

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. GERRYMEL ESTILLORE Y POSTICO, APPELLANT.

G.R. No. 140348. July 18, 2003

Ponente: CARPIO MORALES, J.

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CARPIO MORALES, J.:

On August 1, 1997, appellant Gerryamel Estillore y Postico was charged before the Cavite City Regional Trial Court (RTC) with murder allegedly committed as follows:

That on or about April 2, 1997 in the municipality of Rosario, Province of Cavite, Philippines, a place within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, with treachery and evident premeditation and taking advantage of superior strength, did then and there willfully, unlawfully and feloniously, attack, assault and set on fire one Mary Jane Del Carmen with the use of gas or combustible liquid which caused her instantaneous death, to the damage and prejudice of the heirs of said Mary Jane Del Carmen.

CONTRARY TO LAW.[1] (Underscoring supplied)

Arraigned on August 11, 1998,[2] appellant entered a plea of not guilty.

From the evidence for the prosecution, the following are established:

At around 1:00 a.m. of April 2, 1997, Andres Cadavis, a co-tricycle driver-friend of appellant, while on board his tricycle in front of and about 5 meters away[3] from the house shared by appellant and his common-law wife Mary Jane (the victim) along Little Baguio, Wawa III, Rosario, Cavite, within the vicinity of the waiting area for passengers,[4] heard appellant shouting "Putang-ina mo." [5] Out of curiosity,[6] Cadavis stopped and "heard sighs as if the woman was crying." [7] He also heard "noise . . . kalabugan" [8] and perceived that the couple had a row.[9]

Cadavis soon left the scene when a passenger "on a special service" boarded his tricycle whom he ferried to Pandawan, barangay Sapa.[10]

After Cadavis left, prosecution witness Alfredo Guinaja, Jr., also a co-tricycle driver of appellant and who was at his house across the street and about six meters away[11] from the house of appellant repairing an airgun,[12] heard some thuds coming from the house of appellant.[13] Peering through his window, Guinaja saw appellant carrying his and Mary Jane's child and jumping out of the about one meter high window of his "very bright[ly]" lighted house.[14] Upon seeing him, appellant, in a "soft voice," [15] uttered "Pare, nasusunog kami" and asked for "tulong." [16]

Guinaja shouted for help, got a bucket of water, proceeded to the house of appellant and Mary Jane and after forcibly opening its closed door,[17] he poured water on the "burning thing" [18] partly slumped on a bamboo chair.[19] When the flame was extinguished, the burning thing turned out to be the body of Mary Jane who lay unconscious.[20] In the meantime, appellant's sister Erlinda Estillore Monton, whose house was about two meters away from appellant's house, went inside the couple's house and covered the victim Mary Jane with a blanket.

Appellant remained outside the house and never made any attempt to return inside.[21]

Eleazar Valencia, Jr., who was renting the house of appellant's mother adjacent to that of appellant, responding to Guinaja's call, arrived and carried the victim to Guinaja's tricycle[22] within the view of Cadavis who had in the meantime returned after he conducted his passenger to barangay Sapa.

Guinaja, together with appellant, brought the victim to the Divine Grace Hospital in Rosario, Cavite where they were followed by appellant's sister Erlinda. At the hospital, Mary Jane begged Erlinda: "Ate tulungan mo ako";[23] she also begged Guinaja: "Jun tulungan mo ako." [24] Guinaja soon left to inform appellant's mother and the victim's mother about the incident.[25]

Learning that the victim had suffered severe burns and was going to be brought to the Divine Grace Hospital in Rosario, Cavite, Cadavis repaired thereto where he saw appellant, Erlinda, and the victim in the emergency room[26] in the company of nurses. He there heard the victim stammer "Ate tulungan mo ako" and "Ate tulungan mo ako dahil sinunog ako." [27]

As the Divine Grace Hospital did not have the necessary apparatus to handle the burns as severe as those suffered by Mary Jane, she was transferred to the Jose Reyes Memorial Hospital in Manila[28] where she expired of 3[rd] degree burns in the afternoon of the same day.

A day after the incident, or on April 3, 1997, at about 10:00 a.m., Rosario, Cavite Police Officer (PO)2 Fernando Garcia conducted an investigation at the 3 x 4 meter dwelling of the couple, which was "attached" to the house of appellant's parents, where he found a gas lamp and a match near the door, [29] about one and a half meters away from the bamboo chair where part of the body of the victim was found slumped.

