

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
NESTOR MACANDOG, EDDIE MACANDOG, RENATO MACANDOG AND  
BERNARDO IBÁÑEZ, ACCUSED. NESTOR MACANDOG,  
ACCUSED-APPELLANT.**

*G.R. Nos. 129534 & 141169. June 06, 2001*

Ponente: GONZAGA-REYES, J.

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**GONZAGA-REYES, J.:**

Accused-appellant Nestor Macandog together with co-accused Eddie Macandog, Renato Macandog and Bernardo Ibanez were charged with the crimes of FRUSTRATED MURDER (Criminal Case No. 5985) and MURDER (Criminal Case No. 5986) in two separate Informations[2] filed before the Regional Trial Court of Legaspi City, Branch 3, which respectively read as follows:

**1. Criminal Case No. 5985 - Frustrated Murder**

"That at or about 8:00 P.M. of the 19[th] day of July 1992 at Brgy. San Roque, Municipality of Jovellar, Province of Albay, Philippines and within the jurisdiction of this Honorable Court, said accused with intent to kill and armed with long rifles and bolos, conspiring and confederating with each other, did then and there, willfully, unlawfully and feloniously with evident premeditation, treachery and abuse of superior strength, shoot one EMILIO ATIVO, hitting him in the lower left temple and passing thru his right cheek, thus the perpetrators performed all the acts of execution which would produce the felony of murder as a consequence but which, nevertheless, did not produce it by reason of causes independent of their will, that is, due to the timely medical attention accorded the victim, to his damage and prejudice."

**2. Criminal Case No. 5986 - Murder**

"That at or about 8:00 P.M. of the 19[th] day of July 1992 at Brgy. San Roque, Municipality of Jovellar, Province of Albay, Philippines and within the jurisdiction of this Honorable Court, said accused with intent to kill and armed with long rifles and bolos, conspiring and confederating with each other did then and there, willfully, unlawfully and feloniously with evident premeditation, treachery and abuse of superior strength, shot to death one GLORIANO BAGAMASBAD, to the damage and prejudice of his legal heirs."

Upon arraignment on April 26, 1993[3] accused Nestor Macandog, assisted by counsel, pleaded NOT GUILTY to the charges against him. On October 26, 1993, accused Eddie Macandog was arrested and upon his arraignment on November 17, 1993[4] also pleaded not guilty. The other co-accused have remained at large.

The evidence for the prosecution established the following facts: At around 8:00 o'clock in the evening of July 19, 1992, Emilio Ativo was having a drinking spree with Juan Ativo and Gloriano Bagamasbad at the latter's house at San Roque, Jovellar, Albay.[5] Suddenly, a shot rang out and the bullet hit the left face of Emilio causing him to lie flat on the ground. Emilio then saw accused Eddie Macandog pointing his rifle at him while Renato Macandog and Bernardo Ibanez were standing near the house holding their bolos.[6] Two more shots were fired and Gloriano Bagamasbad was hit and fell to the ground. A few minutes after, sensing that all the accused had already

left, Emilio, with blood oozing from his wounded face, helped Gloriano, who was also wounded on his back, stood up and they both proceeded to the nearby house of Ederlina Abardo, Gloriano's sister.[7] While they were at a distance of about 7 to 8 meters to the house of Ederlina, they stopped as Gloriano was so weak and could hardly walk. At that instance, Emilio asked Gloriano if the latter knew the person who shot him, to which Gloriano replied "Nestor Macandog".[8] Emilio then shouted for help.

