

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. WILFREDO GUARIN Y REYES, ACCUSED-APPELLANT.

G.R. Nos. 83437-38. July 17, 1996

Ponente: REGALADO, J.

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REGALADO, J.:

Accused-appellant Wilfredo Guarin has come to this Court on appeal from dual convictions handed down by the Regional Trial Court, Branch 39, Lingayen, Pangasinan[1] after a joint trial of Criminal Case No. L-3339 for murder, and Criminal Case No. L-3340 for frustrated murder. He imputes error to the court a quo for believing the prosecution witnesses, appreciating treachery and evident premeditation in the commission of the offenses charged, rejecting his plea of self-defense, and finding him guilty as charged.[2]

The information filed in Criminal Case No. L-3339 is reproduced hereunder to provide the factual basis for that charge, and also to illustrate how a criminal indictment should never be formulated in a melange of accusatory allegations and evidentiary details resulting in unusual prolixity:

That on or about the 30th day of June 1985, in the evening, in barangay Quibaol, municipality of Lingayen, province of Pangasinan, New Republic of the Philippines and within the jurisdiction of this Honorable Court, the above-named accused, armed with M16 armalite rifle with Serial No. RP 107024 issued to him as a former member of the Mangatarem INP, with intent to kill, with treachery and evident premeditation, did then and there, willfully, unlawfully and feloniously shoot Orlando Reyes, inflicting upon him the following injuries:

INTERNAL PHYSICAL EXAMINATION ON THE BODY OF THE VICTIM SHOWS:

- Nine (9) GSW's in different parts of the body. EIGHT (8) POINT OF ENTRANCES AND ONE POINT OF EXIT.
- Of the eight (8) point of entrances seven (7) of the slugs entered the left side of the body. One (1) on the upper (L) shoulder; Three (3) on the (L) middle 3rd of the body, lateral aspect and three (3) on the (L) buttocks. The other point of entrance is the Middle Chest, one of the most fatal shots.
- The lone point of exit is over the (R) Axilla, lateral aspect.

THE GUNSHOT WOUNDS

- The GSW at the Mid-Thoracic (Chest) or between the two (2) breasts. The point of entrance is about 1/3 of an inch in diameter, no powder burns, is directed forwards, medially any downwards measuring (course) of the slug by (probing) and may account for the embedded slug found in the epigastrium between the rectus abdominis muscle and the skin.
- GSW # 2 at the Mid Trunk, Lat. aspect, along the Mid-Axillary Line, point of entrance of the same diameter as GSW # 1; no powder burns and directed forwards and slightly upwards with point of exit measuring about 1 1/3 inch below and lat. to the (R) Axilla.
- GSW # 3 is about two (2) inches below and lat. to the above GSW # 2 point of entrance of the same diameter;

no powder burns; is directed forwards and upwards towards the (R) axilla measuring about 11 inches and may account for the slug recovered about 2 inches act. to the (point of exit) (R) Axilla.

- GSW # 4 about 1 $\frac{3}{4}$ inches below & medial to GSW # 3, along the Mid-axillary line. Point of entrance of the same diameter as above GSW # 3. No powder burns, directed forwards and upwards in the direction of the (R) axilla, point exit. The same as GSW # 2.

- GSW # 5 at the upper medial aspect of the (L) shoulder. Point of entrance measuring same as the above entrances. No powder burns. Directed forwards and inwards measuring about 4 $\frac{1}{2}$ -5 inches the slug has not been recovered.

- GSW # 6 at the upper 3rd (L) buttocks — point of entrance same caliber as of the above mentioned. (navel to asis 1st aspect along the tost-axilla line). No powder burns, directed forwards & slightly downwards about ten (10) inches in length towards the hypogastricus may account for the recovered slug in the rectus abdominis muscle in the hypogastri(u)m, mid portion.

- GSW # 7 about four (4) inches below and medially to the above GSW # 6, about the mid buttocks, point of entrance of the same caliber as above GSW's. No powder burns. Directed forwards and slightly upwards, and measuring about ten (10) inches along its course towards the hypogastrium. The slug has not been recovered.

- GSW # 8 at the lower 3rd of buttocks about 3 $\frac{1}{2}$ below & lat. to the above GSW # 7. Point of entrance of the same caliber. No powder burns. Directed forwards & slightly upwards towards the lumbar vertibra, about six (6) in depth. No slug recovered.

