THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ZALDY MENDOZA Y SEVILLA, ACCUSED-APPELLANT.

G.R. No. 143702. September 13, 2001

Ponente: MENDOZA, J.

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MENDOZA, J.:

This is an appeal from the decision,[1] dated March 12, 1998, of the Regional Trial Court, Branch 33, Iloilo City, finding accused-appellant Zaldy Mendoza guilty of the crime of robbery with homicide and sentencing him to suffer the penalty of reclusion perpetua and to indemnify the heirs of the victim, Hernandez Abatay, in the amounts of P75,000.00 as actual damages and P50,000.00 as civil indemnity.

The information against accused-appellant charged —

> That on or about the 7th day of July, 1994 in the City of Iloilo, Philippines and within the jurisdiction of this Court, said accused, armed with a knife, conspiring and confederating with Marco Aguirre who is still at large, working together and helping one another, with deliberate intent and with violence employed upon the person of Hernandez Abatay, that is by stabbing him with the said knife, with which the accused was armed at the time, did then and there wilfully, unlawfully and criminally take and carry away with intent to gain one (1) Seiko Divers wristwatch valued at P300.00 and cash of P15.00 owned by Hernandez Abatay and as a consequence of the stab wounds suffered by Hernandez Abatay at the hands of the accused, the said Hernandez Abatay died a few days thereafter.
>
> CONTRARY TO LAW.[2]

The information was subsequently amended to include Marco Aguirre, accused-appellant Mendoza's co-accused.

The prosecution presented evidence showing the following:

On July 7, 1994, at around 1:30 a.m., the victim Hernandez Abatay and his companion Jose Neri Tajanlangit were at the corner of Quezon and Ledesma Streets in Iloilo City waiting for a jeepney to take them home. They had just come from work at a supermarket. Tajanlangit left Abatay to urinate nearby. He was about 15 feet away from Abatay when he saw accused-appellant Zaldy Mendoza and a companion approach Abatay. The two men robbed Abatay. Accused-appellant's companion held Abatay's hands behind his back while accused-appellant took Abatay's wrist watch and money. Accused-appellant then stabbed Abatay in the abdomen. Abatay ran away but accused-appellant pursued him.[3]

At that time, PO3 Danilo Tan of the PNP was going home on board a tricycle. He saw a man running on the street, going in his direction. Tan asked the tricycle driver to stop. He alighted and asked the person why he was running. He turned out to be Abatay. He said that he had been held up by two persons. Tan asked him why he was clutching his stomach. Abatay replied that he had been stabbed by the robbers. Tan found that the victim had a wound in the lower right portion of his stomach, about one inch above his belt. Abatay told Tan that one of the robbers was wearing a white t-shirt while the other was wearing a sleeveless basketball shirt and undershirt

uniform.[4]

PO3 Tan asked the tricycle driver to take Abatay to St. Paul's Hospital, while he went after the suspects. He spotted one of the suspects, who was wearing a sleeveless basketball shirt, along Quezon St. on the way to Rizal St. The suspect, who was later identified as accused-appellant Zaldy Mendoza, was panting for breath because he had been running. Tan identified himself and searched the suspect. Tan was able to recover a table knife from accused-appellant.[5]

PO3 Tan then took accused-appellant to the St. Paul's Hospital where Abatay was confined. In the presence of Tan and some nurses and the attending physician in the emergency room, Abatay pointed to accused-appellant as one of those who had held him up and then stabbed him. At that time, Abatay was in good condition and even spoke with Tan. Tan then placed accused-appellant under arrest and took him to the police station for investigation. Accused-appellant allegedly pointed to Marco Aguirre as his companion when they held up Abatay. Tan tried to look for Aguirre but was unsuccessful.[6]

Melly De Rojo testified that on July 7, 1994, from around 11:30 p.m. to 12:30 a.m., she was washing clothes outside her house at the Roxas Village in Mabini St., Iloilo. She was a neighbor of accused-appellant Zaldy Mendoza and Marco Aguirre in the said village.[7] According to this witness, Marco Aguirre asked her to hide him inside her house because he had just stabbed someone. De Rojo said Aguirre was wearing a white t-shirt with bloodstains on it and was holding a knife. Aguirre told her that he could not get inside his own house because it was closed. She said she refused Aguirre's request because her husband and children were sleeping inside the house. Then Aguirre allegedly took off his clothes and hung them on her clothes line. She told Aguirre not to hang his clothes on her clothes line as it might place her in trouble. Aguirre left and De Rojo did not see him again. Neither did she see accused-appellant. De Rojo did not report the incident to the police because she was afraid and, anyway, she found out later that the crime had already been reported to the police.[8]

