THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. DINDO PAJOTAL Y FETALCORIN; RANDY GABAY (AT LARGE) AND LINDO GABAY (AT LARGE), ACCUSED.

G.R. No. 142870. November 14, 2001

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PER CURIAM:

This case is here on automatic review of the decision,[1] dated February 7, 2000, of the Regional Trial Court of Oriental Mindoro, Branch 43, finding accused-appellant Dindo Pajotal guilty of the special complex crime of robbery with homicide and sentencing him to suffer the penalty of death.

The Information[2] against accused-appellant and two others charged the following:

> "That on or about the 21st day of October, 1996, at about 2:45 in the afternoon, at Sitio Mabaho, Barangay Cabalwa, municipality of Mansasalay, province of Oriental Mindoro, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused Randy Gabay alias Randy Montessa, Lindo Gabay and Dindo Pajotal, conspiring, and confederating together and helping each other, with intent to kill and to gain, did, then and there willfully, unlawfully and feloniously rode a jeep owned and driven by Winefred Espina and by means of force and violence upon their victim, take and carry away FIFTEEN THOUSAND (P15,000.00) PESOS, Philippine Currency, and accused, pursuant to their conspiracy during the commission of the robbery and on the such occasion thereof and for the purpose of enabling them to take, steal and carry away with them the said amount of P15,000.00, did, then and there willfully, unlawfully and feloniously attack, assault and stab one Winefred Espina with a bladed instrument, inflicting upon the latter [stab] wounds on the different parts of his body thereby causing direct and immediate death of said Winefred Espina.
>
> "That in the commission of the crime the qualifying circumstances of treachery and evident premeditation and the aggravating circumstance - of abuse of superior strength were present.
>
> "CONTRARY TO LAW."

The facts are as follows:

On October 21, 1996, at around 2:45 p.m., Winefred Espina was driving a passenger jeepney, accompanied by his nephew, Arnold Bugayon, who was also seated in front beside the former. They had just come from Bulalacao where they delivered some merchandise. Just before they reached Sitio Mabaho, Mansalay, Oriental Mindoro, three men stopped them on the road. The three men boarded the vehicle, with one of them clinging to the left front side near Espina, while the other man sat beside Bugayon. The third man hung at the rear of the jeepney with his feet standing on the platform or "parilla." Bugayon identified the man who sat to his right side on the front seat as Dindo Pajotal.[3]

In Sitio Mabaho, one of the three men ordered Espina to stop the vehicle, to which the latter replied, "Pare walang ganyanan." (Pal, don't do this.) The three men then asked for money, but Espina refused to give it to them. Accused-appellant thus poked a knife at Bugayon and threatened to kill him if Espina did not hand over the money. As Bugayon frantically asked his uncle to do as the men asked, Espina handed his money to the person on

his left. Although he got the money, the man stabbed Espina on the left thigh, apparently to prevent any attempt by Espina to get the money back. Espina decided to fight back and alighted from the jeepney.[4]

At this point, accused-appellant also alighted from the vehicle and attempted to stab Bugayon. He missed as Bugayon got out of the vehicle by passing through the driver's side. Bugayon saw accused-appellant and his companions ganging up on Espina. Accused-appellant stabbed Espina. Bugayon tried to help his uncle, but one of the men, who was also holding a knife, stopped him and said "O ano, lalaban ka?" (What? Do you want to fight?) Espina told Bugayon to run away. Upon hearing this, Bugayon, very much afraid, retreated and did what his uncle told him.[5]

Bugayon asked for help from persons he met, but no one was willing to come to the aid of Espina. Finally, a passenger bus bound for Roxas passed by, and Bugayon boarded it. He alighted at the PNP station in Mansalay and reported the incident to the police.[6]

At 6:30 p.m. of the same day, Dr. Domingo Asis, Rural Health Physician of Mansalay, Oriental Mindoro, conducted an autopsy on the body of Winefred Espina. Dr. Asis' postmortem report (Exh. C), which revealed that the victim suffered fifteen (15) stab wounds, contained the following findings:

