

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JUNE REX PABURADA, ACCUSED-APPELLANT.

G.R. No. 137118. December 05, 2000

Ponente: VITUG, J.

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VITUG, J.:

The accused June Rex Paburada stood trial following his entry of a plea of "not guilty" to an Information against him for "Rape with Homicide" that read:

"That on or about the 2[nd] day of November 1993, in Quezon City, Philippines, the above-named accused, did then and there willfully, unlawfully, and feloniously, by means of force, violence, and/or intimidation attack and molest one ROSEMARIE ANDRADE Y OROCEO, by then and there banging her head on the floor, punching her face and strangling her and thereafter have carnal knowledge with her; that as a result/consequence thereof, said victim sustained serious and mortal wounds which were the direct and immediate cause of her untimely death, to the damage and prejudice of the heirs of the said Rosemarie Andrade Y Oroceo.

"CONTRARY TO LAW."[1]

The version of the prosecution is narrated in good detail in the People's Brief submitted by the Office of the Solicitor General.

"In the late evening of November 1, 1993, security guard Julius Viado was on extended duty and conducting routine roving patrols of Budget House Supermarket and its two (2) warehouses, all situated along North Edsa, Quezon City.

"While roving at around 12:05 A.M., on November 2, 1993, Viado was compelled to take shelter from the driving rain under the canvass roof of a nearby canteen (Iloilo La Paz Batchoy) located at People's Park, seven (7) to eight (8) meters away from the usual route of his roving patrol. After a few minutes, Viado heard a thud ('kalampag') and a woman's shout, as if the latter was shocked and her cry was stifled. Viado could not distinguish what the woman had said. After about five (5) minutes, Viado heard the sound of plates breaking and the woman moaning, emanating from Rodel's Canteen, an eatery about two (2) meters away from the spot where he had sought shelter from the rain. Viado walked towards said eatery.

"Viado peeped through the vertical gap, about one-half (1/2) centimeter in width, between two rectangular planks of wood, each two feet wide and four feet long each. He saw by the light of a round fluorescent tube inside the eatery, a man, whom he later positively identified at the trial to be appellant June Rex Paburada, wearing a maroon t-shirt, kneeling and turning his face from side-to-side ('palingon-lingon'). The man's back faced the opening through which Viado had peeped through. Viado saw that the left side of appellant's face had blood on it. Viado also heard a very faint sound, the weak voice or moan of a woman. But Viado could not see any woman; the bloodied man's back prevented Viado from seeing any other object inside Rodel's canteen.

"After about a minute, Viado left Rodel's Canteen and reported what he saw to the guard house at People's Park, thirty-five (35) meters away. But the guard on duty, a certain Flores, did not mind Viado's report as it

was raining hard that night. Viado, thinking that what he had seen was a marital spat between spouses, and who had been on continuous guard duty and without sleep since 10:00 A.M. of November 1, 1993, thought nothing further of what he had seen and heard. He decided to return to his outpost at Budget House Supermarket and resumed his roving patrols in that establishment for the rest of that rainy night of November 1-2, 1993.

"Between 8:05 to 8:20 A.M., on November 2, 1993, security guard Viado noticed many people milling about Rodel's Canteen. A female employee ('Manang') of the canteen where he had taken shelter the night before told Viado that a helper in Rodel's canteen had died. Viado volunteered to the employee that he had heard certain sounds and had seen a man inside Rodel's Canteen the night before. He then added to Manang that the man he saw had blood on his face.

"At about that same time, a team of policemen had been dispatched to Rodel's Canteen, upon a report made by resident of People's Park that a dead body had been found inside Rodel's Canteen. SPO1 Rogelio Bartolome conducted an ocular inspection of the interior of Rodel's Canteen and saw a female body near the door, head facing the door, covered with newspapers. He saw that the body was that of a female, and still wore a t-shirt. SPO1 Bartolome also saw the victim's shorts and panty down to her ankle and the articles in the canteen in a disarranged state. He and his colleague, PO3 Eugene Almario, took pictures of the crime scene. SPO1 Bartolome learned from the bystanders that security guard Viado knew what happened, prompting the former to summon and interview the latter at the crime scene at around 8:45 A.M., on November 2, 1994.

