

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. SOCRATES ROUS ALIAS BOBBY, ROLANDO LAYGO Y COLLADO ALIAS LANDO, PRIMITIVO GARCIA ALIAS BONG/PEMING, VIRGILIO PRADIS AND CELEST...

G.R. Nos. 103803-04. March 27, 1995

Ponente: MELO, J.

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MELO, J.:

Socrates Rous alias Bobby, Rolando Laygo y Collado alias Lando, Primitivo Garcia alias Bong/Peming, Virgilio Pradis, and Celestino Rabina were charged with the crime of Highway Robbery with Homicide in violation of Presidential Decree No. 532 in an amended Information reading as follows:

The undersigned 2nd Assistant Provincial Fiscal accuses ROLANDO LAYGO y COLLADO alias 'Lando', SOCRATES ROUS alias Bobby, PRIMITIVO GARCIA alias Bong/Peming, VIRGILIO PRADIS and CELESTINO RABINA of the crime of HIGHWAY ROBBERY WITH HOMICIDE in Violation of P.D. 532, committed as follows;

That on or about the 15th day of December, 1987, in the Municipality of Bauang, Province of La Union, Philippines, at Barangay Santiago, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating with each other and mutually helping one another, with deliberate intent of gain, being then armed with firearms and by means of violence and intimidation perpetrated while the accused and victim were on the National Highway in the said barangay, did then and there wilfully, unlawfully and feloniously rob, held-up, take and carry away assorted jewelries and gold belonging to PASTOR PASAHOL with a value of P600,000.00 more or less, against the will and without the consent of the said owner, to his damage and prejudice of the said amount.

That as a means of committing the above-alleged robbery and during the occasion thereof, the above-named accused with intent to kill and acting on the same conspiracy with one another, did then and there wilfully, unlawfully and feloniously attack, assault, intimidate, shot and hit Pastor Pasahol, inflicting upon the said victim mortal gun shot wounds, fractures and massive hemorrhage that directly caused his death soon thereafter, to the damage and prejudice of his heirs.

That the commission of the above-alleged complex crime is attended with the aggravating circumstances of the use of motor vehicle, abuse of confidence, superior strength that was taken advantage and treachery with respect to the killing of the victim.

CONTRARY TO P.D. 532 in relation to the Revised Penal Code.

(pp. 53-54, Rollo.)

Further, all the above accused, except Laygo, were charged with violation of Republic Act No. 6539, the

Anti-Carnapping Act of 1972 in an amended Information, to wit:

The undersigned 2nd Assistant Provincial Fiscal accused SOCRATES ROUS alias Bobby, PRIMITIVO GARCIA alias BongIPeming, VIRGILIO PRADIS and CELESTINO RABINA of the crime of VIOLATION OF R.A. 6539 known as Anti-Carnapping Act of 1972, committed as follows:

That on or about the 15th day of December, 1987, in the Municipality of Bauang, continuing to the Municipality of Caba, Province of La Union, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating with each other, and mutually helping one another, with deliberate intent of gain, by means of intimidation, violence and force against person with the use of firearm, did then and there wilfully, unlawfully and feloniously carnap, take and drive away the car, Mits. Lancer with Plate No. DEF-888 and with a value of P210,000.00, Philippine Currency belonging to PASTOR PASAHOL, without the consent of the said owner to his damage and prejudice or that of his heirs in the said amount of P210,000.00.

That the crime was committed with the aggravating circumstance of the killing of the owner of the car.

(pp. 54-55, Rollo.)

After joint trial against Laygo and Rous only, as the other accused were never arrested and have remained at large, the court a quo rendered a decision acquitting Rous of the charge of carnapping, but finding both Rous and Laygo guilty under the charge of Highway Robbery and sentencing each to an imprisonment term of reclusion perpetua, aside from the payment in solidum of civil indemnity.

From said decision, Rolando Laygo and Socrates Rous appealed, with both of them ascribing as error the admission of their extrajudicial confessions (Exhibits C, E, & G).

