PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. PETER PELERAS AND MELITO CALZA, ACCUSED-APPELLANTS.

G.R. No. 140512. September 13, 2001

Ponente: GONZAGA-REYES, J.

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GONZAGA-REYES, J.:

Peter Peleras and Melito Calza were charged with MURDER for the death of Nicasio Araos in an Information[1] which reads:

> "That on or about September 1, 1996, in the afternoon at Brgy. Catuday, municipality of Bolinao, province of Pangasinan, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping each other, with intent to kill, with treachery and evident premeditation and taking advantage of superior strength, did then and there wilfully, unlawfully and feloniously attack, club and hack Nicasio Araos with a piece of wood and a bolo, inflicting upon him the following:
>
> -Compound fracture of the left temporo frontal bone, left maxillary bone and adjoining structures with displacement of the face to the right.
>
> -Incised wound about 6 x 1½ inches located at the right upper part of anterior chest perpendicular to the right clavicle.
>
> -Incised wound about 2 inch x 1 inch located at the right shoulder
>
> which caused his untimely death as a consequence, to the damage and prejudice of the heirs of Nicasio Araos.
>
> CONTRARY to Art. 248 of the Revised Penal Code.
>
> Alaminos Pangasinan, February 6, 1997."

Upon their arraignment on March 13, 1997, both accused, duly assisted by counsel, pleaded not guilty to the crime charged.[2]

The prosecution's evidence shows that at around six o'clock in the evening of August 31, 1996, witness Exequel Robanillo was having a drinking session with Elmer Conde, together with the two accused, Peter Peleras and Melito Calza, at the latter's house located at Brgy. Catuday, Bolinao, Pangasinan.[3] While they were drinking gin, accused Melito Calza uttered that his blood boils everytime he would see their overseer and paymaster, Nicasio Araos, and that he wanted to kill the old man (referring to Araos).[4] It appears that Calza was angered when his men were removed from the farm owned by Jose Tan and he was replaced by Nicasio Araos as caretaker of the farm in August 1996.[5] The group finished drinking at around 9:00 in the evening.

On September 1, 1996, at around seven o'clock in the morning, Xandy Araos together with his father, Nicasio Araos, left their house at Dagupan City to buy a goat at Brgy. Catuday, Bolinao, Pangasinan.[6] Both went to the house of barangay captain Jess Ramirez, but they failed to buy a goat; thus, Nicasio Araos told his son Xandy that

the former would proceed to his workplace in the farm and Xandy would just wait thereat. Xandy then proceeded to Barangay Paraging after which he went to the farm and waited for his father who failed to come back. At 9:30 p.m., Xandy went to the barangay captain and reported that his father was missing.[7] Xandy then went home to Dagupan to inform his mother.

On the same day, September 1, 1996, at around 10 o'clock in the morning, witness Marcelo Gonzaga was invited by accused Peleras to drink gin with him together with accused Melito Calza at the latter's house where both accused lived.[8] While they were drinking, Gonzaga saw the vehicle of an old man whom he did not know (whom he later learned to be Nicasio Araos) pass by.[9] At around two or three o'clock in the afternoon, accused Peleras and Calza invited Gonzaga to the farm where both accused worked, which was just half a kilometer away from the house of accused Calza.[10] Upon reaching the farm, Gonzaga saw an old man with gray hair (Araos) standing near a small nipa hut.[11]When accused Peleras saw Araos, he (Peleras) covered his face with a face towel and pulled out a piece of wood about one (1) meter long from a wooden fence and went near Araos.[12] Suddenly, Peleras, clubbed Araos with the piece of wood on the latter's lower back portion. Araos then ran toward the north with accused Peleras chasing him, but the latter was not able to overtake him. Araos was then met by accused Melito Calza.[13] Araos retreated and picked up a piece of wood, struck back at Peleras hitting the latter on the head. Araos tried to flee but he fell down, whereupon accused Peleras clubbed him with a piece of wood while Calza hacked him with a bolo. Witness Gonzaga, who was just standing about thirty (30) meters away from Araos, turned around because he was afraid and left hurriedly.