Two days after the incident, or on April 4, 1997, Guinaja gave a sworn statement[30] before the local police wherein he stated the following, among other things:

0.4. T: Maaari mo bang isalaysay kung anong klaseng pangyayari itong iyong nasaksihan?

S:

Noon pong ika-2 ng Abril 1997, humigit kumulang sa ika-1:00 ng umaga sa Bgy. Wawa III, Rosario, Cavite nasa loob po ako ng bahay namin at kasalukuyang ginagawa ko ang isang Air Gun matapos ko pong gawin ang Air Gun nakadinig po ako ng kalabugan sa katapat kong bahay sa bahay nina Gerry Estillore at Mary Jane ang ginawa ko po ay sumilip ako sa bintana at nakita ko po na naglililyab ang loob ng bahay nina Gerry at ang ginawa ko po ay nagsisigaw po ako ng sunog sunog at ako po ay dali-daling kumuha ng tubig at nagpunta po ako sa bahay nina Gerry dala ang isang container na tubig at nakita ko itong si Gerry na nagpapagpag ng apoy sa katawan at ako po ay pumasok sa loob ng bahay at nakita ko po ang isang bagay na naglililyab at ito ay dali-dali kong binuhusan ng tubig at natakot po ako ng mawala ang apoy ay tao pala ang binuhusan ko na nasusunog.

05. T: Noong maapula mo ang apoy ano pa ang sumunod na nangyari?

S:

Pumasok sa loob ng bahay si Linda kapatid ni Gerry Estillore at ang ginawa po ay inuga-uga po si Mary Jane at ng mag-kamalay po si Jane ay sumigaw at ang sabi ay "ATE TULUNGAN MO AKO" at ako naman po ay dali-dali kong inihanda ang traysikel ko at ang sabi ko ay DALI-DALI Gerry dalhin natin ito sa ospital at habang nasa traysikel na sina Jane at Gerry ay wala po akong nadinig at noon pong nasa hospital na po ay nagsalita uli si Jane at ang sabi ay "JUN TULUNGAN MO AKO ATE TULUNGAN MO AKO".

06. T: Ano pa ang sumunod na nangyari?

S:

Pinuntahan ko po ang magulang ni Jerry at pagkatapos naman po ay ang magulang ni Jane at sinabi ko ang nangyari.

07 .T: Mayroon pa bang ibang nangyari?

S:

Noon pong ika-3 ng Abril 1997, ay may dumating na mga reporter sa bahay nina Gerry at ng ako po a kausap ng mga reporter ay sinenyasan po ako ni Linda na huwag daw po akong mag-bbigay ng salaysay. (Underscoring supplied)

Also two days after the incident, Cadavis gave a sworn statement[31] before the local police stating the following, among other things:

05. T: Maaari mo bang isalaysay kung anong pangyayari itong iyong nasaksihan?

S:

Noon pong oras at araw na nabangit ay kasalukuyang namamasada po ako ng traysikel sa Wawa III noong ako po ay matapat sa bahay nina Gerry Estillo ay narining ko na may nag-aaway at nadinig ko ang boses ni Gerry na galit na galit at minumura ang kanyang asawa tumigil po ako at nakinig sa kanilang usapan nadinig ko po na nagmumura si Gerry ng "PUTANG INA MO" at nakadinig po ako ng kalabugan sa loob ng bahay.

06. T:

Ano ang ginawa mo ng madinig mo na minumura ni Gerry Estillo ang kanyang asawa at nakadinig ka ng kalabugan sa loob ng bahay?

S:

Naagaw po ang pansin ko ng may sumakay po sa aking pasahero at pagkahatid ko po ay nagmamadali po akong bumalik sa lugar ng bahay ni Gerry Estillo at nakita ko na itong sina Jun at Nuno na sakay sa traysikel at ako po ay tumuloy sa bahay nina Gerry Estillo at nalaman ko po na ang asawa ni Gerry Estillo ay nasunog don sa bahay na pinag-awayan nina Gerry at ng kanyang asawa.