INTERNAL EXAMINATION: On opening the thoracic cavity shows:

- accumulated blood, fresh and clotted of about 800 to 1000 cc in the thoracic cavity.

- slug found embe(d)ded between the pectoralis muscle and the skin 3 $\frac{1}{2}$ inches below and medial to the (R) nipple possibly the slug that originated from GSW # T.

- shattered pieces of liver tissues involving the upper medial lobe probably from GSW's # 1, 2, 3, and penetrating and perforating involving the (R) atrium and (R) ventricle, lower portion probably from GSW # T.

- The lower lobes of the (L) & (R) lungs are perforated probably from GSW's 2, 3, & 4.

ON OPENING THE ABDOMINAL CAVITY SHOWS:

- Perforated loops of small intestines and descending colon and pieces of shattered vert(e)bral body, probably from GSW's 6, 7 & 8.

- The left (L) humerus, surgical neck is fractured, comminuted complete fracture.

- Slug found embedded in the (pectoralis) muscle and the skin underneath the (R) axilla. Probably from GSW # 3.

- Another slug embedded between the pectus abdominis and the skin over the hypogastrium, mid portion. Probably from GSW # 6 determined by the direction of the probe.

CAUSE OF DEATH:

- Cardio-Respiratory Failure due to multiple gun shot wounds on different parts of the body and mainly from GSW's # 1, 2, 3, & 4 and secondary to GSW # 5 due to shock from los(s) of blood due to Hemorrhage and the pain from fracture of the surgical neck of the Humerus, (L).

- which injuries caused his death as a consequence, to the damage and prejudice of his heirs.[3]

The ministers of our national prosecution service would do well to prevent repetitions of such unnecessary wordiness and concomitant loss of government time in the preparation of a simple legal form. Felicitously, the information in Criminal Case No. L-3340 follows the conventional format and merely alleges -

That on or about the 30th day of June 1985, in the evening, in barangay Quibaol, municipality of Lingayen, province of Pangasinan, New Republic of the Philippines and within the jurisdiction of this Honorable Court, the above-named accused, armed with M16 armalite rifle with Serial No. RP 107024 issued to him as a former member of the Mangatarem INP, with intent to kill, with treachery and evident premeditation, did then and there, willfully, unlawfully and feloniously shoot Alicia Reyes, inflicting upon her "gunshot wound - POE - 0.5 x 0.5 cm., 3rd ICS anterior axillary line left", thus performing all the acts of execution which would have produced the crime of Murder as a consequence but which, nevertheless, did not produce it by reason of causes independent of the will of the accused, that is the timely medical assistance rendered to said Alicia Reyes which prevented her death, to her damage and prejudice.[4]

Upon arraignment, appellant pleaded not guilty to both charges and interposed the defense that he was just defending himself from the unlawful aggression of the deceased. After several hearings, the trial court rendered a joint decision adjudging as follows:

WHEREFORE, in the light of the foregoing considerations, judgment is hereby rendered, finding accused WILFREDO GUARIN, guilty of the crime of Murder and Frustrated Murder, respectively, beyond reasonable doubt, as charged in the two informations, and therefore, sentences him as follows:

1. In Criminal Case No. L-3339 for Murder, to suffer an imprisonment of Reclusion Perpetua with the accessories provided for by law and to pay the costs. He is also ordered to indemnify the heirs of the victim in the amount of P30,000.00 without subsidiary imprisonment in case of insolvency;
2. In Criminal Case No. L-3340 for Frustrated Murder to suffer an indeterminate Imprisonment of TEN (10) YEARS and ONE (1) DAY of Prison Mayor as MINIMUM to SEVENTEEN (17) YEARS, FOUR (4) MONTHS and ONE (1) DAY of Reclusion Temporal as MAXIMUM with the accessories provided for by law and to pay the costs;
3. Accused is further ordered to pay the amount of P6,000.00 as actual damages incurred by the heirs of the victim, without subsidiary imprisonment in case of insolvency. Likewise, he is ordered to pay the sum of P1,000.00 to Alicia Reyes as actual expenses for her treatment, also without subsidiary imprisonment in case of insolvency; and
4. It appearing that he is a detention prisoner, he should be credited the full period of his temporary detention, pursuant to the provisions of Art. 29 of the Revised Penal Code.[5]

In seeking the reversal of his conviction by the lower court, appellant, who was reportedly a policeman on detached service with the 152nd PC Company at the time of the killing, gave his version of what allegedly transpired on the night of June 30, 1985. Since by his admission that he shot the victims the onus probandi to justify his act was shifted to him, we shall first assess his credibility from his own lips, and this can best be done by a reproduction of his pertinent testimony instead of just the usual summary:

Q

In the afternoon of June 30, 1985, where were you?

