

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
CARLOS AMPO-AN, DANIEL ALBAÑA, DANIEL CHAVEZ, AND
PORFERIO CALAROM, ACCUSED-APPELLANTS.**

G.R. No. 75366. July 04, 1990

Ponente: SARMIENTO, J.

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SARMIENTO, J.:

In an Amended Information dated August 23, 1982, the appellants Carlos Ampo-an, Daniel Albaña, Daniel Chavez, and Porferio Calarom, together with Manuel Doinog, were accused of Robbery in Band with Multiple Homicide allegedly committed as follows:

That on or about the 23rd day of May, 1982, early in the morning, at Sitio Taganoran, Barangay Tagnao, Municipality of Gandara, Province of Samar, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused Carlos Ampoan, Daniel Albaña, Daniel Chavez and Porferio Calarom y Herrera alias Porfing together with Manuel Doinog who is still at large, conspiring, confederating together and mutually helping one another, by means of treachery and evident premeditation and with the use of superior strength and cruelty to the herein below mentioned victims, armed with homemade shotguns (bardog) and sharp-pointed bolos, with deliberate intent to kill, did then and there wilfully, unlawfully and feloniously attack, assault, stab, hack and wounded the bodies of the following victims: PABLO CAAMOD (husband), ROSITA CAAMOD (wife) and their three children; DANILO CAAMOD, ROMEO CAAMOD and two years old GEMMA CAAMOD, thus causing the death of said mentioned victims; then by means of force and intimidation of persons; take, steal and carry away with them the amount of TWO HUNDRED (P200.00) PESOS CASH, taken from Rosita Caamod before she was killed, to the damage and prejudice of said above-mentioned victims.[1]

Manuel Doinog remains at-large and can not be located.

Upon arraignment, the remaining four accused pleaded "not guilty" and trial commenced.

In due course, a decision was rendered convicting the appellants of the crime charged. The dispositive portion reads:

WHEREFORE, the Court finds and declares accused Carlos Ampoan, Daniel Albaña, Daniel Chavez and Porferio Calarom, guilty beyond reasonable doubt as co-principal of the crime of robbery with multiple homicide as charged, and considering the presence of four (4) aggravating circumstances, namely: nighttime, superior strength, by band and morada, and without any mitigating circumstance to offset, sentences each of them to suffer the extreme penalty of DEATH, in the manner prescribed by law, with the accessories of the law, and they should jointly and severally indemnify the heirs of the (five (5)) deceased victims the sum of ONE HUNDRED FIFTY THOUSAND (P150,000.00) pesos and pay to Rita Caamod the sum of P2,030.00 actual damages and pay the corresponding costs.

SO ORDERED.[2]

Pursuant to the mandate of the Constitution^[3] vis-a-vis the death penalty imposed, the records were elevated to this Court on automatic review. However, pending the resolution of this case, appellant Porferio Calarom died in the Bureau of Prisons Hospital on June 30, 1988. Thus, his criminal liability was totally extinguished, and it is only his (estate's) possible civil liability that is to be determined in this appeal.

We adopt the statement of facts submitted by the Solicitor General as we find it to be accurate and supported by the records of the case.

Spouses Pablo and Rosita Caamod and their four children resided in a one-room house in Sitio Taganoran, Barangay Tagnao, Gandara, Samar. Woven coconut leaves served as wall of their house.

It was the habit of the Caamods to keep a gas lamp lighted while sleeping. At the time of the incident, the moon likewise provided illumination.

At about 1:00 o'clock in the morning of May 23, 1982, Leticia Caamod, one of the children, was awakened by a gun shot (p. 21, tsn, November 9, 1983). When she looked outside, she saw Porferio Calarom carrying a gun, a bolo and a torch. Porferio Calarom called her father asking for petroleum for the torch he will use in fishing (p. 24, Ibid). Leticia Caamod also saw Carlos Ampo-an, Daniel Albaña and Daniel Chavez. They were likewise armed with bolos (p. 23, tsn, November 9, 1983).