Ederlina Abardo testified that at around 8:00 p.m. of July 19, 1992, she was inside her house located a few meters from the house of Gloriano when she heard three (3) gunshots.[9] She peeped through the closed window of her house and saw Nestor Macandog and Eddie Macandog with long firearms slung over their shoulders, while Bernardo Ibanez and Renato Macandog who were holding bolos, were coming from the direction where the house of Gloriano was located and walking towards the Centro or Poblacion of Jovellar.[10] After a while, she heard her brother Gloriano call her name; thus she went down her house and saw Gloriano and cousin Emilio Ativo lying on the street bathing in their own blood.[11] With the help of Emilio, Ederlina lifted Gloriano and brought him to her house. She then asked Gloriano the persons who shot him to which the latter replied that he was shot by Eddie and Nestor Macandog because of a land dispute.[12] She intimated that the Macandogs were ejected from two parcels of land owned by their family by virtue of a decision in a forcible entry case filed by her mother, Paz Bagamasbad, against the Macandogs. Ederlina added that after talking to Gloriano for 30 minutes, her brother expired. Emilio Ativo however, was brought to the Albay Provincial Hospital for treatment on the following day. She then reported the incident to the police authorities of Jovellar, Albay and to the Human Rights Commission.

Dr. Joana Manatlaog, Albay Rural Health Physician, conducted the autopsy on the cadaver of the victim Gloriano Bagamasbad on July 20, 1992 and issued an autopsy report with the following findings:[13]

"Wound, gaping, measuring 10 x 27 cms, extending from the distal third of right arm to the distal third of right forearm with exposure of muscles and bones at this side and transaction of right radial artery and vein was noted.

Wound, 3 x 5.5 cms located at the 6[th] ICS right anterior axillary line, 2.5 cms away from the right lower quadrant of right breast. On further examination, it penetrated the inferior border of the lower lobe of the right lung. There was maceration of the superior pole of the right lobe of the liver. Hemothorax and hemoperitoneum was also noted.

Wound, 0.5 x 0.5 cm, left paravertebral line, between level of T10 and T11.

The cause of death was cardiorespiratory arrest due to hemorrhagic shock due to gunshot wounds."

Teresita Bagamasbad, widow of victim Gloriano, testified on the expenses she incurred as a result of her husband's death and asked for P50,000 damages.[14]

Paz Bagamasbad, mother of deceased Gloriano, testified that on June 3, 1992, the herein accused together with their relatives armed with firearms forcibly entered her parcels of land located at San Roque, Jovellar, Albay[15] which prompted her to file a forcible entry case against them before the Municipal Trial Court of Camalig[16] where a decision dated April 20, 1993 was rendered in her favor.[17]

On the other hand, accused Nestor Macandog interposed the defense of alibi. He averred that from 6:00 o'clock to 9:00 o'clock in the evening of July 19, 1992, he was watching betamax in the house of Gabriel Arcangel situated at Barangay Mercado;[18] that the last time he was in Barangay San Roque was in 1986 and since then had not returned back as he was wanted by the NPA for being a rebel returnee;[19] that Barangay Aurora is about six (6) kms. away from Brgy. San Roque and would take two hours to go there at nighttime.[20]

GABRIEL ARCANGEL corroborated the alibi interposed by accused Nestor Macandog that the latter was in his

house on July 19, 1992 at around 6:45 P.M. viewing betamax.[21]

ANTONIO ARISPE of PAGASA, Legaspi City was presented to show the weather condition in Albay on July 19, 1992. He testified that on July 19, 1992 Public Storm Signal No. 1 was in effect over the Bicol Region due to the presence of Tropical Storm "Ditang"; that the weather condition was light to moderate and rain fell over the area almost the whole twenty-four-hour period with very low visibility from almost zero to not more than 1,000 meters during periods of rain stoppage;[22] that the illumination was too low due to overcast skies and falling precipitation.[23]

EMILIO ATIVO was presented by the defense as hostile witness; he was asked to confirm his sworn statement given to the police authorities stating that he only saw Eddie Macandog, with long firearm while Renato Macandog and Bernardo Ibañez were holding bolos on the night of the incident.

