

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. WILSON CELESTIAL, JR. Y VACNOT @ “;JAY-AR”; ACCUSED-APPELLANT.

Ponente: GARCIA, R.R., J.

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GARCIA, R.R., J.:

Before Us is an appeal from the Decision[1] dated July 11, 2013 of the Regional Trial Court (RTC), Branch 254, Las Piñas City finding herein accused-appellant Wilson Celestial, Jr. y Vacnot @ “Jay-Ar” guilty beyond reasonable doubt of Rape in relation to Republic Act No. 7610, otherwise known as “The Special Protection of Children Against Abuse, Exploitation, and Discrimination Act”, the dispositive portion of which reads:

WHEREFORE, in view of the foregoing, the Court hereby finds accused WILSON CELESTIAL, JR. @ “Jay-Ar” GUILTY beyond reasonable doubt of the offense as charged and is sentenced to suffer the indeterminate penalty of twelve (12) years, ten (10) months, and twenty-on (21) days of reclusion temporal, as minimum, to fifteen (15) years, six (6) months and twenty (20) days of reclusion temporal, as maximum AND to pay AAA the amount of P30,000.00 as civil indemnity, P30,000.00 as moral damages, and P30,000.00 as exemplary damages.

SO ORDERED.[2]

THE FACTS

Pursuant to the case of People of the Philippines vs. Cabalquinto[3], fictitious initials shall be used instead of the real name of the victim. Likewise, the personal circumstances of the victim and those of the victim's immediate family or household members, which tend to establish or compromise their identities shall not be disclosed.

In an Information[4] filed before the RTC of Las Piñas City, appellant Wilson Celestial, Jr. y Vacnot @ “Jay-Ar” was charged with the crime Rape in relation to Republic Act No. 7610, committed as follows:

That on about the 16[th] day of November, 2007, in the City of Las Piñas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by means of force, violence and intimidation, did then and there willfully, unlawfully and feloniously commit an act of sexual assault against AAA, an eight (8) year old minor, by then and there inserting his finger into the victim's vagina against her will and without her consent, and the act complained of is prejudicial to the physical and psychological development of the complainant-minor.

CONTRARY TO LAW.

On February 19, 2008, appellant, with the assistance of his counsel, pleaded not guilty[5] to the charge.

Trial on the merits ensued thereafter.

The prosecution presented five (5) witnesses, namely: minor-victim AAA; the latter's mother BBB; Medico-Legal Officer PCI Marianne Ebdane; and barangay police members Charl Bofill and Marlon Llanera.

The version of the prosecution may be summarized as follows:

On November 16, 2007, at around 11:00 a.m., minor AAA, then eight (8) years old[6], was alone at home taking a bath. She thereafter went inside her room to get dressed while wrapped only with a towel[7]. At that time, appellant who was twenty-five (25) years old and a long-time neighbor of her family, went inside the house and followed AAA to her room. She immediately asked appellant, “Kuya Jay-Ar, bakit ka pumasok nang di ka man lang kumakatok?” and then he went out.[8] Appellant went back to her room and made her sit down. He then inserted his right index finger inside her vagina where she felt pain. She hit him and stood up. Appellant again laid her down on the bed and repeatedly kissed her on her cheeks[9]. As AAA was crying[10], appellant removed his shorts and underwear and again inserted his finger in her genitalia.[11] She got up and hit him in his shoulders telling him that she will report the incident to her father. Afterwhich, appellant left in an instant. When AAA's older brother soon arrived, she related the incident to him. His brother then went looking for appellant. At around 11:15 a.m., AAA's mother, BBB, arrived home and saw her crying so she asked what was wrong. AAA narrated to her mother how appellant sexually abused her. They immediately reported the incident to the barangay authorities. Appellant was apprehended on the same day and brought to the barangay hall where he was positively identified by AAA as the perpetrator. He was then turned over to the Women and Children Protection Desk of the Las Piñas Police Station and was eventually charged with the crime of rape.