"Meanwhile, PO Froilan Ruiz, who had conducted an ocular inspection outside Rodel's Canteen, learned from the bystanders about that same fact regarding Viado, and that a drinking spree had occurred the night before. So this policeman sought the persons who participated in the drinking spree from among the bystanders, found four of them, and invited them to the police station. One of the four (4) men was appellant June Rex Paburada.

"PO Ruiz and SPO1 Bartolome asked security guard Viado at the crime scene if he (Viado) can identify the person he had seen inside Rodel's Canteen the night before. Viado replied he can identify that person if presented to him again. So the policemen presented to Viado at the crime scene a 'boy' or male helper of Rodel's Canteen; but Viado told the policemen this person was not the man he saw inside Rodel's Canteen the night before. The policemen then presented appellant June Rex Paburada to Viado, who was identified by Viado as the man he had seen inside Rodel's Canteen the night before. Thus, appellant security guard Viado and three (3) other males, who had participated in the drinking spree with appellant the night before (i.e., Edgar Diche Overa, Joseph de los Reyes, and Robert Ledesma), were brought to the police station, where they were interviewed by SPO1 Rogelio Garana.

"On the way to the station, SPO1 Bartolome noticed that one of appellant's forefingers had an injury and appellant's back had scratches.

"At the police station, during SPO1 Garana's investigation, security guard Viado identified appellant June Rex Paburada, among the four (4) suspects, as the man he saw inside Rodel's Canteen the night before. SPO1 Garana nonetheless conducted a verbal interview of all four (4) suspects. He did not find it necessary to take the statements of Overa, de los Reyes, and Ledesma.

"During his interview with appellant, SPO1 Garana noticed that, unlike the three (3) other suspects, appellant had a wound on his right hand and had plenty of scratches on his back and chest. Later in the day, SPO1 Garana brought appellant to a doctor for treatment of his wounds, obtaining a medical certificate therefor.

"Appellant also confided to SPO1 Garana during his interview that he, then a 20-year old helper of Iloilo La Paz Batchoy Eatery, had reported-in early at People's Park at 12:20 A.M., on November 2, 1993, and went to Rodel's Canteen nearby; that the victim Rosemarie Andrade, then a 24-year old salesgirl and waitress of Rodel's Canteen, switched on the light of the eatery and appellant tried to hold her. But Rosemarie resisted. Appellant and Rosemarie then grappled with each other, scattering things around the premises and Rosemarie

fell on the floor. As appellant tried to copulate with her, Rosemarie got hold of appellant's finger and bit it. Appellant then held Rosemarie's neck and pushed her down, causing the victim's head to hit the floor. Appellant told SPO1 Garana that he (appellant) only intended to copulate with Rosemarie Andrade. But when the latter resisted strongly, he (appellant) was forced to retaliate and use force on her. As Rosemarie weakened, appellant forcibly succeeded in copulating with her ('ginamit').

"On the basis of the result of his interview of the suspects, SPO1 Garana effectively detained appellant June Rex Paburada and released the other suspects, by preparing and sending the letter-referral of the case to the City Prosecutor for the filing of the appropriate charge.

"On November 2, 1993, P/Maj. Florante Baltazar conducted an autopsy on the body of the victim Rosemarie Andrade, based on the consent of her sister, who had identified the body at the crime scene. P/Maj. Baltazar noted that Rosemarie Andrade died from cardio-respiratory arrest due to shock, secondary to asphyxia by manual strangulation. He also noted twenty-four (24) abrasions and hematomas covering the victim's body from head to the leg, which injuries, insofar as those found on the extremities of the victim's body, were defensive in nature, that is, that the victim suffered those injuries while resisting her assailant. P/Maj. Baltazar also noted that the victim's hymen had healed lacerations and abrasions; that the victim's vagina contained sperm; that the healed lacerations of the hymen showed the victim had previous sexual intercourse; that the abrasions on the hymen likewise showed 'very recent' sexual intercourse; and that these particular condition of the injuries proved that the autopsy was conducted within forty-eight (48) hours from the time of the death of the victim." [2]

The Public Attorney's Office, for the accused, gave a synthesis of its account of the facts in its own appeal brief.

