

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ORLANDO ODONES Y SERRANO, ACCUSED-APPELLANT,

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MACALINO, J:

THE CASE

This is an appeal seeking to reverse and set aside the Joint Decision[1] dated 27 September 2013 (“assailed Decision”) of the Regional Trial Court of Tayug, Pangasinan, Branch 52 (“RTC”) in Criminal Case No. T-3555 and Criminal Case No. T-3556, the dispositive portion[2] of which reads:

“WHEREFORE, the foregoing considered, accused Orlando Odonis is found guilty for two counts of violating Section 5(b), Article III of RA 7610.

For each count, he is sentence to an indeterminate prison term of 14 years and 8 months of reclusion temporal as minimum to 20 years of reclusion temporal as maximum. He is further ordered to pay AAA Php50,000 as civil indemnity, for each case.

SO ORDERED.”

THE ANTECEDENTS

Orlando Odonis y Serrano (“Accused-Appellant”) was charged for violation of Section 5, Article III of RA 7610 in two (2) Informations, the accusatory portions of which read:

Criminal Case No. T-3555[3]

“That on or about September 30, 2003, in the afternoon, at XXX[4], province of Pangasinan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design, did then and there willfully, unlawfully and feloniously commit sexual and lascivious conduct upon AAA[5] a minor 16 years of age, in consideration of P500.00 to the damage and prejudice of said AAA.

Contrary to Section 5, Article III of RA 7610.”

Criminal Case No. T-3556[6]

“That on or about November 30, 2003, in the afternoon, at XXX, province of Pangasinan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design, did then and there willfully, unlawfully and feloniously commit sexual and lascivious conduct upon AAA, a minor 16 years of age, in consideration of P500.00 to the damage and prejudice of said AAA.

Contrary to Section 5, Article III of RA 7610.”

On 21 February 2011, Accused-Appellant, assisted by counsel, entered a plea of not guilty to the abovementioned cases.[7] During the pre-trial conference, the identity of both the Accused-Appellant and AAA (“Private Complainant”) was admitted. The parties also agreed that the cases would be tried jointly against Accused-Appellant.[8] Thereafter, trial ensued.

THE EVIDENCE FOR THE PROSECUTION

The facts as established by the prosecution based on Private Complainant's oral statement[9] taken on 03 April 2004 and her direct testimony[10] conducted on 20 March 2012 are as follows:

At the time of the incident, AAA was a 16 year old, 3[rd] year high school student at YYY.[11] Due to problems with her academic standing in Science, she sought the help of EEE, a PEHM teacher, to assist her in completing her clearance form to obtain her grades.

On 15 September 2003, AAA's friends, BBB and CCC, both minors and schoolmates of AAA, invited her to visit EEE in his videoke bar located in Urdaneta City. AAA and BBB alone met at 2 P.M. after school to head to the said videoke bar as CCC was not allowed by her parents to tag along. As they had arrived at the bar late in the afternoon, EEE decided to transfer to XXX located nearby. Upon reaching the resort, EEE left the two girls in a room while he ordered them beer and pulutan. During such time, BBB confessed that she was the girlfriend of EEE and told AAA that should he attempt anything intimate with her, she should oblige as he was willing to give money. While they were drinking, EEE asked them to remove their clothes including their underwear. Thereafter, he lay AAA on the bed while BBB watched them. He proceeded to kiss AAA on the lips, down to her breast and vagina, and fondled her breasts. When EEE inserted his index finger and middle finger into her vagina, AAA testified that she kicked his hand away because she felt pain. EEE stopped his attempt at fingering her vagina but continued to kiss her whole body. When EEE turned his attention to BBB, AAA felt ashamed and as a result, she headed to the comfort room until BBB and EEE had finished their sexual tryst. After they were through, EEE gave them Php500.00 each and told them to come back on 30 September, 2003 to meet his friend and to keep everything secret.[12]

In the afternoon of 30 September 2003, at around 2 o'clock, AAA and BBB returned to XXX to meet EEE and his friend, the Accused-Appellant.[13] After getting acquainted, they proceeded to a room to drink. After consuming one (1) bottle of Red Horse beer, Accused-Appellant invited AAA to another room where he proceeded to remove her clothes along with her underwear while undressing himself. He then laid AAA down on the bed and started to kiss her lips, down to her breasts and vagina. Thereafter, he placed himself on top of her and inserted his penis into her vagina. AAA felt pain and testified on bleeding, so she kicked Accused-Appellant and pushed him aside. Insistent, the latter took hold of her two hands and inserted his penis into her vagina, pumping up and down continuously for five (5) minutes. To appease AAA, he gave her Php500.00, telling her to keep their encounter secret.

