PABLO DELA CRUZ, PETITIONER, VS. COURT OF APPEALS AND PEOPLE OF THE PHILIPPINES, RESPONDENTS.

G.R. No. 139150. July 20, 2001

Ponente: KAPUNAN, J.

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KAPUNAN, J.:

In this petition for review on certiorari, SPO4 Pablo dela Cruz (petitioner) seeks the reversal of the Decision, dated November 20, 1998, of the Court of Appeals in CA-G.R. CR No. 19515 affirming his conviction for the crime of homicide. Likewise sought to be reversed and set aside is the appellate court's Resolution of June 14, 1999 denying petitioner's motion for reconsideration.

The Regional Trial Court (RTC), Branch 88 of Quezon City found petitioner guilty beyond reasonable doubt of homicide. He was sentenced to suffer the penalty of imprisonment for six (6) years and one (1) day of prision mayor as minimum, to twelve (12) years and one (1) day of reclusion temporal as maximum.

Initially, the Information filed against petitioner charged him with homicide. It stated:

> That on or about the 16[th] day of June, 1993 in Quezon City, Philippines, the said accused, with intent to kill and without any justifiable cause, did then and there, wilfully, unlawfully and feloniously attack, assault and employ personal violence upon the person of LTC VICENTE GARABATO, JR. Y GELLANGALA by then and there, shooting the latter on the different parts of his body with the use of a gun, thereby inflicting upon him serious and mortal wounds, which were the direct and immediate cause of his untimely death, to the damage and prejudice of [the] heirs of the said LTC. VICENTE GARABATO, JR. Y GELLANGALA.
>
> CONTRARY TO LAW.[1]

Subsequently, the Information was amended charging petitioner with murder. The Amended Information reads:

> That on or about the 16[th] of June, 1993 in Quezon City, Philippines, the said accused, conspiring and confederating with one whose true name, identity and whereabouts are still unknown and mutually helping each other, did then and there wilfully, unlawfully, and feloniously, with intent to kill and with treachery, attack, assault and use personal violence upon the person of one Lt. Col. VICENTE GARABATO, JR. Y GELLANGALA, by then and there shooting the latter with a gun and stabbing him with a bladed weapon, hitting him on different parts of his body, thereby inflicting upon said LTC. VICENTE GARABATO, JR. Y GELLANGALA serious and mortal wounds which were the direct and immediate cause of his death thereafter.
>
> CONTRARY TO LAW.[2]

At his arraignment, petitioner entered a plea of not guilty. Subsequently, trial ensued. The prosecution's account of the case is summarized by the Solicitor General in the appellee's brief as follows:

> Fr. Vicente G. Garabato, the deceased, is a Military Chaplain assigned at HQS-AFP, Camp Aguinaldo, Quezon City.
>
> Fr. Garabato hired Abundo Tad-y and Mario Mascardo in the construction of his house at Sangandaan, Quezon

City.

On June 16, 1993, at around 2:40 o'clock in the afternoon, the two workers were unloading construction materials consisting of wood and sand from a Ford Fiera owned and driven by Fr. Garabato. At that moment, Fr. Garabato was seated at the driver's seat.

The Ford Fiera was parked near the dead end of Marcel Drive, Sangandaan, Quezon City, which is about two (2) meters away from the house of Fr. Garabato being constructed because the Ford Fiera could not be parked near the house being constructed since the pathway leading to the house is very narrow or about one (1) meters [sic] wide only.

The Ford Fiera specifically was parked in front of the house of the petitioner, SPO4 Pablo De La Cruz (a Philippine National Police personnel assigned at RHGS, HQS, CAPCOM, Camp Karingal, Quezon City) where another vehicle was also parked behind it.

While the two workers were unloading the materials from the Ford Fiera, the petitioner who was standing at the garage of his house confronted Fr. Garabato on the manner by which the Ford Fiera was parked which practically blocked the petitioner's drive way in such a way that petitioner's "owner-type jeep" could not pass through. Petitioner demanded from Fr. Garabato to move the Ford Fiera backward and angrily uttered, "(P)utang ina mo, you are still there! Lalabas na ako."

Fr. Garabato reacted by saying, "(j)ust a minute. I will have the woods carried down". Thereafter, Fr. Garabato moved the Ford Fiera a little backward but there is another vehicle parked behind it so that he could not move the Ford Fiera backward further.

