

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. DENNIS DE GUZMAN Y DE LEON, ACCUSED-APPELLANT.

G.R. No. 95685. March 04, 1991

Ponente: REGALADO, J.

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REGALADO, J.:

The fatal shooting of Leonardo Pangilinan resulted in the filing of the following information for murder against herein accused-appellant Dennis de Guzman, John Doe, Peter Doe and Richard Doe in Criminal Case No. C-26499 of the Regional Trial Court of Caloocan City, Branch CXXIV:

"That on or about the 30th day of March, 1986 at Caloocan City, Metro Manila and within the jurisdiction of this Honorable Court, the above-named accused, conspiring together and mutually aiding one another, without any justifiable cause, with deliberate intent to kill, with treachery and evident premeditation, did then and there, wilfully, unlawfully and feloniously attack, assault and shoot with a gun the head and body of one Leonardo Pangilinan y Victorino, thereby inflicting upon the latter serious physical injuries, which injuries directly caused the victim's death.

Contrary to law."[1]

Soon after the filing of the said information, the police authorities submitted a referral slip identifying "John Doe" as Rogelio Manabat, also known as "Hadji," and "Peter Doe" as Carlos, also known as "Lito Porma." However, the case for murder against Manabat and Carlos was dismissed for lack of prima facie evidence in a resolution issued by Third Assistant City Fiscal Arturo A. Rojas on May 5, 1986,[2] hence only appellant underwent trial.

When arraigned with the assistance of counsel, appellant pleaded not guilty to the offense charged[3] and trial on the merits ensued. The prosecution presented Enriqueta Pangilinan, Marcelina Yabis, Emelita Sudla, Efren Pangilinan and Gloria Pangilinan as witnesses. On the other hand, appellant Dennis de Guzman, Rogelio Manabat, Susan de Guzman and P/Cpl. Alejandro Licuan testified for the defense.

The People's summary of the facts of the case with the documentation thereof, which was adopted by the Court of Appeals, is quoted hereunder:

"On March 19, 1986, about 8:00 o'clock in the evening, appellant Dennis de Guzman was in his house at No. 68, 5th Avenue, Maria Clara Street, Caloocan City attending the wake of his grandmother who had just died (TSN, September 24, 1987, pp. 8--9). To while away his time, he and some guests played a card game. During the game, his uncle informed him that Efren Pangilinan, one of the players, had changed a card with a marked one (Ibid, pp. 9-10; TSN, August 26, 1987, p. 46). He immediately confronted Efren Pangilinan of the alleged cheating but the latter denied the accusation. Nonetheless, he took the marked card from Efren, substituted it with an ordinary card, and said: 'Hindi mo na iginalang ang patay namin' (TSN, September 29, 1987, p. 10).

"After saying those words, appellant pushed Efren Pangilinan who retaliated by punching him on the left shoulder (Ibid, p. 10). A fight ensued between them and stopped only when they were separated by guests and relatives (Ibid, pp. 10--11). Efren Pangilinan, soon after, left for home at 6th Avenue, Caloocan City (TSN,

July 23, 1986, p. 2).

"Eleven (11) days after the incident, or more particularly on March 30, 1986, about three (3) o'clock in the morning, Emelita Sudla, 15, was at home at No. 643, 3rd Street, 5th Avenue, Caloocan City, preparing to go to church for the Lenten Season's 'salubong' (Ibid, October 21, 1986, pp. 4-5). While standing near the door of the house and waiting for her friends, Emelita Sudla saw appellant, together with three (3) companions, pass by the house towards the store of Enriqueta Pangilinan, mother of Efren (Ibid, p. 5).

"Meanwhile, Gloria Pangilinan, who was preparing food for her husband at that time (TSN, April 23, 1986, pp. 5-6), saw four (4) persons, including appellant Dennis de Guzman, stop in front of the store of her mother-in-law, Enriqueta Pangilinan, about four (4) meters away, and accosted Leonardo Pangilinan, who was then sipping coffee in front of the store (Ibid, pp. 6-7).

"The group surrounded Leonardo Pangilinan and after asking whether he was Efren Pangilinan (Leonardo's brother), somebody from the group fired at Leonardo who was hit on the right cheek despite the latter's remark: 'Huwag, hindi ako' (Ibid, pp. 7-8; TSN, October 21, 1986). Two (2) more shots were fired upon (sic) by appellant Dennis de Guzman and Carlito Porma hitting Leonardo at the chest which made him spin and fall on the ground (Records, pp. 139-140).

