

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ALFONSO BAUTISTA, ACCUSED-APPELLANT.*G.R. Nos. 120898-99. May 14, 1998*

Ponente: REGALADO, J.

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In a joint decision, the Regional Trial Court, Branch 48, of Urdaneta, Pangasinan rendered two verdicts of conviction in Criminal Cases Nos. U-8191 and U-8192, finding accused-appellant Alfonso Bautista, alias “Poldo,” guilty of the charge of illegal possession of firearm and ammunition and of the complex crime of murder with frustrated murder and attempted murder, respectively. Appellant insists in this present appellate review that the trial court should not have granted affirmative weight to the testimonies of prosecution witnesses Ferdinand Datario and Rolando Nagsagaray as the bases for his conviction, considering that, inter alia, after they allegedly caught a glimpse of appellant at the scene of the crime, they broke their silence about his supposed participation only after more than sixteen months and under dubious circumstances.

The initiatory criminal information in Criminal Case No. U-8191 was lodged on June 13, 1994 with Branch 48 of the Regional Trial Court of Urdaneta, Pangasinan,[1] while that in Criminal Case No. U-8192, dated June 16, 1994, was assigned to Branch 49 of said court. On motion of the Office of the Provincial Prosecutor, these cases were subsequently consolidated and assigned to Branch 48 for trial.[2] Appellant was indicted for the commission of the aforestated crimes, as follows:

Criminal Case No. U-8191

That on or about the 18th day of May, 1992, at Barangay Dilan, municipality of Pozorrubio, province of Pangasinan, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there wilfully, unlawfully feloniously have in his possession, control and custody one (1) long firearm of unknown caliber or make, without authority of law, and which he used in shooting Barangay Captain Eduardo Datario, Bernabe Bayona and Cinderella Estrella[3]

Criminal Case No. U-8192

That on or about the 18th day of May, 1992, at Barangay Dilan, municipality of Pozorrubio, province of Pangasinan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill and with treachery, did then and there wilfully, unlawfully and feloniously, attack and sho(o)t on(e) Eduardo Datario hitting the latter’s face with the bullet exiting through his neck, which wound caused his death, and further hitting the ear of Bernabe Bayona and bullet exiting through his mouth, which wound would have caused the death of said Bernabe Bayona had it not been for the timely medical assistance rendered to him, and the bullet finally hitting (the) right leg of Cinderella Estrella, (through) which wound accused commenced the commission of the crime of Murder directly by overt act but did not produce it by reason of

some cause other than his spontaneous resistance, all to the damage and prejudice of the heirs of the deceased and the two other victims[4] (Corrections Supplied).

At the arraignment of appellant on November 10, 1994 wherein he was duly assisted by counsel, negative pleas to the charges were entered for him pursuant to his indication in open court.[5] Pre-trial having been waived by appellant, trial proceeded thereafter with the presentation of several prosecution witnesses, particularly the alleged eyewitnesses Ferdinand Datario and Rolando Nagsagaray on whose testimonies the court below principally anchored its judgement of conviction. On the other hand, appellant himself appeared in his defense, and one Norma Reyes, a neighbor, partly corroborated this assertions.

Professedly convinced by the evidence for the prosecution, the trial court found appellant guilty as charged and imposed on him the penalty of life imprisonment, with costs, in Criminal Case No. U-8191. In Criminal Case No. U-8192, appellant was sentenced to suffer the penalty of reclusion perpetua and to pay civil indemnity of P50,000.00 actual damages in the sum of P20,000.00, and the prescribed costs.[6]

According to the evidence of the prosecution,[7] Eduardo Datario, Barangay Captain of Dilan in Pozorrubio, Pangasinan, was fatally shot by an assassin on the night of May 18 1992 at around ten o' clock. At the time of the treacherous assault, the victim was watching the sideshows of their barangay fiesta which were being held within the school campus of the Dilan Elementary School. Ferdinand Datario, younger brother of the deceased, recounted that when he arrived and took his place beside his brother at the school premises, the latter was with Rolando Nagsagaray, Bernabe Bayona and Cinderella Estrella, among others, watching a sideshow game.

