

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROMEO CARINGAL Y EUGENIO @ “ROMEO CARINGAL”; REYNALDO MACUPING Y YAP @ “BEBOT”; JOHN DOE @ “NICANOR CORTEZ”; RICHARD DOE @ “RO...

G.R. No. 75368. August 11, 1989

Ponente: FELICIANO, J.

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FELICIANO, J.:

Romeo Caringal appeals from the Decision of Branch 89 of the Regional Trial Court of Quezon City in Criminal Case No. Q-26832, convicting him of the crime of murder.

Approximately half-an-hour past midnight in the early morning of 4 January 1983, Francisco Eugenio was assaulted and stabbed while he was asleep inside a market stall, owned by one "Aling" Liwayway, in the Galas public market in Quezon City. Minutes after the incident, he was taken to the United Doctors Medical Center, but was later transferred to another medical facility due to his mother's inability to put up front a cash deposit of P1,500.00 required by the hospital. Francisco Eugenio was eventually taken to the Jose Reyes Memorial Hospital, where he expired a few hours later due to "hemorrhage, acute massive, secondary to stab wound." [1] The Autopsy Report [2] prepared by a Medico-Legal Officer of the National Bureau of Investigation (NBI) contained the following statement on the injuries of the deceased:

"Pallor, conjunctivae and integument, marked and generalized.

Wound, incised, thumb, left, posterior aspect, 3.0 cms.

Wound, stab, 2.3 cms., elliptical, oriented almost horizontally, edges clean-cut, lateral extremity sharp, medial extremity blunt; located at the anterior abdominal wall, lower quadrant, left, 7.0 cms. below level of umbilicus, 2.5 cms. from anterior median line; directed backward, downward and medially, penetrating abdominal cavity, cutting the left common iliac artery with an approximate depth of 10.0 cms.

Hemoperitoneum - 500 cc.

Exploratory laparotomy incision, sutured, 22.0 cms.

Surgical incision, just below the stab wound, 2.5 cms.

Brain and other visceral organs, pale.

Stomach - filled with rice and other food particles."

On the basis of two (2) separate sworn statements given to police investigators later that same day by Cristina Eugenio and Michael Eugenio, the mother and younger brother, respectively, of the deceased, five (5) main suspects emerged, namely: Romeo Caringal (appellant herein), Reynaldo Macuping, Nicanor Cortez, Rogelio Reyes and Melchor Sabido. The two (2) Eugenios, mother and son, alleged in their statements that Francisco,

while in the emergency room of the Jose Reyes Memorial Hospital fighting for his life, had told both of them that he had been able to recognize Romeo Caringal as the person who stabbed him and the other four (4) named suspects ("Bebot," Melchor, Nicanor and "Ogie") as Caringal's companions, who held him down as he was being stabbed.[3]

Seven months later, on 28 July 1983, Romeo Caringal and Reynaldo Macuping were apprehended and detained by the Quezon City police authorities. The other three (3) named suspects, upon the other hand, have to this day managed to elude arrest despite the issuance of warrants therefor and continue to remain at large.

On 29 July 1983, a criminal Information[4] (docketed as Criminal Case No. Q-26832) was filed with the Regional Trial Court of Quezon City charging the five (5) above-named suspects with the murder of Francisco Eugenio, committed in the following manner:

"That on or about the 4th day of January 1983, in Quezon City, Philippines and within the juris-diction of this Honorable Court, the above-named accused, conspiring together, confederating with and mutually helping one another, did then and there wilfully, unlawfully and feloniously, with intent to kill, qualified by evident premeditation and treachery, attack, assault and employ personal violence upon FRANCISCO EUGENIO Y LLANES, by then and there stabbing him on the body, thereby inflicting upon him serious and mortal stab wounds which were the direct and immediate cause of his death, to the damage and prejudice of the heirs of Francisco Eugenio Y Llanes in such other amount as may be awarded under the provisions of the Civil Code."

Romeo Caringal and Reynaldo Macuping were both arraigned on 24 August 1984, at which time they pleaded "not guilty" to the charge of murder.

At the trial, the prosecution presented as its principal witnesses Adelina Villa, Cristina Eugenio, Patrolman Antonio Ibañez and Dr. Bienvenido Muñoz.

