

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. PABLO MANGULABNAN, MAJOR ROLANDO DE GUZMAN, GUIAMIL BARI @ BRAVO, ABDULLAH MASIRI @ GUERRERO, RADZAK ABAS @ JACK, ARSAD UGALIN...

G.R. No. 65864. August 16, 1991

Ponente: PARAS, J.

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PARAS, J.:

This is an appeal from the decision* of the then Court of First Instance of Cotabato, Cotabato City in Criminal Case No. 860 (778) which convicted herein appellants Pablo Mangulabnan, Arsad Ugalingan, Kadir Solaiman, Abdullah Masiri and Guiamil Bari of the crime of Kidnapping for Ransom with Serious Illegal Detention.

Senior State Prosecutor Tirso D.C. Velasco filed an information for Kidnapping for Ransom with Serious Illegal Detention on October 15, 1982 which reads as follows:

“That at about 7:30 in the evening of March 24, 1982 in the City of Cotabato, Philippines, a place within the jurisdiction of this Honorable Court, accused PABLO MANGULABNAN, MAJOR ROLANDO DE GUZMAN, GUIAMIL BARI @ ‘Bravo’, ABDULLAH MASIRI @ ‘Guerrero’, RADZAK ABAS @ ‘Jack’, ARSAD UGALINGAN @ ‘Ustadz Arsad’, KADIR SOLAIMAN @ ‘Mimang’, GUIARAL ANDANG @ ‘Lucas’, ABDUL MANABILANG @ ‘Ting’, MINANDANG ALI @ ‘Tikbalang’, PENDA MAGKA @ ‘Budoy’, JOHN DOE @ ‘Sammy’, RICHARD DOE @ ‘Kilab Lawe’, (the full name and address of the last two are still unknown), BIRU (full name unknown) @ ‘Paquito’, conspiring, confederating and helping one another, some of them armed with different caliber of illegally possessed firearms, with the purpose of extorting ransom from the parents of the victim, did then and there, willfully, unlawfully and feloniously kidnap DEBORAH SIMON, a 16 year old girl, from her house at Datu Piang St., Cotabato City, and forcibly drag her to a waiting motor cab and brought to different places in the City of Cotabato and the nearby province of Maguindanao and once in their custody, the above-named accused, conspiring, confederating and helping one another to achieve their purpose, did then and there willfully unlawfully and feloniously detain the said victim, DEBORAH SIMON, under restraint and against her will for a period of twenty-five (25) days or up to April 18, 1982 when she was rescued by the elements of the PC, CIS and CHDF.

“That accused ZAINUDIN WARNA @ ‘Purit’, RAMPATAN WARNA, KUSAIN WARNA, GUIAMARODIN DEGAN, SUMAEL SALIK, Peter Doe, Paul Doe and Jane Doe, whose full names, identities and addresses of the last three are still unknown are being charged as accessories-after-the-fact because, having knowledge of the crime and without having participated therein as principals or accomplices, took part subsequent to its commission by assisting the principal accused above-mentioned to profit by the effects of the crime and conceal the body of the crime and its effects in order to prevent its discovery.

“That in the commission of the crime of kidnapping for Ransom with Serious Illegal Detention, the following aggravating circumstances were present, namely: that the act was committed:

‘(a) in disregard of the respect due the offended party on account of her age and sex, she being a girl of 16 years

of age;

‘(b) at night time;

‘(c) by a band;

‘(d) with the use of motor vehicle; and

‘(e) superior strength.’

“ CONTRARY TO LAW.”

(Information, Rollo, pp. 42-53)

In their separate extrajudicial confessions taken before PC Major Renato C. Santos and PC Sgt. Ricarte R. Marquez, accused Guiamil Bari and Abdul Manabilang pointed to Pablo Mangulabnan and Major de Guzman as the masterminds of the kidnapping plot and negotiators for the payment of ransom. Dominic Simon, father of the victim, Esteban Doruelo and Ram Buxani likewise gave their separate statements to the Philippine Constabulary narrating how both accused acted as negotiators for payment of ransom in exchange for the victim’s release (Appellee’s Brief, p. 20).

