

## REYNALDO R. PILARES, SR., PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

*G.R. NO. 165685. March 14, 2007*

Ponente: CHICO-NAZARIO, J.

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### CHICO-NAZARIO, J.:

In this Petition for Review on Certiorari under Rule 45 of the 1997 Rules of Civil Procedure,[1] petitioner Reynaldo R. Pilares, Sr. prays for the reversal of the Decision of the Court of Appeals dated 28 March 2000 in CA-G.R. CR No. 20275,[2] affirming with modification the Decision of the Regional Trial Court (RTC), Branch 77, Malolos, Bulacan, in Criminal Case No. 1023-M-94, dated 13 November 1996,[3] finding petitioner guilty beyond reasonable doubt of the crime of Serious Physical Injuries under Article 263 of the Revised Penal Code.

On 10 March 1994, petitioner and his son, Reynaldo Pilares, Jr. (Reynaldo Jr.) were charged in an Information[4] for Frustrated Homicide allegedly committed as follows:

That on or about the 16th day of January 1994, in the municipality of Meycauyan, province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with knives and with intent to kill one Pedro Bantigue, Jr. y Tanjutco, conspiring, confederating together and mutually helping each other, did then and there willfully, unlawfully and feloniously, attack, assault and stab with the said knives they were then provided the said Pedro Bantigue, Jr. y Tanjutco, hitting the latter on the face, thereby inflicting upon him serious physical injuries which required medical attendance for a period of more than 30 days and incapacitated him from performing his customary labor for the same period of time, which ordinarily would have caused the death of the said Pedro Bantigue, Jr. y Tanjutco, thus performing all the acts of execution which should have produced the crime of homicide as a consequence, but nevertheless did not produce it by reason of causes independent of their will, that is, by the timely and able medical assistance rendered to said Pedro Bantigue, Jr. y Tanjutco which prevented his death.

When arraigned on 15 August 1994, petitioner and Reynaldo Jr. pleaded "Not Guilty" to the charge therein. Trial on the merits thereafter ensued.

The prosecution presented its case through the testimonies of its witnesses, namely: Pedro T. Bantigue Jr. (private complainant), Ernesto Mangunay (Mangunay) and Dr. Francisco C. Rodriguez (Dr. Rodriguez).

Their testimonies are summarized as follows:

Private complainant works as a movie stuntman and a driver of an international firm. He is a resident of Brgy. Malhacan, Meycauyan, Bulacan. He testified that on 16 January 1994, at about 12:00 in the morning, he was brought home by his brother-in-law, Mangunay, using the latter's car. After dropping him at his house at around 1:00 in the morning, Mangunay's car broke down due to engine overheat. He advised Mangunay to wait for the engine to cool down before starting it again. Thereafter, he and Mangunay decided to park the car at a nearby chapel. Bored of waiting, they went to a nearby store to buy two bottles of beer. The store is owned by the petitioner. While handing over the two bottles of beer, the petitioner told the private complainant that drinking

liquor within and near the former's store is not allowed. Private complainant replied that they will drink at the back of Mangunay's car. At this juncture, private complainant handed to petitioner a twenty-peso bill and stated that the balance will serve as a deposit. Upon noticing that the petitioner was not satisfied, private complainant gave him a one hundred-peso bill and uttered "O, ano pa?" Irked, petitioner answered back "O, ano?" Thereafter, private complainant and Mangunay proceeded to the latter's car and drank at the back portion thereof.[5]

