

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. LEOPOLDO PACAPAC, NESTOR TRANGUIA, JOHN DOE AND PETER DOE, ACCUSED. LEOPOLDO PACAPAC AND NESTOR TRANGUIA, ACCUSED-APPELLANTS.

G.R. No. 90623. September 07, 1995

Ponente: ROMERO, J.

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ROMERO, J.:

Appellants Leopoldo Pacapac and Nestor Tranguia, together with two unidentified persons designated as John Doe and Peter Doe, were charged with the crime of Robbery in Band with Homicide[1] before the Regional Trial Court (RTC) of Cebu, Mandaue City, Branch 28, in an Amended Information dated August 15, 1986, which reads:

"The State accused LEOPOLDO PACAPAC, NESTOR TRANGUIA, JOHN DOE and PETER DOE of robbery in band with homicide committed as follows:

That on or about the 17th day of January 1986 in the City of Mandaue, Philippines and within the jurisdiction of the Honorable Court, the aforesaid accused, Leopoldo Pacapac, Nestor Tranguia, John Doe and Peter Doe, conspiring and confederating together and helping one another, all armed with firearms, with intent to gain and with violence and intimidation against persons, did then and there wilfully, unlawfully and feloniously shoot Rogelio Collantes at his vital portion which caused his death almost instantaneously did then and there take, steal and carry away one (1) diamond ring with 12 stones valued at P6,000.00 and cash in the amount of P3,000.00 in the total amount of P9,000.00 belonging to the latter, to the damage and prejudice of his (victim's) heirs in the amount aforesaid.

That the crime was committed with the aggravating circumstances of treachery, use of motor vehicle, and taking advantage of superior strength.

CONTRARY TO LAW."[2]

Both accused having pleaded not guilty when arraigned, trial ensued. The prosecution evidence sought to establish that:

At around 9:30 o'clock in the evening of January 17, 1986, Patrolman Rogelio Collantes of the Police Force of Mandaue City, was checking their bodega of scrap metals, bottles and cans, located just across their house in Jagobiao, Mandaue City. After five (5) minutes, Flora Collantes, Patrolman Collantes' wife heard sounds of bottles breaking and of footsteps coming from the direction of the bodega.[3] Out of curiosity, she opened the window facing the bodega and saw a man with closed-cut beard, wearing a blue and white striped t-shirt, sleeveless jacket and head band, later identified as Leopoldo Pacapac, holding an unconscious man with one hand and poking something at the latter's face with the other hand. She did not recognize the unconscious man, as she could see only the back of his head. Two (2) other men flanked the unconscious man on either side.[4]

One of the men flanking the unconscious man ran to the left side of the street. The other man, who was wearing a light brown long-sleeved jacket over a white and red t-shirt, later identified as Nestor Tranguia, noticed her watching. He pointed a gun at her and ordered her to close the window, saying, "Sirhe kay wa kay labot niini" (Close that because you have nothing to do with this). She obeyed out of fear. Moments later, she heard a gunshot and somebody shouting, "Tulis kini, wa moy labot" (This is robbery, you have nothing to do with this).[5]

Flora went back to the window and opened it halfway to avoid detection. She saw Pacapac shouting, "Kuhaa ang kuwentas, singsing, ug pitaka" (Get the necklace, ring and wallet). After a while, Pacapac knelt beside the man sprawled on the ground. After divesting the man of his belongings, Pacapac stood up, looked down at the former and said, "Garboso kaayo ning tawhana maong akong gipatay" (This man is very hooty and proud that is why I killed him). Thereafter, the three (3) men left, heading toward Consolacion.[6]

Faustino Collantes, Jr., a brother of Rogelio Collantes, was at home when the gunshot rang. When he opened the door to investigate, a man, later identified as Nestor Tranguia, pointed a .38 caliber revolver at him, saying, "Don't do anything because you have nothing to do about this."[7]

