

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MANUEL GUTIERREZ (AT LARGE); JUANCHO GUTIERREZ (AT LARGE); ESTING CARIÑO (AT LARGE) AND ZACARIAS CASTILLO, ACCUSED-APPELLANT.

G.R. Nos. 137610-11. February 06, 2002

Ponente: PUNO, J.

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PUNO, J.:

Several men did not live to see daylight at the break of dawn on January 8, 1992. Still several others suffered in the darkness of their fear and coldness of their pain as they bled. In a rough and deserted road, the accused peppered the victims' vehicle and bodies with bullets in a matter of minutes.

On March 23, 1992, an information was filed against the accused Manuel Gutierrez, Juancho Gutierrez, Esting Cariño and Zacarias Castillo for the crime of multiple murder and multiple frustrated murder, viz:

"That on or about the 8[th] day of January 1992, in the morning, in barangay Sanlibo, municipality of Bayambang, province of Pangasinan, New (sic) Republic of the Philippines and within the jurisdiction of this Honorable Court, the above-named accused, confederating and conspiring together and mutually aiding one another, armed with high-caliber firearms, with treachery and evident premeditation and with intent to kill, did, then and there, wilfully, unlawfully and feloniously shoot and spray with bullets the jeep driven by Lorenzo de Leon resulting in the deaths of Vicente de Leon, Aldren de Leon[1] and Guillermo Tapiador[2] xxx

xxx

and the wounding with serious gunshot injuries of Racquel Agbuya, Catalina de Leon, Gregoria de Leon and Lorenzo de Leon xxx

xxx

the accused having performed all the acts of execution which would produced (sic) the crime of Murder as a consequence but which, nevertheless, did not produce it by reason of causes independent of the will of the perpetrators and that is due to the able and (sic) medical attendance extended to the said victims which prevented their death to the damage and prejudice of the victims and the heirs of the deceased victims.

CONTRARY to Art. 248, and Art. 248 in relation to Art. 6 of the Revised Penal Code."[3]

Accused Castillo pleaded not guilty. Accused Manuel Gutierrez, Juancho Gutierrez, and Esting Cariño have remained at-large, thus trial proceeded only against accused Castillo.

The prosecution's version of the story is as follows:

At about 5:00 in the morning of January 8, 1992, Lorenzo de Leon was driving the Sarao passenger jeep of Vicente de Leon, his father. With him were Vicente de Leon, his wife Catalina de Leon, Gregoria de Leon, Aldrin de Leon, and Racquel Agbuya. They were headed towards San Carlos City to attend a hearing in an attempted

murder case. While the jeep was moving slowly on a bumpy and rugged road to Sanlibo, four men, namely, the accused Zacarias Castillo, Esting Cariño, Juancho Gutierrez, and Manual Gutierrez, fired at the right side of the jeep, from about three meters away. The headlights of the jeep lighted Castillo, Cariño, and the Gutierrezes who were near a big camachile tree. Lorenzo personally knew the four as Castillo and Cariño were from his barangay, Sanlibo, while the Gutierrezes were from an adjacent barrio and they often went to Sanlibo to drink. Castillo and the Gutierrezes are his cousins. In firing at them, Castillo used an armalite, while Cariño used a rifle, and the Gutierrezes each used a carbine. Lorenzo was familiar with these firearms as he held these when he was a soldier. After being fired at, Lorenzo jumped off the jeep and crawled to the grass, then ran to Barangay Idiong where he was rushed to the emergency hospital of Bayambang. It was already morning and bright. Lorenzo was hit in the arm and the temple and had a grazing wound on the chest. His wife, Catalina de Leon, was also hit in the arm and was rushed to the hospital along with Gregoria de Leon and Racquel Agbuya. Later, they were all transferred to Bolingit General Hospital in San Carlos City. Lorenzo's father, Vicente de Leon, and Guillermo Tapiador died of gunshot wounds.[4]

