

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ALFREDO ARGAWANON Y BANTILAN, TEDDY SERICON ALIAS “JUNREY” AND ERNIE LAMBUJON Y DUBLIN ALIAS “DANTE”; ACCUSED, ERNIE LAMBUJON ...

G.R. No. 89543. November 13, 1992

Ponente: PADILLA, J.

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PADILLA, J.:

Alfredo Argawanon y Bantilan, Teddy Sericon alias "Junrey" and Ernie Lambujon y Dublin alias "Dante" were charged before the Regional Trial Court (RTC) of Cebu City with the crime of murder allegedly committed as follows:

"That on or about the 14th day of August, 1986 at around 4:30 o'clock in the afternoon, more or less, in sitio Sumimbang, Barangay Bitoon, Municipality of Daanbantayan, Province of Cebu, Philippines, and within the jurisdiction of this Honorable Court, the said accused, conspir-ing and confederating together and mutually help-ing one another, and armed with deadly weapons, to wit: two .45 Caliber pistols, did then and there wilfully, unlawfully and feloniously attack, assault and shoot therewith Patrolman Aquiles Castro twice at the back of the head, with treachery and evident premeditation; and as a result thereof, said Patrolman Aquiles Castro died instantly.

CONTRARY TO LAW.

Cebu City, Philippines, September 12, 1986."[1]

Accused Sericon remained at large, accused Argawanon escaped from his detention cell, while trial proceeded against accused Lambujon. After trial, the court a quo rendered judgment[2] finding him guilty as charged, with conspiracy, treachery and evident premeditation attending the commission of the offense[3] and sentenced him to suffer the penalty of reclusion perpetua, with all the accessory penalties provided by law under Art. 4 of the RPC and to indemnify the heirs of the victim, Aquiles Castro, in the amount of P30,000.00.

In his appeal brief, accused-appellant Lambujon raises the following:

ASSIGNMENT OF ERRORS

I

The lower court erred in finding that accused-appellant Ernie Lambujon was one of the four (4) gunmen who shot and killed Pat. Aquilles Castro.

II

The lower court erred in not finding that the evidence for the prosecution is gravely doubtful and utterly insufficient to warrant a conviction of accused-appellant beyond reasonable doubt.

III

The lower court erred in not holding that the arrest of the accused-appellant was effected without a warrant of arrest and therefore his arrest was illegal.[4]

From the testimonies in court of three (3) witnesses, namely: Jennis Castro (brother of the victim); Dr. Tomas Refe, Senior Medico-Legal Officer, NBI; Elizabeth Castro (wife of the victim), the version of the prosecution as to the commission of the offense, may be briefly stated as follows:

Jennis Castro testified that at about 3:30 p.m. of 14 August 1986, he and his brother, Pat. Aquiles Castro, rode on a motorcycle from his said brother's house to Sitio Sumimbang, Daanbantayan, Cebu to get a fighting cock from Roel Punay. Upon their reaching barangay Bitoon, they learned that Roel Punay had already left, but the uncle of Roel, Filemon Punay, offered and treated them with young coconuts. While his brother Aquiles rested for a while and sat down on a piece of wood lying near the road, he himself (the witness) proceeded to watch a cockfight about six (6) meters distant from the place where his brother, Pat. Aquiles Castro was seated. While he was watching the cockfight, he saw Carlito Gulpan converse with his brother for about twenty five (25) minutes, followed by Edgar Gulpan, who also conversed with his brother. About five (5) minutes thereafter, he heard a gunshot coming from the place where his brother was seated. Turning his head, he saw his brother roll on the ground; he also saw two (2) persons, each with a .45 caliber pistol and another person wearing a blue T-shirt shoot at his brother.[5] He recognized the faces of the two (2) persons holding the pistols. He also identified and pointed to accused Ernie Lambujon as the one wearing a blue T-shirt and who shot his brother.[6]