Dr. Juan Celeste, Municipal Health Officer of Bolinao, Pangasinan, conducted the autopsy on the cadaver of Nicasio Araos with the following findings: (1) body in an advanced state of decomposition; (2) Compound fracture of the left temporo frontal bone, left maxillary bone and adjoining structures with displacement of the face to the right; (3) Incised wound about 6x1½ inches located at the right upper part of anterior chest perpendicular to the right clavicle; (4) Incised wound about 2 inc. x 1 inch located at the right shoulder. He testified that injury number 2 was fatal and caused by a blunt instrument such as a piece of wood while injuries numbers 3 and 4 were caused by a sharp bladed instrument such as a bolo.[14]

Accused Melito Calza interposed the defense of alibi. He testified that on September 1, 1996, at around 9 o'clock in the morning, he, together with his wife and three (3) stepchildren, went to the land owned by Mr. Joe Tan to cut trees to be made into charcoal. They worked until 3:00 p.m., after which, they all went to his (accused Calza's) nearby farm where they constructed a fence, finished working at 5:00 p.m. and then went home.[15] Calza's alibi was corroborated by his wife, Delia Calza, stepson Geodel Conde, step daughter Maritess Conde and nephew Edmund Peleras.

For his defense, accused Peter Peleras denied having committed the crime and pointed to witness Marcelo Gonzaga as the assailant of Nicasio Araos. He testified that on September 1, 1996, after his co-accused Calza and his wife left at around 8:00 a.m. to go to the ricefield, Marcelo Gonzaga came to his house with a bottle of gin and invited him for a drink.[16] While they were drinking, victim Nicasio Araos and Elmer Conde arrived riding in a jeep. When Gonzaga saw Araos, the former told Peleras that the old man (Araos) embarrassed him when he did not let him ride in his jeep saying that his jeep was not a passenger jeep.[17] After Araos and Conde left, Peleras was asked by Gonzaga to accompany the latter to Araos as Gonzaga wanted to talk to him. Peleras acceded and led Gonzaga to the farm where Araos worked. Gonzaga then picked up a piece of wood and immediately clubbed Araos, who was standing near the nipa hut, and who struck back at Gonzaga with a piece of wood.[18] While the two were fighting, he (Peleras) tried to pacify them but he was hit by Araos on the left portion of his head.[19] Gonzaga continued to club Araos until the latter fell down. Then Gonzaga and Peleras proceeded to the former's house where Gonzaga treated Peleras' wound. They took their lunch together and after a while Peleras went home

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to accused Calza's house at around 2:30 p.m.[20] and got one hundred pesos from accused Calza, and then returned to Gonzaga's house where he was given an additional sum of one hundred sixty pesos for his fare to Isabela.

On August 27, 1999, the Regional Trial Court, First Judicial Region, Special Court, Branch 54, Alaminos Pangasinan, rendered its decision[21] finding accused Peter Peleras and Melito Calza guilty of Murder, sentencing them to suffer the penalty of reclusion perpetua, and ordering the accused to pay jointly and severally the sum of TWO HUNDRED FIFTY THOUSAND PESOS (P250,000.00) for moral damages and another sum of SEVENTY FIVE THOUSAND NINE HUNDRED SEVENTY THREE and SIXTY FIVE CENTAVOS (P75,973.65) as actual damages.