Prosecution witness Adelina Villa, a housekeeper and laundrywoman, testified that at around 12:30 in the morning of 4 January 1983, she was at the Barangay Pharmacy in Galas, Quezon City, in search of medication for her rheumatism, which at that moment was causing her some pain and discomfort. She then suddenly became aware of a commotion taking place some ten (10) meters away, in the market stall of "Aling" Liwayway in the Galas public market. Focusing her attention in that direction, Adelina saw with her own eyes defendant Caringal stabbing Francisco Eugenio with a kitchen knife while five (5) other persons, whom she did not recognize, held down their victim. Adelina immediately fled the area, horrified by what she had just witnessed. She "immediately after the incident"[5] told Cristina Eugenio of the stabbing, although she admitted not having reported what she had seen to the police authorities investigating the case.[6]

Prosecution witness Cristina Eugenio, mother of the deceased, testified that she first learned that her son Francisco had been stabbed from her brother-in-law, Marcelo Eugenio, sometime around midnight of 4 January 1983. Together with her son, Michael, she left immediately for the United Doctors Medical Center (where Francisco was taken initially) and later proceeded to the Jose Reyes Memorial Hospital. Mrs. Eugenio testified that while inside the emergency room of the latter hospital, Francisco disclosed to her the identities of his assailant (i.e., defendant Caringal) and four (4) of the latter's companions, hence re-affirming the statement she had previously given to the investigating authorities on the very day of the stabbing. She further stated that just a few minutes prior to her son's revelation to her, a police investigator (i.e., defense witness Danilo Aquino) had also spoken with Francisco, whom she subsequently saw sign a document prepared by the policeman. Mrs. Eugenio could not at first remember whether she too had signed the document. When shown a photocopy of said document at the witness stand, however, she disowned the signature appearing thereon purporting to be hers.[7]

For his part, prosecution witness Antonio Ibañez testified that he was one of the policemen assigned to investigate

the murder of Francisco Eugenio and that it was he who took down the sworn statement of Michael Eugenio at the police station, on 4 January 1983.[8]

Finally, prosecution witness Bienvenido Muñoz, an NBI Medico-Legal Officer, testified that he had conducted the autopsy on the corpse of Francisco Eugenio and had prepared the autopsy report presented in evidence. Dr. Muñoz identified an incised wound on the palm and a stab wound in the stomach area of the deceased and stated that it was the latter wound which caused Francisco's death.[9]

The defense, upon the other hand, presented in evidence the testimonies of defendant Romeo Caringal, Nieves Caringal and Patrolman Danilo Aquino. Accused Reynaldo Macuping, who likewise took the witness stand, denied any involvement in the murder of Francisco Eugenio, claiming that he had no reason to participate therein.[10]

Accused Romeo Caringal testified that at 12:30 in the morning of 4 January 1983, he was fast asleep inside his family's market stall inside the Galas public market, together with his mother, sister and brother; and that it was only at six o'clock later that morning that he woke up, after his mother had awakened him. He also testified that he had had no previous "misunderstanding" with Francisco Eugenio which would have moved him to kill the latter. He stated, further, that he had not met witness Adelina Villa previously and that he knew of no reason why she should have testified against him in this case.[11]

Defense witness Nieves Caringal corroborated the testimony of her son, Romeo Caringal. She testified that she roused Romeo from sleep at around six o'clock in the morning of January 1983, in order that he could assist her in arranging their goods for sale, and that Romeo had been fast asleep inside their family's market stall at all relevant hours prior thereto. When asked whether she had known of any "misunderstanding" between her defendant son and the deceased prior to the killing, she replied that she had not then been aware of any. Concluding her testimony, Mrs. Caringal stated that prior to her testimony in court, she did not file with the police authorities any formal statement setting out her own version of the case, even after her son had already been apprehended and detained.[12]

Defense witness Danilo Aquino testified that Francisco Eugenio, when asked inside the emergency room of the Jose Reyes Memorial Hospital whether he had been able to recognize any of his assailants, answered in the negative. Francisco's answer was reflected in a statement prepared on the spot by Patrolman Aquino, who identified a photocopy thereof on the witness stand. This witness also testified that both the deceased and his mother, prosecution witness Cristina Eugenio, signed the disputed statement, at that same occasion and in his presence.[13]

On 18 January 1985, the Regional Trial Court rendered a Decision,[14] the dispositive portion of which read:

"ACCORDINGLY, judgment is hereby rendered as follows:

1. Acquitting accused Reynaldo Macuping (Maluping) y Yap alias "Bebot" of the crime of Murder charged in the information with costs de officio. The said accused being detained his release is immediately ordered unless he is held for another crime or for any other cause.
2. Convicting accused Romeo Caringal y Eugenio alias "Romy Caringal" beyond reasonable doubt of the crime of murder charged in the information, as defined and penalized in Article 248 of the Revised Penal Code, and in accordance therewith there being no mitigating or aggravating circumstances which attended the commission of the offense, the said accused is sentenced to suffer reclusion perpetua, with all the accessory penalties provided for by law; to indemnify the Heirs of Francisco Eugenio y Llanes the amounts of: P30,000.00, in compensatory damages; P10,250.00, for hospitalization and burial expenses; P20,000.00, as moral damages; and the sum of P1,500.00, monthly, for loss of the earning capacity of the deceased, from the

time of his death on January 4, 1983 until he shall have reached the age of 65 years considering that he was 20 years old at the time of his death, and to pay his proportionate costs. Pursuant to the provisions of paragraph 2, Section 1, Rule III of the 1985 Rules of Criminal Procedure, the filing fees corresponding to the civil liability awarded herein, which should be assessed by the Clerk of Court, shall constitute a first lien on the said award and no payment by execution or otherwise may be made to the offended party without their first paying the amount of such filing fees to the Clerk of Court.

As regards accused John Doe alias Nicanor Cortes, Richard Doe alias Rogelio Reyes, and Richard Doe alias Melchor Sabido, who are still at large inspite of the issuance of warrants for their arrest the records of this case, as to them, is ordered archived, subject to further orders, and let alias warrants issue against them with a notation that they need not be returned until they are actually arrested. The private offended parties are ordered to inform this Court of the present whereabouts of said three (3) accused so that they can be arrested as soon as possible.

Accused Romeo Caringal being detained, and conformably with the practice in the Quezon City Jail for all detention prisoners to agree in writing that they be governed by the same rules regarding convicted prisoners, he is credited with the full extent of the period under which he was under detention.

SO ORDERED."

In his appeal Brief[15] now before this Court, defendant Caringal assigns the following errors:

"I

With due respect, the lower court gravely erred in its interpretation and findings that the testimony of the prosecution's biased and tutored witness in the person of Adelina Villa was given credence to the effect that the accused-appellant was the person who stabbed Francisco Eugenio.

II

With due respect, the lower court gravely erred in likewise giving credence to the testimony of Cristina Eugenio whose testimony is full of contradictions and grossly irreconcilable narration of events during the trial.

III

With due respect, the lower court gravely erred in not giving credence to the testimonies of the defense witnesses particularly that of Nieves Caringal about [her] son's innocence of the charge, as well as the defense presented witness in the person of Romeo Caringal to the effect that he has no knowledge about the stabbing of Francisco Eugenio.

IV

With due respect, the lower court gravely erred in disregarding the testimony of Patrolman Danilo Aquino in connection with this investigation on the victim Francisco Eugenio about the stabbing incident that led to the execution of the ante mortem statement of Francisco Eugenio.

V

With due respect, the lower court gravely erred in completely disregarding the ante mortem statement of victim Francisco Eugenio even though the original copy of the said ante mortem state-ment was never presented by the prosecution during the trial, otherwise, the accused-appellant will not be convicted of the crime charged against him."

In effect, defendant Caringal would now urge this Court to review the findings of the trial court with respect to the credibility of the witnesses, both for the prosecution and the defense, and to reverse such findings in his favor.

It is well-settled in this jurisdiction that on the matter concerning credibility of witnesses, the findings of the trial court, which had directly observed and was in the best position to evaluate the demeanor of witnesses while on the witness stand, are accorded the highest degree of respect.[16] These findings are generally upheld on appeal, absent any showing of clear or palpable error on the part of the trial judge in the evaluation and appreciation of the testimonies given in open court. The Court finds no such error to have here been committed by the trial judge; neither has the defense been able to prove the commission of any, in this appeal.

The record shows that defendant Caringal's involvement in the murder of Francisco Eugenio had been established, primarily, by prosecution witness Adelina Villa, who testified in open court that she had personally witnessed the stabbing of the deceased by defendant Caringal. In rebuttal of such testimony, however, the defense contends that Adelina could not possibly have been at the scene of the crime and witnessed the incident in question because: (1) of her own admission, she was at that particular moment suffering from rheumatism, which is a "crippling and disabling disease;" and (2) it is "very unusual" that at 12:30 in the early morning of 4 January 1983, Adelina would have been able to leave the household where she was performing laundry services at the time without first obtaining the permission of the members of that household, considering that, as stated by Adelina on cross-examination, it was then only her first day to work in that household. It is also argued that the failure of this witness to report the incident to the police prior to the institution of Criminal Case No. Q-26832, renders her testimony at the trial a "pure fabrication" which "cannot inspire confidence."

