

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. JAYSON BERDIN, CASTRO CALEJANAN AND LUCIANO SALUYO ALIAS ISOT, APPELLANTS.

G.R. No. 137598. November 28, 2003

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.:

For automatic review is the Decision[1] dated January 15, 1999 of the Regional Trial Court, Branch 17, Kidapawan City, in Criminal Case No. 67-97 declaring Jayson Berdin, Castro Calejanan and Luciano Saluyo guilty beyond reasonable doubt of the crime of murder and sentencing them to suffer the supreme penalty of death. They were also adjudged to pay the heirs of the victim P50,000.00 as civil indemnity.

The Information[2] dated June 11, 1997 filed against Jayson Berdin, Castro Calejanan and Luciano Saluyo, appellants, reads:

"That in the evening of June 10, 1997 at Sitio Puas Inda, Barangay Amas, Municipality of Kidapawan, Province of Cotabato, Philippines, the above- named accused, conspiring together and mutually helping one another, with intent to kill, armed with bolos, did then and there willfully, unlawfully, feloniously and with treachery, attack, assault and hack the person of JULIANO MAMPO, thereby hitting and inflicting upon the latter multiple hack wounds on the vital parts of his body which caused his instantaneous death.

"CONTRARY TO LAW."

Upon arraignment, appellants, with the assistance of counsel, pleaded not guilty.

During the trial, the prosecution presented as its witnesses Jemuel Mampo, Rudy Yamilo, and Dr. Roberto A. Omandac. Their testimonies, woven together, established the following facts:

On June 10, 1997 at around 2:00 o'clock in the afternoon, Juliano Mampo asked his son Jemuel to buy fish at Poblacion Kidapawan, Cotabato.[3] Upon his return, his father told him that appellant Luciano Saluyo alias "Isot" went to their house to pledge his pistol in the amount of P500.00 to be spent for the wedding of his son.[4] But his father declined as he had no money.[5] Later, at around 10:00 o'clock in the evening, Jemuel accompanied his father to Saluyo's house. Appellants Jayson Berdin and Castro Calejanan were there.[6] After engaging in an hour of conversation with them, father and son headed home.[7] Jemuel was walking ahead of his father. Unknown to them, appellants trailed behind.[8] When Jemuel turned around, he saw Calejanan holding his father's left hand, while Saluyo, his right hand.[9] Frightened, Jemuel hid behind a tree 3 to 5 meters away.[10] He saw Berdin hacking his father's head twice with a bolo.[11] When his father was about to fall, Saluyo and Calejanan held him up. Immediately, Berdin grabbed his father's head and then slashed his neck.[12] The appellants looked for him but to no avail.[13]

At about the same time, Rudy Yamilo, then going to his neighbor's house at Sitio Puas Inda, Barangay Amas, Kidapawan, witnessed how the crime was committed.[14] At a distance of 10 meters away, he sighted Berdin

hacking the victim with a bolo, while Saluyo and Calejanan were holding his arms.[15] Not long thereafter, the police arrived. [16]

Dr. Roberto A. Omandac, Municipal Health Officer at Kidapawan, conducted a post mortem examination of the victim's body.[17] On the witness stand, he confirmed his medico-legal findings[18] stating that the victim suffered two (2) hack wounds on the head, one 11- inch long, 3-inch deep hack wound on the right forehead extending to the right ear and another 5-inch long hack wound on the upper right portion of the head. He further testified that the cause of death of the victim was an 8½-inch long hack wound on the neck severing the windpipe and major blood vessels.[19]

For their part, appellants Saluyo and Calejanan denied the charge, maintaining they were both at home at Barangay Amas, Kidapawan when the incident transpired. According to them, it was Berdin who killed the victim. In fact, he sought their assistance when he surrendered to the barangay captain.

Appellant Calejanan testified that on the night of June 10, 1997, Saluyo informed him that his son-in-law, Berdin, was being assaulted by the victim. [20] Soon thereafter, Berdin, accompanied by his wife, arrived and said, "Pa nakapatay ko ug tawo kay gisulong ko" (Pa, [referring to Calejanan], I killed a person because I was attacked). Berdin requested Calejanan to accompany him to the barangay captain because he will surrender.[21]

