PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RONNIE QUINICIO @ “GALON” AND RAFAEL QUINICIO, JR. @ “RAFFY,” ACCUSED-APPELLANTS.

G.R. No. 142430. September 13, 2001

Ponente: DAVIDE, JR., C.J.

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DAVIDE, JR., C.J.:

This is an appeal from the decision[1] of 8 November 1999 of the Regional Trial Court of Kalibo, Aklan, Branch 2, in Criminal Case No. 5341, finding accused-appellants Ronnie Quinicio alias Galon (hereafter RONNIE) and Rafael Quinicio, Jr. alias "Raffy" (hereafter RAFAEL) guilty beyond reasonable doubt of the crime of murder for the death of Ritchie E. Bantigue (hereafter RITCHIE), sentencing each of them to suffer the penalty of reclusion perpetua, and ordering them to jointly and severally indemnify the heirs of the victim the amount of P50,000, and pay the costs of suit.

An Information[2] for murder was filed on 12 February 1999 charging RONNIE and RAFAEL with murder, committed as follows:

> "That on or about the 22[nd] day of November, 1998, in the afternoon, in Barangay Morales, Municipality of Balete, Province of Aklan, Republic of the Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and helping one another, with the use of superior strength, with treachery, evident premeditation and with intent to kill, did then and there wilfully, unlawfully and feloniously attack, assault, and stab one RITCHIE E. BANTIGUE with a knife, thereby inflicting upon the latter mortal injuries, to wit:
>
> "1. Stab wound 1 inch in length 0.5 inch in width at the base of the anterior aspect of the neck.
> 2. Stab wound 1 inch in length 0.5 inch in width at the left hypochondriac region coursing posteriorly.
> 3. Stab wound 1 inch in length 0.5 inch in width just below the right nipple coursing posteriorly and injuring the lung.
> 4. Stab wound 1.5 inch in length 0.5 inch in width just below the left scapula coursing slightly downward and anteriorly.
> 5. Incised wound 1.5 inch in length right palm."
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> as per Medical Certificate issued by Dr. Alfredo B. Villaruel, Rural Health Physician, Rural Health Unit, Balete, Aklan, hereby attached as Annex "A," which injuries directly caused the death of RITCHIE E. BANTIGUE.
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> That as a result of the unlawful acts of the accused, the heirs of the deceased suffered actual and compensatory damages in the amount of P50,000.00.
>
> CONTRARY TO LAW.

At their arraignment[3] on 14 April 1999, RONNIE and RAFAEL each pleaded not guilty to the crime charged.

Trial on the merits ensued after pre-trial was terminated on 1 June 1999.[4] The witnesses presented by the prosecution were Rommel Revesencio, Rolly Revesencio, SPO3 Rex delos Reyes, and Dr. Alfredo B. Villaruel. Their testimonies are hereafter summarized.

Rommel Revesencio testified that on 22 November 1998, at around 5:30 in the afternoon, he and his brother Rolly were in Barangay Morales, Balete, Aklan, riding in a tricycle driven by the victim, RITCHIE. Rommel and Rolly were on their way from a cassava plantation to Barangay Arcangel in the same municipality. Their way was blocked by RAFAEL who was standing in the middle of the road with his arms outstretched. RAFAEL boxed RITCHIE and the two fought for about ten minutes. Rommel and Rolly tried to pacify them to no avail. RONNIE then stabbed RITCHIE several times. RITCHIE fell on a nearby ricefield. RAFAEL then took the knife from RONNIE and stabbed RITCHIE in the neck. After stabbing RITCHIE, RAFAEL and RONNIE chased the Revesencio brothers. The latter were able to outrun their pursuers and they proceeded to Rolly's house.[5]

Rolly Revesencio corroborated Rommel's testimony that they were on board RITCHIE's tricycle when it was blocked by RAFAEL, who was standing in the middle of the road. RAFAEL boxed RITCHIE hard on the left side of the face. The latter alighted from the tricycle and the two engaged in a fistfight for ten minutes. RONNIE then stabbed RITCHIE three times, the first time on the back. RITCHIE and RAFAEL were still boxing when RONNIE stabbed him. RITCHIE fell and RAFAEL took the knife from RONNIE and stabbed RITCHIE in the neck. RAFAEL and RONNIE then chased Rolly and Rommel, although they were unable to catch the latter.[6]