> "(1) Wound, incised, 4.0 cm long, edges clean cut, 1.5 cm gape, 0.5 cm depth, middle forehead, showing the bone;
>
> "(2) Wound, incised, 4.0 cm long, edges clean cut, 1.0 cm gape, 0.5 cm depth, forehead, right, above the eyebrow;
>
> "(3) Wound, lacerated, triangular in shape, 1 cm. depth, above the eyebrow left;
>
> "(4) Fracture, depressed, localized, frontal bone, base of the nose;
>
> "(5) Wound, lacerated, 2 cm long, 1 cm depth, with fractured bone, lateral eyebrow, right;
>
> "(6) Wound, lacerated, 1 cm. long, 0.5 cm depth, cheek, right;
>
> "(7) Wound, stabbed, 1.5 cm long, 1.5 cm depth, posterior chest, at the level of the scapula;
>
> "(8) Wound, incised, edges clean cut, 4.0 cm long, 5 cm depth, 1.5 cm gape, lateral distal third, forearm, left;
>
> "(9) Wound, incised, edges clean cut, 2 cm long, 0.5 cm gape, 0.3 cm depth, radial area, wrist, left;
>
> "(10) Wound, stabbed, 2.0 cm long. 8 cm depth, at the level of 6th ICS, left of the sternum, directing posteriorly, penetrating perforating the thoracic cavity;
>
> "(11) Wound, stabbed, opening is D shape, 2 cm long, 8 cm depth, at the level of 4th ICS, midclavicular line, anterior chest, left directing laterally and posteriorly, penetrating perforating the cardiac cavity;
>
> "(12) Wound, stabbed, 2 cm long, 1.5 cm depth, right of the sternum, at the level of 2nd ICS, non-penetrating;
>
> "(13) Wound, lacerated, 4.0 cm long, 2.0 gape, 0.5 cm depth, distal third, dorsal, medial area, arm, right;
>
> "(14) Wound, lacerated, 4.0 cm long, 2 cm gape, 0.5 depth, distal third, dorsal, lateral area, arm, right;
>
> "(15) Wound, stabbed, 3 cm long, 1.5 cm gape, 8 cm depth, middle third, anterior, thigh, left directing upward and posteriorly."[7]

Of the fifteen wounds, the fatal ones were wounds no. 10 and 11. Dr. Asis testified that based on the location of the wounds, it was possible that the assailant or assailants were in front of or beside the victim. Dr. Asis stated that it was likewise possible that the wounds have been caused by only one instrument. He could not, however,

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state with certainty how many persons attacked the victim.[8] Dr. Asis issued a death certificate (Exh. D) on October 28, 1996, which stated that Winefred Espina died on October 21, 1996 from hemorrhagic shock caused by multiple wounds.

Accused-appellant's defense was alibi. He claimed that on October 21, 1996, at about 2:45 p.m., he was in their house located along the shore of Barangay Manaul, Mansalay. With him in the house were his two brothers, his mother, and his two nephews. At that time, accused-appellant was busy repairing a fishing device known as "tora tora," which was used by fishermen in catching bangus fries. Apart from the members of his family, Nemie Espiritu, a barriomate, saw accused-appellant at around 3:00 p.m. of that day. Accused-appellant claimed that he undertook the repair of the "tora tora" from 7:00 a.m. until 4:30 p.m. of that day. He insisted that he did not know his co-accused in this case, Randy and Lindo Gabay. He also denied that he knew the victim, Winefred Espina, or the latter's nephew, Arnold Bugayon.[9]

Accused-appellant further testified that their house at Barangay Manaul, Mansalay was located along the shore about half a kilometer from the national highway. There were no motor vehicles which regularly plied the route from the highway to their place. He admitted, however, that the distance of their house to the highway could be covered in fifteen minutes by foot.[10]

Nemie Espiritu, a barriomate of accused-appellant, claimed that at around 3:00 p.m. of October 21, 1996, he was looking for fish to serve to his visitors. On his way to the house of a certain Tammy Seloria, he saw accused-appellant near his house and they nodded at each other.[11]

On the basis of the evidence presented by the parties, the trial court rendered a decision, the dispositive portion of which states:

> "WHEREFORE, judgment is hereby rendered as follows:
>
> "(a) The court finds accused Dindo Pajotal y Fetalcorin GUILTY, beyond reasonable doubt of the special complex crime of Robbery with Homicide punishable under Article 294 paragraph 1 of the Revised Penal Code as amended by RA 7659 with the aggravating circumstance of abuse of superior strength and he is hereby sentenced to suffer the supreme penalty of DEATH to be executed in accordance with existing law. In accordance with the provisions of Section 10, Rule 122 of the 1985 Rules of Criminal Procedure, the Branch Clerk of Court, Atty. Mariano S. Familara III is hereby directed to forward within twenty (20) days but not earlier than fifteen (15) days after promulgation of judgment or notice of denial of any motion for new trial or reconsideration the complete records of the case to the Honorable Supreme Court for review;
>
> "(b) Accused Dindo Pajotal is also ordered to pay the heirs of the deceased Winefred Espina the sum of P50,000.00 as compensatory damages for the loss of life of the victim, the sum of P26,000.00 as actual damages and P500,000.00 as lost earnings;
>
> "(c) With respect to accused Randy Gabay alias Randy Montesa and Lindo Gabay who are still at large, let an alias warrant of arrest be issued against them in order that they could be brought to court for trial."[12]

Hence this appeal.

Accused-appellant contends that:

> "I.
>
> THE LOWER COURT ERRED IN CONVICTING ACCUSED-APPELLANTS OF THE CRIME CHARGED DESPITE THE FACT THAT THEIR GUILT WAS NOT PROVEN BEYOND REASONABLE DOUBT.

"II.

GRANTING THAT THE ACCUSED-APPELLANT ARE (SIC) GUILTY, THE LOWER COURT ERRED IN CONVICTING THEM FOR ROBBERY WITH HOMICIDE SINCE THE CRIMES COMMITTED ARE ONLY THE TWO SEPARATE CRIMES OF SIMPLE ROBBERY AND HOMICIDE WHICH WILL ENTITLE THEM TO THE IMPOSITION OF A LESSER PENALTY FOR EACH OF THE TWO FELONIES CORRESPONDINGLY."[13]

We find the appeal to be without merit.

First. Accused-appellant contends that the State failed to prove his guilt by strong and overwhelming evidence. While admitting that alibi per se is a weak defense, accused-appellant nevertheless contends that alibi can constitute a valid and plausible defense if, in the commission of the crime, there are no other witnesses except the parties involved. In this case, accused-appellant insists no other witness was presented to corroborate Arnold Bugayon's testimony.[14]

Accused-appellant's contention is untenable. Accused-appellant does not explain why the testimony of the lone eyewitness Arnold Bugayon is insufficient to establish his guilt beyond reasonable doubt. Nor does he give specific instances from the records of this case to bolster his claim of innocence.

Contrary to accused-appellant's claim, the prosecution has proved the guilt of accused-appellant beyond reasonable doubt. The fact that Arnold Bugayon was the only eyewitness does not diminish the force and weight of his testimony. A doctrine of long standing in this jurisdiction is that the testimony of a lone eyewitness, if credible and positive, is sufficient to convict an accused.[15] Hence the trial court, which heard Bugayon's testimony and had the opportunity to observe his demeanor while on the witness stand, said:

"The robbery subject of the instant case occurred in broad daylight. The lone eyewitness to the crime, Arnold Bugayon, categorically declared that it was accused Dindo Pajotal who clung to the right side of their passenger jeepney then being utilized as a delivery vehicle just next to him, to his right side and that while there was an on-going scuffle between his uncle and the two other- conspirators of Pajotal the latter even delivered with his knife a thrusting blow on him. To the mind of the court, Arnold Bugayon could not have failed to recognize Pajotal as he himself was assaulted by him. The natural reaction of a person in his predicament is to exert efforts to identify the culprits. As ruled by the Supreme Court in the cases of People vs. Melendres, 106 SCRA 575 and People vs. Amiscua, 37 SCRA 813, a truism founded on the ordinary course of things is that victims of criminal violence often strive hard to recognize and identify their assailants."[16]

We see no reason to disturb the trial court's evaluation and assessment of Bugayon's credibility, the same not being tainted by any arbitrariness or palpable error. The findings of the trial court judge who tried the case and heard the witnesses are not to be disturbed on appeal unless there are substantial facts and circumstances which have been overlooked and which, if properly considered, might affect the result of the case. The trial judge's evaluation of the witnesses' credibility deserves the utmost respect in the absence of arbitrariness. Conclusions and findings of the trial court are entitled to great weight on appeal and should not be disturbed unless for strong and valid reasons because the trial court is in a better position to examine the demeanor of the witnesses while testifying on the case.[17]

Arnold Bugayon's testimony is strengthened by the findings of Dr. Domingo Asis, the medico-legal examiner who performed the autopsy on the victim's body. Bugayon testified that after the victim, Espina, handed the money to the person on his left side, the latter, apparently aroused by Espina's uncooperative behavior, stabbed Espina on the left thigh. Espina got out of the jeepney to confront the robbers and a scuffle ensued, with the three men ganging up on Espina. Bugayon's testimony is consistent with the medical findings of Dr. Asis that the victim suffered fifteen wounds, among which was a 3 cm. stab wound on the left thigh, directed upward and posteriorly.

