

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROLANDO BERGONIA, ROLDAN BERGONIA, ROSELY BERGONIA AND VIRGILIO AMBALIZA, DEFENDANTS-APPELLANTS.**

*G.R. No. 89369. June 09, 1997*

Ponente: HERMOSISIMA, JR., J.

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**HERMOSISIMA, JR., J.:**

Accused-appellants Rolando Bergonia, Roldan Bergonia, Rosely Bergonia and Virgilio Ambaliza were charged with the crime of murder before the Regional Trial Court[1] of Lingayen, Pangasinan under an Information[2] which chronicles the commission of the crime in this wise:

“That on or about May 7, 1988 in the afternoon in barangay Banog Norte, municipality of Bani, province of Pangasinan, New Republic of the Philippines and within the jurisdiction of this Honorable Court, the above-named accused armed with firearms with intent to kill, by means of treachery and with abuse of superior strength did then and there wilfully, unlawfully, feloniously and suddenly attack, chase and shot Joel Primavera inflicting upon him the following injuries:

Gunshot wound:

1. Entrance - circular in shape with inverted lips about 1 cm in diameter more or less right side frontal region, head.

Exit - circular in shape w/ inverted lips about 2” in diameter, left side frontal region, head.

2. Entrance - circular in shape w/ inverted lips about 1 cm in diameter more or less rt. side, cervical region.

Exit - circular in shape w/ inverted lips about 2” in diameter, left axillary region.

3. Entrance - about 1 cm in diameter circular w/ inverted lips, lower third rt. leg, lateral.

Exit - about 2” in diameter w/ inverted lips lower third, rt. leg, medial aspect.

which directly caused his death to the damage and prejudice of the heirs of the victim in the amount of no less than P30,000.00.

Contrary to Article 248 of the Revised Penal Code.

Lingayen, Pangasinan, September 1, 1988.”[3]

Upon arraignment, all the accused-appellants, duly assisted by counsel, pleaded not guilty to the crime charged. Trial ensued thereafter.

The evidence for the prosecution established the following facts:

“In the afternoon of May 7, 1988, Agustin Ramolete, the barangay secretary of Banog Norte, Bani, Pangasinan

saw Joel Primavera running along the barrio road. When Primavera reached Ramolete's gate, the former entered and went inside the house saying 'Help me uncle because they are going to kill me (Tulungan nac tiong ta patayen dac).' At that time, Ramolete saw appellant Rolando Bergonia at the heels of Primavera. When appellant Bergonia reached the gate, Ramolete saw that said appellant was armed and he asked him not to create trouble in his house (Tsn, Nov. 14, 1988, pp. 6-7).

The commotion made by his children, who got frightened when Primavera barged into their house, attracted Ramolete's attention. Ramolete went up to the second floor; he saw his son being held by Primavera, then unarmed. He asked Primavera to release the boy and the latter complied. But after releasing the boy, Primavera held Ramolete's daughter, intending to use her as his shield. Again Ramolete asked Primavera to let go, which the latter did. But Primavera then took hold of Ramolete's mother-in-law. After seeing to his children's safety, Ramolete again asked Primavera to release the old woman. It was at this point that Ramolete saw Rosely Bergonia, Roldan Bergonia and Virgilio Ambaliza armed standing by their fence. After the old woman's release, Ramolete brought her to the back of their house beside the granary (Ibid., pp. 7-10).

While his attention was focused on bringing his mother-in-law to a safer place, shots rang out. Although Ramolete did not see any of the appellants enter his house, he had occasion to see them dragging Primavera's dead body out of his (Ramolete's) house when he peeped from the corner of the granary (Ibid., pp. 11-12; 23-25).

Another prosecution witness, Lim Reniedo, testified that in the afternoon of May 7, 1988, while he was in the poblacion of Alaminos, Pangasinan, the deceased Joel Primavera requested him to accompany the latter in getting money from a certain Peding who resides in Banog Norte, Bani, Pangasinan. They boarded the tricycle of Patrocinio Torres and proceeded to Banog Norte (Tsn, Nov. 15, 1988, p. 3).

While on their way back to Alaminos, they were ambushed near the Banog Norte Elementary School by Rolando Bergonia and his co-accused. After the first burst of gunfire, the tricycle fell and they x x x ran away in separate directions. He saw Primavera run southward, closely followed by appellants. After a while, he heard gun shots coming from the said direction (Ibid., pp. 3-6).