Domingo Semblante heard the gunshot while storing an amplifier in the bodega of a certain Mr. Jordan, located behind Rogelio Collantes' house. In order to verify its source, he went out with Calvin Emano, Robert Perez and two other companions to the source of the explosion. There, they saw a bearded man wearing a short-sleeved jacket or a chaleco over a blue and white horizontal striped t-shirt, red headband, maong pants and white shoes, holding a nickel-plated gun. That man, later identified as Leopoldo Pacapac, pointed the gun at them, saying, "Do not come near because this is the military." Semblante and his companions turned back. While slowly retracing their way to Jordan's bodega, Semblante looked back and saw Pacapac and two (2) companions leaving.[8]

Moments later, Flora Collantes found out that the man sprawled on the ground was her husband.[9]

Shortly thereafter, Pat. Ernesto Entise, officer-in-Charge of the Homicide Section of the Mandaue Police Station, and other policemen arrived. In his initial investigation, Entise learned from witnesses that there were four (4) persons involved. They were described through their attires and facial appearances: one was bearded, wearing a blue and white horizontal striped t-shirt, red head band and maong pants and armed with a .45 caliber nickel-plated revolver; another was wearing a white t-shirt covered with a dark colored jacket and maong pants; and the third was wearing a red and white striped t-shirt and dark pants. The fourth was wearing a brown sweat shirt and dark pants.[10]

Entise requested Barangay Captain Bataan Cosedo to drive him around the vicinity, hoping to catch up with the assailants. While making a U-turn on Rizal St., Entise noticed a yellow Galant car without a license plate with four (4) occupants and an armalite rifle sticking out from it. His suspicion aroused, he asked Cosedo to give chase.

When they intercepted the car, the occupants shouted, "We are from R-2". Entise alighted from the car and approached the Galant car whose driver likewise alighted and introduced himself as Sgt. Leopoldo Pacapac, connected with the R-2. Entise informed Pacapac that a policeman had been killed. Noticing that the attire of Pacapac fitted the description given by witnesses, he invited Pacapac to the scene of the crime.[11]

Pacapac acceded, but Entise observed that he mingled with the crowd. At that precise moment, the Mayor arrived and called Entise. Thereafter, Entise looked for witnesses, but found only Faustino Collantes, Jr. Pacapac having gone back to his group, Entise brought Faustino to where Pacapac and his companions were located for identification. Faustino remained silent. However, after Pacapac and his companions had left, Faustino told him that one of them was the one who pointed a gun at him.[12]

Before Pat. Collantes' body was brought to the funeral parlor in Mandaue, Flor was told to get all the belongings

of the deceased. She found her husband's ring worth P6,000.00 and wallet containing the P3,000.00 paid to them by a customer earlier that afternoon, missing. Her husband's necklace, which she thought was also missing, was later found under her husband's shirt with its pendant in his armpit.[13]

According to the Necropsy Report N-86-25[14] of Dr. Jesus P. Cerna, Medico-Legal Officer, the victim died of a gunshot wound located at the right roof of his mouth, with exit wound at the back of his head.

The case was endorsed to the Criminal Investigation Service (CIS) for further investigation. In a lineup conducted on March 13, 1986, Flora Collantes, Faustino Collantes, Jr. and Domingo Semblante separately identified Pacapac and Tranguia as the persons who robbed and killed Pat. Collantes.

Leopoldo Pacapac denied participation in the crime and interposed the defense of alibi. He testified that on January 17, 1986, at around 12:00 o'clock noon, he was at his office at R-2 Division, Recom 7. He received a call which prompted him to go to Arkane International Corporation located at Jagobiao, Mandaue City. Arriving at Arkane at around 1:30 o'clock in the afternoon, he conferred with its owner Alex Ty about the killing of the production manager, Nelson Fuentes.[15]

