

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. RESTITUTO RENDAJE, APPELLANT.

G.R. No. 136745. November 15, 2000

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

In rejecting this appeal, the Court relies on the time-tested doctrine that the credibility of witnesses is best assessed by the trial court, which had the opportunity to observe their demeanor and conduct on the stand.

The Case

Before the Court is an appeal by Restituto RendaJE, challenging the April 6, 1998 Decision[1] of the Regional Trial Court (RTC) of Iloilo City (Branch 36) in Criminal Case No. 44086. The decretal portion of said Decision, which found him guilty of murder, reads as follows:

"WHEREFORE, the Court hereby finds the accused, Restituto RendaJE, GUILTY beyond reasonable doubt of the crime charged. Restituto RendaJE is hereby sentenced to suffer the penalty of [r]eclusion [p]erpetua. He is also hereby ordered to pay the family of Lennie Rendon the amount of P21,500.00 x x x as indemnity for actual damages, and P50,000.00 x x x as indemnity for moral damages."[2]

The Information,[3] dated September 27, 1994, charged appellant as follows:

"That on or about the 6th day of August, 1994 in the Municipality of Dingle, Province of Iloilo, Philippines and within the jurisdiction of this Honorable Court, the above-named accused armed with a bladed weapon, with deliberate intent and decided purpose to kill, with treachery and abuse of superior strength, did then and there, willfully, unlawfully and feloniously attack, assault and stab LENNIE RENDON, a fifteen (15) year old girl who is a deaf-mute, inflicting upon the latter multiple stab wounds on different parts of her body which caused her death thereafter."[4]

When arraigned on December 13, 1994, appellant pleaded[5] not guilty[6] After due trial, the lower court promulgated its assailed Decision.

Hence, this appeal.[7]

The Facts

Prosecution's Version

In its Brief,[8] the Office of the Solicitor General presents the prosecution's version of the facts as follows:

"On August 5, 1994, appellant Restituto RendaJE, Honorato Avenir, Jr., Bebot Abenir, Narsing Caro, John Dominado, Raymund Gelac, Eduardo Gorantes,[9] Jr. and Roger RendaJE went to Barangay Tinocuan, Dingle, Iloilo City to attend the healing ritual of a sick person named Felom[i]no Avenir. Since the healing ritual would be conducted by a 'bab[aly]lan' or a quack doctor, food and drinks were prepared. Honorato, Garantes, Fred and Bebot helped in slaughtering two (2) pigs which would be used by the 'babaylan' for the healing ritual. Meanwhile, appellant, who had a ten-inch knife tucked [in] his waist, was drinking liquor with his

friends in another house, around fifty (50) meters away from the house of Felomino.

"At around 5:00 o'clock [o]n the morning of August 6, 1994, Gorantes, Dominado, Geloc, Caro, Roger Rendaje and Jonil Lagumbayan went to a store to smoke cigarettes. While they were on their way to the house of Felom[i]no, Gorantes noticed that appellant was not with them so he told his companions 'I'll catch up with him first since his fare is with me.' When Gorantes saw appellant, who was then wearing a pink shirt, rubber shoes and had a towel wrapped around his head, he observed that the latter was wet. Gorantes then asked what happened and appellant replied that he took a short cut at the sugarcane field.

"On the other hand, twelve (12) year old Lodelyn Rendon was on her way home when she met her sister, Lennie 'Dayday' Rendon, who was heading towards their farm in Barangay Buenavista, Dingle, Iloilo. Although Lodelyn noticed that Lennie was being followed by a man, whom she identified in court as appellant, she proceeded to their house. Since Lennie did not come home at noon, Lodelyn informed her mother, Mercedita Poblacion that her sister was being followed by appellant. Lodelyn and Mercedita searched for Lennie, who was found dead at the sugarcane field. The incident was then reported to the police authorities.