SPO3 Rex delos Reyes, police investigator of the Balete Police Station, testified that on 22 November 1998, at 5:35 p.m., he received information that a stabbing incident had occurred in Barangay Morales, Balete, Aklan. He proceeded to the crime scene with a photographer who took pictures of the dead body. He also interviewed some people present during the incident and was told that a certain "Galon" (RONNIE's nickname) Quinicio stabbed the victim and that he was accompanied by another person. Delos Reyes observed that the windshield and headlight of the motorcycle driven by RITCHIE had been damaged by a bladed instrument. He was informed that the person who inflicted the damage was RAFAEL. The following day, RONNIE surrendered himself and his knife to the police.[7]

Dr. Alfredo B. Villaruel, a Rural Health Physician of the Rural Health Unit of Balete, Aklan, conducted a post mortem examination of RITCHIE's body on 23 November 1998 at Barangay Arcangel, Balete, Aklan. The body sustained four stab wounds and an incised wound. The cause of death was "hemorrhagic shock secondary to stab wounds." He issued a death certificate, Exhibit "D," and prepared a sketch, Exhibit "F," of the wounds showing that the stab wound identified as number 4 is on the victim's back, which indicates that the assailant was behind the victim when the former inflicted the wound.[8]

The witnesses for the defense were Dr. Alfredo Villaruel, Arnaldo Ruiz, RAFAEL, RONNIE and Joseph de Pablo.

Dr. Alfredo Villaruel testified that when he examined RAFAEL on 23 November 1998, he found that he had a lacerated wound on the upper lip and injuries on his fingers. The injuries could have been caused by a blunt instrument, like the back of a bolo, or blows due to boxing or kicking.[9]

Arnaldo Ruiz declared that he knew RITCHIE, RAFAEL, RONNIE and prosecution witnesses Rolly and Rommel Revesencio because they are residents of Barangay Morales, Balete, Aklan. The Revesencio brothers were close friends of RITCHIE and called each other "kumpare."

On 22 November 1998, at around 5:30 p.m., while he was on his way home from his ricefield, Arnaldo saw RITCHIE, Rommel Revesencio and RAFAEL fighting each other near the store of Pacita Patricio and a waiting

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shed. He was about 30 meters from them and he was asked by Rolly Revesencio to help pacify the fighters. With the help of another bystander, Joseph de Pablo, they pulled RAFAEL and brought him to the side of the road. RONNIE arrived and confronted RITCHIE. He stabbed RITCHIE in the stomach. RITCHIE ran and jumped into the rice field and RONNIE followed him and stabbed him in the back causing him to fall down. Even after RITCHIE had fallen, RONNIE continued to stab him. RONNIE left and the barangay tanods arrived a little later and pulled RITCHIE's body to the side of the road. The policemen arrived about thirty minutes later and took pictures of the body. Arnaldo identified the pictures[10] as those of the dead RITCHIE.[11]

RAFAEL denied any participation in the killing. It was only his brother RONNIE who killed RITCHIE. On 22 November 1998, he was at the store of Pacita Patricio buying cigarettes and candies. He was about to leave the store when RITCHIE arrived riding a tricycle together with Rommel and Rolly Revesencio. RITCHIE challenged him to a fistfight. He was surprised with the challenge because he had no previous quarrel or misunderstanding with any of them. The three men alighted from the tricycle and Rommel punched RAFAEL in the mouth. Rolly apologized to him for what Rommel had done, but RITCHIE also punched him, hitting his right jaw. The two exchanged blows. Arnaldo Ruiz arrived and pulled RAFAEL away, but RITCHIE continued punching him. Joseph de Pablo, who was at the waiting shed, came to help stop the fight. RITCHIE and the Revesencio brothers followed them across the road.