The findings of fact of the trial court find support in evidence, and we hereby adopt them and quote them verbatim:

From the evidence on record, the Court gathers the following facts: that at around 3:30 o'clock in the morning of December 15, 1987, the victim Pastor Pasahol boarded in his car driven by the accused Rolando Laygo who was only his companion, and left Candon, Ilocos Sur bound for Meycauayan, Bulacan. When they reached Barangay Santiago, Bauang, La Union, two (2) armed men who, according to Rolando Laygo, alighted from a red car which stopped beside the victim's car, and then the two (2) shot the victim. Thereupon, one of the assailants took the clutch bag from the compartment of the victim's car which, according to the victim's wife, Selwyn Pasahol, contained gold coins, earrings with diamond and refined gold worth more than P600,000.00. Thereafter, the hold-uppers took the victim's car, a Mitsubishi Lancer, bearing Plate No. DEF 888, which was found abandoned by the peace officers at Barangay Urayong, Bauang, La Union, about two (2) kilometers away from the place at Barangay Santiago, where the crime was committed. Two (2) days thereafter, or specifically on December 17, 1987, the victim died in the Lorma Hospital at San Fernando, La Union where he was brought by Rolando Laygo, as a result of the inflicted gun shot wounds, as evidenced by the victim's pictures (Exhs. 'I', "I-1" to-"I-5") and Death Certificate (Exh. "J").

This Court has noted, however, that there is no eyewitness who was presented by the prosecution. This is understandable because nobody was found to have witnessed the incident among the persons who were interviewed at the place of the incident by the peace officers. The only available person who has actually witnessed how and where the crime was committed was the accused Rolando Laygo who suffered no injury and was the only companion of the victim in the car at the time of robbery and the shooting of victim. Starting his investigation on the accused Rolando Laygo as witness, Sgt. Gaddi invited Rolando Laygo to the CIS Office in the afternoon of December 15, 1987 and he interviewed Rolando Laygo, but Laygo denied knowledge of the

incident and so he (Laygo) was allowed to return to the Lorma Hospital. On the next day, Sgt. Gaddi again invited Rolando Laygo to the CIS Office and after questioning him for thirty (30) minutes, Laygo broke down and he admitted that he and Socrates Rous were parties to the conspiracy of the original plan to commit Robbery and not to inflict harm on Pastor Pasahol. With Rolando Laygo's revelation, Sgt. Gaddi took his sworn statement denominated as "Sinumpaang Salaysay" on December 16, 1987 (Exh. "C") with the assistance of Atty. Abraham Datlag, which is a confession of his participation in the commission of robbery and implicated Socrates Rous in the commission of the crime. Rolando Laygo, on the same date, also executed a document entitled "Kusang Loob na Kahilingan" (Exh. "D") also assisted by Atty. Abraham Datlag who assisted him in the custodial investigation and witnessed by spouses Fely Laygo and Tiburcio Laygo. Both documents bear the signatures of Atty. Abraham Datlag who assisted him in the custodial investigation and witnessed by spouses Fely Laygo and Tiburcio Laygo. Rolando Laygo also executed another "Sinumpaang Salaysay" on December 22, 1987 (Exh. "E") without the assistance of a lawyer.

On December 29 or 30, 1987, Socrates Rous alias Bobby was arrested by Sgt. Gaddi when he accompanied Capt. Luvimindano Garcia in the latter's appearance before the CIS District Commander, Lt. Col. Pimentel, in the CIS Office at San Fernando, La Union. With Laygo's confession, Sgt. Gaddi also investigated Socrates Rous who, on January 7, 1987, executed the "Sinumpaang Salaysay" (Exh. "G") with the assistance of Atty. Roberto Ferrer, who affixed his signature thereon.

Subsequently, on the basis of the affidavit of the victim's wife, Selwyn Pasahol, affidavit of Sgt. Roberto Gaddi and the sworn statements of Rolando Laygo (Exhs. "C" and "E"), the Provincial Fiscal filed on December 17, 1987 the case (Highway Robbery with Homicide) against Rolando Laygo, Bobby Rous, John Doe and Peter Doe, and on December 21, 1987, the case for Carnapping was filed against Bobby Rous, John Doe and Peter Doe. Later, the original Information in both cases were amended after the identities of the other Does were known as Primitivo Pradis and Celestino Rabina (the last three are at-large).

Thus, the only evidence relied upon by the prosecution to substantiate the charges against the said two (2) accused, Rolando Laygo and Socrates Rous alias Bobby, are their written confession (Exhs. "C", "E" & "G").

