga and his co-accused Jun Margallo, had worked at the Padilla house in December 1993. He often saw them there.

SPO2 ELPIDIO SOQUIÑA,[14] testified that in the course of police investigation, he met Rolando Diño who told them where accused Jun Margallo lived.[15] When they went to the given address, they talked to Margallo's wife, Dolores Margallo, who informed them that Jun Margallo had not returned home since January 25, 1994.[16]

Witness CARLITO ROSALES[17] testified that Dolores gave him a letter[18] from appellant Turtoga who was then in Olongapo, with a message that appellant wanted to surrender. In his letter, appellant stated that Margallo had no complicity in the crime. The same piece of paper was brought by Dolores to the police station and given to SPO2 Soquiña. He identified the letter in court.[19]

Section Chief Inspector DAVID CATIPAY[20] testified that several witnesses were invited to shed light on the matter. Among those who volunteered information was the wife of Jun Margallo. Her affidavit states that the

night before the incident occurred, her husband and three companions were drinking at their house. When she asked what it was they were talking about, her husband kicked her. The affidavit was presented and identified by Catipay in court. On the basis of the information contained in the letter handed to him by SPO2 Soquiña, the same document which came from Dolores Margallo, they were able to ascertain the whereabouts of appellant Turtoga. Catipay led the stake out operation in Olongapo and shortly thereafter, Turtoga was apprehended. However, despite continuing surveillance, accused Dominador Regana alias Jun Margallo remains at large. So do three co-accused John Does.

ROGELIO LUMAGBAS testified[21] that between the hours of five and six in the morning of January 25, 1994, he was with his friend Abelardo Mendez at the latter's house, situated about four or five meters from the back of the house of the Padillas. He was helping to fix Abelardo's house. At the time in question, the witness and Abelardo were standing face to face, with Abelardo facing the back portion of the Padillas' house. Abelardo suddenly shouted "Oy, may taong galing kina Mrs. Padilla, tumalon sa bakod." [22] Rogelio immediately turned and saw three persons walking hurriedly away from the direction of the Padillas' fence. [23] Rogelio only saw their backs. He stated that two of them were wearing white t-shirts while the other one wore a red t-shirt. One of the persons in white was carrying a bag tucked under his armpit. [24] Rogelio could not identify them as he was unable to see their faces. However, the witness stated that the persons were of medium height. At this point in the proceedings, appellant was made to stand and turn his back towards the witness. Rogelio then stated that Turtoga's height approximated that of one of the persons he saw that day. [25]

For his defense, appellant VICENTE "RICKY" GARCIA TURTOGA, [26] testified. He denied knowing the spouses Padilla [27] and claimed that at the time of the incident, he was in Olongapo. He said on January 6, 1994, he went to Olongapo with Jun Margallo upon the latter's request, in order to help fix the house of an old couple who were Margallo's relatives. [28] He stayed there for three weeks but could not recall the old couple's names. [29] He did not collect wages for the work as he was moved with pity for the old couple's situation, [30] although he previously testified that he accepted the work in Olongapo to be able to send money to his siblings. [31] Further, he testified that he previously worked as a helper in a memorial park for five months since he arrived from Bohol. [32] He denied writing the letter stating that he wanted to surrender. He averred that he suffered in the hands of the police who forced him to confess. He also said he was not assisted by counsel when he was forced to admit to the crime. [33]

The trial court convicted appellant. [34] Quoted hereunder are the circumstances upon which the decision was anchored: [35]

First, the accused Vicente Turtoga alias "Ricky" and Dominador Regana alias "Jun Margallo" were workers of the victim. They were able to work in the victim's house since the accused Jun Margallo has been known to the victim and her husband when he was introduced to them by witness Nicanor Alfonso, the person who regularly does the carpentry jobs in the victim's house in March, 1993 when the latter needed a helper in the work he was doing in the victim's house.

Second, the accused Vicente Turtoga alias "Ricky" was introduced to the victim and her husband by his co-accused Jun Margallo when the latter asked her to give them jobs to do in the victim's house from November, 1993 up to December 23, 1993.

Third, everytime the victim pays them their weekly wage which was always done in the "terasa", and the victim's money runs short, she always goes to her husband's room downstairs to get the money so that the wages of the workers will be fully paid, and the victim does it in full view of the accused.

