

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. LEONCIO LAW, ACCUSED-APPELLANT.*G.R. Nos. 126147 & 143925-26*. January 28, 2003*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-126147/>**PER CURIAM:**

For our automatic review is the judgment of conviction dated March 22, 1996 rendered by the Regional Trial Court of Sultan Kudarat (Branch 19) finding appellant Leoncio Law guilty of the crimes of Murder as charged in Criminal Cases Nos. 2210 and 2211 and of Attempted Murder as charged in Criminal Case No. 2212. Appellant was meted out the penalty of Death in Criminal Cases Nos. 2210 and 2211; and imprisonment ranging from four (4) years, two (2) months and one (1) day of prision correccional, as minimum, to ten (10) years and one (1) day of prision mayor, as maximum, in Criminal Case No. 2212.[1]

Three (3) separate Informations were filed against appellant, alleging the commission of the crimes as follows:

CRIMINAL CASE NO. 2210

“That in the evening of April 27, 1994, at Barangay Purikay, Municipality of Lebak, Province of Sultan Kudarat, Philippines, and within the jurisdiction of this Honorable Court, the said accused, in company with alias INTAW, alias ARAFAT and BUCOY OSONG who are at large and whose cases are still pending preliminary investigation before the 1st Municipal Circuit Trial Court of Lebak-Kalamansig, Sultan Kudarat, armed with firearms, conspiring, confederating and mutually aiding one another, with intent to kill, with evident premeditation and treachery, did then and there, willfully, unlawfully and feloniously, attack, assault and indiscriminately fire at the house of Roger Gregorio where he and his family were asleep at the time, thereby inflicting gunshot wounds upon LOLITA GREGORIO which directly cause (sic) her death.

“CONTRARY TO LAW, particularly Article 248 of the Revised Penal Code of the Philippines.”[2]

CRIMINAL CASE NO. 2211

“That in the evening of April 27, 1994, at Barangay Purikay, Municipality of Lebak, Province of Sultan Kudarat, Philippines, and within the jurisdiction of this Honorable Court, the said accused, in company with alias INTAW, alias ARAFAT and BUCOY OSONG who are at large and whose cases are still pending preliminary investigation before the 1st Municipal Circuit Trial Court of Lebak-Kalamansig, Sultan Kudarat, armed with firearms, conspiring, confederating and mutually aiding one another, with intent to kill, with evident premeditation and treachery, did then and there, willfully, unlawfully and feloniously, attack, assault and indiscriminately fire at the house of Roger Gregorio where he and his family were asleep at the time, thereby inflicting gunshot wounds upon CULAN GREGORIO which directly cause (sic) her death.

“CONTRARY TO LAW, particularly Article 248 of the Revised Penal Code of the Philippines.”[3]

CRIMINAL CASE NO. 2212

“That in the evening of April 27, 1994, at Barangay Purikay, Municipality of Lebak, Province of Sultan Kudarat, Philippines, and within the jurisdiction of this Honorable Court, the said accused, in company with

alias INTAW, alias ARAFAT and BUCOY OSONG who are at large and whose cases are still pending preliminary investigation before the 1st Municipal Circuit Trial Court of Lebak-Kalamansig, Sultan Kudarat, armed with firearms, conspiring, confederating and mutually aiding one another, with intent to kill, with evident premeditation and treachery, did then and there, willfully, unlawfully and feloniously, attack, assault and indiscriminately fire at the house of Roger Gregorio where he and his family were asleep at the time, thereby inflicting gunshot wounds upon ELVIE GREGORIO, thus performing all the acts of execution of which should have produced the crime of murder as a consequence thereof but which nevertheless did not produce it by reasons or causes independent of the will of the accused, that is, by the time (sic) and able medical assistance rendered to said Elvie Gregorio which prevented her death.

“CONTRARY TO LAW, particularly Article 248 in relation to Article 6 of the Revised Penal Code of the Philippines, September 21, 1994.”[4]

Appellant, assisted by counsel, pleaded “not guilty” to all three (3) charges. Joint trial ensued.