07. T: Ano pa ang sumunod mong ginawa?

S:

Sumunod po ako sa hospital at nakita ko po si Maryjane Estillo y del Carmen na sunog at nadinig ko po ang sabi niya na "ATE TULUNGAN MO AKO SINUNOG AKO PAULIT-ULIT PO NIYA ITONG SINASABI AT NAKIKIUSAP SA DOKTOR NA GAMUTIN PO NINYO AKO PARANG AWA NA NINYO." (Emphasis and underscoring supplied)

In connection with the death of the victim, her family incurred P28,000.00 for funeral expenses, P10,000.00 of which had been reimbursed by the Social Security System (SSS), P3,000.00 for the autopsy of her body, and P500.00 for gasoline and food.

Gathered from the post mortem examination conducted on the body of the victim on April 4, 1997 by prosecution witness Dr. Renato Bautista, medico-legal officer of the National Bureau of Investigation (NBI), are the following:

POSTMORTEM FINDINGS[32]

Markedly cyanotic lips and nailbeds.

Body previously embalmed

Embalming wounds, sutured: Neck, antero-lateral aspect, right, 4.0 cm. long, trocar, abdomen, right upper quadrant, 4.0 cm. long.

Burns, 3[rd] degree, face, 20.0 x 22.0, 5[th] to 6[th] degrees of comprising approximately 50-60% of the total body surface invol[v]ing the anterior and posterior chest, abdomen and lumbar regions extending to the left gluteal region, both upper and lower extremities, anteriorly and posteriorly.

Wounds, incised: Upper extremities, postero-medial aspect, right, 20.0 cm. long, postero-lateral aspect, left, 19.0 cm. long.

Brain and other visceral organs, markedly congested.

Stomach, ¼ filled with partially digested rice and other food particles.

CAUSE OF DEATH: Burns, severe.

By Dr. Bautista's opinion, an accelerant like gasoline, gas and lighter fluid[33] was splashed on the body of the victim, as shown by the spread and extent of the burns.[34]

As to whether the victim could have uttered the statements attributed to her by the other prosecution witnesses, Dr. Bautista averred that the victim was physically capable of speaking clearly, or at least in a mumbling manner, after she was burned[35] since there was no sign that her tongue was damaged.[36]

Dr. Bautista ruled out the possibility of suicide based on the location of the burns[37] and their spread on Mary Jane's body,[38] and opined that his findings are consistent with a third party being responsible for the burns suffered by the victim.[39] Thus, he declared, quoted verbatim:

COURT'S QUESTIONS:

Q Is it possible, doctor, that the victim herself poured flammable over her head and burned herself?

A

The possibility exists, your Honor, but since there was no burn located on top of the head, as I mentioned earlier, the vertex, I don't think that thing happened here because if she poured herself this accellerant and lighted herself, this will be a very, very painful way to commit suicide which is not in our culture to the point that if one would like to commit suicide specially among females, they can just take poison or slash the wrist.

Q

So the fact that the hair of the victim was not completely burned rules out the possibility that she poured flammable over her head?

A

Yes, your Honor. I would like to call the attention, as far as the area of the burn is concerned, you will notice that the burns as far as the diagram is concerned are patches located on the face, on the different portions of the anterior chest, at the back and abdomen together with the lower and upper extremities.

Q

Are you saying that an outside force probably splashed the gasoline on her face or on the body and then lighted the victim?

A

That is what I am trying to impart, your Honor. It is possible that the victim received the splashes of that accelerant in a way that the accelerant was placed in a container and the assailant tried to splash her with the accelerant several times and then lighted her up explaining the fact that the burns that resulted were the so-called patterned burns.

Q Is it possible for the victim to have splashed the flammable on herself, the face and on her body?

A

If the victim tried to burn herself, the face, the neck, the anterior chest together with the entire abdomen would have been affected and not on the posterior portion, the backside, your Honor.

Q

So there is a possibility that the assailant went at the back or moved to the side or moved towards the back of the person and poured gasoline on her back?

A

Not necessarily, your Honor, to the point that if you are doused with accelerant, the tendency of the victim is to turn away, to turn his back on the assailant to the point that in so doing, part of the accelerant will be poured at the back of the victim. Initially, if you are facing one another and somebody is trying to pour flammable material at you, your tendency is to turn backward and in so doing, time will come that part of the accelerant will hit you at the back and when he or she sets you on fire, definitely that portion of the back will also get burned if there is that accelerant on it.