The trial court found the denial and alibi interposed by accused Peter Peleras and Melito Calza respectively to be weak, and cannot stand against the strong and positive identification of prosecution witness Marcelo Gonzaga who testified on their presence at the crime scene. The court observed that accused Melito Calza failed to prove the impossibility for him to be at the crime scene considering that the distance between the forest, where they were allegedly cutting trees, and the hut where the crime was committed could be negotiated by a fifteen (15) to twenty (20) minutes walk. It also found that the accusation of accused Calza that witness Gonzaga was his "karibal" in the courtship of Delia Calza did not establish a sufficient ill motive on the part of Gonzaga to testify against him. As to accused Peleras' submission that it was not he who clubbed victim Araos but witness Gonzaga whom he allegedly accompanied to the farm, the court noted that the testimony of Peleras was unreliable when compared to Gonzaga's testimony which was very natural, convincing and credible. The trial court concluded that accused Peleras testimony was unbelievable considering that after the incident happened on September 1, 1996, he was nowhere to be found as he fled to Isabela. The court found the existence of conspiracy in the commission of the crime. It also found that treachery qualified the killing to murder since the attack made by Peleras against Araos was so sudden and unexpected and the victim was not in a position to offer an effective defense, i.e. the victim who was standing near the hut did not know of an impending attack on his person; when Araos ran toward the north, he was met by accused Calza and when Araos ran downhill and fell, he was clubbed by Peleras and hacked by Calza to death.

Hence, this appeal.

Accused-appellants allege that the trial court erred in giving full weight and credence to the testimonies of prosecution witnesses Marcelo Gonzaga and Exequel Robanillo and in totally disregarding their defense of alibi and denial.

Appellants contend that their conviction was based not on the strength of the prosecution's evidence but on the weakness of the defense; that the great portion of the appealed decision dwelt mainly on the rationalization of the trial court in disregarding the evidence for the defense without stating why it gave more credence to the testimonies of the prosecution witnesses particularly Marcelo Gonzaga and Exequel Robanillo.

It bears emphasis that where the issue is one of credibility of witnesses, the appellate court will generally not disturb the findings of the trial court unless some facts and circumstances may have been overlooked that may otherwise affect the result of the case.[22] For it is the peculiar province of the trial court to determine the credibility of the witness because of its superior advantage in observing the conduct and demeanor of the witness while testifying.[23]

Prosecution witness Gonzaga positively identified accused-appellants Peter Peleras and Melito Calza as the killers of Nicasio Araos. We find no cogent reason to set aside the trial court's evaluation of the testimony of Gonzaga as worthy of credence, as it was supported by the records. His testimony in the direct examination is as follows:[24]

"PROS. RABINA:

Q:

Now, when you arrived at the place wherein the two accused invited you and that there was a man there, where is that person whom you saw when you arrived at that place was at the time?

A:

He was near south of the hut, sir.

Q:

By the way, how big is that nipa hut wherein you saw that old man with white hair?

A:

Very small hut, sir.

Q:

By the way, how far is the old man from that nipa hut when you saw him? How many meters, to be exact, was he away from that nipa hut?

A:

(Witness pointing to a place inside the court-room).

PROS. RABINA:

About four meters away, your honor.

COURT:

Four meters?

PROS. RABINA:

Yes.

Q:

And what was the old man doing when you saw him at that distance from the nipa hut?

A:

He was standing, sir.

Q:

Immediately after that, what happened, if any?

A:

Peter Peleras went near the old man, sir, and he covered his face.

Q:

And what did Peter Peleras use in covering his face?

A:

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A towel, sir.

Q:

And what else did Peter Peleras do, if any, before he went near to the victim Nicasio Araos?

A:

He pulled a piece of wood, sir.

Q:

And from where did Peter Peleras pull that piece of wood?

A:

From the fence of the plant, sir.

Q:

And can you tell the Honorable Court how big is that piece of wood which Peter Peleras pulled before going to the place where that old man was standing?

COURT:

Witness demonstrating the diameter at one and one-half inches.

ATTY. CARIÑO:

We agree, your Honor.

PROS. RABINA:

Q:

And how long was that piece of wood that Peter Peleras pulled from, that was pulled by him?

A:

(Witness demonstrating the length of the wood).