Upon the motion of the prosecution (Original Records, p. 313), the trial court, on December 9, 1982, ordered the dismissal of the case against accused Abdul Manabilang @ “Ting” and he was allowed to become a state witness for the prosecution (Ibid., pp. 332--333). However, said accused failed to testify in court prompting the prosecution to petition for his reinclusion in the information (Ibid., pp. 373-374). On January 17, 1983, the court a quo ordered the issuance of a warrant of arrest against Abdul Manabilang (Ibid., p. 434). Upon his arrest, he signified his intention to testify for the state, hence the prosecution filed a motion to lift the order of reinclusion and arrest of Abdul Manabilang (Ibid., pp. 570-571). Said motion was acted upon in open court on March 16, 1983 (TSN, March 16, 1983, p. 205).

Major Rolando de Guzman questioned the jurisdiction of the lower court over his person invoking the provisions of Presidential Decree Nos. 1882, 1822-A and 1850 (CFI Decision, Rollo, p. 49). Subsequently, on February 14, 1983, in G.R. No. 62798 entitled Rolando A. de Guzman vs. Hon. Alejandro R. Leopando, etc., the Supreme Court issued a temporary restraining order enjoining “respondent Judge from further proceeding with the arraignment and trial of petitioner-accused Maj. Rolando de Guzman and from enforcing and/or implementing all orders and processes issued in Criminal Case No. 860 entitled ‘People of the Philippines, plaintiff, vs. Maj. Rolando de Guzman, et al., accused’, of the Court of First Instance of Cotabato, Branch II, now Regional Trial Court of Cotabato City relating to said petitioner-accused.” (Original Records, pp. 486-490).

Because of said restraining order, the trial court was unable to take cognizance of the case with respect to Major de Guzman.*

Meanwhile, the civilian accused during the hearing verbally moved for separate trial of their case from the military accused Major Rolando de Guzman on the ground of their constitutional right for speedy trial (Rollo, p. 57).

Hence, trial proceeded as to movants.

Pablo Mangulabnan, Arsad Ugalingan, Kadir Solaiman, Abdullah Masiri, Guiamil Bari, Guiamarodin Degan and Sumael Salik stood trial while Zainodin Warna @ “Puri”, Rampatan Warna, Kusain Warna and Radsak Abas @ “Jack” escaped from their detention at the P.C. Stockade at Camp Parang Maguindanao (CFI Decision, Rollo, p. 141). The escapees remained at large and no trial could be conducted insofar as they are concerned because the

Court under the circumstances, could not hold a hearing in absencia (Rollo, p. 142).

The prosecution presented the following witnesses: Assemblyman Esteban Doruelo, Dominador Simon, Lt. Col. Limon, Col. Rodrigo Gutang, Major Renato Santos, Sgt. Andronico B. Prochina, Abdul Manabilang, Sgt. Ricarte R. Marquez, Ram R. Buxani, Atty. Nenita Grijaldo, Capt. Benjamin Lascuna, CIC Ledy Bayona, Capt. Usop Casoyo and Capt. Jeffry Sodusta, Deborrah Simon and Datu Gila Ampatuan (Rollo, p. 57).

But appellant Mangulabnan's conviction was anchored primarily on the testimony of the state witness Abdul Manabilang @ "Ting" who testified that he was an escort of Pablo Mangulabnan. That at about 10:00 in the morning of March 22, 1982, appellant Mangulabnan asked him to look for someone who knows how to kidnap and he recommended Commander Arsad. Pablo Mangulabnan stated that any of the children of Dominic Simon will be kidnapped and a ransom of P500,000.00 will be asked from the parents. In the evening of the same day, he brought Commander Arsad, Mimang and Commander Sumakwel to appellant's house (TSN, March 16, 1983, pp. 219-223). It was agreed during said meeting that Major de Guzman and appellant Mangulabnan would act as negotiators for the ransom money while Arsad and Mimang would act as guides who knew many officers in the military. Ting Manabilang was to act as an errand boy to Commander Arsad. On March 24, 1982, at 7:00 o'clock in the evening, per agreement of the group, Commander Sumakwel kidnapped Deborah Simon and she was brought to Malagapas (CFI Decision, Rollo, p. 90).

In the afternoon of March 28, 1982, he saw appellant Mangulabnan at his house and he was asked to deliver a bag containing things for Deborah Simon to Arsad Ugalingan. However, he found out that he was being followed so he went back to appellant's house and left the bag there (TSN, March 17, 1983, pp. 3402-3406).