After a joint trial, the court a quo on December 27, 1996 rendered its decision[24], the dispositive portion of which reads as follows:[25]

"WHEREFORE, in view of the foregoing considerations, this Court finds accused EDDIE MACANDOG and NESTOR MACANDOG GUILTY BEYOND REASONABLE DOUBT of the crime of FRUSTRATED MURDER as charged in Criminal Case No. 5985. Accused NESTOR MACANDOG is hereby sentenced to suffer taking into consideration the mitigating circumstance of voluntary surrender, to an indeterminate penalty ranging from six (6) years and one (1) day of prision mayor as minimum, to twelve (12) years and one (1) day of reclusion temporal as maximum. With respect to accused EDDIE MACANDOG, no mitigating or aggravating circumstance having been appreciated for or against him, he is hereby sentenced to an indeterminate penalty ranging from eight (8) years and one (1) day of prision mayor as minimum to fourteen (14) years, eight (8) months and one (1) day of reclusion temporal as maximum. Both accused are ordered to indemnify the victim Emilio Ativo the amount of P55,000.00 as hospitalization and medical expenses incurred by Emilio Ativo for the injuries suffered by him and the amount of P20,000.00 representing loss of income in consequence thereof as a farmer.

Likewise, this Court finds both accused EDDIE MACANDOG AND NESTOR MACANDOG GUILTY BEYOND REASONABLE DOUBT of the crime of MURDER as charged in Criminal Case No. 5986 and are hereby sentenced to suffer the penalty of reclusion perpetua. They are further ordered to indemnify the heirs of the victim Gloriano Bagamasbad the following amounts:

- a) P50,000.00 as civil indemnity;
- b) P50,000 as moral damages, and
- c) P35,000.00 as expenses related to the death and burial of the victim Gloriano Bagamasbad."

The trial court rejected the defense of alibi and denial raised by accused Nestor and Eddie Macandog stating that they failed to show physical impossibility of their presence at the scene of the crime. It also found the ante-mortem statement of Gloriano to have fully met the requirements of a valid dying declaration hence admissible; that there was the presence of conspiracy among the accused, i.e., that the prosecution had shown that the two accused with intent to kill and armed with long rifles and bolos conspired with each other to kill Gloriano Bagamasbad and Emilio Ativo.

Accused Eddie Macandog did not appeal hence his conviction in the two criminal cases had become final and executory. On the other hand, accused Nestor Macandog filed his notice of appeal for his conviction only in Criminal Case No. 5986 for murder,[26] thus the decision in Criminal Case No. 5985 (frustrated murder) from which he had not appealed has also become final and executory.

In his brief, accused-appellant Nestor Macandog alleges that the trial court gravely erred in convicting him despite

insufficiency of evidence as his guilt was not proved beyond reasonable doubt; and in finding that he conspired with the other accused in this case.[27]

Accused-appellant Nestor Macandog claims that the trial court relied heavily on the dying declaration of deceased Gloriano Bagamasbad despite the fact that not all the requisites for the admissibility of a dying declaration had been met. Appellant further alleges that it was highly improbable for the deceased Gloriano Bagamasbad to have seen the one who fired at him considering that the attack was so sudden and unexpected and after being hit, he was immediately thrown flat to the ground, thus the deceased was not a competent witness. Accused-appellant also points out that he was not among the persons seen by victim Emilio Ativo after the shooting incident.

The appeal has no merit.

When the issue is one of credibility of witnesses, the appellate courts will generally not disturb the findings of the trial court, considering that it is in a better position to decide the question, having heard the witnesses themselves and observed their deportment and manner of testifying during the trial, unless it had plainly overlooked certain facts of substance and value that if, considered, might affect the result of the case.[28] A review of the records of the case and the arguments raised by accused-appellant in his brief provide no cogent reason why we should deviate from the factual finding of the trial court that accused-appellant Nestor Macandog and co-accused Eddie Macandog were the ones who shot the deceased Gloriano Bagamasbad.