Catalina de Leon also testified. At about 5:00 in the morning of January 8, 1992, she was in Barangay Sanlibo, Bayambang, Pangasinan. She was on a passenger jeep driven by her husband, Lorenzo de Leon, and was seated behind him. With them were Vicente de Leon, Gregoria de Leon, Aldrin de Leon, Adonis de Leon, Racquel Agbuya, and Guillermo Tapiador. They were headed for the poblacion. While the jeep was moving slowly on a bumpy road, the accused Juancho Gutierrez and Manuel Gutierrez suddenly blocked the jeep and fired at them from about three meters from the right side of the jeep. The accused Castillo and Cariño also fired at them from the rear part of the jeep. Manuel Gutierrez and Zacarias Castillo used armalites with which she was familiar as her brother-in-law who was a policeman carried one, Esting Cariño used a rifle, and Juancho Gutierrez used a carbine. Catalina was hit on her left arm. Her companions were also hit, including Lorenzo who jumped off the jeep and crawled in the corn field. Vicente de Leon, Aldrin de Leon and Guillermo Tapiador died. The firing lasted for about fifteen minutes. The headlights of the jeep illuminated the four so she was able to identify them. She personally knew Cariño and Castillo as they were from her barangay, Sanlibo, while the Gutierrezes were from a neighboring barangay about half a kilometer from Sanlibo. Towards the end of the firing, dawn was already breaking, so it became bright. After the attack, the four accused ran towards the mango trees going to Malicer. A group came to the aid of the victims and brought Catalina and Gregoria to the Bayambang District Hospital. Later, they were transferred to the San Carlos General Hospital. She saw the four accused the previous day having a drinking spree at the house of accused Castillo's brother, Ador Castillo, who lived about a hundred meters away from her.[5]

SPO1 Lito Barboza took the witness stand. On January 8, 1992, he was the police investigator on duty at the Bayambang Police Station. At around 6:00 a.m., he received a call on the radio from Barangay Sanlibo, Bayambang, Pangasinan regarding a shooting incident. He responded to the call and proceeded to the crime scene with the Chief of Police, Captain Felimon M. Doria, and other policemen from their station. Upon arriving at a rough road of Barangay Sanlibo, Bayambang, Pangasinan, they found a Sarao passenger jeep peppered with at least six bullet holes. Vicente de Leon, Aldrin de Leon, and Guillermo Tapiador were dead. Three to five meters from the right side of the jeep, they recovered 20 empty shells of an M-16 rifle, seven empty shells of a carbine or .30 caliber, and four empty shells of Springfield 1903 or a garand rifle. They asked a photographer to take pictures of the crime scene. After gathering evidence, the police team went to Bayambang hospital, then to San Carlos General Hospital where Lorenzo de Leon, Catalina de Leon, and Racquel Agbuya were brought. They were not able to take the statements of the four because they were unconscious at that time. Later, on February 2, 1992, Gregorio de Leon and Lorenzo de Leon executed sworn statements regarding the shooting incident while Catalina de Leon and Racquel Agbuya executed theirs on February 4, 1992.[6]

Police officer Federico Simeon corroborated the testimony of SPO1 Lito Barboza. On January 8, 1992, he was assigned as the desk officer at the Bayambang police station. He identified the police blotter entry relative to the shooting incident of January 8, 1992.[7]

Dr. Juan Carrera testified that on January 8, 1992, he treated Gregoria de Leon, Lorenzo de Leon, Catalina de Leon, and Racquel Agbuya at the San Carlos General Hospital of the injury they sustained from a shooting incident that morning. With respect to Gregoria de Leon, he issued a medical certificate stating that she received treatment for the following wounds:

"GSW (gunshot wound):#(1) - PT. ENTRY: 10 TH ICS
POST. AXILLARY (L)
- NO PT. OF EXIT:

GSW: #(2) - PT. OF ENTRY: SUPRAORBITAL AREA (R)
-NO PT. OF EXIT."[8]

He also issued a medical certificate for Lorenzo de Leon indicating the following injuries:

"- WOUND, LACERATED 2.5 CM. FRONTAL AREA (R)
- MULTIPLE SPLINTER WOUND, 0.5 CM.-1CM in its GREATEST DIAMETER, FACIAL AREA (R)
- WOUND, LACERATED 2.0 CM., NASAL BRIDGE (R)
- WOUND, LACERATED #3 1.5 -2.0 CM. MANDIBLE
- WOUND, LACERATED 3 CM. STERNAL AREA
- WOUND, MULTIPLE SPLINTER WOUNDS, ANTERIOR, CHEST AREA
GSW: #2 - 0.5 CM. IN DIAMETER POSTERIOR ASPECT, LOWER THIRD, ARM, (R)."[9]

The splinter wounds were caused by gunshots.

His examination on Catalina de Leon showed that she suffered the following gunshot wounds:

"GSW: # (1) - PT. OF ENTRY: - 2.5 CM. POSTERIOR ASPECT, M/3, UPPER ARM, (L)
GSW: # (2) - PT. OF EXIT: - ANTERIOR ASPECT M/3 U/ARM (L)
GSW: # (3) - POSTERIOR ASPECT M/3, UPPER ARM (L)
GSW: # (4) - PT. OF ENTRY: - 2.0 CM. (L) LUMBAR AREA
- NO EXIT
- FRACTURE, COMPLETE, OPEN HUMERUS (L)."[10]

Another medical certificate for Racquel Agbuya was prepared by Dr. Carrera, indicating therein her wounds, viz:

"GSW: # (1) POE: PERIANAL (R) 4.0 CM. IN DIAMETER
POX: -NONE
GSW: # (2) POE: - MEDIAL ASPECT, P/3RD, ARM, (R), 2.0 CM. IN DIAMETER
POX: - DORSOMEDIAL ASPECT, P/3RD, 3.0 CM. IN DIAMETER (R)
GSW: # (3) POE: -LATERAL ASPECT, THIGH, (R)
POX: -NONE
GSW: # (4) POE: - LATERAL ASPECT, M/3RD, LEG (R) 2.0 CM. IN DIAMETER
POX: - LATERAL ASPECT, D/3RD LEG (R) 4.0 CM. IN DIAMETER."[11]

Dr. Carrera opined that if Catalina de Leon had not received immediate medical attention, she would have died of hypovolemic shock or loss of blood from the fracture of her humerus or upper hand. She did not, however, require

any operation. Gregoria de Leon may have developed neurogenic shock secondary to pain if not treated. Lorenzo de Leon needed surgical intervention on the multiple lacerated wounds on different parts of his body.[12]

Dr. Nestor C. Pascual also took the witness stand. He was the Municipal Health Officer of Bayambang since 1987 up to May 1992. In January 1992, he was in his office at Bayambang. At about 9:00 in the morning, the police of Bayambang called him to Barangay Sanlibo, Bayambang, Pangasinan to conduct a post-mortem examination. Together with the police, he performed a post-mortem examination on Guillermo Tapiador, Jr. at the latter's house. He then conducted another post-mortem examination on Vicente de Leon and Aldrin de Leon at Vicente's house.

Dr. Pascual's examination showed that Vicente's face was deformed. There was a gunshot wound about 1.5 centimeters on the medial portion of the left eye, penetrating the brain and exiting a little above the left ear. There was another gunshot wound severing the vertebral column and penetrating the abdominal cavity and hitting the intestine blood vessels. The cause of death was cardio-respiratory arrest due to gunshot wounds which caused massive bleeding.