On March 29, 1982, he met Major de Guzman at appellant's house where he was informed that appellant will not anymore help in Deborah's rescue because it was doing him harm and that Major de Guzman will take over appellant's role in the negotiation. He was further instructed to look for Arsad. He was able to get in touch with Arsad at Mabini Street and the meeting was arranged at 5:00 in the afternoon at Pagagawan Esteros (Ibid., pp. 3434-3438).

The meeting took place as scheduled. Major de Guzman brought Arsad, Mimang and the state witness, to a restaurant at Awang where they talked. However, he was seated at a distance that is why he does not know the topic of their conversation (Ibid., pp. 3455-3457). From the restaurant, they proceeded to the house of Ram Buxani. He and Mimang were left in the car while Major de Guzman and Arsad went inside the house. In the meantime, Mr. Dominic Simon and his wife arrived (Ibid. pp. 3467-3481).

He met Arsad and Mimang the following day at the stairway near the tailoring shop called Stewart. Arsad informed him that he was thankful to Mr. Dominic Simon as the latter promised to accompany him to Malacanang to help him surrender and to give him one sack of rice every month if he will help in rescuing Deborah (Ibid., pp. 3497-3500). In the evening, they went to the house of appellant Mangulabnan then proceeded to the house of Ram Buxani with Major de Guzman (Ibid., pp. 3505-3512).

On cross examination, he testified that Arsad was not really interested in the ransom money but rather in Deborah's rescue so that Mr. Dominic Simon would help him in his surrender to the authorities (TSN, March 18, 1983, p. 294). When he informed appellant Mangulabnan of such desire of Arsad, he was told that they would take care of the matter after Deborah's rescue, that is, after they receive the ransom money (TSN, March 23, 1983, p. 309).

Upon the advice of appellant Mangulabnan, he proceeded to Davao after giving his testimony on April 8, 1982 (Ibid., p. 312). Appellant further informed him that if he is the one caught, there is possibility that he will divulge

everything (Ibid., p. 313).

The testimony of Abdul Manabilang that appellant Mangulabnan acted as negotiator was collaborated by Assemblyman Esteban Doruelo and Mr. Dominic Simon, the father of the victim. The latter testified that in the morning of March 28, 1982, appellant Mangulabnan was at his house when Assemblyman Doruelo arrived and that he left ahead of the latter (TSN, November 19, 1982, pp. 2959-2962). He further testified that Mangulabnan talked with him about the ransom money and when he said that he can afford only P10,000.00, the former answered “Ang liit naman” and “Wala na ba?”. He then volunteered another P10,000.00 a week after as he had to make more ice drops. Mangulabnan replied that they would talk again (Ibid., pp. 2979-2980). He also testified that, upon the instructions of Mangulabnan, Assemblyman Doruelo asked him to prepare some clothes for his daughter which the former would get from his place at about 2:00 in the afternoon (Ibid., p. 3023).

Assemblyman Doruelo testified that he learned about the incident from his friends Mr. Celso Ramos, Mr. Buxani, Dr. Uson and Atty. Buenaflor on March 25, 1982 (TSN, November 17, 1982, pp. 5096-5097). On March 28, 1982, he visited Mr. Dominic Simon to check on the progress of the rescue operation. There were a lot of people at the latter’s house but he was able to identify appellant Mangulabnan among the crowd. He approached Mr. Simon with whom he talked for about thirty minutes at the conference room. Appellant Mangulabnan was not around anymore when he went out of the conference room with Mr. Simon. He then left with the latter for the office of Chairman Datumanong where another conference was held for twenty minutes (Ibid., pp. 5100-5113). Upon their return at the Simon residence, he was informed by Angela, Mr. Dominic Simon’s daughter, that Mangulabnan’s companion that morning was Mr. Arsad, one of the rumored kidnappers of Deborah. He left for appellant’s residence to confirm the information (Ibid., pp. 5115-5119).

At Mangulabnan’s residence, there were some people playing chess or mahjong that is why Mangulabnan led him to the ground floor at the same time motioning to him to keep quiet (Ibid., pp. 5116-5121). He asked Mangulabnan to help in the early release of Deborah. In reply, Mangulabnan asked him if Mr. Simon can produce P500,000.00. He answered that the sum is too big and that he thinks Mr. Simon does not have that much money. Mangulabnan then answered back that then Deborah would not be released. In the course of their conversation, the amount of ransom was lowered until finally Mangulabnan told him that for about P100,000.00, Deborah might be released. He then requested witness to ask Mr. Simon to prepare some clothes for Deborah and a small amount of money which he will pick up at about 2:00 in the afternoon at Mr. Simon’s house (Ibid., pp. 5123-5129).