Before running towards the cornfields, continued the witness (Jennis Castro), he stared for about five (5) to seven (7) seconds at the two (2) persons with pistols. On the way to the cornfields, he heard another gunshot. And when he was already in the cornfields, he heard still another gunshot; all in all he heard four (4) gunshots. He looked back to see what had happened to his brother and saw him rolled on the ground. He also saw Alfredo Argawanon (he knows him because he was arrested in a stabbing incident and was mauled by his brother) take his brother's pistol and fire it once and another person whom he does not know take his brother's wallet and wrist watch. He was so scared, according to Jennis Castro, upon seeing these things, so he ran towards the highway, boarded a tricycle and went home. He then sent somebody to inform the police and the police took his brother's body to their house in Paypay, Daanbantayan, Cebu where a doctor examined the body.[7]

Pat. Castro's body was examined on 21 August 1986 by Dr. Tomas Refe, the Senior Medico-Legal Officer of the NBI, Central Visayas Office, at the victim's house per request of Lt. Sergio R. Angolo, INP Station Commander at Daanbantayan, Cebu.[8] Dr. Refe performed the autopsy on the cadaver of Pat. Castro and thereafter rendered a medico-legal necropsy report (Exhibit "A"). The victim sustained various injuries, but the fatal wounds were the following:

"gunshot wounds-ovaloid and with the longest axis running downwards and laterally measuring 1 x 1.2 cms., with contused abraded collar, 2/10 cms. wide at the upper border and 1/10 cms. wide at its lower border located at the occipital region or back portion of the head right side; 4 cms. above and 4 cms. behind the right external auditory meatus or the right opening of the ear; 8 cms. from the anterior median line right, directed forwards-downwards and laterally almost vertical involving the skin and soft tissues fracturing the back portion of the skull at the base making an exit fall 1.2 x 1.5 cms. located at the mandibular region right side 8 cms. from the anterior median line; 6 cms. below and 10 cms. in front of the right external auditory meatus."

The victim died of shock secondary to multiple gunshot wounds (Exhibit "A-1").

On the other hand, the version of the defense is as follows:

Accused Ernie Lambujon testified that he was engaged in "bobo fishing" since 1982 until he was arrested on 30 August 1986 in the house of Beata Lauron, a friend of his sister Perla Lambujon in Malukbalok, Agujo, Daanbantayan, Cebu. He went there on 29 August 1986 to attend the fiesta but he, together with his sister Perla Lambujon and Beata Lauron were arrested by Capt. Abadiano and his men, allegedly for being members of the NPA. They were brought to the PC Camp in Bogo and arrived there at 5-6 o'clock in the morning of 31 August 1986. They were investigated in separate rooms. He did not know whether the investigation was reduced to writing. He was asked whether it was true that he was a member of the NPA, and he told the investigators that he was a fisherman from Bantayan Island. In the afternoon of the same day, he was brought to the municipal jail of Bogo. He further testified that at the time he was arrested in Malukbalok, Daanbantayan, Cebu and in the evening of 30 August 1986, he was never asked about the death of Pat. Castro. After his arrest, he was manhandled by the men of Capt. Abadiano when he told them that he was not a member of the NPA. In the morning of 31 August 1986, he was again maltreated because he denied being a member of the NPA.[9]

Lambujon further testified that it is not true that he was one of those who shot Pat. Castro in the afternoon of 14 August 1986 at Bgy. Sumimbang, because as early as 4:30 a.m. of 14 August 1986 he was already at sea fishing and went home at about 1: p.m. or 2:00 p.m. After taking a bath in the well, he worked on the reserved bobo until 4:30 or 5:30 in the afternoon. He claimed that he had never been to Sumimbang and does not even know where the place is located.[10]

On cross-examination, Lambujon affirmed that he was engaged in "bobo fishing." He also re-affirmed that he was arrested on 30 August 1986 allegedly for being a member of the NPA but not for being caught in possession of a firearm without a license to carry, in the house of Juan Sericon and that he did not know that he was facing a charge of illegal possession of firearm.[11] He admitted that he was investigated at the PC Camp in Bogo, Cebu but denied having been confronted by one Jennis Castro and that he was pointed to as one (among several) who shot Pat. Castro. He maintained that the first time he saw Jennis Castro was when the latter testified in court and that before that date, he did not know Jennis Castro and he had no ill-feelings towards him.

