

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
PRUDENCIO PUGAL, ANTONIO SORIANO AND RICARDO ADDUCA,
ACCUSED, PRUDENCIO PUGAL, ACCUSED-APPELLANT.**

G.R. No. 90637. October 29, 1992

Ponente: REGALADO, J.

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REGALADO, J.:

In an information^[1] filed on November 5, 1985 before the Regional Trial Court of Tabuk, Branch 25, Kalinga-Apayao, herein accused Prudencio Pugal, Antonio Soriano, Ricardo Adduca and one Artemio Panagan were charged with the crime of "Robbery with Homicide with the Use of Unlicensed Firearm" under Article 294, paragraph 1, of the Revised Penal Code in relation to Presidential Decree No. 1866, committed as follows:

"That on or about the evening of July 23, 1985 at Riverside, Laya West, Tabuk, Kalinga-Apayao and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually aiding one another, with treachery and evident premeditation, with intent to gain and by the use of force, violence and intimidation of persons, did then and there willfully, unlawfully, and feloniously take and carry away the amount of ONE THOUSAND (P1,000.00) Pesos, Philippine Currency, belonging to the victim and his wife, to their damage and prejudice in said amount, and by reason and on the occasion of said Robbery, the accused tied said JACINTO SALAMANCA to a coconut tree and thereafter, willfully, and feloniously shot Jacinto Salamanca on different parts of his body (and) said multiple gunshot wounds caused his direct and immediate death.

"The crime is aggravated by nocturnity, craft, dwelling, treachery and abuse of superior strength.

"ALL CONTRARY TO LAW."

Pursuant to the order of arrest issued on November 5, 1985, the accused were arrested and committed to the custody of the Provincial Warden on November 22, 1985.

On December 4, 1985, accused Prudencio Pugal, Antonio Soriano, Ricardo Adduca and Artemio Panagan, assisted by their defense counsel, Attys. Cesar Purugganan and William F. Claver, were arraigned and entered a plea of not guilty to the offense charged.

Accused Ricardo Adduca posted his bail bond and was ordered released on October 2, 1986. However, on the basis of a motion to withdraw by his bondsman, Adduca was re-arrested and committed to the provincial jail. While detained therein, Adduca escaped. On February 2, 1989, the trial court issued an order for his arrest but until now he remains at large.

Accused Antonio Soriano was "receipted" for by a certain Roberto Baggay, the Acting Mayor of Pudtol, Kalinga-Apayao, inexplicably without the approval of or an order from the trial court authorizing him to do so. Subsequently, said accused also remained at large.

The trial court dismissed the case as against accused Artemio Panagan upon motion of the prosecution on the

basis of an affidavit of desistance of Erlinda Salamanca, wife of the victim, wherein she stated that the former was not one of those who killed her husband. Trial, however, proceeded against the herein three accused since they had all been arraigned and the absence of accused Soriano and Adduca was unjustified.

The records show that on January 11, 1989, accused Prudencio Pugal had been ordered released from jail after filing his bail bond. However, after the promulgation of the judgment of the trial court hereunder indicated, said court issued an order on July 17, 1989 cancelling his bail bond and committing him to the provincial jail where he was accordingly detained.[2]

Parenthetically, aside from the above-named accused charged in the information filed by the Provincial Fiscal of Kalinga-Apayao, Pat. Raymund Caseñas of Pinukpuk, Kalinga Apayao was also charged in connection with the said killing of Jacinto Salamanca but the case against him was forwarded to the military tribunal pursuant to the provisions of Presidential Decree No. 1850, as amended,[3] and the same is not involved in the present proceeding.