The defense presented as witnesses: Atty. Ali G. Bagundang, accused Pablo Mangulabnan, Isagani Lazaro, Dr. Romeo Magabilen, Leo Palo, accused Guiamarodin Degan, accused Sumael Salik, accused Guiamel Bari, Dr. Edwin Medansa, accused Abdullah Masiri, Flordelita Mangulabnan, accused Arsad Ugalingan, accused Kadir Solaiman, and Mindanao Cross Editor Patricio Diaz (Rollo, p. 57).

On his part, appellant Mangulabnan admitted having worked as negotiator for the release of the victim but not for personal monetary gains but because of the proddings of Assemblyman John Hofer; to show gratitude to the victim’s father for past favors and for his involvement in community affairs. He, however, denied Abdul Manabilang’s declaration that there was a meeting held in his house on March 22, 1982. He declared that at that time he was at the house of Dr. Magabilen attending the blow-out given by Isagani Lazaro (TSN, August 16, 1983, pp. 1442-1443). He, however, did not deny seeing Mr. Simon on March 28, 1982 but denied negotiating for the ransom money. He testified that he may have inquired from Mr. Simon how much he was willing to give as a reward for his daughter’s release, but he did so only because he has not heard of any kidnapping where no ransom was paid (Ibid., pp. 1386-1390).

The lower court rendered its decision on October 14, 1983, the dispositive portion of which reads:

“WHEREFORE, this Court renders the following judgment as follows:

“1. In connection with Guimarodin Degan and Sumael Salik they having been charged only as accessories-after-the-fact, they are therefore found not to have conspired in the commission of these crimes.

“It is a rule of law that if based on the evidence the accused can either be convicted or acquitted, said accused should be acquitted based on reasonable doubt.

“They are therefore, both acquitted of the crime charged on ground of reasonable doubt.

“2. In the case of Pablo Mangulabnan, Arsad Ugalingan, Kadir Solaiman, Abdullah Masiri and Guiamel Bari based on their individual participation as described in the body of this decision, including the testimonies of all the prosecution’s witnesses which have been incorporated as integral part of this dispositive portion of the decision, they are found to have conspired in the commission of this crime of Kidnapping for Ransom and Serious Illegal Detention.

“They are therefore found guilty beyond all reasonable doubt of said crimes and pursuant to Article 267 of the Revised Penal Code, they are hereby sentenced to serve Life Imprisonment.*

“They are ordered to pay the costs of this case.

“SO ORDERED.”

(CFI Decision, Rollo, pp. 169-170).

On October 24, 1983, Mangulabnan filed a motion for new trial offering as newly discovered evidence the alleged recantation statement of state witness Abdul Manabilang given before the Presidential Security Command, Malacanang Palace. The motion was however, denied by the lower court (Appellee’s Brief, p. 21).

Thus, this appeal.

On July 9, 1984, the Court granted the Motion of appellants Abdullah Masiri and Guiamel Bari to withdraw their appeal (Rollo, p. 242) and the Entry of Judgment with respect to them was made on the same day (Ibid., p. 255). The Urgent Motion to Withdraw Appeal of appellant Kadir Solaiman was granted by the Court on November 19, 1984 (Ibid., p. 271) and the decision became final and executory with respect to him (Entry of Judgment, Rollo, p. 300). Appellant Arsad Ugalingan likewise withdrew his appeal which this Court granted on May 7, 1990 (Ibid., p. 519). Consequently, this appeal pertains to appellant Pablo Mangulabnan only who was allowed to post bail in the amount of P50,000.00 for his provisional liberty on January 7, 1985 based on his counsel’s motion for reconsideration of the resolution of July 30, 1984 which denied appellant’s petition for bail as well as the report submitted by Dra. Carmen C. Valero, Chief of Clinics of the Supreme Court Medical Clinic on the state of health of appellant Mangulabnan (Ibid., p. 290).

The appeal is devoid of merit.