At around 5:00 o'clock in the afternoon, he cooked dogmeat with some security guards who were already off-duty. Two (2) security guards, Nestor Tranguia and Jumamil Prescillas, approached him to inquire whether he was going to the wake of Nelson Fuentes as they wanted to go with him. After eating the dogmeat, at past 10:00 o'clock in the evening, he, together with Nestor Tranguia, Jumamil Prescillas and Roy Cortes, left Arkane on board his yellow Galant car to go to the Mandaue Funeral Parlor where the body of Nelson Fuentes was lying in state.[16]

While on the highway near the Eversely Child Sanitarium, he noticed many people. The car of the Mayor and the police cars were also there. He slowed down, but when they passed by the group, a white car blocked their way and an armalite rifle was aimed at them. The occupants of the white car introduced themselves as policemen, so he introduced himself as a PC soldier. One of the white car's occupants, later identified as Pat. Entise, alighted and informed them that a policeman had been killed. He alighted from his car because he knew that the place was infested with NPAs and went to the place of the incident.[17]

Upon reaching the crime scene, Pat. Entise asked for witnesses. When several persons approached them, Pat. Entise directed a flashlight at his face, asking, "Is this the one?" Surprised, he asked Entise, "What is this? Am I a suspect?" Pat. Entise said, "No, the one who killed the victim was sporting a moustache." Also, one of the witnesses told them that the assailant was stout.

Thereafter, Pat. Entise asked Pacapac to let his companions alight from the car for purposes of identification, but none of them was identified by the witnesses. Pat. Entise extended to the group his apology and allowed them to go. The group proceeded to the funeral parlor.[18]

Pacapac's testimony on the failure of the witnesses to identify any of them right after they were intercepted by Pat. Entise was corroborated by other witnesses, namely: Nestor Tranguia, Jumamil Prescillas, Bataan Cosedo, Alejandro Desierto and Joel Tajanlangit.

Nestor Tranguia, for his part, opted not to present evidence. Instead, he filed a Motion to Dismiss based on the ground that the evidence of the prosecution "is not only grossly insufficient but miserably failed to show the slightest degree of participation of accused Nestor Tranguia in the alleged offense charged." [19] The prosecution opposed the motion to dismiss.[20]

On July 6, 1989, the trial court delivered judgment of conviction,[21] thus:

"WHEREFORE, foregoing premises considered and finding the herein accused, LEOPOLDO PACAPAC and NESTOR TRANGUIA, guilty beyond reasonable doubt of the special complex crime of Robbery in Band with Homicide, the said accused are hereby sentenced each to suffer the imprisonment of RECLUSION PERPETUA and to pay severally and jointly the amount of P30,000.00 as indemnity to the heirs of Pat. Rogelio Collantes by reason of his death and to pay their proportionate share of the cost.

Both accused being detention prisoners shall be credited in the service of their sentence full time during which they have undergone preventive imprisonment.

In the meantime that the two (2) accused, namely, John Doe and Peter Doe are not yet brought before the jurisdiction of this Court, this case shall be ordered ARCHIVED subject to be revived upon the arrest of the two accused.

SO ORDERED."[22]

Hence, this appeal. Appellants insist on their innocence and contend that the lower court erred in:

"1. x x x GIVING CREDENCE TO THE DECLARATIONS OF WITNESSES, DOMINGO SEMBLANTE, FLORA COLLANTES, AND OTHERS, WHOSE TESTIMONIES WERE ALL INCREDIBLE AND NOT IN ACCORDANCE WITH THE ORDINARY COURSE OF THINGS;

2. x x x CONVICTING THE ACCUSED-APPELLANTS FOR THE STATE MISERABLY FAILED TO ESTABLISH A PRIMA-FACIE CASE AGAINST THEM.

3. x x x CONVICTING THE ACCUSED AS THEIR GUILT WAS NOT ESTABLISHED WITH MORAL CERTAINTY.