Accused-appellant went to see De Rojo twice after the event that took place on the night of July 7, 1994. Accused-appellant's wife asked her if it was true that Aguirre showed up at her house on the night in question. De Rojo replied in the affirmative and told her that she would testify in favor of accused-appellant because it was Aguirre and not accused-appellant whom she saw that night outside her house.[9]

The kitchen knife which had been recovered from accused-appellant was turned over on July 8, 1994 at 8:00 a.m. to PO3 Manuel Artuz, the exhibit custodian of Police Precinct I. The blade of the knife was discolored but he could not say if it was blood that caused the stain.[10]

Violeta Abatay, the victim's mother, testified that she saw her son at the St. Paul's Hospital in the early morning of July 7, 1994. Her son died on July 10, 1994, after three days' confinement.[11]

Dr. Tito Doromal, a medico-legal officer of the Iloilo City Police Station, performed an autopsy on the body of Hernandez Abatay on July 11, 1994.[12] As reflected in a medico-legal autopsy report (Exh. A) prepared by him, Dr. Doromal found that the cause of death of the victim was a single stab wound located under the subleeding and thoraco-abdominal region or near the right lower abdomen. The direction and entrance of the wound was horizontal inside the abdominal cavity and ended at the outer portion of the right kidney. The wound, which was 18 cms. deep and 3.5 x 1.2 cms. wide, was inflicted using a single-bladed sharp instrument, such as a knife. The bladed instrument penetrated the back and hit the posterior portion of the lungs, causing the same to harden and acquire a liver-like consistency. The victim developed hypostatic pneumonia causing his death. Hemorrhaging secondary to the stab wound also contributed to the victim's death.[13]

Dr. Doromal also found that based on the location of the wound in the victim's body, it was possible that the

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victim and his assailant were facing each other when the former was stabbed. The assailant's thrust originated from below the victim's abdomen and moved upwards to the inner portion of the body.

The defense of the accused-appellant Zaldy Mendoza was alibi. He claimed that on July 7, 1994, at around 11:30 p.m., he was at the Rochelle Carinderia resting after a day's work, driving a "trisicad." Afterwards, he walked along Mabini St. towards the corner of Ledesma St. On the way, he saw his neighbor Marco Aguirre with a certain person he did not know. Accused-appellant, who was about five meters away, saw Aguirre pointing a knife at the person. Accused-appellant said he approached the two and asked Aguirre what the matter was, but he was told to leave. Then, he said, he saw Aguirre stab the person. Accused-appellant claimed he fled towards the direction of the Rochelle Carinderia. Accused-appellant said he wanted to report the incident to the police, but before he could do so a police patrol car arrived. PO3 Danilo Tan alighted from the car and, while pointing a gun at him, asked accused-appellant who his companions were. Accused-appellant said he had no companions. He was then made to get inside the patrol car and taken to the Gen. Luna Police Station for investigation.[14]

Accused-appellant said he was handcuffed and taken to St. Paul's Hospital. At the emergency room of the hospital, he said PO3 Tan asked Abatay if accused-appellant was the one who stabbed him, but Abatay answered that it was accused-appellant's companion who stabbed him.

On March 12, 1998, the lower court rendered a decision finding accused-appellant guilty of the crime charged. The dispositive portion of its decision states:

> WHEREFORE, the accused Zaldy Mendoza y Sevilla is hereby found guilty beyond reasonable doubt of the crime of Robbery with Homicide under Article 294 of the Revised Penal Code, as amended nu Republic Act 7659, is hereby punished with imprisonment of Reclusion Perpetua to Death, to pay the heirs of the victim P75,000.00 as actual damages and to pay civil indemnity of P50,000.00.
>
> SO ORDERED.[15]

Accused-appellant filed a motion for reconsideration dated November 25, 1994. In its order dated October 26, 1998, the trial court denied the motion after finding no compelling reason to reconsider its decision.[16] But the trial court amended the dispositive portion by specifying the provision of the Revised Penal Code violated and the penalty as follows:

WHEREFORE, the accused Zaldy Mendoza y Sevilla is hereby found guilty beyond reasonable doubt of the crime of Robbery with Homicide under Article 294 of the Revised Penal Code, as amended by Republic Act 7659, is punished with imprisonment of Reclusion Perpetua, to pay the heirs of the victim Seventy-Five Thousand (P75,000.00) Pesos as actual damages and to pay civil indemnity of Fifty Thousand (P50,000.00) Pesos.[17]

On November 25, 1998, accused-appellant filed a motion for reconsideration and new adjudication on the ground that the trial court's order, dated October 26, 1998, was rendered after Judge Florentino P. Pedronio had vacated his position as RTC Judge of Iloilo.[18] But the trial court denied accused-appellant's motion in an order on March 16, 2000.[19]

Hence, this appeal. In his lone assignment of error, accused-appellant contends:

> THE TRIAL COURT ERRED IN CONVICTING ACCUSED ZALDY MENDOZA Y SEVILLA FOR A CAPITAL OFFENSE ON INSUFFICIENT EVIDENCE.[20]

We find the appeal to be without merit.

First. The issue in this case turns on the credibility of the prosecution witnesses. We have repeatedly ruled that in the absence of any fact or circumstance of weight which has been overlooked or the significance of which has

been misconstrued, appellate courts will not interfere with the trial court's findings on the credibility of witnesses or set aside its judgment considering that it is in a better position to decide these questions as it heard the witnesses during trial.[21] The matter of assigning values to declarations on the witness stand is best and most completely performed and carried out by a trial judge who, unlike appellate magistrates, can weigh such testimonies in the light of the defendant's behavior, demeanor, conduct, and attitude during the trial.[22]

In this case, accused-appellant questions the testimony of the lone eyewitness, Jose Tajanlangit, claiming that the latter's testimony is not worthy of credence because it is incredible and is based largely on hearsay. To bolster his claim, accused-appellant cites three examples from the latter's testimony. First, Tajanlangit did not testify that he heard any sound come from the deceased Abatay when the latter was stabbed by his holduppers. Accused-appellant says it is highly improbable that the deceased did not make any outcry when he was stabbed and equally improbable that Tajanlangit did not hear the same. Second, Tajanlangit testified that he ran away in the direction opposite that to which Abatay ran after being stabbed. Yet Tajanlangit also testified that Abatay met PO3 Tan; that Tan sent Abatay to his employer; and that Tan pursued and caught up with accused-appellant. Accused-appellant asserts that Tajanlangit could not have possibly testified as to facts which took place after he ran away and that he only gathered such facts from the victim himself when the latter was still alive in the hospital. Third, Tajanlangit testified that he and the victim were waiting for a jeep instead of a taxi on the night in question because the victim only had P15.00 in his pocket. Accused-appellant claims that this is unbelievable since Tajanlangit had P50.00 in his own pocket. Why, accused-appellant asks, did Tajanlangit not disclose this fact to the victim so that they could have taken a taxi?[23]

The questions raised by accused-appellant concerning Tajanlangit's testimony as to what he saw, heard, and did on that fateful night are too incidental to merit any serious consideration. They concern only minor details that do not touch upon the basic elements of the crime itself and therefore cannot detract from the credibility of the witness.[24] No glaring inconsistencies in the testimony of Tajanlangit were shown by the defense. What is crucial is that Tajanlangit testified clearly that he saw accused-appellant and a companion being held up Abatay on that night; that the two managed to take Abatay's money and wrist watch; and that accused-appellant stabbed the victim. There is no reason to doubt the accuracy of Tajanlangit's observation since the place where the crime occurred was well-lighted, there being a street lamp on a nearby corner.[25]

Witness Tajanlangit testified that he saw the actual stabbing of Abatay and was even able to demonstrate that the direction of the stabbing motion made by accused-appellant was downward going upward.[26] This coincides with the finding of the medico-legal expert, Dr. Tito Doromal, that the entry of the weapon into the victim's abdomen was "backward upward," that is, that the entrance of the weapon was horizontal inside the abdominal cavity and ended at the outer portion of the right kidney.[27] Thus, the evidence confirms that the wound sustained by the victim was inflicted in the manner seen and testified to by Tajanlangit.[28] Accused-appellant failed to show that Tajanlangit had any motive to testify falsely against him and his companion concerning so serious a crime as robbery with homicide.