Appellant Saluyo testified that in the evening of June 10, 1997, he distinctly heard the victim shouting outside the house of his godson Berdin, [22] "Jayson, kanaog ka kay patyon ta ka" (Jayson, come down because I will kill you). "Kay ikaw ang tig-report nga ako ang tig-pamutol og kahoy dinhi" (Because you are the one reporting that I am the one cutting trees here).[23] Saluyo peeped at a hole but failed to see anything because it was dark.[24] Subsequently, Berdin went to his house saying, "Nong, ihatod ko sa kapitan kay mo-surrender ko" (Nong, bring me to the barangay captain because I will surrender).[25] Before proceeding to the barangay captain's place, they passed by the house of Calejanan, Berdin's father-in-law.[26] Berdin voluntarily admitted to the barangay captain that he killed the victim.[27] Immediately, the barangay captain summoned the police to investigate. The police went to the crime scene. Upon their return, they asked him to ride in their jeep. Surprisingly, when they reached the barangay captain's house, the police confronted him saying, "Kining si Julian Mampo gitabangan ninyo kini" (This Julian Mampo, you helped one another in killing him).[28] But he vehemently denied such imputation.

Invoking the justifying circumstance of self-defense, appellant Berdin has a different version of the incident. On June 10, 1997, at around 7:00 o'clock in the evening, he and his wife were awakened by the victim shouting, "Kanaug diha kay ikaw diay ang nagsumbong nga ako ang nagpamutol sa kahoy" (Come down because you reported that I was the one cutting trees).[29] When Berdin refused to come out of the house, the victim attempted to gain entry by destroying the door, hacking it several times with a bolo.[30] Berdin then approached the victim calmly and persuaded him to discuss their differences. But the victim remained headstrong and threatened to kill him.[31] Instantaneously, the victim hacked Berdin twice with a bolo, but missed him and hit the door instead.[32] Berdin retaliated by hacking the victim twice with a bolo.[33] Then the victim retreated momentarily but once again, he attacked Berdin.[34] At that moment, Berdin hit the victim at the neck causing the latter to fall.[35] After ascertaining that the latter was already dead, Berdin proceeded to the house of his godfather Saluyo and requested the latter to accompany him to the barangay captain. Saluyo suggested that they first inform Calejanan, Berdin's father-in-law, before proceeding to the barangay captain.[36] In the presence of the barangay captain, Berdin voluntarily admitted he committed the crime. The barangay captain then summoned the police to conduct an investigation at the crime scene.[37] Upon their return, the police brought the three appellants to the Kidapawan Police Station.[38]

On January 15, 1999, the trial court rendered a Decision, the dispositive portion of which, reads:

"WHEREFORE, prescinding from the foregoing facts and considerations, the Court finds accused Jayson Berdin, Castro Calejanan and Luciano Saluyo, guilty beyond reasonable doubt, as principal of the crime of Murder, hereby sentenced accused Jayson Berdin, Castro Calejanan and Luciano Saluyo each to suffer the extreme penalty of death by lethal injection, and to indemnify the heirs of Julianio Mampo the sum of P50,000.00.

"All of the above-named accused are ordered confined at the National Bureau of Prison, New Bilibid Prison, Muntinlupa City.

"IT IS SO ORDERED."[39]

In convicting the appellants of the crime of murder, the trial court held:

"In fine, accused Jayson Berdin is putting up a contrive defense of self- defense claiming that on June 10, 1997 while he and his wife and his children were sleeping, he was awakened by the shout of Julianio Mampo challenging him to come out because the victim will kill him. The victim suspected accused Berdin as the one who reported that Mampo was responsible for cutting the trees. That the victim destroyed his door hacked him with a bolo but accused was not hit because the bolo hit the door. Berdin retaliated by hacking the victim twice and when the victim was outside the house near the door, he was again hacked for the third time hitting him on the neck and fell on the ground. The victim sustained multiple stab wounds which negates self-defense. The manner in which the victim was killed was gory indicating criminal instinct of the herein accused.

"Under the factual setting described above, can it be maintained that the accused was justified in hacking Julianio Mampo to death?

"x x x

"It appears from the accused's account that the victim challenged him to come out for he is going to kill him for having reported that the victim was responsible of cutting trees. Once the victim was about to gain entrance to his house, Julianio Mampo hacked him with a bolo and hit the door and Berdin retaliated by hacking Julianio Mampo 3 times. It is established that the bolo of the victim hit the door and Mampo moved downward at a distance of one meter, and at this instance the life of the accused was no longer in peril. The most logical option open to the accused is to inflict to the victim such injury that would prevent the victim from further harming him (accused). The victim Julianio Mampo sustained multiple hack wounds as shown in the medico-legal report and therefore, self-defense is negated. Thus, the Supreme Court has ruled that 'If the accused stabbed the deceased merely to defend themselves, it certainly defines reason why they had to inflict sixteen stab wounds on one and six on the other. The rule is settled that the nature and extent of the wounds inflicted on a victim negate accused's claim of self-defense' (People vs. Gregorio, 255 SCRA 380).