Enraged by Fr. Garabato's helpless effort to clear the driveway, petitioner suddenly shouted invectives anew at Fr. Garabato, "(P)utang ina mo, bumaba ka dito. I am in a hurry. You come down here". Father Garabato ignored petitioner's furious challenge.

Petitioner went out from the gate of his house, walked towards Fr. Garabato and grabbed the latter's collar. An old woman tried to pacify the petitioner.

Fr. Garabato moved his Ford Fiera forward at a distance of about 15 meters towards Tandang Sora, Avenue, leaving petitioner's driveway open. Immediately thereafter, Fr. Garabato got off from the Ford Fiera and helped his two workers unload the remaining materials.

Moments later, petitioner drove his jeep out from the garage of his house with his two kids on board at the backseat. Petitioner accosted Fr. Garabato to move his Ford Fiera since petitioner's jeep could not pass through abreast together with the Ford Fiera (the road is more or less five (5) meters wide).

Fr. Garabato drove the Ford Fiera forward and parked further at the side of the road. By that time, petitioner's jeep could already pass through the road.

At that moment, the two workers were standing behind the Ford Fiera, and they heard successive shots of gunfire. They instinctively turned their sights towards the origin of the gunshots; such that they saw smoke coming from the side of petitioner's jeep and saw petitioner seated in the driver's seat still holding his gun pointing towards the Ford Fiera.

Petitioner alighted from his jeep, walked towards Fr. Garabato's position, re-loaded his gun with another magazine and shot Fr. Garabato anew.

Petitioner immediately left the scene on board his jeep.

Out of fear of their lives, the two workers ran to the house being constructed. About half an hour later, Mario Mascardo went back to the locus criminis and there he saw the helpless body of Fr. Garabato surrounded by

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several curious spectators and police officers.

Fr. Garabato's body was rushed to Quezon City General Hospital by the responding police officers where he was pronounced dead on arrival.

Medico-legal Officer, Police Senior Inspector Vladimir Villasenor (a physician) conducted a post mortem examination on Fr. Garabato's body. He concluded that Fr. Garabato died of "(h)emorrhage as a result of multiple gunshot wounds of the body". The victim sustained six (6) gunshot wounds spread over his head and body. Four (4) of these wounds were diagnosed to be fatal, as the bullets pierced vital organs of the victim's body.

As a result of the police investigation conducted by SPO3 Jesus Patriarca, two (2) teams of policemen belonging to Sangandaan Police Station 2 of the Central Police District were dispatched to track down the petitioner's whereabouts who reportedly fled to Mindoro Oriental on the night of June 16, 1993, but the team returned on June 17, 1993 without arresting the petitioner.

While the manhunt continued, the petitioner's relatives sent surrender feelers to Sangandaan Police Station.

On June 19, 1993, petitioner gave himself up to Superintendent Efren Santos, Chief of Police of Sangandaan Police Station and other police officers in the presence of a tabloid reporter and with the assistance of his counsel, Atty. Constante A. Ancheta at the house of petitioner's relatives at Project 8, Quezon City. Petitioner turned over his service firearms, a caliber 38 revolver and an M-16 rifle. Petitioner gave himself up to the police authorities to clear his name from any culpability of the crime imputed against him.

Thereafter, petitioner was brought to the Sangandaan Police Station and was presented to the media by Superintendent Efren Santos. After a while, Director Pedro Sistoza, Regional Director, Central Police District, and Senior Superintendent Deony Ventura, District Director, Central Police District at Camp Karingal, Quezon City, again presented petitioner to the press.

At the Sangandaan Police Station, prosecution witnesses, Abundio Tad-y Benito and Mario Mascardo positively identified petitioner Pablo De La Cruz as the person who shot Fr. Garabato.[3]

For his part, petitioner interposed the twin defense of denial and alibi. The trial court summed up his version of the case as follows:

Accused firmly disclaims knowledge or participation in the aforesaid shooting incident. He denies having known or seen Fr. Garabato on June 16, 1993. He claims that at the time and date Fr. Garabato was shot, he was in Gagalangin Health Center in Tondo, Manila; that he and his two children, Carmela and Pamela, went to fetch his wife, Cornelia, who was employed therein as a midwife. From there, they would proceed to Baclaran Church to hear mass. This point was corroborated by defense witnesses, Cornelia de la Cruz (Pablo's wife) and Romeo Mabahagi (a janitor/utility man at Gagalangin Health Center). Romeo Mabahagi averred that as early as 2:00 in the afternoon of June 16, 1993, while on duty at Gagalangin Health Center, he saw Pablo de la Cruz and his wife and daughters at the health center. (TSN July 22, 1994 p. 11); that he cannot forget having seen Pablo de la Cruz at the health center on that particular date and time since incidentally, it was the birthday of one Dr. Perlita Yee, a physician at the said health center, and that there was even a birthday celebration then (TSN July 22, 1994, pp. 17-18); that he knew Pablo because he frequently sees him especially on Wednesdays whenever he fetches his wife, Cornelia, before they proceed to Baclaran Church to hear mass.