Further bolstering the credibility of Tajanlangit are the testimonies of the other witnesses presented by the prosecution which sufficiently establish accused-appellant's guilt of the crime charged.

PO3 Danilo Tan testified that he encountered the victim on Ledesma Street who told him that he had been robbed and then stabbed by two persons; that the victim suffered a wound in the abdominal area; that the victim described the appearance of his attackers; that he sent the victim to his employer in the supermarket; that he caught accused-appellant, who matched the description of one of the victim's robbers, while the latter was running along Quezon St.; that he recovered a table knife from accused-appellant; that he took accused-appellant to the hospital where the victim was; and that the victim pointed to accused-appellant as the person who had stabbed him.

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PO3 Manuel Artuz, exhibit custodian of Police Precinct I in Iloilo City, testified that a discolored table knife was turned over to him in the early morning of July 8, 1994. The knife was identified by PO3 Tan in open court as the same one he recovered from accused-appellant on July 7, 1994.[29]

Violeta Abatay testified that she saw her son lying wounded in the emergency room of the St. Paul's Hospital in the early morning of July 7, 1994 and that her son died on July 10, 1994.

Finally, Dr. Tito Doromal, who performed the autopsy on the body of victim Abatay, testified that the latter died as a result of a stab wound inflicted on the lower right portion of the abdomen and that the weapon used to inflict the wound was a sharp-bladed instrument, such as a knife.[30]

While it is true that none of the other witnesses, aside from Tajanlangit, actually saw the accused-appellant rob and stab the victim, their testimonies nonetheless provide sufficient corroborative evidence pointing to the guilt of the accused-appellant. The testimonies of Tan, Artuz, Violeta Abatay, and Dr. Doromal together render a complete account of the events surrounding the death of Abatay which lead to but one fair and reasonable conclusion -- that accused-appellant is guilty of the crime charged.

Accused-appellant admitted that he was on Ledesma Street and saw the crime committed, but claimed that he immediately left because Marco Aguirre told him to leave. According to him, the next thing he knew was that he was accosted by PO3 Tan, who searched his person, and later took him to the St. Paul's Hospital, where he was pointed to by the same man whom he had seen being robbed by Aguirre.

Accused-appellant's denial that it was not he, but Marco Aguirre, who committed the deed is, to say the least, self-serving. Accused-appellant's denial does not credibly support his claim of innocence.[31] For in weighing contradictory declarations and statements, greater weight must be given to the positive testimonies of the prosecution witnesses than to the denial of the defendant.[32]

Nor can accused-appellant's defense of alibi prosper. Accused-appellant was positively identified as the person who committed the crime. It is basic and well-entrenched that the defense of alibi cannot stand against the positive identification of a credible eyewitness.[33] Nor did accused-appellant show that it was physically impossible for him to be at the scene of the crime. It has been repeatedly held that to establish alibi, accused-appellant must not only show that he was at some other place at or about the time of the commission of the crime but also that it was physically impossible for him to have been at the place where the crime was committed.[34] But, as earlier stated, accused-appellant in fact admitted that he was actually on Ledesma Street at the time the crime was being committed.

Second. Accused-appellant claims that the decision of the trial court, dated March 12, 1998, is a nullity since it was promulgated twelve months, or more than ninety (90) days, after the case was submitted for decision on March 23, 1997. He cites the ruling of this Court in Lazaret v. Bantuas[35] in support of his contention.[36] He further contends that the amended decision dated October 26, 1998 is likewise a nullity since it was issued motu proprio, contrary to Rule 120, §7 of the Revised Rules of Criminal Procedure, which allows the modification of a judgment of conviction only upon motion of the accused. Finally, accused-appellant maintains that the amended decision, consisting of a new dispositive portion contained in a two-paragraph order, was never promulgated and is, therefore, a nullity.[37]

Accused-appellant's contention is without merit. The failure to decide cases within the ninety-day period required by law constitutes a ground for administrative liability against the defaulting judge,[38] which may take the form of dismissal, forfeiture of benefits and privileges,[39] or a fine.[40] But it does not make the judgment a nullity. The judgment is valid.[41]

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Accused-appellant also complains that the decision in this case was amended without any of the parties asking for it. This is not so. The original decision in this case was issued on March 12, 1998 and was promulgated on July 15, 1998.[42] The decision was written by Acting Presiding Judge Florentino P. Pedronio of the Bacolod City RTC, Branch 43. On July 24, 1998, accused-appellant, through counsel, filed a motion for reconsideration, praying that the decision be set aside and accused-appellant acquitted on the ground that the decision did not state the law violated nor refer to the specific provision of the Revised Penal Code.[43]

Acting on the motion, the trial court denied accused-appellant's motion for reconsideration, but amended the dispositive portion of its decision for indeed the same failed to fix the specific penalty within the range provided for in the Revised Penal Code for the crime committed.[44] Hence, the Court amended the dispositive portion of its decision by citing the provision of the Revised Penal Code violated and imposing on accused-appellant the appropriate penalty of reclusion perpetua.