After consuming the said bottles of beer, private complainant and Mangunay bought two more bottles from the petitioner but this time no bickering ensued between the private complainant and the petitioner. Still unsatisfied, they went back to the petitioner's store for the third time and bought two more bottles of beer. Again, no argument between the private complainant and petitioner took place. When private complainant and Mangunay returned the last empty bottles of beer to petitioner, the latter asked the private complainant "O, ano pa?" In response thereto, the private complainant demanded for his change and exclaimed "O, ano pa?" to which the petitioner retorted "O, ano pa?" Suddenly, the petitioner took his one-foot bladed weapon and stormed out of his store. The private complainant told Mangunay to stay put. When the petitioner was about to approach the private complainant, Reynaldo Jr., armed with a kitchen knife, emerged and followed the petitioner. The private complainant ran away but the petitioner and Reynaldo Jr. chased him. After running one hundred meters, the private complainant stumbled and fell on the ground. While private complainant was lying with his back on the ground, Reynaldo Jr. approached him. When Reynaldo Jr. was about to stab the private complainant, the latter tried to avoid the same by swerving his head to the right side/direction. The private complainant was hit by the kitchen knife on the right side of his face, particularly, on the right cheekbone. Afterwards, the petitioner appeared and closed in on the private complainant. The private complainant was still lying with his back on the ground when the petitioner tried to stab him. The private complainant parried the same with his left foot and rolled over his body until he reached the side of a fence. Later, the private complainant heard someone shouting "Tama na yan! Tigilan na yan!" Thereupon, the petitioner and Reynaldo Jr. left him.[6]

After regaining his strength, private complainant proceeded to his house and upon arriving thereat, Mangunay brought him to the Malhacan Hospital. Subsequently, the private complainant was transferred to the Manila Central University Hospital (MCU Hospital) where he was treated for three days. Private complainant claimed that he spent P9,000.00 for the professional fee of the attending physician and that before the incident, his daily income as stuntman in foreign films was five hundred pesos and above.[7]

Mangunay is the private complainant's brother-in-law. He is an employee of Procter and Gamble Phils. and a resident of Sto. Nino, Meycauyan, Bulacan. He narrated that on 16 January 1994, at about 12:00 in the morning, he brought home private complainant in Brgy. Malhacan, Meycauyan, Bulacan, using his own car. When he was about to return to his house at around 1:00 in the morning, the car broke down due to engine overheat. The private complainant advised him to wait for the engine to cool down before starting it again. Thereafter, they parked the car in a nearby chapel. At this stage, the private complainant invited him for some bottles of beer. They went into a nearby store owned by the petitioner which is about six to seven meters away from the car. While buying two bottles of beer, the petitioner informed the private complainant that drinking of liquor within and near the store is prohibited. The private complainant replied that they will drink inside the car. Subsequently, he and private complainant returned to the car and drank the bottles of beer. After consuming the two bottles of beer, the private complainant returned to the store and bought two more bottles.[8]

Craving for more, the private complainant returned to the store for the third time and bought two more bottles. Thinking that the engine of the car had already cooled down and was now in good condition, they proceeded to the store and returned the bottles. When they were about to leave the store, the petitioner spoke "O, ano?" in a confrontational manner. Private complainant answered back angrily "E, ano rin?" Reynaldo Jr. was situated at the

back of the petitioner and was observing the exchange of words. Suddenly, the petitioner, armed with a knife, went out of his house to confront the private complainant. Private complainant told Mangunay to stay put. Later, Reynaldo Jr., also armed with a knife, followed the petitioner. Mangunay opined that the private complainant did not notice that petitioner and Reynaldo Jr. were armed with knives. Afterwards, the private complainant ran towards the other side of the store prompting the petitioner and Reynaldo Jr. to chase him. Mangunay tried to seek assistance from other people in the neighborhood but to no avail. Hence, he went inside the car and waited for the private complainant.[9]

Dr. Rodriguez is a physician-surgeon assigned to the Department of Surgery, MCU Hospital. He testified that sometime on 16 or 17 January 1994, he treated the private complainant who was referred to him from the emergency section of the said hospital. The private complainant sustained multiple deep lacerations on his face particularly situated: a) from the cheekbone down to the lower lip measuring fifteen centimeters in length; b) on the lower right lip measuring one centimeter in length and c) near the left side of the upper lip measuring two centimeters in length. He also had an abrasion on his forehead.[10]