Rolando Laygo denied having given a written statement to the CIS Investigator, Sgt. Roberto Gaddi. He alleged in his testimony that Sgt. Gaddi presented to him the "Sinumpaang Salaysay" dated December 16, 1987 (Exh. "C") in the CIS Office, and he was forced to sign Exhibit "C" and the "Sinumpaang Salaysay" dated December 22, 1987 (Exh. "E") in the CIS comfort room by Sgt. Gaddi because he was maltreated; that he admitted that he signed the "Kusang Loob na Kahilingan" dated December 16, 1987 (Exh. "D") and the contents thereof are true and correct when asked by Atty. Datlag before the latter affixed his signature, because he does not want to suffer further maltreatment from the hands of the CIS; that he did not complain to Atty. Datlag that he signed Exhibits "C" and "D" by force because he was scared as he was with Sgt. Gaddi when he and Sgt. Gaddi went to the office of Atty. Datlag; that he was not given a chance by Sgt. Gaddi to talk privately with Atty. Datlag while he and Sgt. Gaddi were in the office of Atty. Datlag at the time exhibits "C" and "D" were presented to Atty. Datlag.

On the part of the accused Socrates Rous alias "Bobby", he denied his participation in the charges, claiming that he was in their house at Candon on the night of December 14, and in the following morning of December 15, he was in their house and at 9 o'clock in the morning, he went to the house of Noli Singson to borrow money and the money he borrowed was, in turn, given in their house to Sianing Baulo. He further alleged in his testimony that he did not give his statement, and the "Sinumpaang Salaysay" dated January 7, 1988 (Exh. "G") is a lie because he did not see where Exhibit "G" was typed; that he was forced to sign Exhibit "G" on January 7 because while he was brought out from his cell blindfolded on the night of December 6, he was boxed at his stomach by four (4) persons and a gun was poked at his temple; that he was not able to complain to the doctor who examined him that

he was maltreated because Sgt. Gaddi had intervened by saying that he does not feel any pain, and the doctor and Sgt. Gaddi whispered with each other; that he and Sgt. Gaddi went to the office of Atty. Ferrer, and while they were there, Exhibit "G" was given to him to read, but he only glanced over Exhibit "G" for less than one (1) minute because Sgt. Gaddi looked at him menacingly, and he did not complain about Gaddi's behavior to Atty. Ferrer because Sgt. Gaddi was present and he was afraid that they may again maltreat him.

In his extrajudicial confession ('Sinumpaang Salaysay" dated December 16, 1987) marked Exhibit 'C", Rolando Laygo has, among other things, stated that he conspired with Bobby Rous (his brother-in-law) and Bong, a driver of Capt. Garcia of the MIG assigned at Candon, Ilocos Sur, in the hold-up and shooting of Pastor Pasahol; that before the hold-up, Bobby Rous and Bong asked him two (2) times to give their scheduled trips with Pastor Pasahol in going to Meycauayan, Bulacan to sell gold because they will rob Pastor Pasahol of the gold; the first time had taken place more or less two (2) months ago when Bobby Rous and Bong passed by at the bridge where he happened to be at that time, but he did not give them the scheduled trips because he would think it over, and the second time was on December 13, 1987 when he was fetched by Bong at the tricycle parking place at the poblacion of Candon and they went to the house of Bobby Rous at Oaig-Daya where he saw Bobby Rous, two (2) persons whose names he does not know, and Capt. Garcia; thereupon, when Bong asked him their scheduled time in going to Meycauayan, Bulacan, he answered that "at 3 o'clock in the morning of Tuesday, December 15, 1987," and he told Bobby Rous and Bong not to shoot at Pastor Pasahol, to which the two (2) answered, "yes." Then both Bobby Rous and Bong said: "Pagdating mo ng Bauang, La Union, ihinto mo ang sasakyan kunwari tingnan mo ang inyong gulong at darating kami." At 3 o'clock dawn of December 15, 1987, he and Pastor Pasahol left the latter's house at Candon by riding in the blue lancer car with Plate No. DEF 888 owned by Pastor and he drove the car. He overtook the red car of Bobby Rous and Bong at Sta. Lucia, Ilocos Sur, and then while they were filling the car with gasoline at the Oasis Gasoline Station at San Fernando, La Union, the red car passed by and Bobby and Bong saw him. While the red car was proceeding to the south and they overtook Bobby's red car at Mark Theresa Apartment at Bauang, La Union. When they reached the bridge at Bauang, he told Pastor that their wheel lack air pressure and Pastor told him to look for a bright place where they could stop. Thereafter, he parked the car where there was a light and alighted, pretending to be looking at the wheel, and upon seeing Bobby's car, he boarded their car and then Bobby's car suddenly stopped just beside their car. Thereupon, Bobby, carrying a .45 cal. gun and Bong (Primitivo Garcia) carrying a baby armalite, pointed their guns at them and then they told them not to move, at which time Bobby and Bong alighted from their car (two persons were left in the red car); while they pointed their guns at them, Pastor Pasahol suddenly ran and Bobby and Bong shot at his Uncle Pastor resulting to his falling down at the left side of the road, and he just stooped down in front of the steering wheel. Thereafter, Bong drove Pastor's car with Bobby sitting at the back seat, while he sat at the right side of the front seat. When they have travelled a distance of two (2) kilometers, more or less, Bong asked him where the gold was, and he told Bong that it was under his seat where his Uncle Pastor had earlier sat. Bong parked the car and got the clutch bag containing the gold under the seat, after which he (Laygo) alighted from the car. Then they told him to go home, and when a jeep passed by, he boarded the jeep and returned to the place where Pastor was. He talked to the jeep driver to bring Pastor to the hospital, but the driver refused, and the driver left. Later, Bong and Bobby, on board their red car with Plate No. 592 (the letter was erased, but he often see the car because it is a service car of the MIG) passed by the place where he and Pastor were, going back to the north. Then he was able to board Pastor's body in a trailer and he brought Pastor to the Lorma Hospital.

