

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. FERDINAND MATITO Y TORRES, A.K.A. “FREDDIE,” APPELLANT.

G.R. No. 144405. February 24, 2004

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

Circumstantial evidence, when demonstrated with clarity and forcefulness, may be the sole basis of a criminal conviction. It cannot be overturned by bare denials or hackneyed alibis.

The Case

Ferdinand Matito y Torres alias “Freddie” appeals the June 20, 2000 Decision[1] of the Regional Trial Court (RTC) of Malolos, Bulacan (Branch 12), in Criminal Case No. 240-M-99, finding him guilty of murder and sentencing him to reclusion perpetua. The dispositive part of the Decision is worded thus:

“WHEREFORE, finding herein accused Ferdinand Matito y Torres @ Freddie guilty as principal beyond reasonable doubt of the crime of murder as charged, there being no attendant mitigating or aggravating circumstance in the commission thereof, [the Court hereby sentences him] to suffer the penalty of reclusion perpetua, to indemnify the heirs of the deceased in the amount of P75,000.00, plus P100,000.00 as moral damages subject to the appropriate filing fee as a first lien, and to pay the costs of the proceedings.

“In the service of his prison term the accused, being a detention prisoner, shall be credited with the full time during which he had undergone preventive imprisonment, pursuant to Art. 29 of the Revised Penal Code.”[2]

The Information,[3] dated November 24, 1998, charged appellant as follows:

“That on or about the 16th day of October, 1998, in the [M]unicipality of Paombong, province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a firearm and with intent to kill one Mariano Raymundo, Jr. did then and there willfully, unlawfully and feloniously, with evident premeditation, treachery and taking advantage of night time attack, as[s]ault and shoot with the said firearm the said Mariano Raymundo, Jr. hitting the latter on the different parts of his body, thereby causing him serious physical injuries which directly caused his death.”[4]

Upon his arraignment on February 5, 1999,[5] appellant, assisted by his counsel de parte,[6] pleaded not guilty. After trial in due course, the court a quo rendered the assailed Decision.

The Facts

Version of the Prosecution

In its Brief, the Office of the Solicitor General (OSG) presents the prosecution’s version of the facts as follows:

“On October 16, 1998, around 10:30 in the evening, in San Roque, Hagonoy, Bulacan, Filomena[7] Raymundo

heard gunshots just moments after her husband Mariano Raymundo, Jr. had stepped out of their house to go to the backyard to attend to his quails. As the shots came from the direction where Mariano was, Filomena rushed to the kitchen door and, upon opening it, saw Mariano who was about to come in. He was pressing his hands on his shoulder which was bloodied and bleeding. Once inside the house, Filomena asked Mariano what happened and who did it to him. Mariano replied: 'Binaril ako ni Pareng Freddie. Binaril ako ni Pareng Freddie.' Mariano pushed Filomena away from the door when she tried to look outside. Filomena again asked Mariano who shot him, but Mariano's voice by then was barely audible.

"Filomena and her two (2) daughters whom she had awakened, called out to their neighbors for help. Mariano was boarded on a tricycle and rushed to the Divine World Hospital where he was pronounced dead.

"Dr. Manuel Aves conducted an autopsy examination on the victim at the Hagonoy District Hospital. His examination revealed that the victim sustained one (1) fatal wound on the right lateral neck at the area of the carotid triangle; two (2) other wounds on the left shoulder and right hand. Dr. Aves placed the cause of death to 'hypovolemic shock due to GSW, neck.'

"On the following day, the police invited appellant and his father for questioning and conducted paraffin tests on them. Filomena identified them as the last persons with whom Mariano had a quarrel prior to his death.

"On October 19, 1998, Teresita Manalo Lopez, Forensic Chemist of the PNP Crime Laboratory, Malolos, Bulacan, submitted her report that the right hand cast of appellant was positive for powder nitrates.

"While still alive, Mariano was a barangay tanod and the secretary of their neighborhood association. A month prior to his death, Mariano cut the supply of water to the house of appellant for his failure to pay his water bills for two (2) months. Also, Mariano had interceded for and on behalf of some neighbors who demanded that appellant move his fence away from their walk path. Then, about 6:30 in the evening of October 16, 1998, Marlene Raymundo, a daughter of Mariano and Filomena, met appellant along the road. After asking her where her father was, appellant cursed: 'Putang ina iyang Tatay mo. Yari sa akin iyang Tatay mo.' Marlene Raymundo observed that appellant was drunk and his eyes were red." [8] (Citations omitted)

Version of the Defense

The defense narrates its version of the facts in this manner:

"On the part of the accused, they presented as witness MR. CEFERINO GALVEZ, 44 years old, a third cousin of the victim [M]ariano Raymundo, Jr. He testified that he came to know of the death of Mariano Raymundo, Jr. through a neighbor and upon learning it went to his wake at Hangga, Hagonoy, Bulacan. While at this wake, he came to have a conversation with the victim's widow who told him that her husband was already dead and was not able to say anything before he died since blood was already coming out through his nose and mouth.