We agree with the trial court when it upheld the admissibility of the dying declaration of Gloriano, to wit:[29]

"However, to be valid and admissible in evidence, the following requisites must concur:

- (a) that the declaration must concern the cause and surrounding circumstances of the declarant's death;
- (b) that at the time the declaration was made, the declarant was under a consciousness of an impending death;
- (c) that the declarant is competent as a witness; and
- (d) that the declaration is offered in a criminal case in which the declarant is the victim.

It is evident from the facts that a valid dying declaration is present in these cases and therefore the dying declaration of Gloriano Bagamasbad is admissible.

First, the declaration of Gloriano concerns the cause and surrounding circumstances of his death, that he was shot by accused Eddie and Nestor Macandog because of a land dispute (TSN, Pages 31-32, June 3, 1993, Ederlina Abardo); second, at the time the declaration was made, Gloriano was under the consciousness of an impending death. As a matter of fact, he died within thirty (30) minutes after making his declaration. (TSN, Pages 31-32, & 71, June 3, 1993, Ederlina Abardo); third, that at the time Gloriano made his declaration, he was a competent witness since he was still conscious and could still speak competently although he was already dying, and fourth, the declaration of Gloriano was offered in a criminal case for Murder in which he was himself the victim."

Contrary to appellant's claim that Gloriano was not a competent witness because he was not able to see his assailants, the testimonies of Ederlina Abardo, to whom the dying declaration was given, which was also heard by Emilio Ativo, clearly showed that Gloriano was categorical in pointing to appellant Nestor Macandog and Eddie Macandog as the persons who shot him. Gloriano even provided for the reason why the accused shot him, i.e., because of a land dispute between his family and the family of the accused. Thus Ederlina testified as follows:[30]

Q:

Now having found Emilio Ativo and Gloriano Bagamasbad bathing in their own blood, outside your house, what did you do?

A:

Because Gloriano Bagamasbad could not stand up anymore, we lifted him, sir.

Q:

Where did you bring his body?

A:

We brought his body inside my house, sir.

PROSECUTOR TOLOSA:

Q:

And how about Emilio Ativo?

WITNESS:

A:

Emilio was able to walk in going inside my house, sir.

Q:

Now, what transpired next when Gloriano Bagamasbad and Emilio were already inside your house and both of them bloodied?

A:

While Gloriano Bagamasbad was inside my house, we were able to talk with each other for around thirty (30) minutes, sir, after which, he expired.

Q:

What did you and Gloriano Bagamasbad talk about?

A:

I asked him what happened to him and he answered me that he was shot, sir.

Q:

And what else did you ask of him?

A:

I asked him who shot him and according to him he was shot by Eddie and Nestor Macandog, sir.

Q:

What else did you ask him?

WITNESS:

A:

I ask him why Eddie and Nestor Macandog shot him.

PROSECUTOR TOLOSA:

Q:

What was his reply?

A:

According to him this is the case of our land where they said blood will spill.

Q:

What is that case about regarding the land as mentioned by Gloriano Bagamasbad?

ATTY. GIANAN:

Objection, your honor. This is supposed to be trial of a case for murder and frustrated murder, your honor.

COURT:

Witness may answer.

WITNESS:

A:

This was a case over the land wherein the Macandogs and cousins entered our property and so my brother filed a case against them, sir."

On some clarification from the Court:[31]

"COURT:

Q:

According to you, your brother was serious. Was he dying?

WITNESS:

A:

He was already in a serious condition, your honor, because of the wounds that were inflicted on his body. He was almost dying of the wounds that he had, your honor.

Q:

Now, one last question. Was he conscious that he was dying?

A:

Yes, your honor. He was still conscious that time. He was almost dying, your honor. And he even said "Maybe I am dying already."

Emilio Ativo, also a victim in the same shooting incident and who was with Gloriano when they went to Ederlina's house, heard the conversation between Gloriano and Ederlina and testified as follows:[32]

"Q:

Now, what did you do since Gloriano was already very weak before he reach the house of Ederlina?

A:

I shouted and sought help.