The Accused's defense is further corroborated by the testimony of witness, Ricardo Cuadra, who categorically stated that he witnessed the shooting incident which took place at Marcel Drive in the afternoon of June 16, 1993, and that he actually saw the face of the assailant, and he was certain that the assailant was NOT Pablo de la Cruz. (TSN July 7, 1994)[4]

After due trial, the court a quo rendered judgment finding petitioner guilty of homicide, not murder as was

charged in the Amended Information. The trial court ruled that the qualifying circumstance of alevosia was not sufficiently established by the prosecution. Upon the other hand, the trial court appreciated the mitigating circumstance of voluntary surrender. The dispositive portion of the trial court's decision reads:

> WHEREFORE, premises considered, Accused, SPO4 PABLO DE LA CRUZ, is found GUILTY BEYOND REASONABLE DOUBT for the crime of HOMICIDE for the death of Fr. Vicente G. Garabato Jr., and taking into account the mitigating circumstance of voluntary surrender, unattended by any aggravating circumstance, this Court hereby sentences said accused to an indeterminate penalty of IMPRISONMENT for six 6) years and one (1) day of Prision Mayor as minimum, to twelve (12) years, and one (1) day of Reclusion Temporal as maximum; and to indemnify the heirs of Fr. Vicente Garabato, Jr. in the following amounts:
>
> - One Hundred Thirty Two Thousand, Nine Hundred Twelve Pesos (132,912.00) as actual damages;
>
> - Fifty Thousand Pesos (P50,000.00) by way of indemnity;
>
> - One Hundred Thousand Pesos (100,000.00) as attorney's fees; and
>
> - To pay the cost.
>
> SO ORDERED.[5]

On appeal, the CA affirmed the conviction of petitioner for homicide. The appellate court, however, modified the penalty as it held that the trial court erred in appreciating the mitigating circumstance of voluntary surrender. According to the CA, voluntary surrender, to be appreciated, must be spontaneous and unconditional. These conditions were found to be absent in petitioner's case. The dispositive portion of the CA decision reads:

> IN VIEW THEREOF, the impugned decision of the trial court in Criminal Case No. Q-93-45654 is AFFIRMED with modification that the penalty be increased from an indeterminate penalty of IMPRISONMENT for SIX (6) YEARS AND ONE (1) DAY OF PRISION MAYOR AS MINIMUM TO FOURTEEN (14) YEARS, EIGHT MONTHS AND ONE (1) DAY OF RECLUSION TEMPORAL AS MEDIUM and to indemnify the heirs of Fr. Vicente Garabato, Jr. The total amount of One Hundred Eighty-Two Thousand, Nine Hundred Twelve Pesos (P182,912.00) as actual damages and indemnity for the death of Fr. Garabato, respectively. The award for attorney's fees against the accused-appellant is deleted. Costs against the appellant.
>
> SO ORDERED.[6]

Aggrieved, petitioner now comes to this Court alleging that:

> I
>
> THE PETITIONER IS AN UNFORTUNATE CASUALTY OF A JUDGE'S BIAS AGAINST ALIBI AS A DEFENSE.
>
> II
>
> THE PETITIONER WAS ADJUDGED GUILTY ON THE BASIS OF CLEARLY FABRICATED AND UNRELIABLE EVIDENCE.
>
> III
>
> THE JUDGMENT OF CONVICTION DISREGARDS THE ESTABLISHED DOCTRINE THAT WHERE THE FACTS ARE SUSCEPTIBLE OF TWO INTERPRETATIONS - ONE FOR ACQUITTAL AND THE OTHER FOR CONVICTION - THE INTERPRETATION CONSISTENT WITH INNOCENCE SHOULD BE ADOPTED.

IV

THE DEFENSE EVIDENCE IS CLEAR, CONVINCING AND CORROBORATED BY DISINTERESTED WITNESSES. IT FOLLOWS THE NATURAL ORDER OF EVENTS.