Fourth, the fact that the money and jewelries in the room of Mr. Padilla downstairs were the ones that were lost.

Fifth, the accused “Ricky” went to the house of the victim shortly after New Year, 1994 to borrow money, but the victim did not accommodate him, and instead, she lambasted him with words which led him to leave in a hurry without showing any respect to the old woman.

Sixth, the accused Jun Margallo and Vicente Turtoga were the last people who had contact with the victim and her husband, aside maybe from their family because they were seen by witness Nicanor Alfonso working in the Padilla residence in December, 1993, since the former was also working at a place not far from the Padilla residence.

Seventh, the witness Nicanor Padilla readily recognized the accused Vicente Turtoga as one of their workers without pointing to him as the perpetrator of the crime when the accused was brought by the police to the victim’s wake at Funeraria Nacional to be identified by Mr. Padilla.

Eighth, the accused Vicente Turtoga is lying when he said that he does not know the victim or her husband since he was readily identified by the victim’s husband as one of their workers and by witness Nicanor Alfonso as having seen him work in the victim’s house in December, 1993.

Ninth, accused Jun Margallo and his co-accused Vicente Turtoga left their place since January 25, 1994 and went to Olongapo to hide and not merely to do repair works in the house of Jun Margallo’s cousin.

Tenth, accused Vicente Turtoga made conflicting testimonies when asked if he was paid or not when they did repair works at Jun Margallo’s cousin’s house in Olongapo, and that, he cannot even name the names of the people with whom he worked for and stayed with in Olongapo, the family name of his alleged cousin whom he allegedly stayed with for five (5) months after he came from the province, and the number of persons who were staying in his cousin’s house at Sampaloc Site II, the place where he allegedly lived.

Eleventh, he cannot give straight answers or name names and he was just mumbling things during his testimony in Court, and could not give a straight answer.

Twelfth, accused Vicente Turtoga failed to present other witnesses to corroborate his allegation that he could not have committed the crime since he was in Olongapo when it happened.

For the crime of robbery with homicide, appellant was sentenced to suffer the penalty of reclusion perpetua.

In his appeal before us, he assigns but one error:

THE LOWER COURT ERRED IN CONVICTING ACCUSED-APPELLANT OF THE CRIME CHARGED IN THE INFORMATION DESPITE INSUFFICIENCY OF CIRCUMSTANTIAL EVIDENCE NECESSARY TO CONVICT HIM.[36]

Thus, the issue for resolution is whether there is sufficient evidence to establish appellant’s guilt beyond reasonable doubt. Priorly, we must inquire whether the testimonies of the witnesses for the prosecution vis-à-vis those of the defense are credible. Likewise, we must resolve whether the requisite elements to convict the accused-appellant on the basis of circumstantial evidence have been proved.

On the issue of credibility, the trial court found the testimony of appellant riddled with the contradicting statements. His demeanor at the witness stand was marked by studied hesitance. His inability to recall basic and vital information relative to his whereabouts during the critical period when the offense was being committed, and soon thereafter, inevitably led the court to dismiss appellant’s testimony as a mere concoction to support his defense of alibi.[37] As a result, the trial court rejected his defense. Given that alibi is easy to fabricate, we agree that appellant’s defense is weak. As the trial court noted, his testimony on this score was uncorroborated.[38]

In contrast, the positive assertions of the prosecution witnesses contradict appellant’s testimony. Col. Nicanor Padilla positively identified the appellant as the companion of Jun Margallo when both were hired to improve the

Padillas' fence. This fact was corroborated by witness Nicanor Alfonso who saw appellant at work in the Padilla premises. That Col. Padilla knew Turtoga could not be doubted. Col. Padilla had seen and conversed with appellant on several occasions. Col. Padilla's declaration to the police that he knew Turtoga upon seeing the latter at the wake was spontaneous. Thus, appellant's complete denial that he was acquainted with the Padilla spouses failed to convince the trial court. In our view, his credibility had been tested, and found wanting.