According to Dr. Rodriguez, these injuries could have been caused by a dull-edged instrument like a dull knife or any blunt instrument.[11] He described the said injuries as serious physical injuries which, if not treated properly, may result in the private complainant having a "squint," "yung tumatabingi ang mukha," or "palaging kumikindat" since "the facial nerve is near the area and there is a slight injury there." He explained that the lacerations were so deep that "you can almost see the cheekbone" of the private complainant.[12]

He also pointed out that the injuries suffered by the private complainant could not have been caused by a kitchen knife, otherwise, the resulting wound would be an incised wound which is clean cut in character. He stated that the wound could not have been caused by the private complainant's head or face hitting a metal object or a rough pavement because if such was the case, there would have been more abrasion than laceration on his face. He opined that the private complainant was facing his attacker/s when the latter struck him with an upward thrust.[13]

On the other hand, the defense relied on the testimonies of the petitioner and Reynaldo Jr. to refute the afore-stated charges. The following are their substantial narrations:

Petitioner is a resident of Brgy. Malhacan, Meycauayan, Bulacan, where he and his family own a two-storey house, the ground floor of which serves as a mini-store. He knows the private complainant because they are neighbors. Although the aunts of private complainant's wife are involved in some court cases against the petitioner and his family, the petitioner and private complainant had no personal quarrels or disagreements prior to the incident in question.[14]

Petitioner testified that on 15 January 1994, at about 10:00 in the evening, he was tending his store when private complainant and Mangunay came over to the store. The private complainant told petitioner "Rene, bigyan mo ako ng dalawang boteng beer." Petitioner did not immediately accede and instead replied "bote." The private complainant took some money from his pocket, handed it over to the petitioner and voiced out "O, ano pa? Yan isang daan yan." Sensing that the private complainant was hot-headed, the petitioner instead asked his wife to hand over the bottles of beer to the private complainant. The petitioner tried to give the change to the private complainant but the latter refused to accept it.[15]

At about 11:00 in the evening, the petitioner was resting when the private complainant and Mangunay returned to the store. The private complainant asked the petitioner's wife who was then tending the store "Nasaan si Rene?" Petitioner's wife answered "Namamahinga na iyong Mister ko dahil medyo pagod na maghapon." Private complainant demanded "Sabihin mo sa kanya na siya ang gusto kong magbili." The petitioner's wife ignored such request and proceeded to serve the beer to the private complainant. The latter, however, refused to accept the beer

and insisted that the petitioner should be the one to serve the beer. Private complainant also remarked "Nagtatago yan, duwag yan eh." Later, the petitioner came out and served the beer to the private complainant.[16]

At about 1:00 in the morning, the private complainant and Mangunay returned again to the store to buy four more bottles of beer. When the petitioner was about to hand over the bottles of beer to the private complainant, the latter called him a "coward" and dared him to get out for a fight. Insulted, the petitioner went out of his store and chased the private complainant. Unable to catch up with the private complainant, the petitioner returned to the store. While the petitioner was on his way back to the store, the private complainant followed the former and threw stones at him. The petitioner pursued the private complainant for the second time but he failed to catch him. Petitioner returned to the store but the private complainant followed him again and hurled stones at him. For the third time, the petitioner chased the private complainant. Tired of running, the petitioner walked briskly trailing the private complainant. Upon reaching Floro street, the private complainant stumbled and fell to the ground.[17]

Thereafter, the petitioner approached the private complainant. He noticed that the right face of the private complainant had a "scratch and a reddish line across the right cheek, and, something was foaming or bumubula-bula at the back of his ear." When the private complainant tried to stand up, the petitioner kicked him three times but none of those kicks landed on the private complainant. Petitioner admitted that he punched the private complainant on the left jaw but the same was not that strong or solid. Thus, the petitioner was surprised when the private complainant fell to the ground after the punch.[18]