Q:

Was there any help or assistance given you after you called for?

A:

Ederlina, sir.

Q:

By the way, at that time how far were you already from the house of Ederlina?

A:

From the place where I'm seated up to that door, sir, which is around 7 to 8 meters, more or less.

PROSECUTOR TOLOSA:

Q:

Now, what help did Ederlina give you and Gloriano?

WITNESS:

A:

Gloriano Bagamasbad was lifted by Ederlina Bagamasbad and I just walk, sir.

Q:

Towards where did Ederlina bring this Gloriano Bagamasbad?

A:

Inside her house, sir.

Q:

How about you, where did you proceed?

A:

I also got inside the house of Ederlina, sir.

Q:

Now, what did Ederlina do after bringing Gloriano Bagamasbad inside her house?

A:

Ederlina investigated Gloriano Bagamasbad, sir.

Q:

By the way, do you know if Ederlina hold any position in the barangay?

A:

She's a Barangay Councilwoman, sir.

PROSECUTOR TOLOSA:

Q:

Councilwoman of Barangay San Roque?

WITNESS:

A:

Yes, sir.

Q:

And this is within the Municipality of Jovellar?

A:

Yes, sir.

Q:

Now, this house where you, Juan Ativo and Gloriano Bagamasbad drank is also within the area of Barangay San Roque?

A:

Yes, sir.

Q:

Now, you said that Ederlina is a Barangay Councilwoman who investigated Gloriano, were you also present when she propounded questions to Gloriano?

A:

Yes, sir, I was also around.

Q:

And what were the questions asked to Gloriano Bagamasbad by Ederlina Bagamasbad?

A:

Ederlina asked Gloriano, "who shot you", and he answered it was Nestor.

Q:

What other questions did Ederlina ask?

WITNESS:

A:

"Why were you shot?"

PROSECUTOR TOLOSA:

Q:

And was there a reply from Gloriano?

A:

Gloriano answered because of land dispute between Nestor and Gloriano.

Q:

Now, what happened that evening to Gloriano Bagamasbad?

A:

He died, sir.

Q:

Do you know how many minutes after he was brought inside the house of Ederlina when Gloriano died?

A:

Yes, sir.

Q:

How many minutes?

A:

Around one-half (1/2) hour, sir."

The positive declaration of the deceased as to the identity of his assailants, given with the consciousness that death is imminent is undoubtedly entitled to great weight considering the seriousness of his wounds and his very weak physical condition as shown by the fact that death supervened thirty minutes after his disclosure to Ederlina. Under the circumstances, there was a great improbability that Gloriano would have trifled with the truth.[33]

Appellant's claim that he was not among those persons seen by prosecution witness Emilio Ativo during the shooting incident is not convincing, and does not detract from Gloriano's dying declaration. It bears stress that although Emilio Ativo testified that he had not seen appellant, he also stated that there were other persons aside from Eddie and Renato Macandog and Bernardo Ibanez. In fact, Emilio testified that while the rifle of accused Eddie Macandog was pointed at him while he was lying flat on the ground, two more shots were heard whereupon Gloriano fell to the ground, which established that another person with a rifle was present in the place of the shooting. In his dying declaration, Gloriano categorically identified Nestor and Eddie Macandog as the persons who shot him; such a positive identification of his own assailants cannot be destroyed by the incompleteness of Emilio's testimony.

Moreover, Ederlina Abardo's testimony corroborated Gloriano's declaration as to the presence of appellant Nestor Macandog at the crime scene. She testified that on the night of July 19, 1992, the time when the crime was committed, she heard three gunshots and when she peeped through her window, she saw appellant Nestor Macandog and Eddie Macandog with firearms slung on their shoulders and Bernardo Ibanez and Renato Macandog holding bolos as they passed by her house coming from the place where Gloriano's house was situated and going to Centro Jovellar, Albay. She further testified on cross examination that the distance between her house and the road where the accused passed by was only two meters[34] and although there was only little illumination coming from the moon, there was sufficient light coming from her "tocalor", a kind of lightning equipment made of bottle with cloth and kerosene inside[35]. She could not have been mistaken as to the identities of the accused considering that she had known them from the time they were born[36] because they were all residents of Barangay San Roque, Jovellar, Albay, a place where she used to live before the shooting incident.