Pablo Caamod woke up and gave petroleum to Porferio Calarom. Without warning, Porferio Calarom stabbed Pablo Caamod. Pablo Caamod explained, "Compadre do not kill me." Porferio Calarom answered, "Come on, I will kill you because you will reveal" (p. 27, tsn, November 9, 1983).

Pablo Caamod ran to the bushes about three meters away from the house. Porferio Calarom, Carlos Ampo-an and Daniel Chavez chased him (p. 29, ibid), while Daniel Albaña entered the house of the Caamod's (p. 30, ibid). Upon overtaking Pablo Caamod, Porferio Calarom again hacked him on the thigh. Carlos Caamod (sic) and Daniel Chavez likewise took turns in hacking Pablo Caamod. As a result, Pablo Caamod suffered nine wounds (Exhibit "L", Autopsy Report for Pablo Caamod).

Meantime, Leticia Caamod surreptitiously went out of the house and hid behind the bushes, about two meters at the back of the house and three meters from where her father was being attacked. At her vantage point, she became the terrified spectator of the killing of her father by Porferio Calarom, Daniel Albaña, Carlos Ampo-an and Daniel Chavez.

Inside the house, Daniel Albaña demanded money from Rosita Caamod (p. 1, tsn, November 20 [November 10], 1983). Leticia Caamod saw her mother hand money to Daniel Albaña. Then Daniel Albaña stabbed Rosita Caamod on the abdomen. Rosita Caamod pleaded for her life saying, "Son, do not kill me." Daniel Albaña retorted, "I will kill you because you will reveal" (p. 2, tsn, ibid). Rosita Caamod sustained eight wounds (Exh. "N", Autopsy Report for Rosita Caamod).

Thereafter, Porferio Calarom, Daniel Albaña, Carlos Ampo-an and Daniel Chavez mercilessly stabbed and killed Danilo, Romeo and Gemma Caamod who were roused from their sleep (p. 3, tsn, November 20 [November 10], 1983). Then they looked for Leticia Caamod, but when they failed to find her, they went away (p. 4, tsn, ibid).

Leticia Caamod remained behind the bushes. At daybreak, she proceeded to her older sister, Rita Caamod Marcial, residing in another house at Barangay Tagnao, Gandara, Samar, to report the gruesome incident (p. 4, tsn, November 10, 1983). Still in tears and horrified, Leticia Caamod named appellants as the perpetrators of the crime (p. 4, ibid; p. 49, tsn, November 15, 1983; p. 73, ibid). Rita accompanied Leticia to Barangay Captain Conrado Martinez who in turn accompanied them to the police authorities in Gandara, Samar (p. 51, ibid). Police authorities under Police Sgt. Genelito Penellere, Sub-station Commander of Gandara, Samar, went with Leticia, Rita and Barangay Captain Martinez to the scene of the crime (p. 83, tsn, December 7, 1983).

They saw the lifeless bodies of Pablo Caamod near the bushes, Rosita Caamod at the back of the house (p. 83, tsn, December 7, 1983), and Danilo, Romeo and Gemma inside the house (p. 84, *ibid*).

At the scene of the crime, the police investigators saw a footprint which resembled that of Porferio Calarom, who had webbed toes (p. 85, tsn, December 7, 1983).

The police investigators proceeded to the house of Porferio Calarom, and found him there. They noted that beside him was a bolo with blood-stained handle and scabbard (p. 88, tsn, December 7, 1983). His polo shirt also appeared to be blood-stained (p. 88, *ibid*).

When interrogated at the house and in the presence of Barangay Captain Martinez, Porferio Calarom admitted that he participated in the commission of the offense, and disclosed that his cohorts were appellants Daniel Chavez (p. 33 [sic], *ibid*) Carlos Ampoan and Daniel Albaña (p. 34 [sic], *ibid*).