On July 17, 1989, the trial court rendered judgment disposing as follows:

"WHEREFORE, judgment is hereby rendered finding the accused PRUDENCIO PUGAL, RICARDO ADDUCA and ANTONIO SORIANO guilty beyond reasonable doubt as principals of the crime of ROBBERY WITH HOMICIDE WITH THE USE OF UNLICENSED FIREARM, defined and penalized under Article 294, in relation with PD 1866, sentencing each of the accused to suffer the penalty of Reclusion Perpetua, to indemnify jointly and severally the heirs of the deceased Jacinto Salamanca the amount of Thirty Thousand Pesos (P30,000.00) plus Forty Thousand Pesos (P40,000.00) moral and exemplary damages without subsidiary imprisonment in case of insolvency pursuant to Article 39 of the Revised Penal Code and to pay the costs.

"SO ORDERED."[4]

Appellant Prudencio Pugal, the lone accused who appealed to us from said decision, assigns the following errors allegedly committed by the court a quo:

- "1. The trial court grievously erred in holding that the killing of the victim was positively witnessed by prosecution witnesses Hizon and Erlinda Salamanca;
 2. The lower court grievously erred in giving full evidentiary weight and credence to the testimonies of Hizon and Erlinda Salamanca who are biased and whose testimonies are pregnant with serious and material inconsistencies, improbabilities and shaky;
 3. The lower court erred finding that appellant Prudencio Pugal was the one who pulled the deceased from inside the house, brought him outside and tied him to a coconut tree;
 4. The lower court erred in disregarding the plea of alibi by appellant Prudencio Pugal;
 5. The lower court committed grave error in not acquitting Prudencio Pugal on ground of reasonable doubt."
- [5]

The prosecution presented as witnesses Hizon Salamanca, son of the deceased Jacinto Salamanca; Erlinda Salamanca, wife of said victim; Dr. Jaime Almora; and Atty. Wayne Odiem, whose collective testimonies establish the facts of this case as hereunder summarized.

On July 23, 1985, at around 9:00 P.M., Erlinda Salamanca, together with her son Hizon and daughter-in-law Lolita, was resting inside their house at Laya West, Tabuk, Kalinga-Apayao. Her husband, Jacinto Salamanca, had just started to eat supper when the dogs started barking and they heard and recognized the voice of Prudencio

Pugal call "Apo" three times.[6] Jacinto, who was followed by Erlinda, went to the sala and asked, "Who are you?" Somebody answered, "Dakami," meaning "We are the ones." When Jacinto again called out, "Who are you," the person outside replied, "We are the ones, we came from Dagupan." Jacinto and Erlinda peeped through the jalousie window and they saw Prudencio Pugal and Ricardo Adduca standing near the door. The place was then lighted by a 20-watt flourescent lamp.[7]

Erlinda told Jacinto to open the door. Once it was opened, however, Pugal pulled Jacinto out of the house, and then three masked men rushed inside the house. One of the men who had a long armalite rifle stood guard at the door, while the other two, one of whom had a short firearm, entered the house.[8] Adduca, one of the two men who came inside, demanded money and an armalite rifle from the occupants of the house, and when the latter failed to produce any, Adduca ransacked the house.[9] Erlinda was thus compelled to give her earnings for the day amounting to P1,000.00 and, in addition, she gave the ring of her daughter-in-law. They were then ordered and forced to lie on the floor face down. Subsequently, Erlinda and Hizon heard the clapping of hands from outside the house.[10] Sensing that nobody was guarding them anymore, Erlinda and Hizon crawled towards the window. From there, they saw the men drag Jacinto and tie him to a coconut tree with a rope. Erlinda also saw Pugal slap and kick Jacinto. Then, the man with an armalite rifle pointed his gun upwards and fired it several times. Afterwards, he moved backward, pointed the gun at Jacinto, and shot the latter several times.[11]

The malefactors thereafter fled towards the north and when they reached the "canto" leading to Cabaruan, another gunshot was heard. Upon seeing that the culprits were already far away, Erlinda and Hizon rushed to where Jacinto was, only to find his already lifeless body. Erlinda then sent Hizon to call for assistance and, in no time, the barangay people and the police arrived at the scene of the crime. When Jacinto's body was brought to their house, Hizon noticed that his father's false teeth were missing. Efforts to look for the same at and near the place where Jacinto was killed proved futile.[12]