"Enriqueta Pangilinan, mother of Leonardo, while resting in her house, was awakened by the gunshots. She became apprehensive and inquired from her daughter Imelda if her brothers and sisters were already home. Upon learning that Leonardo went out of the house, Enriqueta rushed outside of the house and saw Leonardo lying prostrate on the ground, soaked in blood (Ibid, p. 6). She cuddled Leonardo who was still alive. As she held Leonardo's head on her lap, Leonardo uttered the words: 'Hadji, Hadji, Apat apat' (Ibid, pp. 6-7).

"Leonardo Pangilinan was rushed by neighbors to the MCU Hospital but he did not reach the hospital alive (Ibid, p. 7)."[4]

The post-mortem findings of Dr. Roberto Garcia, a medico-legal officer of the National Bureau of Investigation, show that the victim sustained three gunshot wounds. The point of entry of one gunshot wound was on the right face, with the exit at the left submandibular region; the second wound was just above the left collar bone, and the exit at the left posterior lumbar region; and the third was above the left breast, with its exit in the left inframammary region. The first two wounds were fatal. The cause of death was gunshot wounds. The distance between the muzzle of the gun and the point of entry of the first wound was more than seven inches but not more than twenty-four inches. The distance between the muzzle of the gun and the points of entry of the two other wounds was more than twenty-four inches.[5]

The testimony of Gloria Pangilinan, the sole eyewitness to the actual shooting of the victim, as hereinbefore narrated, was corroborated by Marcelina Yabis and Emelita Sudla. Marcelina Yabis, sister of the victim, testified that she heard three gunshots near the house of her mother, which is about seven meters away, while she was inside her own house breastfeeding her baby. Out of curiosity, she went down the house and saw four persons, one of whom she had already known previous thereto as Dennis de Guzman, hurriedly leaving the scene of the crime. From her house, she then saw her brother stained with blood but still alive.[6]

As earlier stated and based on the transcripts of the hearing, Emelita Sudla, a 15-year old neighbor of the Pangilins, declared that she woke up early in the morning of March 30, 1986 in preparation for the Lenten season's "salubong." While she was waiting for her companions, she saw four men, with appellant among them, passing by looking down and walking briskly one after the other toward the store of Enriqueta Pangilinan, mother of the deceased. Immediately thereafter, she heard two gunshots and again saw the same four men pass by her house running towards 5th Avenue. She identified the four men as Dennis de Guzman, Litong Porma, Obet and Hadji.[7]

Appellant Dennis de Guzman, on the other hand, denied the charge against him and interposed the defense of alibi as explained in his brief, thus:

"3.3 At the precise moment that Leonardo was killed, accused-appellant was sleeping in his house at 68 Maria Clara St., 5th Avenue, Caloocan City (t.s.n. 17 September 1986, pp. 3-4). He slept at 12:00 o'clock, after the TV stations signed off, and woke up at 6:30 in the morning of 30 March 1989 (ibid).

x x x

"3.6 As aforesaid, accused-appellant woke up at 6:30 in the morning of 30 March 1986. At 7:00 of the same morning, an Easter Sunday, he went to the Our Lady of Grace Church at 11th Avenue, Caloocan City, to attend Mass (t.s.n., 17 September 1987, Dennis de Guzman, p. 4). From the Church, he went straight home at 9:00 A.M. (ibid, p. 4). He stayed at home the whole day of 30 March 1986 because his wife was sick (ibid, p. 5)."[8]

The aforesaid version of appellant was corroborated by his wife, Susan de Guzman.

In due course, the trial court found appellant guilty as charged and rendered its decision on March 1, 1989, the dispositive portion whereof reads:

"WHEREFORE, in view of the foregoing, this Court finds the accused, DENNIS DE GUZMAN y DE LEON, guilty beyond reasonable doubt of the crime of Murder as defined and penalized by Art. 248 of the Revised Penal Code, as amended, and there being no aggravating or mitigating circumstances and taking into consideration the Indeterminate Sentence Law, hereby sentences said accused to suffer imprisonment of FOURTEEN (14) YEARS of reclusion temporal as minimum to TWENTY (20) YEARS of reclusion temporal as maximum; to indemnify the heirs of the deceased in the amount of P30,000.00; and to pay the costs."[9]