Shortly thereafter, a gun report caused the people around to scamper in different directions. In the few seconds prior to the ensuing melee, the deceased slumped to the ground with a gunshot wound in the area of his chin which proved to be lethal. Bernabe Bayona and Cinderella Estrella, who were beside the victim, were likewise hit apparently by the same bullet in succession, but they fortunately survived. Bayona sustained only a wound on the left ear followed by a grazing wound on his left upper lip, and the bullet thereafter lodge in the left thigh of Estrella.

The same prosecution eyewitness recalled that as soon as the long gun shot rang out, he instinctively turned toward its source, and it was at the point that he saw the assailant, at an approximate distance of ten meters, holding a long firearm aimed towards their group. That assailant, according to this witness, was herein appellant who was then on the other side of a concrete fence which was more than five feet high. The witness then turned his attention to his brother and with the help of other persons, they brought him to a hospital where the victim expired.[8] Rolando Nagsagaray, the other key prosecution eyewitness, testified along the same lines. He likewise claimed to have seen appellant standing at the other side of the concrete fence and holding a long firearm.[9] Both of them admittedly did not call the attention of the people around them or those near the fence to the fact of the presence of appellant, either for his identification or apprehension.

Appellant, a farm helper and resident of Lipit, Manaoag, Pangasinan, vehemently denied any involvement in the shooting incident. He asserted in court that he never knew personally the victims and, although he himself could not specifically recall where he was at the time of the killing on May 18, 1992, his neighbor, Norma Reyes, testified that he was then at their house as a guest at the birthday celebration of her husband. Appellant also recalled that when he was arrested in September, 1993 in San Fabian, Pangasinan, reportedly in connection with another case, he was actually waiting for one Francisco Periamil at the latter's house to collect payment of his tobacco produce. However, Periamil instead arrived with two law enforcers who promptly arrested appellant. He was then brought to Lingayen, Pangasinan where he was detained and it was there where he was tortured and forced to admit participation in some unsolved killings, one of which was the murder of Eduardo Datario.[10] It was also at the time of his arrest that the two prosecution eyewitnesses, Ferdinand Datario and Rolando

Nagsagaray, came out into the open to announce what they allegedly witnessed on the night of May 18, 1992.[11]

Appellant faults the trial court for its unwarranted acceptance of the version of prosecution. He argues that the very long delay, which took all of sixteen months, on the part of Ferdinand Datario and Rolando Nagsagaray in reporting to the authorities what they allegedly saw has definitely placed the stamp of doubt, if not incredibility, on their testimonies. On top of that, there are inherent improbabilities and inconsistencies in their declarations in court and which, according to appellant, are factors obviously corrosive of the prosecution's cause. With the facts in this hypothesis, the Court is inclined to agree. For, while it is true that the matter of assigning values and weight to the testimonies of witnesses is at best the province of the trial court, it is equally the province of appellate courts to disregard factual findings of the former where certain facts of substance have been plainly overlooked and misappreciated by the said lower courts.[12]

In the case at bar, the aforesaid two eyewitnesses both averred that they feared for their lives, hence they kept silent for sixteen months. It was only after appellant had been apprehended and had allegedly owned up to the killing of the victim that they decided to speak and execute sworn affidavits on the matter. The trouble with their posturing is that they had all the opportunity to pinpoint appellant as the malefactor without having to necessarily place their lives, or of those of their families, in danger. Thus, as pointedly noted by the defense, both these witnesses could very well have revealed what they supposedly knew to the town mayor who took a hand in the investigation of the case, or any of the police investigators or the barangay officials, some of whom in fact were their personal friends, but they did not. An anonymous tip to these authorities would also have been a convenient and effective course of action. .

Witness these admission in the testimony of Ferdinand Datario:

Q

When was the first time that you reveal(ed) the identity of the accused Alfonso Bautista to the authorities or did you reveal to anybody the identity of the person who shot your brother Eduardo Dat(a)rio?