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Bugayon also testified that the men who were hanging on the jeepney beside him and his uncle were both carrying balisong knives. When the three men ganged up on Espina, they stabbed him with their knives and hit him with a stone.[18] Again, this testimony coincides with Dr. Asis's findings that among the wounds suffered by the victim were incisions and lacerations, as well as a fracture of the frontal bone on the base of the nose. As the trial court observed, the incisions and lacerations could very well have been caused by the knives wielded by two of the robbers, while the fracture could have been caused by the stone carried by the third robber.[19]

Despite compelling evidence against him, accused-appellant could only put up alibi in his defense. He claimed that on the date and at the time of the incident in question, he was in his house in Barangay Manaul, Mansalay, Oriental Mindoro repairing a fishing implement.

This defense is unavailing. For alibi to offset the evidence of the prosecution demonstrating his guilt, the accused must establish not only that he was somewhere else when the crime was committed but also that it was physically impossible for him to have been at the scene of the crime at the time it was committed.[20] Accused-appellant failed to prove that it was physically impossible for him to be at the scene at the time of the commission of the crime. To the contrary, he testified that their house was just about half a kilometer from the national highway, where the crime took place. Although there were no motor vehicles which regularly plied the route from the highway to their place, the distance could be covered in fifteen minutes by foot. Accused-appellant was an athletic person. He was in fact one of the stars of their local basketball team.[21] It would thus have been easy for him to make the fifteen-minute walk to the highway, commit the crime with his co-accused, and return to his house thereafter. Defense witness Nemie Espiritu, who lived in the same sitio, testified that he saw accused-appellant working in his house after 3:00 p.m. He did not categorically state what time he saw accused-appellant, but only said that it was at 3:00 p.m., more or less.[22]

Alibi is an inherently weak defense which, unless supported by clear and convincing evidence, cannot prevail over the positive identification of accused-appellant by an eyewitness, Arnold Bugayon, who had no improper motive to testify falsely against him.[23]

For these reasons, we hold that the guilt of accused-appellant for the crime charged has been proven by the prosecution beyond reasonable doubt.

Second. Accused-appellant contends that, even if he is guilty of killing Winefred Espina, the trial court nonetheless erred in finding him liable for the crime of robbery with homicide because two separate crimes of simple robbery and homicide were actually committed, and a lesser penalty for each should have been imposed. Accused-appellant claims that, according to Bugayon's testimony, the injuries which caused Espina's death were inflicted after the robbery. He thus argues that the homicide was not committed on the occasion or by reason of the robbery within the contemplation of Art. 294, paragraph 1 of the Revised Penal Code, which provides the penalty of reclusion perpetua to death for the special complex crime of robbery with the use of violence against or intimidation of persons.

This contention has no merit. In order to determine the existence of the crime of robbery with homicide, it is enough that death results by reason or on the occasion of the robbery inasmuch as it is only the result obtained, without reference or distinction as to the circumstances, causes, modes, or persons intervening in the commission of the crime, that has to be taken into consideration.[24] In other words, in the crime of robbery with homicide, it does not matter if the homicide preceded or occurred after the robbery. For what is essential is that there is a direct relation or intimate connection between the robbery and the killing, whether the latter be prior or subsequent to the former or whether both crimes be committed at the same time.[25] The original criminal design of the culprit must be robbery and the homicide is perpetrated with a view to the consummation of the robbery, by reason or on

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the occasion of the robbery.[26] Thus, in People v. Guiapar,[27] it was held that the death of a guard resulting from the injury he sustained during the robbery qualified the offense to robbery with homicide. As long as homicide resulted during, or because of, the robbery, even if the killing is by mere accident, robbery with homicide is committed.[28]

In the case at bar, Arnold Bugayon testified that the victim Espina was initially stabbed in the thigh by one of the robbers because it appeared that he would fight to get back his money. In fact, after he was stabbed, Espina got off the jeepney to run after the hold-up men to recover his money. At that point, accused-appellant and his co-accused then stabbed Espina several times and struck him with a stone. In view of the foregoing circumstances, we agree with the trial court when it found that the homicide in the case at bar was committed by reason or on the occasion of the robbery.