Not satisfied therewith, herein appellant brought his case to the Court of Appeals, assigning the following errors:

"I

THE LOWER COURT ERRED AND GRAVELY ERRED IN ACCORDING GREAT EVIDENTIARY WEIGHT TO THE CLEARLY MANUFACTURED TESTIMONY OF GLORIA PANGILINAN, ALLEGED SOLE EYEWITNESS TO THE KILLING OF LEONARDO PANGILINAN, NOTWITHSTANDING UNCONTROVERTED EVIDENCE SHOWING THAT: (A) GLORIA FAILED TO VOLUNTEER ANY INFORMATION TO POLICE AUTHORITIES WHEN THE LATTER WERE INTERVIEWING WITNESSES DURING AN 'ON THE SCENE OF THE CRIME INVESTIGATION'; (B) GLORIA FAILED TO GIVE ANY STATEMENT TO POLICE INVESTIGATORS DURING A 'LINE-UP' CONDUCTED AT THE POLICE HEADQUARTERS; AND (C) GLORIA FAILED TO EXECUTE ANY AFFIDAVIT BEFORE THE INQUEST FISCAL.

"II

THE LOWER COURT ERRED IN RELYING ON THE ALLEGED CORROBORATIVE TESTIMONIES OF MARCELINA YABIS AND EMELITA SUDLA NOTWITHSTANDING THEIR OBVIOUS BIAS AND THE INHERENT INCONSISTENCIES IN THEIR TESTIMONIES.

"III

THE LOWER COURT ERRED IN NOT FINDING THAT THE ESTABLISHED ABSENCE OF ROGELIO MANABAT FROM THE SCENE OF THE CRIME AND THE SUBSEQUENT DISMISSAL BY THE FISCAL'S OFFICE OF THE INDICTMENT AGAINST HIM DESTROYS THE PROSECUTION'S CASE AND THE CREDIBILITY OF ITS WITNESSES CONSIDERING THAT MANABAT WAS ALLEGED TO HAVE CONSPIRED WITH THE ACCUSED-APPELLANT IN KILLING THE VICTIM.

"IV

THE LOWER COURT ERRED AND GRAVELY ERRED IN NOT GIVING MERIT TO ACCUSED-APPELLANT'S DEFENSE OF ALIBI, A DEFENSE THAT HAS ASSUMED STRENGTH (sic) AND IMPORTANCE IN VIEW OF THE CLEARLY MANUFACTURED AND INCREDIBLE EVIDENCE FOR THE PROSECUTION.

"V

THE LOWER COURT ERRED AND GRAVELY ERRED IN NOT FINDING THE ACCUSED-APPELLANT INNOCENT OF THE CRIME OF MURDER." [10]

After due evaluation of the evidence and the law involved, on September 28, 1990 the Court of Appeals affirmed the aforesaid decision of the court below but modified the penalty by imposing the penalty of reclusion perpetua.[11] Considering said modification and pursuant to Section 13, Rule 124 of the Rules of Court, the Court of Appeals did not enter judgment but certified the case to us for review.

The issues presented by appellant hinge on the credibility of the witnesses. On the strength of the trial court's findings, the appellate court gave credence to the testimony of the prosecution witnesses and disregarded the defense of alibi interposed by appellant which it held cannot overcome the positive identification of appellant by the witnesses.

As held by this Court in a long line of cases, where the issue is on the credibility of witnesses, generally the findings of the court a quo will not be disturbed on appeal since it was in a better position to decide the question, having heard and observed the demeanor of the witness, unless it has plainly overlooked certain facts of substance and value which, if considered, might affect the result of the case.[12] With all these considerations in mind, we have scrupulously reviewed the evidence and the factual and legal conclusions heretofore drawn in this case. We are convinced that the two lower courts did not fall into such reversible error as would put this case within the ambit of the aforesaid exception.

Touching on the first assigned error, appellant argues that the testimony of Gloria Pangilinan, admittedly the only eyewitness to the crime, is patently fabricated and is in itself incredible. Appellant would capitalize on the fact that said witness did not volunteer the information covered by her testimony to the policeman who investigated the crime immediately after the murder was committed, and even when witnesses were allegedly invited to the police headquarters for the perscrutation conducted thereafter. This, contends appellant, negated the veracity and sincerity of her testimony which he claims was concocted with a view to patching up the inherent weaknesses of the testimonies of the other witnesses.