The fact that Ederlina is the sister of deceased Gloriano Bagamasbad does not per se make her a biased witness. Mere relationship of the victim to a witness does not automatically impair her credibility and render her testimony less worthy of credence where no improper motive can be ascribed to her for testifying.[37] On the contrary, such relationship lends more credence to a witness' testimony considering her natural interest to see the guilty punished. It would be unnatural for a relative who is interested in vindicating the crime to accuse anyone other than the real culprit.[38]

We agree with the trial court's rejection of appellant's defense of alibi considering that Barangay Mercado, the place where he was allegedly watching betamax on the night of the shooting incident, was only six kilometers away from San Roque[39], a distance which does not preclude the physical possibility for accused-appellant to be at the scene of the crime.

Although defense witness Gabriel Arcangel was presented to corroborate accused-appellant's alibi that he was in Barangay Mercado watching betamax on the night in question, Arcangel testified in the cross-examination that he could not remember the other dates when appellant Nestor Macandog viewed films in his house but he remembered the date July 19, 1992 because appellant went to his house on July 20, 1992 to tell him that he viewed the film on July 19, because he was suspected of being the one involved in the shooting incident.[40]

The credible testimonies of Ederlina Abardo, victim Gloriano's sister, and Emilio Ativo who both testified on the ante-mortem statements of the victim convincingly establish the guilt of accused-appellant beyond reasonable doubt.

Although the trial court failed to discuss the presence or absence of the qualifying circumstances of treachery, evident premeditation and abuse of superior strength which were alleged in the Information for murder, we find that treachery attended the killing of Gloriano Bagamasbad. The sudden and unexpected shooting of Gloriano, who was unarmed and unsuspecting as he was only having a drinking spree with his companions at his own (Gloriano) house, insured his killing without any risk to his assailants. It rendered the victim completely unable to defend himself.

Evident premeditation is not attendant as no proof has been adduced to show that accused had previously planned the shooting of Gloriano Bagamasbad. Abuse of superior strength is absorbed in treachery.[41]

We, however, hold that the aggravating circumstance of dwelling, although not alleged in the Information, should be properly appreciated in the death of Gloriano Bagamasbad considering that he was killed inside his house. A person's abode is regarded as a sanctuary which should be respected by everybody.[42] This aggravating circumstance was however offset by the mitigating circumstance of voluntary surrender as appellant appeared in the trial court before the warrant of his arrest was served upon him.[43] In a case, it was held that the fact that the warrants had already been issued is no bar to the consideration of this mitigating circumstance, because the law does not require that the surrender be prior to the order of arrest.[44]

We affirm appellant's conviction for murder. The killing was qualified by treachery. Considering the presence of the aggravating circumstance of dwelling which was offset by the mitigating circumstance of voluntary surrender, the trial court correctly imposed the penalty of reclusion perpetua, the medium period of the penalty of reclusion temporal in its maximum period to death impossible for the crime of murder.[45]

We also affirm the trial court's award of P50,000 civil indemnity and P50,000 moral damages considering the grief and sorrow suffered by the heirs of the deceased. However, the award for actual damages is reduced to the amount of P9,500 for burial expenses since the only receipt presented by the prosecution was for the payment made to Funeraria Nuestra Sra. De Salvacion of Guinobatan, Albay. To justify an award of actual damages, it is

necessary to prove with a reasonable degree of certainty, premised upon competent proof and on the best evidence obtainable by the injured party, the actual amount of loss.[46]

We note that the notice of appeal filed by accused-appellant Nestor Macandog was only for Murder (Criminal Case No. 5986) but the case was assigned with two docket numbers, i.e., G.R. Nos. 129534 and 141169. Hence case records should be corrected with the deletion of the later docket number.