A

Only to my father, sir.

Q

And when did you tell your father that it was Alfonso Bautista who shot your brother Eduardo Datario?

A On the fourth day after the incident, sir.

COURT

Q Why did you not tell your father immediately that Alfonso Bautista shot your brother?

A Because my father might get shock(ed), Ma'am.

Q Why did you not reveal immediately that Alfonso Bautista was the one who shot your brother?

A We were afraid because Alfonso Bautista usually roams around, Ma'am.

Q When did the police go to your house?

A Before we brought home my brother, it was the 19th of May, the day after my brother died, Ma'am.

x x x

Q

When the policeman went to your house on May 19, 1992, you have not seen Alfonso Bautista yet and yet did not tell the police that Alfonso Bautista was the one who shot your brother?

A Yes, Ma'am.

Q Why?

A We were afraid to tell, Ma'am.[13]

x x x

Q

You never made any attempt to report what you saw who killed your brother on May 18, 1992?

A

No, sir.

Q

Now, do you know the Mayor of Pozorrubio at that time in 1992?

A

Yes, sir.

Q

Considering the fact that you are a barangay captain's brother you are very close to him, am I right?

A

Yes, sir.

Q

In spite of that, you never attempt(ed) even to whisper to him what you allegedly saw on May 18, 1992?

A

No, sir.

Q

Now, at that time, 1992, do you personally know any policeman in the municipality of Pozorrubio?

A

Yes, sir.

Q

Who were they, could you please inform us?

A

Investigator Balelo, Pat. Fernandez, sir.

Q

You were very close to these policemen, am I right?

A

Yes, sir.

Q

And in spite of that you never attempted even to whisper to them that it was Alfonso Bautista alias Poldo who allegedly shot your brother?

A

I did not, sir.

x x x

Q

Who called you at the police headquarters at Lingayen, Pangasinan?

A

SPO 1 Jaime Fernandez went to our house, sir.

x x x

Q

Now, what did SPO1 Jaime Fernandez tell you when he went to your house and convinced you to give your sworn statement?

A

He told us to go to the police headquarters, sir?

Q

Did you ask him why they were calling you at the headquarters?

A

Yes, sir.

Q

And what was his reason?

A

He told us that the one who shot the barangay captain was already arrested, sir.

x x x

Q

And what did you do when SPO1 Fernandez told you that Alfonso Bautista admitted that he was the one who allegedly killed your brother?

A

That is why we filed a case on behalf of my deceased brother, sir.

A

So that was the only evidence you relied on when you filed this complaint only 1993?

A

Yes, sir.[14] (Italics and corrections in parentheses ours).

The veritable cock-and-bull account of witness Rolando Nagsagaray, which was obviously patterned after and to corroborate that Ferdinand Datario, was even worse. Thus:

Q At the time the gunwielder shot Eduardo Datario, you already knew him?

A Yes, Ma'am.

Q So, what is the name?

A Alfonso Bautista, Ma'am.

x x x

Q

Now, at what time did you go home after delivering the late Barangay Captain Datario a the Sacred Heart Hospital?

A

1:00 o'clock in the morning because he died at 1:00 o'clock, sir.

A

Were you alone when you went home at that time?

A

There were two (2) of us, sir.

Q

Who is your companion?

A

Reynaldo Datario, the brother of Eduardo Datario, Ma'am.

Q

You never informed Reynaldo Datario of what you allegedly saw that night?

A

No, sir.

COURT

Q

Why did you not inform Reynaldo Datario of what you allegedly saw?

A

Because I was then afraid, Ma'am.

Q

Reynaldo Datario is the brother of Eduardo?

A

Yes, Ma'am.

Q

Now, could you please inform this Honorable Court what was the physical condition or situation of Reynaldo Datarion when you went home.

A

He cried, sir.

Q

And am I right to say that while he was crying he was crying for justice for his brother at that time?

A

Yes, sir.

Q And in spite of that you never informed him of what you saw that night?