A

I was at our residence at Barangay Quibaol, Lingayen, Pangasinan, sir

Q

While you were there, do you remember if before 7:00 o'clock of that date in the evening, there was anything unusual which occurred that called your attention?

A

Yes, sir, there was.

Q

What was that?

A

Person by the name of (Or)lando Reyes passed by our residence and challenging me to come out from my house, sir, for a fight.

Q

Now, this Orlando Reyes referred to by you, did you know him before he challenge(d) you for a fight?

A

Yes, sir, I know him.

x x x

Q

You said that he was challenging you, how did he challenge you?

A

He shouted on top of his voice asking me to come out by saying in Pangasinan dialect, "I will kill you Fred."

x x x

Q

To that challenge of his, what was your answer?

A

I told him, sir, to go home because he was already drunk.

Q

When you told him to go home, what did he do?

A

He moved a little bit away and then returned back and challenged me and told me (sic) invectives.

x x x

Q

What next happened after that?

A

My wife advised me to go to the place of my assignment in order to avoid such trouble that may arise, sir.

x x x

Q

What next did you do after your wife told you that?

A

I immediately answered, went upstairs and changed my attire.

Q

After you have changed your attire, what next, did you do, if any?

A

I took my motorcycle and proceeded to the headquarters sir.

Q

What did you bring with you?

A

I brought with me my issued firearm, my revolver and armalite, sir.

x x x

Q

While you were on your way to the headquarters, riding on a motorcycle, and carrying with you, according to you, your armalite and other service weapons, do you know if there was anything which happened?

A

While on my way to the headquarters, along the barangay road in Quibaol, just in front of the house of Orlando Reyes, Orlando Reyes accosted me by brandishing his bolo while in the middle of the road, sir.

x x x

Q

What did you do when he accosted you with a bolo?

A

When I noticed that he is armed with a bolo, I slowed down my motorcycle in order to avoid hitting him.

x x x

Q

And what happened next after you stopped your motorcycle?

A

At the time when I stopped my motorcycle O(r)lando Reyes was about to go near me then when I sensed that he was armed with a bolo and he has the intention to attack me, I immediately introduced myself as a member of the INP and fired a warning shot into the air.

x x x

Q

After firing warning shots and tell(ing) those words to Orlando Reyes, what next happened?

A

When I fired my warning shots in the air, he uttered in Pangasinan dialect: "So you are the Fred, the Fred I am waiting for. You are the policeman Fred I am waiting for. I am going to kill you now."

x x x

Q

What was he holding, if any, when he told those words to you?

A

He is still holding his bolo, sir.

Q

And how far were you from him?

A

About 4 to 6 meters away, sir.

Q

Considering the distance between you and him what did you do?

A

I am trying to a(v)oid his attack, sir, so, I am pulling back my motorcycle when he is very aggressive and I again fired shots into the air and shot him already.

x x x

Q

Did he stop after he was shot?

A

No, sir. He just turned back and then attacked me again.

Q

How did he attack you again?

A

He picked up his bolo with his two hands and then going near me again, sir.

x x x

Q

What did you do when he tried to come near you?

A

I shot him again (on) the thigh, sir.

x x x

Q

How many shots did you exactly fire at him from the first to the last shot?

A

I remember I only shot 6 bullets, sir.

Q

Why so much bullet was (sic) fired by you?

A

Because despite of the warning shots in the air I made, and shooting his right shoulder and thigh, he keeps on attacking me, sir, despite having his wounds, so, I could no longer back up. So, I shot him a fatal shot in order for me to defend myself, sir.

Q

Where?