"On cross[-]examination, he testified that the accused is a nephew of his wife and during the time he went to the wake of the victim, he saw many of their relatives. The accused, during that time was outside the yard.

"Another witness for the defense is DR. MANUEL AVES who on direct examination testified that the victim Mariano Raymundo, Jr. sustaine[d] three (3) gunshot wounds and the most fatal of which [was] the one that [was] inflicted in the neck of the deceased. The said injury [was] a bloody one that it can block the air passage of the victim making him unable to talk.

"On cross[-]examination, the doctor testified that the injury of the victim affect[ed] the larynx which [was] so severe that it [was] not possible that he [could] talk as his injury [was] in the neck. There [was] no possibility that the victim [could] speak.

"The accused himself, FERDINAND MATITO was placed on the witness stand and testified that he [was] the accused in this case and that he kn[e]w the victim Mariano Raymundo, Jr. because his wife is his son's

godmother in his confirmation. He is also a neighbor, their residence being almost 50 meters away from each other, separated by about four houses. On October 16, 1998, between the hours of 10:00 o'clock to 11:00 o'clock in the evening, he was at home with his wife and his four (4) children. On that night, at about past 8:00 o'clock in the evening, after having dinner, his family went to bed. Between the hours of 1:00 to 2:00 o'clock in the morning of the next day, they were awoken[ed] by two (2) policemen who [were] then with his brother Aries Matito. The policemen told him that they need[ed] to talk to [him] about the killing that happened that day and told [him] that his kumare told the policemen that we were the only ones that [had] a fight/quarrel with her victim husband. He asked the policemen who is the kumare that they [were] talking about and they told [him] that it [was] Felomena Raymundo. He told the policemen that he knew nothing about the killing and he was in fact only awoken[ed] by them. The accused also denied the allegations testified to by the victim's daughter Marilyn and denied having said anything against the victim. In fact, between the hours of 6:00 in the evening of October 16, 1996, he [was] already at home. He also denied the allegations as testified to by the widow of the victim and denied having any misunderstanding with the victim when it cut[-]off the water supply. That they left a one meter passage when they put a barb[ed] wire fence around their house. Of the two instances mentioned, the accused denied having any heated argument or quarrel with the victim because ever since, they [had] good relationship as neighbors. He [had] no knowledge of any person who could have done the same to his kumpadre.

"On cross[-]examination, the accused testified that his good relation with the victim [was] the same as his kumadre and their children. That's why he [did] not know of any reason why the widow of the victim [had] implicated him with the killing of her husband. On the day of October 16, 1998, he arrived home at around 4:30 in the afternoon from fishing. At about 8:00 o'clock in the evening of that same day, he and his family already went to bed and slept until he was awoken[ed] by the two policemen who invited him for some inquiries at about 1:00 to 2:00 o'clock in the morning of the next day. It [was] only at that time that he knew that his kumpadre, the victim, was already dead. At about 2:00 o'clock in the morning, he was brought by the policemen to the laboratory office allegedly for examination but the examination did not [push] through x x x because the crime lab at that time [had] no wax so they asked [them] to return on the 17th of October, 1998. Thereafter, [he] was told that the examination showed that the results gave a positive result and thereafter [he] was [i]ncarcerated.

"On re-direct examination, he testified that he was [i]ncarcerated on 19 October 1998. Between the dates of October 16 to October 18, 1998 while he was not yet [i]ncarcerated, he was in their barangay attending x x x the wake of his kumpadre."[9]

Ruling of the Trial Court

The RTC gave more credence and weight to the prosecution evidence. Debunking the defenses of denial and alibi, it accepted the testimony of the widow that her husband, prior to his death on that fateful night, declared that it was appellant who had gunned him down. It based its conclusion on her testimony and other pieces of circumstantial evidence, such as the presence of nitrate powder on the cast taken from the right hand of appellant; the bitter quarrel that ensued between him and the victim after the latter had cut off the former's water supply; the denial by appellant of the request of his neighbors (including the victim) to widen the right of way along the premises of his house; and hours before the victim was killed, the threatening remarks of appellant to the former's daughter. Hence, the trial court concluded that it was appellant who had shot the victim that night.