Petitioner denied that he was armed with a knife during the chase and confrontation with the private complainant. According to him, he was then merely carrying a "plastic material wrapped in a newspaper around one foot and a half [in size] with a chisel-like edge which he used in picking ice and killing rats." [19] He admitted that he was holding such object in his right hand when he, using the same hand, punched the private complainant on his left jaw.[20] He, however, denied that such object had touched, hit or slashed the face of the private complainant since he was holding it "vertically" and thus cannot in any way inflict injury on the private complainant.[21] Petitioner alleged that his son, Reynaldo Jr., had no participation whatsoever in the verbal tussle in the store and in the subsequent chase and confrontation between him and the private complainant; that Reynaldo Jr. was sleeping at the upper part of the house during the said events; and that he was already on his way home after the confrontation with the private complainant when he met Reynaldo Jr.[22]

Reynaldo Jr. works as a Field Representative of Universal Sales Corporation. He testified that petitioner is his father. He narrated that he was sleeping at the upper part of their house while his parents and elder sister were downstairs when the incident occurred; that at about 1:00 in the morning, his elder sister, Perlita Pilar Pilares, woke him up and told him to follow the petitioner as the latter and the private complainant were quarreling; that he immediately went out of the house to follow the petitioner; that when he was about one post away from their house, he met the petitioner and asked the latter on what had transpired; that the petitioner told him "Let's go home and nothing of importance had happened"; that when they were already home, the petitioner explained that the private complainant was challenging him to a fight as early as 10:00 in the evening; that late in the morning, the petitioner pointed to him the place of the incident; and that he did not see bloodstains in the area where the private complainant allegedly tripped and fell.[23]

On 13 November 1996, the RTC rendered its Decision finding petitioner guilty only of the crime of Serious Physical Injuries under Article 263, paragraph 3, of the Revised Penal Code. It, however, acquitted Reynaldo Jr. of any crime. It did not give merit to the testimony of the private complainant that the latter's lacerated wounds in the face were inflicted by Reynaldo Jr. who was then allegedly carrying a kitchen knife. Instead, it sustained the narration of the incident by the petitioner as it was compatible with the findings and testimony of Dr. Rodriguez that the deep lacerated wounds sustained by private complainant were caused by a dull-edged or blunt instrument

and not by a kitchen knife. Petitioner admitted that he was carrying a plastic material with a chisel-like edge when he chased the private complainant. He also admitted that he was holding such object in his right hand when he, using the same hand, punched the private complainant on the left jaw. Thus, the RTC concluded that it is highly probable that when petitioner punched the private complainant, the object, which has a dull-edge, had also slashed the private complainant's face "upward from the latter's lower lip up to his right cheekbone."

It opined that the private complainant had implicated Reynaldo Jr. in the incident because if he succeeded in having Reynaldo Jr. convicted, it would bring more harm and damage to the Pilares family. It took note of the fact that the petitioner was already 66 years old while Reynaldo Jr. was employed in a prestigious firm and was presumed to have a bright future. It also ruled that there was no convincing evidence showing that the petitioner had intended to kill the private complainant and that there was conspiracy between the petitioner and Reynaldo Jr. to kill the private complainant. The fallo of the said Decision reads:

WHEREFORE, finding accused Reynaldo Pilares, Sr. guilty beyond reasonable doubt of the crime of Serious Physical Injuries, applying the Indeterminate Sentence Law, he is hereby sentenced to suffer the penalty of FOUR (4) MONTHS AND ONE (1) DAY OF ARRESTO MAYOR TO FOUR (4) YEARS AND TWO (2) MONTHS OF PRISION CORRECCIONAL and to pay Pedro Bantigue, Jr. the sum of NINE THOUSAND ONE HUNDRED THIRTY THREE PESOS AND FIFTY CENTAVOS (P9,133.50) in reimbursement of actual medical expenses incurred.