Two days after Jacinto died, Pugal went to the house of the Salamancas and handed over to Hizon the missing artificial dentures of Jacinto which he allegedly found near the place where the victim was killed. Puga stayed in the house of the Salamancas for the entire duration of the wake until the ninth day of prayer.[13]

On July 24, 1985, Dr. Jaime Almora, a resident physician at the Kalinga-Apayao Provincial Hospital, conducted an autopsy on Jacinto Salamanca and submitted the following --

"POSTMORTEM FINDINGS

External Examination = Cadaver fully clothed, flaccid, with no sign of rigor mortis or lividity or decomposition.

Head = Left side of skull sagging and with multiple fracture due to multiple gunshot wounds with loss of some brain tissue and left eye.

Chest = Gunshot wound with point of entry measuring 5mm to 7mm at the 54th ics mid clavicular line directed posteriorly, medially & horizontally exiting at the (L) mid clavicular line level of the 8th lcs.

Extremities = R Thigh = grazing wound directed downward at the anterior upper third of R thigh.

L Thigh = entry wound at the middle third, medial aspect of left thigh directed laterally, posteriorly and downward.

Left leg = Entry wound at the antero-medial aspect of left leg middle third with no point of exit. Copper Jacket of Bullet recovered.

CAUSE OF DEATH: Multiple gunshot wound(s), head, chest, thigh, and leg."[14]

It appears that Erlinda and Hizon Salamanca gave their sworn statements on August 16[15] and September 8, 1985,[16] respectively, both to Police Sgt. Artemio Catabay in the investigation room of the Tabuk Police Station at Tabuk, Kalinga-Apayao.

The records further reveal that on September 24, 1985, accused Antonio Soriano, accompanied by Sgts. Taguiam and Aquino, went to the office of prosecution witness Atty. Wayne Odiem, District Citizen Attorney of the Citizens Legal Assistance Office, to seek the latter's help in the taking of Soriano's confession. After having informed Soriano of his constitutional rights to remain silent, to counsel, and to engage a counsel of his own choice, with the requisite warnings on the possible use of his statement, Atty. Odiem assisted Soriano while the latter gave his extrajudicial confession[17] to the police investigators. During the investigation, Soriano never intimated to him that the former was coerced and threatened into giving his statement wherein he implicated herein appellant Pugal as one of the assailants.

As against the straightforward testimonies of the two principal prosecution witnesses, appellant could only present the defense of alibi cum denial. Pugal stated that on the night of July 23, 1985, he was at home at Laya West, which is about one and a half kilometers away from the house of the victim, and that he did not notice any unusual incident that night.[18] On the other hand, the second defense witness, Lydia Magno, testified that appellant is her uncle, that he and Adduca were part of the "ronda" which went around the barrio, but nowhere in her testimony did she state anything about the exact whereabouts of Adduca or appellant on that particular night.[19]

I. Appellant Pugal asserts that the trial court erred in relying on the testimonies of Erlinda and Hizon Salamanca which are allegedly replete with inconsistencies and contradictions.

First, he contends that Hizon testified that the two men who entered the house wore masks, whereas Erlinda testified that their faces were not covered. This inconsistency, he claims, cannot be considered trivial.

As correctly observed by the Solicitor General, appellant was obviously confused. Hizon's testimony was in answer to the question when the robbers were already inside the house, while Erlinda's was with respect to the first time she saw appellant and his co-accused who were then calling from outside the house.[20] Thus, Hizon Salamanca stated:

"Q Now, Mr. Witness, you said that particular night and time of July 23, 1985, two (2) men entered your house, were they using mask?

A Yes, sir." [21]

and the testimony of Erlinda Salamanca was as follows:

"Q Now, you said you saw Prudencio Pugal and Ricardo Adduca when you peeped with your husband through the jalous(ie). How were you able to identify them?

A Because during that night time we used 20 watts fluorescent lamp and so I saw them there, sir.