The lower court explained:

"x x x the most incriminating circumstance against herein accused was the presence of gunpowder residue on his right hand which the defense failed to explain over the likelihood opined by the forensic chemist that he could have fired a gun. This, combined with the bitterness he had with the victim who was instrumental to the cutting off [of] the essential water supply to his house, in addition to the other personal differences between

them that could sufficiently motivate him to take drastic action against the victim, makes the Court conclude that, there being no one else who could have done so, it could only be herein accused who indeed shot the victim to death, what with the word of his widow that before he collapsed into coma he was able to name him as the culprit, and of their 12-year old daughter that earlier that night of the shooting he uttered threatening remarks against her father.”[10]

Hence, this appeal.[11]

Issues

In his Brief, appellant raises the following alleged errors for our consideration:

“1. The lower court erred in appreciating the testimony of the witness as a dying declaration.

“2. The lower court erred in convicting the accused when the prosecution failed to established the guilt of the accused beyond reasonable doubt.”[12]

Succinctly worded, the main issue is the sufficiency of the prosecution evidence.

The Court’s Ruling

The appeal is partly meritorious.

Main Issue:

Sufficiency of the Prosecution Evidence

Appellant contends that the prosecution failed to prove beyond reasonable doubt that he had committed the crime charged. Supposedly, the RTC erred in giving full credence to the testimony of the widow that prior to the death of the victim, he had told her that it was appellant who had shot him. This “dying declaration” should have been rejected by the trial court, appellant argues, based on the testimony of Dr. Manuel Aves, the physician who had conducted the autopsy. According to the doctor, given the nature of the gunshot wound sustained by the victim on the right carotid artery, it would have been impossible for the latter to speak at all.

We are not persuaded.

The Court a quo was convinced of the credibility of the victim’s wife. The hornbook doctrine is that the trial court, which has the opportunity to observe the demeanor of the witnesses on the stand, is in the best position to discern whether they are telling the truth. Thus, unless tainted with arbitrariness or oversight of some fact or circumstance of significance and influence, its factual findings are accorded the highest degree of respect and will not be disturbed on appeal.[13] In this case, no sufficient reason was advanced by appellant to justify a deviation from this principle.

The lower court accepted Felomena Raymundo’s story, because “it cannot imagine the widow inventing such narrative against the accused, if the victim did not really tell her that, and risking to let the real killer of her husband go scot free.”[14]

Moreover, the RTC deemed as incredulous the story proffered by the defense on the manner of the victim’s death. Rosalina de Guzman, who was presented by the latter as eyewitness, narrated in her testimony how three armed men had grappled with the victim before he died. According to her, one of these three men stabbed him on the neck; when he fought back, he was shot by another one of them. This concoction was implausible, because the autopsy shows that (1) the victim sustained three gunshot wounds, not just one such wound; and (2) the fatal

injury on his neck was a bullet, not a stab, wound.

Dying Declaration

A dying declaration, also known as a statement in articulo mortis, may be received in evidence under Section 37 of Rule 130 of the Rules of Court, which we quote:

“SEC. 37. Dying Declaration. — The declaration of a dying person, made under a consciousness of an impending death, may be received in any case wherein his death is the subject of inquiry, as evidence of the cause and surrounding circumstances of such death.”

To be admissible, the following requisites should be met: (a) the declaration must concern the cause and the surrounding circumstances of the declarant's death; (b) at the time the declaration is made, the declarant is under a consciousness of impending death; (c) he or she is competent as a witness; and (d) the declaration is offered in a case in which the declarant's death is the subject of the inquiry.[15]

Even though Dr. Aves was accepted as an expert witness by both parties, he was not identified as a speech therapist or as a neurologist who could authoritatively establish a causal connection between carotid blood vessel injuries and functional damage to the voice box. Neither was he able to relate those injuries to any of the nerves that controlled the speech mechanism of the victim. Moreover, there was no evidence of injury to the tongue, the lips or the mouth of the victim — organs responsible for audible and articulate speech — injury to which might have prevented him from communicating audibly to his wife before he lost consciousness.

In addition, the fact that he was still able to enter the house after being shot three times, as well as the significant lapse of time before he died in the hospital, showed that he had ample time to communicate to his wife the assailant's identity. That there was no way the victim could have told his wife before he died that it was appellant who had shot him cannot be accorded absolute credence and faith, as such testimony was given by Dr. Aves who was not a speech therapist or a neurologist.