"The prosecution presented seven (7) witnesses, namely, Ms. Adelfo Andrade, Julius Viado, PO1 Froilan Ruiz, SPO1 Rogelio Bartolome, SPO2 Eugene Almario, SPO1 Rogelio Garana and Dr. Florante Baltazar. The evidence for the prosecution points to the fact that at around 12:05 midnight of November 7, 1993, Julius Viado heard some commotion coming from the direction of Rodel's canteen. His curiosity tweaked, Julius Viado went over the said canteen and peep at an opening found at the window of the canteen. According to him, he saw a man kneeling down, with blood on his face. After seeing this, he returned to his post and did not do anything. It was during the morning at around 8:00 a.m. when he learned that a dead woman was discovered inside the canteen, that he told the police what he saw the night before. He then pointed to the accused, who was just standing in the crowd, as the man whom he saw with a bloodied face, kneeling inside Rodel's canteen. (TSN, February 9, 1999, pp. 4-21; TSN, February 17, 1994, pp. 31-47)

"Ms. Adelfa Andrade testified on the expenses which her family incurred for the funeral and burial of her sister. (TSN, February 2, 1994, pp. 21-26)

"Dr. Florante Baltazar was then presented to identify the injuries suffered by the victim which were all placed in Medico-Legal Report No. M-1906-93, marked as Exhibit 'J' for the prosecution. (TSN, March 10, 1994, pp. 5-13)

"On the other hand, the defense presented the accused himself who testified that he did not rape nor kill Rosemarie Andrade. The accused testified that at around 3:30 p.m. of November 1, 1993, he had a drinking spree with some friends. Thereafter, the accused had a fistfight with a certain Boy which led him to sustain some injuries. After the fight, the accused went to sleep at around 11:30 p.m. and woke up at 6:30 a.m. on November 2, 1993. When he woke up, he washed his clothes which was dirtied and stained because of his fight with Boy. While washing his clothes, he noticed that people were milling around Rodel's canteen. He decided to take a look. This was the time when he was pointed to by security guard Viado because of his scratches and injuries on his face and neck which was caused by his fight with Boy. He was then taken by the police and detained. (TSN, December 19, 1995, pp. 3-16; TSN, January 25, 1995, pp. 3-9)

"The defense also requested an ocular inspection which was held on May 4, 1995. The ocular inspection

revealed that it was impossible for someone to be able to see anyone, much less identify someone through the hole on the window."[3]

On 09 September 1998, following the submission of the case for decision, the Regional Trial Court, Branch 90, of Quezon City, rendered judgment thusly:

"WHEREFORE, judgment is rendered convicting the accused of Rape with Homicide as defined and punished under Article 335 of the Revised Penal Code, as amended, and this Court sentences the accused June Rex Paburada: 1) to suffer the penalty of imprisonment of reclusion perpetua and its accessory penalties; 2) and to indemnify the heirs of Rosemarie Andrade the total sum of One Hundred Sixty-Four Thousand, Four Hundred Pesos (P164,400.00), and to pay the costs.

"Being a detention prisoner, the accused is entitled to the benefits of Article 29 of the Revised Penal Code, as amended.

"SO ORDERED."[4]

Hoping for a reversal by this Court of his conviction, the accused has ascribed to the lower court errors supposedly committed by it.

"I

The court a quo erred in finding that the crime of rape with homicide was committed.

"II

The court a quo erred in convicting the accused notwithstanding the failure of the prosecution to establish his guilt beyond reasonable doubt.

"III

The court a quo erred in convicting the accused-appellant on the basis of suppositions and assumptions.

"IV

The court a quo erred in giving credence to the identification made by security guard Julius Viado."[5]

Scrutinizing the evidence on record, the Court is convinced that the prosecution has successfully overthrown the constitutional presumption of innocence of an accused. There has been no valid reason shown to here warrant a departure from the rule of long standing that the Court accords great respect to the factual findings drawn by the trial court from testimonial evidence.[6] Watching a witness at the stand, the trial judge is better able than an appellate tribunal to detect the thin line between fact and fiction, as well as signs that affirm truth or expose contrivance,[7] that serve as proper basis for arriving at accurate impressions.[8]

Prosecution witness Julius Viado gave a steadfast and categorical narration of what he had witnessed in a manner reflective of a candid and unrehearsed testimony. Accused-appellant would have it that Viado did not have a clear view and a good look of the man he supposedly saw through a window opening. Quite the contrary, Viado's minute description of the incident, particularly on the material issue of the identification of the perpetrator of the crime, was delivered straightforwardly and unhesitatingly notwithstanding an intense and lengthy interrogation while giving his testimony at the witness stand. Viado testified:

"FISCAL JAMOLIN:

Will you please tell us in what particular place did you assign as security guard on November 1 and 2, 1993?

