

THIRD DIVISION

[G.R. No. 112180. August 15, 1997]

PEOPLE OF THE PHILIPPINES, *plaintiff-appellee*, vs. MILDRED VILLAS y NIQUE, *accused-appellant*.

DECISION

PANGANIBAN, J.:

In the main, appellant raises questions of fact. However, she utterly fails to show that the trial court committed any significant error in assessing the credibility of the prosecution witnesses and their coherent narration of the *corpus* of the crime and her authorship thereof, or that said court overlooked any fact or matter of substance which, if considered on appeal, would cast reasonable doubt on her guilt. Moreover, she did not substantiate her defense of denial which thus cannot prevail over the overwhelming testimonial and documentary evidence presented by the government, vividly demonstrating beyond moral certainty all the elements of the crime charged and clearly pointing to appellant as the culprit.

Statement of the Case

This is an appeal from the Decision of the Regional Trial Court of Davao City, Branch 16^[1] in Criminal Case No. 22,608-91 finding herein Appellant Mildred Villas y Nique guilty of illegal recruitment in large scale and imposing on her the penalty of life imprisonment.

Second Assistant City Prosecutor Calixto A. Esparagoza charged Appellant Villas of said crime in an Information dated April 18, 1991 which reads as follows:^[2]

The undersigned accuses the above-named accused for Violation of Articles 38 (a) and 38 (b) in relation to Article 39 of the Labor Code (P.D. 442, as amended), committed as follows:

That in or about November 1990 to April 1991, in the City of Davao, Philippines, and within the jurisdiction of this Honorable Court, the above-mentioned accused, purporting herself to have the capacity to contract, enlist and transport Filipino workers for employment abroad, particularly in Canada, did then and there wilfully, unlawfully recruit and promise employment/job placement abroad to Alfonsa Acierda, Teresita Caballero-Villegas, Nenita Balisalisa and Ligaya Rentura, without first securing the required licensed (sic) and/or authority from the Department of Labor and Employment.

In accordance with the Order dated May 6, 1991 of the trial court, a reinvestigation was conducted. However, in a Manifestation dated July 3, 1991, Prosecutor I Silverio M. Mandalupe found probable cause to hold respondent on trial.^[3]

Assisted by Counsel *de Parte* Bernardino Bolcan, Jr.,^[4] accused-appellant pleaded not guilty during the arraignment on July 29, 1991.^[5] After trial on the merits, the court *a quo* rendered its Decision, the decretal portion of which reads:

WHEREFORE, finding the accused guilty beyond reasonable doubt of the crime of illegal recruitment

(qualified) of four (4) persons, namely: Alfonsa Acierda Morotos [sic], Teresita Caballero Villegas, Nenita Balisalisa and Ligaya Rentura punishable under Article 39 (a) of the Labor Code as amended, she is hereby sentence[d] to a penalty of LIFE IMPRISONMENT and a fine of P100,000.00 and to pay the cost; to indemnify Alfonsa Acierda Mortos the amount of P11,300.00, Teresita Caballero Villegas, the amount of P11,800.00, Nenita Balisalisa the amount of P6,200.00 and Ligaya Rentura the amount of P2,000.00.^[6]

Appellant, although granted bail during the trial, was subsequently committed to the Correctional Institution for Women on March 4, 1994^[7] pending resolution of her appeal.

The Facts ***Version of the Prosecution***

The prosecution presented eight (8) witnesses among whom were the four complainants: Alfonsa Acierda Mortos, Ligaya Clara Rentura, Teresita Caballero Villegas and Nenita Balisalisa. The other four were: Teresita Quitariano, a nurse through whom the illegal scheme of the appellant was discovered; Gaudencio dela Pea of the Philippine Overseas Employment Administration (POEA) office in Davao City who issued a certification that appellant had no authority or license to recruit; Isabelo B. Cerna, Jr., Senior Agent of the National Bureau of Investigation (NBI) in Davao City who took part in the entrapment operation against the appellant; and Ofelio Mortos, husband of Complainant Alfonsa Acierda. The following may be gleaned from the testimonies of the prosecution witnesses.