AAA was brought to the PNP Crime Laboratory in Camp Crame, Quezon City for medico-legal examination. PSI Marianne Ebdane interviewed her and prepared the Sexual Crime Protocol[12] stating her general data and brief history of the incident. In the Initial Medico-Legal Report[13] dated November 16, 2007, it revealed that AAA's hymen has no laceration, but the same was congested or swollen. The perihymenal region and posterior fourchette were abraded and congested. Her labia minora was likewise congested. The findings were suggestive of sexual abuse. During her testimony before the court a quo, PSI Ebdane related that her findings mean that there was a blunt object, such as an erected penis or a finger was inserted into the genitalia of the victim.[14]

In an Order[15] dated December 9, 2008, the court a quo directed its social worker to conduct a case study on AAA. In compliance therewith, Court Social Welfare Officer II Michelle Baloloy-Pernez submitted a Social Case Study Report[16] wherein she observed AAA to be trembling during her interview with her. She was still in pain and uncomfortable when recalling the rape incident. After what happened, AAA is afraid to stay alone in the house and easily gets nervous. Social Worker Baloloy-Pernez suggested that AAA and her family be referred to the local Department of Social Welfare and Development (DSWD) for possible financial assistance. She likewise recommended that AAA be referred to the Out-Patient Section of the Department of Psychiatry and Behavioral Medicine of the Philippine General Hospital for further evaluation and treatment.

The defense presented the lone testimony of appellant.

Appellant denied the charges against him. He admitted to have known AAA and her family for a long time because they are neighbors for almost five years[17]. Their house is just behind the house where appellant was residing.[18] He often saw AAA every time his niece invited her to play.[19] At the time appellant was arrested by the barangay officers, he was at home watching television. He chose to remain silent and went quietly with the barangay authorities to avoid any further suspicion. They brought him to the Barangay Hall and later turned him over to the police. Since then, he has been detained at the local city jail.

In the assailed Decision[20] dated July 11, 2013, the court a quo found appellant guilty beyond reasonable doubt of rape through sexual assault in relation to Republic Act No. 7610. It was convinced of the veracity of AAA's testimony that appellant twice inserted his finger inside her vagina which caused her pain. Lending credence to the minor victim's testimony was the result of the medical examination conducted by Medico-Legal Officer

Marianne Ebdane and the latter's categorical admission that her findings were consistent with AAA's claim of having been sexually assaulted by appellant. The pertinent portions of the assailed Decision are quoted:

x x x

In the instant case, the totality of the prosecution's evidence proved each and every element of the crime of Rape through sexual assault beyond reasonable doubt.

The perverted act of the accused in inserting his finger inside the vagina of his eight year-old victim, AAA, constitutes the crime of Rape through sexual assault defined under Art. 266-A, par. 2 of the Revised Penal Code. The culpability of the accused was made evident in AAA's candid, direct, straight-forward, and consistent recollection of events, when she testified:

x x x

Lending credence to the minor victim's testimony were the results of the medical examination conducted by Medico-Legal Officer Marianne Ebdane and her (Ebdane) categorical admission that her findings were consistent with AAA's claim of having been sexually assaulted by the accused.

Needless to mention, AAA's demeanor in immediately reporting the incident, dispels any indication that these charges against the accused were mere afterthoughts or fabrications. Right after she was assaulted by the accused, AAA disclosed her traumatic experience to her mother. When they reported the incident to the proper authorities, AAA's recollection of the events that transpired remained unchanged even as she detailed the same to the barangay authorities; the police; and to this Court during the trial. AAA stood firm in her allegations, recounting her ordeal with accuracy. Moreover, she never wavered in identifying accused as her assailant.