Upon his arrest, Daniel Chavez was taken to the house of Barangay Captain Martinez. In the presence of Martinez, Porferio Calarom rebuked Daniel Chavez, "Do not deny because you are one, you are the planner of this incident" (p. 95, *ibid*). This resulted to verbal altercation between the two. Thereafter the two were subjected to investigation by the police authorities at the office of Sgt. Penellere (p. 95, *ibid*).

Daniel Albaña and Carlos Ampo-an could not be located as they left for unknown places, obviously to avoid arrest (p. 113, tsn, December 7, 1983). On June 3, 1982 or ten days after the gory event, however, they surrendered to Tomas Oliva, then Acting Barangay Captain of Tagnao, Gandara, Samar, as a result of the negotiation for their surrender undertaken by their parents (p. 114, tsn, *ibid*).[4]

It is evident from the above recital of facts that only the testimony of Leticia Caamod, the twelve year old daughter of the Caamod spouses and the lone survivor of the heinous crime, identified and established the criminal participation of each of the appellants as she alone witnessed the brutal slaying of her parents, her two brothers, and her younger sister. And she did so positively, clearly, and promptly. She was even tested in the crucible of a voir dire[5] which she passed with flying colors.

DIRECT EXAMINATION

FISCAL AGUILAR:

With the Permission of this Honor-able Court.

Q. Do you understand why you are made to swear?

A. Yes.

Q. Why?

A. To tell the truth.

Q. And do you know what would happen to you (if you) tell a lie?

A. You are being punished by God.

FISCAL AGUILAR:

Q. And do you know what will the Court do if you are caught telling a lie?

A. I will be put in prison.

Q. So you will tell the truth in this Court?

A. Yes, sir.[6]

Before us, the appellants assail their conviction by alleging that the trial court gravely erred in giving full weight and credence to the evidence of the prosecution and in disregarding the evidence for the defense. Consequently, they contend that the trial court gravely erred in finding them guilty beyond reasonable doubt of the crime charged.[7]

All the appellants interposed alibi as their common defense.

1. Daniel Chavez, 27, married, and used to be a welder in Manila for about 7 years,[8] denied the charge against him. He testified that it was only when his wife, Jovita, wrote him she would be giving birth that he returned home to Barangay Tagnao, Gandara, Samar, on April 29, 1982. On the eve of May 22, 1982, his wife gave birth to their first born assisted by Tarcela Machate, a comadrone. The following day, after buying their viand, he was arrested at Tagnao. He was brought inside a room adjacent to the jail across the office of the station commander where he was allegedly tortured. He was then forced to affix his signature on an affidavit the contents of which were never read to him. For fear of his life, he never divulged the claimed maltreatment.

2. Daniel Albaña, 20, single, farmer, and residing in Sitio Cabayangan, Barangay Tagnao, Gandara, Samar,[9] testified that on the same night, his older sister, Jovita, the wife of Chavez, was already experiencing labor pains, thus he and Daniel stayed at home.

In the early morning of May 23, 1982, Patrolman Ayong and another policeman arrived; they took him to Gandara where he was put in jail. The policemen struck him with a piece of wood hitting him at the back; he was also boxed on the chest. While he was being maltreated, he learned through Patrolman Ayong about the massacre of the Caamod family for which he was being inculpated.

Daniel Albaña presented Rosita Victoriano Albaña, his mother and mother-in-law of Daniel Chavez, the latter being the husband of his (Daniel Albaña's) sister. At the time of the killings, both Daniels slept at their farmhouse. They did not leave the place because Chavez's wife had just given birth. The following day, they were arrested by three (3) policemen who brought them to the municipal jail.

Andres Albaña, the father of Daniel Albaña, was also called to the witness stand. He stated that on the eve of the massacre of the Caamod family, Daniel Chavez was at the bedside of his wife, while Daniel Albaña was pounding rice. He added that the two did not leave the house and he knew this as a fact because he did not sleep till the early morning of May 23, keeping himself awake by reading the Holy Bible. When he inquired from the policemen why the two were being arrested, the policemen meanly fired their guns at the mud, thus splashing mud at his face.