"Dr. Ricardo H. Jaboneta, medico-legal officer at the National Bureau of Investigation, Region 6, Iloilo City, conducted a post-mortem examination of the victim. Before the examination, he observed that the victim's 'face is stained with dry blood, the right hand with [a] portion of weathered sugarcane leaf, dried grass leaves on the left chest and back.' Dr. Jaboneta found that the victim sustained the following injuries:

- 1) Abrasion -- two (2) abrasions which are located at the lower lip along the midline and at the left side of the forehead;
- 2) Contuso-abrasion -- two (2) contuso-abrasions which are located at the [r]ight forehead and at the back, along midline (level of the third rib);
- 3) Hematoma -- which is located at the left chest, at the level of the third rib along the midclavicular line; and
- 4) Eight (8) stab wounds

Wound No. 1 -- located at the left chest about 8 cm. from anterior midline; damaged the left lung, lower lobe and the left ventricle of the heart;

Wound No. 2 -- located at the back right side about 4.5 cms. from posterior back midline of the body and 114 cms. from the right heel (level of the sixth rib);

Wound No. 3 -- located at the right side of the back, about 1 cm. from the back posterior midline of the body and 112 cms. from the right heel; damaged the lower lobe of the right lung;

Wound No. 4 -- located at the left side about 6 cms. from the posterior midline and 113 cms. from the left heel; damaged the upper lobe of the left lung;

Wound No. 5 -- located at the left side of the back about 5 cms. from the midline and 110 cms. from the left heel, directed medially forward and upward;

Wound No. 6 -- located at the left chest, 8 cms. from the posterior midline, 98.5 cms. from the left heel, directed forward, medially upwards, penetrating the chest wall through the 10th intercostal space into the thoracic cavity, perforating the lower lobe of the left lung;

Wound No. 7 -- located at the lumb[a]r area, left side about 3 cms. from posterior midline, 95.5 cms. from left heel, directed upwards, medially forward, penetrating the soft tissues and with an approximate depth of 3.5 cms; and

Wound No. 8 -- located at the left side, postero-lateral aspect at 12 cms. from the left elbow and penetrating the soft tissues; exit located at the left arm postero-medi[al] aspect about 13 cms. above the left elbow;

"According to Dr. Jaboneta, the abrasions and the contuso-abrasions could have been caused by forcible contact against a hard and rough surface while the hematoma could have been caused by a dull instrument or a fist blow. He opined that the stab wounds could have been caused by a single bladed pointed instrument. Dr. Jaboneta also examined the vagina of the victim but he did not find any spermatozoa or semen." [10] (citations omitted)

Defense's Version

On the other hand, appellant gave in his Brief [11] the following narration of facts:

"[H]e went to Brgy. Tinocuan, Dingle, Iloilo because he was invited by Eduardo Garantes, Jr. and Honorato Avenir, Jr., both residents of Brgy. Alibunan, Calinog, Iloilo to witness a healing ritual to be conducted by a local quack doctor. He was accompanied by several barangay mates, more than thirteen (13) among whom include four (4) women. He arrived in Brgy. Tinocuan only at around 4:00 o'clock [o]n the afternoon of August 6, 1994 and before that at around 3:00 o'clock of the same afternoon, he was still in Brgy. Alibunan, Calinog, Iloilo. He stayed at the house of the person to be healed, a certain Mino Avenir, uncle of Honorato Avenir. Thereafter, perceiving that the actual healing ritual may occur still later at around 12:00 o'clock midnight, he decided to sleep. The following day, August 7, 1994 at around 5:30 in the morning, he went back to Brgy. Alibunan, Calinog, Iloilo together with Eduardo Garantes Jr. because there was corn that had to be harvested thereat. The rest of the group remained in Brgy. Tinocuan, Dingle, Iloilo. He and Garantes arrived in Brgy. Alibunan at 10:00 o'clock in the morning and at around 3:00 o'clock in the afternoon of the same day, he was arrested by two (2) members of the Philippine Army whom he did not recognize. No warrant of arrest was presented to him during his arrest but they just asked him if he had killed a child in Brgy. Tinocuan, Dingle which he denied. Thereupon, he was brought to the Calinog police station where he was investigated. He denied having killed anybody so the police of Dingle were notified of his arrest. After his arrival at the Dingle police station, he was again asked about the killing of the child to which he always answered in the negative. All the while, he was being beaten by the policemen and when he could not anymore endure the beatings, he at last admitted the killing even though he did not really kill the child." [12] (citations omitted)

Trial Court's Ruling

The trial court ruled that the prosecution was able to prove by circumstantial evidence that appellant, to the exclusion of all other persons, was the one responsible for the victim's death. It also found that treachery attended the commission of the crime because appellant, aside from having deliberately acted with cruelty and used more force than necessary, clearly employed means and methods to ensure or afford impunity. [13]

The Issues

Appellant submits that the court a quo committed the following errors:

"I

The trial court gravely erred in convicting accused-appellant of the crime of murder despite the fact that the circumstantial evidence adduced by the prosecution was utterly insufficient to sustain a criminal conviction beyond reasonable doubt.