It is highly unimaginable that AAA, being only eight (8) years old at the time of the incident would create such an incredible story if it were not really true that accused had raped her. x x x

On the other hand, the accused, Wilson Celestial, Jr., in maintaining his innocence, denied the allegations against him. When he was arrested, he claimed that he went quietly with the barangay authorities to avoid any further suspicion they might have towards him. However, when brought before the proper authorities, he never exerted any efforts to refute the allegations made by AAA. In Court, the accused even admitted that he could not think of any reason why AAA or her family would fabricate these charges of rape and sexual abuse against him. Hence, there being no showing of ill motive on the part of the accusers, their testimonies, taken as a whole, should be accorded full faith and credit.

x x x

That accused committed rape by an act of sexual assault against AAA has been clearly established. However, AAA, being only eight (8) years old during the commission of the offense, the penalty to be imposed upon the accused should not be that provided under Art. 266-B of the Revised Penal Code, punishing rape through sexual assault with a prison term of prision mayor. Rather, it should be the penalty as provided under Republic Act No. 7610, otherwise known as "The Special Protection of Children Against Abuse, Exploitation, and Discrimination Act", which provides the stiffer penalty of imprisonment by reclusion temporal in its medium period.[21]

Hence, this appeal in which appellant raised the lone assignment of error[22], to wit:

THE COURT A QUO GRAVELY ERRED IN FINDING THAT APPELLANT'S GUILT HAS BEEN PROVEN BEYOND REASONABLE DOUBT.

THE ISSUE

The sole issue in the instant case is whether or not the court a quo correctly found appellant guilty beyond reasonable doubt of rape through sexual assault in relation to Republic Act No. 7610.

THE COURT'S RULING

The appeal is bereft of merit.

Appellant contends that AAA's testimony had inconsistencies which cast doubt on the culpability of appellant, particularly when she testified that appellant peeped through a wall in the bedroom. However, upon further inquiry, it turned out that it was AAA who actually peeped through it. Moreover, although AAA got scared, she did not lock the door to prevent appellant from entering the house. She likewise had the chance to escape but failed to do so. The fact that appellant was unarmed during the commission of the alleged incident assumes greater importance in light of the allegation of force, violence and intimidation in the Information under which he was charged.

These do not persuade Us.

The enactment of Republic Act (RA) No. 8353, otherwise known as the "Anti-Rape Law of 1997", reclassified the crime of rape as a crime against persons. It also amended Article 335 of the RPC and incorporated therein Article 266-A which reads:

Art. 266-A. Rape, When and How Committed. — Rape is committed —

- By a man who shall have carnal knowledge of a woman under any of the following circumstances:
- Through force, threat or intimidation;
- When the offended party is deprived of reason or is otherwise unconscious;
- By means of fraudulent machination or grave abuse of authority;
- When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present;
- By any person who, under any of the circumstances mentioned in paragraph 1 hereof, shall commit an act of sexual assault by inserting his penis into another person's mouth or anal orifice, or any instrument or object, into the genital or anal orifice of another person.

In *People vs. Gaduyon*[23], the Supreme Court held that rape can now be committed either through sexual intercourse or through sexual assault. Rape under paragraph 2 of the above-quoted article is commonly known as rape by sexual assault. The perpetrator, under any of the attendant circumstances mentioned in paragraph 1, commits this kind of rape by inserting his penis into another person's mouth or anal orifice, or any instrument or object into the genital or anal orifice of another person.[24] It is also called "instrument or object rape", "gender-free rape", or the narrower "homosexual rape."[25]

After a careful and thorough study of the records of this case, We are convinced that the prosecution has sufficiently proven appellant's guilt of the crime of rape through sexual assault.

Private complainant AAA narrated that on November 16, 2007, at around 11:00 a.m., minor AAA, then eight (8) years old[26], was alone at home taking a bath. She thereafter went inside her room to get dressed while wrapped only with a towel[27]. At that time, appellant, who was twenty-five (25) years old and a long-time neighbor of her family, went inside the house and followed AAA to her room. She immediately asked appellant, "Kuya Jay-Ar, bakit ka pumasok nang di ka man lang kumakatok?" and then he went out.[28] Appellant went back to her room and made her sit down. He then inserted his right index finger inside her vagina where she felt pain. She hit him and stood up. Appellant again laid her down on the bed and repeatedly kissed her on her cheeks[29]. As AAA was crying[30], appellant removed his shorts and underwear and again inserted his finger in her genitalia.[31] She got

up and hit appellant in his shoulders telling him that she will report the incident to her father. After which, appellant left in an instant. The pertinent portions of AAA's testimony are quoted:

x x x

Q

Do you remember where you were on November 16, 2007 at around 11:00 a.m.?