Alfonsa Acierda Mortos^[8] and Teresita Caballero Villegas,^[9] both nurses at the Davao Medical Center, met the accused-appellant sometime in November 1990 through Vilma Luyahan,^[10] a distant relative of Alfonsa. During their meeting, accused-appellant informed them that she was recruiting workers for employment as nanny-housekeepers in Canada and that she was also authorized to recruit nurses for the Canadian Immigration Assistance Service (CIAS).^[11] In response to the nurses interest in applying, the accused required them to submit to her application letters, photocopies of their respective birth certificates, 2x2 pictures and a processing fee of \$400 each -- \$200 of which was to be paid initially, with the balance to be paid upon receipt of ones case number^[12] from the CIAS. Appellant Villas also claimed that she had a friend in the CIAS who would facilitate the processing of the applicants papers.

The following day, Acierda made the initial payment of \$200 and submitted the other requirements to Villas. After receiving her case number in January of 1991, she paid the additional amount of P6,000.00, the approximate equivalent of \$200.00.

Villegas also gave the accused-appellant the \$200 down payment upon submission of her application papers and another P5,800.00 upon her receipt of her case number.

Nenita Balisalisa,^[13] also a nurse, testified that she came to know the accused in the last week of January 1991 through Complainant Acierda. Given the same information by the accused regarding employment in Canada, Balisalisa paid her the initial P5,800.00. However, she failed to pay the balance even after receipt of her case number from the CIAS.

In January 1991, Ligaya Rentura^[14] also learned from her co-workers --Acierda, Villegas and Balisalisa -- that accused-appellant was recruiting nurses for Canada. Likewise, she submitted the requirements and paid the appellant P2,000.00 as down payment.

All in all, Acierda paid Villas a total amount of P11,300.00, including the money used during the entrapment of the latter; Villegas, a total of P11,800.00; Balisalisa, a total of P6,200 including the sum of P400 used during the entrapment; and Rentura, P2,000.00.

In April 1991, Acierda, Villegas, Balisalisa and Rentura learned from a fellow nurse, Witness Teresita Quitariano, that the latter applied directly to and received her case number from the CIAS without having to pay \$400. Upon the advice of Atty. Sarsaba, a neighbor of Villegas, they sought the NBIs assistance. This led to the arrest of appellant and the filing of the criminal case against her.

NBI Agent Isabelo B. Cerna, Jr. testified how he and the complainants entrapped the accused. Cernas testimony was narrated by the trial court, as follows:

Atty. Isabelo B. Cerna, Jr., declared that he is an NBI Agent since 1966; sometime in April, 1991, Alfonsa Acierda Mortos, Nenita Balisalisa and Teresita Villegas lodged a complaint to his office for illegal recruitment against the accused, reporting to him that they were recruited by the accused for a fee \$400.00 and they made payments to her; to ascertain first whether said accused is authorized to recruit workers for abroad before taking any action on the complaint, he made an inquiry from the POEA, Davao City, Office and he received a Certification dated April 15, 1991 issued by Mr. Gaudencio dela Pea signed by the Regional Director of the Department of Labor, Davao City (Exh. A) stating that the accused Mildred Nique Villas is not listed in the masterlist as authorized to recruit workers for employment abroad; after ascertaining that the accused is not authorized to recruit workers for employment abroad, he took the sworn statements of Balisalisa, Villegas, Quitariano and Mr. Mortos; then the head of the NBI, Davao City, Atty. Gadia and Atty. Bisnar and himself planned to set the entrapment to ascertain whether the accused accepts money from recruiters; Balisalisa and Mrs. Alfonsa Acierda Mortos who had still remaining balance to pay were chosen to produce the money to be used for entrapment; Balisalisa produced four (4) hundred peso bills with Serial Nos. PB491857, PJ605003, CF462573, and LK577902; Mrs. Mortos produced three (3) hundred peso bills with Serial Nos. 338779, EQ619051 and GB247830; after the marking, thumbprinting and taking the serial numbers and listing of the seven (7) bills, they set the entrapment; the bills were returned to Mrs. Mortos and Balisalisa and it was agreed that Atty. Cerna, Jr. will accompany the two (2) complainants to the house of the accused and the rest of the group composing of Atty. Bisnar, a photographer and two (2) other office personnel of the NBI will stay along del Pilar St.; they arrived at the house of the accused at 3:00 p.m. of April 17, 1991;