The guilt of accused Reynaldo Pilares, Jr. not having been proven beyond reasonable doubt, said accused is acquitted of the offense charged. The Municipal Treasurer of Meycauayan, Bulacan, is ordered to release to the said accused the cash bond which he posted for his provisional liberty under O.R. No. 459823 dated April 11, 1994.

Petitioner appealed the foregoing decision to the Court of Appeals. On 28 March 2000, the Court of Appeals promulgated its Decision affirming with modification the RTC Decision. It ruled that petitioner is liable for the crime of serious physical injuries under paragraph 4 and not under paragraph 3 of Article 263, as held by the RTC, since the allegations in the information clearly pertain to paragraph 4. The decretal portion thereof reads:

WHEREFORE, the decision of the court a quo dated November 13, 1996, finding accused appellant guilty beyond reasonable doubt of the crime of Serious Physical Injuries is hereby AFFIRMED in all respect except with the modification reducing the sentence imposed as aforestated.

Petitioner filed the present petition on the following grounds:

I.

THE HONORABLE COURT OF APPEALS AND THE TRIAL COURT ERRED IN NOT ADHERING TO SEC. 2 RULE 133 OF THE REVISED RULES OF COURT OR DECLARING THAT THE GUILT OF THE ACCUSED/APPELLANT WAS NOT PROVED BEYOND REASONABLE DOUBT.

II.

THE HONORABLE COURT OF APPEALS ERRED IN NOT CONSIDERING THAT THE RULING OF THE TRIAL COURT IS UNFOUNDED AND THERE EXIST SPECIAL OR COMPELLING REASONS FOR THE REVERSAL OF THE TRIAL COURT'S RULING.

III.

APPELLANT'S CASE DESERVES A THOROUGH RECONSIDERATION AND RE-EVALUATION TO AVERT GRAVE INJUSTICE TO AN OLD AND SICKLY MAN (75 YEARS OF AGE) WHO IS INNOCENT OF THE OFFENSE CHARGED.

Since the first and the second issues are interrelated, we will discuss and resolve them jointly.

Petitioner argues that there is no evidence showing that he inflicted injuries to the face of the private complainant. In fact, according to him, the private complainant had identified Reynaldo Jr. as the person who inflicted wounds on his right cheek and not the petitioner. Moreover, the private complainant testified that the petitioner tried to stab him in the face but he evaded it. In addition, the prosecution witness Mangunay did not actually see the person who inflicted wounds on private complainant's face.

Petitioner also stressed the fact that he was then 66 years old and suffering from certain ailment at the time of the incident. He was not as strong and robust as the private complainant who was younger and stronger than him, considering the fact that the private complainant was also a movie stuntman. As such, he could not have inflicted serious harm on the private complainant. Petitioner also maintained that since he was holding the plastic material with a chisel-like edge in his right hand vertically at the time he punched the private complainant in the face, the same could not have slashed the latter's face. He theorized that the private complainant had sustained deep lacerations on his face when the latter fell and hit a rough pavement during the incident.

We reject these contentions.

It is well-settled both in law and jurisprudence that the guilt of an accused must be proven beyond reasonable doubt before he can be convicted of the crime charged.[24] Absolute guarantee of guilt is not demanded by law to convict a person of a criminal charge but there must, at least, be moral certainty on each element essential to constitute the offense and on the responsibility of the offender. Proof beyond reasonable doubt is meant to be that, all things given, the mind of the judge can rest at ease concerning its verdict.[25]

Article 263, paragraph 4, of the Revised Penal Code, states that the crime of serious physical injuries is committed when a person has wounded, beaten or assaulted another and that the physical injuries inflicted shall have caused the illness or incapacity for labor of the injured person for more than 30 days, viz:

Art. 263. Serious physical injuries. - Any person who shall wound, beat, or assault another, shall be guilty of the crime of serious physical injuries and shall suffer:

x x x x

4. The penalty of arresto mayor in its maximum period to prision correccional in its minimum period, if the physical injuries inflicted shall have cause the illness or incapacity for labor of the injured person for more than thirty days. x x x.