"WITNESS:

I was assigned in that Budget House bodega located at People's Park, North Edsa, sir.

"X X X X X X X X X X"

"FISCAL JAMOLIN:

While you were doing your roving duty at 12:05 on November 2, 1993, what unusual incident that happened, if any?

"WITNESS:

While I was doing my roving duty, it was raining hard and I took shelter at the canteen and after a few minutes, I heard "kalampag" and the voice of a woman who shouted.

"FISCAL JAMOLIN:

Where was that "kalampag" came from?

"WITNESS:

From the inside of the Rodel's canteen, sir.

"FISCAL JAMOLIN:

How far is this Rodel's canteen from the place you were at that time?

"WITNESS:

About two meters away, sir.

"FISCAL JAMOLIN:

When you heard a "kalampag" and shout of a woman, what did you do, if any?

"WITNESS:

At first, I did not mind but after a few minutes, I heard the sound of broken plates and moaning of a woman inside the canteen.

"FISCAL JAMOLIN:

Why did you not mind it first when you heard the 'kalampag' and shout of a woman?

"WITNESS:

Because it was raining hard, sir.

"X X X X X X X X X X"

"FISCAL JAMOLIN:

What did you do when you heard that 'kalampag' and 'unggol' in the second time?

"WITNESS:

I walked to the direction of where the sound is coming, sir.

"FISCAL JAMOLIN:

What happened after that, if any?

"WITNESS:

I peeped at an opening, sir. (Witness demonstrating and that he saw a man wearing maroon T-shirt whose face was blooded) (Witness likewise demonstrating the left side of the face of the man he saw inside)

"FISCAL JAMOLIN:

What was this man doing when you saw him with maroon t-shirt?

"WITNESS:

He was `palingon-lingon', sir.

"x x x x x x x x

"FISCAL JAMOLIN:

Was he standing or sitting?

"WITNESS:

He was kneeling, sir.

"FISCAL JAMOLIN:

When you said that you peeped at an opening, will you tell us the condition of Rodel's Eatery?

"WITNESS:

It was lighted, sir.

"x x x x x x x x

"COURT:

Why do you know that this man is kneeling? Why?

"WITNESS:

Because I saw him actually kneeling.

"x x x x x x x x

"FISCAL JAMOLIN:

In the morning of November 2, 1993, what transpired, if any, while you were still on duty?

"WITNESS:

We learned in the morning that there was a dead woman inside the canteen, sir.

"FISCAL JAMOLIN:

Will you please, tell us, in what canteen did you learn that there was a dead woman?

"WITNESS:

At Rodel's Canteen, sir.

"FISCAL JAMOLIN:

From whom did you know that there was a dead woman at Rodel's Canteen?

"WITNESS:

From the occupants of the nearby canteen, sir.

"x x x x x x x x

"FISCAL JAMOLIN:

What happened next when these policemen arrived?

"WITNESS:

Someone informed the police that I was the one who saw the incident.

"FISCAL JAMOLIN:

What happened next, if any?

"WITNESS:

I was called by the policemen and they asked me if I can identify the person I saw inside the canteen, sir.

"x x x x x x x x

"FISCAL JAMOLIN:

What did you tell to the police?

"WITNESS:

I told them that if I will be confronted by [the] person, I can identify him.

"FISCAL JAMOLIN:

What happened, if any, after that?

"WITNESS:

There was a man in the crowd, who has scratches on his neck and below the armpit and on the face, sir.

"FISCAL JAMOLIN:

What was the man wearing at that time, who had scratches on the neck and under the armpit?

"WITNESS:

He was wearing sando, sir.

"FISCAL JAMOLIN:

If you can see that man again whom you said you saw inside Rodel's Canteen on November 2, 1993 at about 12:05 in the evening, would you be able to recognize him?

"WITNESS:

Yes, sir.

"FISCAL JAMOLIN:

Is he inside the courtroom?

"WITNESS:

Yes, sir.

"X X X X X X X X

"FISCAL JAMOLIN:

After you pinpoint the accused in the presence of the police officers on November 2, 1993, what happened next?