Q How far were they - this Adduca and Pugal when you saw them?

A Pugal is near the window and Ricardo Adduca is behind Prudencio Pugal, sir.

Q Were they in mask?

A No, they were not in mask because we opened it, if they were using a mask we did (sic, would) not open the door, sir." [22]

Furthermore, there could be no inconsistency to speak of precisely because Erlinda likewise testified that the accused were already wearing masks when they entered the house, in effect corroborating the testimony of Hizon on this point. Hence, in her direct examination, Erlinda declared -?

"Q Can you identify any of the two (2) persons who actually entered your house?

A I can not identify the other one because he has a very tight mask but I can identify the other one because he has a loose mask which when talking he bite (sic) his bonnet with his mouth, sir."[23]

which she further clarified in her cross-examination:

"Q Let us go back to the crime when the two persons stood guard to the door of the house, one allegedly Ricardo Adduca rushed in to search to (sic) your belonging(s), these three (3), persons were all masked, is it not Mrs. Salamanca?

A Yes, sir. It was only Pugal who was not masked, sir."[24]

The fact that it was only appellant who was not masked was corroborated by Hizon with the same declaration in court:

"Q You said that the incident happened at around 9:00 o'clock the night of July 23, 1985, my question is: How could you have recognized Prudencio Pugal as the one who pulled your father?

A It is because we have a twenty (20) watts fluorescent lamp which energized (sic) by a battery - 12 volts battery.

Q Was Prudencio Pugal masked at that time, Mr. Witness?

A No, sir."[25]

Second, appellant theorizes that it is hard to believe that a person who will kill someone who is well known in the community will not hide his face, this being contrary to human nature and common experience. Appellant premises this postulation on his presence at the house of the victim during the wake until the ninth day of prayer, which fact supposedly negated any and all indicia of guilt on his part.

This, at best, is a mere conjectural pose which cannot stand against the positive identification of the accused. Appellant's pretended innocence is clearly non sequitur to his decision not to flee. Apart from the fact that there is no case law holding that non-flight is a conclusive proof of innocence, the argument does not hold weight in the light of the positive identification of the appellant. The material factor here is that there is positive identification of the accused as the author or, more accurately, co-author of the crime.[26]

Generally, the decision of an accused not to flee despite an opportunity to do so is hardly characteristic of a guilty person seeking to escape retribution for his crime.[27] But this is not without exceptions. In a number of cases, we have had the occasion to rule that the fact that accused did not flee from the scene of the crime is not a sufficient ground to exculpate them from the proven criminal liability.

Thus, in *People vs. Gardon*,[28] we held: "That appellant did not flee from the scene of the crime is not necessarily indicative of a clear conscience. He may have smugly thought that the two men fishing on the pier would not be able to identify him, or that they would keep 'quiet about it' at his behest." In *People vs. Bautista*,[29] we further ruled that:

"The fact that the appellant joined the search for the victim and that he and a certain Gabriel Madlangbayan went to Noveleta, Cavite to buy a coffin for the victim does not disprove his culpability of the offense charged nor strengthen his claim of innocence. x x x

x x x

"x x x The solicitous attitude of appellant was part of his craft to divert attention from him and appear blameless. Appellant assumed this posture of innocence despite his awareness that his wife Francisca knew his culpability of the crime charged because he was doubly certain that Francisca, who feared for her life as well as the lives of her relatives, would not expose him."

Still, in another case, this Court held that:

"In some cases of murder, robbery, or even rape where a person is a prime suspect, his not fleeing may be a badge of innocence. In the present case, however, the crime was committed with impunity on three occasions by one who thought the victim would not complain. Under the circumstances of this case, the appellant would most likely not have been discovered if Josephine did not become pregnant. The appellant did not have to flee." [30]

And, finally, in *People vs. Luardo, et al.*[31] where the accused, as in the case at bar, likewise attended the vigil and funeral of the deceased, the Court, did not apply the general rule with this explanation:

"The defense laid stress on the fact that appellants could have escaped, but did not. On the contrary, both Bedico and Capio attended the vigil and funeral of the deceased and even helped carry the bier of the latter. x x x

"Verily, there is no argument on the fact that flight indicative of guilt so that it may be considered in favor of the accused in the case at bar that they did not escape. Nonetheless, it has also been held by this Court that the fact that the accused did not take flight but even helped the police to locate the supposed culprits, is not a sufficient ground to exculpate them from the proved criminal liability."