The initial reluctance of witnesses to volunteer information about a criminal case and unwillingness to be involved in criminal investigations due to fear of reprisal is a common occurrence and has been judicially declared as not affecting their credibility,[13] as in the case of Gloria Pangilinan's hesitancy at the outset in disclosing what she knew of the fatal incident. She explained that she did not give her statement before the fiscal's office, or even at the police headquarters, for fear of retaliation since the assailants might come back for her.[14]

Yet, despite the anxiety which Gloria Pangilinan harbored, her testimony is plain, spontaneous and unequivocal as to the identity and actuations of appellant as one of the perpetrators of the crime. Gloria Pangilinan categorically testified on the participation of appellant as she actually witnessed the commission of the crime from her house located only four meters distant from the crime scene which was illuminated by the light from an electric post about seven meters away from where the victim was murdered in cold blood.[15] After a series of investigations and the presentation of witnesses, Gloria Pangilinan was emboldened to tell her story when she felt the need to

corroborate the testimonies of the other witnesses which were not clear, in order to give justice where it is due.[16]

True, she was in delay in giving the information which she later divulged. However, she cannot be considered as having fabricated her testimony just because of such delay which is readily explained by the natural reticence and abhorrence of persons to get involved in a criminal case.[17] Her fear of a possible retaliation was eventually overcome by her concern over a possible injustice to her brother-in-law if the vital facts of the crime would not be made known to the authorities. The failure to reveal or disclose at once the identity of the accused does not necessarily affect, much less impair, the credibility of the witnesses.[18]

Furthermore, the defense has indeed been unable to successfully discredit or otherwise cast doubt upon the veracity and credibility of this witness, whose singular testimony, both positive and credible, is sufficient to support a finding of guilt in this case.[19] The merits of the testimony of Gloria Pangilinan prompted the court a quo to declare that -

"The testimony of Gloria should be given full weight and credit. Her failure to give a sworn statement to the police should not be taken against her. There is no law which requires that the testimony of a prospective witness should first be reduced into writing in order that her declaration in Court at a later date may be believed by the Judge. (People vs. Pacabes, 137 SCRA 250). Furthermore, it is of judicial notice that it is not uncommon for a witness to show some reluctance about getting involved in a criminal case. (People vs. Coronado, 145 SCRA 250). The explanation given by Gloria is satisfactory." [20]

Still on the matter of the credibility of witnesses, appellant likewise refused to admit the corroborative testimonies of Marcelina Yabis and Emelita Sudla claiming that the same should not be given weight at all since they are partial, not to mention the fact that Marcelina Yabis is the sister of the decedent and Emelita Sudla is a neighbor of Enriqueta Pangilinan, mother of said deceased. Appellant avers that Emelita Sudla was forced to lie and was being coached by Efren Pangilinan while she was being investigated by the police, and that she allegedly told the investigator that she was merely forced to testify.[21]

We agree with the prosecution's stand that while, admittedly, Marcelina is the sister of Leonardo, her eyewitness account does not smack of a concoction. A careful scrutiny of the transcript of her testimony shows that it is a clear narration of the events that unfolded before her eyes. Relationship between the victim and the witness does not necessarily undermine the credibility of the latter's testimony. It is an established 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.[22] On the contrary, it would be unnatural for such persons interested in obtaining justice for the victims of the crime to impute the same to any person other than those responsible therefor.[23]

We are likewise convinced that the testimony of Emelita Sudla is a direct and positive narration of facts free from any tinge of suspicion. Just like Marcelina Yabis who held on to her version, this witness, despite her tender age of 15 years when she testified, remained unflinching in her version that on the day of the incident she saw appellant and his companions pass by her house on their way to the store of Enriqueta Pangilinan and, after she heard the shots, the same group ran towards 5th Avenue.

On appellant's contention that Emelita Sudla was coached and forced to lie by Efren Pangilinan, brother of the deceased, her very testimony affords the necessary and forthright refutation thereof:

x x x

"FISCAL SILVERIO (Q) The accused, Dennis de Guzman, when presented to (sic) court, testified that during the investigation you were crying because you were forced to testify against him, what do you say about that?

A:

No, sir.

Q.

What is that 'no, sir' for?

A:

What I am saying is that I was not forced to subject myself for (sic) investigation.