Based on this provision, the elements of the crime of serious physical injuries under paragraph 4 of the Revised Penal Code may be deduced as follows:

- That the offender has wounded, beaten, or assaulted another; and
- That the physical injuries inflicted shall have caused the illness or incapacity for labor of the injured person for more than 30 days.

Further, there must be no intent to kill on the part of the offender in inflicting the injury.

From the testimonies of all the witnesses, the following have been established: (1) Identity of the malefactor - petitioner; and (2) the existence and infliction of the injuries on the face of the private complainant. Controverted are: co-participation of Reynaldo Jr.; presence of intent to kill; and cause of the commission of the crime (whether there was justification in the infliction of the injuries).

Petitioner admitted that he was carrying a plastic material with a chisel-like edge when he chased the private

complainant.[26] Petitioner also acknowledged that he was holding such object in his right hand when he, using the same hand, punched the private complainant in the face.[27] Moreover, the RTC found that when the petitioner punched the private complainant in the face, it was "highly probable" that the object, which had a dull-edge, also slashed the private complainant's face "upward from the latter's lower lip up to his right cheekbone." [28] The private complainant himself and Mangunay alleged that the petitioner was carrying a bladed weapon at the time of the chase.[29]

Dr. Rodriguez also declared that the injuries sustained by the private complainant were caused by a dull-edged or blunt instrument similar to what the petitioner was carrying at the time of the chase and assault.[30] Dr. Rodriguez explained that the wounds could not have been caused by a kitchen knife which was the weapon allegedly used by Reynaldo Jr. in slashing the face of the private complainant because, if such was the case, the wound would have been an incised wound, cleanly cut.[31] He added that the injuries could not have been due to the fact that the private complainant's face hit a rough pavement or a metal object when the latter fell to the ground during the incident since, if this was so, then the private complainant would have sustained more abrasions than lacerations.[32] The medical certificate[33] of the private complainant as signed and testified to by Dr. Rodriguez shows that the former had sustained multiple lacerations on the face and only one abrasion on the forehead.[34]

In inflicting the wound on the private complainant on the right cheek, it is apparent, however, that the petitioner had no intent to kill the private complainant. He could have easily killed the private complainant during the incident as the latter was already intoxicated and lying on the ground. Instead, upon inflicting injuries on the face of the private complainant, the petitioner walked away from the private complainant and proceeded home. The nature and location of the wounds further belie any intent to kill. The medical certificate signed and issued by Dr. Rodriguez to the private complainant states that the facial injuries suffered by the latter would be healed after 30 days or more.[35]

As to the participation of Reynaldo Jr., we quote with approval the findings of the RTC, to wit:

Reynaldo Pilares, Jr. testified that he met his father while the latter was already on his way home after his fight with Bantigue. The testimony of said accused appears to be more credible as it was given in a straightforward manner coupled with his demeanor on the witness stand which exuded an aura of a truthful testimony. This Court is more inclined to believe that Bantigue is insisting on implicating accused Pilares, Jr. because if he succeeds in having him convicted, he will be able to do more harm and damage to the Pilares family. Accused Reynaldo Pilares, Sr. is a 66 year-old man, accused Reynaldo Pilares, Jr. who is presently working as Field Representative of Universal Sales Corporation is presumed to have a bright future.

