

**ROSENDO BACALSO, RODRIGO BACALSO, MARCILIANA B. DOBLAS,
TEROLIO BACALSO, ALIPIO BACALSO, JR., MARIO BACALSO,
WILLIAM BACALSO, ALIPIO BACALSO III AND CRISTITA B. BAÑES,
PETITIONE...**

G.R. NO. 173192. April 18, 2008

Ponente: CARPIO MORALES, J.

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CARPIO MORALES, J.:

The case at bar involves a parcel of land identified as Lot No. 3781 (the lot) located in Inayawan, Cebu, covered by Original Certificate of Title No. RO-2649 (0-9092)[1] in the name of the following 13 co-owners, their respective shares of which are indicated opposite their names:

Fortunata Padigos (Fortunata) 1/8

Felix Padigos (Felix) 1/8

Wenceslao Padigos (Wenceslao) 1/8

Maximiano Padigos (Maximiano) 1/8

Geronimo Padigos (Geronimo) 1/8

Macaria Padigos 1/8

Simplicio Padigos (Simplicio) 1/8

Ignacio Padigos (Ignacio) 1/48

Matilde Padigos 1/48

Marcelo Padigos 1/48

Rustica Padigos 1/48

Raymunda Padigos 1/48

Antonino Padigos 1/48

Maximo Padigos (Maximo), Flaviano Mabuyo (Flaviano), Gaudencio Padigos (Gaudencio), Domingo Padigos (Domingo), and Victoria P. Abarquez (Victoria), who are among the herein respondents, filed on April 17, 1995, before the Regional Trial Court (RTC) of Cebu City, a Complaint,[2] docketed as Civil Case No. CEB-17326, against Rosendo Bacalso (Rosendo) and Rodrigo Bacalso (Rodrigo) who are among the herein petitioners, for quieting of title, declaration of nullity of documents, recovery of possession, and damages.

The therein plaintiffs-herein respondents Maximo and Flaviano claimed that they are children of the deceased

co-owner Simplicio; that respondents Gaudencio and Domingo are children of the deceased co-owner Ignacio; and that respondent Victoria and respondent Lilia P. Gabison (Lilia) are grandchildren of the late co-owner Fortunata.[3]

Respondents also alleged that the therein defendants-petitioners Rosendo and Rodrigo are heirs of Alipio Bacalso, Sr. (Alipio, Sr.) who, during his lifetime, secured Tax Declaration Nos. L-078-02223 and L-078-02224 covering the lot without any legal basis; that Rosendo and Rodrigo have been leasing portions of the lot to persons who built houses thereon, and Rosendo has been living in a house built on a portion of the lot;[4] and that demands to vacate and efforts at conciliation proved futile,[5] prompting them to file the complaint at the RTC.

In their Answer[6] to the complaint, petitioners Rosendo and Rodrigo claimed that their father Alipio, Sr. purchased via deeds of sale the shares in the lot of Fortunata, Simplicio, Wenceslao, Geronimo, and Felix from their respective heirs, and that Alipio, Sr. acquired the shares of the other co-owners of the lot by extraordinary acquisitive prescription through continuous, open, peaceful, and adverse possession thereof in the concept of an owner since 1949.[7]

By way of Reply and Answer to the Defendants' Counterclaim,[8] herein respondents Gaudencio, Maximo, Flaviano, Domingo, and Victoria alleged that the deeds of sale on which Rosendo and Rodrigo base their claim of ownership of portions of the lot are spurious, but assuming that they are not, laches had set in against Alipio, Sr.; and that the shares of the other co-owners of the lot cannot be acquired through laches or prescription.