With respect to Aldrin de Leon, Dr. Pascual's findings showed that a bullet penetrated his heart. The cause of his death was also cardiac arrest due to gunshot wound. As regards Guillermo Tapiador, Jr., Dr. Pascual's examination revealed that he sustained a gunshot wound that penetrated his abdominal cavity and hit his stomach, liver and blood vessels. A second gunshot wound penetrated the abdominal cavity and hit the intestines and blood vessels. He also sustained a superficial gunshot wound on the waist. The fourth gunshot wound hit the left lung and heart. The cause of his death was cardiorespiratory arrest due to gunshot wounds.[13]

The defense presented the accused Castillo. From 1990 to 1996, he was employed as a house painter by the Landhaus Properties and Development Corporation. On January 7, 1992, he reported to work at 8:00 in the morning and worked until 5:00 in the afternoon in a project in Antipolo, Rizal. That night, he slept in their barracks. The following day or on January 8, 1992, he again worked in Antipolo from 8:00 in the morning to 5:00 in the afternoon. He slept that night in one of the vacant units in the housing project. From 1990 to 1996, Castillo spent his vacation in his hometown twice a year. He could at anytime during the year take a leave from work. From January to March, 1992, however, he did not go home to his hometown in Sanlibo, Bayambang, Pangasinan which was six to eight hours away by bus. After the shooting incident in 1992 until 1996, the police officers of Bayambang did not arrest him when he went home to Bayambang. From 1996 until his arrest in 1997, he worked with Engineer Cresencio Milla. He was arrested on the charge of murder.

Castillo knows the victim, Lorenzo de Leon, as the latter is his first cousin. He also knows Catalina de Leon, Lorenzo's wife. He denied Lorenzo's and Catalina's testimony that he was among those who fired at them on January 8, 1992 as he was in Antipolo at that time. He has never had a fight with Lorenzo nor with Catalina, thus, he is not aware of any reason why they would testify against him. He claimed not to know his co-accused Manuel Gutierrez, Juancho Gutierrez and Esting Cariño.[14]

Ernesto Tabor corroborated accused Castillo's testimony. He is a resident of Antipolo, Rizal and a co-painter of the accused at the Landhaus Properties and Development Corporation. He worked for the company from 1991 to 1994 and got to know the accused Castillo in 1991. On January 7, 1992, he and Castillo worked from 8:00 a.m. to 5:00 p.m. at the Buenos Aires project in Antipolo, Rizal. After work, they went to their barracks and talked. The following day, January 8, 1992, he and Castillo again worked from 8:00 in the morning to 5:00 in the afternoon. They worked on the same hours on January 9, 1992. Castillo's wife asked him to testify for Castillo.[15]

Leoberto Makilan, another co-worker of Castillo, also testified. He is a resident of Sumulong Highway, Antipolo, Rizal. He knows the accused Castillo as they both worked at the Buenos Aires Subdivision housing project of the

Landhaus Properties and Development Corporation. He first met Castillo in 1991 when he (Makilan) joined the company. He was a carpenter while Castillo was a painter. On January 7, 1992, he and Castillo worked from 8:00 a.m. to 5:00 p.m. After work, they went home, prepared their food and conversed, then went to bed at about 8:00 p.m. Their beds were near each other. On January 8, 1992, he and the accused Castillo again went to work from 8:00 a.m. to 5:00 p.m. They then proceeded to their barracks. The following day, the two again went to work from 8:00 a.m. to 5:00 p.m. Makilan stayed with the company until 1996 when the housing project was terminated. He and Castillo then worked for Engineer Cresencio Milla. In 1997, policemen arrested Castillo. The other defense witness, Ernesto Tabor, is his friend and they came together from Antipolo to Pangasinan to testify.[16]

Eva Leonil, live-in partner of the accused, took the witness stand. They had been living together since 1990 and have two children. According to her, the accused Castillo is a painter employed by the Landhaus Properties and Development Corporation in Timog Avenue, Quezon City. Since 1991, he worked in the Buenos Aires Town Home project in Antipolo, Rizal. The two lived in the barracks at the work site until 1994. In 1996, however, the project was terminated for lack of funds. Thereafter, the accused Castillo worked for Engr. Milla until he was arrested on December 4, 1997 and brought to Camp Crame. At the camp, Leonil spoke with the arresting officer and the latter told her to get a copy of the blotter regarding the shooting incident in Pangasinan where her husband was involved. She did as she was told and went to the police station in Bayambang to have the blotter photocopied sometime in the first week of January 1998.