A

On his breast, sir.[6]

Appellant further insisted that with regard to the case of frustrated murder filed against him for the injuries sustained by Alicia Reyes, the wife of the victim, he did not know anything about it since he never saw her before the incident.[7]

Appellant's testimony and claim of self-defense were corroborated by two other defense witnesses, namely, Lucio Basa and Norma Casipit Reyes. Basa tried to establish that he saw a man brandishing a bolo and another man riding a motorcycle facing the former, but he failed to mention the names of the protagonists since the jeepney he was riding in was merely passing by them.[8]

Norma Reyes Casipit, for her part, testified that while walking home along Barangay Quibaol she heard shouts around five meters away and recognized the voice as that of the deceased Orlando Reyes. She saw him holding a bolo and shouting, "I will kill you, I will kill you," at a man riding a motorcycle whom she recognized as appellant. She further asserted that as Orlando Reyes approached appellant, the latter fired warning shots in the air. Since she got scared, she ran to the house of appellant to tell his wife about the incident.[9]

On the other hand, the prosecution presented several witnesses to support the contention of the prosecution that appellant shot and killed Orlando Reyes while the victim was urinating in front of his house and, in the same instance, shot and wounded the latter's wife. For an unexpurgated presentation of the People's theory, it appears necessary to likewise directly quote from the transcripts the material parts of the actual testimony of Alicia Reyes, considering the possibility of errors in condensation, the wide divergence or the versions as to the locus criminis, and especially since this case essentially turns on the credibility of the contending witnesses.

This principal witness and widow of the deceased testified on the chronology of events from the arrival of her husband in their house to the time he opened the door and was shot to death, thus:

Q

When your husband opened the door and urinated without going out of the house, what if any, did you do(?)

A

I followed him and stayed just behind him and half of my body was hid(den) by him, sir.

Q

And while you were standing behind your husband, who at the time was urinating, and in fact, half of your body was hidden by the body of your husband, what happened, if any(?)

A

At that instance, Fred arrived and then my husband saying this; "Why, Fred?", and immediately Fred fired his gun, sir.

Q

Who is that Fred you are referring to?

A

Wilfredo Guarin, sir.

x x x

Q

You said that Fred, the accused, fired his gun, you noticed the gun in his possession, is that correct(?)

A

Yes, sir.

Q

Will you describe that gun which you saw in the possession of the accused.

A

Long gun, sir.

Q

At the time that the accused fired his gun (at) your husband, what was your husband doing?

A

He was urinating, sir.

Q

Will you tell the court the relative position of Wilfredo Guarin to your husband who was at the time in the act of urinating when accused fired?

A

He was standing, sir.

Q

Facing your husband?

A

Yes, sir.

Q

And how far was the accused from your husband when he fired his gun(?)

A

From here up to my seat (witness pointing the first seat which the parties agreed to be about 6 to 7 meters away).

Q

Now, when the accused fired his gun, long gun, as you said, where were you(?)

A

I was behind my husband, sir, that is, one half of my body was hidden by my husband, sir, or covered by the body of my husband, sir.

x x x

Q

When the accused fired his gun, who was hit?

A

I was hit, sir.

Q

What about your husband?

A

And my husband, sir.

Q

How many time did you see the accused fir(e) his gun?

A

Many many times, sir, because the fir(ing) was in succession.

Q

After your husband was hit what happened to him?

A

He fell down, sir.

Q

What about you, you said you were also hit, which part of your body?

A

I was hit, sir, here (witness pointing (to) her left side below the left shoulder).[10]

The testimony of Alicia Reyes is corroborated by Raquel Escaño,[11] a neighbor of the Reyeses, and the former's son, Eric Reyes, who was just behind her during the incident. Eric testified that on the night in question he was at home, and he saw how appellant shot his father and his mother. He narrated that his father was thus relieving himself near the door, with his mother partly behind him, and he was behind his mother when appellant fired at them with a long firearm. Appellant was then standing about six meters away, opposite a guava tree. The witness saw his father falling down after the shots were fired. He himself was not hit but he felt the bullets whizzing by so he sought cover.[12]

Aside from these two eyewitnesses, the prosecution presented the medico-legal expert, Dr. Jose V. Martinez, who testified on the contents of the medico-legal report issued by him reflecting the number of gunshot wounds sustained by Orlando Reyes and the immediate cause of his death. Dr. Martinez declared that, on his external physical findings, the victim had nine gunshot wounds on different parts of his body, eight of them being points of entrance and one as a point of exit. The wounds numbered 1 to 6 in the report were fatal, while the other two were not. On his internal findings, he testified as follows:

Q

Now, doctor, did you open the remains of Orlando Reyes as you were proceeding in the conduct of your autopsy?

A

Yes, sir.

Q

And upon opening, what internal organs were damaged by these gunshot wounds?