Gaudencio, Maximo, Flaviano, Domingo, and Victoria, with leave of court,[9] filed an Amended Complaint[10] impleading as additional defendants Alipio, Sr.'s other heirs, namely, petitioners Marceliana[11] Doblas, Terolio Bacalso, Alipio Bacalso, Jr., Mario Bacalso, William Bacalso, Alipio Bacalso III, and Christine B. Bañes.[12] Still later, Gaudencio et al. filed a Second Amended Complaint[13] with leave of court,[14] impleading as additional plaintiffs the other heirs of registered co-owner Maximiano, namely, herein respondents Timoteo Padigos, Perfecto Padigos, Frisca[15] Salarda, Flora Quinto (sometimes rendered as "Guinto"), Benita Templa, Sotero Padigos, Andres Padigos, and Emilio Padigos.[16]

In their Answer to the Second Amended Complaint,[17] petitioners contended that the Second Amended Complaint should be dismissed in view of the failure to implead other heirs of the other registered owners of the lot who are indispensable parties.[18]

A Third Amended Complaint[19] was thereafter filed with leave of court[20] impleading as additional plaintiffs the heirs of Wenceslao, namely, herein respondents Demetrio Padigos, Jr., Wenceslao Padigos, and Nelly Padigos, and the heirs of Felix, namely, herein respondents Expedito Padigos (Expedito), Henry Padigos, and Enrique P. Malazarte.[21]

After trial, Branch 16 of the Cebu City RTC decided[22] in favor in the therein plaintiffs-herein respondents, disposing as follows:

WHEREFORE, premises considered, judgment is hereby rendered in favor of the plaintiffs and against the defendants.

- Declaring the plaintiffs to be entitled to the ownership and possession of the lot in litigation;
- Declaring as null and void the Deeds of Absolute Sale in question;
- Ordering the defendants to pay plaintiffs the sum of P50,000.00 as actual and compensatory damages[,] the sum of P20,000.00 as attorney's fees, and P10,000.00 as litigation expenses.
- Ordering the defendants to pay the costs of suit.

SO ORDERED.[23] (Emphasis in the original; underscoring supplied)

The defendants-herein petitioners Bacalsos appealed.[24] Meanwhile, the trial court, on respondents' Motion for Execution Pending Appeal,[25] issued a writ of execution which was implemented by, among other things, demolishing the houses constructed on the lot.[26]

By Decision[27] of September 6, 2005, the Court of Appeals affirmed the trial court's decision. Their Motion for Reconsideration[28] having been denied,[29] petitioners filed the present Petition for Review on Certiorari,[30] faulting the Court of Appeals:

. . . when it ruled that the Second Amended Complaint is valid and legal, even if not all indispensable parties are impleaded or joined . . .

. . . when [it] wittingly overlooked the most potent, unescapable and indubitable fact or circumstance which proved the continuous possession of Lot No. 3781 by the defendants and their predecessors in interest, Alipio Bacalso [Sr.] and/or when it sanctioned impliedly the glaring arbitrary RTC order of the demolition of the over 40 years old houses, situated on Lot No. 3781 Cebu Cad., belonging to the old lessees, long allowed to lease or stay thereat for many years, by Alipio Bacalso [Sr.], father and [predecessor] in interest of the defendants, now the herein Petitioners. The said lessees were not even joined as parties in this case, much less were they given a chance to air their side before their houses were demolished, in gross violation of the due process clause provided for in Sec. 1[,] Art. III of the Constitution . . .

. . . in upholding as gospel truth the report and conclusion of Nimrod Vaño, the supposed handwriting expert[,] that signatures and thumb marks appearing on all documents of sale presented by the defendants are forgeries, and not mindful that Nimrod Vaño was not cross-examined thoroughly by the defense counsel as he was prevented from doing so by the trial judge, in violation of the law more particularly Sec. 6, Rule 132, Rules of Court and/or the accepted and usual course of judicial proceedings and is therefore not admissible in evidence.

