

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. FRANCISCA TALARO, GREGORIO TALARO, NORBERTO (JUN) ADVIENTO, RENATO RAMOS, RODOLFO DUZON, RAYMUNDO ZAMORA AND LOLITO AQUINO, AC...

G.R. No. 175781. March 20, 2012

Ponente: PERALTA, J.

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PERALTA, J.:

This is an automatic review of the Decision[1] of the Court of Appeals (CA) promulgated on December, 15, 2005, in accordance with Section 2 of Rule 125, in relation to Section 3 of Rule 56, of the Rules of Court. The CA affirmed with modification the judgment rendered by the Regional Trial Court (RTC), Branch 38 of Lingayen, Pangasinan, thereby finding accused-appellants Norberto (Jun) Adviento, Renato Ramos and Lolito Aquino, guilty beyond reasonable doubt of the crime of Murder and sentencing them to death, but acquitting accused Rodolfo Duzon.

Accused-appellants were charged before the RTC of Urdaneta, Pangasinan, with the crime of murder under an Information reading as follows:

That on or about the 26[th] day of April 1994, in the Poblacion of the Municipality of Laoac, Province of Pangasinan, and within the jurisdiction of this Honorable Court, the said accused, conspiring, confederating with each other, with intent to kill, and with treachery, and evident premeditation, in consideration of a price, and by means of motor vehicle, did then and there, willfully, unlawfully and feloniously attack and shoot one MELVIN ALIPIO, with a handgun hitting the latter in the different parts of his body and the wounds being mortal caused directly the death of said MELVIN ALIPIO, to the damage and prejudice of his heirs.

CONTRARY to Article 248, Revised Penal Code.[2]

The testimonies of prosecution witnesses showed the sequence of events shortly before and after the killing of victim Melvin Alipio to be as follows.

Raymundo Zamora is the nephew of Gregorio Talaro, the husband of Francisca Talaro. In the morning of April 24, 1994, when Zamora went home for breakfast after driving his tricycle, he found Francisca Talaro, Lolito Aquino, Renato “Atong” Ramos, and Norberto “Jun” Adviento conversing among themselves under a santol tree in front of his (Zamora's) house. He went near the group to find out what they were talking about and he learned that his aunt, Francisca Talaro, was transacting with the other three accused-appellants for the killing of Atty. Melvin Alipio. He was merely a meter away from the group so he heard the group's conversation. He learned that Francisca Talaro would give the three accused-appellants an advance payment of P30,000.00 and then another P30,000.00 after Atty. Melvin Alipio is killed, with said last payment to be delivered in Barangay (Brgy.) Bactad. The three accused-appellants then nodded their heads in agreement. After learning of the group's plan, Zamora got scared and stayed away from the group, but three days after that meeting in front of his house, he was asked by Francisca Talaro to drive her and her husband Gregorio to Brgy. Bactad. The Talaro spouses alighted at a place in

Brgy. Bactad, while Zamora stayed in his tricycle and merely waited for them. He assumed that the couple delivered the payment of P30,000.00 to someone in Brgy. Bactad.[3]

Accused-appellant Lolito Aquino, when questioned during preliminary investigation, admitted that he and co-accused Renato Ramos conducted a surveillance on Atty. Alipio in the afternoon of April 25, 1994.[4]