We are not persuaded by these arguments. First, rheumatism, contrary to what the defense suggests, does not necessarily render a person totally unable to move around or ambulate. It is common knowledge that the effects rheumatism may have on the human body are determined, in large part, by the degree or stage the disease is in. The Court notes in this respect that the defense has neither alleged nor demonstrated that Adelina's rheumatism was in such an advanced stage or of such a degree as would have effectively prevented her from being at the Galas public market that fateful morning. Second, the failure of Adelina, a middle-aged woman of 51 years, to obtain prior permission to leave the household where she was doing laundry work does not, by itself and with nothing more, mean that she could not have been or was not in fact at the scene of the crime at the time of its commission. The conclusion drawn by the defense in this regard is simply a non-sequitur. Such conclusion also conveniently disregards the plausible and un rebutted explanation given by the witness during cross-examination: Adelina explained that the members of her then employer-household "know [her] already x x x that is why they are used to [her] habit." [17] Third, the natural reluctance of many, if not most, witnesses to volunteer information to the police authorities in a criminal case and involve themselves in a criminal investigation is by now a matter of judicial notice. Such reluctance is not uncommon, especially where, as in the case at bar, the same arises out of fear of reprisal from the perpetrators of the crime being investigated.[18] The fact that Adelina may have given her account of the incident only at the trial below and not sooner, therefore, neither necessarily impairs her credibility nor discredits her testimony.[19]

In further attempted rebuttal of the eye-witness account of prosecution witness Adelina Villa, however, defendant Caringal raises the defense of alibi -- i.e., that he was asleep inside the Caringal family stall in the Galas public market at the time Francisco Eugenio was stabbed. This alibi was corroborated on the witness stand by defense witness Nieves Caringal, who testified that her defendant son had been asleep inside their family's market stall until six o'clock in the morning of 4 January 1983.

For the defense of alibi to prosper, it is not enough that the accused allege that he was at a place other than that where the criminal event transpired; he must in addition prove that it was physically impossible for him to be

present at the scene of the crime at all relevant and crucial times.[20] The Caringal family market stall where defendant claimed he was sleeping, is situated only two (2) meters away from the stall of "Aling" Liwayway where the stabbing incident took place. It was, in other words, not physically impossible for defendant Caringal to have been at "Aling" Liwayway's stall at the precise moment the murderous deed was carried out. The proximity between these two (2) market stalls indeed suggests that defendant Caringal could very easily have left one stall for the other and then returned to the former, in a matter of just a few seconds. The testimony of Nieves Caringal corroborating her defendant son's alibi, upon the other hand, should be viewed at best with caution, considering that alibi is so easy to fabricate, especially as between parents and children, relatives, and even those not so related.[21] Testimony such as that of Mrs. Caringal, the Court has held in the past, "is undeniably tainted with bias for it springs from the natural tendency of a mother to exculpate her son from criminal liability." [22] Moreover, the Court notes that Mrs. Caringal, for reasons not apparent from the record of this case, related her story and corroborated defendant Caringal's alibi only at the trial below -- i.e., on 12 October 1984 -- and not any time sooner, despite the fact that her defendant son had been identified to the police as a prime suspect in the killing of Francisco Eugenio as early as 4 January 1983 (the very day the incident occurred), and notwithstanding defendant Caringal's subsequent arrest and incarceration on 28 July 1983. Such long and unexplained silence and inaction on the part of Mrs. Caringal who, as mother of the accused, would normally have been expected to come to the rescue and defense of her own son immediately, upon his being implicated in a criminal offense and jailed therefor, cannot but cast substantial doubt upon the veracity of the testimony offered in evidence. In sum, the alibi alleged by the defense is not credible and, hence, cannot prevail over the direct and positive identification by eye-witness Adelina Villa of defendant Caringal, as the principal malefactor in the case at bar.[23]

Finally, the defense asserts that the alleged "ante mortem statement" of Francisco Eugenio which had been narrated to and taken down by defense witness Pat. Danilo Aquino at the Jose Reyes Memorial Hospital minutes after the stabbing incident, sufficiently outweighs the sworn statement and oral testimony of prosecution witness Cristina Eugenio. The deceased's statement reads in full:

"Tanong: Sabihin mo ang iyong pangalan at mga bagay na may kinalaman sa iyo?