Witness for the defense, Beata Lauron Arrogancia, testified that she was picked up by police authorities for being suspected as a subversive. She further testified that the ones responsible for the death of Pat. Castro were Teddy Sericon and a certain Rubin, members of the sparrow unit of the NPA, the liquidation squad of the CPP-NPA and that she acted only as lookout together with Ernesto Arabis and Fredo Argawanon. She asserted that she only heard about the names of those responsible for the killing.[12] She said that she gave this information because she was manhandled and told that if she would not tell the truth, her son would be killed.[13]

This appeal deserves careful scrutiny and consideration. In finding the accused-appellant guilty of the crime charged, the trial court relied heavily on the identification made in the lone testimony of Jennis Castro, brother of the victim. It is to be noted that the lower court found, based on circumstantial evidence, that the accused-appellant was positively identified by the prosecution witness (Jennis Castro) as one of those who killed the victim. It is, however, axiomatic in criminal law that the quantum of evidence required for the conviction of an accused is that which produces moral certainty in an unprejudiced mind that the accused is guilty beyond reasonable doubt. If the evidence is susceptible of two (2) interpretations, one inconsistent with the innocence of the accused and the other, inconsistent with his guilt, the accused must be acquitted.

The information, to begin with, explicitly alleges that three (3) persons, including accused-appellant, conspired together in shooting and killing the deceased Pat. Castro with two (2) .45 caliber pistols and shooting the deceased

twice at the back of the head with said two (2) .45 caliber pistols.

On the other hand, the alleged lone eyewitness to the shooting of the victim, in the person of Jennis Castro, was not satisfied with the participation of three (3) killers only but went on to state, in his testimony on cross-examination, that there were four (4) and even five (5) perpetrators involved in the killing of the victim.[14] In his direct testimony, there appears to be three (3) persons who shot Pat. Castro, namely: the two (2) persons each with .45 caliber pistols and the third wearing a blue T-shirt who Jennis Castro said was accused-appellant Ernie Lambujon.[15] On cross-examination, however, this same alleged lone eyewitness testified that there were four (4) persons who fired at Pat. Castro, apparently including accused-appellant Ernie Lambujon. On cross-examination, Jennis Castro testified thus:[16]

"Q. You told the court that there was one guy who was stocky and whom you could not recognize up to the present time and was the one who got the wallet and watch of your brother. Now that guy who picked-up the wallet and watch of your brother was one of the 2 men whom you saw for the first time who shot your brother?

A. Yes, sir.

Q. Do you mean to tell the court that there were only 2 persons including the guy who got the wallet and watch of your brother who fired at your brother?

A. Yes, sir.

Q. Do you mean to tell the court that there were only 2 persons including the guy who got the wallet and watch of your brother who fired at your brother?

A. There were all in all 4 men. One was at the back and these 2 men were the ones whom I said earlier as holding 2 pistols, and it was Alfredo Argawanon who took the sidearm of Pat. Castro.

Q. So there were 4 people then?

A. Yes, sir. When I craved my neck in order to look at the place there were 4 men.

Q. But when you heard the 1st and 2nd shot how many men did you see near your brother?

A. 2 men standing at his side.

Q. On the third shot when you started running towards the cornfield how many men did you see near your brother when you heard the 3rd shot?