Around 6 o'clock in the morning of April 26, 1994, tricycle driver Rodolfo Duzon was at the parking area in the poblacion of Urdaneta waiting for passengers, when accused-appellant Renato Ramos approached him. Accused-appellant Ramos offered to pay Rodolfo Duzon P200.00 for the latter to drive Ramos' motorcycle to Laoac, Pangasinan to take some onions and turnips there. Duzon agreed, so after bringing his own tricycle home to his house in Bactad, Urdaneta, he then drove Ramos' motorcycle to the poblacion of Urdaneta. At the poblacion, Ramos bought a basket where he placed the onions and turnips. Ramos then told Duzon to drive the motorcycle to Laoac, but they first passed by Garcia Street in Urdaneta. At a house along Garcia Street, Ramos alighted and talked to someone whom Rodolfo Duzon later came to know as accused-appellant Lolito Aquino. Ramos then told Duzon that after coming from Laoac, Duzon should leave the motorcycle at that house on Garcia Street with Lolito Aquino. Ramos and Duzon then proceeded to Laoac, stopping at a gas station where they fueled up. Ramos alighted from the motorcycle at the gas station and, taking along the basket of onions and turnips, walked towards Guardian Angel Hospital (the clinic owned by the Alipios). Five minutes after Ramos alighted, Duzon heard three gunshots coming from the west, and moments later, he saw Ramos, who was coming toward him, being chased by another man. When Ramos got to the motorcycle, he ordered Duzon to immediately drive away, and poked a gun at Duzon's back. Ramos then instructed Duzon as to the route they should take until they reached Urdaneta where Ramos alighted, leaving Duzon with instructions to bring the motorcycle to Garcia Street, leave it with Lolito Aquino, then meet him (Ramos) again at the poblacion where he (Duzon) will be paid P200.00 for his services. Duzon did as he was told, but when he met with Ramos at the poblacion and asked for the P200.00, Ramos got mad and shouted invectives at him. A few days later, he again ran into Ramos who warned him to keep his silence, threatening to kill him (Duzon) too if he tells anyone about the killing. Accused-appellant Norberto (Jun) Adviento also threatened him not to reveal to anyone whatever he knows about the crime. That was why Duzon decided to keep quiet. Later, however, he revealed the matter to his brother, Victoriano Duzon, who accompanied him to the Criminal Investigation Services (CIS) Office in Urdaneta so he could give his statement. He executed affidavits, assisted by a lawyer from the Public Attorney's Office (PAO), attesting to what he knew about the crime, in his desire to be a state witness.[5]

Witness Rene Balanga, who was the helper of the spouses Atty. Melvin and Dr. Lina Alipio, was cleaning the windows at the clinic of Dr. Alipio around 8 o'clock in the morning of April 26, 1994. He heard three gunshots coming from the garage of the clinic, which was around ten meters away from where he was. Immediately after the gunshots, he saw a man quickly walking out from the garage, going towards the main gate, but he was not able to clearly see the face of the man. He merely observed that the man was around 5'4" to 5'5" in height, medium-built, wearing a blue jacket and faded maong (denim) pants. He ran towards the garage and there, he saw Atty. Melvin Alipio lying dead. He then chased after the man so he could identify him better but he did not succeed in doing so because the driver of the motorcycle that the gunman was boarding was already drawing something out from the rear portion of the motorcycle. After the assailant sped off, Balanga went to the police station in Laoac to report the crime and give his statement before the CIS. Sometime later, at the CIS Office, he identified Rodolfo Duzon as the driver of the motorcycle used by the gunman to get away.[6]

Another eyewitness, Eusebio Hidalgo, whose son was confined at the clinic, was sitting at a bench in the garage of the clinic on the morning of April 26, 1994. Two other women who were looking for Atty. Alipio also sat at the bench with him after he told them that Atty. Alipio was still having his breakfast. After a few minutes, a man

arrived looking for Dr. Alipio, and also sat at the bench. Thereafter, Atty. Alipio came out to the garage and talked to the two women. When Atty. Alipio finished talking to them, the man sitting with them on the bench suddenly stood up and shot Atty. Alipio three times. Atty. Alipio was merely one meter away from the assailant when the latter shot him. After the shooting, the assailant walked away. Hidalgo then saw the helper at the clinic, Reny Balanga, run after the assailant, but the latter had whistled to his companion who was waiting on his motorcycle and the two were able to speed away aboard said vehicle. Hidalgo identified the assailant from a picture^[7] shown to him.^[8] The picture was that of Renato Ramos.^[9]