After knocking the door, they were allowed to enter and took their seats; he was introduced as the brother of Balisalisa and a teacher of Kapalong; the accused asked him why he was in Davao City and he told her that he was following-up some matters with the DECS; then the two (2) complainants told her that they came to pay their balance and they handed the P700.00 to the accused who received the money in his presence and placed it in her pocket; the two (2) complainants told the accused that they will pay the remaining balance if they will have the money and the accused answered that she will be happy if they will pay on time; after the marked bills were handed to the accused, he signalled the two (2) complainants to go out; after the two (2) went out, he and the accused had a casual talk about working abroad facing each other; then, he opened his attache case and took an envelope and wrote the following words on it Atty. Cerna of the NBI, Gave it to her and told her to read it; she was taken aback and said what happened and he told her that the complainants complained that she is an illegal recruiter and told her to give back to him the money the two (2) complainants gave to her; he took the seven marked hundred peso bills from her and told her to go with him to their office, she went with him accompanied by her daughter; in the office, she refused to give statement except that when confronted about her friend in Canada, she said that Teresita who is working with the Canadian Immigration Assistance Service is the person facilitating the applications; she said that she could contact her by telephone and when asked about her phone number, she could not recall the number; he demanded from her document to show that she is authorized to recruit workers but she could not show any. [\[15\]](#)

On the stand, Gaudencio dela Pea of the POEA regional unit in Davao City affirmed the certification issued by his office that appellant had no authority or license to recruit.

Version of the Defense

The defense presented two witnesses, Accused-appellant Mildred Villas and Vilma Luyahan.

The testimony^[16] of appellant consisted simply of denial. She denied having recruited or assisted anyone for overseas employment. Neither did she accept any payments from the private complainants. She claimed that she came to know Acierda and Villegas only after Vilma Luyahan introduced them to her, upon which they asked her for information on how to apply for employment in Canada.

Upon being asked why a case was filed against her, Villas answered that it was because she refused to accept the proposal of Acierda and her husband for the three of them to engage in recruitment. Vilma Luyahan simply corroborated^[17] the testimony of the accused-appellant.

Lone Assignment of Error

The accused-appellant, in her six-page brief, assigns a single error:^[18]

The trial court erred in not acquitting the appellant on ground of reasonable doubt.

Stated otherwise, appellants contention is that the prosecution evidence was not sufficient to convict her of the crime.

This Courts Ruling

The appeal is not meritorious.

Sufficiency of Prosecution Evidence to Prove the Elements of the Crime

Illegal recruitment in large scale is defined and penalized by the Labor Code as follows:

Art. 38. Illegal Recruitment. - (a) Any recruitment activities, including the prohibited practices enumerated under Article 34 of this Code, to be undertaken by non-licensees or non-holders of authority shall be deemed illegal and punishable under Article 39 of this Code. The Ministry of Labor and Employment or any law enforcement officer may initiate complaints under this Article.

(b) Illegal recruitment when committed by a syndicate or in large scale shall be considered an offense involving economic sabotage and shall be Penalized in accordance with Article 39^[19] hereof.

x x x Illegal recruitment is deemed committed in large scale if committed against three (3) or more persons individually or as a group.