Circumstantial Evidence

Circumstantial evidence is defined as that evidence that “indirectly proves a fact in issue through an inference which the factfinder draws from the evidence established. Resort thereto is essential when the lack of direct testimony would result in setting a felon free.”[16] It is not a weaker form of evidence vis-à-vis direct evidence.[17] Cases have recognized that in its effect upon the courts, the former may surpass the latter in weight and probative force.[18]

To warrant a conviction based on circumstantial evidence, the following requisites must concur: (1) there is more than one circumstance; (2) the facts from which the inferences are derived are proven; and (3) the combination of all the circumstances is such as to produce conviction beyond reasonable doubt.[19] The totality of the evidence must constitute an unbroken chain showing the guilt of the accused beyond reasonable doubt.

On the strength of the circumstantial evidence proven in the current case, we hold that the court a quo did not err in convicting appellant of the crime charged. The combination of the circumstances comprising such evidence forms an unbroken chain that points to appellant, to the exclusion of all others, as the perpetrator of the crime.

First, narrating how her husband, before he died, had identified his killer, the widow testified as follows:

“Q: Where is this Mariano Raymundo, Jr. now, your husband?

A: Already dead, sir.

Q: When did he die?

A: October 16, 1998, sir.

Q: Did you come to know the reason or cause of his death?

A: Yes, sir.

Q: What?

A: He was shot, sir.

Q: When?

A: October 16, 1998, sir.

Q: Where?

A: Behind our house, sir.

Q: How did you come to know that?

A: Because [we] were the only ones there, sir.

Q: How did you come to know that your husband was shot or killed?

A: When he turned and stepped outside the door when I heard a gunshot, sir.

Q: Was he talking with anyone when you heard gunshot?

A: I did not hear of any, sir.

Q: How many minutes or seconds had elapsed when you heard a gunshot after he left?

A: Only seconds, sir.

Q: How far were you from him when you heard a gunshot?

A: When I heard the successive gunshot my distance from him was about five (5) or six (6) arms length, sir.

Q Immediately when you heard the gunshot, what did you do?

A: I was afraid. I opened the door and I saw him standing there about to come in, but holding his left shoulder bleeding, sir.

Q: Did you bother to ask him why was he bleeding?

A: I asked him when he came inside what happened and who did this to you, sir.

Q: What was his reply?

A: He said x x x two (2) times, 'Binaril ako ni Pareng Freddie. Binaril ako ni Pareng Freddie.'

Q: Who is this Pareng Freddie that he was trying to tell you who shot him?

Court:

Witness pointed to the accused inside the courtroom.”[20]

Appellant assails her testimony, because she allegedly told a neighbor during the wake that her husband had not been able to say anything to her before he died. When asked about this matter during the cross-examination, she explained that she had not mentioned the dying declaration at the time, so that appellant would not be forewarned that her husband had recognized him as the killler. She explained:

“Court:

For clarification —

Q: Why did you say that to that neighbor or person who asked you if your husband [told] you anything?

A: Because my husband earlier told me that it was Pareng Freddie who shot him and if I would reveal that to the person who asked me, if I said anything, Pareng Freddie might come to know of it and might be able to escape, sir.”[21]

Second, the victim’s daughter narrated how appellant had spoken with her that fateful evening. He had asked her where her father was and even uttered threatening remarks against him. She testified thus:

“Fiscal:

Q: On October 16, 1998, tell this Honorable Court if you have an occasion to see or meet Freddie Matito?

A: Yes, sir.

Q: Where?

A: Along the road at San Isidro, sir.

Q: About what time was that?

A: 6:00 to 6:30 in the evening, sir.

Q: And tell us the circumstances on how you saw or met the accused on that afternoon of October 16, 1998?

A: We came across each other on the street, sir.

Q: What if anything happened when you met him?

A: He said something, sir.

Q: What was that he told you?

A: He asked me where my father was.

Q: And after that?

A: He also said something else, sir.

Q: What was that something else that he said?

A: He said 'Putangina iyang Tatay mo. Yari sa akin iyang Tatay mo.'

Court:

Anything else?

A: No more, Your Honor.

Fiscal:

Q: What was the physical appearance of Freddie Matito at that time?

A: He was drunk, sir, and his eyes looked red.

Q: And thereafter, where did you proceed?

A: I left, sir, and proceeded walking along the street, sir.”[22]

Third, a bitter quarrel ensued between the victim and appellant when the latter's water supply was cut off by the former, the barangay tanod, and the secretary of the Homeowner's Association.