4. THERE WAS A DENIAL OF DUE PROCESS FOR THE DECIDING JUDGE WAS NOT THE ONE WHO HEARD THE TESTIMONIES OF SOME PRINCIPAL WITNESSES."[23]

The appeal is devoid of merit. Clearly, the core issue raised is factual and involves the credibility of the testimonies of witnesses. Under prevailing jurisprudence, the assignment of values to the testimony of witnesses is best performed by the trial courts.[24] The trial court's findings on the credibility of witnesses are entitled to the highest degree of respect and will not be disturbed on appeal, absent any clear showing that it overlooked, misunderstood or misapplied some facts or circumstances of weight or substance which could have affected the result of the case.[25] Appellants had not successfully shown such oversight, misunderstanding or misapplication of facts or circumstances that would warrant reversal of the trial court's findings and conclusions.

Accused-appellants point to certain alleged inconsistencies in the testimonies of prosecution witnesses Flora Collantes, Pat. Ernesto Entise and Domingo Semblante which render their testimonies unworthy of belief. Thus, they allege that Flora Collantes' testimony that the bearded man shouted to his companions to get the victim's necklace, ring and wallet is inconsistent with her testimony that she saw the bearded man himself divesting the victim of his belongings. We do not regard these statements as inconsistent with each other, considering that it was not impossible for Pacapac to do exactly what he ordered if his companions were otherwise busy acting either as lookouts or in warding off onlookers. Records reveal that one of Pacapac's companions had earlier fled toward the left side of the street, and that while Pacapac was divesting the victim of his valuables, his other companion was pointing his gun at somebody.

The other alleged discrepancy in Flora Collantes' and Domingo Semblante's testimonies as to the utterances of the assailants after the gunshot are minor details which are not sufficient to impair the veracity of the prosecution's evidence on how the crime was committed by the appellants. Witnesses may differ in their recollections of an incident, but it does not necessarily follow that their testimonies should be disbelieved and be completely

discarded as worthless.[26]

Neither could the seeming contradiction between Flora Collantes' testimony that her husband's necklace and ring were missing and her testimony that only the ring and wallet were missing, erode her credibility. It was satisfactorily explained that the former testimony was only a first impression which was later proved incorrect when the necklace was found under Pat. Collantes' shirt, soaked in blood with the pendant under his armpit.

Domingo Semblante's testimony that he immediately went to Dr. Cerna's house on the evening of the incident to ask him to perform the autopsy was not proven false by Dr. Cerna's testimony. The question asked of Dr. Cerna was: "But you will agree that none from the Mandaue Police Station on January 17, 1986 went to see you in order to conduct an autopsy of that killing incident involving Pat. Rogelio Collantes, correct?" And his answer was, "I think nobody sir because if ever there was a policeman who informed me that a certain member of the police force was shot, then, I made it a point always that I will go thereat." [27] The question and answer specifically referred to a member of the police force, of which Semblante was not.

Contrary to the averment of the appellants, the maxim or rule "falsus in unis, falsus in omnibus" does not lay down a categorical test of credibility.[28] It is not a positive rule of law or of universal application. It should not be applied to portions of the testimony corroborated by other evidence, particularly where the false portions could be innocent mistakes. Moreover, the rule is not mandatory but merely sanctions a disregard of the testimony of a witness if the circumstances so warrant. To completely disregard all the testimony of a witness on this ground, his testimony must have been false as to a material point, and the witness must have a conscious and deliberate intention to falsify a material point.[29]

The said rule cannot be applied to the case at bench. It has been held that as long as the mass of testimony jibes on material points, the slight clashing statements neither dilute the witnesses' credibility nor the veracity of their testimony.[30] Thus, inconsistencies and contradictions referring to minor details do not, in any way, destroy the credibility of witnesses.[31] Such inconsistencies are but natural and even enhance credibility as these discrepancies indicate that the responses are honest and unrehearsed.[32]

Appellants further contend that Pat. Entise's testimony should not have been given credence for his actions were contrary to the ordinary course of things. According to appellants, if Pat. Entise believed them to be responsible for the killing of Pat. Collantes, he should have arrested them right then and there at the crime scene or at least confiscated their guns for ballistic examination and required them to submit to a paraffin test to determine the presence of powder burns on their hands.