We also find incredible that appellant failed to remember even the names of the two old people with whom he stayed in Olongapo. If it were true that appellant had stayed with this couple, fixed their house and developed such pity for them enough to forego asking for his wages, then it would not be unreasonable to expect appellant to at least know their names. Appellant stated that the reason he went to Olongapo was to earn money in order to send cash to his siblings. But he contradicted himself in the same breath when he declared that he did not ask for payment for his labor out of pity for the old couple. These declarations are badges of unreliability. In the face of testimonies of prosecution witnesses who have not been shown to harbor any improper motive to falsely testify, appellant's testimony is not only riddled with contradictions but also utterly lacks credibility. In this assessment of the trial court, we fully concur. For, as previously held in *People vs. Emanence*,^[39] the matter of assigning values to the statements of witnesses in court is within the competence of the trial court, who had seen their manner and demeanor during trial.

Coming now to the main issue: Is the prosecution evidence against the accused-appellant sufficient to sustain a conviction beyond reasonable doubt?

Despite appellant's protestation of innocence, the trial court found that the circumstances adduced and proven by the prosecution form an unbroken chain leading to a fair and reasonable but ineluctable conclusion pointing to the appellant as one of the perpetrators of the crime.^[40] As already discussed, the trial court believed the prosecution witnesses but did not give credence to appellant's testimony for being inconsistent. His demeanor on the witness stand was less than straight-forward; his testimony was far from candid. His alibi turned out to be a mere concoction.

The trial court paid emphatic attention to the testimony of witnesses concerning the incident between the victim and the appellant. Their last meeting ended on a bad note when Mrs. Padilla scolded the appellant for being a spendthrift. She refused to lend money to appellant who claimed he was in dire need. Appellant resented this denial and left in a huff. Moreover, appellant hurriedly left for Olongapo on January 25, 1994. Such circumstance bespeaks of flight indicative of guilt.

In its Brief for the People, the Office of the Solicitor General (OSG) prays for affirmance, stating that although it was unable to present direct evidence in this case,^[41] the circumstances outlined by the trial court have shown the following indicators of accused-appellant's guilt: motive, flight and unusual conduct.^[42] The OSG reiterates that the evaluation of appellant's testimony and the findings of the trial court deserve great weight on appeal.^[43]

We note that in his Brief, appellant emphasizes the fact that none of the prosecution witnesses had testified actually seeing him going to the victim's house just before she was slain. He contends that there is paucity of evidence indicating that appellant alone could have known or had access to the victim's house and the room where the money and jewelry were kept. Appellant submits that, granting the evidence for the defense may be weak, the evidence for the prosecution is no better. Appellant likewise invokes the constitutional presumption of innocence.

In the present case, the trial court was confronted with the situation wherein direct evidence is not available to pinpoint the perpetrators of the crime. Notably, there was no eyewitness presented at the trial nor was any confession made available in regard to the commission of the crime. But the trial court had recourse to the

doctrine of available circumstantial evidence presented by the prosecution in this case. At times it is essential to resort to circumstantial evidence, since to insist on direct testimony would, in many cases, result in setting felons free and deny proper protection to the community.[44]

Going carefully through the circumstances found by the trial court, in the course of a painstaking review of the records of this case, we find no cogent reason to reverse the trial court's conclusions. The totality of these factual findings proves beyond reasonable doubt the appellant's complicity in the dastardly act.

The following circumstances were proven: (1) The appellant knew and was known to the Padilla spouses. Together with co-accused Dominador Regana alias Jun Margallo, appellant worked for the spouses from late November until just before Christmas of 1993. (2) Appellant lied under oath when he completely denied this fact during his testimony. (3) Appellant and his co-accused knew where Mrs. Padilla kept her money. During the time appellant and his co-accused worked for the Padillas, the victim paid them their weekly wage which was always done on the terrace of the house. When the victim's money ran short, she would proceed to her husband's room downstairs to get the extra cash. This was done by the victim in full view of the two workers, who had the opportunity to observe her actions closely. (4) The same room downstairs was the one ransacked; from there were taken the money and jewelry lost. (5) In early January of 1994, appellant alone went to see Mrs. Padilla. He wanted to borrow money which he needed urgently for the payment of arrears in rentals to avoid eviction of his family. Mrs. Padilla refused appellant's request and instead, the victim scolded appellant. Without a word, appellant left in a huff. (6) Soon after the alleged offense was committed, three persons were seen climbing over the fence of the Padillas. Witness Rogelio Lumagbas saw the three walking hurriedly away from the place. One of them had a bag tucked under his armpit. (7) Appellant and co-accused Dominador Regana alias Jun Margallo left for Olongapo on January 25, 1994, the same day when the crime was committed in the early hours of the morning. (8) The other co-accused have likewise fled and remain at large. (9) Appellant failed to substantiate his defense of alibi. His testimony was found to be inconsistent, his demeanor highly suspect and his answers less than truthful.