The information in this case alleged that in the commission of the crime, the qualifying circumstances of treachery and evident premeditation and the aggravating circumstance of abuse of superior strength attended the commission of the crime. The trial court was correct in not appreciating evident premeditation as a qualifying circumstance since this is inherent in the crime of robbery.[29] The trial court was likewise correct in not appreciating the qualifying circumstance of treachery. Although the victim was caught by surprise when he received the first stab on his left thigh, the evidence shows that the victim was not caught completely off guard. For the fact is that the victim, accused-appellant, and the latter's co-accused engaged in combat for several minutes before the former received the fatal stab wounds. This negates the existence of the first element of treachery, i.e., a sudden attack giving the victim no opportunity to defend himself or retaliate. The existence of a struggle before the fatal blows were dealt on the victim shows he was forewarned of the impending attack and that he was afforded the opportunity to put up a defense.[30] However, despite the absence of treachery, the factual circumstances of the crime show that the killing of the victim was qualified by abuse of superior strength, which is expressly alleged in the Information. Accused-appellant and his co-accused did not only enjoy superiority in number but they also used knives and a stone while their victim was unarmed. Thus, there was physical disparity between the protagonists and abuse of superior strength was obvious. The force used by the aggressors was out of proportion to the means of defense available to the victim.[31]

Under Art. 294, par. 1 of the Revised Penal Code, as amended by R.A. No. 7659, any person guilty of robbery with the use of violence against or intimidation of any person shall suffer the penalty of reclusion perpetua to death when, by reason or on occasion of the robbery, the crime of homicide shall have been committed. In this case, it has been proven beyond reasonable doubt that homicide was committed by accused-appellant and his co-accused by reason or on occasion of the robbery committed against the victim. Under Article 63 of the Revised Penal Code, in all cases in which the law prescribes a penalty composed of two indivisible penalties, and the crime was committed with the presence of one aggravating circumstance, the greater penalty shall be applied. Considering the presence in this case of the aggravating circumstance of abuse of superior strength, the penalty of death imposed by the trial court is proper and should thus be sustained.

Four (4) members of the Court, although maintaining their adherence to the separate opinions expressed in People v. Echagaray[32] that R.A. No. 7659, insofar as it prescribes the penalty of death, is unconstitutional, nevertheless submit to the ruling of the majority that the law is constitutional and that the death penalty should accordingly be imposed.

The civil indemnity in the amount of P50,000.00 awarded by the trial court is sustained, the same being in line with current case law.[33] The award of P26,000.00 as actual damages is also sustained as the amount duly proved and supported by receipts presented during the course of the trial. However, the trial court should have ordered accused-appellant to indemnify the heirs of the victim in the amount of P15,000.00, representing the

amount the victim was carrying at the time of the crime and taken by accused-appellant and his co-accused. It was never established by any admissible evidence that any portion of this amount had been recovered.[34]

But the award for loss of earning capacity should be disallowed. As a rule, documentary evidence should be presented to substantiate the claim for damages for loss of earning capacity. By way of exception, damages for loss of earning capacity may be awarded despite the absence of documentary evidence, provided that there is testimony either that the victim was self-employed earning less than the minimum wage under current labor laws and judicial notice may be taken of the fact that in the victim's line of work, no documentary evidence is available; or that the victim was employed as a daily wage worker earning less than the minimum wage under current labor laws.[35] In the case at bar, the testimony of Lea Espina, Winefred Espina's widow, was the sole basis for the award of damages for loss of earning capacity. As it is not supported by other documentary evidence, her bare testimony cannot be made the basis for an award of damages for loss of earning capacity. Nor do the exceptions apply so as to justify an award of damages for loss of earning capacity despite the absence of documentary evidence. The victim was not employed as a daily wage worker earning less than the minimum wage at the time of his death. He was in fact, as claimed by his widow, earning substantially more than the minimum wage. For these reasons, damages for loss of earnings cannot be awarded in the absence of evidence sufficiently showing his income.