COURT:

One meter, more or less.

PROS. RABINA:

One meter, more or less, yes.

Q:

And do you know what Peter Peleras did with that piece of wood which he pulled and then, went near that old man?

A:

He used that in clubbing the old man, sir.

Q:

And do you know what part of the body of the old man was hit when Peter Peleras clubbed him with that piece

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of wood?

A:

(Witness demonstrating and pointed to the lower portion of his back).

Q:

And how many times did Peter Peleras, club the lower portion of the nape of that old man?

A:

He clubbed once and then, after that, the old man ran towards the north, sir.

Q:

And what did Peter Peleras do after Araos ran towards the north?

A:

He chased him, sir.

Q:

And was Peter Peleras able to overtake that old man?

A:

When Peter Peleras chased the old man, going north direction, he was not able to overtake him but Melito Calsa met him, sir. Melito Calsa met the old man, that is why the old man returned back, proceeding to the west, going downhill.

Q:

And what happened after that, when the old man returned, went downhill and proceeded to the west?

A:

The old man also got a piece of wood, sir.

Q:

And what did the old man do with that piece of wood he picked up?

A:

The old man clubbed the head of Peter Peleras and after that, the old man ran away and fell down, sir.

Q:

When the old man ran away and fell down, what happened after that ?

A:

They clubbed him and hacked him, sir.

Q:

By the way, who clubbed him?

A:

Peter Peleras, sir.

Q:

What kind of weapon did Peter Peleras use in clubbing the victim, that old man you are referring to?

A:

A piece of wood, sir.

Q:

The same piece of wood that was used by the accused Peleras in clubbing the deceased?

A:

A different one, sir.

Q:

And can you tell the Honorable Court which is bigger, the first one used by the accused Peleras or the second one?

A:

The second one is bigger but shorter, sir.

Q:

And can you tell the Honorable Court the length of that bigger piece of wood used by Peter Peleras in clubbing the victim?

COURT:

Witness demonstrating the length to be about one meter.

PROS. RABINA:

Yes, your honor.

ATTY. CARIÑO:

Yes, one meter.

PROS. RABINA:

Q:

And you said it is bigger than the first one used by the accused Peleras. How big is that wood or the circumference of that wood?

A:

(Witness demonstrating that the wood is as big as his left fist).

Q:

Now, you said that they clubbed him and also hacked him. Who hacked the victim?

A:

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Melito Calsa, sir.

COURT:

Q:

What did Melito do?

A:

He hacked him, sir.

PROS. RABINA:

Q:

And can you tell the Honorable Court how many times did Melito Calsa hack the victim?

A:

I do not know how many times, sir, because at the time that he was hacking the victim, I turned my back, sir.

COURT:

Q:

Why did you turn your back?

A:

I was afraid because of the hacking, sir.

PROS. RABINA:

Q:

And while accused Melito Calsa was hacking the victim, what was Peleras also doing?

A:

What I know is, when the old man fell down, Peter Peleras clubbed him, sir, and when Melito Calsa was about to hack him, I turned my back.

Q:

And by the way, where were you at the time when the two accused were allegedly clubbing and hacking the victim?

A:

I was outside the fence, sir.

COURT:

Q:

What is the distance?

A:

About thirty meters, sir."

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Witness Gonzaga was able to narrate in a very detailed manner how the killing happened because he was only about 30 meters away from the crime scene. Despite the intensive cross-examination by the defense counsel, Gonzaga remained consistent and unwavering in his declaration that Peleras clubbed the victim and Calza hacked Nicasio Araos.

Moreover, Gonzaga's testimony is materially corroborated by the autopsy report submitted by Dr. Juan Celeste on the injuries sustained by the victim. Dr. Celeste testified that the fracture on the left temporo frontal bone, left maxillary bone and adjoining structure was caused by a blunt instrument such as a piece of wood inflicted while the assailant was facing the victim, and the incised wounds about 6x1½ inches located at the right upper part of the anterior chest perpendicular to the right clavicle was caused by a sharp bladed instrument while the victim was lying down. This gave credence to Gonzaga's testimony that when Araos fell down, accused Peter Peleras used a piece of wood in clubbing the victim while accused Melito Calza hacked the victim.