"Conspiracy was established by the prosecution witnesses through the testimony of Joel Mampo and Rudy Yamilo that on June 10, 1997 Joel's father was followed by the three accused Jayson Berdin, Castro Calejanan and Luciano Saluyo, and once Julianio Mampo was overtaken by the accused Castro Calejanan, held the left hand of the victim, while Luciano Saluyo held the victim's right hand. Berdin hacked the victim's forehead, and when the victim fell on the ground Jayson Berdin slashed the throat of Julianio Mampo. 'Where the acts of the accused collectively and individually demonstrate the existence of a common design towards the accomplishment of the same unlawful purpose, conspiring in evident, and regardless of the fact, the perpetrators will be liable as principals' (People vs. Gregorio, 255 SCRA 380).

"The Court finds the testimony of the prosecution witnesses straightforward, credible and convincing, no evidence was established by the defense that the witnesses are motivated by ulterior motive to implicate herein accused in the commission of such a heinous crime. x x x.

"x x x."[40]

Appellants in their brief raised the following assignments of error:

"I

THE COURT A QUO GRAVELY ERRED IN FINDING THAT THE GUILT OF THE ACCUSED-APPELLANTS FOR THE CRIME CHARGED HAS BEEN PROVEN BEYOND REASONABLE DOUBT.

"II

THE COURT A QUO GRAVELY ERRED IN NOT GIVING WEIGHT AND CREDENCE TO JAYSON BERDIN'S PLEA OF SELF-DEFENSE.

"III

THE COURT A QUO GRAVELY ERRED IN FINDING THAT THE COMMISSION OF THE CRIME CHARGED WAS ATTENDED BY THE QUALIFYING CIRCUMSTANCE OF TREACHERY."[41]

The Solicitor General, in the Appellee's Brief, contends that in invoking self- defense, appellant Berdin, in effect, admitted killing the victim and, therefore, the onus probandi to show that his act is justified shifts to him. As such, even if the prosecution's evidence is weak, it could not be readily dismissed considering that appellant had openly admitted his responsibility for the killing.[42] Simply put, he must rely on the strength of his own evidence and not on the weakness of that of the prosecution. The Solicitor General further contends that the nature, severity and number of wounds suffered by the victim are totally inconsistent with Berdin's plea of self- defense. The Solicitor General agrees with the trial court that all the appellants conspired with each other in killing the victim; and that the aggravating circumstance of treachery attended the commission of the crime considering that the assault was sudden and without slightest provocation on the part of the victim.

Assuming that appellant Berdin acted alone in committing the crime, let us examine the evidence to determine whether he acted in self-defense. Jurisprudence abounds that "where self-defense is invoked, it is incumbent upon the accused to prove by clear and convincing evidence that (1) he is not the unlawful aggressor; (2) there was lack of sufficient provocation on his part; and (3) he employed reasonable means to prevent and repel an aggression. On automatic review, the burden becomes even more difficult as appellant must show that the court below committed a palpable error in appreciating the evidence.[43]

Appellant Berdin miserably failed to discharge the burden. To reinforce his testimony that it was the victim who was the unlawful aggressor, he called our attention to the testimony of appellant Saluyo, thus:

"ATTY. DANO:

Q

At around 10:00 o'clock in the evening of June 10, 1997, can you recall of any unusual incident?

A

I could recall, sir.

Q

What was that incident?

A

Shout.

Q

Where was that shout that you heard that night of June 10, 1997 come from?

A

The shout came from the yard of Jayson Berdin.

Q

Do you know who was that person shouting?

A

Yes, I know, sir.

Q

Who was that person shouting?

A

I know it was Julian Mampo and I was certain because he is a native.

Q

Now, will you please declare to this Court what you have heard from the mouth of Julian Mampo?

A

The shout is like this sir, 'Jayson, kanaog ka kay patyon ta ka' meaning, 'Jayson, come down because I will kill you.'

Q

What else have you heard?

A

'Kay ikaw ang tig-report nga ako ang tig-pamutol og kahoy dinhi' meaning, 'Because you are the one reporting that I am the one cutting trees here.'