The lone eyewitness for the prosecution, 10-year old Elvie Gregorio, testified on the events of the crimes as she saw them, thus: At around 11:30 in the evening of April 27, 1994, she was inside their house with her parents, Roger and Lolita Gregorio, and younger sister, Culan Gregorio,**] when there was a burst of gunfire. She immediately stood up, peeped outside, and saw four people. She was able to identify one of them, herein appellant Leoncio Lawa, as he is her uncle. Her mother and sister immediately died from gunshot wounds while she sustained gunshot injuries on the forehead.[5]

On cross-examination, Elvie testified that: at the time of the incident, they were all sleeping beside each other inside their house when she was awakened by the gunfire; she stood up and peeped through a 3-inch diameter hole on their wall and saw her uncle at about 2-arms length away, holding a firearm and firing in their direction; she saw her sister Culan wounded and tried to wake her up but to no avail; she also saw her father crouching behind a sack of corns.[6]

Upon query of the trial court, Elvie answered that she was able to recognize her uncle despite the lack of lighting outside their house because of the moonlight.[7]

Roger Gregorio testified that: on the night of April 27, 1994, while he was sleeping with his family, his house was fired upon resulting in the death of his wife and daughter; he reported the incident to the barangay captain on the same day; some months before the incident, he had a misunderstanding with appellant, the husband of his older sister, over a parcel of land they were tilling; he was proposing that they cultivate the land alternately but appellant told him that there will be “bloodshed” if he plows the land; said misunderstanding, has already been settled; he left Tapudi and transferred to Purikay a year before the shooting incident because of his dispute with appellant.[8]

Roger likewise testified on his suffering, the damages and expenses he incurred because of the death of his wife and daughter.[9]

On cross-examination, Roger stated that: when he heard the gunfire, he sought cover and crouched; he did not call out to his wife and daughters nor did he see the triggermen; after the gunfire, he opened the door and turned his wife’s face which he saw was wounded; when he was going out, Elvie shouted to him, “tay do not go down since there were still persons”, but he still went down; he did not see anybody outside the house; he reported the incident to the barangay captain “the following day”.[10]

Upon clarificatory questions propounded by the trial court, Roger explained that when he reported the incident to the barangay captain “that same evening”, right after the shooting, he was not able to name the perpetrators because when Elvie shouted to him not to go down, she did not mention who were the persons outside their house

and it was only “the following day” when she told him the identity of one of the assailants.[11]

Next to testify was Dr. Johnny Tan, Municipal Health Officer of Lebak, who told the court that he examined the cadavers of Lolita and Culan Gregorio in the morning of April 29, 1994, and concluded that the causes of death of both were the gunshot wounds they each sustained on their heads. Said shots were fired at a distance of not “less than one (1) meter” since there was no powder burn.[12]

On cross-examination, Dr. Tan stated that the victims could have been standing, lying or sitting down when hit by the bullets, and that at the time he examined them, they have been dead for more than twenty-four hours but not more than three days.[13]

SPO2 Romeo Blase testified: After receiving a report of a “massacre”, he conducted a spot investigation on the crime scene in the morning of April 28, 1994 and found two dead victims and one injured. After confirming the identity of the assailant as appellant Leoncio Lawa, he proceeded to the next barangay to apprehend the suspect with the assistance of the barangay captain. He brought appellant to the police station for interrogation. Appellant denied any involvement in the crime.[14]

Upon cross-examination, SPO2 Blase further testified that he learned of the incident for the first time on the evening of April 27, 1994 from the barangay captain of Purikay, Lebak, Sultan Kudarat; and that he found out the identity of the assailant from surviving witness Elvie Gregorio.[15]

For the defense, Petra Lawa, wife of appellant, was first to testify. Petra confirmed that her brother, Roger Gregorio, had a misunderstanding with appellant over a parcel of land and that said dispute had already been settled.[16] She also testified that her husband was home on April 27, 1994 although she cannot specifically tell the time when appellant was allegedly home.[17]

The next defense witness was Sergio Lausog, a farmer who works on a land owned by one Philip Eleazar located in Bgy. Tapudi. He testified that: the land he works on is located inside a coconut plantation where appellant also works as a gatherer; appellant is his brother-in-law, having married his younger sister; they are neighbors; he knows Roger Gregorio who used to reside in Bgy. Tapudi; and, Roger had a misunderstanding with appellant over a parcel of land because Roger wanted to recover the land from appellant.[18]

