

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RENE ROSAS, ACCUSED-APPELLANT.

G.R. No. 177825. October 24, 2008

Ponente: LEONARDO-DE CASTRO, J.

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LEONARDO-DE CASTRO, J.:

Assailed before this Court is the decision[1] dated November 29, 2006 of the Court of Appeals in CA-G.R. CR-HC No. 00301 which affirmed the decision of the Regional Trial Court (RTC) of Kabacan, Cotabato, Branch 22, in Criminal Case No. 98-105, finding accused-appellant Rene Rosas guilty beyond reasonable doubt of the crime of Murder and sentencing him to suffer the penalty of reclusion perpetua.

In the court of origin, accused-appellant was charged with the crime of Murder in an Information[2] dated October 13, 1998. The crime was alleged to have been committed, as follows:

That on September 15, 1995, in the Municipality of Kabacan, Province of Cotabato, Philippines, the said accused, armed with a gun, with intent to kill did then and there, willfully, unlawfully, feloniously and with treachery, attack, assault and shot NESTOR ESTACIO, thereby hitting and inflicting upon the latter multiple gunshot wounds on the different parts of his body, which caused his instantaneous death.

CONTRARY TO LAW.

When arraigned on January 5, 1999, accused-appellant, assisted by counsel de oficio, pleaded not guilty to the crime charged. Thereafter, trial on the merits ensued, in the course of which the prosecution presented the testimonies of Dr. Crisostomo Necessario, Jr., Municipal Health Officer of Kabacan, Cotabato; Wilfredo Bataga, mayor of Kabacan, Cotabato; Antonio Palomar Bataga, Jr.; and Arceli Estacio, widow of the victim.

For its part, the defense presented accused-appellant himself and his girlfriend, Karen Nayona.

The prosecution's version of the incident is succinctly summarized by the Office of the Solicitor General in its Appellee's Brief,[3] to wit:

On September 15, 1995, around eleven o'clock in the morning, Antonio Palomar Bataga, Jr. was outside the billiard hall along Aglipay Street near the public terminal and market of Kabacan, Poblacion, Kabacan, Cotabato. Around 15 meters away, he saw appellant Rene Rosas standing beside the post near a store across the street. Palomar knew appellant long before, as they were both into gambling. Thereafter, the victim, Nestor Estacio, arrived alone on board his motorcycle. He stopped in front of the Salcedo Newsstand to buy a newspaper without switching off his motorcycle's engine. Before he could drive off, a Weena bus, which was leaving the Bus Terminal about that time, blocked his way. Then, appellant, who was coming from the left side behind the victim, shot the latter with a pistol at close range. After the victim fell on the ground, more gunshots were heard, which gunshots were fired at him to make sure that he was dead. After the shooting, appellant jumped into a motorcycle and escaped.

Meanwhile, around that same time and fifteen (15) meters away, in a carinderia located at the Bus Terminal in Poblacion, Kabacan, Cotabato, several gunshots were heard. Wilfredo Bataga, who was the owner of the said

carinderia and also the commanding officer of the 39[th] Infantry Battalion assigned in Kabacan, Cotabato, immediately proceeded to where the gunshots came from. He saw appellant about to run and a dead body being carried by four persons into a tricycle. Wilfredo upon seeing that appellant was armed with a 45-caliber pistol, ran after the latter but lost him in the crowd.

On October 27, 1995, Wilfredo was handed with a cartographic sketch of the suspect made by the National Bureau of Investigation. He indorsed the cartographic sketch to the police of the Poblacion and reported the incident.

On August 5, 1998, around 5:30 in the afternoon, appellant was spotted a meter away in front of Wilfredo's house. Wilfredo upon seeing appellant took out his copy of the cartographic sketch and confronted appellant that it was his picture. Appellant answered "Siguro ako nga." Appellant was then immediately arrested.

The post-mortem examination conducted by Dr. Crisostomo Necessario, Municipal Health Officer of Kabacan, Cotabato revealed that the victim sustained multiple gunshot wounds in the lumbar region (lower back area), a gunshot wound in the epigastric area (upper mid-portion of the abdomen near the chest) and the mid-left portion of the hypogastric area (left abdomen). Thereafter, Dr. Necessario issued a Medical Report attributing the victim's death to hypovolemic shock caused by gunshot wounds.