Sagot: Francisco Eugenio y Llanes, 20, binata, butcher, tubo sa No. 304 de Sullo, Bgy. San Isidro, Q.C.

02 T: Anong dahilan at narito ka sa ospital?

S: Sinaksak ako, habang natutulog.

03 T: Kilala mo ang sumaksak sa iyo?

S: Hindi.

04 T: Kailan at saan ka sinaksak?

S: Kanina lang sa loob ng puesto ni Aling Liwayway.

05 T: Anong dahilan at sinaksak ka?

S: Iwan ko, po.

06 T: Anong pinanaksak sa iyo?

S: Hindi ko po alam.

07 T: Sino (ang) kasama mo nung saksakin ka?

S: Mga katulong ni Aling Liwayway?

08 T: Sino ang nakakita nang saksakin ka?

S: Walang nakakita.

09 T: Ikamamatay mo ba ang sugat mo?

S: Hindi ko po alam.

10 T: Nakikilala mo ba ako?

S: Opo, investigador.

11 T: Makakalagda ka ba ng pangalan mo?

S: Opo."[24]

The alleged "ante mortem statement" quoted above differs in one very important detail from the sworn statements made by Cristina and Michael Eugenio to the investigating authorities as well as from Cristina's oral testimony in court: the Eugenios declared that the deceased had informed them that he (the deceased) recognized and identified his assailants; in the "ante mortem statement," the deceased is presented as having stated that he did not know or recognize his assailant(s). If one assumes that not only had the Eugenios spoken truthfully but also that Pat. Danilo Aquino had accurately recorded the answer of the deceased victim, one may speculate that the deceased was probably simply reluctant to reveal to the police investigator what he, a few minutes later, disclosed to his mother and brother. There is in fact nothing in the record that would suggest that Cristina and Michael Eugenio had falsified their sworn statements and oral testimony in court, and had deliberately and falsely accused innocent persons. At the same time, the record is similarly bare of any suggestion that Pat. Aquino had failed honorably to perform his official duty and had fabricated a bogus statement of the deceased. Neither the prosecution nor the defense submitted any evidence proving or tending to prove the commission of such a falsehood by either the Eugenios or Pat. Aquino. Most conservatively viewed, the sworn statements and oral testimony of the Eugenios concerning the identification by the deceased of his assailants on the one hand, and the denial by the deceased recorded by Pat. Aquino, may be regarded as offsetting and cancelling out each other. The trial court apparently reached the same conclusion. In acquitting co-accused Reynaldo Macuping, the court a quo said:

"However, with regards to the alibi of accused Reynaldo Macuping, this, to the mind of this Court, deserves merit.

For, the evidence of the prosecution is totally bereft of any proof to show that he participated in the killing of the victim, the testimony of the victim's mother, Cristina Llanes Eugenio, that accused Reynaldo Macuping was one of those assailants, being unworthy of credence, since this contradicts the victim's statement to Pat. Aquino that he did not know the person who stabbed him. In fact, according to eye-witness Adelina Villa she did not recognize the five (5) other persons who held the victim while accused Romeo Caringal stabbed him twice."[25]

We must instantly note, however, that there remains the un rebutted testimony of prosecution witness Adelina Villa, who had personally witnessed the criminal acts attributed to the accused and who had positively identified accused Caringal as the person who had stabbed Francisco Eugenio. The trial court found no reason to disbelieve such testimony and held that Adelina's "capacity for truth [had] not [been] shown otherwise by the defense." [26] We agree. The defense has indeed been unable successfully to discredit or otherwise cast doubt upon the veracity and credibility of this witness, whose singular testimony, both positive and credible, is sufficient to support a finding of guilt in this case.[27]

It remains to note that the oral statement of the deceased recorded by Pat. Aquino that no one had seen the

stabbing, was not in truth inconsistent with Adelina Villa's testimony. Francisco Eugenio did not, of course, see or notice that Adelina had witnessed the assault upon him. It may be recalled that Francisco Eugenio was asleep when a sharp blade was plunged into his abdomen; he awoke suddenly to find himself wounded and bleeding and simply did not notice, and could not be expected to have noticed that someone, some ten (10) meters away, had fortuitously observed the stabbing.