Third, appellant asseverates that the failure of Hizon and Erlinda Salamanca to immediately give their statements to the police (which they gave only after the lapse of 67 days after the incident took place) affects their credibility.

As a general rule, the failure of a witness to report at once to the police authorities the crime he had witnessed cannot be taken against him for it is not uncommon for a witness to a crime to show some reluctance about getting involved in a criminal case. The natural reticence of most people to get involved in a criminal case is of judicial notice, and the fear of eyewitnesses when townmates are involved in the commission of the crime is understandable for they may provoke retaliation from the accused. The delay, when adequately explained, does not impair the credibility of the witness; neither will it render his testimony biased nor destroy its probative value.[32]

In the case at bar, the two principal witnesses for the prosecution gave more than adequate reason for their initial reluctance in giving their sworn statements to the police, that is, fear for their safety and their lives. As a matter of fact, after the ninth day of prayer for the deceased, the Salamancas had to leave their house and transfer to another place in apprehension of possible reprisals from the culprits.

When asked why he failed to immediately report and disclose the identity of the suspects, Hizon Salamanca testified:

"Q Now, Mr. Hizon Salamanca, in spite (of) the death of your father, in spite of the threats of Pugal, and in spite of the fact that you mauled him before and you know that he is smaller than you are, you did not report his name to the police - that he was the one who entered your house and killed your father?

A Yes, sir, because we were afraid, for fear that they might come back for us.

Q You did not even tell that to anyone else – You told it only to your mother, is that correct?

A Yes, sir.

Q You did not even tell that to your wife?

A I told this to my wife and to my brothers.

Q Who were your brothers?

A Raymundo and all my brothers, sir.

Q You gave this information to them that Pugal was one of the murderers immediately after the incident, is that correct?

A No, I did not say it immediately to my brothers because they were studying in Tuguegarao.

Q But immediately after the killing the policemen of Tabuk came to Laya West, is that correct?

A Yes, sir.

Q They made an investigation of the crime?

A Yes, sir.

Q You were investigated verbally?

A Yes, sir.

Q And they asked you know (sic) the killers, is it not?

A Yes, sir.

Q And you told them you do not know because you were afraid?

A Yes, sir.

Q According to you - you stayed in Tabuk for the whole seven days that your father was in his wake, is that correct?

A Yes, sir.

Q And there were many visitors who came even the Mayor of Tabuk came to your house, is that correct?

A Yes, sir.

Q And they asked you if you know who the killers were?

A Yes, sir.

Q But just the same you stick (sic) your belief that you should not tell them the truth?

A Yes, sir.

COURT:

Did you not know that if only you told them the identity of the killers of your father, the police could have arrested them and put them to jail and for this reason there would be no more danger in your life?

WITNESS:

Yes, but I am afraid, for fear that they might have still other companions.

COURT:

Proceed.

Q But when you gave your statements two months and seven days after the incident, you were no longer afraid?

A No more, sir, because they were already apprehended.

Q It did not occur to you that there are still others at the time and they could go out after you?

A No more, sir, because they (sic) already there in the jail, depressed."[33]

Fourth, appellant claims that Hizon and Erlinda are biased as witnesses considering that they are related and very close to the deceased, hence they have the tendency to exaggerate or give false color to their testimonies.