A

The heart, the liver, the colon, the spinal cord, and the great blood vessels of the axilla, the great vessels of the heart, the big blood vessels of the heart, the lungs.

Q

Now, when you opened the body, did you see the left and right lung(s)?

A

Yes, sir, the gunshot wound penetrated the lungs.

Q

Considering these injuries and considering the damages on the internal organs what was the cause of death of the patient?

A

Massive hemorrhage, shock.[13]

From the above testimony of Dr. Martinez, the gunshot wounds sustained by the victim were undoubtedly numerous and almost all are fatal. This was correctly considered by the court below as an indicium of the manifest

intent to kill on the part of appellant. More importantly, the number and lethal nature of the injuries inflicted by him on the hapless and unarmed victim completely demolishes appellant's pretense of having acted in self-defense.

Assessing the testimonies of the witnesses for the prosecution and the defense, we agree with the trial court that the testimonies of the prosecution witnesses were clear, convincing and credible. Analyzing the testimony of defense witness Lucio Basa, we find that he actually did not testify that he saw Orlando Reyes attacking appellant. All he said was that he saw a man on the road brandishing a bolo at a man on a motorcycle, but he was unable to specifically identify them or state their names. Even assuming the same to be true, it cannot be concluded from his bare statement that the former was then in the act of committing an unlawful aggression.

The second defense witness, Norma Reyes Casipit, merely declared that she saw Reyes and appellant on the road, and that she saw Reyes moving towards appellant while shouting, "I will kill you," and the latter fired shots to the air. Again, granting the truth of her story, the fact remains that she never testified on the actual shooting since, according to her, she ran away and went to the house of appellant to inform his wife about what was supposedly taking place. Surprisingly, it does not appear that appellant's wife or other persons immediately went to the place of the alleged confrontation.

On the other hand, prosecution witnesses Alicia Reyes and Eric Reyes categorically established that they saw at close range how appellant shot and killed the victim while the latter was micturating near the door of their house. Their testimonies were unequivocal, forthright and replete with details, all of which were seals of self-authentication on their credibility and which convinced the trial court to accord full faith and credit to their version. The records are barren of any unworthy or evil motive on their part to fabricate the serious charges against appellant.

The fact that they are related to the victim does not, therefore, discredit their testimonies; on the contrary, it explains why they were at the scene of the crime and how they were thus afforded the opportunity to witness the same with such proximity to the protagonists. The alleged discrepancies between their testimonies and affidavits, as carefully scrutinized by us, are in truth only on minor and insignificant details, which incongruence even rules out the possibility of their testimonies having been rehearsed.[14] On this score, the settled rule is that the testimony in court is to be given more weight.[15]

The evidence of record sustains the following findings of the trial court that appellant acted with evident premeditation in the commission of both felonies:

The qualifying circumstance of evident premeditation was likewise clearly and satisfactorily established by the prosecution beyond reasonable doubt. There is evident premeditation because from the overt acts of the accused that he had definitely resolved to kill Orlando Reyes, as he prepared to arm himself with dangerous weapons namely, an armalite and a .38 caliber revolver.

In this connection, prosecution witness Eric Reyes testified that before the shooting incident, he was instructed by his mother to call for his father. Eric Reyes went to the store of Tomas Rosario. He saw his father together with Pol Sareno, Carding Lomibao, one Eding and the accused drinking. His father told him to go ahead but he did not. Instead, he waited for his father. Before Eric and his father started to go home, accused went ahead of them and got his armalite from his house. When his father and son reached the place opposite the house of the accused, the latter met Eric Reyes and Orlando Reyes and Wilfredo Guarin threatened them that if they try to get away, something would happen to their family (the Reyeses). So, Orlando Reyes alighted from the tricycle and told his son to go ahead. His father arrived in their house about half an hour later and informed his mother that the accused threatened to kill all members of his family. Accused made good his threats to kill Orlando Reyes and his family when he armed himself with an armalite and a .38 caliber revolver, went to the house of

the victim in order to kill him.[16]

The factual ambience of the case at bar also readily yields the conclusion that alevosia attended the commission of the crimes. The evidence establishes that the victim was suddenly shot by appellant while the former was without any opportunity to defend himself. Appellant deliberately adopted means to ensure the consummation of his objective to the extent of availing himself of two automatic and heavy caliber firearms and rapidly firing at the victim while the latter was in a defenseless state.