Q

You finding is more consistent on the fact that an outside element is responsible for the burning of the victim?

A Yes, your Honor.

Q

Inconsistent with the fact that she herself could have doused flammable on her body and lighted the same?

A

Yes, your Honor, inconsistent.[40] (Emphasis and underscoring supplied)

The defense suggested that the victim Mary Jane committed suicide.[41]

Appellant's version goes: On arriving home at about 10:00 p.m. on April 1, 1997 after watching basketball on television at a neighbor's house,[42] Mary Jane, who was unusually washing clothes at that particular time, asked him if he wanted to eat and he answered in the negative. He then summoned her to sleep, but she paid him no heed;[43] hence, he helped her wash clothes, after which he went to bed while she just sat beside him.[44]

He was later roused from sleep by the smell of gas. Upon opening his eyes, he saw the victim standing in front of the door inside their house[45] with her clothes on her "right thigh from the middle portion of it upward" on fire,[46] prompting him to rush towards her and embrace her in an attempt to put out the fire[47] in the course of which he also got burned on the left side of his body and on his left arm.[48]

He then shouted for help[49] but he got confused as the fire spread on the victim's body. Thinking that the entire house was going to be burned down, he carried their child and jumped out of the window, and brought the child to the adjacent house belonging to his mother which was being rented out.[50] On seeing Guinaja on the other side of the road, he asked him for help. Responding, Guinaja rushed towards their house and poured water on the victim.[51] His sister Erlinda also helped by putting a blanket around the victim[52] who, as she was being brought to the hospital, uttered "Papa, I love you." [53]

Defense witness Erlinda, sister of appellant, corroborated appellant's testimony regarding her extension of assistance to the victim and the utterance by the victim of "Papa, I love you."

Erlinda disputed prosecution witness Cadavis' claim that he heard the victim utter repeatedly at the hospital "Ate tulungan mo ako, sinunog ako," averring that the victim "would not ask any help from [her] if she was burned by others." [54]

Finding for the prosecution and noting that the killing was attended "by the aggravating circumstance that the accused employed means to weaken the defense by splashing an accelerant on the victim's face, which mode of attack was calculated to insure the commission of the crime without risk to the offender," the trial court convicted appellant in the appealed Decision,[55] the dispositive portion of which reads:

WHEREFORE, in view of all the foregoing considerations, this court hereby finds the accused Gerrymel Estillore y Postico guilty beyond reasonable doubt of the crime of Murder as charged in the Information, accordingly hereby sentences him to suffer the supreme penalty of death; and he is hereby ordered to pay the heirs of the deceased P50,000.00 as indemnity; P100,000.00 as moral damages; and P21,500.00 as actual damages. (Emphasis supplied).

Hence, this automatic review, with appellant claiming in his Appellant's Brief that:

THE TRIAL COURT COMMITTED GRAVE ERROR IN CONVICTING THE ACCUSED OF THE CRIME OF MURDER ON THE UNCORROBORATED THEORY, CONJECTURES, SUSPICION, SPECULATION AND SURMISES OF THE MEDICAL OFFICER WHO CONDUCTED THE AUTOPSY ON THE CADAVER OF THE VICTIM. (Underscoring supplied) [56]

Appellant contends that the records of the case will show that there was no direct and positive evidence to prove that it was he who burned the victim to death; nor was there any set of circumstantial evidence upon which his guilt beyond reasonable doubt may be inferred. He thus concludes that the trial court erred in relying totally and completely on the theory, conjecture and surmises of Dr. Bautista.

Appellant's contention is bereft of merit.

The trial court dwelt on Dr. Bautista's findings only to "belie" the suggestion of the defense that the victim committed suicide.

In determining whether appellant is guilty beyond reasonable doubt, the trial court considered the circumstantial evidence presented by the prosecution, which included the facts testified to by Cadavis and Guinaja whom it found to be both friends of appellant and who have no motive to falsely testify against him.

Circumstantial evidence is sufficient for conviction if: 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.[57]

The testimonies of Cadavis and Guinaja proved the following material circumstances to be present immediately before, during, and after the burning of the victim Mary Jane:

1)

As appellant and Mary Jane were quarrelling, thuds (kalabugan) were heard immediately before the latter was burned;

2) Only appellant, Mary Jane, and their child were inside the house at the time of the incident;

3)

After appellant jumped out of the window, he remained outside and did not return to the house to give succor or comfort to Mary Jane.