This Court has repeatedly held that mere relationship of the witnesses to the victim does not render their clear and positive testimony less worthy of full faith and credit. On the contrary, their natural interest in securing the conviction of the guilty would deter them from implicating persons other than the culprits, for otherwise, the latter would thereby gain immunity.[34] Hence, the closeness of their relationship to the deceased should not, contrary to appellant's view, be deemed erosive of their credibility as witnesses. That they are the wife and son of the victim does not make them incompetent as witnesses, nor should it serve to detract from the credit otherwise due them.[35]

Besides, there is no iota of evidence to show that the family of the victim was actuated by improper motives to testify falsely against the accused. It is a jurisprudentially embedded and conceded rule that the mere fact that the witness is a relative is not a valid or sufficient ground to disregard the former's testimony nor does it render the same less worthy of credit, in the absence of any ill motive.[36] Furthermore, the prosecution witnesses are not merely relatives of the deceased; they are likewise victims of the robbery committed by the accused.

II. Appellant's defense hinges primarily on alibi. He claims though that while alibi is the weakest of all defenses, nevertheless, where the evidence for the prosecution is weak and betrays lack of concreteness on the question of whether or not the accused committed, the crime charged, the defense of alibi assumes importance.

Time and again we have stressed, virtually to the point of repletion were it not for its pertinency, that alibi is one of the weakest defenses an accused can invoke[37] because it is easy of fabrication.[38] It cannot prevail over the positive identification of prosecution witnesses.[39] To be given credence, it must not only appear that the accused interposing the same was at some other place but also that it was physically, impossible for him to be at the scene of the crime at the time of its commission.[40]

In the case at bar, appellant was positively identified by Hizon and Erlinda. The following observations thereon in appellee's brief accordingly merit our approval:

"x x x Appellant was not only seen and recognized through his face, he was identified also through his voice.

"As testified to by both prosecution witnesses, Erlinda and Hizon, appellant was the one who called 'Apo' for three times and also the one who replied 'Dakami' and 'Naggapu kami idiy Dagupan', when asked. (TSN, p. 7 Erlinda S.; TSN, p. 9, testimony of Hizon Salamanca). The voice of appellant is familiar to both Erlinda and Hizon because they have had occasions in the past to talk to him oftenly considering that appellant is their neighbor and barriomate for more than 20 years. (TSN, p. 7, Erlinda S.; TSN, p. 8, Hizon S.)

"Appellant was also seen and identified by prosecution witnesses as he was not wearing any mask and neither was his face covered during the time he was calling from outside the house. (TSN, p. 8, Erlinda S.; TSN, p.

13-16, Hizon S.).

"Appellant was recognized by the prosecution witnesses because of the fluorescent lamp in front of the house energized by a 12-volt battery then illuminating their house. Besides, the night then was a moonlit night. (TSN, p. 8, Erlinda S.; TSN, p. 13, Hizon S.).

x x x

"Worthy to note is the testimony of Erlinda that when she recognized the identity of the persons calling from the outside, she even told her husband to open the door. This is but natural and in accord with common observation and human experience.

"Otherwise, if the persons calling were masked as claimed by the defense, the natural and logical reaction would be to suspect that they were bad elements and there would be reason not to open the door. x x x." [41]

The pretension that appellant was allegedly at his house at the time of the incident cannot stand against the clear and positive identification by the prosecution witnesses. Also, the Solicitor General correctly concluded that considering the proximity in the distance between the two houses, it was not physically impossible for appellant to be at the locus criminis and then return to his house shortly afterwards.

Finally, conspiracy has been sufficiently established in this case. The concerted acts of the accused began with the deceased Juanito being called by Pugal and Adduca who purposely made themselves identifiable to facilitate their entry into the house. Once the door was opened, three of the accused who were already wearing masks entered the house while Pugal pulled Jacinto outside. Then one of the three who entered the house stood guard at the door while the two others ransacked the place. Thereafter, upon hearing the clapping of hands from the outside, the three malefactors immediately left. The deceased was tied to the coconut tree and then shot to death. By these concerted actions, it is beyond cavil that the accused acted in unison and cooperated with each other towards the accomplishment of a common criminal design, which was to rob the Salamancas and thereafter kill Jacinto. The trial court definitely did not err in finding the existence of a conspiracy.