The Labor Code itself provides that recruitment and placement refer to any act of canvassing, enlisting, contracting, transporting, utilizing, hiring or procuring workers, and includes referrals, contract services, promising or advertising for employment, locally or abroad, whether for profit or not: Provided, [t]hat any person or entity which, in any manner, offers or promises for a fee employment to two or more persons shall be deemed engaged in recruitment and placement.^[20]

On the other hand, the prohibited practices referred to in the aforementioned Article 38 of the Labor Code are enumerated in Article 34 of the same Code, which reads:

ART. 34. Prohibited practices. It shall be unlawful for any individual, entity, licensee, or holder of authority:

- (a) To charge or accept, directly or indirectly, any amount greater than that specified in the schedule of allowable fees prescribed by the Secretary of Labor, or to make a worker pay any amount greater than that actually received by him as a loan or advance;
- (b) To furnish or publish any false notice or information or document in relation to recruitment or employment;
- (c) To give any false notice, testimony, information or document or commit any act of misrepresentation for the purpose of securing a license or authority under this Code;
- (d) To induce or to attempt to induce a worker already employed to quit his employment in order to offer him to another unless the transfer is designed to liberate the worker from oppressive terms and conditions of employment;
- (e) To influence or to attempt to influence any person or entity not to employ any worker who has not applied for employment through his agency;
- (f) To engage in the recruitment or placement of workers in jobs harmful to public health or morality or to the dignity of the Republic of the Philippines;
- (g) To obstruct or attempt to obstruct inspection by the Secretary of Labor or by his duly authorized representatives;
- (h) To fail to file reports on the status of employment, placement vacancies, remittance of foreign exchange earnings, separation from jobs, departures and such other matters or information as may be required by the Secretary of Labor;
- (i) To substitute or alter employment contracts approved and verified by the Department of Labor from the time of actual signing thereof by the parties up to and including the periods of expiration of the same without the approval of the Secretary of Labor;
- (j) To become an officer or member of the Board of any corporation engaged in travel agency or to be engaged directly or indirectly in the management of a travel agency; and
- (k) To withhold or deny travel document from applicant workers before departure for monetary or financial considerations other than those authorized under this Code and its implementing rules and regulations.

In several cases,^[21] the Court enumerated the elements of the crime of illegal recruitment in large scale as follows:

1. The accused undertook any recruitment activity defined under Art. 13 [b] or any prohibited practice enumerated under Art. 34 of the Labor Code.
2. He did not have the license or the authority to lawfully engage in the recruitment and placement of workers.
3. He committed the same against three or more persons, individually or as a group.

In the case at bar, the Court is satisfied that all the three elements have been proven beyond

reasonable doubt.

First Element

Appellant denies that she has committed any act that can be considered illegal recruitment. Thus, she argues:

x x x in charges for illegal recruitment, it is necessary that the person charged must have some positive acts in looking for recruits. He must have at least, gone around to look for possible recruits or advertise his trade. He should not just be sitting down in his house and wait for the recruits to come to him. In the case at bar, the appellant did not go around to look for the private complainants, neither did she advertise her alleged illegal trade. She was in her house doing her usual course in the home as a house-wife when the private complainants came to him. She did not give instruction to Vilma Luyahan nor to Alfonsa Acierda to look for possible workers for Canada. Complainants came to her just to inquire on what to do in order to be able to land a job in Canada considering that she, the appellant had been to Singapore and is rumored to be due for departure to Canada.

Hence, appellant can hardly be considered as having engaged in illegal recruitment.[\[22\]](#)

The recruitment activities referred to in Article 38 of the Labor Code are enumerated in Article 13 (b) of the same Code. As convincingly shown by the prosecution, appellant informed the private complainants that she was recruiting nurses for employment in Canada and she explained to them the procedure in applying. She required them to submit to her their application letters, photocopies of their birth certificates, pictures and processing fee of \$400 each. She was able to convince the four complainants that she had the authority and the ability to recruit workers for overseas employment. Thus, they submitted to her their application papers and initial fees. Thereafter, the accused demanded payment of the balance after private complainants received their case numbers from CIAS. All these acts plainly and clearly reveal appellants recruitment activities.