A

I was at home, Sir.

Q

Do you remember what you were doing during that time?

A

I was taking a bath then, Sir.

x x x

Q

While you were taking a bath, what happened?

A

I went inside the room then Jay-Ar followed, Sir.

Q

By the way, [why] was Jay-Ar inside your house during that time?

A

I do not know, Sir.

Q

But does he usually go to your house?

A

Yes, Sir.

x x x

Q

What happened when he went inside your room?

A

I was crying then. Then he pricked my vagina, Sir.

Q

What did he use to prick your vagina?

A

This one, Sir (Witness referring to her right pointing finger)

Q

So he used his right pointing finger?

A

Yes, Sir.

Q

How did he prick you with his pointing finger, did he insert his finger inside your vagina?

A

Yes, Sir.

Q

What was your reaction when the accused inserted his pointing finger inside your vagina?

A

It was painful, Sir.

Court:

Q

Were you naked then?

A

Yes, Your Honor.

Pros. Macasaet:

Q

Because you just took a bath?

A

Yes, Sir.

Court:

x x x

Q

But at that time, you did not have anything to cover your body?

A

Yes, Your Honor.

x x x

Pros. Macasaet:

Q

When did you notice the accused enter the house, before you [took] a bath or after you took a bath?

A

After I took a bath, Sir.

Q

So you were already in your room when you noticed Jay-Ar enter your house?

A

Yes, Sir.

x x x

Q

By the way, when you noticed Jay-Ar enter your room, what did you tell him?

A

I said: “Kuya Jay-Ar, bakit ka pumasok nang di ka man lang kumakatok?”

Q

What was his answer?

A

Nothing, Sir. He just went straight inside.[32]

x x x

Q

After he followed you, what happened next?

A

He made me sit down and pricked (“tinusok”) my vagina (“pepe”), Sir.

Q

What did you do when he “tinusok” your “pepe”?

A

I hit him and then I stood up, Sir.

Q

What did you do after that?

A

He made me lay down on the bed and repeatedly kissed me, Sir.

Q

What did you feel at that time?

A

I was crying then, Sir.

Q

After he laid you on bed, what else did he do?

A

He and I stood up and I again hit him, Sir.

Q

After that, what happened?

A

I told him that I am going to report him to my father, Sir.

Q

After telling him that, what did Jay-Ar do?

A

He left, Sir.[33]

The court a quo correctly gave full credence to AAA's testimony after finding her answers to the questions both on direct and cross-examination to be candid and unwavering. She testified in a straightforward and categorical manner that appellant had raped her. The age-old rule is that the task of assigning values to the testimonies of witnesses and weighing their credibility is best left to the trial court which forms first-hand impressions as witnesses testify before it.[34] It is thus no surprise that findings and conclusions of trial courts on the credibility of witnesses enjoy, as a rule, a badge of respect, for trial courts have the advantage of observing the demeanor of witnesses as they testify.[35]

The medical findings and the Social Case Study Report of AAA were also consistent with AAA's narration and reaction to the sexual abuse. In the Initial Medico-Legal Report[36], PSI Ebdane revealed that AAA's hymen has no laceration, but the same was congested or swollen. The perihymenal region and posterior fourchette were abraded and congested. Her labia minora was likewise congested. Her findings were suggestive of sexual abuse. During her testimony before the court a quo, PSI Ebdane related that her findings mean that there was a blunt object, such as an erected penis or a finger, that was inserted into the genitalia of the victim.[37] On the other hand, the Social Case Study Report of AAA revealed that during minor AAA's interview, she was trembling because she was still in pain and uncomfortable recalling the rape incident. After what happened, she is afraid to stay alone in the house and she easily gets nervous.