Further, according to Lausog: On the night of April 27, 1994, he was inside his house when he heard gunshots. He went out and called out to appellant whose house is located 7 meters away from his, who told him, “x x x go back to sleep and be ready and if something will happened (sic), you must vacate your place.”[19] The next day, he saw appellant gathering coconuts, and it was only later on that he learned that appellant was arrested. He visited appellant at the Lebak municipal hall and while he was surprised with appellant’s arrest, he did not tell the police that he saw appellant on the evening of April 27, 1994.[20]

Finally, appellant testified in his own behalf. He admitted that he had a misunderstanding with his brother-in-law Roger Gregorio over a piece of land owned by Philip Eleazar. However, said misunderstanding had already been settled between them before the barangay captain, and at the time of the incident, Roger’s younger brother is cultivating the property subject of the dispute. Appellant also stated that the Muslims were hunting Roger because he killed one of them at the market place in Tapudi. Appellant denied any participation in the crimes charged claiming that he was home at the time of the shooting; that he was merely awakened by Sergio Lausog who told him of the gunshots being heard; that the next day, he was arrested and placed in jail without him knowing the reason for his arrest.[21]

Thereafter, the trial court rendered its judgment of conviction, the dispositive portion of which reads:

“Accordingly, however, unpleasant, even painful is the compliance with its duty to apply the penalty provided

by law, the Court hereby sentences:

IN CRIMINAL CASE NO. 2210

(a)-

the accused, Leoncio Lawa, to suffer the extreme penalty of DEATH;

(b)-

the accused, Leoncio Lawa, to indemnify the heirs of the deceased victim, Lolita Gregorio, the amount of TWENTY THOUSAND (P20,000.00) PESOS, as moral damages; the amount of TEN THOUSAND (P 10,000.00) PESOS, as exemplary damages; and the amount of FIFTY THOUSAND (P50,000.00) PESOS, as indemnity to death.

IN CRIMINAL CASE NO. 2211

(a)-

the accused, Leoncio Lawa, to suffer the extreme penalty of DEATH;

(b)-

the accused, Leoncio Lawa, to indemnify the heirs of the deceased victim, Colan Gregorio, the amount of TWENTY THOUSAND (P20,000.00) PESOS, as moral damages; the amount of TEN THOUSAND (P 10,000.00) PESOS, as exemplary damages; and the amount of FIFTY THOUSAND (P50,000.00) PESOS, as indemnity to death.

IN CRIMINAL CASE NO. 2212

(a)-

the accused, Leoncio Lawa, after applying the Indeterminate Sentence Law, to suffer the indeterminate penalty of imprisonment, ranging from FOUR (4) YEARS, TWO (2) MONTHS and ONE (1) DAY of prision correccional, as minimum, to TEN (10) YEARS and ONE (1) DAY of prision mayor, as maximum.

The Court further sentences the accused, Leoncio Lawa, in Criminal Cases Nos. 2210 and 2211, to indemnify the heirs of the deceased victims, Lolita and Colan Gregorio, in the total amount of SIX THOUSAND (P6,000.00) PESOS, as actual damages incurred by way of miscellaneous expenses during the wake and burial of the said deceased victims; and to pay the costs of suit in the above-entitled cases.

Being a detention prisoner, the accused, Leoncio Lawa, in Criminal Case No. 2212, is entitled to full credit of the entire period of his preventive imprisonment in accordance with Article 29 of the Revised Penal code, as amended by R.A. No. 6127, provided he had agreed in writing to abide by the same disciplinary rules imposed upon convicted prisoners, otherwise, with only four-fifths (4/5) thereof.

“IT IS SO ORDERED.

Given this 22nd day of March, 1996, at Isulan, Sultan Kudarat, Philippines.”[22]

The trial court relied principally on the testimony of eyewitness Elvie Gregorio identifying appellant as one of the assailants, ruling that the defense failed to rebut the identification made by Elvie and impeach her credibility.[23]

In his Appeal Brief, appellant contends that the trial court erred:

“1. IN RELYING TOO MUCH TOO MUCH (sic) ON THE TESTIMONY OF EL VIE GREGORIO WHICH

TESTIMONY IS INCREDIBLE AND INCONSISTENT.