Q:

Was it true that you were crying at that time?

A:

I did not cry, sir, when I was being investigated. I just cried when I pointed to Dennis and Dennis told me, 'Pagbutihan mo 'Ne; kung hindi, ikaw ang makulong'.

Q:

Why did you cry?

A:

Because he seems angry when he said it to me, sir.

Q:

Where was Dennis at the time during the investigation?

A:

At the headquarters, sir.

x x x

FISCAL SILVERIO (Q) Do you know a certain person by the name of Efren?

A:

Yes, sir.

Q:

Who is Efren?

A:

Efren Pangilinan who is living at 4th Street, sir.

Q:

What is the relation of this Efren to the victim in this case?

A:

Brother, sir.

Q:

The accused in this case when he testified in open court, he said that Efren made signs to you pointing (sic) him (referring to Dennis de Guzman) and at the same time Efren touched the left side of his mouth which represents the mole of the accused, what can you say about that?

A:

I did not see Efren holding the left portion of his cheek trying to indicate something, sir.

FISCAL SILVERIO (Q) Is it true that Efren was making signals to you before you made identification on the person of Dennis de Guzman?

WITNESS (A) No sir, he did not.

Q:

After you pointed to Dennis de Guzman during the investigation, did Efren talk to you?

A:

No, sir.

Q:

Before you pointed to Dennis de Guzman during the investigation, did Efren talk to you

A:

He talked to me, sir, and asked me if he was really the one I saw.

Q:

To whom was Efren referring to (sic) at that time?

A:

Dennis de Guzman, sir.

Q:

And what was your answer?

A:

I told him sir, that he was really the one I saw."^[24]

What is of pervasive importance is the decisive factor that both witnesses positively identified appellant as one of the assailants. There is nothing in the records which would show any base motive or vile reason on the part of these witnesses to falsely implicate appellant. The absence of any evidence as to the existence of an improper motive sustains the conclusion that no such improper motive exists, and that the testimony of the witness should be given full faith and credit.^[25] Furthermore, it bears repeating that to falsely implicate another person in the commission of a crime, other than those truly responsible therefor, would be unnatural for those who are desirous of and interested in prosecuting the guilty parties in the case, otherwise said culprits would thereby gain immunity.

Anent the third assigned error, appellant argues that the trial court failed to consider the fact that the alleged absence of Rogelio Manabat (Hadji) from the scene of the crime and the subsequent dismissal of the case against Manabat in the Fiscal's Office destroys the prosecution's case and the credibility of its witnesses. On these premises, he concludes that if Manabat, who was pinpointed by Gloria Pangilinan as one of those who fired at the deceased, was not at the scene of the crime, then Gloria Pangilinan was definitely lying.^[26]

Appellant's arguments are off-tangent. The trial court was not convinced with the alibi offered by Rogelio Manabat seeking to establish his absence from the scene of the crime, nor was he totally held to have had no

participation therein, because -

"The allegation of Rogelio Manabat (Hadji) that he was at Boac, Marinduque on the day and at the time of the incident is of doubtful credibility. It is uncorroborated. The boat and bus tickets he submitted refer only to his travel from Boac to Manila which supposedly began at 6:00 o'clock in the afternoon of March 30, 1986. The tickets submitted do not show the 'name' of the passenger, so that the submission of the same does not prove anything. This witness did not submit any document which should have proved where he was at 3:00 o'clock in the morning of March 30, 1986." [27]

In addition, the record reveals that the dismissal by the fiscal's office of the case against Manabat and Carlos was the result of an independent preliminary investigation and has no bearing on the conviction of appellant. The positive identification of appellant as one of the assailants was sufficiently established by other evidence presented by the prosecution. The early identification of appellant by prosecution witnesses bespeaks their spontaneity and veracity, [28] and the correctness of such identification cannot be made to depend on the acquittal or conviction of his co-assailants which may be ascribable to a variety of other bases or considerations.

Appellant insists on his defense of alibi in that, at the precise moment when Leonardo Pangilinan was shot dead, he was dutifully attending to his sick wife's needs and he never left her until 7:00 o'clock in the morning of March 30, 1986 when he went to hear mass, hence the trial court committed an error in convicting him of the crime of murder.