Moreover, AAA's testimony narrated all that was necessary to convict appellant of the crime of rape. She positively identified[38] appellant as the one who sexually assaulted her. In a long line of cases, it has been consistently held that the lone testimony of the victim, if credible and free from fatal and material inconsistencies and contradictions, can be the basis for the prosecution and conviction of an accused, most especially when there is no showing that the victim was prompted by a strong ulterior motive to testify falsely against the accused.[39]

This is because, from the nature of the offense, the sole evidence that can usually be offered to establish the guilt of the accused is the complainant's testimony.[40] Besides, the crime of rape involves two persons only and it is usually perpetrated in seclusion.[41] The credibility of the victim is thus crucial to the determination of the culpability of the accused.[42]

It may also be well to state that AAA would unlikely concoct a sordid tale of rape. It has been repeatedly held that a young girl's revelation that she had been raped, coupled with her voluntary submission to a medical examination and willingness to undergo public trial where she could be compelled to give out the details of an assault on her dignity, cannot be so easily dismissed as mere concoction. When a woman or a child says that she was raped, she says in effect all that is necessary to show that rape has indeed been committed.[43]

Appellant's claim that he was unarmed and that AAA had the chance to escape but failed to do so, deserves scant consideration. In *People vs. Saludo*[44], the Supreme Court held that not every victim of rape can be expected to act with reason or in conformity with the usual expectations of everyone. The workings of a human mind placed under emotional stress are unpredictable, people react differently. Some may shout, some may faint, while others may be shocked into insensibility. Not every victim can be expected to act conformably with the usual expectation of mankind and there is no standard behavioral response when one is confronted with a strange or startling experience, each situation being different and dependent on the various circumstances prevailing in each case. Nonetheless, it should be noted that AAA actually exerted efforts to resist appellant by hitting appellant and telling him that she will report the incident to his father.

Appellant's contention that AAA's testimony had inconsistencies which cast doubt on the culpability of appellant will likewise not stand. Suffice it to say that minor contradictions which do not relate to the gravamen of the offense charged are to be expected in view of their differences in impressions, memory, vantage points and other related factors.[45] In fact, minor inconsistencies as to the exact time and ownership of the banana plantation bolster rather than weaken the credibility of witnesses as they erase any suspicion that the testimony has been rehearsed.[46] A witness testifying about the same nerve-wracking incident can hardly be expected to be correct in every detail and consistent with other witnesses in every respect, considering the inevitability of differences in perception, recollection, viewpoint, or impressions, as well as in their physical, mental, emotional, and psychological states at the time of the reception and recall of such impressions.[47]

In the face of the overwhelming evidence against appellant, all that he could raise was the defense of denial. It has been consistently ruled that bare denial and alibi, are inherently weak defenses because these are self-serving and easy to fabricate.[48] Categorical and consistent positive identification, absent any showing of ill motive on the part of the witness testifying on the matter, prevails over the defense of denial.[49] Besides, no convincing argument was raised by appellant to prove that he did not commit the crime charged.

The court a quo likewise correctly ruled that since AAA was only eight (8) years old during the commission the offense, the penalty to be imposed upon appellant should not be that provided under Art. 266-B of the RPC punishing rape through sexual assault with a prison term of prision mayor. Rather, it should be the penalty provided by RA 7610, otherwise known as "The Special Protection of Children Against Abuse, Exploitation, and Discrimination Act" which provides for the stiffer penalty of imprisonment by reclusion temporal in its medium period.

In *People vs. Armando Ching y Parcia*[50], the Supreme Court held that it was not unmindful of the fact that an accused who commits acts of lasciviousness under Art. 366 in relation to Section 5 (b), Article III of R.A. No. 7610, suffers the more severe penalty of reclusion temporal in its medium period than the one who commits Rape Through Sexual Assault, which is merely punishable by prision mayor. This is undeniably unfair to the child

victim. To be sure, it was not the intention of the framers of R.A. No. 8353 to have disallowed the applicability of R.A. No. 7610 to sexual abuses committed to children. Despite the passage of R.A. No. 8353, R.A. No. 7610 is still good law, which must be applied when the victims are children or those "persons below eighteen (18) years of age or those over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition." To impose the lesser penalty would be unfair to the child victim.[51]