Patrolmen Cecilio Dollaga and Mariano Catabay testified that they were sent to investigate a reported killing in Banog Norte. When they arrived at the crime scene, they saw the deceased lying along the pathway. They went inside Ramolete's house, and found several blood stains in the lower floor and pieces of brain tissues with small skull bones at the second floor. They also found some empty shells and live ammunitions. Ramolete identified the appellants as the killers (Tsn, Nov. 16, 1988, pp. 5-8).

Patrolman Dollaga likewise investigated a tricycle which fell on its side along the road in Banog Norte, South of the National Highway. Bergonia's house is about 15 meters from the intersection of the provincial and national roads, near the spot where the tricycle fell (Ibid., p. 16).

They were able to recover the firearms from Rosely and Roldan Bergonia who were then hiding in the house of Alfredo Catabay. This was pursuant to the admission made by Rolando Bergonia that since they saw Primavera and his companions riding in a tricycle passing by their house, they decided to strike first (Ibid., p. 25).

Dr. Vicente Tongson, the health officer of Bani, Pangasinan testified that per his autopsy, the cause of Joel Primavera's death was shock due to hemorrhage secondary to gunshot wounds. The deceased sustained three gunshot wounds:

- (1) at the right side of the forehead which damaged the brain, and is a fatal wound;
- (2) entrance point at right side of the neck, exit on the left armpit, affecting the lung, also fatal;

(3) right leg with exit point on the inner portion of the leg.

In his opinion, wounds nos. 1 and 2 are by itself fatal; that gunshot wound no. 2 was inflicted when the victim was probably kneeling while gunshot wound no. 3 was inflicted while the victim was lying down.”[4]

From the foregoing chronicle of the testimonies of prosecution witnesses Agustin Ramolete, Lim Reniedo, Patrolman Cecilio Dollaga and Patrolman Mariano Catabay, the prosecution established that the victim, Joel Primavera, together with his friend, Lim Reniedo and the tricycle driver, Patrocinio Torres, were ambushed and fired upon by the accused-appellants while travelling on board the tricycle along the barangay road in Banog Norte, causing said tricycle occupants to scamper to various directions. Primavera ran towards the direction of Ramolete’s house and sought refuge therein, but accused-appellants went after Primavera up to the second floor of Ramolete’s house and there shot him in the head, the neck and the leg, after which accused-appellants dragged Primavera’s body outside the house.[5]

To cast reasonable doubt on the foregoing theory of the prosecution, accused-appellants Roldan Bergonia, Rosely Bergonia and Virgilio Ambaliza, testified before the trial court and claim before us now, that they were not present at the scene of the crime at the time that Primavera was killed at Ramolete’s house on May 7, 1988. Roldan testified in his defense that he was playing bingo in the house of his uncle, Federico Catabay, from 1:00 o’clock to 3:30 in the afternoon.[6] Estelita Rosete, a defense witness, corroborated Roldan’s testimony as to his whereabouts on May 7, 1988. Rosely, for his part, testified that he was at his home watching television at the time. His companions were his grandmother and his sisters.[7] Similarly, Virgilio Ambaliza testified that at 2:00 o’clock in the afternoon, he was in his house and stayed there the whole afternoon.[8]

The trial court understandably gave no merit to the foregoing defense of alibi interposed by accused-appellants Roldan and Rosely Bergonia and Virgilio Ambaliza. The trial court could not ignore the highly significant and un rebutted fact that the houses of Rosely and Virgilio and the house of Federico Catabay where Roldan was playing bingo, were all located within Barangay Banog Norte and are separated from each other by a few hundred meters. Thus the trial court, in rejecting their defense of alibi, pointed out that:

“Applying the aforesaid rules to the case at hand, the defense of alibi invoked by the accused, Roldan and Rosely, both surnamed Bergonia, and Virgilio Ambaliza cannot be sustained as they were positively identified by Agustin Ramolete to be within the place of incident and seen dragging the body of the deceased from his house to the pathway. Besides, the place where these accused claimed they were at the time of the killing is only a few hundred meters away which could be negotiated in a short period of time; hence, it is not physically impossible for them to be at the place of killing at the time the victim was shot.”[9]

However, accused-appellant Rolando Bergonia, father of Roldan and Rosely, presented a different version as to the events that transpired on that fateful day of May 7, 1988.