RAFAEL claimed that he was groggy from the beatings that he suffered and only came to know from Arnaldo Ruiz that RONNIE had stabbed RITCHIE. RAFAEL then went home with RONNIE and decided to report the incident to the barangay captain. On his way to the barangay captain he passed by the place where the incident happened and saw the body of RITCHIE by the side of the road lying face up. He had noticed RONNIE with a stainless steel knife at home, the same knife RONNIE used to stab RICHIE. RAFAEL denied stabbing RITCHIE in the neck because he was unable to do much, being already weak from the injuries he had earlier sustained.[12]

RONNIE admitted stabbing RITCHIE on 22 November 1998. When he went to the waiting shed on that day, he saw Joseph de Pablo and Arnaldo Ruiz holding RAFAEL while RITCHIE and Rommel were kicking him. He thought that RAFAEL had been stabbed because his mouth was bleeding and there was much blood on his shirt. When RITCHIE and Rommel saw him, they stood back from RAFAEL. RONNIE confronted RITCHIE and asked him why he stabbed RAFAEL. RITCHIE answered, "You also?"; and tried to box RONNIE. The latter evaded the blow and stabbed RITCHIE on his left chest, below the breast. RITCHIE ran towards the ricefield and RONNIE followed him. He stabbed RITCHIE again while he was chasing him, hitting him in the back, near his left shoulder. RONNIE continued to stab RITCHIE because the latter was still alive. RONNIE then went home but decided to proceed to a hut some 250 meters away from his house for fear of retaliation by RITCHIE's family. He thought of spending the night at a cousin's house far from the area, and it was there that his father fetched him the next morning to convince him to surrender. On his way to the police station, he met the policemen by the road near their house and turned the knife over to them.[13]

Joseph de Pablo testified that he knew the victim RITCHIE and the accused RAFAEL and RONNIE. He also knew the Revesencio brothers as RITCHIE's friends. On 22 November 1998 at about 4:00 p.m., he was in Barangay Morales, Balete, Aklan, standing near the store of Pacita Patricio. He was alone at the waiting shed and he did not notice RONNIE in the vicinity although he saw RAFAEL buying candies and cigarettes at Pacita's store. While RAFAEL was leaving the gate of the store, RITCHIE alighted from a tricycle and challenged RAFAEL to a fistfight. Rolly Revesencio approached RAFAEL and apologized saying, "Pare, forgive him."

Joseph refuted the testimonies of the Revesencio brothers that RAFAEL stood in the middle of the road, extended his hands and blocked RITCHIE's tricycle. It was RITCHIE who first boxed RAFAEL and then Rommel also punched RAFAEL. A fistfight ensued between the three of them with RAFAEL fighting back and hitting

RITCHIE and Rommel, both of whom appeared drunk. Joseph saw Rolly and Arnaldo Ruiz standing on the side of the road. He and Arnaldo pulled RAFAEL away from RITCHIE and Rommel in an effort to stop the fight. When RONNIE arrived, RITCHIE and Rommel stopped kicking RAFAEL. RONNIE confronted RITCHIE and stabbed him. RITCHIE ran towards the ricefield and RONNIE chased him and stabbed him in the back. RITCHIE fell down. RONNIE continued to stab RITCHIE, while the Revesencio brothers stayed by the roadside. Rolly asked Joseph to bring Rommel to the house of Emiliano Patricio to keep him away from RONNIE who might stab him. He went to the waiting shed and when he came back, he saw RONNIE and RAFAEL running towards RONNIE's house. When the barangay tanods arrived, they pulled the body of RITCHIE from the ricefield and brought him to the side of the road.[14]

The prosecution presented as rebuttal witness one Ex Feliciano, a farmer and resident of Barangay Morales, Balete, Aklan. He declared that on 22 November 1998, as he was leaving his sister's house at 6:00 p.m., he heard a noise coming from outside the house. The noise turned out to be caused by a fight occurring some 100 meters away. He went nearer and saw RITCHIE and RAFAEL fighting each other and Rolly and Rommel Revesencio trying to pacify them. RONNIE suddenly stabbed RITCHIE in the back. RITCHIE ran towards the ricefield to escape his attacker but he fell down. RAFAEL then got the knife from RONNIE and stabbed RITCHIE in the neck near his throat. RAFAEL and RONNIE then went home, leaving their victim dead. RAFAEL returned later with a bolo and hacked RITCHIE's tricycle.[15]

In its decision[16] the trial court found for the prosecution and rendered judgment as follows:

> WHEREFORE, the Court finds both accused Rafael Quinicio, Jr. alias "Raffy" and Ronnie Quinicio alias "Galon" GUILTY beyond reasonable doubt of the crime of MURDER defined and penalized under Article 248 of the Revised Penal Code as amended by RA 7659, and hereby sentences them of [sic] RECLUSION PERPETUA.
>
> The two said accused are also ordered to pay jointly and severally to the heirs of the victim Ritchie Bantigue the amount of P50,000.00 for the loss of the latter's life in accordance with the present jurisprudence on the matter.
>
> With COSTS against both accused.
>
> SO ORDERED.[17]

RONNIE and RAFAEL seasonably appealed the decision.