2. IN FAILING TO TAKE NOTICE OF THE INCONSISTENCIES OF THE TESTIMONIES OF THE TWO WITNESSES OF THE PROSECUTION.

3. IN FAILING TO GIVE CREDENCE TO THE TESTIMONY OF THE WIFE OF THE ACCUSED WHO IS SISTER-IN-LAW OF THE DECEASED LOLITA GREGORIO AND THE AUNT OF THE DECEASED COLAN GREGORIO.

4. IN FAILING TO CONSIDER THE FACT THAT THE PROSECUTION WITNESSES HAVE ILL MOTIVE TO TESTIFY AGAINST THE ACCUSED.”[24]

Appellant assails the credibility of Elvie Gregorio arguing that she answered the questions in a “very stiff and mechanical manner” and that her testimony suffers from inconsistencies and flaws showing that she was a coached witness.[25]

It is settled that the determination of the competence and credibility of a child as a witness rests primarily with the trial judge as he had the opportunity to see the demeanor of the witness, his apparent intelligence or lack of it, and his understanding of the nature of the oath. As many of these qualities cannot be conveyed by the record of the case, the trial judge’s evaluation will not be disturbed on review, unless it is clear from the record that his judgment is erroneous.[26]

In the case at bar, we find no cogent reason to disturb the trial court’s assessment of the credibility of Elvie as a witness. Appellant makes much ado about the manner in which Elvie testified. A judicious review of Elvie’s testimony does not reveal anything unusual in the way she testified. She simply answered the questions propounded to her by the public prosecutor. The fact that her responses were direct, positive and categorical does not mean that she answered in a “very stiff and mechanical manner”. On the contrary, such testimony bears the earmarks of credibility.[27] Ample margin of error and understanding is accorded to young witnesses who, much more than adults, would naturally be gripped with tension due to the novelty of the experience of testifying before a court.[28]

Moreover, the alleged inconsistency pointed out by appellant in Elvie’s testimony does not affect her credibility. Appellant insists that Elvie gave conflicting answers as to whether she was already peeping through the wall before the spate of gunfire because when she was asked during cross-examination: “(B)efore you heard the gunburst what are you doing at the time?”, she replied, “I peeped, sir”; and, upon questioning by the trial court, she declared that she was sleeping before she peeped and that she was awakened by the gunfire.[29]

We find such alleged inconsistency more apparent than real. Appellant conveniently overlooked Elvie’s categorical narration during direct examination, viz.:

“Q:-

At around 11:30 in the evening, of April 27, when you were in your house together with your parents and sister, do you remember of anything unusual incident (sic) that happened in your house?

A:-

Yes, sir.

Q:-

What was that all about?

A:-

Gunburst, sir.

Q:-

How many gunburst did you hear?

A:-

Many, sir.

Q:-

And when you heard this gunburst, what did you do?

A:-

I stood up, sir.

Q:-

And what did you do after standing up?

A:-

I peeped, sir.”[30]

and a portion of her response to the clarificatory questions of the court and the succeeding questions of counsel for appellant on cross-examination, to wit:

“COURT:

Q:-

Before you peep where did you come from?

A:-

I was sleeping, your Honor.

Q:-

You mean you were awakened?

A:-

Yes, your Honor.

Q:-

Why were you awakened?

A:-

I heard gunburst, your Honor.

COURT:

Continue.

“ATTY. ARMADA:

Q:-

When you were sleeping who were besides (sic) you when you were sleeping?

A:-

Colan, sir.

Q:-

And where was your father and your mother at the time?

A:-

They were sleeping together, sir.

Q:-

Your sister, your mother and your father and you were sleeping in one room?

A:-

Yes, sir.

Q:-

You mentioned that when you heard a gunburst you stood up, is that correct?

A:-

Yes, sir.

Q:-

When you stood up were you already hit at the forehead when you stood up?

A:-

Yes, sir.

“xxx xxx xxx

ATTY. ARMADA:

Q:-

And when you stood up were there still gunburst?