A few weeks after Atty. Melvin Alipio had been killed, Zamora was in the parking lot in Sta. Maria Norte in Binalonan, when accused-appellant Aquino approached him and told him to remind Francisca Talaro that she still has to pay him (Aquino) P10,000.00. Zamora then immediately told his uncle Gregorio Talaro about Aquino's message and the very next day, Gregorio went to Zamora's house with the P10,000.00. Gregorio could no longer wait for Aquino so he just left the money with Zamora, instructing him to hand it over to Aquino when the latter arrives. Later that day, Zamora saw Aquino so he told him (Aquino) to just get the money from his house. About three weeks later, Aquino again went to Zamora's house, this time saying he needs another P5,000.00 just in case he needs to escape. Zamora then contacted Francisca Talaro and conveyed Aquino's message to her. The following day, Gregorio again went to Zamora's house and left the P3,000.00 for Aquino. That afternoon, Zamora again told Aquino to just pick up the money from his house. Zamora observed that Aquino seemed happy enough with the P3,000.00 he received.^[10]

Zamora said that he thinks the Talaros had Atty. Alipio killed because the latter was not able to comply with his contractual obligations to the Talaros to complete the construction of a building. Dr. Lina Alipio, the wife of the victim Atty. Melvin Alipio, confirmed that indeed, the victim entered into an agreement with Rodolfo Talaro, the Talaro spouses' son, for the construction of a building, but the construction was not finished within the agreed one-year period because of the sudden rise of prices for materials. Atty. Alipio asked Rodolfo for additional payment so he could finish construction, but the latter refused to pay more. Dr. Alipio stated that eventually, Atty. Alipio and Rodolfo agreed that Atty. Alipio would return all the money he received from Rodolfo and the whole property would, in turn, be turned over to Atty. Alipio. Atty. Alipio was unable to return the money despite several demands made by Rodolfo, and Dr. Alipio believes this is the reason why the Talaros had her husband killed. Dr. Alipio further testified on matters regarding expenses for the wake and burial, and the earnings of her husband.^[11]

Dr. Arnulfo Bacarro conducted the autopsy on the victim and stated that three slugs were taken from the body of the victim, and the cause of death was internal hemorrhage.^[12] Police officers testified on how they conducted the investigation, stating that accused-appellant Aquino and Zamora's statements were taken in the presence of their respective lawyers. They maintain that no bodily harm was inflicted on the accused-appellants while they were being investigated.^[13]

On the other hand, accused-appellant Lolito Aquino stated that he was taken by CIS men without a warrant of arrest; that he was mauled by police authorities while under detention, but could not undergo a medical check-up due to fear from threats that he would be killed by police authorities if he did so; that he was assisted by a PAO lawyer when he made his confession, but he did not read the contents of the document, Sgt. Tomelden just ordered him to sign the same; that the PAO lawyer is not his own choice; that he does not know Rodolfo Duzon and Raymundo Zamora; and that he was not present at the meeting held in Raymundo Zamora's yard. He admitted, however, that the motorcycle used by the gunman belongs to him; and that he first agreed to be a state witness because he was promised to be paid P20,000.00 and that he would be placed in the witness protection program.^[14]

Accused-appellant Norberto (Jun) Adviento's defense is denial and alibi. He claimed that he was not present during the April 24, 1994 meeting held to plan the killing of Atty. Alipio, because on said date and time, he was in the house of Congressman Amadito Perez, for whom he works as driver-messenger, and that morning, he also drove the Congressman's family to church to hear mass. On April 26, 1994, he also reported for work at the house of the Congressman from 8 o'clock in the morning until 5 o'clock in the afternoon. He likewise denied personally knowing any of his co-accused except for Duzon whose face is familiar to him.[15]

After trial, the RTC rendered judgment as follows:

Wherefore, in the light of all the considerations discussed above, this court hereby finds and holds the accused Francisca Talaro, Norberto (Jun) Adviento, Renato Ramos, Rodolfo Duzon and Lolito Aquino, guilty beyond reasonable doubt of the crime of Murder defined and penalized under the provisions of Article 248 of the Revised Penal Code as amended by Republic Act No. 7659 and conformable thereto, pursuant to law, hereby imposes on each of the accused the death penalty and to pay proportionately the costs of the proceedings.