. . . [when it] . . . wittingly or unwittingly, again overlooked the vital facts, the circumstances, the laws and rulings of the Supreme Court, which are of much weight, substance and influence which, if considered carefully, undoubtedly uphold that the defendants and their predecessors in interests, have long been in continuous, open, peaceful and adverse, and notorious possession against the whole world of Lot No. 3781, Cebu Cad., in concept of absolute owners for 46 years, a period more than sufficient to sustain or uphold the defense of prescription, provided for in Art. 1137 of the Civil Code even without good faith.[31] (Emphasis and underscoring in the original; italics supplied)

Respondents admit that Teodulfo Padigos (Teodulfo), an heir of Simplicio, was not impleaded.[32] They contend, however, that the omission did not deprive the trial court of jurisdiction because Article 487 of the Civil Code states that "[a]ny of the co-owners may bring an action in ejectment." [33]

Respondents' contention does not lie. The action is for quieting of title, declaration of nullity of documents, recovery of possession and ownership, and damages. *Arcelona v. Court of Appeals*[34] defines indispensable parties under Section 7 of Rule 3, Rules of Court as follows:

[P]arties-in-interest without whom there can be no final determination of an action. As such, they must be joined either as plaintiffs or as defendants. The general rule with reference to the making of parties in a civil action requires, of course, the joinder of all necessary parties where possible, and the joinder of all indispensable parties under any and all conditions, their presence being a sine qua non for the exercise of judicial power. It is precisely "when an indispensable party is not before the court (that) the action should be dismissed." The absence of an indispensable party renders all subsequent actions of the court null and void for want of authority to act, not only as to the absent parties but even as to those present.

Petitioners are co-owners of a fishpond . . . The fishpond is undivided; it is impossible to pinpoint which

specific portion of the property is owned by Olanday, et. al. and which portion belongs to petitioners. x x x
Indeed, petitioners should have been properly impleaded as indispensable parties. x x x

x x x x[35] (Underscoring supplied)

The absence then of an indispensable party renders all subsequent actions of a court null and void for want of authority to act, not only as to the absent party but even as to those present.[36]

Failure to implead indispensable parties aside, the resolution of the case hinges on a determination of the authenticity of the documents on which petitioners in part anchor their claim to ownership of the lot. The questioned documents are:

- Exhibit "3" - a notarized Deed of Sale executed by Gaudencio, Domingo, a certain Hermenegilda Padigos, and the heirs of Fortunata, in favor of Alipio, Sr. on June 8, 1959;
- Exhibit "4" - a notarized Deed of Sale executed on September 9, 1957 by Gavino Padigos (Gavino), alleged son of Felix, in favor of Alipio Gadiano;
- Exhibit "5" - a private deed of sale executed in June 1957 by Macaria Bongalan, Marciano Padigos, and Dominga Padigos, supposed heirs of Wenceslao, in favor of Alipio, Sr.;
- Exhibit "6" - a notarized deed of sale executed on September 9, 1957 by Gavino and Rodulfo Padigos, heirs of Geronimo, in favor of Alipio Gadiano;
- Exhibit "7" - a notarized deed of sale executed on March 19, 1949 by Irene Mabuyo, Teodulfo and Maximo, heirs of Simplicio;
- Exhibit "8" - a private deed of sale executed on May 3, 1950 by Candido Padigos, one of Simplicio's children, in favor of Alipio, Sr.; and
- Exhibit "9" - a notarized deed of sale executed on May 17, 1957 by Alipio Gadiano in favor of Alipio, Sr.

Exhibits "3," "4," "6," "7," and "8," which are notarized documents, have in their favor the presumption of regularity.[37]

Forgery, as any other mechanism of fraud, must be proved clearly and convincingly, and the burden of proof lies on the party alleging forgery.[38]

The trial court and the Court of Appeals relied on the findings of Nimrod Bernabe Vaño (Vaño), expert witness for respondents, that Gaudencio's signature on Exhibit "3" (Deed of Absolute Sale covering Fortunata's share in the lot) and Maximo's thumbprint on Exhibit "7" (Deed of Sale covering Simplicio's share in the lot) are spurious.[39] Vaño's findings were presented by respondents to rebut those of Wilfredo Espina (Espina), expert witness for petitioners, that Gaudencio's signature and Maximo's thumbprint are genuine.[40]