It is a settled rule that if the inculpatory facts and circumstances are capable of two or more explanations one of which is consistent with the innocence of the accused and the other consistent with his guilt, then the evidence does not fulfill the test of moral certainty and is not sufficient to sustain a conviction (*People vs. Taruc*, G.R. No. 74655, January 20, 1988, cited in *People vs. Torre*, 184 SCRA 525; *People vs. Parayno*, 24 SCRA 3 cited in *People vs. Libag*, 184 SCRA 707). The fact that the defense interposed by Reynaldo Pilares, Jr. is weak is inconsequential, as the prosecution must rely on the strength of its own evidence and not on the weakness of the defense (*People vs. Mendoza*, 203 SCRA 148).[36]

Finally, it appears that petitioner was not justified in inflicting wounds on the face of the private complainant. During the confrontation, private complainant was unarmed, intoxicated and lying on the ground. Furthermore, there was no convincing evidence to show that the private complainant repeatedly threw stones at the petitioner during the chase.

Before concluding, we again lean to our jurisprudential moorings that the factual finding of the trial court, its calibration of the evidence of the parties and its conclusions anchored on its findings are accorded respect and are

generally conclusive.[37] This is even more true if the findings and conclusions of the trial court are affirmed by the appellate court.[38] In the case at bar, both the trial court and the appellate court ruled that petitioner is guilty of the crime of serious physical injuries. We find no compelling or exceptional reasons to deviate from their findings since they are supported by the evidence on records and by prevailing jurisprudence.

WHEREFORE, the instant petition is hereby DENIED. The Decision of the Court of Appeals dated 28 March 2000 is hereby AFFIRMED.

**SO ORDERED.**

Ynares-Santiago, Austria-Martinez, and Nachura, JJ., concur.  
Callejo, Sr., J., on leave.

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[1] Rollo, pp. 3-23.

[2] Penned by Associate Justice Eugenio S. Labitoria with Associate Justices Bernardo P. Abesamis and Elvi John Asuncion, concurring; id. at 38-48.

[3] Penned by Judge Aurora Santiago-Lagman; id. at 49-55.

[4] CA rollo, pp. 19-20.

[5] TSN, 18 November 1994, pp. 4-10; 17 April 1995, pp. 10-19.

[6] TSN, 19 November 1994, pp. 11-14; 22 March 1995, pp. 5-8; 17 April 1995, pp. 20-26.

[7] TSN, 22 March 1995, pp. 8-12.

[8] TSN, 17 July 1995, pp. 2-7.

[9] Id. at 8-13.

[10] TSN, 30 October 1995, pp. 3-8.

[11] Id. at 6.

[12] Id. at 12-14.

[13] Id. at 25-29.

[14] TSN, 24 November 1995, pp. 6-10.

[15] Id. at 7-12.

[16] Id. at 13-17.

[17] Id. at 21; 22 January 1996, pp. 3-7.

[18] TSN, 16 February 1996, pp. 7-11.

[19] TSN, 22 January 1996, pp. 7-8.

[20] TSN, 16 February 1996, pp. 8-10.

[21] Id. at 9.

[22] Id. at 11-12.

[23] TSN, 10 May 1996, pp. 3-21.

[24] Section 2, Rule 133 of the Revised Rules on Evidence; *People v. Abujan*, G.R. No. 140870, 11 February 2004, 422 SCRA 449, 457.

[25] *People v. Lumibao*, G.R. Nos. 144080-81, 26 January 2004, 421 SCRA 65, 74.

[26] TSN, 22 January 1996, pp. 7-8.

[27] TSN, 16 February 1996, p. 8.

[28] *Rollo*, p. 53.

[29] TSN, 18 November 1994, p. 11; 17 July 1995, p. 10.

[30] TSN, 30 October 1995, p. 6.

[31] *Id.* at 25-29.

[32] *Id.*

[33] *Records*, pp. 102, 159 and 160.

[34] TSN, 30 October 1995, pp. 3-8.

[35] *Rollo*, p. 54.

[36] *Id.*

[37] *People v. Torres*, G.R. No. 134766, 16 January 2004, 420 SCRA 61, 67.

[38] *People v. Castillo*, G.R. No. 118912, 28 May 2004, 430 SCRA 40, 50.

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