"WITNESS:

We were brought to Baler Police Station, sir."[9]

"Q Do you remember how long was the interval between the first wailing sound and the second wailing sound?

"A About five (5) minutes, Sir.

"Q So when you heard the first wailing sound, you had just arrived in the shelter. Correct?

"A Yes, Sir.

"Q And you stayed there for five (5) minutes?

"A Yes, sir.

"Q You did not react to the first sound?

"A No, Sir.

"Q You just stood there without doing anything?

"A I just listened where the sound was coming from, Sir.

"Q Which came first, the wailing of the woman or the kalampag?

"A First time, it was the kalampag, Sir.

"Q Then followed by the shout of the woman?

"A Yes, Sir.

"Q The next time, the second time?

"A It was the wailing sound of a woman, Sir.

"Q Would you be able to distinguish what the woman was saying when she was shouting?

"A No, Sir. She just shouted, as if she was shocked.

"COURT:

Not so loud?

"A As if the cry was stifled, Sir.

"Q How about the second shout, which came first, the kalampag or ungol?

"A The wailing sound of the woman, Sir.

"Q So on the second noise, you were already able to identify that it came from Rodel's Canteen. Correct?

"A Yes, Sir.

"x x x x x x x x

"Q And the first object you saw, when you peeped here, was the back of the accused. Is that correct?

"A Yes, Sir.

"Q So the back of the person you saw was directly against this hole. Correct?

"A Yes, Sir.

"Q As far as your estimate, how far was the man inside from the hole?

"INTERPRETER:

Witness pointing the distance from where he is standing up to the side of the chair in the courtroom, which is about 1 1/4 meter distance.

"FISCAL JAMOLIN:

From the opening.

"Q And that was the reason why, when you peeped here, you were not able to see any other object inside?

"A Yes, Sir.

"Q And the entire place, where you were peeping, was covered by the back of the man, or the object you saw inside?

"A Yes, Sir.

"Q And in fact, you saw only the color of the shirt of the man inside. Correct?

"A I also saw the face, Sir.

"COURT:

Are you sure about that?

"A Yes, Your Honor, because he was turning his head.

"COURT:

Put because of palingon-lingon.

"Q How long were you peeping in that area?

"A About one minute, Sir.

"Q While doing that, did you not transfer to another place to look for a better place to identify the man inside?

"A No, Sir, because I saw his face already.

"x x x x x x x x

"Q And you said that you saw the man was bruised. Correct? While peeping, you said, you saw the man was bleeding at his face. Correct?

"A I don't know if it was wound, but I saw blood on his left face, Sir."[10]

Jurisprudence supports the rule that where conditions of visibility are favorable and the witness does not appear to be biased, his assertion on the identity of the malefactor should be deemed trustworthy.[11]

Viado was merely 1 and 1/4 meters away from accused-appellant. Although his back was turned to Viado most of the time, accused-appellant, nevertheless, kept on turning his face from side-to-side during his encounter with the victim. The scene was illuminated by a round fluorescent lamp. The assertion of accused-appellant that a table with cylinder gas could have obstructed Viado's line of sight through the interior of the Rodel Canteen at the time the offense occurred was pure conjecture and merely based on the ocular inspection at the crime scene conducted on 04 May 1994 or more than six (6) months after the crime was committed. The defense failed to demonstrate that the supposed obstruction was in place during that mournful night of the incident; indeed, it would appear that meanwhile a new owner had taken over the subject stall.

Nor was it shown that Julius Viado had any ill-motive against accused-appellant that would have impelled him to testify falsely.[12]

Denial, like alibi, being an intrinsically weak defense, should be buttressed by strong evidence of non-culpability to merit weight.[13] Appellant asseverated that he was sleeping the night away at or about the time of the incident, and that he had suffered injuries because of his fistfight with a certain Boyet inside the La Paz Batchoy Canteen. He could have presented this Boyet to testify and substantiate his claim but he did not.[14]

Similarly, the uncorroborated and self-exculpatory allegation of accused-appellant that the victim might have had sexual intercourse with another man prior to her death or right after having been killed simply cannot stand scrutiny. Speculations and surmises, furthermore, are not at any time substitutes for evidence to support a factual conclusion.[15]

Indisputably, the extrajudicial confession given by accused-appellant to SPO1 Garana is inadmissible in evidence for having been taken without the assistance of counsel. The Constitution abhors an uncounselled confession even if it speaks the truth and is given voluntarily.[16]