In his additional extrajudicial confession dated December 22, 1987 (Exh. 'E"), Rolando Laygo also stated, inter alia, that at around 4 o'clock in the afternoon of December 22, 1987, he talked to the investigator, Sgt. Gaddi, because he cannot sleep and his conscience is bothering him for the grave mistake he had done to his Uncle and for trying to cover up the involvement of the person who have not helped him; that he lied to Sgt. Gaddi in the

presence of his lawyer when he gave his statement because of great fear of Capt. Garcia and his subordinates; that the truth is that Capt. Garcia and Celestino Rabina, an Uncle of his wife, were present in the same room when Bobby Rous and Bong had instructed him what to do, and Capt. Garcia told him to follow their instructions and they will follow his request that they will not hurt Pastor Pasahol, while Celestino Rabina also told him to follow their instructions; that they talked to each other for more or less one (1) hour when they planned the hold-up of Pastor Pasahol; that the things owned by Pastor Pasahol that were taken were jewelry and gold; that he thinks that Capt. Garcia, Bong and Bobby Rous are the real brains in the hold-up because they are the only ones who are in constant company with each other and they were all present when they planned the hold-up on December 15, 1987; that he is telling now these matters because he pity his Uncle Pastor Pasahol, and he knows Capt. Garcia is planning to have him killed because he heard Capt. Garcia pleading that he be set free and sent home as his father was allegedly sick, but he knows that they will just kill him, so before that will happen, he have to tell the whole truth; that he knows that by this statement, Capt. Garcia and Celestino Rabina will be implicated, caught and punished because it is just fair since they joined in the plan to hold-up Pastor Pasahol and that he also knows that by this statement he, Capt. Garcia, Bobby Rous, Celestino Rabina and Bong will be in jail and punished.