Fourth, when asked by his neighbors (including the victim) to widen the right of way along his premises — which he, together with his father, had enclosed with barbed wire — appellant refused to do so.

Fifth, there was a bitter quarrel between the daughters of appellant and the victim.

Sixth, nitrate powder was conclusively proven to be present on the cast taken from the right hand of appellant.

Appellant assails this last piece of evidence, because the forensic chemist examined the cast on October 19 — two days after it had been taken by police authorities. According to appellant, “it may be possible that the gun nitrate was implanted by the police in their desire to accomplish something.”[23]

This argument does not persuade. Basic is the rule that police authorities enjoy the presumption of regularity in the performance of their official duties.[24]

Denial and Alibi

Claiming good relations with the victim and his family, appellant denies having killed him. Moreover, the two are compadres. Appellant cannot understand why he was implicated by Felomena and her daughter, as he disclaims any quarrel with the victim. When asked where he was on the night when the killing occurred, appellant simply answered that he was at home sleeping.

Alibi and denial, when unsubstantiated by clear and convincing evidence, are negative and self-serving, undeserving of any weight in law.[25] Alibi is an inherently weak defense, for it is easy to fabricate and difficult to disprove.[26] Appellant must prove that he was not only at some other place when the crime was committed, but that it was impossible for him to be at the locus criminis at the time the crime was perpetrated. This he failed to do.

He cannot be exculpated from the crime by his contention that he was at home sleeping when the victim was killed. Their homes were only 50 meters apart;[27] thus, it was not impossible for the former to be at the locus criminis when the crime was committed.

Proper Penalty

However, we are not convinced that appellant should be convicted of murder. To justify a conviction therefor, the qualifying circumstances invoked must be proven as indubitably as the killing itself. They cannot be deduced from unfounded inferences.[28] A review of the assailed Decision reveals that the trial judge did not discuss the presence of any qualifying circumstance that would elevate the killing to murder.

Treachery, which must be proven positively,[29] cannot be appreciated in the instant case, because no one saw how the killing was carried out.[30] It must be emphasized that the core of the prosecution evidence is the dying declaration of the victim. Thus, appellant’s deliberate adoption of treacherous means in ending the victim’s life cannot be assumed.

Neither can evident premeditation be considered, absent any clear showing of the time when appellant determined to commit the crime; an act indicating that he clung to such determination; and, between the determination and the execution thereof, a lapse of time sufficient to allow him to reflect upon the consequences of the act.[31]

Finally, nighttime cannot be appreciated because, by itself, it is not an aggravating circumstance.[32] The fact that the victim was killed at night will not suffice to sustain this aggravating circumstance, because it must be shown that the darkness facilitated the commission of the crime and was purposely sought by appellant.[33]

Verily, absent any qualifying circumstance, he can be convicted only of homicide. Under Article 249 of the Revised Penal Code, the penalty prescribed for such crime is reclusion temporal. There being no mitigating or aggravating circumstance, the penalty shall be imposed in its medium period, the range of which is from 14 years, eight (8) months and one (1) day; to 17 years and four (4) months. The Indeterminate Sentence Law is also applicable.

As regards appellant's pecuniary liabilities, we reduce the civil indemnity ex delicto imposed by the lower court — from P75,000 to P50,000, consistent with current jurisprudence.[34] Although the entitlement to moral damages was proven, it is reduced from P100,000 to P50,000, pursuant to prevailing jurisprudence.[35] We deem it proper to award such damages for the pain and difficulty experienced by the family of the victim.[36] It must be emphasized that he was the breadwinner.[37] Since he died, the widow had "to shoulder all he was doing to the family,"[38] aside from her own duties and responsibilities.

WHEREFORE, the appeal is PARTLY GRANTED. Appellant is found GUILTY beyond reasonable doubt of HOMICIDE and is sentenced to an indeterminate penalty of 9 years and four (4) months of prision mayor as minimum; to 16 years and four (4) months of reclusion temporal as maximum. He is likewise ordered to pay the heirs of the victim P50,000 as civil indemnity ex delicto and another P50,000 as moral damages. No costs.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Ynares-Santiago, Carpio, and Azcuna, JJ., concur.

[1] Rollo, pp. 20-24; records, pp. 84-88. Written by Judge Crisanto C. Concepcion.

[2] RTC Decision, p. 5; rollo, p. 24; records, p. 88.