3. Carlos Ampo-an, 22, single, farmer, and a resident of Barangay Tagnao, Gandara, Samar,[10] testified that on the night of May 22, 1982, he was with his parents, Tiburcio and Marianita Ampo-an, at their farm house at Sitio Taganoran. On the next day, Moning Vitoriano (Mamerto Vitoriano) hired him to work at the former's farm in the hills of Sitio Taganoran. He finished his work around 5:00 o'clock in the afternoon.

On June 2, 1982, Carlos Ampo-an was investigated at the office of Patrolman Ayong. He vehemently denied the alleged surrender. Instead, he was smitten with the muzzle of an armalite on his right leg and right chest as evidenced by a scar on his leg. He was even compelled to place his thumbprint on a document the contents of which he was not told nor was he allowed to read.

Mamerto Vitoriano, affirmed that Carlos tilled his camote and cassava plantation on May 23, 1982, from 7:00 o'clock in the morning till noontime. He was paid P5.00 for the work done.

Marianita Ampo-an, the mother of Carlos Ampo-an, corroborated the alibi of her son. She testified that her son,

Carlos, slept in their house when the gruesome episode took place. In fact, she and Carlos woke up at around 4:00 o'clock in the morning of May 23, 1982 because Carlos would still have to sharpen his bolo to be used in clearing the farm of Mamerto Vitoriano.

Decisive in this appeal is the determination as to which prevails between the positive identification of the four appellants by one eyewitness as against their individual alibi. As stated earlier, the trial court found the herein accused, Carlos Ampo-an, Daniel Chavez, Daniel Albaña, and Porferio Calarom guilty beyond reasonable doubt as co-principals of the crime of robbery with multiple homicide and sentenced each of them to suffer the extreme penalty of death. After a thorough scrutiny of all the evidences on record, we affirm the judgment of the trial court with modification as to the penalty imposed.

While indeed, "(T)he prosecution has the onus probandi of establishing the guilt of the accused beyond reasonable doubt and the weakness of the defense does not relieve it of its duty x x x,"[11] in the instant case, we are fully convinced that the prosecution has proven beyond reasonable doubt the guilt of the four accused-appellants. As underscored at the outset, Leticia Caamod, the only survivor, in her testimony, positively and clearly identified the four accused, Carlos Ampo-an, Daniel Albaña, Daniel Chavez, and Porferio Calarom, as the killers of her father, Pablo Caamod, 48, mother, Rosita Caamod, 45, two younger brothers, Romeo, 7, Danilo, 2, and her younger sister, Gemma, 5 years old. In her account, on the early morning of May 23, 1982, a gunshot woke her up.[12] With the illumination from the lighted gas lamp measuring around nine centimeters in circumference and the moonlight that filtered through the porous coconut leaves which served as walls of their small hut,[13] she vividly witnessed the grotesque scene as she hid first at one side of the stairs, and later in the bushes, just two meters from their home; how Porferio Calarom, armed with a shotgun and a bolo, on the pretext of asking for petroleum to fuel their torches, stabbed the right side of the body of her father; how her father ran to the "grasses" (bushes); how Daniel Chavez, Daniel Ampo-an, and Porferio Calarom also armed with bolos chased him; and how they took turns in hacking her father to death.[14] Leticia well recognized the appellants because of the lighted torches which Porferio Calarom and Carlos Ampo-an were carrying, and as already stated, the lighted gas lamp inside their house plus the moonlight that filtered into their humble abode. Except the fifth accused who was in the dark, she was certain of the identity of the four men especially Porferio Calarom, the "compadre" of her father, because they were not wearing masks, hats, or anything to hide their identities.[15] More so because she and the appellants live in the same Barangay of Tagnao, Gandara, Samar, although in different sitios.