A No, sir.

x x x

Q You do not know any baranggay official at that time?

A Napoleon Sales, sir.

x x x

Q

How far is the house of Napoleon Sales to your house?

A

Around 100 meters, sir.

Q

Did you inform Napoleon Sales what you saw at that particular night?

A

No, sir.

Q

Do you know of any policeman stationed at Pozorrubio, Pangasinan?

A

Yes, sir.

Q Could you please tell us the name of the policeman?

A Balelo, sir.

x x x

Q

You were very close to him, am I right?

A

Yes, sir.

Q

In spite of that, you never informed him of what you saw on that particular night?

A

No, Ma'am.

Q

Who is the incumbent Mayor at that time in Pozorrubio?

A

Manuel Venezuela, sir.

Q

You know him very well, am I right?

A

A Yes, sir.

Q

And in spite of that, you never informed him, whispered to him, of what you know that night?

A

No, sir.

x x x

Q Do you have any parent?

A Yes, sir.

Q You were living with them that particular time.

A Yes, sir.

Q And did you ever tell them of what you allegedly saw on that particular night?

A No, sir.[15]

Ferdinand Datario even saw appellant passing near their house during the victim's wake but he never bothered to sound the alarm, so to speak. This is an inconceivable reaction on his part, considering that there was at that time sufficient manpower in the person of fourteen male relatives and friends then in attendance who could have physically overpowered appellant and placed him in the custody of the law.[16] More perplexing is the fact that while the witness is an aggrieved consanguineous brother of the victim, yet he inexplicably remained tight-lipped over his avowed knowledge of the identity of his own brother's killer. His behavior is certainly unnatural for one who had just lost a sibling under the circumstances in this case, despite the opportunities under which he could have relayed what he now alleges to have known all along which, if true, could secure retributive justice for his brother.

The rule is ordinarily to the effect that delay by a witness in divulging what he or she knows about the commission of a crime, such as the identity of the offender, is not by itself a setback to the evidentiary value of such a witness' testimony.[17] The courts, however, have been quick to deny evidentiary weight where such delay is not sufficiently justified by any acceptable explanation.

For instance, well-founded fear of reprisal, or the unpredictable manner by which individuals react when confronted by a gruesome event as to place the viewer in a state of shock for sometime, have been considered as permissible situations resulting in delay.[18] Invariably, however, even under the foregoing circumstances the delay must not be undue in point of time. Thus, failure to reveal what one had witnessed about a crime for a number of days, or weeks, or even a number of months, is allowable. But, that will not hold true where, as in the case now being reviewed, the delay had unreasonably stretched all too far out into a year and four months, especially in the absence of any compelling or rational basis for such self-imposed and lengthy silence.

In similar situations, the pronouncements of this Court have laid down guidelines applying foursquare to the instant case. The holding in *People vs. Cunanan, et al.*[19] was emphatic that—

The natural reaction of one who witnesses a crime is to reveal it to the authorities, unless, of course, he is the author thereof. It defies credulity that no one or two but five such witnesses made no effort to expose Cunanan if they really knew that he was the author thereof. This stultified silence casts grave doubts as to their veracity.

In the end, we have here a specified case where evidence of identification is thoroughly unreliable. Reason: No valid explanation was given why the People's witnesses did not report the identity of appellant Cunanan to the authorities during a long period of time.

Thereafter, *People vs. Cruz*[[20]] reiterated that ruling and trenchantly stresses as follows:

- It took forty-two (42) days after the incident for Modesto Alipio to come out and give his sworn statement, Exhibit "B", to the Philippine Constabulary narrating therein what he saw on the occasion. x x x

Failure on the part of Alipio to report to the authorities immediately – a very essential detail in the solution of the crime – engenders a suspicion that he was not altogether candid and truthful in his testimony. At any rate, the long delay, which is not caused by threat, intimidation or coercion by herein appellant or anybody for that matter, in reporting the matter to the authorities – the mayor, barangay captain, police or the Philippine Constabulary, by one who himself was once an army man has rendered the evidence for the prosecution insufficient to establish appellant's guilty connection to the requisite of moral certainty. x x x.