On several occasions, this Court has held that there is illegal recruitment when one purports to have the ability to send a worker abroad though without authority or license to do so. He may merely give such an impression in order to induce an applicant to tender payment for fees.[\[23\]](#)

Although appellant initially may not have done anything to entice individuals to apply to her for employment abroad, such fact does not in any way blot out her liability for engaging in illegal recruitment. *Recruitment* is a legal term; its meaning must be understood in the light of what the law contemplates, not of common parlance.[\[24\]](#) Her activities fall squarely within the provision of Article 13 (b) of the Labor Code.

Appellants denials of the positive testimonies of the prosecution witnesses are not persuasive. Denials, if unsubstantiated by clear and convincing evidence, are deemed negative and self-serving evidence unworthy of credence. They have no evidentiary value when ranged against the testimonies of credible witnesses on affirmative matters.[\[25\]](#)

The trial court, finding the prosecution witnesses to be more credible and worthy of belief than the defense witnesses, declared:

The testimonies of the prosecution witnesses were clear, convincing, sincere and straightforward. The private complainants are all respectable registered nurses working in a certain hospital at Davao City. Prompted by an obsession to work abroad in order to earn more, they approached the accused when they heard that she is recruiting nurses to work in Canada. The accused, so persuasive and convincing was able

to convince the private complainants. They paid her the amount demanded as placement fee. They submitted to her application letters, xerox copies of their birth certificates and 2x2 pictures as the necessary requirements to apply for work as nanny-housekeeper in Canada. They discovered later on to their frustration that they were duped, that she is an illegal recruiter.^[26]

There is no reason to disturb the above findings of the court *a quo*. The credibility of witnesses is best left to the judgment of the trial judge whose findings are generally not disturbed on appeal, absent any showing that substantial errors were committed or that determinative facts were overlooked which, if appreciated, would call for a different conclusion.^[27] The trial court has the advantage, not available to appellate courts, of observing the deportment of witnesses and their manner of testifying during trial. Thus, appellate courts accord highest respect to such findings and conclusions of lower courts.^[28]

Furthermore, appellant was a stranger to private complainants before the recruitment. It is contrary to human nature and experience for persons to conspire and accuse a stranger of a crime that would take the latter's liberty and send him or her to prison life just to appease their feeling of rejection and vindicate the frustration of their dreams to work abroad.^[29] In its assailed Decision, the trial court declared:

No improper motive or reason was shown why they would falsely implicate the accused to a serious crime as charged. The accused herself declared that she had no quarrel or altercation with the private complainants. The private complainants were subjected to a rigorous cross-examination but they maintained their testimonies against the accused ringing with sincerity.

X X X

NBI agent Atty. Cerna, Jr. has no reason or improper motive to falsely testify against the accused with such a grave offense. xxx. Atty. Cerna, Jr. as a public official is presumed to have performed his duty regularly under the law. He narrated in detail how the accused was entrapped from the time the private complainants went to his office to lodge a complaint against the accused for illegal recruitment, when he secured a certification from the Department of Labor, when the entrapment was planned with the help of NBI head Atty. Gadia and Atty. Bisnar up to the time he, together with Balisalisa and Mrs. Mortos entered the house of the accused and in his presence the accused accepted the marked money from the two women. His testimony was clear, convincing and sincere and therefore deserves full faith and credence.

x x x In the absence of improper motives actuating the prosecution witnesses tend to sustain no improper motive existed and their testimonies are worthy of belief.^[30]

Second Element

Gaudencio dela Pea, head of the regional unit of the Philippine Overseas Employment Administration in Davao City, testified that Appellant Villas had no authority to engage in recruitment activities. He identified in open court the certification he previously issued, which states:

This is to CERTIFY that as per our records, MILDRED NIQUE VILLAS is NOT AUTHORIZED to recruit workers in Davao City or in any part of Region XI, particularly workers bound for Canada.