On January 7, 8, and 9, 1992, the accused Castillo worked from 8:00 a.m. to 5:00 p.m. His attendance at work was evidenced by a voucher indicating therein that he worked for seven days from January 5 to 11, 1992. Engr. Guteng, records custodian of the Landhaus Properties and Development Corporation, issued the voucher. According to her, it takes five to seven hours to travel from the work site of the accused Castillo in Antipolo to San Carlos, Pangasinan.[17]

On rebuttal, the prosecution presented Erlinda de Leon Bocalbos. She is the cousin of accused Castillo. She testified that Castillo and the accused Juancho Gutierrez and Manuel Gutierrez are relatives as the mother of Zacarias Castillo and the mother of Juancho and Manuel Gutierrez are second cousins. Accused Esting Cariño is married to Susan Castillo who is the niece of accused Zacarias Castillo.[18]

The trial court upheld the version of the prosecution and sentenced the accused Castillo, viz:

"WHEREFORE, in light of the foregoing consideration, judgment is hereby rendered as follows:

In Crim. Case No. SCC-1870, this Court finds the accused Zacarias Castillo guilty beyond reasonable doubt of three counts of Murder and hereby sentences him to reclusion perpetua to each count and to indemnify the heirs of the victims P50,000.00 for each count of murder committed, and of four (4) counts of frustrated murder and hereby sentences him to suffer the indeterminate penalty of an imprisonment of eight (8) years and one (1) day of prison mayor medium as minimum to seventeen (17) years and four (4) months of reclusion temporal medium as maximum for each count.

In Crim. Case No. SCC-1871, for failure of the prosecution to prove the guilt of the accused beyond reasonable doubt, accused Zacarias Castillo is hereby acquitted of the crime of Illegal Possession of Firearm."[19]

Hence, this appeal with the following assignment of errors:

"I. THE TRIAL COURT ERRED IN GIVING CREDENCE TO THE MANIFESTLY IMPROBABLE, INCREDIBLE, UNRELIABLE AND BIASED TESTIMONY OF THE SPOUSES, (SIC) LORENZO DE LEON AND CATALINA DE LEON.

II. THE TRIAL COURT ERRED IN NOT GIVING WEIGHT (TO) OR IN REJECTING THE

ACCUSED-APPELLANT'S DEFENSE OF ALIBI.

III. THE TRIAL COURT ERRED IN FINDING THE APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIME CHARGED IN CRIMINAL CASE NO. SCC 1870."[20]

The appeal is bereft of merit.

Accused makes much of the fact that the affidavits of the prosecution witnesses, specifically Lorenzo de Leon and Catalina de Leon, show that they could not have possibly seen their assailants. With respect to Lorenzo, accused points out that Lorenzo saw the accused Juancho and Manuel Gutierrez when they blocked the road and started firing at the jeep as they were illuminated by the headlights of the jeep. Lorenzo then immediately jumped off the jeep as soon as the firing began, thus, accused Castillo argues, he could not have possibly seen him (accused Castillo) during or after the firing took place. As regards Catalina, she was already hit after the first volley of shots, then she fell down on the floor of the jeep, preventing her to see their assailants. Accused also avers that it was unnatural and unthinkable that he passed the back of the jeep if he was indeed one of the assailants as the natural tendency of perpetrators in an ambush would be to hide their identities.