"II

The trial court gravely erred in appreciating the qualifying circumstance of treachery despite the absence of an eyewitness pointing to the accused as the perpetrator of the assailed incident.

"III

The trial court gravely erred in not finding that the accused-appellant had no motive to commit the crime charged against the victim thus creating a big shadow of doubt on the criminal culpability of the

accused-appellant.

"IV

The trial court gravely erred in relying on the vulnerability of the defense evidence rather than on the strength of prosecution evidence."

The Court's Ruling

The appeal has no merit. The victim's heirs are, however, entitled to an award of indemnity ex delicto in the amount of P50,000.

First Issue:

Sufficiency of Circumstantial Evidence

Appellant contends that the trial court erred in convicting him of murder based upon a series of circumstantial evidence, which he attacks as insufficient.[14]

We hold, however, that the absence of an eyewitness makes the reliance on circumstantial evidence inevitable. Circumstantial evidence is defined as that which indirectly proves a fact in issue through an inference which the factfinder draws from the evidence established.[15] Resort thereto is essential when the lack of direct testimony would result in setting a felon free.[16]

Circumstantial evidence is sufficient if the following requisites are met: (1) there is more than one circumstance, (2) the facts from which the inferences are derived are proven, and (3) the combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.[17] The totality of the evidence must constitute an unbroken chain showing beyond reasonable doubt the guilt of the accused, to the exclusion of all others.[18]

In the present case, it is not disputed that the victim died as a result of multiple wounds that could not have been self-inflicted. The only issue is the identity of the killer.

After a careful review of the records of the case, this Court is convinced that the trial court did not err in convicting appellant on the strength of six (6) pieces of circumstantial evidence,[19] which form an unbroken chain leading to the fair and logical conclusion that he killed the victim.

First, Lodelyn Rendon testified that appellant suddenly came out from a single coconut tree to follow the victim, her sister, who was on her way to their farm. This was around six o'clock that fateful morning.[20]

Second, Eduardo Gorantes Jr., a friend of appellant and a resident of the same barangay, testified that he too had seen the latter around 5:00 o'clock in the morning, walking hurriedly downhill towards where the former and his companions were smoking cigarettes. Appellant was carrying a white face towel at the time.

Gorantes tried calling the attention of appellant, but to no avail because the latter was in a real hurry. After the former and his companions had finished their cigarettes, he told them, "Let's go to the house of Felomino Avenir." When they arrived there, appellant was nowhere, so they waited for him to show up. Afterwards, Gorantes got worried and started looking for him.

Third, when Gorantes saw appellant around 6:30 a.m., the latter was already in short pants. He was wet with dew, and his shorts and tennis shoes were dripping. Around his head was wrapped a white towel, while under his arm was tucked his pair of pants. When Gorantes asked him why he was wet, the latter replied that he had taken a shortcut through the sugarcane field.[21] Together, they returned home to Barangay Alibunan, Calinog, Iloilo around 6:50 a.m. that same morning.[22]

Fourth, appellant brought a knife -- approximately 12 inches in length including the handle -- when he went to Barangay Tinocuan to witness the healing ritual. From the testimony of the medicolegal officer,[23] the stab wounds inflicted on the victim could have been caused by only one weapon; that is, a single-bladed pointed instrument, which was exactly what appellant had.

Fifth, Honorato Avenir Jr. testified that he began to suspect that appellant was the killer, upon learning from Lodelyn Rendon that the last person who had followed her older sister that morning was a man with a towel wrapped around his head and a pair of pants tucked in his armpit.