It is rudimental that this alibi of appellant cannot prevail over the positive identification made by eyewitness Gloria Pangilinan, as confirmed by the declarations of Emelita Sudla and Marcelina Yabis. A bare denial of guilt is insufficient to overcome positive testimony on the culpability of the accused. [29] His defense of alibi is inherently weak because it was corroborated only by the testimony of his wife who would naturally be expected to make statements that favor her husband. As we held in *People vs. Somera*, [30] alibi is weak if it is established mainly by the accused himself and his immediate relatives and not by credible persons.

Jurisprudentially, it has long been resolved that appellant's invocation of alibi is the weakest defense, especially since he was not able to demonstrate by convincing evidence that it was physically impossible for him to have been at the scene of the crime at the time it was committed. [31] The distance between the alleged place where the appellant was and the place where crime was committed can be negotiated within minutes. This Court has consistently stated that for the defense of alibi to prosper, it must be established by clear and convincing evidence that the accused was at some other place at such a distance and for such a period of time as to negate his presence at the time and situs of the crime. [32]

Lastly, appellant asserts that he had no motive to kill the victim. The contention is without merit. As earlier narrated, appellant and Efren Pangilinan, brother of the victim, had previously engaged in a fight because the latter was caught cheating in a card game at the wake of appellant's grandmother and which act appellant considered irreverent. Efren also admitted that he cohabited with appellant's sister-in-law for some time. These circumstances could be enough motive for appellant to desire to get even with Efren and commit the crime charged. In any event, proof of motive is not necessary when there is positive identification of the assailant. [33]

WHEREFORE, finding no error in the judgment of the Court of Appeals, the same is hereby **AFFIRMED** but with the **MODIFICATION** that in accordance with present jurisprudence, the death indemnity which accused-appellant should pay to the heirs of his victim should be, as it hereby is, increased to P50,000.00.

SO ORDERED.

Melencio-Herrera, (Chairman), Paras, Padilla, and Sarmiento, JJ., concur.

- [1] Original Record, 2.
- [2] Ibid., 300.
- [3] Original Record, 8.
- [4] Brief for the Appellee, 3-6; Rollo, 50.
- [5] Rollo, CA-G.R. CR No. 07261, 59; Exhibits N, O, P, Q and R; Original Record, 139-141.
- [6] TSN, April 23, 1986, 53-55.
- [7] TSN, October 21, 1986, 4-8.
- [8] Brief for the Accused-Appellant, 4-6; Rollo, 43.
- [9] Original Record, 304-305.
- [10] Brief for the Accused-Appellant, 1-2; Rollo, 43.
- [11] Per Justice Celso L. Magsino, with Justices Nathanael P. de Pano, Jr. and Cezar D. Francisco concurring; Rollo, CA-G.R. CR No. 07261, 68-69.
- [12] People vs. Martinez, 144 SCRA 303 (1986).
- [13] People vs. Estocada, et al., 75 SCRA 295 (1977), citing People vs. Delfin (2 SCRA 911 (1961)); People vs. Rosario, et al., 134 SCRA 497 (1985).
- [14] TSN, April 23, 1986, 37-38.
- [15] Ibid., 18-20.
- [16] Ibid., 34.
- [17] People vs. Untalasco, et al., 125 SCRA 159 (1983); People vs. Punzalan, et al., 153 SCRA 1 (1987).
- [18] People vs. Valdez, et al, 159 SCRA 152 (1988).
- [19] People vs. Caringal, 176 SCRA 404 (1989).
- [20] Original Record, 302-A.
- [21] TSN, September 24, 1987, 2-5.
- [22] People vs. Marciales, 166 SCRA 436 (1988).
- [23] People vs. Espera, 175 SCRA 728 (1989).
- [24] TSN, February 3, 1988, 4-6.
- [25] People vs. Manzanares, 177 SCRA 427 (1989).
- [26] Brief for the Accused-Appellant, 20; Rollo, 43.
- [27] Original Record, 304.

[28] People vs. Sabado, 168 SCRA 681 (1988).

[29] People vs. Obenque, 147 SCRA 488 (1987).

[30] 173 SCRA 684 (1989).

[31] People vs. Talla, 181 SCRA 133 (1990).

[32] People vs. Pacada, Jr., et al., 142 SCRA 427 (1986); People vs. Cruz, 142 SCRA 576 (1986); People vs. Coronado, 145 SCRA 250 (1986).

[33] People vs. Samson, 176 SCRA 710 (1989).

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