[3] Signed by 3rd Assistant Provincial Prosecutor Benjamin R. Caraig.

[4] Rollo, p. 10; records, p. 1.

[5] Records, p. 10.

[6] Atty. Benjamin R. Perez, who was later replaced by Attys. Adriano S. Javier Sr. and Edsel Rutor as counsels of appellant.

[7] Also spelled "Felomena" in the records.

[8] Appellee's Brief, pp. 3-7; rollo, pp. 73-77. Signed by Assistant Solicitors General Carlos N. Ortega and Amy C. Lazaro-Javier and Solicitor Edmundo P. Pintac.

[9] Appellant's Brief, pp. 9-12; rollo, pp. 51-54. Signed by Atty. Adriano S. Javier Jr.

[10] RTC Decision, p. 5; rollo, p. 24; records, p. 88.

[11] This case was deemed submitted for decision on September 3, 2002, upon this Court's receipt of appellee's Brief. Appellant's Brief was received by the Court on April 29, 2002. The filing of a reply brief was deemed waived, as none had been submitted within the reglementary period.

[12] Appellant's Brief, p. 2; rollo, p. 44.

[13] *People v. Mendoza*, 369 SCRA 268, 279-280, November 16, 2001; *People v. Rendaje*, 344 SCRA 738, 750, November 15, 2000; *People v. Reduca*, 361 Phil. 444, 454, January 21, 1999.

[14] RTC Decision, p. 4; rollo, p. 23; records, p. 87.

[15] *People v. Mendoza*, supra, p. 288; *People v. Llanes*, 324 SCRA 727, 737, February 4, 2000; *People v. Reduca*, supra, pp. 458-459; *People v. Almeda*, 124 SCRA 486, 491, September 2, 1983.

[16] *People v. Rendaje*, supra, pp. 746-747.

[17] *People v. Felixminia*, 379 SCRA 567, 580, March 20, 2002; *People v. Prado*, 254 SCRA 531, 539, March 8, 1996; *People v. Ramos*, 310 Phil. 186, 195-196, January 18, 1995.

[18] *People v. Felixminia*, *supra*, p. 580. See also Martin, *Rules of Court of the Philippines*, Vol. V (1998 ed.), p. 655.

[19] *People v. Felixminia*, *supra*, p. 577; *People v. De Mesa*, 354 SCRA 397, 408-409, March 14, 2001; *People v. Capitle*, 352 SCRA 727, 730-731, February 26, 2001; *People v. Rendaje*, *supra*, p. 747.

[20] TSN, February 25, 1999, pp. 12-13.

[21] *Id.*, p. 24.

[22] TSN, March 4, 1999, pp. 4-5.

[23] Appellant's Brief, p. 18; rollo, p. 60.

[24] *People v. Rodriguez*, 379 SCRA 607, 616-617, March 20, 2002; *Madrigal v. Court of Appeals*, 319 SCRA 331, 337, November 26, 1999; *People v. Quijada*, 259 SCRA 191, 213, July 24, 1996.

[25] *People v. Marquez*, 380 SCRA 561, 581, April 11, 2002; *People v. Llanes*, *supra*, *People v. Dinglasan*, 334 Phil. 691, 708, January 28, 1997.

[26] *People v. Llanes*, *supra*, p. 746; *People v. Reduca*, *supra*, p. 460.

[27] TSN, December 14, 1999, pp. 10-11.

[28] *People v. Llanes*, *supra*, p. 746; *People v. Garcia*, 258 SCRA 411, 421, July 5, 1996.

[29] *People v. De Mesa*, *supra*, p. 411.

[30] *People v. Mendoza*, *supra*, p. 291; *People v. Garcia*, *supra*, p. 422.

[31] *People v. Garcia*, *supra*.

[32] *People v. De Mesa*, *supra*, p. 411.

[33] *Id.*, p. 412.

[34] *People v. Hinaut*, 377 SCRA 241, February 15, 2002; *People v. Obello*, 284 SCRA 79, January 14, 1998; *People v. Cayago*, 312 SCRA 623, August 18, 1999; *People v. Mendoza*, *supra*.

[35] *People v. Ramirez*, 356 SCRA 595, April 17, 2001. In this case, the High Court granted moral damages in the amount of P50,000 for the "heaviness of heart" and "mental anguish" suffered by the father of the victim. In *People v. Mendoza*, *supra*, moral damages in the amount of P40,000 was awarded to the heirs of the victim.

[36] TSN, February 25, 1999, p. 18.

[37] *Ibid.*

[38] *Ibid.*

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