Because Rendon's description matched appellant's appearance that same morning, Avenir immediately decided to go back to Barangay Alibunan. Upon his arrival, he at once proceeded to the house of appellant. Without any prodding, the latter spoke about the killing of a girl in Barangay Tinocuan on the morning of August 6, 1994. When asked how he learned of this, he replied that he had heard it over the radio of his neighbor, who lived down the hill.[24] Considering the short time that had elapsed from the discovery of the body of the victim, the news of her death could not have possibly reached him that soon.

Sixth, the body of the victim was found some forty (40) meters away from where Gorantes had seen appellant, wet with dew, emerging and hurriedly walking from the sugarcane field.

Four things stand out. One, appellant's physical presence at the locus criminis or its immediate vicinity was established. Two, there was a certain period of time when his presence could not be determined, and this was the time when Lennie Rendon was killed. Three, in about 12 or 13 hours upon his arrival in a new place, he was able to familiarize himself with the area by knowing the shortcuts of the place.

It must be pointed out that according to the prosecution witnesses, appellant, upon his arrival at Barangay Tinocuan, participated in a drinking spree from the time the food was served until the healing ritual was finished. Afterwards, he slept. In his own version, he alleged that after his arrival, he slept until midnight. This being the case, he could not have explored and familiarized himself with the area, much less noted any shortcuts through the sugarcane fields, at nighttime.

Four, alleging that a corn field had to be harvested in Barangay Alibunan, appellant decided to go ahead of his companions even if his fare for the trip back home was with one of them. Would it not have been easier and faster if he had simply told them that he needed to hurry up, instead of walking all the way to Alibunan, which was several kilometers away from where the healing ritual would take place?

Appellant attributes ulterior motive to the testimony of Avenir. The former was allegedly suspected of having attempted to rape the latter's second cousin, Josephine Lozada, three days prior to the death of Lennie Rendon. Hence, appellant contends that the trial court should not have given such testimony any probative value.

Well-entrenched is the rule that the trial court's assessment of the credibility of witnesses is entitled to great weight and is even conclusive and binding, if not tainted with arbitrariness or oversight of some fact or circumstance of significance and influence.[25] This rule is based on the fact that the trial court had the opportunity to observe the demeanor and the conduct of the witnesses. In this case, there is no reason to deviate from the rule by altering or reversing the evaluation of the court a quo.

Second Issue: Treachery

The general rule is that factual findings of trial courts, like their assessments of the credibility of witnesses, are accorded respect and even finality.[26] After poring over the records of the case, we are convinced that the lower court did not err in holding that appellant had killed the victim with the use of a single-bladed knife. We are

likewise convinced that alevosia or treachery qualified the killing to murder.

To constitute treachery, two conditions must concur: (1) the employment of means, methods or manner of execution that would ensure the offender's safety from any defense or retaliatory act on the part of the offended party; and (2) the offender's deliberate or conscious choice of the means, method or manner of execution.[27]

Appellant avers that the prosecution failed to provide details on how the aggression or assault that resulted in the death of the victim was carried out, or how it began and developed. He likewise contends that the five fatal wounds inflicted on the victim's back were not enough to infer that treachery had in fact taken place.

Lennie Rendon is now dead. And no one has positively testified on how she was killed. But her lifeless body shows the manner in which she was attacked by her assailant. It eloquently speaks for itself.

Based on the medicolegal officer's testimony and as reflected in the Autopsy Report (Exh. "A"), there were eight (8) stab wounds inflicted on the victim, apart from the abrasions, the contusions, and the hematoma. These injuries establish the manner in which the killing was cruelly carried out with little or no risk to the assailant.

The medicolegal findings are buttressed by the colored photographs showing the victim lying prone, her face stained with dried blood, and her right hand clutching a torn and weathered cane leaf.[28] The number of stab wounds, most of which were inflicted at the back of the child -- unarmed and alone -- shows the deliberateness, the suddenness and the unexpectedness of the attack, which thus deprived her of the opportunity to run or fight back.

Moreover, it must be noted that Lennie Rendon was a 15-year-old deaf-mute. Appellant, on the other hand, was 23 years old and in the prime of his strength.