Even without the confession, however, independent evidence submitted by the prosecution was ample to establish the commission of the crime and the guilt of accused-appellant. Consider that (1) Viado, taking shelter from the heavy downpour while conducting the usual roving patrols on 02 November 1993, suddenly heard a loud thud and a woman's shout from a distance of just three meters and, moments later, heard sounds of plates breaking and a woman wailing; (2) following the strange noises and eventually peeping through a window opening, he saw appellant in a kneeling position and constantly turning his bloodied face from side to side; (3) the next day, the dead woman was found in the scene where he saw accused-appellant the night before and from where the commotion and strange noises emanated; (4) Viado, as well as SPO1 Bartolome and SPO1 Garana, had noted the scratches and injuries on the back, neck, face, armpit, and finger of accused-appellant evidently the result of the tenacious resistance made by the victim; and (5) accused-appellant himself admitted that there were bloodstains all over the sando which he wore that tragic night.

These shibboleths, species of circumstantial evidence, taken collectively, can well be cogent to satisfy the judicial conscience and be as potent as direct testimony.[17] Circumstantial evidence is sufficient for conviction when (a) there is more than one circumstance established; (b) the facts from which the inferences are derived have been proven; and (c) the combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.[18] These circumstances are here extant.

The offense was committed on 02 November 1993 or prior to the re-introduction of the death penalty by Republic Act No. 7659, approved on 13 December 1993. The trial court was thus correct in only imposing upon accused-appellant the penalty of reclusion perpetua.

The heirs of the deceased victim are entitled to civil indemnity of P50,000.00[19]for the crime[20] and another

P50,000.00 by way of moral damages per prevailing jurisprudence.[21] Anent the award of unearned income, however, the same will have to be set aside for lack of substantiating evidence on the victim's earning capacity and life expectancy.[22] The grant of P16,000.00 representing reimbursement for burial expenses incurred will have to be reduced to P4,500.00 which is the amount duly receipted and proved. Actual damages cannot rest solely on the bare allegation of the heirs of the offended party.[23]

WHEREFORE, the judgment of the Regional Trial Court, Branch 90, of Quezon City, in Criminal Case No. Q-93-50637, finding appellant June Rex P. Paburada guilty beyond reasonable doubt of the crime of rape with homicide and sentencing him to reclusion perpetua is AFFIRMED with modification as to his civil liability by now directing accused-appellant to pay to the heirs of the victim the amounts of P50,000.00 civil indemnity, P50,000.00 moral damages, and P4,500.00 representing burial expenses. Costs against accused-appellant.

SO ORDERED.

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

[1] Records, Vol. I, p. 1.

[2] Rollo, pp. 89-98.

[3] Rollo, pp. 58-60.

[4] Rollo, p. 35.

[5] Rollo, pp. 56-57.

[6] *People vs. Montero, Jr.*, 277 SCRA 194.

[7] *People vs. Delovino*, 247 SCRA 637.

[8] *People vs. Grefaldia*, 273 SCRA 591, citing *People vs. De Leon*, 245 SCRA 538.

[9] TSN, 09 February 1994, pp. 5-16.

[10] TSN, 17 February 1994, pp. 28-35.

[11] *People vs. Montero, Jr.*, 277 SCRA 194; *People vs. Martinez*, 274 SCRA 259.

[12] See *People vs. Lopez*, 249 SCRA 610; *People vs. Diaz*, 271 SCRA 504.

[13] *People vs. Burce*, 269 SCRA 293.

[14] See *People vs. Dansal*, 275 SCRA 549.

[15] *People vs. Paguntalan*, 242 SCRA 753.

[16] *People vs. Cabiles*, 284 SCRA 199; *People vs. Tan*, 286 SCRA 207.

[17] *People vs. Eubra*, 274 SCRA 180.

[18] *People vs. Berroya*, 283 SCRA 111.

[19] *People vs. Espanola*, 271 SCRA 689.

[20] *People vs. Obello*, 284 SCRA 79.

[21] People vs. Medina, 300 SCRA 98.

[22] Philtranco Service Enterprises, Inc. vs. Court of Appeals, 273 SCRA 562.

[23] People vs. Obello, 284 SCRA 79; David vs. Court of Appeals, 290 SCRA 727.

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