A:-

Yes, sir.”[31]

Clearly therefrom, Elvie, who was sleeping, heard gunfire shots. It was then that she stood up, peeped outside, and saw four people, one of whom was appellant. Thus, there is nothing inconsistent or contradictory with her testimony. Moreover, the alleged inconsistency, if any, is far too minor and trivial to denigrate Elvie’s credibility.[32]

What is important is that she positively identified appellant who is her uncle as one of the perpetrators. She positively declared on the witness stand:

“Q:-

And what have you seen (sic) outside when you peeped?

A:-

Four persons, sir.

“Q:-

Do you know who were those persons whom you have seen outside?

A:-

I only know one of the persons (sic), sir.

Q:-

What is the name of that person whom you said you know?

A:-

Leoncio Lawa.

Q:-

If you are asked to identify Leoncio Lawa will you be able to identify him?

A:-

Yes, sir.

Q:-

Will you please look around the courtroom and please point to Leoncio Lawa if he is in court?

A:-

He is there, sir. (Witness pointed to the second person when asked his name he stood up and said his name is LEONCIO LAWA.)

Q:-

Why do you know that it was Leoncio Lawa when you peeped outside?

A:-

He is my uncle.

Q:-

Why do you say that Leoncio Lawa is your uncle?

A:-

The husband of my aunt, sir.”[33]

Appellant further contends that Elvie’s testimony contradicted that of her father’s, Roger Gregorio.[34] In particular, appellant cites Elvie’s statement that during the gunfire, her father called out to her and told her that he will go to the barangay captain, while Roger stated during cross-examination that he did not call out to his family

at that time.[35] Again, appellant opted to disregard Elvie's response to the question of the trial court -- that his father called out her name after the gunfire[36] -- thus showing that Roger, indeed, did not call out to his family during the gunfire but it was only afterwards that he did so.

Appellant also focused on Elvie's statement that her father told her that he was going to the barangay captain that same night, while Roger stated that he went there the next day. The alleged inconsistencies or contradictions between their statements refer only to minor and collateral details which do not damage their credibility or the integrity of their testimonies. As held in *People v. Mercado*:

"A witness' testimony may likewise contradict that of another witness. As long as the contradiction involves minor details and collateral matters, the credibility of both witnesses will not be deemed impaired. After all, no two witnesses could testify on a matter from the same point of view or perception. The recollection of different witnesses with respect to the time, place, and other circumstances of a criminal event would naturally differ in various details. Absolute uniformity in every detail of testimonies cannot be expected of witnesses who by nature react differently to what they see and hear depending upon their situation and state of mind. On the contrary, if witnesses should agree on every detail of a transaction that occupied a considerable space of time and should undertake to tell all that occurred in precisely the same order, each giving the same incidents as the others in precisely the same words, that fact should make their testimonies suspect." [37]

Furthermore, we noted from a perusal of the transcript of stenographic notes that the incident took place at 11:30 in the evening of April 27, 1994; that Roger immediately went to the house of the barangay captain who contacted the police; and he left at 3:00 in the morning.[38] Evidently, Roger had interchangeably referred to the same time as the "following day" or "same evening" which is not difficult to understand considering that the subject incident happened at 11:30 in the evening of April 27, 1994, after which he went to the house of the barangay captain and remained there until 3:00 in the morning which is already April 28, 1994 but still dark and which may have been reasonably confused as still "evening" by Roger.

Nonetheless, the testimony of Roger Gregorio regarding the incident may even be dispensed with as it serves only to corroborate that of Elvie's whose testimony, standing alone, is sufficient to support the conviction of appellant as she was the one who actually identified appellant as one of the assailants.[39]

Appellant also reproves the trial court for disregarding the testimony of his wife exculpating him from the incident.[40] His wife backed up his alibi, testifying that appellant was at home at the time of the incident.[41]

Alibi is an inherently weak defense, and should be rejected when the identity of the accused is sufficiently and positively established by the prosecution. Eyewitness Elvie Gregorio had categorically identified appellant as one of the assailants.

To overcome the prosecution's evidence, the defense must successfully prove the element of physical impossibility of appellant's presence at the crime scene at the time of the perpetration of the offense.[42] In the present case, appellant not only failed to prove that it was physically impossible for him to be present at the scene of the crime on the night the Gregorio family was attacked; but also, his wife's declaration cannot be given credence as she was not able to state categorically the particular time when appellant was supposedly at home, viz.:

"Q:-

What was the participation of your husband to the killing of wife and daughter of Roger Gregorio?