All of these facts indicate that the assailant employed means or methods that tended directly and especially to ensure the execution of the offense without risk to himself arising from the defense which the offended party could have put up.[29]

Abuse of superior strength, however, can no longer be appreciated as an aggravating circumstance, because it is absorbed by treachery.[30]

Third Issue: Lack of Motive

Due to the lack of direct evidence to establish the identity of the assailant, appellant insists that proof of motive becomes essential. However, as already discussed, the Court believes that the prosecution has established his guilt beyond reasonable doubt. It was able to pinpoint him, to the exclusion of all other persons, as the one responsible for the crime. Thus, the presence or the absence of motive is not essential.

Fourth Issue: The Defense of Alibi

Contrary to appellant's contention, the trial court did rely on the strength of the evidence for the prosecution, not on the weakness of that for the defense.

In any event, alibi as put forth by appellant is the weakest of all defenses because it is easy to concoct and difficult to disprove. For alibi to prosper, it is not enough for the defendant to prove that he was somewhere else when the crime was committed; he must likewise demonstrate that it was physically impossible for him to have been at the scene of the crime at the time.[31]

Appellant claims that at the time the crime happened, he was in his residence in Barangay Alibunan, Calinog, Iloilo -- not in Barangay Tinocuan, Dingle, Iloilo. He adds that he arrived at Barangay Tinocuan only around four o'clock on the afternoon of August 6, 1994, stayed for the night to witness the healing ritual, and went home on

the morning of August 7, 1994.[32] He insists that the healing ritual took place on the night of August 6, not August 5, as unanimously testified to by the prosecution witnesses and borne by the documentary evidence.

This claim is sufficiently debunked by the assailed Decision, which we quote:[33]

"Restituto Rendaje's uncorroborated and unsupported declaration during his direct examination that the healing ritual took place [on] a different date becomes incongruous when juxtaposed with the evidence for the prosecution. According to him, he and Eduardo Gorantes Jr. went home to Calinog on the morning of August 7, 1994; yet Gorantes himself categorically declared that he went home together with Rendaje on the morning of August 6, 1994, the date the incident happened. This fact is supported by another prosecution witness, Honorato Avenir, Jr. Of course the sister of the victim, Lodelyn Rendon, pinpointed the accused and placed him at Brgy. Tinocuan, Dingle, Iloilo [o]n the morning of August 6, 1994. It is therefore not that farfetched to infer that in order for the accused to avail of a ready alibi, he simply declared that he was not present at the time the incident took place; he failed, however, to reconcile the dates. Dates that were indubitably proven and were not controverted by the accused. If the accused were to be believed, the death of the victim would fall on August 7, 1994, not on August 6, 1994 as is found in the Information (Exh. "E" for Prosecution), the Complaint, the Certificate of Death, (Exh. "B" for Prosecution), and the Autopsy Report (Exh. "A" for Prosecution). In fact the defense even marked the Autopsy Report as its Exh. "1" but did not offer the same. This irreconcilable discrepancy renders the entire testimony of the accused unreliable. And since this fact serves as the foundation of the accused's defense, this Court views such defense as dubious and unsatisfactory, hence, self-serving and incredible."

Indeed, it was not physically impossible for appellant to have been at the scene of the crime on the morning of August 6, 1994. Gorantes, his friend and traveling companion who turned prosecution witness, testified that the former had gone to Barangay Tinocuan on August 5, 1994.[34] Around five o'clock on the morning of August 6, 1994, the latter allegedly saw appellant wearing a pink shirt and carrying a white face towel while walking hurriedly, then later wearing wet short pants and tennis shoes. Asked why he was wet, appellant replied that he had taken the "short cut" via the sugarcane field.[35]

Appellant failed to substantiate his claim that he had arrived at Barangay Tinocuan only around four o'clock on the afternoon of August 6, 1994. As can be gleaned from the records, Roger Rendaje, his younger brother, was part of the group which attended the healing ritual.[36] Appellant could have presented him to corroborate the former's claim that he had arrived at the said barangay only on August 6 and not on August 5, 1994, as testified to by the prosecution witnesses. Why did appellant not do so? He has no explanation for this obvious lapse.