Pat. Entise's explanation on this matter is well-taken. First, witness Faustino Collantes, Jr. did not point to anyone in the group of Pacapac as the perpetrator of the crime. He just remained silent and "scared stuff" (sic).[33] It was only after the group had left that he informed Entise that one of them was the one he saw at the crime scene. Second, it would be easy to summon the members of the group for investigation if they were in any way involved as one of them was known to Pat. Entise as a member of the R-2.[34] Third, and most importantly, Pat. Entise was apprehensive that trouble might arise at the crime scene if right then and there he would invite the group to his office for investigation, considering that they were armed and Pacapac appeared to be angry when he shouted to his group that the police were suspicious of them. Many persons, including the mayor, might be involved should trouble arise.[35] While hindsight might require of Pat. Entise the actions proposed by appellants, Pat. Entise should not also be faulted for what he judged as prudent and circumspect under the circumstances.

The initial reluctance of witnesses to volunteer information about a criminal case and their unwillingness to be involved in criminal investigations due to fear of reprisal are common and have been judicially declared not to affect credibility[36] nor should the relationship of the witnesses for the prosecution diminish their credibility.[37]

Flora Collantes and Faustino Collantes, Jr. are both related to the victim, being the widow and brother, respectively. However, as testified to by Faustino, his initial reluctance to immediately report the identity of the offenders was attributable to fear. At that time, he was scared that trouble might arise and in so far as he was concerned, "one death in the family is enough." [38] It is quite understandable when the witnesses do not immediately report the identity of the offender after a startling occurrence has taken place, especially when they are related to the victim as they have just undergone a traumatic experience. [39]

No motive has been established why the witnesses should falsely accuse appellants, who, if we were to believe their testimonies, were not even acquainted with said parties on the date the crime was committed. Appellant Pacapac himself admitted that he was not aware of any reason or motive why the witnesses should testify falsely against them. Absent evidence to show any reason or motive why witnesses for the prosecution should have testified falsely, the logical conclusion is that no improper motive existed and that their testimony is worthy of full faith and credit. [40]

Appellants contend that there was denial of due process as the judge who heard the testimonies of the principal prosecution witnesses was not the one who penned the decision. While it is true that the trial judge who conducted the hearing would be in a better position to ascertain the truth or falsity of the testimonies of the witnesses, it does not necessarily follow that a judge who was not present during the trial cannot render a valid and just decision, since the latter can very well rely on the transcribed stenographic notes taken during the trial as the basis of his decision. [41]

Appellants interposed alibi as their defense. Time and again, it has been held that alibi is a weak defense and cannot prevail over the positive identification of the accused by the prosecution's witness who has no motive to testify falsely against them. [42] For the defense of alibi to prosper, the accused must show that he was at some other place for such a period of time that it was physically impossible for him to have been at the place where the crime was committed at the time of its commission. [43] In the case at bench, the place where appellants claimed to have been at the time of the incident was only a few hundred meters away from the scene of the crime.

We are convinced beyond reasonable doubt that appellants were the persons who killed and robbed Pat. Rogelio Collantes. Contrary to appellants' third assigned error, the evidence of the prosecution are sufficient to produce moral certainty as to their guilt and complicity in the crime charged.

However, the denomination of the crime as Robbery in Band with Homicide is not correct. As we explained in *People v. Pedroso*: [44]

"x x x There is no special complex crime of robbery in band with double homicide and/or serious, less serious or slight physical injuries under the present code, as amended by Republic Act No. 373. If robbery with homicide or with the other crimes enumerated above, is committed by a band, the indictable offense would still be denominated as 'robbery with homicide' under Article 294 (1), but the circumstance that it was committed by a band is not an element of the crime but is merely a generic aggravating circumstance which may be offset by mitigating circumstances. The homicides or murders and physical injuries, irrespective of their numbers, committed on the occasion or by reason of the robbery are merged in the composite crime of 'robbery with homicide.'"