The same thing happened on 30 November 2003, around the same time and location. After the sexual act, AAA was again given Php500.00 by the Accused-Appellant.[14]

The same incident occurred on 30 March 2004[15], around the same time and location. AAA revealed to EEE and Accused-Appellant that she was pregnant as her menstrual period had stopped since October 2003. Having no other sexual encounter other than with the Accused-Appellant, AAA claimed that the former was the father of her unborn child. Accused-Appellant refused to admit that he was the father. She testified that she wanted to abort the baby in fear of her parents. However, EEE suggested against the abortion and offered instead to buy the baby for Twenty Thousand Pesos (Php20,000.00). It was resolved that the baby would be aborted as Accused-Appellant agreed with AAA's decision and promised that they would accompany her to the local abortionist. After their argument, AAA went to the bathroom to take a shower. Accused-Appellant followed her into the shower and thereafter had sexual intercourse along with EEE and BBB on the same bed.

On 31 March 2004, around 9 o'clock in the morning, EEE, BBB, and the Accused-Appellant accompanied AAA to the abortionist.[16] During her check-up, it was revealed that she was 5-6 months pregnant. A catheter was inserted inside her vagina and was advised that she stay with the abortionist for at least two (2) days to which she

refused. Instead, Accused-Appellant advised her to visit a faith healer to continue the abortion. The faith healer refused to continue the abortion but gave AAA one (1) pack of white tablets, one (1) pack filled with brown and orange powder, and one (1) pack of what looked like dried papaya seeds to relieve pain. Upon reaching home, AAA took two (2) seeds as instructed by the faith healer.

On the night of the same day, AAA felt a terrible pain but did not tell her parents until the night of 01 April 2004 when she was experiencing pain and was bleeding blackish blood that emitted a foul odor.[17] Her parents rushed her to the hospital where she revealed her encounters with BBB, EEE, and the Accused-Appellant as well as her pregnancy and abortion.

THE EVIDENCE FOR THE DEFENSE

The Accused-Appellant, in his Judicial Affidavit[18] dated 28 February 2013 and cross examination[19] dated 01 April 2013 denied the charge against him and thus, states his own version of alleged facts as follows:

The Accused-Appellant was a teacher at YYY and was co-workers with EEE.[20] He testified that he met AAA for the first time on 30 September 2003 at XXX when EEE introduced them to each other. A couple of days prior to such meeting, EEE told Accused-Appellant that he had a new arrival in his videoke bar who was interested in meeting a steady male friend.[21] On the said date, Accused-Appellant arrived at the resort, finding EEE, BBB, and AAA already drinking inside a room. EEE then told Accused-Appellant that AAA was the new arrival he was referring to and that they will leave them in the room. EEE turned to AAA, asking her “ano kursunada mo ba?”, upon which the latter answered “pwede na rin.” Accused-Appellant and AAA then transferred to another room where they continued their conversation. Accused-Appellant testified asking AAA her family name to which she did not disclose. When asked where she resides, she merely replied “sa tabi tabi lang.” Lastly, when asked how old she was, she replied “magtwe-twenty, turning twenty” and added “dami dami mo tanong” after which she entered the bathroom to shower. AAA then invited Accused-Appellant inside the shower after which they engaged in sexual intercourse.[22]

A similar encounter took place again on 30 November 2003 at XXX as AAA had allegedly desired to see the Accused-Appellant again. Thereafter, before their third encounter on 30 March 2004, EEE informed Accused-Appellant that AAA had approached the former asking for his help. She allegedly told EEE that she was pregnant and intends to abort the baby. EEE pleaded with Accused-Appellant to convince AAA to reconsider her decision, offering instead to take the baby. Accused-Appellant readily agreed and together with EEE, set a meeting on 30 March 2004 at XXX.

On 30 March 2004, EEE and Accused-Appellant tried to convince AAA not to have the abortion. After failing to change her mind, Accused-Appellant claims that the former insisted on having sex, saying “sex muna tayo sayang namang dito na tayo at matagal tagal na wala tayo sex pag pinaalis ko ito.” [23]

During said date, AAA insists that Accused-Appellant was the father of her unborn child, to which the latter vehemently denied, claiming that she must have had sexual relations with other men as they had not seen each other from 30 September 2003 to 30 November 2003.[24] Accused-Appellant also denies paying AAA for her love and sex but gave her all the same because “she was a very good fuck.”

On cross-examination, Accused-Appellant testified that he had indeed accompanied AAA to the abortionist upon Mr. EEE's request.[25] However, he claims that he had no knowledge as to the events thereafter, when AAA suffered from heavy bleeding and was rushed to the hospital. It was only when a case was filed against him was he apprised of such facts. Accused-Appellant further testified that he retired from teaching in 2004 and took a vacation for reason of being too ashamed to face his family and friends due to the pending case filed against him.[26]

THE RULING OF THE REGIONAL TRIAL COURT

The RTC rendered a Decision[27] dated 27 September 2013 finding Accused-Appellant guilty of two counts of violating Section 5(b), Article III of RA 7610, material points of the Decision read:

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“The facts stated in the two Informations against the accused correctly make out a charge for violation of Section 5(b) Article III of RA 7610. The elements of paragraph (b) are: (1) the accused commits the act of sexual intercourse or lascivious conduct; (2) the act is performed with a child exploited in prostitution or subjected to other sexual abuse, and (3) the child, whether male or female, is below 18 years of age.