A. I could not see how many because my back was towards them.

Q. On the shot how many men?

A. There were already 4: Alfredo Argawanon who got the sidearm and these 2 men who had .45 caliber pistols and one who was at the back." (underscoring supplied)

From this testimony, it appears that there were only four (4) persons who were seen by the witness (Jennies Castro) near the body of Pat. Castro: namely: Argawanon, the two (2) persons with .45 caliber pistols each, and the person who was at the back of the victim. It also appears from the above testimony that appellant Lambujon was not pinpointed as present at the scene of the killing of Pat. Castro, notwithstanding the trial court's questions to Jennie Castro.[17] Indeed, if Jennis Castro were to be believed that he saw accused-appellant Ernie Lambujon fire the second shot, then such pretension would make the number of persons present and near the body of Pat. Castro five (5) and not four (4) in number, as he had earlier emphatically declared. There were only four (4) persons who were near the body of Pat. Castro as indicated, and of the four (4) persons, Ernie Lambujon was not

conclusively included and, therefore, he could not be the person who fired the second shot as declared in the direct testimony of Jennis Castro.

Moreover, Jennis Castro also testified at one point that the second shot came from the two (2) men who fired the first shot.[18] He likewise stressed to the trial court that although he allegedly saw Lambujon FOR THE FIRST TIME during the incident on 14 August 1986, he remembered very clearly his face because he stared at Lambujon after he had stared at the two (2) men with pistols for about 5-7 seconds, before he ran towards the cornfield.[19] And yet, when asked through what means and manner did he identify Lambujon considering that it was the first time he saw him, that is, during the killing of his brother, he replied that it was by staring at him. In short, he identified accused-appellant by staring at him and not by his blue T-shirt. But how could the witness have stared at Lambujon for 5-7 seconds when he admittedly ran to the cornfields after staring for 5-7 seconds at the persons carrying the .45 caliber pistols?

In his sworn statement (Exhibit 3), when asked to identify the person he saw who killed his brother, Jennis Castro pointed to Lambujon. At that time he could identify him but for another reason: he (Lambujon) shouted after allegedly shooting his brother the following words: "Ayaw mo pagdagan kay NPA ni." (Do not run because this is NPA) [Exhibit 3-F].

The records additionally show that when Jennis Castro was earlier investigated by PC-INP Owen Labajos, and was asked to point to the killer of his brother, witness pointed to Lambujon by saying: "Morag mao na siya" (It seems he is the one)[20] an indication that he was not sure that appellant was the killer. This matter was not explained or rebutted by the prosecution by putting back Jennis Castro on the witness stand.

The finding of the PC authorities that during their raid on the house of the suspects, accused-appellant was present, cannot be employed to justify a judgment of conviction based on circumstantial evidence. For the circumstances must be "an unbroken chain which leads to one fair and reasonable conclusion, which points to the defendant to the exclusion of all others, as the guilty person." [21] It would have been a different conclusion if the prosecution witness saw herein accused-appellant kill the victim and testified accordingly at all times and on all occasions. Such would have been positive evidence because his pointing to said accused-appellant as one of the perpetrators of the crime would be positive identification which would defeat the defense of alibi put up by the accused-appellant. The flaw in the prosecution's evidence on this point is shown by the following testimony of Sgt. Francisco Presillas of the 342nd PC Co.: [22]

Q. This accused Lambujon stands charged as the one arrested?

A. Yes, sir. Because when we raided the house, Lambujon was there and he was arrested at their house. He was staying with one of the accused who is now at large. When Argawanon was picked up, he told us that one of the killers is Teddy Sericon, a native of Daanbantayan. Upon receiving that report, the team of Capt. Abadiano and Capt. Ornopia conducted the operation and raided the house of Argawanon and Lambujon was there.