V

THERE IS NO EVIDENTIARY BASIS FOR THE AWARD OF DAMAGES AND ATTORNEY'S FEES.[7]

These allegations, except the last one on the award of damages,[8] shall be discussed together as they are interrelated and deal with the question of whether the guilt of petitioner for the crime of homicide was proven beyond reasonable doubt.

It is well settled in our jurisdiction that the determination of credibility of witnesses is properly within the domain of the trial court as it is in the best position to observe their demeanor and bodily movements.[9] Further, findings of the trial court with respect to the credibility of witnesses and their testimonies are entitled to great respect, and even finality, unless said findings are arbitrary, or facts and circumstances of weight and influence have been overlooked, misunderstood, or misapplied by the trial judge which, if considered, would have affected the case.[10] These findings are binding on this Court especially when affirmed by the appellate court.[11]

In this case, the trial court gave credence to the testimonies of the two prosecution witnesses, namely, Mario Mascardo and Abundio Tad-y Benito. These two witnesses were with the victim at the time that he was shot and they positively identified petitioner as the perpetrator of the crime. Their testimonies were corroborated by the testimony of another prosecution witness, SPO3 Jesus Patriarca, the police officer who investigated the incident. The trial court established thus:

> 3. That the accused killed the victim - The identity of the malefactor(s) is the crux of the controversy, and in many cases, the most difficult point to establish. But the positive identification of the assailant, by two (2) eyewitnesses namely, Mario Mascardo and Abundio Tad-y Benito, as corroborated by the testimony of SPO3 Jesus Patriarca on the spontaneous exclamations he heard from the spectators who witnessed the crime, shed light to this Court in identifying the culprit. SPO3 Jesus Patriarca testified that per his investigation conducted shortly after the shooting incident, he inquired from several spectators whom he found hovering at the locus criminis, as to who shot the victim and the spontaneous response he got was "Yun hong pulis na nakatira sa tapat." (TSN April 12, 1994, p. 13). The people confided to him the name "Pablo de la Cruz". It turned out that indeed, the informants were referring to the house of the accused, who was later determined and identified as the assailant.[12]

Contrary to petitioner's contention, the fact that Mascardo and Tad-y Benito worked for the victim does not in any way render their testimonies incredulous. Petitioner has not ascribed any ill motive on their part to wrongfully accuse him of the crime. In the absence thereof, Mascardo's and Tad-y Benito's respective testimonies are not affected by their relationship to the victim.[13]

Considering the positive identification of petitioner as the assailant of the victim by eyewitnesses to the crime, both the trial court and the appellate court correctly gave scant consideration to petitioner's defense of denial and alibi. Denial, if unsubstantiated by clear and convincing evidence, is a negative and self-serving evidence which deserves no greater evidentiary value than the testimony of credible witnesses who testify on affirmative matters.[14]

Moreover, for alibi to prosper, petitioner must prove not only (1) that he was somewhere else when the crime was committed, but (2) it must likewise be demonstrated that he was so far away that he could not have been physically present at the place of the crime or its immediate vicinity at the time of its commission.[15] Petitioner

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claimed that he was nowhere near Sangandaan, Quezon City where the crime was committed. He maintained that he was at the Gagalangin Health Center in Tondo, Manila at the time thereof.

To the mind of the Court, the distance between Sangandaan, Quezon City and Tondo, Manila does not preclude the possibility that petitioner could have been physically present at the place of the crime or its vicinity at or about the time of its commission. Pertinently, in People vs. Aspiras,[16] the Court did not appreciate the alibi of accused that he was in Las Pinas, Metro Manila when the crime was committed in Pozorrubio, Pangasinan. The Court held in that case that the distance between the two places, which is four (4) hours away, did not render it physically impossible for accused to be at the scene of the crime at the time of its commission. Similarly, in People vs. Mallari,[17] although the crime was committed in Olongapo City, the Court ruled that it was not physically impossible for the three (3) accused to be at said place (Olongapo City) even if they claimed to be elsewhere, namely, Bataan, Pampanga and Baguio City, at the time.

Indeed, alibi is a defense invariably viewed by the Court as weak. It is treated with disfavor simply because it is easily fabricated on the part of the accused, his friends, relatives and supporters.[18] Petitioner's defense of alibi is thus unavailing especially in light of the clear and positive identification of him as the assailant by two credible eyewitnesses who had no motive to lie.