Appellants also claim that Gonzaga's testimony that accused appellants shouted at him not to reveal what happened and threatened to kill him and his family while he was fleeing from the crime scene, is not worthy of belief considering that the act of shouting would surely have invited the attention of the workers in the farm.

We are not convinced.

It was established through the testimony of the defense witnesses that September 1, 1996 was a Sunday and the defense failed to show that there were people working in the farm on that day who could have heard appellants shouting.

Appellants also tried to discredit witness Exequel Robanillo's testimony, asserting that it was impossible for appellant Melito Calza to have told Robanillo about his ill feelings against Araos, i.e., Calza's blood boils everytime he would see Araos, and that Calza wanted to kill Araos.

We find said argument devoid of merit.

It must be recalled that appellant Calza blurted out the alleged remark in a drinking session, i.e., after consuming 4 bottles of gin, and was under the influence of liquor, Calza poured out to his drinking buddies the anger he had been harboring against Araos. Appellant Calza had reason to entertain ill feelings against Araos considering that Calza was replaced by deceased Araos as caretaker in the farm sometime in August 1996. Moreover, witness Robanillo's observation during the time he was together with the accused-appellants in their search for Araos established the guilt of the accused-appellants since he noticed that the accused-appellants were pointing to a different direction away from the place where the body of Araos was found. Significantly, appellants failed to show any ill motive for Robanillo to fabricate such a story against appellant Calza.

Appellants also argue that prosecution witness Marcelo Gonzaga admitted that he was forced by the police authorities to sign a sworn statement which the police prepared and he did not understand the contents thereof. Appellants point out that Gonzaga was originally an accused in the case before the Municipal Trial Court when the same was under preliminary investigation but was discharged and became a state witness although he was the actual perpetrator as testified to by accused-appellant Peter Peleras.

Such argument deserves scant consideration.

Although Gonzaga was originally included as one of the accused for purposes of preliminary investigation, Gonzaga's counsel manifested his client's willingness to be a witness in order to tell the truth as to what had happened. Thus upon investigation conducted by the judge of the Municipal Trial Court and upon being convinced that Gonzaga had no participation in the commission of the crime, the judge recommended that

Gonzaga be dropped in the Information filed before the Regional Trial Court. While Gonzaga admitted that he did not understand the affidavit since it was written in English, he however, clarified that he understood its contents when it was translated in Ilocano and affirmed the contents of his affidavit in open court. As noted by the trial court, Gonzaga's declaration in his sworn statement was consistent on material points with his testimony given in open court. Thus, upon clarification made by the trial court, Gonzaga testified:[25]

"Q. Did you understand that which you read because that is in Ilocano?

A. Yes sir

Q. Since you claim before the Court now that you understand or understood this Exhibit "B", will you read paragraph 9?

NOTE: Interpreter reading paragraph of Exhibit "B" to the witness.

Q. Did you understand the question and did you understand your answer?

Q. Do you still affirm that paragraph 9 question and answer of Exhibit "B-1"?

A. Yes sir

On cross examination, Gonzaga testified:[26]

Court:

Q. By the way, when you signed that affidavit, were you laboring under the impression that they may bodily harm you, to be inflicted by the police who was investigating you, that is, because of that fear, you signed the affidavit , because you were frightened?

A. Yes, sir.

Q. So, the impression of the Court is that you signed Exhibits "B" and "B-1" because the police threatened to bodily harm you ?