Where conspiracy is shown to exist, the act of one is the act of all.[42] While it has not been established that it was appellant who actually shot the victim, conspiracy having been found to exist, he is equally guilty of the crime of robbery with homicide. The rule is whenever homicide has been committed as a consequence 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.[43] There is nothing in the records to show that the exception applies in this case.

We, however, reject that portion of the decision of the trial court finding that the liability of the accused for the crime of robbery with homicide was attended by, and ostensibly should be modified by the circumstance of, their use of unlicensed firearms. No evidence was presented to show, and even the trial court made no finding, that the firearms used by herein accused were unlicensed. In addition, the indemnity for which the accused is liable for the death of Jacinto Salamanca should be increased to P50,000.00 in accordance with the policy adopted by the Court en banc on August 30, 1990.[44]

WHEREFORE, subject to the above-stated modifications, the judgment of the court a quo is hereby **AFFIRMED** in all other respects.

SO ORDERED.

Feliciano, Nocon, and Campos, Jr., JJ., concur.

Narvasa, C.J., (Chairman), on leave.

[1] Original Record, 1.

[2] Ibid., 390, 402.

[3] Ibid., 378.

[4] Ibid., 375; per Judge Simplicio C. Cabantac.

[5] Brief for Accused-Appellant 4; Rollo, 101.

[6] TSN, July 25, 1988, Erlinda Salamanca, 7-8; *ibid.*, *id.*, Hizon Salamanca, 9.

[7] Ibid., *id.*, Erlinda S., 5-8.

[8] Ibid., *id.*, Hizon S., 6-7.

[9] Ibid., *id.*, *id.*, 11-12; *ibid.*, *id.*, Erlinda S., 9, 11.

[10] Ibid., *id.*, *id.*, 15; *ibid.*, *id.*, *id.*, 14.

[11] Ibid., *id.*, Erlinda S., 15-17.

[12] Ibid., *id.*, *id.*, 17-20.

[13] Ibid., *Id.*, *id.*, 21.

[14] Exhibit C; Original Record, 9.

[15] Exhibit B; *ibid.*, 4.

[16] Exhibit A; *ibid.*, 6.

[17] Exhibit F; *ibid.*, 24.

[18] TSN, January 12, 1989, 110-111.

[19] Ibid., *id.*, 140-147.

[20] Brief for Appellee, 15.

[21] TSN, July 25, 1988, Hizon S., 10-11.

[22] Ibid., *id.*, Erlinda S., 8.

[23] Ibid., *id.*, *id.*, 9.

[24] Ibid., *id.*, *id.*, 51.

[25] Ibid., *id.*, Hizon S., 13.

[26] *People vs. Hangdaan, et al.*, 201 SCRA 568 (1991).

[27] *People vs. Songcuan*, 176 SCRA 354 (1989).

[28] 129 SCRA 465 (1984).

[29] 142 SCRA 649 (1986).

[30] People vs. Silfavan, 151 SCRA 617 (1987).

[31] 167 SCRA 685 (1988).

[32] People vs. Mandapat, 196 SCRA 157 (1991).

[33] TSN, July 25, 1988, Hizon S., 46-48.

[34] People vs. Lardizabal, et al., 204 SCRA 320 (1991).

[35] People vs. Cuyo, et al., 196 SCRA 447 (1991).

[36] People vs. de Guzman, 194 SCRA 618 (1991).

[37] People vs. Miscala, 202 SCRA 26 (1991).

[38] People vs. Carcedo, 198 SCRA 503 (1991).

[39] People vs. Mision, 194 SCRA 432 (1991).

[40] People vs. Muñoz, 163 SCRA 730 (1988).

[41] Brief for Appellee, 11-12.

[42] People vs. Sadia, Jr., et al., 203 SCRA 62 (1991).

[43] People vs. Buñag, et al., 196 SCRA 206 (1991).

[44] People vs. Sazon, 189 SCRA 700 (1990).

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