On the other hand, accused-appellant's version is hinged mainly on denial and alibi. He testified that in the morning of September 15, 1995, he was at his boarding house located along USM Avenue, Kabacan, Cotabato. The following day, he went home to Mintal Relocation in Davao City and came back to Kabacan, Cotabato on August 5, 1998. On that day, while accused-appellant was in a public market, a certain Dodong Rivera approached and informed him that he should talk to Mayor Wilfredo Bataga because a group of men was out to kill him. So, accused-appellant proceeded to the house of Mayor Bataga who showed him a cartographic sketch. When accused-appellant was asked if it was him on the sketch, he replied, "Siguro, ako nga." He was then taken to the Kabacan Police Station where he was detained.

Karen Nayona, accused-appellant's girlfriend, merely corroborated his testimony that he was in the boarding house at USM Avenue, Kabacan, Cotabato in the morning of September 15, 1995. Then, at around 11 o'clock in the morning, they met and went to a fastfood restaurant located along USM Avenue. There, she told accused-appellant that she was two months pregnant with his baby.

In a decision[4] dated February 1, 2001, the trial court rendered its decision convicting accused-appellant of the crime of murder, the dispositive portion of which reads:

WHEREFORE, in view of all the foregoing and finding the accused Rene Rosas alias Boy Rosal guilty beyond reasonable doubt of the crime of murder qualified by treachery, judgment is hereby rendered sentencing the accused with penalty of Reclusion Perpetua and to pay the heirs of Nestor Estacio the sum of P50,000.00 for his death, P40,000.00 for funeral and burial expenses and P50,000.00 for moral damages.

SO ORDERED.

Pursuant to Section 3(c) of Rule 122 of the Revised Rules of Criminal Procedure,[5] accused-appellant appealed his conviction to the Supreme Court via a notice of appeal.[6]

On February 4, 2002, this Court accepted the appeal and docketed the same as G.R. No. 148879.[7]

On September 22, 2004, conformably with our pronouncement in *People v. Mateo*[8] which modified the provisions of the Rules of Court insofar as they provide for direct appeals from the RTC to this Court in cases where the penalty imposed by the trial court is death, reclusion perpetua or life imprisonment, this Court resolved to refer the case to the Court of Appeals, whereat it was docketed as CA-G.R. CR-HC No. 00301, for appropriate

action and disposition.[9]

In its decision dated November 29, 2006, the Court of Appeals upheld the conviction of accused-appellant. The decretal portion of the decision reads:

WHEREFORE, the assailed decision is hereby AFFIRMED, with modification that the award for actual damages is DELETED for reasons already discussed; in lieu thereof, an award of temperate damages in the amount of Twenty Five Thousand (P25,000.00) Pesos is hereby GRANTED.

SO ORDERED.

From the Court of Appeals, the case was then elevated to this Court upon filing by accused-appellant of a notice of appeal on January 2, 2007.[10] In its Resolution[11] of July 23, 2007, the Court resolved to require both parties to submit their respective supplemental briefs, if they so desire. The parties, however, opted not to file supplemental briefs and manifested that they were merely adopting their briefs filed before the appellate court.

In this appeal, accused-appellant assigns the following errors:

I

THE LOWER COURT ERRED IN CONVICTING THE ACCUSED-APPELLANT OF MURDER WHEN THE LATTER'S GUILT WAS NOT PROVEN BEYOND REASONABLE DOUBT.

II

THE LOWER COURT ERRED IN CONVICTING THE ACCUSED-APPELLANT WITH MURDER WHEN THE QUALIFYING CIRCUMSTANCE OF TREACHERY WAS NOT ALLEGED WITH SPECIFICITY IN THE INFORMATION PURSUANT TO SECTION 8, RULE 110 OF THE REVISED RULES ON CRIMINAL PROCEDURE.[12]

Accused-appellant insists that the prosecution failed to prove his guilt beyond reasonable doubt. He assails the credibility of the prosecution witnesses whose testimonies he pictured as inconsistent and fabricated. He also avers that the prosecution failed to establish his identity as the perpetrator of the crime as nobody actually saw him shoot the victim.

After a careful consideration of the evidence of this case, we find no reason to reverse the decision of the Court of Appeals which affirmed the RTC decision in Criminal Case No. 98-105.