The crime committed is, therefore, the special complex crime of Robbery with Homicide under Article 294 (1) of the Revised Penal Code. All the elements of the crime of robbery, namely: intent to gain, unlawful taking of personal property belonging to another and violence against or intimidation of a person under Article 293 of the Revised Penal Code have been duly proven.

The victim was shot before he was robbed. In the crime of robbery with homicide, the homicide may precede

robbery or may occur after robbery. What is essential is that there is a direct relation, an intimate connection between robbery and the killing, whether the latter be prior or subsequent to the former or whether or both crimes be committed at the same time.[45]

Likewise worth stressing is the rule that whenever homicide has been committed as a consequence of, or on the occasion of the robbery, all those who took part as principals in the robbery will also be held guilty as principals of the special complex crime of robbery with homicide although they did not actually take part in the homicide, unless it clearly appears that they endeavored to prevent the homicide. There is nothing in the records to show that the exception applies in this case.[46]

The crime of Robbery with Homicide carries the penalty of reclusion perpetua to death under Article 294 (1) of the Revised Penal Code. Article 296 of the Revised Penal Code provides that when more than three (3) armed malefactors take part in the commission of robbery, it should be deemed to have been committed by a band. At least four (4) armed persons must take part in the commission of robbery. In the instant case, the prosecution failed to indubitably show that more than three (3) armed persons perpetrated the crime. Considering further that the alleged aggravating circumstances of treachery, use of motor vehicle and taking advantage of superior strength were not satisfactorily proven, the proper imposable penalty upon appellants is reclusion perpetua. Conformably with the policy enunciated by this Court in several cases,[47] the indemnity for the death of Pat. Rogelio Collantes should be increased to Fifty Thousand Pesos (P50,000.00). Furthermore, appellants should be required to indemnify his heirs the amount of P9,000.00, representing the value of the ring and money stolen.

WHEREFORE, the appealed decision is AFFIRMED, subject to the modification that accused-appellants are sentenced to pay jointly and severally to the heirs of Pat. Rogelio Collantes civil indemnity in the increased amount of P50,000.00 and the amount of P9,000.00 representing the value of the ring and money stolen from said Pat. Collantes.

SO ORDERED.

Melo and Vitug, JJ., concur.
Feliciano, J., on leave.

[1] Criminal Case No. DU-252.

[2] Original Record, p. 54.

[3] TSN, October 2, 1986, pp. 5-7.

[4] Ibid., pp. 5-13.

[5] Ibid., pp. 14-15.

[6] Ibid., pp. 21-29.

[7] TSN, September 26, 1986, pp. 27-30.

[8] TSN, September 22, 1986, pp. 26-31.

[9] Ibid., pp. 33-34.

[10] TSN, October 23, 1986, pp. 19-25.

[11] Ibid., pp. 26-31.