Expert opinions are not ordinarily conclusive. They are generally regarded as purely advisory in character.[41] The courts may place whatever weight they choose upon and may reject them, if they find them inconsistent with the facts in the case or otherwise unreasonable.[42] When faced with conflicting expert opinions, courts give more weight and credence to that which is more complete, thorough, and scientific.[43]

The Court observes that in examining the questioned signatures of respondent Gaudencio, petitioners' expert witness Espina used as standards 15 specimen signatures which have been established to be Gaudencio's,[44] and that after identifying similarities between the questioned signatures and the standard signatures, he concluded that the questioned signatures are genuine. On the other hand, respondents' expert witness Vaño used, as standards, the

questioned signatures themselves.[45] He identified characteristics of the signatures indicating that they may have been forged. Vaño's statement of the purpose of the examination is revealing:

x x x [t]o x x x discover, classify and determine the authenticity of every document that for any reason requires examination be [sic] scrutinized in every particular that may possibly throw any light upon its origin, its age or upon quality element or condition that may have a bearing upon [sic] its genuineness or spuriousness.[46] (Emphasis supplied)

The Court also notes that Vaño also analyzed the signatures of the witnesses to the questioned documents, the absence of standard specimens with which those signatures could be compared notwithstanding.[47] On the other hand, Espina refrained from making conclusions on signatures which could not be compared with established genuine specimens.[48]

Specifically with respect to Vaño's finding that Maximo's thumbprint on Exhibit "7" is spurious, the Court is not persuaded, no comparison having been made of such thumbprint with a genuine thumbprint established to be Maximo's.[49]

Vaño's testimony should be received with caution, the trial court having abruptly cut short his cross-examination conducted by petitioners' counsel,[50] thus:

COURT:

You are just delaying the proceedings in this case if you are going to ask him about the documents one by one. Just leave it to the Court to determine whether or not he is a qualified expert witness. The Court will just go over the Report of the witness. You do not have to ask the witness one by one on the document,[51]

thereby depriving this Court of the opportunity to determine his credibility. Espina, on the other hand, withstood thorough cross-examination, re-direct and re-cross examination.[52]

The value of the opinion of a handwriting expert depends not upon his mere statements of whether a writing is genuine or false, but upon the assistance he may afford in pointing out distinguishing marks, characteristics and discrepancies in and between genuine and false specimens of writing which would ordinarily escape notice or detection from an unpracticed observer.[53] While differences exist between Gaudencio's signatures appearing on Exhibits "3"- "3-D" and his signatures appearing on the affidavits accompanying the pleadings in this case,[54] the gap of more than 30 years from the time he affixed his signatures on the questioned document to the time he affixed his signatures on the pleadings in the case could explain the difference. Thus Espina observed:

x x x x

4. Both questioned and standard signatures exhibited the same style and form of the movement impulses in its execution;

5. Personal habits of the writer were established in both questioned and standard signatures such as misalignment of the whole structure of the signature, heavy penpressure [sic] of strokes from initial to the terminal, formation of the loops and ovals, poor line quality and spacing between letters are all repeated;

6. Both questioned and standard signatures [show] no radical change in the strokes and letter formation in spite o[f] their wide difference in dates of execution considering the early writing maturity of the writer;

7. Variations in both writings questioned and standards were considered and properly evaluated.

x x x x

Fundamental similarities are observed in the following characteristics to wit:

X X X X

SIGNATURES

1. Ovals of "a" either rounded or angular at the base;
2. Ovals of "d" either narrow, rounded, or angular at the base;
3. Loop stems of "d" consistently tall and retraced in both specimens questioned and standards;
4. Base alignment of "e" and "i" are repeated with sameness;
5. Top of "c" either with a retrace, angular formation or an eyelet;
6. Terminal ending of "o" heavy with a short tapering formation;
7. Loop stem of "P" with wide space and angular;
8. Oval of "P" either rounded or multi-angular;
9. Base loop of "g" consistently short either a retrace, a blind loop or narrow space disproportionate to the top oval;
10. Angular top of "s" are repeated with sameness;
11. Terminal ending of "s" short and heavy with blind loop or retrace at the base. [55]