This certification is being issued upon the request of Atty. Fidencio Bisnar, Supervising Agent, National Bureau of Investigation (NBI), Davao City, for whatever legal purpose it may serve.^[31]

The accused-appellant did not object to the admissibility of this documentary exhibit^[32]; neither did she controvert it.^[33]

Third Element

Regarding the third element -- that there were three or more victims -- the four complainants testified that Appellant Villas made them believe that she had the authority to recruit workers for employment in Canada; in fact, relying on her misrepresentations, they submitted to her their application papers and processing fees. The positive and credible testimonies of the four complainants are sufficient to qualify appellants crime as illegal recruitment in large scale.^[34]

Non-Presentation of Receipt

Neither is there merit in the contention of the defense that appellant should be exonerated for failure of the prosecution to present any receipt proving that private complainants paid her anything. The defense argues that a receipt is the best evidence to prove delivery of money and the absence thereof shows that no payment was made.^[35]

This argument is not novel. The Court has previously ruled that the absence of receipts evidencing payment does not defeat a criminal prosecution for illegal recruitment. In *People vs. Pabalan*,^[36] this Court ruled:

x x x the absence of receipts in a criminal case for illegal recruitment does not warrant the acquittal of the accused and is not fatal to the case of the prosecution. As long as the witnesses had positively shown through their respective testimonies that the accused is the one involved in the prohibited recruitment, he may be convicted of the offense despite the want of receipts.

The Statute of Frauds and the rules of evidence do not require the presentation of receipts in order to prove the existence of recruitment agreement and the procurement of fees in illegal recruitment cases. The amounts may consequently be proved by the testimony of witnesses.

The private complainants have convincingly testified that the accused enticed them to apply and, in actual fact, received payments from them. And to these testimonies, the trial court accorded credence. On the other hand, appellant has not shown any reason to justify a modification or reversal of the trial courts finding.

Lastly, appellant asserts that the trial court, in assessing the evidence for the prosecution, should not have included the counter-affidavit of the appellant which was not formally offered as evidence. Appellant impugns the part of the Decision of the court *a quo* which reads:

The declaration of the accused that the charge was filed against her because she refused to agree to the proposal of the spouses Mr. & Mrs. Mortos is implausible to believe and does not deserve credence. Her counter-affidavit submitted belies such accusation for there is nothing in that counter-affidavit which states that the spouses Mortos proposed to her to recruit workers in order to make money and that she outrightly refused to agree to the said proposal. Such declaration is a clear afterthought [sic] conceived by the accused who could not concoct any other plausible defense to exculpate her from criminal liability.^[37]

Even if this Court disregards the said counter-affidavit, there is still no sufficient reason to reverse the findings and the conclusion reached by the trial court. The prosecutions case can stand even without the counter-affidavit. The conviction of the appellant is anchored on the

overwhelming evidence adduced by the prosecution which the trial court correctly appreciated.

WHEREFORE, premises considered, the appeal is DENIED. The assailed Decision dated July 5, 1993 of the Regional Trial Court, Branch 16, Davao City, in Criminal Case No. 22,608-91 is hereby AFFIRMED. Costs against appellant.

SO ORDERED.

Narvasa, C.J., (Chairman), Davide, Jr., Melo, and Francisco, JJ., concur.

[1] Presided by Judge Romeo D. Marasigan.

[2] *Rollo*, p. 2; Records, p. 1.

[3] Records, p. 29.

[4] The Brief for the Appellant in this Court was filed by another counsel, Atty. Emmanuel Akut.

[5] See Certificate of Arraignment, dated July 29, 1991, signed by Clerk of Court Crisostomo Ugau, Jr.; Records, p. 44.

[6] Assailed Decision , p. 12; *rollo*, p. 23.

[7] Per letter dated March 4, 1994 signed by Leonila B. Reyes, officer-in-charge of said institution; *rollo*, p. 28.

[8] TSN, September 16, 1991, pp. 1-32; Records, pp. 107-138.

[9] TSN, Sept. 16, 1991 , pp. 37-67; Records, pp. 143-174.

[10] Luyuhan in the assailed Decision.

[11] The CIAS is an agency in Canada that helps applicants look for employers (TSN, p. 13; Records, p. 119).

[12] A case number is a control number used by an applicant when communicating with the CIAS (*Ibid.*).