“Accused Rolando Bergonia testified that at about 2:00 o’clock in the afternoon of May 7, 1988, Joel Primavera and Alfredo Catabay were quarreling inside the house of Agustin Ramolete in Banog Norte, because he went to help them. While he was inside the yard of Ramolete and observing, Ramolete told to Primavera not to hold his daughter. When Primavera released the daughter of Ramolete, he saw Primavera held the old woman. When Primavera was holding the old woman, that was the time that he saw Alfredo Catabay entered(sic) the house and he heard gunshot. He hid behind a tree. While hiding for safety, he saw Alfredo Catabay came(sic) out carrying a gun. He went near Ramolete. The latter was trembling because of fright and was begging to him to help bring out the cadaver of Primavera and brought it quite far from the house, on the pathway north of the house going north. He then walked with Ramolete. He asked Ramolete about Primavera but Ramolete did not answer him. He was about to go home to follow Alfredo Catabay but when he was on the road, he learned that Catabay was brought to

the hospital. He returned home. Then policemen came and told him to go with them. When they arrived in the municipal building he was put in jail. His two sons were also put in jail. He and his sons were not investigated. Alfredo Catabay is the nephew of Ramolete. The testimony of Ramolete that before the killing of Primavera, he has seen him with a long firearm within the vicinity of his house in the afternoon of May 7, 1988 is not true. Ramolete testified against him because the former has a grudge against him because he testified against Ramolete in a case involving agrarian reform filed in Alaminos. Ramolete lost the case. The other reason why Ramolete testified against him is that being a member of the barangay counsel of Banog Norte, he always check the money of the barangay from the wife of Ramolete who is the barangay treasurer (Tsn, Jan. 18, 1989, pp. 17-22)."[10]

In sum, Rolando on the witness stand, pointed to Alfredo Catabay as Primavera's killer and for that reason claimed his innocence of the murder charge filed against him.

The other defense witness, Romeo Martinez, corroborated Rolando's testimony regarding the criminal charges filed against Primavera for frustrated homicide.

The trial court, after studying and weighing the evidence proffered by both the prosecution and defense, rendered judgment convicting accused-appellants for the murder of Primavera. It explained its finding of accused-appellants' guilt beyond reasonable doubt, in this wise:

"From the narration of facts made by the abovementioned prosecution witnesses regarding the incident in question substantially confirmed by the physical evidence presented, it is crystal clear that the accused helped, conspired and confederated with each other in snuffing the life of the deceased through violent means. While it is conceded that no eyewitness was presented testifying that it was the accused who shot the victim, this fact does not destroy the veracity and credence of the theory of the prosecution. In our jurisdiction, the law does not always require that the evidence of guilt of the accused must be established beyond reasonable doubt by sufficient evidence whether direct or circumstantial. Therefore, although the evidence against the accused is indirect, it is sufficient to warrant the pronouncement of conviction if the circumstances obtaining thereto are complete, convincing and lead to other rational conclusion that the accused is really the author of the crime which is charged.

From the evidence adduced by the prosecution, how could the following circumstances be reasonably reconciled with the innocence of the accused? Firstly they ambushed the victim and his companions while they were traveling along the barangay road in Banog Norte, and thereafter, when the victim ran for safety he was chased by the accused who were all armed with firearms; that they were seen in the premises of Agustin Ramolete holding firearms before the victim was shot and later seen dragging the body of the deceased outside the house of Agustin Ramolete after several gunshots were heard; that Rolando Bergonia when asked by Patrolman(sic) Dollaga and Catabay why they (accused) shot the victim, the accused answered that they killed Primavera because the latter has companions and that he might kill them ahead; that one month before the killing, Rosely Bergonia was shot by Joel Primavera for which criminal case for frustrated homicide was filed against the deceased by Rosely Bergonia before the MTC of Bani. The foregoing facts which were sufficiently proven constitute unbroken chain of circumstances that lead to a reasonable conclusion that the accused are guilty of the offense filed against them.