And Espina concluded

X X X X

[t]hat the four (4) questioned signatures over and above the typewritten name and word GAUDENCIO PADIGOS Vendor on four copies of a DEED OF ABSOLUTE SALE (original and carbon) dated June 8, 1959 were written, signed, and prepared by the hand who wrote the standard specimens Exh. "G" and other specimen materials collected from the records of this case that were submitted or comparison; a product of one Mind and Brain hence GENUINE and AUTHENTIC.[56](Emphasis in the original; underscoring supplied)

Respondents brand Maximo's thumbmark on Exhibit "7" as spurious because, so they claim, Maximo did not affix his signature thru a thumbmark, he knowing how to write.[57] Such conclusion is a non sequitur, however, for a person who knows how to write is not precluded from signing by thumbmark.

In affirming the nullification by the trial court of Exhibits "3," "4," "5," "6," "7," and "8," the Court of Appeals held:

X X X X

First of all, facts about pedigree of the registered owners and their lawful heirs were convincingly testified to by plaintiff-appellant Gaudencio Padigos and his testimony remained uncontroverted.

X X X X

Giving due weight to his testimony, we find that x x x the vendors in the aforesaid Deeds of Sale x x x were not the legal heirs of the registered owners of the disputed land. x x x

X X X X

As for Exhibit "4," the vendor Gavino Padigos is not a legal heir of the registered owner Felix Padigos. The latter's heirs are plaintiff-appellants Expedito Padigos, Henry Padigos and Enrique P. Malazarte. Accordingly,

Exhibit "4" is a patent nullity and did not vest title of Felix Padigos' share of Lot 3781 to Alipio [Gadiano].

As for Exhibit "6," the vendors Gavino and Rodulfo Padigos are not the legal heirs of the registered owner Geronimo Padigos. Therefore, these fictitious heirs could not validly convey ownership in favor of Alipio [Gadiano].

x x x x

As for Exhibit "8," the vendor Candido Padigos is not a legal heir of Simplicio Padigos. Therefore, the former could not vest title of the land to Alipio Bacalso.

As for Exhibit "3," the vendors Gaudencio Padigos, Hermenegilda Padigos and Domingo Padigos are not the legal heirs of registered owner Fortunata Padigos. Hermenegilda Padigos is not a known heir of any of the other registered owners of the property.

On the other hand, plaintiffs-appellants Gaudencio and Domingo Padigos are only some of the collateral grandchildren of Fortunata Padigos. They could not by themselves dispose of the share of Fortunata Padigos.

x x x x

As for Exhibit "5," the vendors in Exhibit "5" are not the legal heirs of Wenceslao Padigos. The children of registered owner Wenceslao Padigos are: Wenceslao Padigos, Demetrio Padigos and Nelly Padigos. Therefore, Exhibit "5" is null and void and could not convey the shares of the registered owner Wenceslao Padigos in favor of Alipio Bacalso.

As for Exhibit "9," the Deed of Sale executed by Alipio [Gadiano] in favor of Alipio Bacalso is also void because the shares of the registered owners Felix and Geronimo Padigos were not validly conveyed to Alipio [Gadiano] because Exhibit "4" and "6" were void contracts. Thus, Exhibit "9" is also null and void.[58] (Italics in the original; underscoring supplied)

The evidence regarding the "facts of pedigree of the registered owners and their heirs" does not, however, satisfy this Court. Not only is Gaudencio's self-serving testimony uncorroborated; it contradicts itself on material points. For instance, on direct examination, he testified that Ignacio is his father and Fortunata is his grandmother.[59] On cross-examination, however, he declared that his father Ignacio is the brother of Fortunata.[60] On direct examination, he testified that his co-plaintiffs Victoria and Lilia are already dead.[61] On cross-examination, however, he denied knowledge whether the two are already dead.[62] Also on direct examination, he identified Expedito, Henry, and Enrique as the children of Felix.[63] Expedito himself testified, however, that he is the son of a certain Mamerto Padigos, the son of a certain Apolonio Padigos who is in turn the son of Felix.[64]