RA 7610 defines and penalizes child prostitution and other sexual abuse. "Sexual abuse includes the employment, use, persuasion, inducement, enticement or coercion of a child to engage in, or assist another person to engage in, sexual intercourse or lascivious conduct or the molestation, prostitution, or incest with children." [52] Section 5 (b), Article III of RA 7610, provides:

SEC. 5. Child Prostitution and Other Sexual Abuse. — Children, whether male or female, who for money, profit, or any other consideration or due to the coercion or influence of any adult, syndicate or group, indulge in sexual intercourse or lascivious conduct, are deemed to be children exploited in prostitution and other sexual abuse.

The penalty of reclusion temporal in its medium period to reclusion perpetua shall be imposed upon the following:

xxx xxx xxx

(b) Those who commit the act of sexual intercourse or lascivious conduct with a child exploited in prostitution or subjected to other sexual abuse: Provided, That when the victim is under twelve (12) years of age, the perpetrators shall be prosecuted under Article 335, paragraph 3, for rape and Article 336 of Act No. 3815, as amended, the Revised Penal Code, for rape or lascivious conduct, as the case may be: Provided, that the penalty for lascivious conduct when the victim is under twelve (12) years of age shall be reclusion temporal in its medium period; . . . (Emphasis supplied)

Section 2 (h) of the rules and regulations of R.A. No. 7610 defines "lascivious conduct" as the intentional touching, either directly or through clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks, or the introduction of any object into the genitalia, anus or mouth, of any person, whether of the same or opposite sex, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person, bestiality, masturbation, lascivious exhibition of the genitals or pubic area of a person.[53]

Considering that appellant's act of inserting his finger in AAA's private part constitutes acts of lascivious conduct with a child below twelve (12) years of age, the appropriate imposable penalty should be that provided in Section 5 (b), Article III of R.A. No. 7610, which is reclusion temporal in its medium period or imprisonment of fourteen (14) years, eight (8) months and one (1) day to seventeen (17) years and four (4) months. Applying the Indeterminate Sentence Law, the maximum term of the indeterminate penalty shall be that which could be properly imposed under the law, which is fifteen (15) years, six (6) months and twenty (20) days of reclusion temporal. On the other hand, the minimum term shall be within the range of the penalty next lower in degree, which is reclusion temporal in its minimum period, or twelve (12) years and one (1) day to fourteen (14) years and eight (8) months.[54]

Hence, the court a quo's imposition of the indeterminate penalty of twelve (12) years, ten (10) months, and twenty-on (21) days of reclusion temporal, as minimum, to fifteen (15) years, six (6) months and twenty (20) days of reclusion temporal, as maximum, was proper.

Appellant was also correctly ordered to pay AAA P30,000.00 as civil indemnity; P30,000.00 as moral damages; and P30,000.00 as exemplary damages in line with recent jurisprudence[55]. Civil indemnity, which is actually in

the nature of actual or compensatory damages, is mandatory upon the finding of the fact of rape.[56] Moral damages in rape cases are likewise automatically awarded without need of further proof other than the commission of the crime, because it is assumed that a rape victim has actually suffered moral injuries.[57] The fact that the victim suffered the trauma of mental, physical and psychological sufferings that constituted the bases for moral damages is too obvious to still require the recital of such sufferings by the victim at the trial.[58] Further, exemplary damages are designed to permit the courts to mould the behavior of appellant that has socially deleterious consequences.[59]

Children should be protected from sexual predators, and the conviction of appellant, with the award of damages as well to the victim, serves this purpose.[60]

In view thereof, this Court finds no cogent reason to depart from the findings of the court a quo.

WHEREFORE, premises considered, the instant appeal is hereby DENIED. The Decision dated July 11, 2013 of the Regional Trial Court, Branch 254, Las Piñas City is AFFIRMED.

SO ORDERED.

Salazar-Fernando, R.A., (Chairperson), and Bueser, D.Q., JJ., concur.

[1] Decision penned by Judge Gloria Butay Aglugub, Rollo, pp. 76-85.