Q. He happened to be in the vicinity?

A. Jennis Castro positively identified Lambujon as present during the shooting.

Q. But he did not pull or do the act?

A. We suspected that he was the or he was one of the gunmen. We arrested Lambujon in the house of Argawanon.

Q. But it does not show that he was the gunman. He happened to be in the house of the gunmen?

A. Yes, sir.

Q. There is no testimony whereby the affiants point to Lambujon as the gunman and one who fired the gun?

A. The statement of Bartolome Arabis.

Q. Was he an eyewitness?

A. He is only giving us a lead that it was Teddy Sericon and company, Rubin, who was planning to kill and he was present.[23] (underscoring supplied)

It is noteworthy that accused Argawanon in his sworn statement (Exhs. 1, 1-A, 1-B, 1-C, 1-D, 1-E and 1-F) declared that it was not Lambujon who killed Pat. Castro but Teddy Sericon and his companion whom he does not know; and that Lambujon was not present at Sumimbang when Pat. Castro was killed. The same testimony was made by Bartolome Arabis (Exhibit 2) and Beata Lauron (Exhibit 4, 4-A, 4-B, 4-C and 4-D). In *People vs. Keller* [24] the following passage from 1 Moore on Facts was quoted with approval by the Court of Appeals:

"18. Testimony May Be Partly Credited and Partly Rejected: Triers of facts are not bound to believe all that any witness has said; they may accept some portions of his testimony and reject other portions, according to what seems to them, upon other facts and circumstances, to be the truth.

x x x x x x x x

Even when witnesses are found to have deliberately falsefied in some material particulars, the jury are not required to reject the whole of their uncorroborated testimony, but may credit such portions as they deem worthy of belief."

The witness (Jennis Castro) admitted that he did not give any statement to the police immediately after the kill-ing of his brother on 14 August 1986 and that it was only his nephew (the son of the deceased) who informed the police.[25] He also admitted that it was only on 30 August 1986 when he was called by the police that he was asked for a statement, in other words, he was asked to make a statement only at the time when Lambujon was arrested.[26] At this point, it may be noted that in his statement before the police, when asked as to who killed the victim, Jennis Castro could only identify Alfredo Argawanon, and that the others were not known to him[27] and that when asked by the police investigator whether he personally knew who killed Pat. Castro, Jennis Castro answered: "Morag mao ni siya", pointing to Lambujon.[28] This identification made by Jennis Castro is obviously inadequate not only as to its content but also as to the setting where made. Rule 115 Sec. 1(f) of the 1985 Rules on Criminal Procedure provides:

"Section 1. Rights of accused at the trial. – In all criminal prosecutions, the accused shall be entitled:

x x x x x x x x

(f) To confront and cross-examine the witnesses against him at the trial. Either party may utilize as part of its evidence the testimony of a witness who is deceased, out of or can not with due diligence be found in the Philippines, unavailable or otherwise unable to testify, given in another case or proceeding, judicial or administrative, involving the same parties and subject matter, the adverse party having had the opportunity to cross-examine him."

Furthermore, if indeed the two (2) Castro brothers were watching the cockfight when the alleged four (4) persons attacked Pat. Castro, it is quite difficult to comprehend that, considering that he (witness) was only six (6) meters away from his brother,[29] nothing was done to him as he was able to run and hide. It seems out of the ordinary that the assailants, allegedly, two (2) of them armed with .45 caliber pistols would let Jennis Castro (an eye witness to the killing) loose and not put him out of the way. It is also quite unbelievable that despite his said

distance, he (Jennis Castro) was able to identify the accused-appellant and was able to hear one of the assailants shout, to wit: "Ayaw mo pagdagan kay NPA ni."

In addition to the above extrajudicial statements of Jennis Castro, the trial court considered the following circumstantial evidence in convicting the appellant Lambujon, to wit: his presence at the house of one of the accused during the raid;^[30] the revolver of Pat. Castro which was allegedly found in accused-appellant's possession during the raid;^[31] positive testimony of Jennis Castro that the one who fired the second shot was the one wearing a blue T-shirt.^[32] We do not agree with the trial court's conclusion that the aforecited evidence are corroborative of Jennis Castro's incriminating testimony against the accused-appellant. Circumstantial evidence may be characterized as that evidence which proves a fact or series of facts from which the facts in issue may be established by inference.^[33] This Court cannot infer from said evidence, the identity of the victim's assailant nor the actual participation of the appellant Lambujon in the crime charged.