As the Solicitor General well observed, it is misleading for accused-appellant to claim that the trial court motu proprio modified its ruling as the trial court in fact resolved the motion for reconsideration filed by accused-appellant resulting in the modification of the imposed penalty. The trial court has the residual jurisdiction to correct the error in imposing the penalty.

Accused-appellant further claims that the amended decision is a nullity since the same consisted of only one paragraph and does not contain the requisites of a decision.

The order, dated October 26, 1998, of the trial court is an integral part of the original decision rendered on March 12, 1998 for the purpose of determining compliance with the constitutional requirement of Art. VIII, §14 that "No decision shall be rendered by any Court without expressing therein clearly and distinctly the facts and the law on which it is based."

Rule 120, §2 of the Revised Rules of Criminal Procedure provides:

> SEC. 2. Form and contents of judgment. — The judgment must be written in the official language, personally and directly prepared by the judge and signed by him and shall contain clearly and distinctly a statement of the facts proved and admitted by the accused and the law upon which the judgment is based.
>
> If it is of conviction, the judgment shall state (a) the legal qualification of the offense constituted by the acts committed by the accused, and the aggravating or mitigating circumstances attending the commission thereof, if there be any; (b) the participation of the accused in the commission of the offense, whether as principal, accomplice, or accessory after the fact; (c) the penalty imposed upon the accused; and (d) the civil liability or damages caused by the wrongful act to be recovered from the accused by the offended party, if there be any, unless the enforcement of the civil liability by a separate action has been reserved or waived.
>
> In case of acquittal, unless there is a clear showing that the act from which the civil liability might arise did not exist, the judgment shall make a finding on the civil liability of the accused in favor of the offended party. (Emphasis added)

A perusal of the March 12, 1998 decision of the trial court shows that it conforms substantially with these requirements. The dispositive portion, however, is defective as it did not mention the law pursuant to which accused-appellant was convicted and the two indivisible penalties of reclusion perpetua and death was imposed upon him. Hence, there was a need to amend the same, which the trial court did upon motion for reconsideration of accused-appellant based on the same ground.

Third. Accused-appellant argues that the confession he made to PO3 Daniel Tan at the St. Paul's Hospital that he and Marco Aguirre had robbed Abatay is inadmissible in evidence because it was given without the assistance of

counsel while he (accused-appellant) was in custody.

Indeed, the confession is inadmissible in evidence under Article III, Section 12(1) and (3) of the Constitution, because it was given under custodial investigation and was made without the assistance of counsel.[45] However, the defense failed to object to its presentation during the trial with the result that the defense is deemed to have waived objection to its admissibility. No error was, therefore, incurred by the trial court in admitting evidence of the confession.

Nor did the trial court err in sentencing accused-appellant to reclusion perpetua.[46]

The penalty for robbery with homicide under Art. 294, par. 1 of the Revised Penal Code, as amended by R.A. No. 7659, is reclusion perpetua to death. In the absence of any aggravating circumstance, the lesser penalty should be imposed, i.e., reclusion perpetua.[47]

With respect to the amount of damages, the following expenses were duly supported by receipts presented in evidence: P1,695.00 as medical expenses; P51,302.00 as hospital expenses; and P6,500.00 as funeral expenses, or the total amount of P59,497.00. The trial court's award of P50,000.00 by way of indemnity as a result of the death of the victim is in accordance with the current case law[48] and therefore is sustained. In addition, the amount of P50,000.00 as moral damages must likewise be awarded in favor of the heirs of the victim pursuant to recent rulings.[49]

WHEREFORE, the amended decision of the Regional Trial Court, Branch 33, Iloilo City, finding accused-appellant Zaldy Mendoza guilty of robbery with homicide and sentencing him to suffer the penalty of reclusion perpetua is AFFIRMED with the MODIFICATION that accused-appellant is ordered to pay the heirs of the victim P59,497.00 as actual damages and P50,00.00 as moral damages in addition to the amount of P50,000.00 awarded as indemnity by the trial court. Costs against accused-appellant.