More recently, *People vs. Gonzales, et al.*[21] gave another instructive illustration, to wit:

Additionally, Huntoria's credibility as a witness is likewise tarnished by the fact the he only came out to testify in October 1981, or eight long months since he allegedly saw the killing on February 21, 1981. While ordinarily the failure of a witness to report at once to the police authorities the crime he had witnessed should not be taken against him and should not affect his credibility, here, the unreasonable delay in Huntoria's coming out engenders doubt on his veracity. If the silence of an alleged witness for several weeks renders his credibility doubtful, the more it should be for one who was mute for eight months. Further, Huntoria's long delay in revealing what he allegedly witnessed has not been satisfactorily explained. His lame excuse that he feared his life would be endangered is too pat to be believed. There is no showing that he was threatened by the accused or by anybody. x x x.

Even then, by themselves, the testimonies of these two prosecution witnesses are replete with material inconsistencies and incongruities. Thus, to cite just a few, Ferdinand Datario narrated that he in fact divulged to his father, Bernardino Datario, the identity of his brother's assailant four days after the incident.[22] He claims that he deferred that revelation in order not to shock his father, but he does not explain why the death of the victim would not shock his father, but the identity of the killer would. Contrarily, Bernardino Datario, declared that he came to know about appellant's participation in the crime from Ferdinand on the very same night that Eduardo was killed but that he (the father) likewise opted for silence allegedly on account of fear at the time.[23]

Rolando Nagsagaray, on his part, asserted in court that after shooting the deceased, appellant then merely walked away from the concrete fence with rifle in hand.[24] Now, said witness could have spoken the truth since the height of the fence was about a foot more than appellant's admitted height, hence the witness could not have really seen appellant walking away from the crime scene.[25] Besides, it sounds somewhat absurd that if appellant had to quickly duck behind the fence immediately after firing the single shot in order to avoid recognition, he would then nonchalantly walk away although there were many people on both sides of the fence who would recognized him. His bringing a rifle would also naturally attract attention.

Ferdinand Datario also admitted, and this is not disputed by the parties, that between the concrete fence and the place where their groups was then watching the sideshow, there were people milling around the structures erected for other sideshows, which collectively obstructed his view.[26] Although the other prosecution eye witness,

Rolando Nagsagaray, hedged on the effect of such obstructions to their vantage location, there are considerations hereafter explained showing the correctness of Ferdinand Datario's testimony. Actually, the prosecution does not seriously question the existence of those structures being used by the other sideshows.

There likewise in Nagsagaray's version an evident taint of falsity. If he is to be believed, within the swift span of a few seconds after hearing the gun report, he first glanced at his watch and thus recalled that it was 10:30 in the evening when it happened; that in the process he also saw the victims Eduardo Datario, Bernabe Bayona and Cinderella Estrella fall one after the other; that, at the same time, he observed the frightened crowd running away in different directions, although he could not name any of them; and on top of all these, he still managed to further obtain an excellent view of appellant behind the concrete fence.[27] This exaggerated narration of the facts simultaneously taking place is certainly beyond human experience. No person could have had the capacity to see all these events taking place during those fleeting seconds, considering the rapidity of their occurrence as this witness himself represents.

There are also a number of unexplained or inexplicable facts that enshroud the testimonies of these witnesses in uncertainty and doubt. As ordered by the lower court, an ocular inspection of the premises was conducted by its branch clerk of court, designated as commissioner therefor, and the salient findings are as follows:

- The height of the fence is 1.7 meters and the distance between the fence and the center of the basketball court is 12 meters.
- The distance between the center of the basketball court and the place where the victim fell down is 18 meters.
- Between the basketball court and the fence are two full-grown acacia trees and one star-apple tree very close to the fence. Immediately behind the fence is a house with two mango trees nearby.[28]

What these physical features of the crime scene reveal is that, although the place was illuminated for the "barangay feria," the presence of the big trees naturally cast shadows on wide portions thereof, especially along parts of the concrete fence. There was no specification made by the two alleged eyewitnesses of the particular portion of the fence where they supposedly saw appellant, except by way of a vague general direction in relation to their own variant position, such as, to the left or right of some of them. It cannot, therefore, be said that appellant was so clearly exposed as to be easily visible to the so-called eye-witnesses.