At any rate, why did these prosecution witnesses testified(sic) on the culpability of the accused? The only logical reason is that they wanted truth to triumph and that the corresponding penalty be meted to the guilty for we live under the rule of the law and not under the law of the jungle. No motive has been ascribed to these witnesses to concoct a false story and impute upon the accused a crime they never committed; so much so that Agustin Ramolete is a cousin of the wife of accused Rolando Bergonia. In fact the accused, with the exception of Rolando Bergonia, admitted that they do not know of any reason why the prosecution witnesses testified against them. The

sweeping assertion of Rolando Bergonia that Agustin Ramolete testified against the accused because he is a witness in an agrarian case filed against Ramolete wherein the latter lost and further because he has been always auditing and questioning the funds of their barangay in which Ramolete's wife is the barangay treasurer is not to the mind of the Court enough ground for Ramolete to concoct a tale against the accused for a crime they did not commit.”[11]

As to accused-appellant Rolando Bergonia's indictment of Alfredo Catabay as the sole gunman and killer of Primavera, the trial court was not at all convinced thereby. The trial court in disbelieving Rolando, concluded that:

"The claim of accused Rolando Bergonia that he just went to the house of Agustin Ramolete in that fateful afternoon of May 7, 1988, to pacify Joel Primavera and Ramolete and that it was Alfredo Catabay who shot and killed the victim in a gun duel is not only weak and flimsy, but rather childish. It has the flavor of a cock-and-bull story which is very difficult and hard to accept. It is highly fantastic as it is unbelievable, not only far fetched but quite ridiculous and mystifying. Certainly, the uncorroborated testimony of Rolando Bergonia cannot prevail over the testimonies of the prosecution witnesses, namely: Agustin Ramolete, Lim Reniedo, Patrolmen Dollaga and Catabay.”[12]

The trial court, with full conviction in the foregoing disquisition, found accused-appellants guilty beyond reasonable doubt of the crime of murder and sentenced them as follows:

“WHEREFORE, the guilt of the accused, Rolando Bergonia, Rosely Bergonia, Roldan Bergonia and Virgilio Ambaliza, for the crime of MURDER defined and penalized under the provisions of Article 248 of the Revised Penal Code, having been fully and clearly established beyond reasonable doubt by the prosecution, pursuant to law, this Court hereby sentences each of the accused to serve a prison term of RECLUSION PERPETUA (Life Imprisonment) and to pay proportionately the costs.

The Court further directs the accused to pay jointly and severally the heirs of the deceased, Joel Primavera, the sum of Thirty Thousand (P30,000.00) Pesos as moral damages; Fifteen Thousand (P15,000.00) Pesos as actual damages without subsidiary imprisonment in case of insolvency.”[13]

Unable to agree with the decision of the trial court, accused-appellants elevated the case to us on appeal with the following assignment of errors:

### **“I**

THE TRIAL COURT ERRED IN GIVING CREDENCE TO THE THEORY OF THE PROSECUTION AND IN DISREGARDING THAT OF THE DEFENSE.

### **II**

THE TRIAL COURT ERRED IN HOLDING THAT THE ACCUSED HELPED, CONSPIRED AND CONFEDERATED WITH EACH OTHER IN SNUFFING THE LIFE OF THE DECEASED THROUGH VIOLENT MEANS.

### **III**

THE TRIAL COURT ERRED IN FINDING THE ACCUSED ROLANDO BERGONIA, ROSELY BERGONIA, ROLDAN BERGONIA AND VIRGILIO AMBALIZA GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF MURDER BASED ON MERE CIRCUMSTANTIAL EVIDENCE.”[14]

Accused-appellants fault the trial court for believing prosecution witnesses - Agustin Ramolete, Lim Reniedo,

Patrolman Cecilio Dollaga and Patrolman Mariano Catabay, whose testimonies, in the aggregate, establish the occurrence of the ambush attack perpetrated by accused-appellants against the victim, Joel Primavera and Reniedo, and the ensuing chase of Primavera from the ambush site to Ramolete's house up to its second floor where Primavera was ultimately killed. They specifically seek to negate the occurrence of the ambush, contending that: (1) accused-appellants could not have dared to stage an ambush in broad daylight, the ambush of the victim being claimed to have taken place in the afternoon; (2) the claim that the ambush had taken place on a public road where there was nothing hampering accused-appellants' view of their intended victim is not credible because, despite the clear view, accused-appellants, after the tricycle was riddled with gunfire, were unable to kill Primavera during the ambush; and (3) an ambush is undertaken in secrecy but the accused-appellants were alleged to have emerged from their hiding places where they were sure to be identified. In fine, accused-appellants want to be acquitted by this court, upon their interpretation of the evidence, that no ambush in fact took place because an ambush in broad daylight on a public road by persons who did not keep their identity a secret, is most improbable.