It is undisputed that Deborah Simon, single and a student, was kidnapped, as narrated by her in open court, by three (3) armed men from the Polar Ice Drop Factory at Datu Piang St., Cotabato City on March 24, 1982 at 7:30 in the evening and was held captive and transferred to different places until her rescue on April 18, 1982 where four (4) abductors, namely: Esmael Unsa @ “Commander Sumakwel”, Ibrahim Dris @ “Guevarra”, Mansabok @ “Boni” and Taha Kamd @ “Bronson” were killed in the rescue operation.

The issue in the case at bar is whether or not the guilt of appellant Mangulabnan has been proved beyond reasonable doubt.

It has been held that it is for the trial court to determine the existence of the requirements set out in Section 9 of

Rule 119 of the Rules of Court for the discharge of an accused for utilization as a state witness. If the court is satisfied that the discharge of one or more co-accused so that they could testify for the prosecution is proper, that court may issue the order of discharge. Once a co-accused is discharged and the released witness actually testifies, any legal deficiency that might have attended the discharge of the witness from the information does not affect the admissibility and credibility of the testimony given, provided such testimony is otherwise admissible and credible (*Jariol, Jr. vs. Sandiganbayan*, 188 SCRA 475 [August 13, 1990]). It is likewise an established rule that the Supreme Court regards with respect and will generally not disturb the findings of the trial court on the credibility of witnesses, unless certain facts of substance and value have been overlooked which if considered, might affect the result of the case (*People vs. Dinola*, 183 SCRA 493 [March 22, 1990]). A careful review of the records of this case shows no substantial reason to depart from this established rule.

In finding appellant Mangulabnan guilty, the trial court held that there was conspiracy. Thus, it held:

“From the different acts of the accused starting from the meeting that took place in the house of Pablo Mangulabnan, first in the morning and secondly on the afternoon of March 22, 1982, attended to by Arsad Ugalingan, Kadir Solaiman, Commander Sumakwel, Major de Guzman, and Pablo Mangulabnan wherein Pablo Mangulabnan stated that any of the children of Dominic Simon was to be kidnapped and they were to demand from the victim’s parents ransom money in the amount of P500,000.00; the role of the group of Commander Sumakwel was to execute the physical kidnapping or snatching of the victim from the house of Dominic Simon; the role of the group of Pablo Mangulabnan and Major de Guzman was to act as the negotiators for their demand of the ransom money; that Arsad and Mimang who knew many officers and men of the military intelligence units were to act as guides; that Ting Manabilang was to act as errand boy to Commander Arsad Ugalingan; that the actual kidnapping took place on March 24, 1982 per agreement reached in the house of Pablo Mangulabnan, that on March 28, 1982, Pablo Mangulabnan went to the house of Dominic Simon telling the latter that Deborah could be released for consideration of P500,000.00; that per talk with Dominic Simon, Pablo Mangulabnan decided to reduce said amount to only P300,000.00 and, later to even P100,000.00; that when Dominic Simon stated he was not agreeable to the payment of any ransom money for the release of his daughter Deborah but only the amount of P10,000.00 not as ransom but a reward to whoever could release his daughter Deborah; that Pablo Mangulabnan showed disappointment after hearing Dominic Simon offering only P10,000.00 after a week’s time; that notwithstanding the promise made by Major de Guzman and Arsad Ugalingan in the house of Ram Buxani in the presence of Mr. and Mrs. Dominic Simon, and Assemblyman and Mrs. Doruelo that Deborah would be released on time for her graduation; that because no ransom money was paid, Deborah Simon was not released by the kidnappers who have her in their custody; that all the while there were couriers who communicated with the kidnappers, then with Ting Manabilang then to Arsad Ugalingan, then to Pablo Mangulabnan, then to the parents of Deborah Simon communication continued back to Pablo Mangulabnan then to Arsad Ugalingan, then to Ting Manabilang; then to the courier, then to Commander Sumakwel and then to Deborah Simon, shows that there was really the presence of conspiracy among them.” (CFI Decision, Rollo, pp. 166-167).