We cannot ignore the tedious process undergone by the prosecution in piecing the evidence together in order to bring the appellant to justice. Painstaking police work resulted in his apprehension. Save for the victim's husband, we note that the prosecution witnesses were police officers and impartial third persons who had no motive to falsely testify against appellant. Moreover, it is likewise highly improbable that Col. Padilla, the victim's husband, would falsely accuse an innocent person of the crime, for his natural inclination would be to pinpoint the real culprit.[45] When there is no evidence that the witnesses for the prosecution were actuated by improper motive, the presumption is that they were not so actuated and their testimonies are entitled to full faith and credit.[46]

Motive and opportunity speak eloquently in this case. While motive of the accused in a criminal case is generally held to be immaterial, not being an element of the crime, motive becomes important when, as in this case, the evidence on the commission of the crime is purely circumstantial.[47] Appellant was in dire need of money when he approached the victim. But she refused to lend him any, and even openly scolded him. It was established that appellant left in a huff without showing courtesy to Mrs. Padilla. Appellant and co-accused Margallo did not return to work anymore on the succeeding days, contrary to the instructions of Mrs. Padilla. Thereafter, Mrs. Padilla was robbed and killed. Her money and jewelry were taken on the occasion of the killing in the early hours of January 25, 1994. The Padillas had no known enemies. Only the accused and his co-workers had frequented the Padilla home in the course of their work. Who could have done the dastardly act?

In the present case, motive proved to be the key element in establishing appellant's guilt through circumstantial evidence presented before the trial court. Robbery as a motive explains the killing.[48] Coupled with evidentiary

facts from which it may be inferred that the accused was the malefactor, motive could be sufficient to support a conviction.[49]

In conjunction with motive, we also take into account the finding of the trial court that appellant had previously worked for the Padillas for several weeks, giving him and his co-accused ample opportunity to plot their evil course of action. That they had access to the inside of the house or at least knew how it appeared inside, is shown by the fact that they were paid on the terrace of the house from which vantage point they could see the room where the valuables were kept. In addition, appellant knew that the occupants of the house were an elderly couple. Thus, appellant was equipped with the necessary information to carry out the crime. He took advantage of vital insider's information at the opportune time to consummate the offense.

Compounding the evidence against him is his inability to substantiate his defense of alibi. The trial court found that appellant was not able to show that it was physically impossible for him to be present at the locus criminis.[50] In sum, not only did appellant have the motive to perpetrate the crime, these circumstances likewise show that appellant had the opportunity to commit the same on the date, place and time in question.

In addition, there is the circumstance of flight by both the appellant and his co-accused. Flight, with no plausible explanation therefor is a clear indication of guilt.[51] Put another way, unexplained flight evidences guilt or betrays the existence of a guilty conscience.[52]

Well-taken is the prosecution's contention that, although individually, some of the circumstances seem innocuous and do not appear incriminatory,[53] when all the circumstances are taken together, especially with the circumstances of motive, flight and unusual conduct, it leads to no other conclusion but that the accused and his co-accused are guilty. 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 inescapable conclusion that the accused is the author of the crime.[54] The foregoing evidence found by the trial court is consistent with the culpability of the accused and inconsistent with his defense of denial and alibi.

His demeanor and the contents of his testimony as found by the trial court belied his protestations of innocence. Considering that appellant had a motive duly evinced by the facts and the same was consistent with the nature of the crime committed, plus the circumstance of unexplained flight, appellant's fate was sealed in the eyes of the trial court. In our view, beyond reasonable doubt, appellant's guilt has been convincingly proved.