Accused-appellant cites an inconsistency in the testimonies of prosecution witnesses Wilfredo Bataga and Antonio Palomar Bataga, Jr. While Wilfredo testified that he saw accused-appellant about to run from the crime scene after the shooting, Antonio, on the other hand, testified that accused-appellant jumped into a motorcycle and escaped after the incident. According to accused-appellant, their contradicting testimonies should not be accorded any weight and credence.

To our mind, the alleged inconsistency in the testimonies of the aforesaid prosecution witnesses is not sufficient to adversely affect the credibility of the prosecution witnesses. It merely pertains to accused-appellant's mode of escape, which cannot overcome the categorical and positive identification of accused-appellant by both witnesses as the person who shot the victim. It is perfectly natural for different witnesses testifying on the occurrence of a crime to give varying details as there may be some details which one witness may notice while the other may not observe or remember. In fact, jurisprudence even warns against a perfect dovetailing of narration by different witnesses as it could mean that their testimonies were fabricated and rehearsed.[13] In the instant case, while prosecution witnesses Antonio and Wilfredo differ in their narration of minor details, they identified without equivocation the accused-appellant as the perpetrator of the crime. Antonio declared on the witness stand:

PROS. DIZON, JR.:

Q.

By the way, do you know the accused in this case?

A.

Yes, sir.

Q.

Do you know Rene Rosas?

A.

Yes, sir.

Q.

Do you know the other name of Rene Rosas?

A.

Yes, sir.

Q.

Tell the Court what is the other name or the alias of Rene Rosas?

A.

Boy Rosal, sir.

Q.

Now, prior to 1995 have you known Rene Rosas?

A.

Yes, sir.

Q.

For how long did you know Rene Rosas prior to 1995?

A.

Long time ago, sir.

Q.

How come you know him?

A.

Because of our gambling activities.

Q.

By the way, do you gamble?

A.

Yes, sir.

Q.

Now, how about the victim here, Mr. Estacio, do you know him?

A.

Yes, sir.

Q.

How come you know him?

A.

Because he was an employee of the Municipal Hall, sir.

Q.

You said you were outside the Billiard Hall at 11:00 o'clock in the morning, now while you were there on September 15, 1995, was there any unusual incident that happened?

A.

Yes, there was, sir.

Q.

Tell the Court, what was that unusual incident that happened?

A.

The killing of Nestor Estacio, sir.

Q.

Now, did you see the killing of Nestor Estacio?

A.

Yes, sir.

Q.

Now, you said you saw the killing of Nestor Estacio, what was the weapon used in the killing of Mr. Estacio?

A.

Pistol, sir.

Q.

How long was that?

A.

Just a short pistol, sir.

Q.

Now, you said that Nestor Estacio was killed, did you see who killed Nestor Estacio?

ATTY. BALAGOT:

Your Honor please, leading, Your Honor.

PROS. DIZON, JR.:

He testified already, Your Honor please, that he saw.

COURT:

Yes, he may answer.

A.

Yes, sir.

Q.

Please name him.

A.

Rene Rosas, sir.[14]

Antonio Bataga, Jr. could not have made a mistake with respect to accused-appellant's identity considering that he knew accused-appellant long before he witnessed the shooting incident in 1995. Antonio who was in the vicinity of the crime scene would thus be able to unmistakably recognize accused-appellant when the incident happened at around 11 o'clock in the morning.

Antonio's testimony corroborated that of Wilfredo Bataga, thus:

PROS. DIZON, JR.:

Q.

Why were you there, was there any incident of happening that occurred?

A.

When I heard several gunbursts, I immediately proceeded to the scene of the crime and I saw the suspect including the lying victim Nestor Estacio which was brought along by four (4) persons in loading a tricycle in going to a hospital, sir.

xxx xxx xxx

Q.

Now, you said you saw Rene Rosas, what was he doing when you saw him?

A.

When I saw him, he was already running together with innocent civilians towards the market, sir.

Q.

Now, you said you also saw the dead body of a person, what is the name of that person who you said is dead?

A.

Nestor Estacio, sir.

Q.

Now, what did you do upon seeing the dead body?

A.

He was carried upon by four persons inside the tricycle for immediate medication, sir.

Q.

Now, you said you saw the accused Rene Rosas, what did you do when you saw him?

A.

I chased him, sir. I was not able to arrest him due to the thickness of the civilians running together with him, sir.

xxx xxx xxx

ATTY. BALAGOT:

Q.