Lambujon, it should be noted, interposed the defense of alibi. He testified that on that fateful day when the crime was committed, he was with his father fishing at Tangigue Island, Madridejos, which is more or less 15-20 miles off the west coast of Daanbantayan where the crime occurred.^[34] According to him, he was with his father from 4:30 a.m. to 1:00 p.m. of the day in question and then he worked on reserved "bobo" until past 5:00 p.m.^[35] This was corroborated by the testimony of his father.^[36]

Granting that the defense of alibi is a weak defense, that fact alone does not justify the judgment of conviction against the accused-appellant. The burden of proof in criminal cases is on the prosecution.^[37] Alibi is generally a weak defense since it is easy to concoct and difficult to disprove.^[38] However, when the identification of the accused as the author of the crime charged is inconclusive or unreliable, alibi assumes importance.^[39] Thus, in this case where the proof of the appellant's participation in the crime charged consists only of the uncorroborated testimony of Jennis Castro, and where such testimony lacks details and credibility, the defense of alibi, should be given more weight. Failing in its task to prove that the appellant is the author of the crime, the prosecution cannot rely upon the weakness of the defense of alibi in order to secure a conviction.^[40]

On another issue: was the arrest of accused-appellant Lambujon lawful? Was the confiscation of a firearm allegedly found in his possession lawful and done in a valid manner?

Accused-appellant declared that he was arrested without a warrant of arrest, and this is not denied by the prosecution. The records of the case disclose that when the PC authorities went to the house of Sericon for the purpose of arresting him upon information given to them, they found Lambujon in that house and found him in possession of a firearm.^[41] They did not at the time have any warrant of arrest or search warrant against Lambujon.

Art. IV, Sec. 3 of the Constitution provides:

"The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures of whatever nature and for any purpose shall not be violated, and no search warrant or warrant of arrest shall issue except upon probable cause to be determined by the judge, or such other responsible officer as may be authorized by law, after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched and the persons or things to be seized."

This constitutional provision is a safeguard against wanton and unreasonable invasion of the privacy and liberty of a citizen as to his person, papers and effects. The right of a person to be secure against any unreasonable seizure of his body and any deprivation of his liberty is a most basic and fundamental one. A statute, rule or situation which allows exceptions to the requirement of a warrant of arrest or search warrant must be strictly construed. We cannot liberally consider arrests or seizures without warrant or extend their application beyond the cases

specifically provided or allowed by law. To do so would infringe upon personal liberty and set back a basic right so often violated and yet, so deserving of full protection and vindication.

In the case at bar, we find no compelling reason for the haste with which the arresting officers arrested the accused-appellant. They were still fishing for evidence of a crime not yet ascertained. The subsequent recovery of the firearm allegedly used in the commission of the crime, with the accused-appellant cannot make the arrest any less unlawful. If an arrest without warrant is unlawful at the moment it is made, generally nothing that happens or is discovered afterwards can make it lawful. The fruit of a poisoned tree is necessarily tainted. We fail to see why the authorities failed to first go through the process of obtaining a warrant of arrest, if indeed they had reasonable ground to believe that the accused-appellant had truly committed a crime. There is no showing on record that there was a real apprehension that the accused-appellant was on the verge of flight or escape nor a showing that his whereabouts were unknown.

Neither can it be presumed that there was a waiver, or that consent was given by the accused-appellant to be searched and arrested simply because he failed to object or question the same when made. As pointed out by Mr. Justice Laurel in the case of *Pasion Vda. de Garcia vs. Locsin*:^[42]

"x x x

"x x x. As the constitutional guaranty is not dependent upon any affirmative act of the citizen, the courts do not place the citizen in the position of either contesting an officer's authority by force, or waiving his constitutional rights, but instead they hold that a peaceful submission to a search or seizure is not a consent or invitation thereto, but is merely a demonstration of regard for the supremacy of the law." (56 C.J., pp. 1180-1181)

Therefore, we find the warrantless arrest of Lambujon illegal.