In his extrajudicial confession dated January 7, 1988 (Exh. "G"), Socrates Rous alias "Bobby" stated, substantially, as follows: that he is being investigated in the CIS Office because he was involved in the robbery hold-up with homicide and carnapping which happened in Barangay Santiago, Bauang, La Union at more or less 4 o'clock in the morning of December 15, 1987 and the victim was Pastor Pasahol whom he knows to be engaged in jewelry business since he (Bobby) was a child; that on the first week of December 1987, Rolando Laygo came to their house at Caig--Daya, Candon, Ilocos Sur in the company of his Uncle, Celestino Rabina, and Rolando Laygo proposed to them that they will hold-up his boss, Pastor Pasahol, because the latter took advantage of him and he told them that they will be going out at 3 o'clock in the morning of December 15, 1987, carrying with them jewelry and gold to be sold in Meycauayan, Bulacan, and if his proposal is not accepted by them, he will offer it to others; that on December 13, 1987, Rolando Laygo and Celestino Rabina came back in his house and Rolando Laygo told them (he and Primitivo Garcia alias Bong) that Pastor Pasahol and himself would go to Meycauayan, Bulacan on December 15, 1987 and they will stop for gasoline at Oasis in San Fernando, La Union, and Rolando Laygo again told that if they will not accept his proposal, he will offer it to another, at which time Primitivo's cousin, Capt. Luvimindano Garcia, who is a team leader of Spot 18 of the Military Intelligence Group (MIG) at Bangued, Abra was resting inside the room near them; that on December 14, 1987, at around 9 o'clock in the evening, Celestino Rabina came to their house and he said to him in the presence of Primitivo Garcia and Virgilio Pradis alias Tinor (while Capt. Garcia was then sleeping in the room) that Rolando Laygo will no longer come because their trip to Bulacan will proceed as scheduled; that after they have planned what to do, Primitivo Garcia, Celestino Rabina and Virgilio Pradis and he, boarded a red Dodge Colt with Plate No. NMB 650 owned by Capt. Garcia and he was the one who drive the car to San Fernando, La Union where they will wait for the arrival of Rolando Laygo and Pastor Pasahol (Capt. Garcia does not know their plan); that he was carrying a .22 cal. magnum, Primitivo Garcia has a 45 cal. pistol and Virgilio Pradis has a baby armalite, but he does not know if Celestino Rabina has a gun; that at around 1 o'clock in the morning of December 15, 1987, they waited inside the car near the Oasis Gasoline Station, and after waiting for several hours, he saw the car driven by Rolando Laygo stopped at the Oasis Gasoline Station and he saw Pastor Pasahol alighted; thereupon, they went ahead towards Bauang, La Union and Rolando Laygo's car overtook them, and when they reached the grape plantation at Bauang, he saw Rolando Laygo alighted from the car being driven by him and pretended to inspect the wheels of the car. Then he suddenly parked their car beside Pasahol's car upon instruction of Primitivo Garcia and, thereupon, Primitivo Garcia alighted, poked his gun at Pastor Pasahol and said, "This is a hold-up", after which Virgilio Pradis alighted from their car and when Pastor Pasahol ran away, Primitivo Garcia and Virgilio Pradis fired their gun at Pastor Pasahol, who fell down on the left side of the road. Moments later, Primitivo Garcia,

Virgilio Pradis and Rolando Laygo boarded Pasahol's car and drove the car towards Manila and he also drove their car to follow them. After traveling a distance of more or less two (2) kilometers, Pasahol's car stopped and Primitivo Garcia, who was carrying a clutch bag, and Virgilio Pradis alighted from Pasahol's car and the two (Virgilio and Primitivo) boarded their car and they told him to return to Candon. While on the way, he asked Primitivo and Virgilio why they shot at Pasahol when it is not a part of the plan, to which they answered that Pasahol resisted and ran. When they reached Candon, Celestino Rabina fetched Capt. Garcia, after which he, Primitivo, Celestino, Virgilio and Capt. Garcia proceeded to Bangued, Abra. When they reached Bangued, Capt. Garcia asked them where they came from and they said that they have a drinking spree, but he did not believe them and he said: "If you will get caught, I won't have any business." They also opened the clutch bag in the presence of Capt. Garcia at Bangued and he saw eight (8) pieces of gold as big as one-peso coin and different kinds of jewelries, after which Capt. Garcia told them that if they will be caught he will not mind, and then Capt. Garcia left them. Thereafter, he, Primitivo, Virgilio and Capt. Garcia went to Baguio City riding on the same car and while they reached Baguio City, Capt. Garcia was left at Camp Allen and he, Virgilio and Primitivo proceeded to a house in Baguio City where Primitivo and Virgilio sold the gold and he got Six Thousand Pesos (P6,000.00) as his share from the proceeds of the sale. Thereafter, they returned to Candon and when they reached Candon, they separated from each other.

(pp. 80-86, Rollo.)

Accused-appellant Laygo contends that his extra-judicial confession (Exhibit C) is inadmissible in evidence because the taking thereof was started and finished without the assistance of counsel.