The court further orders the accused to indemnify, jointly and severally, the heirs of the deceased the sum of P83,000.00 as actual damages; P100,000.00 as moral damages; P50,000.00 as death indemnity; P10,000.00 as [attorney's fees] paid to their private prosecutor and P2,400,000.00 as loss in the earning capacity of the deceased without subsidiary imprisonment in case of insolvency.

Taking into consideration that accused Francisca Talaro is already 75 years old, the death penalty meted upon her shall be commuted to reclusion perpetua with the accessory penalties provided in Article 40 of the Revised Penal Code.

And considering that the evidence adduced by the prosecution against the accused Gregorio Talaro is not sufficient to sustain his conviction of the offense filed against him, the court hereby declares accused Gregorio Talaro not guilty. The court likewise declares Raymundo Zamora acquitted of the offense filed against him.

Let an order of arrest be issued against accused Renato Ramos who escaped from jail during the pendency of this case, to be served by the NBI, CIC and PNP of Urdaneta, Pangasinan.

SO ORDERED.[16]

The case was then brought to this Court for automatic review in view of the penalty of death imposed on accused-appellants. However, in accordance with the ruling in *People v. Mateo*,^[17] and the amendments made to Sections 3 and 10 of Rule 122, Section 13 of Rule 124, and Section 3 of Rule 125 of the Revised Rules on Criminal Procedure, the Court transferred this case to the CA for intermediate review.

On December 15, 2005, the CA rendered its Decision, the dispositive portion of which reads as follows:

WHEREFORE, in view of the foregoing, the decision of the Regional Trial Court, Branch 38 of Lingayen, Pangasinan in Criminal Case No. U-8239, is hereby AFFIRMED with the MODIFICATION that accused-appellant Rodolfo Duzon is ACQUITTED on reasonable doubt and his release is hereby ordered unless he is being held for some other legal cause.

Further, in lieu of the awards made by the trial court in favor of the heirs of deceased Atty. Melvin Alipio, accused-appellants are ordered to pay, jointly and severally, the heirs of the victim the following amounts: (1) P25,000.00 as temperate damages; (2) P75,000.00 as civil indemnity; (3) P50,000.00 as moral damages; and (4) P25,000.00 as exemplary damages;

SO ORDERED.[18]

The case is now before this Court on automatic review. The prosecution opted not to file a supplemental brief with this Court. Accused-appellants Lolito Aquino and Renato Ramos jointly filed their supplemental brief where

it is argued that the two should be acquitted because (1) the prosecution evidence is insufficient to prove that Lolito Aquino was part of the conspiracy to kill Atty. Melvin Alipio; and (2) the identity of Renato Ramos was never established. Accused-appellant Norberto (Jun) Adviento argued in his Appellant's Brief filed with the CA, that the prosecution's evidence is insufficient to establish conspiracy, and there are no aggravating circumstances to justify the imposition of the death penalty.

The Court agrees with the CA's conclusion that the evidence on record proves beyond reasonable doubt that accused-appellants Lolito Aquino, Renato Ramos, and Norberto (Jun) Adviento, together with Francisca Talaro, conspired to kill Atty. Melvin Alipio.

Murder under Article 248 of the Revised Penal Code is defined as the unlawful killing of a person, which is not parricide or infanticide, attended by circumstances such as treachery or evident premeditation. The presence of any one of the circumstances enumerated in Article 248 of the Code is sufficient to qualify a killing as murder.[19]

In *People v. Sanchez*, [20] the Court held that “[t]he essence of treachery is the sudden attack by an aggressor without the slightest provocation on the part of the victim, depriving the latter of any real chance to defend himself, thereby ensuring the commission of the crime without risk to the aggressor.” There can be no cavil that the evidence on record shows treachery in the killing of Atty. Alipio, thus qualifying the crime as murder. The assailant, identified as accused-appellant Renato Ramos, just suddenly fired upon Atty. Alipio at a very close distance, without any provocation from said unarmed victim, who was then just conversing with some other people.