At all events, respondents are guilty of laches - the negligence or omission to assert a right within a reasonable time, warranting a presumption that the party entitled to assert it has either abandoned it or declined to assert it.[65] While, by express provision of law, no title to registered land in derogation of that of the registered owner shall be acquired by prescription or adverse possession, it is an enshrined rule that even a registered owner may be barred from recovering possession of property by virtue of laches.[66]

Respondents insist, however, that they only learned of the deeds of sale in 1994, the year that Alipio, Sr. allegedly commenced possession of the property.[67] The record shows, however, that although petitioners started renting out the land in 1994, they have been tilling it since the 1950s,[68] and Rosendo's house was constructed in about 1985.[69] These acts of possession could not have escaped respondents' notice given the following unassailed considerations, inter alia: Gaudencio testified that he lived on the lot from childhood until 1985, after which he moved to a place three kilometers away, and after he moved, a certain Vicente Debelos lived on the lot with his permission.[70] Petitioners' witness Marina Alcosoba, their employee,[71] testified that Gaudencio and Domingo

used to cut kumpay planted by petitioners' tenant on the lot.[72] The tax declarations in Alipio, Sr.'s name for the years 1967-1980 covering a portion of the lot indicate Fortunata's share to be the north and east boundaries of Alipio, Sr.'s;[73] hence, respondents could not have been unaware of the acts of possession that petitioners exercised over the lot.

Upon the other hand, petitioners have been vigilant in protecting their rights over the lot, which their predecessor-in-interest Alipio, Sr. had declared in his name for tax purposes as early as 1960, and for which he had been paying taxes until his death in 1994, by continuing to pay the taxes thereon.[74]

Respondents having failed to establish their claim by preponderance of evidence, their action for quieting of title, declaration of nullity of documents, recovery of possession, and damages must fail.

A final word. While petitioners' attribution of error to the appellate court's "implied sanction" of the trial court's order for the demolition pending appeal of the houses of their lessees is well taken, the Court may not consider any grant of relief to them, they not being parties to the case.

WHEREFORE, the petition is GRANTED. The September 6, 2005 decision of the Court of Appeals is REVERSED and SET ASIDE. Civil Case No. CEB-17326 of Branch 16 of the Regional Trial Court of Cebu City is DISMISSED.

SO ORDERED.

Quisumbing, (Chairperson), Tinga, Velasco, Jr., and Brion, JJ., concur.

[1] Exhibits for the Defendants, Exhibit "1."

[2] Records, pp. 1-7.

[3] Id. at 1.

[4] Id. at 2-3.

[5] Id. at 4.

[6] Id. at 11-18.

[7] Id. at 13-14.

[8] Id. at 21-26.

[9] Id. at 36.

[10] Id. at 27-35.

[11] Sometimes rendered as "Marciliana."

[12] Sometimes rendered as "Cristina" or "Cristita."

[13] Records, pp. 77-83.

[14] Id. at 75-76.

[15] Sometimes rendered as "Prisca."

[16] Records, unnumbered page between pp. 77-78.

[17] Id. at 85-91.

[18] Id. at 88.

[19] Id. at 120-128.

[20] Id. at 209.

[21] Id. at 120-121.

[22] Id. at 362-368.

[23] Id. at 368.

[24] Id. at 370, 372.

[25] Id. at 397-400.

[26] Vide Records, pp. 435-439, 454-456, 474-479.

[27] Penned by Court of Appeals Associate Justice Isaias P. Dicdican, with the concurrence of Associate Justices Ramon M. Bato, Jr. and Enrico A. Lanzas. CA rollo, pp. 170-182.