We reject this argument.

The record shows that the investigating officer fully informed accused-appellant Laygo of his right to counsel and categorically asked Laygo whether he wanted the assistance of counsel, to which inquiry, Laygo expressed his desire to be so assisted by counsel. Thereupon, the investigating officer, Sgt. Robert Gaddi, brought him to the office of Atty. Abraham Datlag. Accused-appellant and Atty. Datlag conferred for a while; thereafter, Sgt. Gaddi and accused-appellant returned to the CIS Office of Sgt. Gaddi and Sgt. Gaddi started the investigation. Atty. Datlag arrived soon after the investigation started and left before the last three questions were asked, instructing them to follow him to his office. After the extra-judicial statement (Exhibit C) of Laygo was finished, Gaddi and accused-appellant Laygo went to the office of Atty. Datlag who read and examined Exhibit C, after which, Atty. Datlag conferred with Laygo and then advised Laygo to sign Exhibit C. Laygo did so and Atty. Datlag thereupon likewise signed Exhibit C.

From the above facts, we find that there was more than substantial compliance with the constitutional requirement that a person under investigation for the commission of a crime should be provided with counsel, (Section 12 (1), Article III, The Constitution of the Republic of the Philippines). The very purpose of said constitutional requirement is to prevent the use of coercion in extracting a confession from a suspect. Any form of coercion, whether physical, mental, or emotional in extracting confessions stamps the confession with the taint of inadmissibility (*People vs. Cuison*, 106 SCRA 98 [1981]). Nowhere in the evidence is it shown that coercion was ever employed by the investigating officer in obtaining the confession of accused-appellant Laygo. The investigation was even witnessed by the relatives of Laygo.

The fact that Atty. Datlag arrived shortly after the investigation of Laygo had begun and left before the confession was concluded does not negate the validity and admissibility of said confession for the reason that after the confession was put down in writing, accused-appellant and the investigating officer proceeded to the office of Atty. Datlag and the latter then read the confession, conferred with Laygo and then advised Laygo to sign the

confession. It will be readily seen that the confession was voluntary and the signing thereof by Laygo was done upon advice of counsel. The constitutional requirements were thus fully complied with. Moreover, the presence of Rolando's uncle, Tiburcio Laygo, and the latter's wife, Fely, clearly precluded the use of coercion in extracting the confession.

A confession constitutes evidence of high order since it is supported by the strong presumption that no person of normal mind would deliberately and knowingly confess to a crime unless prompted by truth and his conscience (*People vs. Pamon*, 217 SCRA 501 [1993]). A confession is admissible until the accused successfully proves that it was given as a result of violence, intimidation, threat, or promise of reward or leniency (*People vs. Dasig*, 221 SCRA 549 [1993]). There is not a speck of evidence to show that the confession of Laygo was extracted by such means or promise. Atty. Datlag would not have affixed his signature to the extrajudicial confession of Laygo as counsel for Laygo had he known or had he been informed by Laygo of any infirmity in its execution (*People vs. Baello*, 224 SCRA 218 [1993]). Said confession is, therefore, admissible in evidence.

The same ruling applies to the extrajudicial confession (Exhibit G) of accused-appellant Rous. Although Atty. Ferrer, the counsel of Rous, was not present when the confession was taken, after the confession was prepared, Sgt. Gaddi brought Rous to the office of Atty. Ferrer who read the confession and fully explained it to Rous. Only after Atty. Ferrer had interviewed Rous and fully explained the confession and apprised Rous of his rights and the consequences of his answers did Rous sign said confession. It is clear, therefore, that Rous signed his confession upon advice and in the presence of his counsel, without any violence, intimidation or threats being employed against him. Said confession suffers from no infirmity and, is therefore, admissible in evidence. Furthermore, the prosecution presented a medical certificate (Exhibit H) issued by Dr. Cesar S. Bernabe of the Ilocos Regional Hospital attesting that he physically examined accused-appellant Rous and found no injury on his body, evidently showing that no violence was used against accused-appellant Rous.

WHEREFORE, the decision appealed from is hereby **AFFIRMED**, without special pronouncement as to costs.

SO ORDERED.

Feliciano, (Chairman), Romero, Vitug, and Francisco, JJ., concur.

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