A:-

None, sir, because we were in house (sic) at that time.

Q:-

What particular time are you referring to that you were in your house?

A:-

I do not know, sir.”[43]

Consequently, the alibi of appellant fails.

Appellant imputes ill motive on Roger Gregorio’s part in testifying against him, i.e., their dispute over the parcel of land owned by Philip Eleazar which both Roger and appellant wanted to cultivate. In order that the testimony of a witness may be considered biased, the presence of personal motive on his part to testify in favor of the victim and against the accused should be supported by satisfactory proof.[44] In the case at bar, the allegation that there was animosity between Roger and appellant is not sufficient proof of motive or bias. As admitted by both Roger and appellant, their disagreement over the property had already been previously settled before the barangay captain. Moreover, if, indeed, Roger had any motive at all to testify falsely against appellant, Roger could just have easily identified appellant as one of the perpetrators of the subject crimes and not involve his young daughter. He did not have to drag his daughter into the mess and subject her to the ordeal of a court trial if her testimony were not true. It is unnatural for the relatives of the victim/s who seek justice to commit an injustice by imputing the crime to innocent persons and not those who were actually responsible therefor.[45] In addition, Roger and Elvie Gregorio’s relationship to the victims do not automatically affect the veracity of their testimonies or their credibility.[46]

More significantly, motive is not essential when the accused has been positively identified by a competent witness,[47] as in the case at bar.

Finally, the fact that it took Roger Gregorio some time to report the identity of one of the assailants does not make his testimony not credible. Roger Gregorio reported the incident to the barangay captain immediately right after the gunfires. At that time, however, he did not know yet the identity of the gunmen as Elvie informed him thereof only the day after. Obviously, he could not have told the barangay captain that appellant was one of the assailants because he did not yet know the same at the time he reported the incident. There is no rule that a witness should immediately name the suspect in a crime.[48]

All told, we find no reversible error in the trial court’s judgment of conviction and in the imposition of the corresponding penalty of DEATH on accused-appellant in Criminal Cases Nos. 2210 and 2211, and imprisonment from four (4) years, two (2) months and one (1) day of prision correccional, as minimum, to ten (10) years and one (1) day of prision mayor, as maximum in Criminal Case No. 2212.

In Criminal Cases Nos. 2210-2211, the trial court correctly imposed the penalty of death on appellant. Article 248 of the Revised Penal Code, as amended by Section 6 of Republic Act No. 7659 provides:

“ART. 248. Murder. - Any person who, not falling within the provisions of Article 246 shall kill another, shall be guilty of murder and shall be punished by reclusion perpetua to death if committed with any of the following attendant circumstances:

- With treachery, taking advantage or superior strength, with the aid of armed men, or employing means to weaken the defense or of means of persons to insure or afford impunity.

xxx xxx xxx

- With evident premeditation.”

The prosecution was able to prove beyond reasonable doubt the presence of treachery and evident premeditation, thus qualifying the killing of Lolita and Colan Gregorio as murder.[49] Considering, the presence of the aggravating circumstance of dwelling[50], the impossible penalty is death, pursuant to Article 63 of the Revised Penal Code.

Three members of the Court maintain their position that R.A. No. 7659, insofar as it prescribes the death penalty, is unconstitutional; however, they submit to the ruling of the Court, by majority vote, that the law is constitutional and that the death penalty should be imposed accordingly.

In Criminal Case No. 2212, the trial court correctly found that appellant should only be liable for attempted murder as the wound inflicted on Elvie Gregorio was not fatal.[51] Article 250 of the Revised Penal Code provides for a penalty two degrees lower than that imposed for the consummated crime of murder, which is prision mayor, the range of which is six (6) years and one (1) day to twelve (12) years. Applying the Indeterminate Sentence Law and considering the presence of dwelling as aggravating circumstance, it shall be imposed in its maximum period which ranges from ten (10) years and one (1) day to twelve (12) years; while the minimum period shall be taken from the penalty next lower in degree, or prision correccional which ranges from six (6) months and one (1) day to six (6) years. Hence, the trial court did not commit an error in imposing the aforementioned penalty on appellant.