There is also evident premeditation because the evidence shows that a couple of days before the actual shooting of Atty. Alipio, Raymundo Zamora already saw and heard accused-appellants Norberto (Jun) Adviento, Renato Ramos, and Lolito Aquino, talking to Francisca Talaro and coming to an agreement to kill Atty. Alipio.

Pitted against the prosecution evidence, accused-appellants' only defense is that the evidence is insufficient to prove they are part of the conspiracy to commit the murder. Said defense is sorely wanting when pitted against the prosecution evidence.

In *People v. Bautista*, [21] the Court reiterated the hornbook principle of conspiracy, to wit:

Conspiracy exists when two or more persons come to an agreement concerning the commission of a felony and decide to commit it. Where all the accused acted in concert at the time of the commission of the offense, and it is shown by such acts that they had the same purpose or common design and were united in its execution, conspiracy is sufficiently established. It must be shown that all participants performed specific acts which such closeness and coordination as to indicate a common purpose or design to commit the felony.

x x x x

Each conspirator is responsible for everything done by his confederates which follows incidentally in the execution of a common design as one of its probable and natural consequences even though it was not intended as part of the original design. x x x [22] (Emphasis supplied)

In this case, the existence of a conspiracy has been established by the testimony of Raymundo Zamora, positively identifying all three accused-appellants as the ones he saw and heard transacting with Francisca Talaro on April 24, 1994 to kill Atty. Melvin Alipio for the price of P60,000.00, and pointing to Lolito Aquino as the one who demanded and received part of the payment after Atty. Alipio had been killed. The credibility of Raymundo Zamora's testimony is further bolstered by Lolito Aquino's admission [23] that he and Renato Ramos even conducted surveillance on the victim a day before Renato Ramos carried out the shooting, and that the motorcycle used as a getaway vehicle belonged to him. Rodolfo Duzon also pointed to Renato Ramos as the gunman; he also

pointed to Renato Ramos and Norberto (Jun) Adviento as the ones who threatened to kill him if he talks to anyone about the shooting. All the proven circumstances point to the conclusion that accused-appellants acted in concert to assure the success of the execution of the crime; hence, the existence of a conspiracy is firmly established.

Lolito Aquino's admission, and accused-appellants' positive identification of Raymundo Zamora and Rodolfo Duzon cannot be belied by accused-appellants' mere denial. It is established jurisprudence that denial and alibi cannot prevail over the witness' positive identification of the accused-appellants.[24] Moreover, accused-appellants could not give any plausible reason why Raymundo Zamora would testify falsely against them. In *People v. Molina*,[25] the Court expounded, thus:

In light of the positive identification of appellant by the prosecution witnesses and since no ill motive on their part or on that of their families was shown that could have made either of them institute the case against the appellant and falsely implicate him in a serious crime he did not commit, appellant's defense of alibi must necessarily fail. It is settled in this jurisdiction that the defense of alibi, being inherently weak, cannot prevail over the clear and positive identification of the accused as the perpetrator of the crime. x x x[26] (Emphasis supplied)

Accused-appellant Lolito Aquino claimed he merely admitted his participation in the crime out of fear of the police authorities who allegedly manhandled him, however, the trial court did not find his story convincing. The trial court's evaluation of the credibility of witnesses and their testimonies is conclusive on this Court as it is the trial court which had the opportunity to closely observe the demeanor of witnesses.[27] The Court again explained the rationale for this principle in *Molina*,[28] to wit:

As oft repeated by this Court, the trial court's evaluation of the credibility of witnesses is viewed as correct and entitled to the highest respect because it is more competent to so conclude, having had the opportunity to observe the witnesses' demeanor and deportment on the stand, and the manner in which they gave their testimonies. The trial judge therefore can better determine if such witnesses were telling the truth, being in the ideal position to weigh conflicting testimonies. Further, factual findings of the trial court as regards its assessment of the witnesses' credibility are entitled to great weight and respect by this Court, particularly when the Court of Appeals affirms the said findings, and will not be disturbed absent any showing that the trial court overlooked certain facts and circumstances which could substantially affect the outcome of the case.[29]

The Court cannot find anything on record to justify deviation from said rule.

Accused-appellant Renato Ramos insisted that he was not properly identified in open court, and considering that there are so many persons named "Renato Ramos," then there can be some confusion regarding his identity. There is no truth to this claim. Ramos was properly identified in open court by Raymundo Zamora, as one of the men he saw and heard transacting with Francisca Talara for the killing of Atty. Alipio.[30] Hence, there can be no doubt as to which Renato Ramos is being convicted for the murder of Atty. Alipio.

Another strong indication of Lolito Aquino's and Renato Ramos' guilt is the fact that they escaped from detention while the case was pending with the trial court. Renato Ramos escaped from prison on December 20, 1994,[31] while Lolito Aquino escaped on May 5, 1996.[32] It has been repeatedly held that flight betrays a desire to evade responsibility and is, therefore, a strong indication of guilt.[33] Thus, this Court finds no reason to overturn their conviction.

Nevertheless, this Court must modify the penalty imposed on accused-appellants Norberto (Jun) Adviento, Lolito Aquino, and Renato Ramos. In *People v. Tinsay*,[34] the Court explained that:

On June 30, 2006, Republic Act No. 9346 (R.A. 9346), entitled An Act Prohibiting the Imposition of Death Penalty in the Philippines, took effect. Pertinent provisions thereof provide as follows:

Section 1. The imposition of the penalty of death is hereby prohibited. Accordingly, Republic Act No. Eight Thousand One Hundred Seventy-Seven (R.A. No. 8177), otherwise known as the Act Designating Death by Lethal Injection is hereby repealed. Republic Act No. Seven Thousand Six Hundred Fifty-Nine (R.A. No. 7659) otherwise known as the Death Penalty Law and all other laws, executive orders and decrees insofar as they impose the death penalty are hereby repealed or amended accordingly.

Section 2. In lieu of the death penalty, the following shall be imposed:

(a) the penalty of reclusion perpetua, when the law violated makes use of the nomenclature of the penalties of the Revised Penal Code; or

x x x x

SECTION 3. Persons convicted of offenses punished with reclusion perpetua, or whose sentences will be reduced to reclusion perpetua, by reason of this Act, shall not be eligible for parole under Act No. 4103, otherwise known as the Indeterminate Sentence Law, as amended.

It has also been held in *People vs. Quiachon* that R.A. No. 9346 has retroactive effect, to wit:

The aforequoted provision of R.A. No. 9346 is applicable in this case pursuant to the principle in criminal law, *favorabilia sunt amplianda adiosa restringenda*. Penal laws which are favorable to accused are given retroactive effect. This principle is embodied under Article 22 of the Revised Penal Code, which provides as follows:

Retroactive effect of penal laws. - Penal laws shall have a retroactive effect insofar as they favor the persons guilty of a felony, who is not a habitual criminal, as this term is defined in Rule 5 of Article 62 of this Code, although at the time of the publication of such laws, a final sentence has been pronounced and the convict is serving the same.

However, appellant is not eligible for parole because Section 3 of R.A. No. 9346 provides that “persons convicted of offenses pushed with reclusion perpetua, or whose sentences will be reduced to reclusion perpetua by reason of the law, shall not be eligible for parole.”