We are not persuaded.

Certainly, it is not at all impossible that an ambush would be undertaken in broad daylight on a public road. It may happen, indeed, that this might have been the first and only opportunity to carry out an ambush. The fact that they missed their target, not a bullet having hit Primavera and Reniedo, could be easily attributed to poor marksmanship and the fact that the ambushers had a moving target. They had to emerge from their respective hiding places as it is simply unimaginable for one to aim a gun at someone with his face or sight obstructed by tree trunks. They must have honestly believed that they would succeed in killing their victim so as to preclude any possibility of identification by the latter. Verily, these contentions of accused-appellants are mere speculations, probabilities or conjectures which cannot substitute for proof adduced as to the occurrence of the ambush much less warrant a finding on our part that the instant case falls under the exceptions to the well-settled rule regarding the finality and conclusiveness accorded the factual findings of the trial court which had the opportunity to observe the demeanor of the witnesses and to assess their credibility.[15] Stated otherwise, such findings should not be disturbed unless for strong and cogent reasons[16] none of which obtain in the case at bench.

To bolster their attack on the credibility of prosecution witnesses, accused-appellants ascribe inconsistent and self-contradictory statements in the said witnesses' testimonies. Accused-appellants point out that: (1) While Reniedo testified during the direct examination that he reported the ambush to the police authorities, Reniedo later stated during cross-examination that he made no such report; (2) While Patrolman Catabay and Patrolman Dollaga testified that they both conducted an investigation concerning the tricycle involved in the ambush incident, there was no entry in the police blotter of any such investigation. They contradicted each other when the former testified that he found a bullet hole in the body of the tricycle, but the latter testified that he did not find such a hole; and (3) Patrolman Catabay testified that he did not know the driver of the tricycle on which the victim boarded. He testified later, however, that he knew that Patrocinio Torres was the driver of the tricycle.[17]

Far from eroding the credibility of the testimonies of the prosecution witnesses, these alleged inconsistent and contradictory statements, minor or trivial as they are, in fact enhance their truthfulness as they erase any suspicion of a rehearsed testimony.[18] Moreover, such alleged testimonial flaws should not detract from the fact testified to, that is, the occurrence of the ambush. To be sure, whether or not a formal police report of the tricycle incident was made, whether or not there were bullet holes on the tricycle and whether or not Patrolman Catabay knew the tricycle driver, the fact remains that an ambush attack was perpetrated by accused-appellants on the victim. Reniedo's testimony in this regard has remained rebutted.

The second and third errors ascribed by accused-appellants to the trial court concern the finding of conspiracy

among accused-appellants and their conviction for murder based on circumstantial evidence.

The trial court found sufficient basis for a finding of conspiracy. Conspiracy exists when two or more persons come to an agreement concerning the commission of a felony and decide to commit it.[19] Direct proof is not essential to show conspiracy as its existence could be inferred from the conduct of the accused before, during and after the commission of the crime, showing that the accused had acted in unison with each other, evincing a common purpose or design.[20] In short, proof of conspiracy is perhaps most frequently made by evidence of a chain of circumstances only.[21]

In the instant case, while there is no proof of a prior agreement among accused-appellants to commit the crime herein charged, conspiracy is clearly manifest from the acts of the accused-appellants immediately prior to, during and after the ambush. The evidence disclosed that (1) accused-appellants were at the scene of the ambush at or about the time the said ambush was staged, three of them having strategically positioned themselves - one hid behind a madre de cacao tree, the other, behind a tamarind tree, and a third one hid behind a house on the left side of the road; (2) they were in the vicinity of Ramolete's house where the victim was killed at or about the time the said killing took place; (3) while Reniedo saw only three people hiding and lying in wait for the victim, he saw four when they all came out; (4) accused-appellants all fired simultaneously or in succession considering the several shots fired during the ambush; (5) accused-appellants chased the victim from the ambush site up to the house of Ramolete; and (6) after the victim was killed at the second floor of the said house, accused-appellants were seen by Agustin Ramolete dragging the body of Primavera outside the house, leaving it on the pathway leading to the yard. Indeed, all these indicate a concerted effort on the part of the accused-appellants to kill the victim. As correctly submitted by the Solicitor General:

"From the time of the ambush up to the time when Joel Primavera was killed constitutes one continuous, unbroken chain of events that could lead to only one conclusion: Appellants conspired to kill Joel Primavera." [22]

Finally, accused-appellants contend that the trial court erred in convicting them of the crime of murder based on mere circumstantial evidence. The allegation is that the circumstances relied upon by the trial court have not been proven. Contrary to this assertion, we find such circumstances to have been sufficiently established. Indeed, the trial court found, as we do now, that accused-appellants ambushed the victim, fired at him and thereafter chased him as he ran for safety and that accused-appellants, still holding their firearms, were seen in the premises of the house of Agustin Ramolete shortly before the victim was shot and, later, were seen dragging the body of the deceased outside the said house after several gunshots were heard. It has also been shown that one month before the killing, appellant Rosely Bergonia was shot by the victim for which a criminal case for frustrated homicide was filed against the latter before the Municipal Trial Court of Bani, Pangasinan. From this fact alone, it can be reasonably inferred that there was motive on the part of accused-appellants to kill the victim. Equally significant is our observation that no one else, aside from the family of Ramolete, had been shown to be in the vicinity of the scene of the killing at the time the same took place.

Needless to state, all the foregoing circumstances indubitably point to accused-appellants as the culprits. The requirement that more than one circumstance should be proven to secure conviction, as set forth under Section 5, Rule 133 of the Rules of Court, has been amply shown. The facts from which the inference of the guilt of accused-appellants is drawn, have been proven; and the combination of said circumstances produces no other conclusion than that the guilt of the accused has been proven beyond reasonable doubt.[23]

In line with present jurisprudence,[24] we hold that the indemnity, erroneously denominated as moral damages awarded to the heirs of the deceased Joel Primavera, should be increased to P50,000.00.

Further, the term "life imprisonment" in the decision of the trial court should be deleted as it is not synonymous

with the penalty of reclusion perpetua which is the penalty prescribed for the crime of murder as provided under the Revised Penal Code.

WHEREFORE, the decision appealed from is AFFIRMED, with the modification that the indemnity awarded to the heirs of the victim be increased to P50,000.00 and that the term “life imprisonment” be deleted.  
SO ORDERED.

Bellosillo, Vitug, and Kapunan, JJ., concur.  
Padilla, J., (Chairman), on leave.

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- [1] Branch 38, presided by Judge Antonio M. Belen.
- [2] Dated September 1, 1988.
- [3] Information, pp. 1-2; Rollo, pp. 6-7.
- [4] Brief for the Appellee dated October 28, 1994, pp. 4-9; Rollo, pp. 208-213.
- [5] Brief for the accused-appellants, p. 15; Rollo, p. 144.
- [6] Decision of the Regional Trial Court dated September 1, 1988, p. 5; Rollo, p. 45; Brief for the Accused-Appellants, p. 11; Rollo, p. 140.
- [7] Decision, supra., p.5; Rollo, p.45; Appellant's Brief, supra., p.11; Rollo, p.140.
- [8] Ibid.
- [9] Decision, supra, p. 9; Rollo, p. 49.
- [10] Brief for Appellants, pp. 11-12; Rollo, pp. 140-141.
- [11] Decision of the RTC, p. 8; Rollo, p. 48.
- [12] Id., p. 9; Rollo, p. 49.
- [13] Decision of the RTC, p. 10; Rollo, p. 50.
- [14] Brief for Accused-Appellants, p. 1; Rollo, p. 130.
- [15] People vs. Lapuz, 250 SCRA 250, 257 [1995].
- [16] People vs. Rivera, 242 SCRA 26, 35 [1995].
- [17] Appellant's Brief, p. 23; Rollo, p. 152.
- [18] Arceño vs. People, 256 SCRA 569, 579 [1996] citing People vs. Mauryao, 207 SCRA 732.
- [19] Article 8 of the Revised Penal Code; People vs. Silvestre, 244 SCRA 479, 493 [1995].
- [20] People vs. Balanag, 236 SCRA 474, 484 [1994].
- [21] People vs. Miranday, 242 SCRA 620, 627 [1995].
- [22] Brief for the Appellee, pp. 12-13.
- [23] People vs. Merza, 238 SCRA 283, 289 [1994].
- [24] People vs Dasig, 221 SCRA 549, 559 [1993]; People v. Bartulay 192 SCRA 621, 631 [1990].

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