At the trial, it was ascertained that appellant was 5 feet 4 inches in height,[29] obviously lower than the height of the fence. Yet, witness Nagsagaray described appellant's presence at the fence in various position, such as "holding the gun at breast level,"[30] or "putting down the gun" and then "walking towards the east,"[31] despite the fact that he was obscured by the shadows and the view was blocked by the fence. An attempt was made to show the appellant must have been standing on top of a water container behind the fence so he could aim his gun above it, but the records are barren of competent evidence showing whether those containers really there that night, or who placed them there, and on which portion along the fence they were located. In fine, we are presented with a situational problem created by a surmise founded upon a conjecture.

The prosecution belittles appellant's supposed alibi since it is easy of fabrication and is always viewed with suspicion. However, the prosecution's own evidence which supposedly identifies appellant as the malefactor falls far short of the requisite quantum of evidence, as earlier explained, not to speak of the absence of any firearm presented in this court nor satisfactory evidence of appellant's possession thereof. While the defense of alibi must stand searching scrutiny, it acquires commensurate strength where no proper and positive identification has been made.[32] The identity of the offender, like the crime itself, must be proved beyond reasonable doubt.[33] After

all, as a paramount element for conviction, the prosecution's evidence must stand on its own merits and cannot draw strength from the weakness of the defense.[34]

Strictly speaking, however, when viewed from another angle with a little more perception, it does not appear that appellant really resorted to alibi. As conventionally understood, this exculpation is invoked by an accused who represents, often with proffered corroboration, that at the time the offense was committed he was elsewhere at a specific place, hence he could not have participated therein. In the instant case, the peculiarity is that the appellant steadfastly denied being at the scene of the crime but candidly admitted that he could not remember or did not know whether at the time of the killing he was then in his tobacco field in Barangay Macayog, San Jacinto since he did not even know about the crime in question.[35] Withal, he could remember the dates of other events where he personally participated, such as when he was arrested, when he was detained in San Fabian, and when he brought to Lingayen.

It is of general knowledge that in rural areas where farmers live a humdrum working existence, and where the quotidian routine of every day is just like the last, one cannot expect them or even their families to keep diaries or records which would enable them to honestly state where they were on particular dates, unless there was an important reason therefor. Thus, it appeals more to common sense and realistic truth that the innocent answer of appellant reflects more honesty than that of one who could easily fix his definite whereabouts just to subserve his defense of alibi. The latter practice is much a matter of judicial experience and repudiation.

It is also noteworthy that no motive was ever attributed to appellant as to why he should kill the deceased or shoot the other victims since the evidence shows beyond cavil that he did not even know any of them personally or had any previous association or dealings with them. The rule is that proof of motive is unnecessary to impute a crime to the accused if the evidence concerning his identification is convincing. A converso, if the evidence of identification is unclear, then the jurisprudential doctrine is that proof of motive is a paramount necessity.[36]

At the trial, the witness from the Philippine National Police harped on the fact that, after his arrest for another alleged crime, herein appellant was linked to a number of long unsolved killings in the region, including the present case. This was an unfair proposition, such that the defense was forced to rejoin that appellant was actually being made a scapegoat in order to camouflage official incompetence by going through the motions of wiping clean the slate of unsolved crimes through the expedient of indicting appellant for all of them. A sober note is interjected by the Solicitor General who points out that those other cases should not be taken up here for being immaterial. Indeed, entangling those other charges with the one at bar would run afoul of the second branch of the rule of *res inter alios acta*[37] since, even taken altogether, they could not constitute an exception thereto.