In upholding the decision of the trial court, we adhere to the well-settled rule that the credibility of witnesses and their testimonies is best left to the discretion of the trial court which, unlike a review court, observed the demeanor and conduct of witnesses while testifying and thus was in a better position to assess their capacity for truth.[21] While accused's arguments based on the witnesses' affidavits speculate on what could have actually happened, the prosecution witnesses testified on what actually happened, i.e., that they saw the accused Castillo as one of the four men who fired at them. We have ruled that affidavits are generally subordinate in importance to open court declarations. Affidavits are not complete reproductions of what the affiants have in mind because they are generally prepared by the administering officer and the affiants simply sign them after the same have been read to him.[22] The accused Castillo's argument that he was not ably identified to have been one of the assailants as even the police blotter entry regarding the incident failed to mention him deserves scant consideration. We have ruled that police blotter entries should not always be given due significance or probative value for they do not constitute conclusive proof of the identities of suspected assailants.[23]

That there was conspiracy among the accused is unmistakable. Conspiracy may be inferred from the acts of the perpetrators before, during, and after the crime, which indicate a common design, concerted action and concurrence of sentiments.[24] In the case at bar, the prosecution witnesses saw the four accused in the vicinity of the crime scene, they (the accused) carried firearms and fired at them, the police recovered empty shells matching these firearms at the scene of the crime after the firing took place, and all the accused ran towards the mango trees going to Malicer after the attack. The four accused clearly conspired. When conspiracy is shown, the act of one is the act of all the conspirators.[25] It is of no import therefore who delivered the fatal shots and the shots resulting in the injury of the victims as the act of one of the accused is the act of all.

The attack was undoubtedly treacherous. The essence of treachery is the sudden and unexpected attack on an unsuspecting victim by the perpetrator of the crime, depriving the victim of any chance to defend himself or repel the aggression, thus insuring its commission without risk to the aggressor and without any provocation on the part of the victim.[26] Needless to say, the unsuspecting victims in the jeep driven by Lorenzo de Leon were taken by surprise and had no means to defend themselves. They were simply on their way to attend a hearing in another town in Pangasinan and had no inkling that such a gruesome attack would befall them at the break of dawn.

Anent the accused's defense of alibi, suffice it to say that the defense of alibi is inherently weak and easily fabricated, particularly when it is corroborated by relatives and friends of the accused as in the case at bar.[27] While the defense presented a voucher showing that the accused Castillo worked and was paid for his work at the

Landhaus Property and Development Corporation on the day the crime was committed or on January 8, 1992, such voucher was not identified by the person who issued it, and therefore has no probative value for being hearsay.[28] We note, too, that the accused failed to present his time record despite the opportunity to do so. The accused Castillo's defense of alibi cannot prevail over the prosecution witnesses' positive testimonies detailing how they were attacked by the four accused on that fateful day of January 8, 1992.[29]

We now come to the characterization of the crimes for which the trial court convicted the accused Castillo. The trial court found the accused Castillo guilty of three counts of murder and four counts of frustrated murder. While the information charged the accused with the complex crime of multiple murder with multiple frustrated murder, we agree with the trial court that he should be held guilty of three separate counts of murder in accordance with prevailing jurisprudence.[30] We, however, find that the trial court erred in convicting the accused Castillo of four counts of frustrated murder as the evidence on record shows that only Catalina de Leon's gunshot wounds could have been fatal were it not for the timely medical treatment she received. For this, the accused is guilty of one count of frustrated murder. As there is a dearth of evidence that Gregoria de Leon, Lorenzo de Leon, and Racquel Agbuya sustained fatal wounds, it cannot be said that the accused performed the last act necessary to produce the consummated crime of murder. While the accused may have had the intent to kill these three victims as manifested by their use of deadly weapons in their attack, the absence of evidence that they sustained fatal wounds compels us to convict the accused of three counts of attempted murder.[31]

IN VIEW WHEREOF, the impugned decision is MODIFIED. The accused-appellant is found guilty of three (3) counts of Murder and sentenced to suffer the penalty of three (3) sentences of reclusion perpetua and to pay for each count P50,000.00 civil indemnity and P50,000.00 moral damages.[32] He is also found guilty of one (1) count of frustrated murder and sentenced to suffer the penalty of eight (8) years and one (1) day of prision mayor medium as minimum to fourteen (14) years and ten (10) months of reclusion temporal medium as maximum, and to pay the civil indemnity of P30,000.00.[33] He is also found guilty of three (3) counts of attempted murder and sentenced to suffer the indeterminate prison term of two (2) years, four (4) months and ten (10) days of prision correccional medium as minimum, to eight (8) years, two (2) months and twenty (20) days of prision mayor medium as maximum, and to pay the civil indemnity of P20,000.00 for each count.[34] Costs against accused-appellant.