Leticia was not only an eyewitness but also an "earwitness." She audibly heard Daniel Albaña demand money from her mother saying, "Mang Rosing give us money." [16] Then her mother pleaded for her life in desperation. She begged, "Son, do not kill me." [17] But Daniel Albaña responded, "I will kill you because you will report." [18] Soon her pleas were silenced when Daniel Albaña mercilessly stabbed the abdomen of her mother after grabbing from her hand the money he demanded. Through the spaces between the sheets of cogon leaves, she saw the whole macabre scene depicting her loved ones as helpless victims of men of ill will.

By six o'clock in the same morning, when "the coast was clear," so to speak, she ran to her elder sister, Rita Marcial y Caamod, 25, married, a farmer, and who resided in another house in the same barangay.[19] Still visibly disturbed and frightened, she narrated to her sister Rita the atrocious killing of their kinfolk and the names of the killers, to wit: Carlos Ampo-an, Daniel Chavez, Daniel Albaña, and Porferio Calarom. Being in such an emotional state, Leticia certainly was in no position to contrive to falsely implicate the appellants with an atrocious offense. For in the words of the Court, "the identification of an accused by an eyewitness while in a state of shock is worthy of full faith and credit." [20]

Promptly, Rita and Leticia went to the Barangay Captain of Tagnao, Conrado Martinez, and reported the crime; forthwith, he accompanied them to Police Sergeant Genelito Penellere, Sub-station Commander of Gandara,

Samar. Together with some members of the Civilian Home Defense Force and army soldiers, they went to the scene of the crime. This prompt action of the Caamod sisters which led to the immediate arrest of two of the killers bespeaks of spontaneity of reaction not dictated by an ulterior motivation but of their earnest desire for the vindication of the deaths of their father and mother and brothers and sister.[21]

Besides, the gruesome pictures that were taken hours after the killing, eloquently speak for themselves.[22]

Time and time again, the Court has invariably decreed that alibi can not prevail over the positive identification of the accused as the perpetrators of the crime. To sustain the defense of alibi, the accused must not only prove satisfactorily that he was at another place at the time the crime happened, but more important, that it was physically impossible for him to have been at the place where the crime was committed.[23]

Appellants brothers-in-law Daniel Chavez and Daniel Albaña's mutual defense of alibi that they were attending to the needs of Jovita who was giving birth at their house at the same time of the alleged killing, is unavailing.

The two Daniels live together in Sitio Cabayangan. In going to Barangay Tagnao proper, they would pass the victim's Sitio Taganoran which is just two (2) kilometers away from their (Daniels') home, and could be reached in less than two (2) hours hiking. With this distance, it was not physically impossible for the brothers-in-law to be at the scene of the crime at one o'clock in the early morning of May 23, 1982.

We can not give credence to the narrations of Andres Albaña, Rosita Victoriano Albaña, and Marianita Ampo-an on the alibi of their respective relatives. Their testimonies are undeniably tainted with biases borne out of compassion and the natural desire of parents to bail out their sons from criminal liability. Furthermore, "(a)libi is at best a weak defense and easy of fabrication especially between parents and children, relatives, and even those not related." [24]

On the same vein, we reject Porferio Calarom's alibi. His house is only two kilometers away from the Caamod's place. This fact of accessibility would suffice to obviate the favorable consideration of his defense of alibi notably in the light of abundant real evidence presented against him, like the footprints with the tell-tale webbed toes matching his discovered at the scene of the crime, the bolo with the hilt and scabbard thereof still wet with blood found in his house when the police arrested him on the same morning of the killings and robbery, and his bloodstained polo shirt also found by the police in the same place and on the same occasion as the bolo. All these physical evidences affirm incontrovertibly his positive and clear identification by the young girl Leticia and set our minds at rest on the moral certainty of his guilt precluding any iota of doubt.

With the overwhelming evidence of guilt, there seems to be no need to dwell lengthily on the admissibility or inadmissibility of the extra-judicial confessions of Calarom and Chavez despite the objections belabored by the defense. After all, these "confessions" could be ignored altogether without prejudicing the requirements of proof beyond reasonable doubt which, as we already ruled, the prosecution has amply established. Be this as it may, the issue raised by the defense on this score digs deep into constitutional imperatives on the rights of the accused which we can not and must not just dismiss perfunctorily.