You said that on September 15, 1995, at around 11:00 o'clock you were at your carinderia, is that right?

A.

Yes, sir.

Q.

Now, your carinderia was located that time at the old bus terminal building, is that right?

A.

Yes, sir.

Q.

And you said while you were there you heard gunshots?

A.

Yes, sir.

Q.

And you went to the site from where the gunshots were heard?

A.

Yes, sir.

Q.

How far was your carinderia from the site where you heard those gunshots?

A.

That was more or less 15 meters, sir.

Q.

Fifteen (15) if you will pass through the terminal going to that site?

A.

In the middle of the terminal, sir.

Q.

Now, at that time, Mr. Witness, is it not right that you passed through Jacinto Street particularly at the back of the old terminal building?

A.

I intended to conduct a hamper; a block in front of Ku Kuan so that I could arrest the suspect and I personally found out and identified the running person to be Rene Rosas @ Boy Rosas running together with scampered civilians, sir.

Q.

But you passed through Jacinto Street, Mr. Witness, is it right?

A.

Yes, sir, and I saw him personally.

Q.

And if you will pass through Jacinto Street, first the walking distance would be around 15 meters, is that right?

A.

I saw him personally this way but I crossed the block, sir.

Q.

Now, because at that juncture while you were walking through that Street, you met this Rene Rosas, is that right?

A.

I was not able to see him but when I arrived at the scene of the crime I saw him personally and I chased him but could not arrest him due to the thickness of the civilians running together with him.

Q.

Now, you claimed that you saw Rene Rosas the accused personally, he was running at the time when you saw him, is that right?

A.

About to run when I reached the scene of the crime, sir.

Q.

Also there were other persons who were about to run at that time, is that right?

A.

Yes, sir, when I reached the scene to chase him he ran already.

Q.

That you choose Rene Rosas because that time he was the bodyguard of Mr. Karutin, is that right?

A.

I was able to identify him when the cartographic sketch of the suspect coming from the NBI expert and Dr. Sevilla was given to me, sir.

Q.

Mr. Witness, on September 15, 1995, why did you chase Rene Rosas?

A.

Because I saw in his arm a pistol caliber 45, sir.[15]

Clearly, Wilfredo positively identified appellant as the person running away from the crime scene towards the public market after shooting the victim. Just like Antonio, Wilfredo could also not have been mistaken as to accused-appellant's identity considering that he was just 15 meters away from the crime scene and the crime was committed in broad daylight.

Verily, the testimonies of Wilfredo and Antonio on material details are coherent, unequivocal and consistent with each other. Antonio, who was standing just a few meters away, saw accused-appellant shoot the victim from behind, then board a motorcycle. On the other hand, Wilfredo saw accused-appellant immediately after the shooting fleeing from the scene of the crime carrying a 45-caliber pistol. Clearly, both witnesses personally saw accused-appellant at the scene of the crime at the time it was committed. Contrary to accused-appellant's assertion, the declarations and testimonies of Antonio and Wilfredo established beyond reasonable doubt his identity as the author of the crime.

The trial court gave full faith and credence to the testimonies of Wilfredo and Antonio. The time-tested doctrine is that a trial court's assessment of the credibility of a witness is entitled to great weight, and is even conclusive and binding on this Court. The reason is obvious. The trial court has the unique opportunity to observe at firsthand the witnesses, particularly their demeanor, conduct and attitude in the course of the trial.[16]

Accused-appellant has not shown any evidence of improper motive on the part of Wilfredo and Antonio that would have driven them to falsely testify against him. Where there is nothing to indicate that the witnesses for the prosecution were actuated by improper motive, their positive and categorical declarations on the witness stand under the solemnity of an oath deserve full faith and credence.[17]

There being no fact or circumstance of weight and substance that would otherwise warrant a different conclusion, the trial court's evaluation of the credibility of the prosecution witnesses must be sustained.