A. Yes sir.

Q. Is it not that you testified this morning that you were about thirty meters away when this accused Peleras clubbed the victim which according to you was Nicasio Araos and that, after clubbing the victim, another person by the name of Melito Calza hacked the deceased and after you saw that he was in the process of hacking the deceased, you turned your back so that you cannot see when he was hacking the deceased, is that correct?

A. yes sir.

Q. What you told the court, is that the truth?

A. Yes sir.

Q. But you are no longer laboring under some fear of being bodily harmed by the police?

A. No more, sir, because I already told the truth.

Q. So that, the scenario now here is that, when you signed the Affidavit which is Exhibits "B and B-1", you were threatened by the police but despite the fact that you were threatened by the police, that what you have testified that you have told the truth, is that correct?

A. Yes, sir.

Court:

Q. The Court is surprised that when the Court perused or read Exhibits "B" and "B-1" which according to you was secured by the police by the use, by threatening you and the fact that you do not know the contents of Exhibits "B" and "B-1", yet the Court is surprised why your declaration now on the questions of the Court on what really happened on that fateful day when Araos was killed is strikingly similar with that which you have stated in your affidavit. Now, tell the Court, did you really tell the police what you told the Court now?

A. Yes sir. When they asked me that question, I answered it immediately because I do not want that they will harm me.

Q. What question are you referring to, the killing of Nicasio Araos by these two accused?

A. Yes sir.

Atty. Carino:

Q. When you signed the document, Exhibit "B" and "B-1" the reason you gave to the Court is that you were afraid of the police, that is why you signed it but that is not clear to you.

A. They told me to tell the truth so that they will not harm me, sir, that is why I told the truth to the police.

Q. The truth of what happened, as you saw it?

A. Yes sir."

Accused-appellants interposed the defense of alibi and denial. This Court has repeatedly held that for alibi to prosper, it is not enough to prove that appellants were somewhere else when the offense was committed, but it must likewise be demonstrated that they were so far away that they could not have been physically present at the place of the crime or its immediate vicinity at the time of its commission.[27] He must also demonstrate that it was physically impossible for him to have been at the locus criminis at the time the crime was committed.[28] In the instant case, both accused failed to show the physical impossibility of their presence at the crime scene. Accused-appellant Calza claimed that he was in the forest with his wife and stepchildren, but as admitted by his wife, in her testimony, the distance from the forest to the hut, where the killing took place, was only a 15 to 20 minute walk. The weakness of appellant Calza's alibi was bolstered by the fact that corroboration thereof was made by relatives. Alibi becomes less plausible when it is invoked or sought to be crafted mainly by accused himself and his immediate relatives.[29]

For his part, accused-appellant Peleras admitted he was at the crime scene but denied he had any participation in the killing which he imputed to prosecution witness Marcelo Gonzaga. However, Gonzaga was not a farm worker and did not even know the victim before the incident, and we find no error in the trial court's refusal to give credence to Peleras' testimony which it found to be unreliable when compared to Gonzaga's testimony which was very natural, convincing and credible. In disregarding the testimony of accused Peleras, the trial court observed:[30]

"For why will the Court believe the testimony of the accused Peleras when on September 1, after the incident occurred he was nowhere to be found, as in fact, Exh "1" of the defense evidence shows that he got money in the amount of One Hundred Pesos from accused Calza and another sum of One hundred Sixty Pesos from Gonzaga and later escaped or fled to Isabela. In other words, there was flight and in People vs. Doro, 282 SCRA 1, the Supreme Court said: "The wicked fleeth even when no man pursueth, but innocent are as bold as a lion."

Another point, Peleras testified that after Gonzaga allegedly struck or clubbed the deceased and when he

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> observed that the victim was no longer moving, both left. This particular testimony is incredible. The injuries suffered according to the medical doctor was not only due to injuries caused by blunt instrument but that the deceased suffered also incised wound, about 6x1½ inches at the upper part of the anterior chest and another incised wound 2 inches by 1 at the right shoulder."