[28] Id. at 183-193.

[29] Id. at 198-199.

[30] Rollo, pp. 15-28.

[31] Id. at 19-20.

[32] Id. at 83-84.

[33] Vide rollo, pp. 84-85.

[34] 345 Phil. 250 (1997).

[35] Id. at 267-268.

[36] Vide *Chua v. Total Office Products and Services (Topros), Inc.*, G.R. No. 152808, September 30, 2005, 471 SCRA 500, 510; *Lotte Phil. Co., Inc. v. Dela Cruz*, G.R. No. 166302, July 28, 2005, 464 SCRA 591, 595-596; *Orbeta, et al. v. Sendiong*, G.R. No. 155236, July 8, 2005, 463 SCRA 180, 192; *Sepulveda, Sr. v. Perez*, G.R. No. 152195, January 31, 2005, 450 SCRA 302, 313-314; *Metropolitan Bank & Trust Company v. Alejo*, 417 Phil. 303, 317 (2001).

[37] Vide *Ferancullo v. Ferancullo*, A.C. No. 7214, November 30, 2006, 509 SCRA 1, 12; Rules of Court, Rule 132, Section 23.

[38] *Chiang Yia Min v. Court of Appeals*, 407 Phil. 944, 963-964 (2001). Citation omitted.

[39] Vide CA rollo, p. 178; records, pp. 296-317, 367.

[40] TSN, October 24, 2000, pp. 2-3; Exhibit "19."

[41] *Ceballos v. Intestate Estate of the Late Emigdio Mercado*, G.R. No. 155856, May 28, 2004, 430 SCRA 323, 331.

[42] Ibid.

- [43] Vide *Eduarte v. Court of Appeals*, 323 Phil. 462, 472 (1996).
- [44] Vide Exhibit "19," pp. 2-3; TSN, May 17, 1999, pp. 4-7.
- [45] Vide TSN, October 24, 2000, pp. 6-7.
- [46] Records, p. 296.
- [47] Vide *id.* at 302-304, 307-311.
- [48] Vide TSN, March 23, 2000, pp. 13-15.
- [49] Vide records, pp. 304-305, 312-315.
- [50] TSN, March 9, 2001, pp. 5-6.
- [51] *Id.* at 6.
- [52] TSN, February 29, 2000, pp. 2-14; TSN, March 23, 2000, pp. 2-15.
- [53] *People v. Domasian*, G.R. No. 95322, March 1, 1993, 219 SCRA 245, 252.
- [54] Vide records, pp. 7, 26, 35, 83, 105, 128, 192.
- [55] Exhibit "19," pp. 3-4. Vide Exhibit "21" and sub-markings; TSN, March 23, 2000, pp. 4-8.
- [56] Exhibit "19," p. 4.
- [57] Records, p. 78.
- [58] CA rollo, pp. 178-180.
- [59] TSN, October 2, 1997, pp. 4, 6.
- [60] TSN, October 6, 1997, p. 11.
- [61] TSN, October 2, 1997, p. 4.
- [62] TSN, October 6, 1997, pp. 12-13.
- [63] TSN, October 2, 1997, p. 5.
- [64] TSN, December 1, 1997, p. 3.
- [65] Vide *Rumarate v. Hernandez*, G.R. No. 168222, April 18, 2006, 487 SCRA 317, 335.
- [66] *Id.* at 335-336.
- [67] Vide records, pp. 359, 407; rollo, pp. 82, 84, 88, 92.
- [68] TSN, January 29, 1999, pp. 5-6; TSN, March 11, 1999, pp. 9-10.
- [69] TSN, March 11, 1999, p. 10.
- [70] TSN, October 2, 1997, p. 6; TSN, October 6, 1997, pp. 2-3.
- [71] TSN, March 11, 1999, pp. 4-7.
- [72] *Id.* at 9-11.
- [73] Exhibits "17-I" to "17-P."

[74] Exhibits "16"- "17-X," Exhibits for the Defendants.

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