Q

Upon hearing that, what did you do?

A

I peeped in the hole.

Q

Did you see anything outside?

A

I saw nothing because it was dark.

Q

Because you have not seen anything outside and because it was dark, what did you do?

A

I was just inside my house.

x x x

Q

Then what else can you recall after the shouting stopped?

A

Berdin came to me.

Q

Then what transpired when Berdin approached you in your house?

A

He said, 'Nong ihatod ko sa kapitan kay mo surrender ko,' meaning, 'Nong, bring me to the Barangay Captain because I will surrender.'

Q

Did he tell you also why he is surrendering to the Barangay Captain?

A

He told me.

Q

What was the reason why he surrendered to the Barangay Captain?

A

According to him `nakapatay ako,' meaning, `I killed somebody.'

Q

Who was that person he killed?

A

According to him he killed Julian Mampo."[44]

Saluyo merely testified that he heard the victim threatening to kill Berdin. However, when he tried to take a look, he failed to see anything because it was dark. Verily, Saluyo failed to prove that the victim was the unlawful aggressor. Instead of fortifying Berdin's defense, he virtually affirmed its weakness.

In *Abrazaldo*, we held that "the plea of self-defense cannot be justifiably entertained where it is not only uncorroborated by any separate competent evidence but in itself is extremely doubtful."

Berdin's testimony is dubious. He testified that when the victim was hacking their door to gain entry, he still attempted to talk to him in order to thresh out their differences. If indeed his life was in peril, he could not have acted calmly. Uppermost in his mind at that time must have been the fact that his life was in danger and that to save himself, he had to do something to stop the aggression. To be sure, it was imperative for him to act on the spot. [45]

As aptly observed by the Solicitor General, the nature, character, location and extent of the victim's wounds clearly contradict Berdin's plea of self- defense, thus:

"The nature and the number of wounds inflicted by an assailant are constantly and unremittingly considered important indicia which disprove a plea of self-defense (*People vs. Daquipil*, 240 SCRA 314).

"The victim suffered two hack wounds on the forehead and one slash wound on the neck. One hack wound on the forehead measured 11 inches long, extending from the right portion of the forehead to the right ear, and 3 inches deep. The anterior neck was sliced from almost end to end, severing the windpipe. With the location and severity of these wounds, it is almost as if the victim was a sitting duck, affording the accused-appellants the full opportunity to strike him at the most vital parts of his body. The presence of numerous serious wounds on the victim, their nature and location disprove self-defense and instead show a single-minded effort to kill the victim."[46]

Anent the criminal liability of appellants Saluyo and Calejanan, suffice it to state that their version must necessarily fail. It bears emphasis that the prosecution witnesses positively identified, not only Berdin, but also both of them as the assailants. Thus, their defenses of denial and alibi cannot be sustained.

Time and again, we ruled that the positive identification of the appellants, when categorical and consistent and without any ill-motive on the part of the eyewitnesses testifying on the matter, prevails over alibi and denial. Unless substantiated by clear and convincing proof, which is not present in this case, such defenses are negative, self-serving, and undeserving of any weight in law.[47]

We find no reason to disturb the trial court's reliance on the testimonies of eyewitnesses Jemuel Mampo and Rudy Yamilo. It is well settled that the credibility of witnesses and their testimonies is a matter best undertaken by the trial court because of its unique opportunity to observe their firsthand account and to note their demeanor, conduct and attitude. To be sure, the trial court has the advantage of observing the witnesses through the different

indicators of truthfulness or falsehood.[48] Findings of the trial court on such matters are binding and conclusive on the appellate court, unless some facts or circumstances of weight and substance have been overlooked, misapprehended or misinterpreted.[49] This exception has not been shown in the case at bar.

We agree with the trial court that all the appellants conspired to kill the victim, Julianio Mampo. Conspiracy exists when two or more persons come to an agreement concerning the commission of a felony and decide to commit it.[50] The existence of conspiracy may be logically inferred and proved through acts of the accused that point to a common purpose, a concert of action, and a community of interest.[51] With the existence of conspiracy, it is no longer necessary to determine who among the malefactors rendered the fatal blow.[52]

Jemuel, the victim's son, testified that while Calejanan and Saluyo were holding his father's hands, Berdin hacked his head twice with a bolo. And when his father was about to fall, Calejanan and Saluyo held him up and immediately Berdin grabbed his head and slashed his neck.