In their Appellants' Brief RONNIE and RAFAEL contend that the trial court erred in (a) convicting RONNIE of murder although treachery was never established as attending the commission of the crime; (b) not taking into consideration the mitigating circumstances of voluntary surrender, plea of guilty and incomplete defense of a relative in favor of RONNIE; and (c) convicting RAFAEL although his guilt was never proven beyond reasonable doubt as the evidence against him is patently weak and insufficient to convict.

RONNIE and RAFAEL maintain that the testimonies of Rommel Revesencio, Rolly Revesencio and Ex Feliciano are all materially inconsistent with the findings of the physician who examined the body of the victim. While these witnesses were one in stating that RONNIE first stabbed the victim in the back, the findings of Dr. Villaruel in his medico-legal report show that the back injury, injury number 4, was actually the fatal blow. They argue that if injury number 4 were the first stab wound inflicted then the victim should have died then and there, instead of still being able to flee to the ricefield. RONNIE's statement that the first injury he delivered was to RITCHIE's lower left chest is thus more consistent with the medical findings.

They state further that RONNIE did not stab RITCHIE out of any evil motive, but rather from a sincere desire to

rescue his brother RAFAEL from being mauled to death by him and the Revesencio brothers. There was no treachery in his action because there was a quarrel and the attack was continuous. Furthermore, the mitigating circumstances of voluntary surrender, admission of guilt and incomplete defense of relative should have been appreciated in his favor.

They also assert that RAFAEL should not be held criminally liable at all because Rolly Revesencio had stated that RITCHIE was already dead when RAFAEL stabbed him in the neck. But the medical findings indicate that RITCHIE was still alive when RONNIE stabbed him. Accused-appellants argue that this shows that the prosecution witnesses' testimonies are unreliable. They are also biased as the Revesencios are close friends of RITCHIE.

Another inconsistency pointed out in the Appellants' Brief is the declaration by rebuttal witness Ex Feliciano that RAFAEL stabbed the victim only once. On the other hand, the Revesencios stated that accused stabbed RITCHIE several times.

RONNIE and RAFAEL conclude that these inconsistencies weaken the prosecution's case for murder. At best, they could be guilty of homicide only.

RONNIE and RAFAEL further assert that it took the Revesencios a full week before reporting the incident. The delay raises doubts on their credibility.

The core issues raised in this appeal are: (1) the credibility of the prosecution witnesses; (2) the existence of treachery; and (3) whether or not the mitigating circumstances of plea of guilt, voluntary surrender and incomplete defense of relative should be appreciated in favor of RONNIE.

It is well settled that the credibility of the witnesses is best left to the determination of the trial court because the latter is in a more advantageous position to determine the demeanor of the witnesses while testifying. As a general rule, appellate courts accord the trial court's evaluation of the testimony of the witnesses with great respect and finality in the absence of any indication that it overlooked certain facts or circumstances of weight and influence, which if considered would alter the result of the case.[18]

In this case, no reason exists to depart from this rule. The inconsistencies pointed out by RONNIE and RAFAEL are on minor matters and are of no consequence. The fact that the prosecution witnesses thought that the first stab thrust was to the back of RITCHIE, when Dr. Villaruel called the wound injury number 4, does not affect their credibility. Dr. Villaruel did not say that injury number 4 was the first stab wound inflicted on RITCHIE. The numbering was only for identification purposes in connection with the examination he conducted; he made no determination as to which wound was first inflicted.

What is important is that the prosecution witnesses saw RITCHIE being stabbed repeatedly by RONNIE and RAFAEL. RITCHIE's death as a result of these blows is what gave rise to the criminal liability of RONNIE and RAFAEL.

RONNIE does not deny stabbing RITCHIE but claims the justifying circumstance of defense of relative to free him from any criminal liability. For such a defense to prosper, the following requisites must be present: unlawful aggression; reasonable necessity of the means employed to repel or prevent it; and in case the provocation was given by the person attacked, the one making the defense had no part therein.[19] Having admitted to stabbing RITCHIE, RONNIE stands criminally liable unless he is able to convince us that he acted in legitimate defense of his brother.

This he has failed to do.