We agree with the trial court that treachery attended the killing and qualified the crime to murder. Abuse of superior strength is absorbed in treachery. There is treachery when the offender commits any of the crimes 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 the defense which the offended party might raise.[31] The essence of treachery is a swift and unexpected attack on the unarmed victim without the slightest provocation on the victim's part.[32] The fact that treachery may be shown if the victim is attacked from behind does not mean it can not also be appreciated if the attack is frontally launched. Thus, this Court has ruled that even a frontal attack can be treacherous when it is sudden and the victim is unarmed.[33] In this case, Araos was standing near his nipa hut when Peleras, with a face towel covering his face, pulled a piece of wood, approached Araos, who was unarmed, and without any provocation on the part of the latter, clubbed him hitting the lower portion of his back. After Araos fell to the ground, Peleras clubbed and Calza hacked the unarmed victim to death. The foregoing also clearly established that the accused-appellants acted in concert with apparent concurrence of sentiment to kill Araos.

Under Article 248 of the Revised Penal Code as amended by RA 7659, the penalty for murder is reclusion perpetua to death. There being no aggravating and mitigating circumstance, the trial court correctly imposed the penalty of reclusion perpetua.

We affirm the grant of moral damages on the basis of the testimony of the widow of Nicasio Araos but reduce the award from P250,000.00 to P50,000.00. Anent the award for actual damages in the amount of P75,973.65, we are constrained to reduce the same to P51,550.00, the amount duly supported by receipts. In conformity with prevailing jurisprudence, we award P50,000.00 as civil indemnity.

WHEREFORE, the judgment of the court a quo is hereby AFFIRMED with the MODIFICATION that accused-appellants are ordered to indemnify the heirs of deceased Nicasio Araos the amount of P50,000.00 as civil indemnity for death; P51,550.00 as actual damages and P50,000.00 as moral damages.

SO ORDERED.

Melo, (Chairman), Vitug, Panganiban, and Sandoval-Gutierrez, JJ., concur.

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[1] Original Records, pp.3-4; Rollo, pp.7-8.

[2] Original Records, pp. 39-40.

[3] TSN, May 16, 1997, p.4.

[4] Ibid., p. 5.

[5] Ibid., p. 6.

[6] TSN. April 16, 1997, p. 2.

[7] Ibid, p. 5.

[8] TSN, April 18, 1997, p. 3.

[9] Ibid, p. 4.

[10] Ibid, p. 6.

[11] Ibid.

[12] Ibid, p. 8.

[13] Ibid, p. 8.

[14] TSN, May 13, 1997, pp. 3-6.

[15] TSN, November 25, 1998, pp. 4-8.

[16] TSN, May 27, 1999, p. 6.

[17] Ibid, p. 12.

[18] Ibid, p. 16.

[19] Ibid. p. 17.

[20] Ibid, p. 18.

[21] Penned by Judge Jules A. Mejia; Criminal Case No 3303-A, Rollo, 76-96.

[22] People vs. Paraiso, 319 SCRA 422.

[23] Ibid, citing People vs. Ligan, 152 SCRA 419.

[24] TSN dated April 18, 1997, pp. 7-11.

[25] TSN dated April 18, 1997, p.15.

[26] Ibid, pp. 24-27.

[27] People vs. Arellano, 282 SCRA 500 citing People vs. Javier, 269 SCRA 181.

[28] Ibid, citing People vs. Compendio, Jr., 258 SCRA 255.

[29] People vs. Danao, 253 SCRA 146 citing People vs. Retuta, 234 SCRA 645.

[30] Rollo, pp. 93-94.

[31] Article 14, par. 16, Revised Penal Code.

[32] People vs. Belaro, 307 SCRA 591 citing People vs. Lascota, 275 SCRA 591; People vs. Quinao, 269 SCRA 495.

[33] Ibid, citing People vs. Chavez, 278 SCRA 230, People vs. Dansal, 275 SCRA 549.

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