[13] TSN, Sept. 16, 1991, pp. 68-91; Records, pp. 174-197.

[14] TSN, November 15, 1991, pp. 109-115, and February 12, 1992, pp. 140-141; Records pp. 215-21, 246-247.

[15] Decision, pp. 6-8; *Rollo*, pp. 17-19.

[16] TSN, September 10, 1992, pp. 155-181; Records, pp. 261-288.

[17] TSN, January 14, 1993, pp. 182-192; Records, pp. 289-299.

[18] Appellants Brief, p. 2; *rollo*, p. 38.

[19] ART. 39. Penalties. (a) The penalty of life imprisonment and a fine of One Hundred Thousand Pesos (100,000.00) shall be imposed if illegal recruitment constitutes economic sabotage as defined herein: xxx

[20] Article 13 (b), Labor Code.

[21] *People vs. Bautista*, 241 SCRA 216, 220, February 9, 1995; *People vs. Coronacion*, 237 SCRA 227, 239, September 29, 1994; *People vs. Comia*, 236 SCRA 185, 193, September 1, 1995; *People vs. Sendon*, 228 SCRA 489, 497, December 15, 1993; *People vs. Naparan, Jr.*, 225 SCRA 714, August 30, 1993.

[22] Appellants Brief, pp. 5-6, *Rollo*, p. 38.

[23] *People vs. Goce*, 247 SCRA 780, 790, August 29, 1995; *People vs. Villafuerte*, 232 SCRA 225, 236, May 6, 1994; and, *People vs. Manungas, Jr.*, 231 SCRA 1, 6, March 10, 1994.

[24] *Flores vs. People*, 211 SCRA 622, 629, July 20, 1992.

[25] *People vs. Hernandez*, G.R. No. 108028, July 30, 1996; *People vs. Goce*, 247 SCRA 780, August 29, 1995,

791; *People vs. Sendon*, 228 SCRA 489, 498, December 15, 1993; *People vs. Naparan*, 225 SCRA 714, 723, August 30, 1993; *People vs. Reyes*, 242 SCRA 264, 268, March 9, 1995; *People vs. Villafuerte*, 232 SCRA 225, 236, May 6, 1994.

[26] Decision, p. 10; Records, p.100.

[27] *People vs. Comia*, 236 SCRA 185, 194-195, September 1, 1994; *People vs Naparan*, 725 SCRA 714, 721, 722, August, 30, 1993.

[28] *People vs. Goce*, 247 SCRA 780, 791-792, August 29, 1995; *People vs. Comia*, 236 SCRA 185, September 1, 1994.

[29] *People vs. Coronacion*, 237 SCRA 227, 241, September 29, 1994; *People vs. Villafuerte*, 232 SCRA 225, 236, May 6, 1994; *People vs. Coral*, 230 SCRA 499, 511, March 1, 1994.

[30] p. 10; Records, p. 100.

[31] Issued on 15 April 1991; Records, p. 10.

[32] TSN, Sept. 10, 1992, pp. 159-160; Records, pp. 265-266.

[33] *Ibid.*, pp. 154-181; *Ibid.*, pp. 260-288.

[34] *People vs. Calonzo*, G.R. No. 115150, Sept. 27, 1996; *People vs. Bautista*, 241 SCRA 216, 222, February 9, 1995; *People vs. Coronacion*, 237 SCRA 227, 239, September 29, 1994; *People vs. Comia*, 236 SCRA 185, 193, September, 1, 1994; *People vs. Manungas, Jr.*, 231 SCRA 1, 8, March 10, 1994; *People vs. Sendon*, 228 SCRA 489, 497, December 15, 1993; *People vs. Naparan, Jr.*, 225 SCRA 714, August 30, 1993.

[35] Appellants Brief, pp. 2-3; *Rollo*, p. 39-40.

[36] G.R. No. 115350 and G.R. Nos. 117819-21, September 30, 1996, per Regalado, *J.*

[37] Decision, p. 21; *Rollo*, p. 21.