Hence, in accordance with the foregoing, appellant should only be sentenced to suffer reclusion perpetua without eligibility for parole.[35]

The awards for damages also need to be modified. In *People v. Alberto Anticamara y Cabillo, et al.*, [36] the Court held that in accordance with prevailing jurisprudence on heinous crimes where the impossible penalty is death but reduced to reclusion perpetua pursuant to R.A. No. 9346, the award of moral damages should be increased from P50,000.00 to P75,000.00, while the award for exemplary damages, in view of the presence of aggravating circumstances, should be P30,000.00.

WHEREFORE, the Decision of the Court of Appeals dated December 15, 2005 in CA-G.R. CR-H.C. No. 00071 is hereby AFFIRMED with the MODIFICATION that the penalty of death imposed on accused-appellants is REDUCED to reclusion perpetua without possibility of parole in accordance with R.A. No. 9346; and INCREASING the award of moral damages from P50,000.00 to P75,000.00, and the award of exemplary damages from P25,000.00 to P30,000.00. The rest of the award of the Court of Appeals is hereby maintained.

SO ORDERED.

Corona, C.J., Carpio, Velasco, Jr., Leonardo-De Castro, Brion, Bersamin, Abad, Villarama, Jr., Perez, Mendoza, Sereno, Reyes, and Perlas-Bernabe, JJ., concur.

Del Castillo, J., on leave.

[*] In a Resolution dated July 10, 2001, the Court GRANTED accused-appellant Francisca Talaro's Motion for Withdrawal of Appeal, so she can avail of executive clemency. See CA rollo, p. 252.

[**] Acquitted by the Regional Trial Court.

[***] Acquitted by the Court of Appeals.

[****] On leave.

[1] Penned by Associate Justice Rodrigo V. Cosico, with Associate Justices Regalado E. Maambong and Lucenito N. Tagle, concurring; rollo, pp. 3-24.

[2] Records, p. 4.

[3] TSN, December 8, 1994.

[4] Exhibit "K," TSN taken on August 12, 1994, during the Preliminary Investigation, records, pp. 252-253.

[5] TSN, March 20, 1995.

[6] TSN, March 15, 1995.

[7] Exhibit "M," records, p. 254.

[8] TSN, March 15, 1995.

[9] See Prosecution's Formal Offer of Evidence, records, p. 237.

[10] TSN, December 8, 1994.

[11] TSN, April 3, 1995.

[12] TSN, January 17, 1995.

[13] TSN, April 18, 1995.

[14] TSN, August 16, 1995.

[15] TSN, November 8, 1995.

[16] Records, p. 445.

[17] G.R. Nos. 147678-87, July 7, 2004, 433 SCRA 640.

[18] Rollo, p. 23.

[19] *People v. Sanchez*, G.R. No. 188610, June 29, 2010, 622 SCRA 548, 559.

[20] *Id.* at 560.

[21] G.R. No. 188601, June 29, 2010, 622 SCRA 524.

[22] *Id.* at 540-542.

[23] Exhibit "K," records, pp. 252-253.

[24] *Lumanog v. People*, G.R. Nos. 182555, 185123 & 187745, September 7, 2010, 630 SCRA 42, 130.

[25] G.R. No. 184173, March 13, 2009, 581 SCRA 519.

[26] Id. at 538.

[27] *People v. Flores*, G.R. No. 188315, August 25, 2010, 629 SCRA 478, 488.

[28] *Supra* note 25.

[29] Id. at 535-536.

[30] TSN, December 8, 1994, p. 7.

[31] See Letter of Provincial Warden Pedro M. Belen dated May 22, 1996, records, p. 417

[32] Id. at 415.

[33] *People v. Cenahonon*, G.R. No. 169962, July 12, 2007, 527 SCRA 542, 558; *People v. Lara*, G.R. No. 171449, October 23, 2006, 505 SCRA 137, 152.

[34] G.R. No. 167383, September 23, 2008, 566 SCRA 170.

[35] Id. at 183-184. (Emphasis supplied; citations omitted)

[36] G.R. No. 178771, June 8, 2011.

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