WHEREFORE, the appealed decision convicting appellant for the crime of murder in Criminal Case No. 5986, imposing the penalty of reclusion perpetua and awarding fifty thousand pesos (P50,000) by way of civil indemnity and fifty thousand pesos (P50,000) moral damages is **AFFIRMED** with the modification that the award of actual damages is reduced to P9,500.

The Clerk of Court is ordered to delete GR. No 141169 from the title of the case.

**SO ORDERED.**

Melo, (Chairman), Vitug, Panganiban, and Sandoval-Gutierrez, JJ., concur.

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[1] Erroneously assigned two (2) docket numbers; only G.R. No. 129534 should be retained because no appeal was taken from Criminal Case No. 5985.

[2] Rollo, 29-31; Original records, pp. 136-138.

[3] Original Records, p. 43.

[4] Ibid, p. 76.

[5] TSN dated July 7, 1993, p. 15.

[6] Ibid, p. 16.

[7] Ibid, p. 19.

[8] Ibid, p. 21.

[9] TSN dated June 3, 1993, p. 24.

[10] Ibid, p. 27-28.

[11] Ibid, p.29.

[12] Ibid, p.32.

[13] Original Records, p. 145, Exhibit "A", Criminal Case No. 5986.

[14] TSN dated July 8, 1993, p. 12.

[15] Ibid, p. 25.

[16] Ibid, p. 26.

[17] Ibid, p. 27.

[18] TSN dated January 28, 1994, p. 6-7.

[19] Ibid.

- [20] Ibid, p. 36.
- [21] TSN dated March 11, 1994, p. 5.
- [22] TSN dated July 4, 1994, p. 5.
- [23] Ibid, p. 6.
- [24] Penned by Judge Wenceslao R. Villanueva, Jr.
- [25] Rollo, p. 47; Original Records, p. 153.
- [26] Rollo, p. 48.
- [27] Ibid, p. 214.
- [28] People vs. Taneo, 218 SCRA 494 citing People vs. Garcia, 89 SCRA 440; People vs. Bautista, 92 SCRA 465; People vs. Abejuela, 92 SCRA 503; People vs. Arciaga, 98 SCRA 1; People vs. Atiliano, 204 SCRA 278.
- [29] Rollo, pp. 45-46.
- [30] TSN dated June 3, 1993, pp. 30-32.
- [31] Ibid, p. 71.
- [32] TSN dated July 7, 1993, pp. 21-24.
- [33] People vs. Araja, 105 SCRA 133 citing People vs. Manlapaz, et. al, 55 SCRA 598.
- [34] TSN dated June 3, 1993, p. 47.
- [35] Ibid, p. 45.
- [36] Ibid, p. 21.
- [37] People vs. Letigio, 268 SCRA 227 citing People vs. Sinatao, 249 SCRA 554; People vs. So, 247 SCRA 708; People vs. Uycoque, 246 SCRA 769; People vs. Alban, 245 SCRA 549.
- [38] People vs. Letigio, supra, citing People vs. Panganiban, 241 SCRA 91.
- [39] TSN dated January 28, 1994, p. 36.
- [40] TSN dated March 11, 1994, p. 27-28.
- [41] People vs. Arellano, 282 SCRA 500; People vs. Gatchalian, 300 SCRA 1.
- [42] People vs. Uycoque, 246 SCRA 784.
- [43] Original Records, p.15.
- [44] People vs. Valera, 5 SCRA 910 citing People vs. Yecla, 68 Phil 740.
- [45] The crime was committed on July 19, 1992 prior to the enactment of RA 7659 which took effect on December 31, 1993 amending the penalty for murder.
- [46] People vs. Marollano, 276 SCRA 84 citing People vs. Rosario, 246 SCRA 658.

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