SO ORDERED.

Davide, Jr., (Chairman), Kapunan, Pardo, and Ynares-Santiago, JJ., concur.

[1] Also referred to as Aldrin de Leon.

[2] Also referred to as Guillermo Tapiador, Jr.

[3] Rollo, pp. 8-10.

[4] TSN, Lorenzo de Leon, August 24, 1998, pp. 3-10; also August 25, 1998, pp. 2-9.

[5] TSN, Catalina de Leon, August 24, 1998, pp. 12-17; also August 27, 1998, pp. 2-14; Original Records, p. 19; Sworn Statement of Catalina de Leon.

[6] TSN, SPO1 Lito Barboza, September 1, 1998, pp. 3-12.

[7] TSN, Federico Simeon, September 3, 1998, pp. 2-3.

[8] Original Records, p. 151, Exhibit "P".

- [9] Id., p. 152, Exhibit "Q".
- [10] Original Records, p. 153, Exhibit "R".
- [11] Id., p. 154; Exhibit "S".
- [12] TSN, Dr. Juan Carrera, September 22, 1998, pp. 3-16.
- [13] TSN, Dr. Nestor Pascual, September 2, 1998, pp. 2-11.
- [14] TSN, Zacarias Castillo, October 8, 1998, pp. 3-15.
- [15] TSN, Ernesto Tabora, September 24, 1998, pp. 3-12.
- [16] TSN, Leoberto Makilan, September 24, 1998, pp. 1-19.
- [17] TSN, Eva Leonil, September 29, 1998, pp. 2-16.
- [18] TSN, Erlinda Bocalbos, October 12, 1998, p. 3; see also October 20, 1998, pp. 2-6.
- [19] Rollo, p. 35.
- [20] Id., p. 70; Appellant's Brief, p. 3.
- [21] People v. Mendoza, G.R. No. 134004, December 15, 2000, citing People v. Pacina, 330 SCRA 195 (2000).
- [22] People v. Sanchez, 313 SCRA 254 (1999), citing People v. Lusa, 288 SCRA 96 (1998).
- [23] People v. Aquino, G.R. No. 145371, September 28, 2001, citing People v. Mansueto, 336 SCRA 715 (2000).
- [24] People v. Quinici, et al., G.R. No. 142430, September 13, 2001, citing People v. Mendoza, 332 SCRA 485 (2000).
- [25] People v. Aquino, *supra*, citing People v. Landicho, 258 SCRA 1 (1996).
- [26] People v. Feliciano, G.R. Nos. 127759-60, September 24, 2001, citing People v. Tan, 315 SCRA 375 (1999).
- [27] People v. Dionision, G.R. No. 137676, September 27, 2001, citing People v. Andales, 312 SCRA 738 (1999) and People v. Enoja, 321 SCRA 7 (1999).
- [28] People v. Sacapaño, 313 SCRA 650 (1999).
- [29] People v. Reynaldo de Guzman, G.R. No. 124037, October 2, 2001, citing People v. Yambot, 343 SCRA 20 (2000).
- [30] People v. Valdez, 304 SCRA 611 (1999).
- [31] People v. Lacuesta, G.R. No. 129212, September 14, 2001, citing Araneta, Jr. v. Court of Appeals, 187 SCRA 122 (1990).
- [32] People v. Panado, et al., G.R. No. 133439, December 26, 2000.
- [33] People v. Pacaña, et al., 345 SCRA 72 (2000).
- [34] People v. Almazan, G.R. Nos. 138943-44, September 17, 2001.

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