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Prosecution witnesses Rommel and Ronnie Revesencio both testified that it was RAFAEL who stopped their tricycle on the road and RAFAEL was the one who boxed RITCHIE first without any provocation. Even assuming that it was RITCHIE who initiated the fight, the means that RONNIE used to repel him cannot be considered reasonable by any definition. He stabbed the unarmed RITCHIE several times and when RITCHIE fell, any unlawful aggression had already ceased. It is a settled rule that when the unlawful aggression ceases, the defender no longer has any right to assault the former aggressor, otherwise, retaliation and not self-defense is committed.[20]

As to treachery, RONNIE and RAFAEL argue that there was no treachery because the stabbing was done during a quarrel.

We are not persuaded.

For treachery to be appreciated, two elements must concur, namely: that such means of execution were employed as to give the person attacked no opportunity to defend himself or retaliate; and that the means of execution were deliberately or consciously employed.[21]

The evidence on record shows that RITCHIE was unarmed when he was stabbed first by RONNIE, and then by RAFAEL. Both prosecution and defense witnesses testified that RITCHIE was merely boxing RAFAEL when RONNIE stabbed him. Afterwards, when RAFAEL stabbed RITCHIE in the back, the latter had already fallen to the ground. At no time was RITCHIE, who was weaponless, able to put up a defense against the knife attack.

The essence of treachery is a swift and unexpected attack on the unarmed victim without the slightest provocation on the part of the victim. Thus, we have ruled that even a frontal attack can be treacherous when it is sudden and the victim is unarmed.[22]

It must be emphasized that RONNIE was not involved in the original fracas. Even the defense witnesses put him at a different place, the waiting shed, when the fistfight was going on. RONNIE's attack thus came without warning, was deliberate and unexpected, affording the hapless, unarmed and unsuspecting RITCHIE no chance to resist or escape. Given these circumstances, we are convinced of the treacherous nature of the assault.[23]

RONNIE argues that the trial court erred in failing to appreciate the mitigating circumstance of voluntary surrender and confession of guilt in imposing the penalty against him.

We find no merit in this argument.

The requisites for voluntary surrender to mitigate criminal liability are: the offender has not been actually arrested; the offender surrenders himself to a person in authority or the latter's agent; and the surrender is voluntary.[24] While the facts show that RONNIE did voluntarily surrender to the authorities before being arrested, and that it should then be appreciated in his favor, that mitigating circumstance cannot offset the qualifying aggravating circumstance of treachery.[25] The trial court thus correctly appreciated the attendant circumstances.

Neither is there merit in RONNIE's claim that he should also be credited for his plea of guilty to the crime of homicide. The record shows that he merely proposed to the prosecution that he plead guilty to the crime of homicide during the pre-trial on 1 June 1999, a proposal which the prosecution rejected.[26] He was convicted of the crime of murder as charged. It would have been otherwise if ultimately he was held guilty of homicide only.

RAFAEL argues that the evidence against him is weak and insufficient to convict him of murder. On the contrary, we find strong and convincing the evidence that he used treacherous means to kill RITCHIE, which qualified the killing to murder. All three prosecution witnesses saw him stab RITCHIE in the neck as the latter lay in the rice

field. Such act, coupled with the earlier scuffle between him and RITCHIE showed beyond doubt the existence of conspiracy between him and RONNIE.

Conspiracy may be inferred from the acts of the accused before, during, and after the crime, which are indicative of a common design, concerted action and concurrence of sentiments. Once conspiracy in action or action in concert to achieve a criminal design is shown, the act of one is the act of all the conspirators, and the precise extent or modality of participation of each of them becomes secondary.[27]

Conspiracy between RONNIE and RAFAEL was established from the attendant facts: both were at the scene of the crime; RONNIE stabbed RITCHIE first, then RAFAEL stabbed him from behind with the same knife after RITCHIE had already fallen down; then the two fled together. The two were thus united in a common end -- to assault and kill RITCHIE -- and by their concerted act, they were also united in the consummation of the evil plan.