Accused-appellant relies on his alibi that he was in his boarding house located along USM Avenue, Kabacan, Cotabato the whole morning of September 15, 1995. For alibi to prosper, however, the accused must establish by clear and convincing evidence (a) his presence at another place at the time of the perpetration of the offense and (b) the physical impossibility of his presence at the scene of the crime.[18] Where there is even the least chance for the accused to be present at the crime scene, the defense of alibi will not hold water.[19]

Here, the evidence shows that USM Avenue, Kabacan, Cotabato where accused-appellant allegedly was on September 15, 1995 is only 1.5 kilometers away from the public market and terminal in Poblacion, Kabacan,

Cotabato where the crime was committed.[20] According to the trial court, this distance between the crime scene and the whereabouts of accused-appellant can easily be negotiated by foot within 10 to 15 minutes.[21] In short, accused-appellant failed to establish by clear and convincing evidence the physical impossibility of his presence at the scene of the crime on the date and time of its commission. Moreover, the defense of alibi crumbles in the face of the positive identification of accused-appellant by the aforesaid prosecution witnesses as the perpetrator of the crime.[22]

In his last-ditch effort to relieve him of liability for the crime charged, accused-appellant argues that he cannot be convicted of murder because the Information failed to state that treachery was a qualifying circumstance.

Accused-appellant's argument deserves scant consideration. The recent case of *People v. Sayaboc*[23] reiterated the pronouncement in *People v. Aquino*[24] that even after the recent amendments to the Rules of Criminal Procedure, qualifying circumstances need not be preceded by descriptive words such as "qualifying" or "qualified by" to properly qualify an offense. Section 8 of the Rules of Criminal Procedure[25] does not require the use of such words to refer to the circumstances which raise the category of an offense. It is not the use of the words "qualifying" or "qualified by" that raises a crime to a higher category, but the specific allegation of an attendant circumstance which adds the essential element raising the crime to a higher category. It is sufficient that the qualifying circumstances be specified in the Information to apprise the accused of the charges against him to enable him to prepare fully for his defense, thus precluding surprises during trial.

The Information in this case sufficiently alleged the qualifying circumstance of treachery, thus:

"xxx, accused armed with a gun, with intent to kill, did then and there, willfully, unlawfully, feloniously, and with treachery, attack, assault and shot Nestor Esatcio, xxx." (Emphasis ours)

Not only was treachery sufficiently alleged, it was likewise proven beyond reasonable doubt by the evidence on record. It is a well-entrenched rule that treachery is present when the offender commits any of the crimes against persons, employing means, methods or forms in the execution thereof which tend directly and specially to insure its execution, without risk to himself arising from the defense which the offended party might make. The essence of treachery is that the attack is deliberate and without warning, done in a swift and unexpected attack, affording the hapless, unarmed and unsuspecting victim no chance to resist or escape.[26]

In the instant case, Nestor Estacio was attacked from behind and assaulted without warning and provocation. Even when the already wounded Nestor fell on the ground, accused-appellant mercilessly fired several more shots at him. He obviously wanted to ensure the execution of the killing, without risk to himself, and deprive Nestor of any opportunity to retaliate or defend himself. The fact that accused-appellant brought a gun with him indicated that he made a deliberate and conscious adoption of the means to kill Nestor. Further, the autopsy conducted by Dr. Necessario revealed multiple gunshot wounds at the lower back area of the lumbar region of Nestor. This autopsy indubitably indicates that the shots were fired from behind on the unsuspecting victim. Clearly then, treachery or alevosia has been sufficiently established.

We, thus, sustain the conviction of Rene Rosas for the crime of murder as well as the penalty imposed upon him. Under Article 248 of the Revised Penal Code, the penalty for the crime of murder is reclusion perpetua to death. Accused-appellant was correctly sentenced to suffer reclusion perpetua, the lower of the two indivisible penalties, since there was no other aggravating circumstance attending the commission of the crime.[27]

We now come to the award of damages.

Conformably with existing jurisprudence, the heirs of Rene Rosas are entitled to civil indemnity in the amount of P50,000.00, which is mandatory and is granted to the heirs of the victim without need of proof other than the

commission of the crime.[28] Likewise, moral damages in the amount of P50,000.00 shall be awarded in favor of the heirs of the victim. Moral damages are awarded despite the absence of proof of mental and emotional suffering of the victim's heirs. As borne out by human nature and experience, a violent death invariably and necessarily brings about emotional pain and anguish on the part of the victim's family.[29] Accused-appellant is also liable to pay exemplary damages in the sum of P25,000.00 in view of the presence of the qualifying aggravating circumstance of treachery.[30]

With respect to actual damages, the victim's widow, Arceli Estacio, testified that she spent a total of P40,000.00 as burial and funeral expenses but she failed to present receipts to substantiate her claim. In *People v. Abrazaldo*,[31] we laid down the doctrine that where the amount of actual damages for funeral expenses cannot be determined because of the absence of receipts to prove them, temperate damages may be awarded in the amount of P25,000.00. Thus, in lieu of actual damages, temperate damages in the amount of P25,000.00 must be awarded to the heirs of Rene Rosas because although the exact amount was not proved with certainty, it was reasonable to expect that they incurred expenses for the coffin and burial of the victim.