- [12] Ibid., pp. 32-41.
- [13] Ibid., pp. 42-52.
- [14] Exh. "R", Original Records, Vol. III, p. 520.
- [15] TSN, October 4, 1988, pp. 2-3.
- [16] Ibid., pp. 4-5.
- [17] Ibid., pp. 5-7.
- [18] Ibid., pp. 7-9.
- [19] Original Records, Vol. II, pp. 267-277.
- [20] Opposition to the Motion to Dismiss or Demurrer to the Evidence, Original Records, Vol. II, pp. 303-314.
- [21] Penned by Judge Mercedes Gozo-Dadole.
- [22] Rollo, pp. 94-95.
- [23] Ibid., p. 101.
- [24] *People v. Juma*, G.R. No. 90391, March 24, 1993, 220 SCRA 432.
- [25] *People v. Lase*, G.R. No. 97957, March 5, 1993, 219 SCRA 584; *People v. Camaddo*, G.R. No. 97934, January 18, 1993, 217 SCRA 162; *People v. Rivera*, G.R. No. 86491, December 11, 1992, 216 SCRA 363; *People v. Acuram*, G.R. Nos. 98423-24, May 22, 1992, 209 SCRA 281.
- [26] *People v. Manalansan*, G.R. Nos. 76369-70, September 14, 1990, 189 SCRA 619.
- [27] TSN, April 8, 1987, p. 25.
- [28] *People v. Manalansan*, *supra*.
- [29] Francisco, Revised Rules of Court, Vol. III, p. 185; Francisco, Basic Evidence, p. 508.
- [30] *People v. de los Santos*, G.R. No. 92643, August 9, 1991, 200 SCRA 431.
- [31] *People v. Jacolo*, G.R. No. 94470, December 16, 1992, 216 SCRA 631; *People v. Arcega*, G.R. No. 96319, March 31, 1992, 207 SCRA 681; *People v. Mauyao*, G.R. No. 84525, April 6, 1992, 207 SCRA 732; *People v. Gamboa*, G.R. No. 91374, February 25, 1991, 194 SCRA 372; *People v. de Las Pinas*, L-45086, February 19, 1986, 141 SCRA 379.
- [32] *People vs. de la Pena*, G.R. No. 104839, April 29, 1994, 232 SCRA 72; *People v. Barba*, G.R. No. 50433, November 13, 1991, 203 SCRA 436; *People v. de los Reyes*, G.R. No. 85771, November 19, 1991, 203 SCRA 707.
- [33] TSN, September 26, 1986, p. 53.
- [34] TSN, October 23, 1986, p. 48.
- [35] Ibid., pp. 49-50.
- [36] *People v. Israel*, G.R. No. 97027, March 11, 1994, 231 SCRA 155, 156; *People v. Aurella*, G.R. No. 97565, March 23, 1994, 231 SCRA 394; *People v. Osias*, G.R. No. 88872, July 25, 1991, 199 SCRA 574.

- [37] *People v. Agguingo*, G.R. No. 104725, March 10, 1994, 231 SCRA 9.
- [38] TSN, September 26, 1986, p. 53.
- [39] *People v. Gamboa*, G.R. No. 91374, February 25, 1991, 194 SCRA 372.
- [40] *People v. Taneo*, G.R. No. 87236, February 8, 1993, 218 SCRA 494.
- [41] *People v. Fuertes*, G.R. No. 104067, January 17, 1994, 229 SCRA 289; *People v. Jaymalin*, G.R. No. 90452, October 19, 1992, 214 SCRA 685; *People v. Jovencio de la Paz*, G.R. No. 86436, August 4, 1992, 212 SCRA 56.
- [42] *People v. Barlis*, G.R. No. 101003, March 24, 1994, 231 SCRA 426; *People v. Escosio*, G.R. No. 101742, March 25, 1993, 220 SCRA 475; *People v. Bechayda*, G.R. No. 72001, August 7, 1992, 212 SCRA 336.
- [43] *People v. Amaguin*, G.R. Nos. 54344-45, January 10, 1994, 229 SCRA 166; *People v. Jimenez, Jr.*, G.R. No. 84276, February 13, 1992, 206 SCRA 214; *People v. Penulos*, G.R. No. 65673, January 29, 1992, 205 SCRA 546; *People v. Rendoque*, G.R. No. 95541, February 4, 1992, 205 SCRA 783.
- [44] G.R. No. 32997, July 30, 1982, 115 SCRA 599.
- [45] *People v. Hernandez*, 46 Phil. 48 (1924).
- [46] *People v. Callegan*, G.R. No. 93846, June 30, 1994; *People v. Pugal*, G.R. No. 90637, October 29, 1992, 215 SCRA 247; *People v. Hasiron*, G.R. No. 100797, October 15, 1992, 214 SCRA 586.
- [47] *People v. Logronio*, G.R. No. 92416, October 13, 1992, 214 SCRA 519; *People v. Sison*, G.R. No. 86455, September 14, 1990, 189 SCRA 643; *People v. Sazon*, G.R. No. 89684, September 18, 1990, 189 SCRA 700.

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