We say, the extra-judicial confessions of Porferio Calarom and Daniel Chavez suffer constitutional infirmities. Section 20 of the 1973 Constitution is explicit. Any person under investigation for the commission of an offense shall have the right to remain silent and to counsel, and to be informed of such right. No force, violence, threat, intimidation, or any other means which vitiates the free will shall be used against him. Any confession obtained in violation of this section shall be inadmissible in evidence.

Daniel Chavez testified that after his arrest on May 23, 1982, some police authorities inserted in one of his nostrils a piece of bamboo split and boxed him on the chest, upper part of his umbilicus, and on his neck. Then he was

investigated by Patrolman Arturo Ayong in the presence of Police Sergeant Genelito Penellere at the Integrated National Police Investigation Section of Gandara, Samar. After that, he was allegedly forced to affix his thumbprint on his sworn statement.

Porferio Calarom was also investigated by Patrolman Arturo Ayong on May 24, 1982. He also testified that policemen held his right hand and forced him to place his thumbmark on his written declaration.

The trial court did not believe these imputations of torture or high-handedness against the officers of the law in the investigation of this case and in the obtention of these "confessions" and admitted them nevertheless as part of the evidence proving the guilt of the appellants. We do not find anything in the records of the case which would compel us to overrule the trial court on this score. But there is an undeniable fact which constrains us to declare the inadmissibility of these confessions. The statements of Chavez and Calarom on May 23 and 24, 1982 were taken without assistance of counsel. While it is true that there were waivers of the right to counsel, the declarants were not also assisted by counsel when they executed the said waivers.

While the right to counsel may be waived, such waiver must be effected voluntarily, knowingly, and intelligently. The waiver must be furthermore, with the assistance of the accused's lawyer.

Since Porferio Calarom and Daniel Chavez were neither assisted by counsel while they were under investigation, nor at least, given a counsel de oficio when they waived their rights to counsel, their confessions are inadmissible in evidence. The lack of counsel "makes [those] statement[s], in contemplation of law, 'involuntary,' even if it were otherwise voluntary, technically." [25]

We are convinced that the teachings of Galit, [26] Burgos, [27] Olvis, [28] and similar cases that no custodial investigation should be conducted unless it be in the presence of counsel engaged by the person arrested, by any person on his behalf, or appointed by the court upon petition either of the detainee himself or anyone on his behalf.

Be all these as they may, regardless of the inadmissibility in evidence of the extrajudicial confessions, we find there are other proofs in the record sufficient to affirm the appealed decision of the trial court holding all the four appellants guilty beyond reasonable doubt of the special complex crime of robo con homicidio as defined and penalized under Article 294(1) of the Revised Penal Code. The juridical concept of this special complex crime of robbery with homicide does not limit the taking of human life to one single victim. [29] The number of persons killed is immaterial. All homicides or murders are merged in the composite, integrated whole, that is robbery with homicide, as long as all the killings were perpetrated by reason of or on occasion of robbery. [30] Further, the term "homicide" in robbery with homicide should be understood as a generic term and includes murder. [31]

The appellants, all armed with bolos and a shotgun, busted in the dwelling of the deceased Caamod family and robbed them. By reason or occasion of the robbery, they killed Pablo Caamod with the sole end in view of removing opposition to the robbery. They further ruthlessly slew Rosita, Danilo, Romy, and Gemma to prevent their identification and to conceal the robbery.

We now deal with the aggravating circumstances that attended the commission of the crime. The trial court is correct in ruling that the generic aggravating circumstances of nighttime and morada aggravated the offense. The darkness of the early dawn was purposely sought by the robbers for their easy escape. Morada is likewise present in this case, inasmuch as the crime took place and was committed by the appellants in the home of the victims. The appellants showed greater perversity in their deliberate invasion of the tranquility of the Caamod's domicile. [32]

On the other hand, we can not stamp our imprimatur on the trial court's appreciation of the aggravating

circumstances of superior strength and by band as these are absorbed in treachery which unquestionably attended the commission of the complex offense charged.[33]

The penal liability of Porferio Calarom had been extinguished by his death on June 30, 1988; however, his civil liability survives him which can be recovered from his estate.