Petitioner, however, impugns the evidence for the prosecution including the testimonies of Mascardo and Tad-y Benito alleging that these were fraught with inconsistent and incredulous statements. The prosecution allegedly tried to portray the victim as a "pacifist" and that he was "meek as a lamb" when in fact he was a Lieutenant Colonel assigned to the headquarters of the Armed Forces. The victim was not allegedly constructing his own residence in the area, as claimed by the prosecution, but was just renovating a house. The eyewitnesses allegedly claimed to have heard ten (10) gunshots but only six (6) gunshots were established. Petitioner denies owning a .45 caliber pistol and faults the prosecution for not presenting the same as evidence. He also claims that it would be inconceivable for him to kill the victim in the presence of his two (2) children, as narrated by the prosecution.

These alleged inconsistent and incredulous statements pertain merely to minor details and do not detract from the crux of the testimonies of Mascardo and Tad-y Benito that they witnessed the killing of the victim by petitioner. Even if the trial court found certain imputations made by the prosecution witnesses "exaggerated," still, these do not per se render the entire testimony unworthy of credence. "Falsus in uno, falsus in omnibus" is not a strict legal maxim in our jurisprudence. It is neither a test of credibility nor a positive rule of universal application. Therefore, it should not be applied to portions of the testimony corroborated by other pieces of evidence.[19] The CA aptly ruled on this point:

> It is further argued by the accused-appellant that Mascardo's testimony is exaggerated, and prevaricated (sic) rendering the evidence for the prosecution insufficient to establish the guilt of the accused beyond reasonable doubt. This contention is likewise devoid of merit. Even on the assumption that there are inconsistencies and exaggeration in Mascardo's testimony, they are on minor matters and cannot diminish the probative value of the said testimony. It should be noted that there are two (2) eyewitnesses for the prosecution and their testimonies corroborate each other in their material points, such as the who, the how and the when of the crime committed. x x x [20]

With respect to the non-presentation of the .45 caliber pistol, suffice it to say, that the presentation of the weapon is not a prerequisite for conviction.[21] As already discussed, there are ample evidence on record to warrant petitioner's conviction for the crime of homicide.

Petitioner further puts in issue the admission by the trial court of the statement made by the bystanders imputing the crime to petitioner as res gestae. SP03 Jesus Patriarca, a prosecution witness, testified that when he conducted

the investigation immediately after the incident occurred, he questioned those people at the scene of the crime if they know who shot the victim. The response he got was: "yun hong pulis na nakatira sa tapat" referring to petitioner. The trial court admitted this statement as part of res gestae. The Court finds no reversible error in this as the trial court correctly reasoned that:

> [A]lthough the people who gave this information were not presented on the witness stand, this Court still resolved to admit and consider this spontaneous exclamation from the spectators competent as "PART OF RES GESTAE". Records of this case reveal that the incident was reported to SPO3 Patriarca at around 2:45 in the afternoon of June 16, 1993, while the latter was on duty, and immediately, they rushed to the scene of the crime to investigate. It was at that instance that he gathered the aforesaid information.
>
> "RES GESTAE" refers to those exclamations and statements made by either the participants, the victim(s) or spectators to a crime immediately before, during or immediately after the commission of the crime, when the circumstances are such that the statements were made as a spontaneous reaction or utterance inspired by excitement of the occasion and there was no opportunity for the declarant to deliberate and to fabricate a false statement (People vs. Sanchez, 213 SCRA 70). As borne by evidence on record, all the elements of res gestae are sufficiently established, insofar as the aforequoted spontaneous utterance is concerned:
> a) the principal act (res gestae) - the killing of Fr. Garabato in broad daylight - is a startling occurrence;
>
> b) the statements were made before the declarants had time to contrive or devise - that is, within several minutes after the victim was shot; and
>
> c) that the statements must concern the occurrence in question and its immediately attending circumstances - the identity of the assailant is a material and vital information that concerns the aforementioned startling occurrence.[22]

In any case, as pointed out by the Solicitor General, even if the declaration was not to be considered as res gestae, the testimonies of Mascardo and Tad-y Benito positively identifying petitioner is sufficient to establish the latter's guilt.

Anent the appreciation of the mitigating circumstance of voluntary surrender, the CA correctly held that petitioner cannot avail himself thereof. When petitioner went to the Sangandaan Police Station, he did so purportedly to clear his name. It was not his intention to submit himself to the authorities and assume responsibility for the death of the victim. To be appreciated as a mitigating circumstance, the voluntary surrender must be spontaneous, i.e., the accused unconditionally submits himself to the authorities either because he acknowledges his criminal culpability or he wants to save them the trouble and expense necessarily incurred in his search and capture.[23] From the evidence on record, it does not appear that petitioner acknowledged his guilt nor wished to spare the authorities the task and expense of his arrest.