WHEREFORE, the Judgment dated March 22, 1996 rendered by the Regional Trial Court of Sultan Kudarat (Branch XIX) in Criminal Cases Nos. 2210, 2211, and 2212 is hereby AFFIRMED in toto.

Upon the finality of this Decision, and pursuant to Art. 83 of The Revised Penal Code, as amended by Sec. 25 of R.A. No. 7659, let the records of the said cases be immediately forwarded to the President of the Philippines for the exercise at her discretion of her power to pardon appellant Leoncio Lawa.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Puno, Vitug, Mendoza, Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Callejo, Sr., and Azcuna, JJ., concur.

[*] Docket number G.R. Nos. 143925-26 was later added on July 27, 2000 since this review involves 3 criminal cases, Criminal Case Nos. 2210, 2211 and 2212.

[1] Original Records, pp. 114-115; RTC Judgment, pp. 35-36.

[2] Id., p. 81.

[3] Id., pp. 81-82.

[4] Id., pp. 82-83.

[**] Also referred to as Colan in the RTC decision.

[5] TSN, March 6, 1995, pp. 4-7.

[6] Id., pp. 11-20.

[7] Id., p. 21.

[8] Id., pp. 24-29; 36-38.

[9] Id., p. 31.

- [10] Id., p. 39.
- [11] Id., pp. 43-47.
- [12] TSN, March 27, 1995, pp. 1-5.
- [13] Id., pp. 5-6.
- [14] TSN, March 28, 1995, pp. 3-7.
- [15] Id., pp. 7-10.
- [16] TSN, April 6, 1995, p. 3.
- [17] Id., pp. 5-6.
- [18] TSN, April 10, 1995, pp. 4-7.
- [19] Id., pp. 8-9.
- [20] Id., pp. 10-16.
- [21] TSN, April 11, 1995, pp. 4-11.
- [22] See Note No. 1.
- [23] Original Records, pp. 103-105; RTC Judgment, pp. 24-26.
- [24] Appellant's Brief, p. 1; Rollo, p. 85.
- [25] Id., pp. 2-3; id., pp. 86-87.
- [26] *People v. Rama*, 350 SCRA 266, 283 [2001]; *People v. Lomibao*, 337 SCRA 211, 221 [2000]; *People v. dela Cruz*, 276 SCRA 352, 357 [1997].
- [27] *People v. dela Cuesta*, 304 SCRA 83, 84 [1999].
- [28] *People v. dela Cruz*, *supra*.
- [29] *Ibid*.
- [30] TSN, March 6, 1995, pp. 4-5.
- [31] Id., pp. 11-13.
- [32] *People v. Qarigadi*, 317 SCRA 399,416 [1999].
- [33] TSN, March 6, 1995, pp. 5-6.
- [34] Appellant's Brief, pp. 5-7; Rollo, pp. 89-91.
- [35] Appellant's Brief, p. 6; Rollo, p. 90.
- [36] TSN, March 6, 1995, pp. 18-19.
- [37] 346 SCRA 256, 281 [2000].**
- [38] *People v. Tolibas*, 325 SCRA 453; *People v. Alagon*, 325 SCRA 297.
- [40] Brief for the Appellant, p. 7; Rollo, p. 91.

- [41] TSN, April 6, 1996, pp. 5-6.
- [42] *People v. Hilot*, 342 SCRA 128, 136-137 [2000].
- [43] TSN, April 6, 1996, pp. 5-6.
- [44] *People v. Baltazar*, 352 SCRA 678, 686 [2001].
- [45] *People v. Pareja*, 265 SCRA 429, 438 [1996].
- [46] *People v. Virtucio, Jr.*, 326 SCRA 198, 204 [2000].
- [47] *People v. Galano*, 327 SCRA 462, 474 [2000].
- [48] *Ibid.*
- [49] Original Record, pp. 109, 111; RTC Judgment pp. 30-32.
- [50] *Id.*, p. 111, *id.*,; p. 32.
- [51] *Id.*, pp. 111-112; *id.*, pp. 32-33.

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