SO ORDERED.

Quisumbing, Buena, and De Leon, Jr., JJ., concur.
Bellosillo, (Chairman), J., no part. Friend of counsel of one of parties.

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[1] Per Acting Presiding Judge Florentino P. Pedronio.

[2] Rollo, p. 8.

[3] TSN, pp. 3-6, Nov. 10, 1995.

[4] TSN, pp. 4-6, July 10, 1995.

[5] Id., pp. 7-8.

[6] TSN, pp. 2-7, Oct. 13, 1995.

[7] TSN, pp. 7-8, Feb. 3, 1997.

[8] Id., p. 14.

[9] Id., p. 13.

[10] TSN, pp. 4-7, July 24, 1995.

[11] Id., pp. 4-6.

[12] TSN, p. 4, April 28, 1995.

[13] TSN, pp. 6-7, 9-11, 12, April 28, 1995.

[14] TSN, pp. 4-8, Aug. 12, 1996.

[15] Decision, p. 7; Records, p. 197.

[16] Records, p. 239.

[17] Order, dated October 26, 1998; Records, p. 240.

[18] Records, pp. 241-244.

[19] Id., pp. 266-273.

[20] Brief for the Accused-Appellant, p. 5, Rollo, p. 45.

[21] People v. Guiamil, 277 SCRA 658 (1997); People v. Espera, 175 SCRA 728 (1989).

[22] People v. Guiamil, 277 SCRA 658 (1997).

[23] Brief for the Accused-Appellant, pp. 1-2, 6-8, 18-19; Rollo, pp. 41-42, 46-48, 59-60.

[24] People v. Guiamil, 277 SCRA 658 (1997).

[25] TSN, p. 4, Nov. 10, 1995.

[26] Id, p. 5.

[27] TSN, p. 7, April 28, 1995.

[28] See People v. Espera, 175 SCRA 728 (1989).

[29] TSN, p. 5, Oct. 13, 1995.

[30] TSN, p. 12, April 28, 1995.

[31] See People v. Raganas, 316 SCRA 457 (1999).

[32] People v. Guiamil, 277 SCRA 658 (1997).

[33] People v. Pedroso, 115 SCRA 599 (1982); People v. Peñaranda, 107 SCRA 686 (1981).

[34] People v. Pedroso, 115 SCRA 599 (1982).

[35] 114 SCRA 603 (1982).

[36] Brief for the Accused-Appellant, p. 21; Rollo, p. 62. See also Order of the Trial Court, March 16, 2000, p. 1; Records, p. 266.

[37] Brief for the Accused-Appellant; Rollo, p. 62.

[38] Celino v. Abrogar, 245 SCRA 304 (1995); Lopez v. Alon, 254 SCRA 166 (1996).

[39] In Re: Juliano, 227 SCRA 189 (1993).

[40] See Lazaret v. Bantuas, 114 SCRA 603 (1982).

[41] See Celino v. Abrogar, 245 SCRA 304 (1995); Lopez v. Alon, 254 SCRA 166 (1996).

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[42] See Order, March 16, 2000, p. 2; Records p. 267.

[43] Motion for Reconsideration, pp. 1-2; id., pp. 204-205.

[44] Resolution, p. 4; id., p. 239.

[45] People v. Duero, 104 SCRA 379 (1981).

[46] People v. Ranillo Ponce Hermoso, G.R. No. 130590, October 18, 2000. See also People v. Pedroso, 115 SCRA 599 (1982) citing Rule 133, §3, Rules on Evidence; People v. Revotoc, 106 SCRA 22 (1981); People v. Jimenez, 105 SCRA 721 (1981); People v. Narciso, 23 SCRA 844 (1966); People v. Reyes, 17 SCRA 279 (1968).

[47] People v. Raganas, 316 SCRA 457 (1999); People v. Guiamil, 277 SCRA 658 (1997).

[48] People v. Trilles, 254 SCRA 633,643 (1996); Sulpicio Lines Inc. v. CA, 246 SCRA 376 (1995).

[49] People v. Francisco, G.R. No. 138022, Aug. 22, 2001.

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