There is conspiracy when two or more persons come to an agreement concerning the commission of a felony and decide to commit it. It is not, however, necessary that direct proof be adduced to establish such agreement. It can be inferred from the acts of the accused which clearly manifest a concurrence of wills, a common intent or design to commit a crime. If it is proved that two or more persons aimed by their acts towards the accomplishment of the same unlawful object, each doing a part so that their acts, although apparently independent, were in fact connected and cooperative, indicating a closeness of personal association and concurrence of sentiment, then a conspiracy may be inferred.[28]

It must be clarified that although RONNIE was not originally involved in the fight, and RAFAEL was merely boxing with RITCHIE prior to RONNIE's intervention, these circumstances do not preclude the existence of conspiracy. More specifically, the moment RONNIE intervened and RAFAEL joined him in stabbing RITCHIE, there was a community of intent against RITCHIE, hence, a conspiracy.

As to appellants' contention that the Revesencio brothers were biased witnesses who only reported the crime after a week, suffice it to say that the defense never presented any evidence to support this claim. As the Solicitor General pointed out:

> Moreover, despite appellants' insistence that the prosecution witnesses were good friends and relatives of the victim, the Revesencios categorically denied being close or related to the victim. According to Rommel and Rolly Revesencio, Ritchie Bantigue was merely an acquaintance and not a close friend. At any rate, even assuming that they were good friends and relatives of the victim, the defense failed to show that the Revesencios had any ill-motive which drove them to make false accusations against appellants, and for such a grave crime as murder.
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> xxx
>
> Their failure to report the crime to the police cannot be taken against the Revesencios. Rommel Revesencio explained that he and Rolly did not immediately report the incident to the police and chose to stay inside their home because they were afraid of appellants.

We have held that delay in making a criminal accusation does not necessarily impair a witness' credibility if such delay is satisfactorily explained.[29]

WHEREFORE, the challenged decision of Branch 2 of the Regional Trial Court of Aklan in Criminal Case No. 5341 finding accused-appellants RONNIE QUINICIO, alias "Galon," and RAFAEL QUINICIO, alias "Raffy," guilty beyond reasonable doubt of the crime of MURDER under Article 248 of the Revised Penal Code, as amended, and sentencing each of them to suffer the penalty of reclusion perpetua, and to pay the heirs of the

victim the amount of P50,000.00 for the death of the victim and to pay the costs is hereby affirmed in toto.

Costs de oficio.

SO ORDERED.

Kapunan, Pardo, and Ynares-Santiago, JJ., concur.
Puno, J., on official leave.

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[1] Original Record (OR), 139. Per Judge Tomas R. Romaquin.

[2] OR, 21.

[3] OR, 45.

[4] Id., 57.

[5] TSN, 13 July 1999, 12-23.

[6] TSN, 21 July 1999, 2-25.

[7] TSN, 14 July 1999, 2-24.

[8] TSN, 13 July 1999, 2-12.

[9] TSN, 28 July 1999, 2-9.

[10] Exhibit "E" to "E-5."

[11] TSN, 4 August 1999, 2-29.

[12] TSN, 10 August 1999, 2-24; TSN 11 August 1999, 2-12.

[13] TSN, 30 August 1999, 3-16; TSN, 31 August 1999, 2-14.

[14] TSN, 11 August 1999, 13-20; TSN, 20 August 1999, 2-26.

[15] TSN, 27 October 1999, 2-17.

[16] Supra note 1.

[17] Rollo, 75.

[18] People v. Sualog, GR No. 134310, 15 November 2000; People v. Padilla, 242 SCRA 629, 639-640, [1995]; People v. Malunes, 247 SCRA 317, 324 [1995]; People v. Gomez, 251 SCRA 455, 465 [1995].

[19] People v. Cortes 286 SCRA 295, 300 [1998].

[20] People v. Cotas, 332 SCRA 627, 639 [2000].

[21] People v. Estrellanes, Jr., 239 SCRA 235, 249-250 [1994]; People v. Cabodoc, 263 SCRA 187, 203 [1996]; People v. Peñaflorida, 313 SCRA 563 [1999].

[22] People v. Barellano, 319 SCRA 567, 588 [1999].

[23] People v. Turingan, 282 SCRA 424, [1997]; People v. Jagolingay, 280 SCRA 768 [1997]; People v. Agunias,

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279 SCRA 52 [1997].

[24] People v. Deopante, 263 SCRA 691, [1996].

[25] People v. Mendoza, 327 SCRA 695, 710, [2000].

[26] TSN, 1 June 1999, 2-3.

[27] People v. Mendoza, 332 SCRA 485, 496-497 [2000].

[28] People v. Cortes, supra note 18, at 301.

[29] People v. Viovicente, 286 SCRA 1, 8 [1998].

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