4)

While Mary Jane was being carried to the tricycle and while she and appellant were on the tricycle, the latter did not talk to her or utter a word of comfort despite the claim of the defense that the victim was uttering "Papa, I love you."

5)

The victim pleaded for help from Guinaja whom she addressed as "Jun" and appellant's sister Erlinda for help, but never from appellant.

6) The police found a gas lamp and a match by the door of the couple's house after the incident.

7)

The victim repeatedly uttered at the hospital "Ate tulungan mo ako, sinunog ako" and begged the doctor to treat her "parang awa na ninyo."

8)

The victim suffered 3[rd] degree burns on her "face, different portions of the anterior chest, at the back and abdomen together with the lower and upper extremities."

If by appellant's claim, he, on being awakened by the smell of gas, he saw the victim standing in front of the door with her "right thigh from the middle portion of it upward" burning, he could have put off the fire, or at least summoned for help, or open the nearby door of their 3 x 4 meter-house and push her out if he really thought that the entire house would be burned. But he did not. Instead, he carried their child, left the victim burning, and exited through the window, and it was only after Guinaja had come out of his house, after being attracted by the "brightness" of the fire, that he (appellant), in a "soft voice," asked for help. Such line of conduct does not speak of his innocence. His explanation of how his left side of his body and his left arm got burned -- while embracing the victim in an attempt to put off the fire -- does not convince for, as earlier stated, if by his claim, the victim's "right thigh from the middle portion of it upward" was burning, he could have easily extinguished the fire. Why he got burned could possibly have been occasioned when, in light of the doctor's opinion, "[t]he assailant tried to splash [the victim] with the accelerant several times and then lighted her lamp."

If, by the claim of the defense, the victim uttered "Papa, I love you" as she was being carried to, and while on board the tricycle, to thereby suggest that appellant had nothing to do with her burning, why did not appellant utter a word, as he himself admitted as did his sister? Would not an innocent "spouse," under the circumstances, have uttered words and showed gestures of endearment, comfort and assurance that she would be alright?

If the victim had committed suicide as suggested by the defense, why would she beg the doctor at the Divine Grace Hospital to help her, "parang awa na ninyo," just as she did seek help from Guinaja and Erlinda, but never

from appellant.

Appellant's sister Erlinda's denial that the victim had told her in the hospital that "sinunog ako," she (Erlinda) averring that the victim "would not ask any help from [her] if she was burned by others," does not lie not only because such justification defies comprehension but also because of the unassailed credibility of Cadavis who early on or two days after the incident stated in his sworn statement before the police that the victim had made such utterance.

It cannot then be gainsaid that a combination of all these enumerated circumstances, along with the unrefuted opinion of Dr. Bautista, that:

A

x x x It is possible that the victim received the splashes of that accelerant in a way that the accelerant was placed in a container and the assailant tried to splash her with the accelerant several times and then lighted her up explaining the fact that the burns that resulted were the so-called patterned burns. (Underscoring supplied),

points to appellant as the one who set the victim on fire which caused her death.

Appellant having failed to disprove the prosecution evidence showing his guilt beyond reasonable doubt, the affirmance of his conviction for murder under Article 248, par. 3 of the Revised Penal Code, as amended, is in order.

This brings us now to the imposable penalty. The trial court appreciated the aggravating circumstance that appellant employed means to weaken the defense and accordingly sentenced him to death.

The Revised Rules of Criminal Procedure requires, however, that every complaint or information should state not only the qualifying but also the aggravating circumstances.[58] In the case at bar, the information did not specifically allege that appellant employed means to weaken the defense nor show how the act which resulted in the death of the victim was committed. The said aggravating circumstance cannot thus be appreciated.

The penalty for the crime of Murder for which appellant is liable is reclusion perpetua to death. As there is neither aggravating nor mitigating circumstance in the case at bar, the lesser penalty of reclusion perpetua should be applied conformably with Article 63, paragraph 2, of the Revised Penal Code.