[2] Rollo, p. 85.

[3] G.R. No. 167693, September 19, 2006.

[4] Record, p. 1.

[5] Record, p. 16.

[6] Certificate of Live Birth, Record, p. 8.

[7] Sinumpaang Salaysay, Record, p. 3

[8] Ibid.

[9] Ibid.

[10] TSN dated October 7, 2008, p. 7.

[11] Sinumpaang Salaysay, Record, p. 3.

[12] Record, p. 181.

[13] Record, p. 180.

[14] TSN dated November 20, 2012, p. 9.

[15] Record, p. 67.

[16] Record, pp. 75-79.

[17] TSN dated May 7, 2013, p. 10.

[18] TSN dated May 7, 2013, p. 11.

- [19] Ibid.
- [20] Supra, note 1.
- [21] Rollo, pp. 81-84.
- [22] Rollo, p. 65.
- [23] G.R. No. 181473, November 11, 2013.
- [24] Ibid.
- [25] Ibid.
- [26] Certificate of Live Birth, Record, p. 8.
- [27] Sinumpaang Salaysay, Record, p. 3
- [28] Ibid.
- [29] Ibid.
- [30] TSN dated October 7, 2008, p. 7.
- [31] Sinumpaang Salaysay, Record, p. 3.
- [32] TSN dated September 23, 2008, pp. 8-15.
- [33] TSN dated October 7, 2008, pp. 6-7.
- [34] People v. Alvin del Rosario, G.R. No. 189580, February 9, 2011.
- [35] Ibid.
- [36] Record, p. 180.
- [37] TSN dated November 20, 2012, p. 9.
- [38] TSN dated September 25, 2008, pp. 5-6.
- [39] People v. Sonido, 433 SCRA 701 (2004), citing People v. Martinez, 350 SCRA 537 (2001) and People v. Ching, 240 SCRA 267 (1995); People v. Rapisora, 430 SCRA 237, 256 (200), citing People v. Manallo, 400 SCRA 129 (2004).
- [40] People v. Ferrer, G.R. No. 142662, August 14, 2001.
- [41] People v. Ruel Tamano y Pasia, G.R. No. 188855, December 8, 2010.
- [42] Ibid.
- [43] People v. Subesa, G.R. No. 193660, November 16, 2011.
- [44] G.R. No. 178406, April 6, 2011.
- [45] People v. Duetes, G.R. No. 144598, February 6, 2004.
- [46] Ibid.
- [47] People v. Guzman, G.R. No. 169246, January 26, 2007.

[48] People v. Gilbert Castro Y Aguilar, G.R. No. 188901, December 15, 2010.

[49] People v. Combate, G.R. No. 189301, December 15, 2010.

[50] G.R. No. 178323, March 16, 2011.

[51] People v. Banaagua y Berce, G.R. No. 188897, June 6, 2011 citing the case of People v. Armando Chingh y Parcia, G.R. No. 178323, March 16, 2011.

[52] People v. Gaduyon, G.R. No. 181473, November 11, 2013.

[53] People v. Banaagua y Berce, G.R. No. 188897, June 6, 2011.

[54] People v. Chingh y Parcia, G.R. No. 178323, March 16, 2011.

[55] People v. Lindo, G.R. No. 189818, August 9, 2010; People v. Chingh y Parcia, G.R. No. 178323, March 16, 2011; Flordeliz y Abenojar v. People, G.R. No. 186441, March 3, 2010.

[56] People v. Iroy, G.R. No. 187743, March 3, 2010.

[57] People v. Biong, G.R. Nos. 144445-47, April 30, 2003, citing People v. Agravante, G.R. Nos. 137297 & 138547-48, December 11, 2001; People vs. Lor, 361 SCRA 402; People v. Prades, G.R. No. 127569, July 30, 1998.

[58] People v. Taguibuya, G.R. No. 180497, October 5, 2011.

[59] People v. Orilla, 422 SCRA 620.

[60] People v. Lindo, G.R. No. 189818, August 9, 2010.

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