ACCORDINGLY, on reasonable doubt irresistibly created by the foregoing premises, the consolidated judgments of the court a quo in Criminal Cases Nos. U-8191 and U-8192 are hereby REVERSED and SET ASIDE. Accused-appellant Alfonso Bautista is hereby ACQUITTED of the present charges against him and, unless otherwise detained for some other lawful cause, his release from confinement is consequently directed. Cost de officio.

SO ORDERED.

Melo, Puno, Mendoza, and Martinez, JJ., concur.

[1] Original Record, Criminal Case No. U-8191, 2.

- [2] Ibid., Criminal Case No. U-8192, 77-78.
- [3] Ibid., Criminal Case No. U-8191, 2.
- [4] Ibid, Criminal Case No. U-8192, 1.
- [5] Ibid., id., 85.
- [6] Rollo, 38-39; per decision dated May 23, 1995 by Presiding Judge Alicia B. Gonzales-Decano.
- [7] TSN, December 8, 1994, 6-11; December 12, 1994, 2-9.
- [8] Ibid., id., 7-10.
- [9] Ibid., December 8, 1994, 11-12.
- [10] Ibid., February 28, 1995, 2-15.
- [11] Original Record, Criminal Case No. U-8192, 12, 15; Exhibits D, D-1, E and E-1.
- [12] People vs. Vallador, et al., G.R. No. 116071, June 20, 1996, 257 SCRA 515; People vs. Malazarte, G.R. No. 108719, September 6, 1996, 261 SCRA 482.
- [13] TSN, December 12, 1994, 11-12.
- [14] Ibid., id., 20-25.
- [15] TSN, December 28, 1994, 12-15.
- [16] Ibid., id., 29.
- [17] People vs. Alcantara, et al., G.R. Nos. 112858-59, March 6, 1996, 254 SCRA 384; People vs. Garcia, G.R. No. 118824, July 5, 1996, 258 SCRA 411.
- [18] People vs. Reoveros, G.R. No. 115987, August 23, 1995, 247 SCRA 628; People vs. Navales, Jr. et al., G.R. No. 112977, January 23, 1997; People vs. Padoa, G.R. No. 104400, January 28, 1997.
- [19] G.R. No. L-17599, April 24, 1967, 19 SCRA 769. It was in this case that Sanchez, J., made this observation, now often quoted in criminal adjudications: "This calls to our mind what Alfonso El Sabio was reputed to have said a long time ago: 'Mas vale que queden sin castigar diez reos presuntos, que se castigue uno inocente.'"
- [20] G.R. No. 60098, April 30, 1984, 129 SCRA 156
- [21] G.R. No. 80762, March 19, 1996, 183 SCRA 309, citing People vs. Delavin, G.R. Nos. 73762-63, February 27, 1987, 148 SCRA 257; People vs. Tulagan et al., G.R. No. 68620, July 22, 1986, 143 SCRA 107.
- [22] TSN, December 12, 1994, 11.
- [23] Original Record, Criminal Case No. U-8192, 11.
- [24] TSN, December 8, 1994, 12.
- [25] Ibid. id., 18; Exhibit W.
- [26] Ibid., December 12, 1994, 25-26.
- [27] Ibid., December 28, 1994, 6-7, 10-11.
- [28] Original Record, Criminal Case No. U-8191, 136.

[29] TSN, December 12, 1994, 8, 20.

[30] Ibid., December 8, 1994, 9.

[31] Ibid., id., 11-12.

[32] People vs. Ola, G.R. No. L-47147, July 3, 1987, 152 SCRA 1.

[33] People vs. Clores, et al., G.R. No. 61408, October 12, 1983, 125 SCRA 67.

[34] People vs. Obar, Jr., G.R. No. 105688, February 7, 1996, 253 SCRA 288.

[35] TSN, February 28, 1995, 8.

[36] People vs. Agustin, G.R. No. 114681, July 18, 1995, 246 SCRA 673.

[37] Section 34, Rule 130, which provides that evidence that one did or did not do a certain thing at one time is not admissible to prove that did or did not do the same or similar thing at another time.

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