WHEREFORE, the decision of the trial court is hereby AFFIRMED except that the penalty imposed shall be reduced to reclusion perpetua pursuant to the provisions of Article III, Section 19(1) of the Constitution of the Republic of the Philippines. With costs.

SO ORDERED.

Paras, Padilla, and Regalado, JJ., concur.

Melencio-Herrera, (Chairman), J., With reservation re the penalty of reclusion perpetua pursuant to my dissent in *People v. Muñoz & Millora, et al.* (170 SCRA 107).

[1] Court of First Instance of Samar, 13th Judicial District, Branch IV, Calbayog City, First Assistant Provincial Fiscal Ceferino C. Cabañas.

[2] Regional Trial Court, 8th Judicial Region, Branch XXXL, Narciso T. Vasquez, Jr., presiding judge; Calbayog City, April 26, 1986.

[3] CONSTITUTION (1973), Art. X, sec. 5(e).

[4] Rollo, 135-139.

[5] Voir dire means to speak the truth and denotes the preliminary examination which the court may make of one presented as a witness (or juror), where his competence, interest, etc. is objected to. (Words and Phrases, Vol. 44, pages 598-599.)

[6] T.S.N., November 9, 1983, 15-16.

[7] Appellant's Brief, Rollo, 109.

[8] T.S.N., December 5, 1984, 81.

[9] T.S.N., December 11, 1984, 175.

[10] T.S.N., September 5, 1985, 39.

[11] *People v. Pecato*, No. L-41008, June 18, 1987, 151 SCRA 14, citing: *People v. Cruz*, No. L-24424, March 30, 1970, 32 SCRA 181.

[12] T.S.N., November 10, 1983, 8.

[13] T.S.N., November 9, 1983, 23.

[14] *Id.*, 9-15.

[15] *Supra*, *People v. Pecato*, 25.

[16] T.S.N., Nov. 10, 1983, 2.

[17] *Ibid.*

[18] Ibid.

[19] November 15, 1983, 46.

[20] *People v. Cabeltes*, Nos. L-38145-48, June 29, 1979, 91 SCRA 208.

[21] *People v. Adones*, G.R. No. L-63453, September 24, 1986, 144 SCRA 364.

[22] Exhibits "A", "B", "C", "C-1", "C-2", and "C-3".

[23] *People v. Stalin Guevarra*, G.R. No. 65017, November 13, 1989, citing: *People v. Atencio*, G.R. Nos. 67721-22, December 10, 1987, 156 SCRA 242.

[24] *Supra*, *People v. Pecato*, 26-27.

[25] *People v. Decierdo*, G.R. No. L-46956, May 7, 1987, 149 SCRA 496, citing: *Magtoto v. Manguera*, Nos. L-37201-02; 37424, 38929, March 3, 1975, 63 SCRA 27.

[26] *People v. Galit*, No. L-51770, March 20, 1985, 135 SCRA 465.

[27] *People v. Burgos*, No. L-68955, September 4, 1986, 144 SCRA 1.

[28] *People v. Olvis*, No. L-71092, September 30, 1987, 154 SCRA 513.

[29] *People v. Madrid*, 88 Phil. 1.

[30] *Supra*, 15.

[31] *Supra*; *People v. Pecato*, 28; *People v. Manalang*, G.R. No. 67662, February 9, 1989, 70 SCRA 149, 164.

[32] *People v. Roncal, et al.*, G.R. No. L-26857-58, October 21, 1977, 79 SCRA 509.

[33] *People v. Tajon*, No. L-47067, April 17, 1984, 128 SCRA 656.

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