The defense of alibi, if unsubstantiated by clear and convincing evidence, is negative and self-serving, deserves no weight in law, and cannot be given evidentiary value over the testimony of credible witnesses who testify on affirmative matters.[37]

Utterly unsubstantiated is appellant's allegation that he was beaten up by the Dingle police authorities to make him admit to the crime. No medical certificate was presented to prove the injuries he allegedly suffered at the hands of the police authorities. He also failed to inform his mother of the purported atrocity when she visited him at the Dingle police station on August 8, 1994.[38] Neither did he report such beatings to his lawyer or the judge. Hence, it has no weight at all.

The Court affirms the monetary awards given by the trial court because they are substantiated by the evidence. In addition, we grant indemnity ex delicto to the heirs of the victim.

WHEREFORE, the appeal is DENIED but the assailed Decision is modified by the GRANT of indemnity ex delicto in the sum of P50,000 to the heirs of Lennie Rendon pursuant to extant jurisprudence,[39] in addition to the awards given a quo. Costs against appellant.

SO ORDERED.

Melo, (Chairman), Vitug, and Gonzaga-Reyes, JJ., concur.

[1] Written by Judge Quirico G. Defensor.

[2] Assailed Decision, p. 20; rollo, p.33-A; records, p. 192.

[3] Signed by Asst. Provincial Prosecutor Nelson S. Geduspan.

[4] Information, dated September 27, 1994; records, p. 1.

[5] Assisted by Atty. Nelson Oberas.

[6] See the lower court's Order dated December 13, 1994; records, p. 29.

[7] This case was deemed submitted for resolution on June 26, 2000, when the Court received the Appellee's Brief. The filing of a reply brief was deemed waived, as none had been submitted within the reglementary period.

[8] Signed by Sol. Gen. Ricardo P. Galvez, Asst. Sol. Gen. Nestor J. Ballacillo, and Asso. Sol. Mae Antoinette Balares.

[9] Also spelled "Garantes" in the TSN, Appellant's Brief and Appellee's Brief.

[10] Appellee's Brief, pp. 4-8; rollo, pp. 103-107.

[11] Signed by Attys. Bartolome P. Reus and Rogel F. Quijano of the Public Attorney's Office.

[12] Appellant's Brief, pp. 5-6; rollo, pp. 56-57.

[13] Decision, p. 8; rollo, p. 33-A; records, p. 192.

[14] The trial court enumerated six pieces of circumstantial evidence, as follows:

"1) Witness Lodelyn Rendon, the victim's younger sister, saw the accused following the victim Lennie Rendon that morning of the incident as the latter was on her way to their farm, at around 6:00 o'clock more or less;

"2) During the morning of the incident, on or before 6:00 A.M., the accused, who was in a hurry, went ahead of his companions when they were at a neighborhood store, buying and smoking cigarettes; while the attention of the accused was called, he invited them to go to the house of Felomino Avenir, to which the group agreed; but when the group arrived at the house of Felomino Avenir, Restituto Rendaje could not anymore be found;

"3) Later, Rendaje was seen by Eduardo Gorantes as he emerged from the sugarcane field, wet with dew; the pair of shorts he was wearing was wet and his white tennis shoes were also wet; when Gorantes asked Rendaje why he was wet, the accused answered that he took a short cut through the sugarcane field which was around (1) kilometer away from the store where they bought cigarettes;

"4) At the time when their group was buying cigarettes earlier [o]n the morning of August 6, 1992 [sic], Rendaje was last seen near the place, some forty meters, where the body of the victim was found. This was also near the place where Rendaje was seen by Eduardo Gorantes, Jr. to have emerged from the sugarcane plantation and where Rendaje claimed he took a shortcut. The accused's attire during these times was a pair of shorts, with a towel wrapped around his head and a pair of pants tucked under his arm.

"5) The accused Restituto Rendaje had a knife with him when they arrived at Brgy. Tinocuan to witness the healing ritual, a knife approximately twelve (12) inches in length including the handle.

"6) When Honorato Avenir, Jr. went to see Restituto Rendaje at his residence in Brgy. Alibunan, Calinog, Iloilo, it was Rendaje who, without any prodding from Avenir, first broached the subject of a killing that occurred in Brgy. Tinocuan, Dingle." (Decision, pp. 11-12; rollo, pp. 25-26; records, pp. 183-84.)