Given the inconclusive evidence presented by the prosecution on the alleged participation of the accused-appellant Lambujon in the killing of Pat. Aquiles Castro, reasonable doubt has set in. The prosecution's failure to overcome the constitutional presumption of innocence entitles the accused-appellant Lambujon to an ACQUITTAL.

WHEREFORE, we reverse the judgment of conviction rendered by the trial court against Ernie Lambujon. He is ACQUITTED of the crime charged, based on reasonable doubt, and the Court orders his immediate release from detention unless he is held for some other legal cause or ground. Costs de oficio.

SO ORDERED.

Cruz, (Chairman), Grino-Aquino, and Bellosillo, JJ., concur.

[1] Rollo, p. 23

[2] Penned by Judge German G. Lee, Jr. dated 27 April 1989

[3] Rollo, p. 36

[4] Rollo, p. 57

[5] TSN, Oct. 6, 1987, Pacres p. 3

[6] TSN, Oct. 6, 1987, Pacres p. 4

[7] TSN, Oct. 6, 1987, Pacres pp. 5-6

- [8] TSN, Oct. 26, 1987, Roden p. 3
- [9] TSN, Feb. 28, 1989, Pacres pp. 21-22
- [10] TSN, Feb. 22, 1989, Pacres p. 25
- [11] TSN, Feb. 22, 1989, Pacres p. 34
- [12] TSN, Aug. 18, 1988, Fanlo pp. 5-6
- [13] TSN, Aug. 18, 1988, Fanlo p. 7
- [14] TSN, Oct. 6, 1987, Pacres p. 3
- [15] TSN, Oct. 6, 1987, Pacres p. 3
- [16] TSN, Oct. 6, 1987, Pacres p. 13
- [17] TSN, Oct. 6, 1987, Pacres p. 14
- [18] TSN, Oct. 6, 1987, Pacres pp. 5-6
- [19] TSN, Oct. 6, 1987, Pacres p. 4
- [20] TSN, Dec. 7, 1988, Calzada pp. 4-5
- [21] US vs. Villar, 6 Phil. 510; People vs. Colimares, 163 SCRA 313)
- [22] TSN, July 11, 1988, Ruiz pp. 6-7
- [23] TSN, July 11, 1988, Ruiz pp. 6-7
- [24] 46 Off. Gaz No. 6, pp. 3222-3223
- [25] TSN, Oct. 6, 1987, Pacres p. 7
- [26] TSN, Oct. 6, 1987, Pacres pp. 9-10
- [27] TSN, Oct. 6, 1987, Pacres pp. 4-5
- [28] TSN, Dec. 7, 1988, Calzada pp. 4-5
- [29] Exhibit 3, p. 2
- [30] TSN, July 11, 1988, Ruiz p. 6
- [31] TSN, July 11, 1988, Ruiz p. 11
- [32] TSN, Oct. 6, 1987, Pacres pp. 3-4
- [33] People vs. Modesto, G.R. No. L-25484, Sept. 21, 1968, 25 SCRA 36; People vs. Ola, G.R. No. L-47147, July 3, 1987, 152 SCRA 1
- [34] TSN, Feb. 22, 1989, Pacres pp. 24-25
- [35] TSN, Feb. 22, 1989, Pacres p. 26
- [36] TSN, Nov. 17, 1989, Daclan pp. 14-15
- [37] Revised Rules of Court, Rule 31, Sec. 2

[38] People vs. Basuel, G.R. No. L-28215, Oct. 13, 1972, 47 SCRA 207

[39] People vs. Torio, G.R. No. L-48731, Dec. 23, 1983, 126 SCRA 265

[40] People vs. Formentera, G.R. No. L-30892, June 29, 1984, 130 SCRA 114; People vs. Somontao, G.R. Nos. L-45366-68, March 27, 1984, 128 SCRA 415

[41] TSN, July 11, 1988, Ruiz p. 6

[42] 65 Phil. 689, G.R. No. 45950, June 20, 1938

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