WHEREFORE, the decision dated November 29, 2006 of the Court of Appeals in CA-G.R. CR-HC No. 00301 is hereby AFFIRMED. Accused-appellant Rene Rosas is found GUILTY beyond reasonable doubt of the crime of Murder and sentenced to suffer the penalty of reclusion perpetua. He is hereby ordered to indemnify the heirs of Nestor Estacio the following: (a) P50,000.00 as civil indemnity; (b) P50,000.00 as moral damages, (c) P25,000.00 as exemplary damages; and (d) P25,000.00 as temperate damages.

SO ORDERED.

Carpio,[**](Acting Chairperson), Corona, Azcuna, and Brion, [***] JJ., concur.

[*] On Official Leave.

[**] Acting Chairperson of the First Division as per Special Order No. 527.

[***] Additional Member in lieu of Chief Justice Reynato S. Puno as per Special Order No. 528.

[1] Penned by Associate Justice Rodrigo F. Lim, Jr., with Associate Justice Teresita Dy-Liacó Flores and Associate Justice Mario V. Lopez, concurring; rollo, pp. 4-20.

[2] CA Rollo, p. 2.

[3] Id. at 81-96.

[4] Id. at 16-22.

[5] Sec. 3(c). The appeal to the Supreme Court in cases where the penalty imposed by the Regional Trial Court is reclusion perpetua or life imprisonment, or where a lesser penalty is imposed but for offense committed on the same occasion or which arose out of the same occurrence that gave rise to the more serious offense for which the penalty of death, reclusion perpetua, or life imprisonment is imposed, shall be by filing a notice of appeal in accordance with paragraph (a) of this section.

[6] CA Rollo, p. 23.

[7] Id. at 25.

[8] G.R. Nos. 147678-87, July 4, 2004, 433 SCRA 640.

- [9] Rollo, p. 3.
- [10] Id. at 21.
- [11] Id. at 26.
- [12] Id. at 9.
- [13] *People v. Lacbayan*, G.R. No. 125006, August 31, 2000, 339 SCRA 396, 401.
- [14] TSN, July 7, 1999, pp. 4-6.
- [15] TSN, March 17, 1999, pp. 5-7; 11-13.
- [16] *People v. Dimaano*, G.R. No. 168168, September 14, 2005, 469 SCRA 647, 658.
- [17] *People v. Benito*, G.R. No. 128072, February 19, 1999, 303 SCRA 468, 477.
- [18] *People v. Gonzales*, G.R. No. 141599, June 29, 2004, 433 SCRA 102, 116.
- [19] *People v. Lopez*, G.R. No. 149808, November 27, 2003, 416 SCRA 542, 547.
- [20] TSN, February 10, 2000, p. 5.
- [21] CA Rollo, p. 64.
- [22] *People v. Narca*, G.R. No. 108488, July 21, 1997, 275 SCRA 696, 709.
- [23] G.R. No. 147201, January 15, 2004, 419 SCRA 659, 672.
- [24] G.R. Nos. 144340-42, August 6, 2002, 386 SCRA 391, 395.
- [25] Section 8. Designation of the Offense. - The complaint or information shall state the designation of the offense given by the statute, aver the acts or omissions constituting the offense, and specify its qualifying and aggravating circumstances. If there is no designation of the offense, reference shall be made to the section or subsection of the statute punishing it.
- [26] *People v. Lab-eo*, G.R. No. 133438, January 16, 2002, 373 SCRA 461, 475.
- [27] Article 61, Revised Penal Code.
- [28] *People v. Opuran*, G.R. Nos. 147674-75, March 17, 2004, 425 SCRA 654, 673.
- [29] Ibid.
- [30] Ibid.
- [31] G.R. No. 124392, February 6, 2003, 397 SCRA 137, 150.

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