[15] *People v. Fabon*, GR No. 133226, March 16, 2000; *People v. Caparas Jr.*, 290 SCRA 78, 89, May 14, 1998; *People v. Andal et al.*, 279 SCRA 474, 486, September 25, 1997; *People v. Ramos*, 240 SCRA 191, 198, January 18, 1995.

[16] *People v. Santos*, GR No. 122935, May 31, 2000; *People v. Salas*, GR No. 115192, March 7, 2000.

[17] §4, Rule 133 of the Rules of Court; *People v. Ragundaiz et al.*, GR No. 124977, June 22, 2000; *People v. Malapayon*, GR Nos. 111734-35, June 16, 2000; *People v. Santos*, *supra*; *People v. Salonga*, GR No. 128647, March 31, 2000; *People v. Fabon*, *supra*.

[18] *People v. Fronda et al.*, GR No. 130602, March 15, 2000; *People v. Salas*, *supra*; *People v. Espina*, GR No. 123102, February 29, 2000; *People v. Gallarde*, GR No. 133025, February 17, 2000.

[19] *Supra*.

[20] TSN, August 2, 1995, pp. 6-7.

[21] TSN, October 24, 1995, pp. 10-15.

[22] *Ibid.*, p. 24.

[23] TSN, February 7, 1995, p. 15.

[24] TSN, December 12, 1995, pp. 22-27.

[25] *People v. Continente, et al.*, GR Nos. 100801-02, August 25, 2000; *People v. Gonzales*, GR No. 122769, August 3, 2000; *People v. Reduca*, 301 SCRA 516, 528, January 21, 1999; *People v. Angeles*, 275 SCRA 19, 28-29, July 1, 1997.

[26] *People v. Villarez*, GR No. 133795, July 27, 2000; *Almeda v. CA*, 269 SCRA 643, March 13, 1997.

[27] *People v. Arellano*, GR No. 122477, June 30, 2000; *People v. Lazarte et al.*, GR No. 130711, June 29, 2000; *People v. Lozada*, GR No. 130589, June 29, 2000; *People v. Porras*, 255 SCRA 514, March 29, 1996; *People v. Sabado*, 168 SCRA 681, December 22, 1988.

[28] Exhs. "A," "D," "D-1," and "G"; records, pp. 2-A, 2-B, 2-C and 3.

[29] *People v. Palencia*, 71 SCRA 679, 689, April 30, 1976.

[30] *People v. Tortosa*, GR No. 116739, July 31, 2000; *People v. Cupino*, GR No. 125688, March 31, 2000; *People v. Caritativo*, 256 SCRA 1, 14, April 1, 1996; *US v. Estopia*, 28 Phil. 97, 100 (1914); *US v. Oro*, 19 Phil. 548, 554-555 (1911); *US v. Vitug*, 17 Phil. 1, 20 (1910).

[31] *People v. Hofileña*, GR No. 134772, June 22, 2000; *People v. Legaspi et al.*, GR No. 117802, April 27, 2000; *People v. Llanes et al.*, GR No. 116986, February 4, 2000; *People v. Rendoque et al.*, GR No. 106282, January 20, 2000; *People v. Estrada*, 22 SCRA 111, January 17, 1968.

[32] TSN, February 4, 1997, pp. 3-8.

[33] Decision, pp. 9-10; rollo, pp. 81-82; records, pp. 181-82.

[34] TSN, October 24, 1995, pp. 7-10.

[35] Ibid., pp. 10-16.

[36] Ibid., p. 6.

[37] People v. Espina, supra; People v. Gayon, 269 SCRA 587, March 13, 1997; People v. Patalin Jr. et al., 311 SCRA 186, July 27, 1999.

[38] TSN, February 4, 1997, p. 12.

[39] When death occurs as a result of a crime, the Court, in a long line of cases, grants in favor of the heirs of the deceased the amount of P50,000 as indemnity ex delicto without need of any evidence or proof of damages. People v. de la Tongga, GR No. 133246, July 31, 2000; People v. Ragundaiz et al., supra; People v. Francisco, GR No. 121682, April 12, 2000; People v. Espanola, 271 SCRA 689, April 18, 1997.

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