The trial court should have awarded moral damages in the amount of P50,000.00 pursuant to Art. 2219 par. (1) in relation to Art. 2006 par. (3) of the Civil Code. This is in consonance with our recent rulings.[36] We also agree with the Solicitor General that the trial court should have awarded exemplary damages pursuant to Art. 2230 of the Civil Code. Said article allows the imposition of exemplary damages when the crime is committed with one or more aggravating circumstances. As discussed, abuse of superior strength aggravated the commission of the crime in the case at bar. Therefore, an award of P20,000.00 to the heirs of the victim is in order.[37]

WHEREFORE, the decision of the trial court is AFFIRMED with the MODIFICATION that accused-appellant is ordered to pay the legal heirs of Winefred Espina P41,000.00 as actual damages, P50,000.00 as moral damages, P20,000.00 as exemplary damages, and the costs.

In accordance with Section 25 of R.A. 7659, amending Art. 83 of the Revised Penal Code, upon the finality of this decision, let the records of this case be forthwith forwarded to the President of the Philippines for the possible exercise of the pardoning power.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Pardo, Buena, Ynares-Santiago, De Leon, Jr., Sandoval-Gutierrez, and Carpio, JJ., concur.

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[1] Penned by Judge Antonio M. Rosales.

[2] Rollo, p. 4.

[3] TSN, Oct. 1, 1997, pp. 4-7.

[4] Id., pp. 16-17.

[5] Id., pp. 9-10, 12.

[6] Id., pp. 13-14.

[7] Exh. C; Records, p. 10.

[8] TSN, Jan. 28, 1998, pp. 7-9.

[9] TSN, Aug. 19, 1998, pp. 2-6.

[10] Id., pp. 6-7.

[11] TSN, Sept. 30, 1998, pp. 3-7.

[12] Decision, pp. 8-9; Records, pp 71-72.

[13] Brief for the Accused-Appellant, p. 1; Rollo, p. 38.

[14] Id., p. 8; id., p. 45.

[15] People vs. Compendio, 258 SCRA 254 (1996); People vs. Abalos, 258 SCRA 523 (1996).

[16] Decision, p. 6; Rollo, p. 16.

[17] People vs. Deopante, 263 SCRA 691 (1996).

[18] TSN, Oct. 1, 1997, pp. 6, 9.

[19] Decision, p. 7; Rollo, p. 17.

[20] People vs. Paredes, 264 SCRA 578 (1996).

[21] TSN, Sept. 30, 1998, p. 8.

[22] Id., p. 9.

[23] See People vs. Paredes, 264 SCRA 578 (1996).

People vs. Guiapar, 129 SCRA 539 (1984) citing People vs. Saliling, 69 SCRA 427 (1976) and People vs. Arpa, 27 SCRA 1037 (1969); People vs. Mangulabnan, 99 Phil. 992 (1956).[24]

[25] People vs. Sanchez, 298 SCRA 48 (1998), People vs. Pacapac, 248 SCRA 77 (1995).

[26] People vs. Ponciano, 204 SCRA 626 (1991).

[27] People vs. Guiapar, 129 SCRA 539 (1984).

[28] Id.

[29] People vs. Laguardia, 148 SCRA 133 (1987); People vs. Corachea, 91 SCRA 422 (1979).

[30] People vs. Iglesia, G.R. No. 132354, Sept. 13, 2001.

[31] People vs. Barrameda, G.R. No. 130177, Oct. 11, 2000.

[32] 267 SCRA 682 (1997).

[33] People vs. Gano, G.R. No. 134373, Feb. 28, 2001; People vs. Arizobal, G.R. Nos. 135051-52, Dec. 14, 2000; People vs. Sabadao, G.R. Nos. 126126, Oct. 30, 2000.

[34]

[35] People vs. Sequiño, 264 SCRA 79 (1996).

[36] People vs. Fegidero, 337 SCRA 274 (2000). See also People vs. People vs. De Guzman, 326 SCRA 131

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(2000) and People vs. Liad, G.R. Nos. 133815-17, March 22, 2001.

[37] People vs. Gano, G.R. No. 134373, Feb. 28, 2001; People vs. Arizobal, G.R. Nos. 135051-52, Dec. 14, 2000; People vs. Sabadao, G.R. Nos. 126126, Oct. 30, 2000.

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