Under the above circumstances, it is evident that Saluyo and Calejanan acted in unison with Berdin to commit the crime. Evidently, they were of one mind, not only in attacking the victim, but also in the manner in which the attack was accomplished. Their actions implicitly showed unity of purpose - a concerted effort to kill the victim. And although there was no proof of a previous agreement among them to commit the crime, conspiracy was evident from the manner of its perpetration.

In sum, the trial court correctly held that appellants are guilty beyond reasonable doubt of the crime of murder.

The only remaining issue is whether the crime was attended by aggravating circumstances.

The trial court correctly held that the killing of the victim was attended by treachery. There is treachery when the offender commits a crime against persons, employing means, methods or forms in the execution thereof which tend directly and specially to insure its execution, without risk to himself arising from any defensive or retaliatory act which the victim might make.[53] Two essential elements must concur: (a) the employment of means of execution that gives the person attacked no opportunity to defend himself or to retaliate; and (b) the said means of execution was deliberately or consciously adopted.[54]

Here, treachery was shown when the victim was attacked from behind. The sudden and unexpected assault without provocation on the part of the victim, who did not know he was being followed clandestinely by appellants, and without the slightest inkling of the fate that would befall him, placed him in a position where he could not effectively defend himself.

Obviously, the manner of killing was deliberately adopted. It bears reiterating that Calejanan and Saluyo held the victim's hands when Berdin hacked his head twice with a bolo. And when the victim was about to fall, again Calejanan and Saluyo held him. At once, Berdin grabbed the victim's head and slashed his neck. There is treachery when the attack is sudden and unexpected, rendering the victim unable to defend himself.[55] Treachery, being attendant in the slaying of the victim qualifies the crime into murder.[56]

In the case at bar, the prosecution failed to prove any other aggravating circumstance that warrants the imposition of the death penalty. Hence, the appropriate imposable penalty is the lesser penalty of reclusion perpetua, pursuant to Article 63(2) of the same Code.[57]

Regarding damages, we have held that when death occurs as a result of a crime, each appellant should be ordered to pay the heirs of the victim P50,000.00 as civil indemnity, without need of any evidence or proof of damages.[58]

Temperate damages, in lieu of actual damages, may be recovered when the court finds that some pecuniary loss

has been suffered but its amount cannot be proved with certainty,[59] as in this case. In *People vs. Abrazaldo*,[60] we computed temperate damages at P25,000.00.

As to moral damages, we award the victim's heirs the amount of P50,000.00 as moral damages.[61] For verily, moral damages are not intended to enrich the victim's heirs; rather they are awarded to allow them to obtain means for diversion that could serve to alleviate their moral and psychological sufferings.[62] Here, the victim's son unequivocally described how his family suffered wounded feelings for the death of his father.

Anent the award for exemplary damages, Article 2230 of the Civil Code provides that in criminal offenses, exemplary damages may be imposed only when the crime was committed with one or more aggravating circumstances. In *People vs. Catubig*,[63] we held that exemplary damages in the amount of P25,000.00 are recoverable if there is present an aggravating circumstance (whether qualifying or ordinary) in the commission of the crime.[64]

WHEREFORE, the assailed Decision of the Regional Trial Court, Branch 17, Kidapawan City, in Criminal Case No. 67-97 is hereby AFFIRMED with MODIFICATION in the sense that appellants JAYSON BERDIN, CASTRO CALEJANAN and LUCIANO SALUYO are sentenced to suffer the penalty of reclusion perpetua and ordered to pay, jointly and severally, the victim's heirs (a) P50,000.00 as civil indemnity; (b) P50,000.00 as moral damages; and (c) P25,000.00, as temperate damages.

Costs de officio.

SO ORDERED.

Davide, Jr., C.J., Puno, Vitug, Panganiban, Quisumbing, Ynares-Santiago, Carpio, Austria-Martinez, Corona, Carpio Morales, Callejo, Sr., Azcuna, and Tinga, JJ., concur.

[1] Penned by Judge Rodolfo M. Serrano, Rollo at 17-26.

[2] Rollo at 6.

[3] Transcript of Stenographic Notes (TSN) dated August 15, 1997 at 4; Records at 34.

[4] Id. at 5; Records at 35.

[5] Id. at 7; Records at 37.

[6] Id. at 5; Records at 35.

[7] Id. at 6-7; Records at 36-37.

[8] Id. at 7; Records at 37.

[9] Id. at 7-8; Records at 37-38.

[10] Id. at 9; Records at 39.