In the assailed decision, however, we note that the trial court failed to award damages. Consistent with prevailing jurisprudence,[55] the sum of P50,000 is awarded as civil indemnity for the death of Elena Padilla. As actual damages, the amount of P60,000 should also be awarded corresponding to the value of the cash and jewelry stolen.

WHEREFORE, the decision of the Regional Trial Court of Parañaque, Branch 274, is AFFIRMED with MODIFICATION as to DAMAGES. Appellant is declared GUILTY beyond reasonable doubt of the crime of robbery with homicide. Consequently, he is sentenced to suffer the penalty of reclusion perpetua with all the accessory penalties provided by law. Further, appellant is also directed to pay the heirs of the victim the sum of P50,000 as civil indemnity and P60,000 as actual damages.

Let a copy of this decision be furnished to the Director-General of the Philippine National Police (PNP) and the Director of the National Bureau of Investigation (NBI) so that the other accused who are still at large could be apprehended and promptly brought to the bar of justice.

SO ORDERED.

Bellosillo, (Chairman), Mendoza, De Leon, Jr., and Corona, JJ., concur.

[1] Rollo, pp. 23-38.

[2] Id. at 38.

[3] Id. at 13.

[4] Ibid.

[5] All the other accused are at large.

[6] TSN, November 14, 1994, pp. 3-26.

[7] Id. at 4-7.

[8] Id. at 8-10.

[9] Id. at 11-12.

[10] Id. at 12-15.

[11] Id. at 16-19.

[12] Id. at 19-21.

[13] TSN, April 12, 1995, pp. 20-31.

[14] TSN, December 5, 1994, pp. 3-30.

[15] Id. at 10-11.

[16] Id. at 12.

[17] TSN, February 27, 1995, pp. 3-17.

[18] Records, pp. 308-309, Marked as Exhibit "I".

[19] Supra, note 14 at 13-14.

[20] See TSN, December 5, 1994, pp. 16-17.

[21] TSN, April 12, 1995, pp. 4-31.

[22] Id. at 9.

[23] Id. at 9-10.

[24] Id. at 12.

[25] Id. at 13.

[26] TSN, October 16, 1996, pp. 4-15.

[27] Id. at 10, 13-14.

[28] Id. at 8.

[29] Id. at 12.

[30] TSN, February 10, 1997, p. 18.

[31] Supra, note 26 at 14.

[32] Id. at 9.

[33] Id. at 14-15.

[34] Rollo, p. 33.

[35] Id. at 68-70.

[36] Id. at 64.

[37] Id. at 33.

[38] Ibid.

[39] G.R. No. L-23106, 116 SCRA 613, 623 (1982).

[40] Rollo, pp. 35-37.

[41] Id. at 116.

[42] Id. at 117.

[43] Id. at 120.

[44] People vs. Andal, G.R. No. 124933, 279 SCRA 474, 486 (1997), citing People vs. Ramos, G.R. No. 104497, 240 SCRA 191, 198 (1995).

[45] People vs. Dela Cruz, G.R. No. 138516-17, 343 SCRA 357, 376 (2000).

[46] People vs. Facó, G.R. No. 115215, 314 SCRA 505, 516 (1999).

[47] People vs. Ragundiaz, G.R. No. 124977, 334 SCRA 193, 209 (2000) citing People vs. Cayetano, 223 SCRA 770, 777 (1993).

[48] See People vs. Jarandilla, G.R. Nos. 115985-86, 339 SCRA 381, 392 (2000).

[49] People vs. Taliman, G.R. No. 109143, 342 SCRA 534, 546 (2000) citing People vs. Yip Wai Ming, G.R. No. 120959, 264 SCRA 224, 236 (1996); People vs. Villaran, G.R. No. 119058, 269 SCRA 630, 636 (1997) and People vs. Bernal, G.R. No. 113685, 274 SCRA 197, 203 (1997).

[50] Rollo, p. 33.

[51] People vs. Zuela, G.R. No. 112177, 323 SCRA 589, 608-609 (2000).

[52] Supra, note 46 at 517.

[53] Rollo, p. 117.

[54] People vs. Fabon, G.R. No. 133226, 328 SCRA 302, 316 (2000).

[55] People vs. Guarín, G.R. No. 125964, 317 SCRA 234, 242 (1999).

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