Concluding, we believe that the guilt of defendant Romeo Caringal for the crime of murder has been proven beyond reasonable doubt. The evidence shows that treachery attended the murder of Francisco Eugenio, as shown by the fact that the victim was stabbed while he was asleep, at a time when he could not possibly and successfully have defended himself against his assailants.[28] Absorbed in treachery are the additional circumstances of nocturnity and superior strength, also present in the case at bar. Evident premeditation, however, has not been sufficiently established by the prosecution and hence cannot be appreciated as a separate aggravating circumstance. The presence of one (1) aggravating and no mitigating circumstance having been established, and in view of Article III, Section 19 (1) of the 1987 Constitution, the penalty of reclusion perpetua is proper. The separate awards granted by the trial court for moral and compensatory damages and for loss of earning capacity should be, as they are hereby, deleted. We consider the amount of P30,000.00 as civil indemnity for the death of Francisco Eugenio to be sufficient and proper under prevailing jurisprudence.

WHEREFORE, the Decision of Branch 89 of the Regional Trial Court of Quezon City in Criminal Case No. Q-26832, finding defendant-appellant Romeo Caringal guilty of murder and sentencing him to reclusion perpetua, is hereby AFFIRMED, subject to the modifications stated herein.

SO ORDERED.

Fernan, C.J., Gutierrez, Jr., Bidin, and Cortes, JJ., concur.

[1] RTC Records, pp. 99-100, Certificate of Post-Mortem Examination.

[2] Id., p. 108.

[3] Id., pp. 94 and 102.

[4] Id., pp. 1-2.

[5] RTC Decision, p. 3; Rollo, p. 19.

[6] Original TSN, pp. 28-35, 10 September 1986.

[7] Id., pp. 6-17 and 25-26, 7 June 1984.

[8] Id., pp. 2-6, 7 June 1984.

[9] Id., pp. 19-24, 26 July 1984.

[10] Id., pp. 45-47, 12 October 1984.

[11] Id., pp. 47-51, 12 October 1984.

[12] Id., pp. 40-45, 12 October 1984.

[13] Id., pp. 53-58, 19 December 1984.

[14] Id., pp. 140-148.

[15] Rollo, pp. 33-53.

[16] *People v. Kintuan*, 156 SCRA 195 [1987]; *People v. Nulla*, 153 SCRA 471 [1987]; *People v. dela Cruz*, 148 SCRA 582 [1987]; *People v. Patog*, 144 SCRA 429 [1986]; and *People v. Patola*, 141 SCRA 401 [1986].

[17] Original TSN, p. 31, 10 September 1986.

[18] *People v. Ferrera*, 151 SCRA 113 (1987). The pertinent portion of witness Adelina Villa's testimony reads:

"Q: Madam witness, you mentioned that you saw the incident, why is it that you did not report this matter to the police, you did not volunteer as witness in the police station?

A: I was afraid.

COURT:

Afraid of whom?

A: Afraid of the men.

COURT:

The men, who?

A: The person who stabbed the son of Cristina.

Q: Why are you afraid of those persons?

A: They might threaten me." (Original TSN, p. 34, 10 September 1986; underscoring supplied.)

[19] *People v. Andres*, 155 SCRA 290, [1987]; *People v. Punzalan*, 153 SCRA 1 [1987]; and *People v. dela Cruz*, 147 SCRA 359 [1987].

[20] *People v. Ramilo*, 147 SCRA 102 [1987].

[21] *People v. Detuya*, 154 SCRA 410 [1987]; *People v. Pecato*, 151 SCRA 14 [1987]; and *People v. Cabanit*, 139 SCRA 94 [1985].

[22] See *People v. Pecato*, supra at 27 [1987]; and *People v. Romero*, 119 SCRA 234 at 242 [1982].

[23] See *People v. Masangkay*, 155 SCRA 113 [1987]; *People v. Ornoza*, 151 SCRA 495 [1987]; and *People v. Dava*, 149 SCRA 582 [1987].

[24] RTC Records, pp. 133-134; underscoring supplied.

[25] RTC Decision, p. 6; Rollo, p. 22.

[26] RTC Decision, p. 5; Rollo, p. 21.

[27] *People v. Francia*, 154 SCRA 495 [1987]; and *People v. Obenque*, 147 SCRA 488 [1987]. See also *People v. Dollantes*, 151 SCRA 592 [1987]; and *People v. Ladrera*, 150 SCRA 113 [1987].

[28] See *People v. Parcon*, 110 SCRA 425 (1981).

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