On appellant's invocation of self-defense, the Court entertains serious doubts on the veracity of the testimonies of witnesses Lucio Basa and Norma Reyes Casipit, and rejects the testimony of appellant for being inherently incredible. As earlier stated, the presence of several fatal gunshot wounds on the body of the deceased is physical evidence which eloquently refutes such defense.[17] If the intention of appellant was merely to defend himself from the supposed aggression of the deceased who was at the time of the incident allegedly drunk and holding a bolo, appellant could have easily repelled that aggression with one or two shots at the legs or non-vital part of the victim's anatomy. Also, appellant was then riding a motorcycle and armed with an armalite and a revolver. Evidently, he could have easily evaded the aggression of the deceased by simply speeding away or, as just stated, by aiming at the legs or feet of the advancing Orlando Reyes, instead of shooting him nine times in vital areas of his body. All these are even on the supposition *ex hypothesi* that the supposed encounter on the road did actually happen.

We, therefore, sustain the verdict of the court below regarding the murder of Orlando Reyes and the penalty imposed, since the crime was committed before the effectivity of Republic Act No. 7659. We, however, agree with the submission of appellant and the Solicitor General, with respect to the frustrated murder charge, that appellant had no intention to kill Alicia Reyes and that the bullet that hit her was a stray bullet as a consequence of automatic firing directed at Orlando Reyes. If appellant had intended to kill Alicia Reyes, he could have entered the house of the deceased and opened fire at every one inside the house.

Also, the medico-legal report and the testimony of Dr. Francisco Rosario thereon could not establish whether the bullet that hit Alicia Reyes was directly aimed at her or only ricocheted when it hit a hard object, thus:

Q

These wound which you examined (o)n the person of Alicia Reyes, cannot be said to be a direct hit inflicted by an armalite weapon or what?

A

Well, the wound is circular. It is 5.5 centimeters so, I am not sure whether it is direct or not.

Q

But you are sure that since there was no exit wound, it was not direct?

A

It may be, sir. The possibility is that the bullet which entered the body of Alicia Reyes first hit another object.[18]

Dr. Rosario further testified that Alicia Reyes stayed in the hospital for two days and that when she was discharged she was not suffering from any ailment. In fact, she was medically declared as being "with clear breath sounds, coherent and ambulatory and not in any form of distress." It appears, however, that she continued to require medical attendance for ten days or more.[19] On these considerations, and resolving the doubt in favor of

appellant, the crime committed against Alicia Reyes is less serious physical injuries.

ACCORDINGLY, the judgment of the court a quo in Criminal Case No. L-3339 for murder is hereby AFFIRMED, but its judgment in Criminal Case No. L-3340 is MODIFIED by finding appellant guilty therein of the crime of less serious physical injuries and for which he is hereby sentenced to serve six (6) months of arresto mayor. The award of indemnity to the heirs of the deceased is also MODIFIED and increased to P50,000.00. In all other respects, the judgments in both cases are hereby AFFIRMED.

SO ORDERED.

Romero, Puno, Mendoza, and Torres, Jr., JJ., concur.

- [1] Judge Cornelio W. Wasan, Sr., presiding.
- [2] Appellant's Brief, 1-2; Rollo, 130-131.
- [3] Original Record, Criminal Case No. L-3339, 136-139.
- [4] Original Record, Criminal Case No. L-3340, 12.
- [5] Original Record, 333; Rollo, 44.
- [6] TSN, February 10, 1987, 2-6.
- [7] Ibid., id., 6.
- [8] Ibid., January 27, 1987, 2.
- [9] Ibid., January 29, 1987, 2-3.
- [10] Ibid., March 3, 1986, 8-12.
- [11] Ibid., April 29, 1986, 2-10.
- [12] Ibid., May 29, 1986, 3-4.
- [13] Ibid., February 11, 1986, 6-7.
- [14] People vs. Ponayo, G.R. No. 111523, August 10, 1994, 235 SCRA 226.
- [15] People vs. Loveria, G.R. No. 79138, July 2, 1990, 187 SCRA 47.
- [16] Original Record, 325-326.
- [17] People vs. Amaro, et al., G.R. No. 92502, August 4, 1994, 235 SCRA 8.
- [18] TSN, April 7, 1986, 7.
- [19] Ibid., id., 6, 9; March 3, 1986, 15.

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