[11] Id. at 8; Records at 38.

[12] Id.

[13] Id. at 9; Records at 39.

[14] TSN dated September 30, 1997 at 3; Records at 74.

- [15] Id. at 4-5; Records at 75-76.
- [16] Id. at 14; Records at 85.
- [17] TSN dated October 29, 1997 at 4-5; Records at 120-121.
- [18] Exhibit "D", Records at 161; TSN dated October 29, 1997 at 5, Records at 121.
- [19] TSN dated October 29, 1997 at 6, 9-10; Records at 122, 125-126.
- [20] TSN dated February 25, 1998 at 6-7; Records at 194-195.
- [21] Id. at 8; Records at 196.
- [22] TSN dated May 14, 1998 at 4-5; Records at 223-224.
- [23] Id. at 5; Records at 224.
- [24] Id.
- [25] Id. at 5-6; Records at 224-225.
- [26] Id. at 6; Records at 225.
- [27] Id.
- [28] Id.
- [29] TSN dated October 6, 1998 at 8-9; Records at 321-322.
- [30] Id. at 9-10; Records at 322-323.
- [31] Id. at 11; Records at 324.
- [32] Id. at 12-13; Records at 325-326.
- [33] Id. at 13; Records at 326.
- [34] Id. at 14; Records at 327.
- [35] Id. at 15; Records at 328.
- [36] Id. at 17-18; Records at 330-331.
- [37] Id. at 19; Records at 332.
- [38] Id. at 20; Records at 333.
- [39] Rollo at 26.
- [40] Id. at 24-26.
- [41] Id. at 39-40.
- [42] Carlos Arcona y Moban vs. The Court of Appeals and People, G.R. No. 134784, December 9, 2002.
- [43] See People vs. Federico Abrazaldo, G.R. No. 124392, February 7, 2003.
- [44] TSN dated May 14, 1998 at 4-6; Records at 223-225.
- [45] See People vs. Arellano, 54 O.G. 7252.

[46] Rollo at 80.

[47] *People vs. Raquim Pinuela*, G.R. Nos. 140727-28, January 31, 2003.

[48] *People vs. Abrazaldo*, *supra*.

[49] *Id.*

[50] *People vs. Dulot*, G.R. No. 137770, January 30, 2001, 350 SCRA 591.

[51] *People vs. Martinez*, G.R. No. 124892, January 30, 2001, 350 SCRA 537.

[52] *Id.*

[53] *People vs. Bolivar*, G.R. No. 130597, February 21, 2001, 352 SCRA 438.

[54] *People vs. Arrojado*, G.R. No. 130492, January 31, 2001, 350 SCRA 679.

[55] *People vs. Basadre*, G.R. No. 131851, February 22, 2001, 352 SCRA 573.

[56] *People vs. Baltazar*, G.R. No. 129933, February 26, 2001, 352 SCRA 678.

[57] "Art. 63. Rules for the application of indivisible penalties. - In all cases in which the law prescribes a single indivisible penalty, it shall be applied by the courts regardless of any mitigating or aggravating circumstances that may have attended the commission of the deed.

"In all cases in which the law prescribes a penalty composed of two indivisible penalties, the following rules shall be observed in the application thereof:

x x x

2. When there are neither mitigating nor aggravating circumstances in the commission of the deed, the lesser penalty shall be applied.

x x x."

[58] *People vs. Joey Manlansing y Ambrosio and Mario Manlansing y Ambrosio*, G.R. Nos. 131736-37, March 11, 2002, 378 SCRA 685.

[59] *People vs. Solamillo*, G.R. No. 126131, June 17, 2003 at 23, citing *People vs. De la Tongga*, G.R. No. 133246, July 31, 2000, 336 SCRA 687, 700.

[60] G.R. No. 124392, February 7, 2003.

[61] *People vs. Solamillo*, *supra* at 24, citing *People vs. Marquez*, G.R. No. 136736, April 11, 2002, 380 SCRA 561; *People vs. Yatco*, G.R. No. 138388, March 19, 2002, 379 SCRA 432; *People vs. Matic*, G.R. No. 133650, February 19, 2002, 377 SCRA 314.

[62] *People vs. Pacina*, G.R. No. 123150, August 16, 2000, 338 SCRA 195, 215-216.

[63] G.R. No. 137842, August 23, 2001, 363 SCRA 621.

[64] *People vs. Samson*, G.R. No. 124666, February 15, 2002, 377 SCRA 25.

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