As for damages, while the heirs of the victim are entitled to moral damages without need of proof in line with the policy of the Court to award the same in case of violent death,[59] consistent with current case law, the award by the trial court of P100,000.00 should be reduced to P50,000.00.[60]

With respect to actual damages sustained by the heirs of the victim, the same may only be awarded if duly supported by receipts.[61] Since only the funeral expenses of P28,000.00, less the admitted reimbursement by the SSS of P10,000.00, and the autopsy expenses of P3,000.00 are duly supported by receipts, the award of P21,500.00 must be reduced to P21,000.00. [62]

WHEREFORE, the appealed Decision is hereby AFFIRMED with MODIFICATION. Appellant Gerrymel Estillore y Postico is hereby found guilty beyond reasonable doubt as principal of the crime of murder and is hereby sentenced to suffer the penalty of reclusion perpetua, with accompanying accessory penalty therefor. He is further ordered to pay the heirs of the victim, Mary Jane del Carmen, the amount of P50,000.00 as civil indemnity, P50,000.00 as moral damages, and the further sum of P21,000.00 as actual damages.

Costs de officio.

SO ORDERED.

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

Quisumbing, and Sandoval-Gutierrez, JJ., on official leave.

[1] Information, Records at 1-2.

[2] Id. at 23.

[3] TSN, October 12, 1998, at 28.

[4] Id. at 24-25.

[5] Id. at 8-9.

[6] Id. at 30.

[7] Id. at 53.

[8] Id. at 9.

[9] Id. at 8.

[10] Id. at 39.

[11] TSN, December 14, 1998 at 7.

[12] Id. at 10.

[13] Id. at 11.

[14] Id. at 12, 23, 24.

[15] Id. at 46.

[16] Id. at 12, 46.

[17] Id. at 13-14.

[18] Id. at 14.

[19] Id. at 15; TSN, October 13, 1998 at 17.

[20] TSN, December 14, 1998 at 26.

[21] Id. at 53.

[22] Id. at 15-16; TSN, February 9, 1999 at 50.

[23] TSN, December 14, 1998 at 35-36.

[24] Id. at 36.

[25] Id. at 31.

[26] TSN, October 12, 1998 at 42.

[27] Id. at 44; Records at 9.

- [28] TSN, October 26, 1998 at 8.
- [29] Id. at 9; Exhibit "D," photograph of gas lamp and match, Records at 76.
- [30] Exhibit "I," Records at 79.
- [31] Exhibit "B," Records at 9, 68.
- [32] Exhibit "M," Records at 63.
- [33] TSN, December 15, 1998 at 32-33.
- [34] Exhibits "L" and "L-1," photographs of the burned body of the victim, Records at 62.
- [35] TSN, Dec. 15, 1998 at 52, 57.
- [36] Id. at 55.
- [37] Id. at 58.
- [38] Id. at 59-60.
- [39] Id. at 62.
- [40] Id. at 58-62.
- [41] TSN, February 9, 1999 at 48.
- [42] TSN, April 14, 1999 at 57.
- [43] Id. at 25.
- [44] Id. at 26.
- [45] Id. at 28.
- [46] Id. at 27.
- [47] Id. at 29.
- [48] Id. at 38.
- [49] Id. at 62.
- [50] Id. at 31-32.
- [51] Id. at 34.
- [52] Id.
- [53] Id. at 36.
- [54] TSN, February 9, 1999 at 36.
- [55] Records at 118-130.
- [56] Rollo at 51-56.
- [57] Rules of Court, Rule 133, Section 4.
- [58] Rule 110, Section 8 states in pertinent part:

Designation of the offense. -- The complaint or information shall state the designation of the offense given by the statute, aver the acts or omissions constituting the offense, and specify its qualifying and aggravating circumstances. If there is no designation of the offense, reference shall be made to the section or subsection of the statute punishing it.

See *People v. Arrojado*, 350 SCRA 679, 695-696 (2001) (citation omitted).

[59] *People v. Umayam*, G.R. No. 134572, April 18, 2002, at 11-12 (citations omitted), citing *People v. Caboquin*, G.R. No. 137613, November 14, 2001.

[60] *People v. Arrojado*, 350 SCRA 679, 696 (2001) (citation omitted).

[61] *People v. Feliciano*, 365 SCRA 613, 632-633 (2001) (citations omitted).

[62] Exhibit "A" at 74 and Exhibit "B" at 87.

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