In *People vs. Taaca*, 178 SCRA 56 (September 29, 1989), this Court held that:

“A conspiracy in the statutory language exists when two or more persons come to an agreement concerning the commission of a felony and decide to commit it. The objective then on the part of the conspirators is to perform an act or omission punishable by law. What is required is assent to the perpetration of such a misdeed. That must be their intent. There is need in the language of Justice Mapa in the early leading case of *U.S. vs. Magcomot*, a 1909 decision, for ‘concurrence of wills’ or ‘unity of action and purpose’. The usual phraseology employed in many of the later cases is ‘common and joint purpose and design’. At times reference is made to ‘previous concert of criminal design’. Its manifestation could be shown by ‘united and concerted action’. Thus, a conspiracy need not be proved by direct evidence; it may be deducted from the mode and manner in which the offense was perpetrated. The conditions attending its commission and the acts

executed may be indicative of a common design to accomplish a criminal purpose and objective. If to use the apt words of Chief Justice Bengzon, there is a ‘chain of circumstances’ to that effect, the conspiracy has been established. If such be the case, the act of one is the act of all the others involved and each is to be held to the same degree of liability as the others. So, it has been our constant ruling from the 1905 decision of *U.S. vs. Mazu*.” (*People vs. Pudpud*, 39 SCRA 618 [1971]. Quoted in *People vs. Tiongson*, 47 SCRA 279 [1972]; *People vs. Malilay*, 63 SCRA 420 [1975]; *People vs. Ogapay*, 66 SCRA 209 [1975]).

Appellant faults the lower court in giving full credence to Abdul Manabilang’s testimony which is “riddled with serious doubts and improbabilities” and making it the basis of conviction (Appellant’s Brief, p. 25). The record shows, however, that Manabilang’s testimony as to appellant’s participation in the plot is but corroborative of the individual testimonies Dominic Simon and Esteban Doruelo and Guiamil Bari’s extrajudicial confession, all pointing to appellant as the person who masterminded the victim’s abduction and demanded the payment of ransom for the girl’s release (Appellee’s Brief, p. 24).

Appellant’s defense of alibi that a meeting could not have been held in his house on March 22, 1982 regarding the plan to kidnap Deborah Simon because he was at that time in the house of Dr. Magabilen cannot be given credence. Alibi is a weak defense. In order to be given full faith and credit, it must be clearly established and must not leave any room for doubt as to its plausibility and verity. The accused must show not only that he was not at the place where the crime was committed but it was impossible for him to be there (*People vs. Albarillo*, 188 SCRA 113 [July 30, 1990] reiterating *People vs. Tuando*, 150 SCRA 3 [May 26, 1987] and *People vs. Lucas*, G.R. No. 80102, [January 22, 1990]). As found by the trial court, the distance between the house of Dr. Magabilen and appellant’s house is fifty (50) to one hundred (100) meters and can be negotiated even by walking in a very short period of five (5) minutes (CFI Decision, Rollo, pp. 161-162).

Appellant’s contention that the court a quo erred in not granting his motion for new trial is likewise bereft of merit. As a general rule a motion for new trial will not be granted if based on an affidavit of recantation of a witness whose effect, is to free the appellant from participation in the commission of the crime. It would be a dangerous rule to reject the testimony taken before the court of justice simply because the witness who has given it later on changed his mind for one reason or another, for such a rule will make a solemn trial a mockery and place the investigation at the mercy of unscrupulous witnesses. Because affidavits of retraction can easily be secured from poor and ignorant witnesses, usually for monetary consideration, the Court has invariably regarded such affidavits as exceedingly unreliable (*de Guzman vs. IAC*, 184 SCRA 128 [April 4, 1990]).

Furthermore, it must be pointed out that of the five appellants, four have withdrawn their appeal. It is only herein appellant Pablo Mangulabnan who has taken up the appeal. It has been held that the withdrawal of appeal by the co-accused shows acquiescence to the judgment of conviction and an affirmation of the fact of the crime charged or a realization that the evidence of the prosecution is overwhelming, and that of the defense, weak in the extreme (*People vs. Taaca*, supra.).

PREMISES CONSIDERED, the appealed decision dated October 14, 1983 is AFFIRMED.

SO ORDERED.

Melencio-Herrera, (Chairman), Padilla, Sarmiento, and Regalado, JJ., concur.

* Penned by Judge Alejandro R. Leopando

* Later in the resolution of December 22, 1983, the petition in G.R. No. 62798 was dismissed for lack of merit and set aside and the Temporary Restraining Order dated February 14, 1982 was lifted.

* Should be reclusion perpetua (People vs. Sabater, Feb. 28, 1978)

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