The award of actual damages in the amount of P132,912.00 in favor of the heirs of the victim was proper. As justified by the CA:

> As to the civil liability of the accused-appellant, Article 100 of the Revised Penal Code provides that "every person criminally liable for a felony is also civilly liable." Civil liability includes, inter alia, indemnification for consequential damages (Article 104, Revised Penal Code). Indemnification includes, inter alia, damages caused to the injured party. Corollary thereto, Article 2206 of the Civil Code of the Philippines provides that "the amount of damages for death caused by a crime or quasi-delict shall be at least Three Thousand Pesos (P3,000.00) x x x." The indemnity for death has been increased to Fifty Thousand Pesos (P50,000.00) by the Supreme Court on August 30, 1990. In the case at bar, since the guilt of the accused-appellant for the crime of homicide was proven by the prosecution beyond reasonable doubt, we find no reversible error in the assailed decision of the trial court ordering him to pay Fifty Thousand Pesos (P50,000.00) as indemnity for the death of Fr. Garabato and One Hundred Thirty-Two Thousand, Nine Hundred Twelve Pesos (P132,912.00) as actual

> damages. Actual damages is proper in this case since the prosecution was able to present receipts of expenses incurred by the victim's heir(s), representing funeral and burial expenses. (Vide Exhibits "O" and "P").[24]

There is, however, need to make a minor correction on the penalty imposed by the appellate court. The assailed decision imposed the indeterminate penalty of imprisonment for six (6) years and one (1) day of prision mayor as minimum to fourteen (14) years, eight (8) months and one (1) day of reclusion temporal as medium. The latter period should read as maximum following the Indeterminate Sentence Law which prescribes for the imposition of minimum as well as maximum terms.

WHEREFORE, the petition is hereby DENIED for lack of merit. The assailed Decision, dated November 20, 1998, of the Court of Appeals in CA-G.R. CR No. 19515 and its Resolution of June 14, 1999 affirming that of the trial court finding petitioner guilty beyond reasonable doubt of homicide are AFFIRMED with modification that the indeterminate penalty imposed on petitioner shall be six (6) years and one (1) day of prision mayor, as minimum, to fourteen (14) years, eight (8) months and one (1) day of reclusion temporal, as maximum.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Puno, Pardo, and Ynares-Santiago, JJ., concur.

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[1] CA Decision, pp. 1-2; Rollo, pp. 47-48.

[2] Id., p. 2; Rollo, p. 48.

[3] Comment, pp. 4-8; Rollo, pp. 95-99.

[4] RTC Decision, p. 6; Rollo, p. 72.

[5] Id., pp. 10-11; Rollo, pp. 76-77.

[6] See Note 1, p. 19; Rollo, p. 65.

[7] Petition, p. 6; Rollo, p. 24.

[8] The award of attorney's fees in this case had already been deleted by the CA. See Note 1, p. 19.

[9] People vs. Orio, 330 SCRA 576 (2000); People vs. Rendoque, 322 SCRA 622 (2000).

[10] Ibid.

[11] Galang vs. Court of Appeals, 324 SCRA 139 (2000).

[12] See Note 4, p. 8; Rollo, p. 74.

[13] People vs. Dacibar, 325 SCRA 725 (2000); People vs. Guillermo, 257 (1999).

[14] People vs. Lustre, 330 SCRA 189 (2000).

[15] People vs. Estorco, 331 SCRA 38 (2000); People vs. Baniel, 275 SCRA 472 (1997).

[16] 330 SCRA 479 (2000).

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[17] 241 SCRA 113 (1995).

[18] People vs. Bello, 327 SCRA 1 (2000); People vs. Cabiles, 284 SCRA 199 (1998).

[19] See Note 8.

[20] See Note 1, pp. 13-14; Rollo, pp. 59-60.

[21] People vs. Dando, 325 SCRA 406 (2000).

[22] See Note 4, pp. 8-9; Rollo, pp. 74-75.

[23] People vs. Canoy, 328 SCRA 385 (2000); People vs. Devaras, 205 SCRA 676 (1992).

[24] See Note 1, pp. 18-19; Rollo, pp. 64-65.

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