Paragraph (b) punishes sexual intercourse or lascivious conduct not only with a child exploited in prostitution but also with a child subjected to other sexual abuse. It covers a situation where a child is abused for profit or one in which a child, through coercion, intimidation or influence, engages in sexual intercourse or lascivious conduct. The first element of Section 5(b) Article III of RA 7610 pertains to the act or acts committed by the accused. The second element refers to the state or condition of the offended party. The third element corresponds to the age of the offended party.

The first element is present in these cases. The accused committed lascivious conduct and had sexual intercourse with AAA in the following instances:

1. On September 30, 2003, Odonis and AAA were left alone by their companions, EEE and BBB after the four drank beer. Odonis removed the clothes of AAA who was apparently too drunk to struggle. Then Odonis started kissing AAA's body starting from her lips, breast and down to her vagina. He inserted his fingers in AAA's vagina. Then he inserted his penis in AAA's vagina, and,
2. On November 30, 2003, the same incident happened. Odonis removed her clothes and had sexual intercourse with AAA.

Odonis' acts fall under Section 2(g) and (h) of the Rules and Regulations on the Reporting and Investigation of Child Abuse Cases promulgated to implement the provisions of RA 7610 particularly on child abuse

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In these cases, the accused admitted his sexual liaisons with AAA. He only denied knowing the minority of AAA claiming that AAA misrepresented her age. Furthermore, Odonis avers that AAA looked mature than what she claimed then as her age (turning 20).

The Court likewise affirms the presence of the second element. A child is deemed exploited in prostitution or subjected to other sexual abuse, when the child indulges in sexual intercourse or lascivious conduct (a) for money, profit, or any other consideration; or (b) under the coercion or influence of any adult syndicate or group.

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The third element was also proven. Attached to the record is the Certificate of Live Birth of AAA... The defense admitted the authenticity of the Certificate of Live Birth of AAA. On the dates she had sexual intercourse with the accused, she was only 16 years old, hence, a minor.

The defenses of Odonis are (1) that at the time the sexual liaisons occurred, AAA claimed that she was turning twenty years old and Odonis also averred that at that time looked mature and he thought she was more than twenty years old contrary to her claim, (2) that AAA consented to the sexual liaisons being a new recruit of EEE's videoke bar.

In this regard, the Court finds these defenses incredible and not worthy of belief and gives more credence to the testimony of AAA. According to AAA, there were threats from the accused that he will spread their sexual liaisons in school. Although AAA was never a student of Odonis, AAA had been seeing him in school for every

school hours during school days. Thus, the claim of Odonos, that he only learned that AAA was a student of [YYY] when she filed this case, is unbelievable. It is a nightmare for parents to send their daughters in school where sexual predators hide under the cloak of their profession as teachers. It is also sickening that the persons who are supposed to develop the intellectual and moral upbringing of students take advantage of their naiveness and vulnerability so that they can prey on them for their sexual desires.”

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Upon receipt of the Decision, Accused-Appellant filed a Notice of Appeal on 14 October 2013. Upon complete transmittal of all the records to this Court, the Accused-Appellant was required to file within thirty (3) days from notice, his Appellant's Brief.[28]

After granting the Accused-Appellant an extension of thirty (30) days to file his Brief[29], it was filed on 29 April 2014, praying that judgment be rendered setting aside the Decision of the Lower Court and instead acquitting the Accused-Appellant.[30] A Supplemental Brief[31] was subsequently filed by Accused-Appellant on 08 June 2014, harping on the presence of fraud in the case at bench as AAA had deliberately misrepresented her age to Accused-Appellant. Thus, given such misrepresentation, along with the fact that AAA was of robust build and was oversized, Accused-Appellant could not be faulted for his reliance on AAA's assertion that she was turning twenty at that time. On 26 September 2014, the Appellee's Brief[32] was filed by the Office of the Solicitor-General in behalf of the People of the Philippines (“Plaintiff-Appellee”), arguing that no reason exists to attribute error to the RTC's assessment, finding AAA's testimony positive, clear and convincing.

Finally, in a Resolution[33] dated 23 February 2015, sans a Reply Brief, the appeal was deemed submitted for Decision.

ASSIGNMENT OF ERRORS

In his Appellant's Brief[34], Accused-Appellant assigned a sole error to the ruling of the RTC, to wit:

“The Lower Court erred in rejecting the appellant's defense of lack of knowledge of the private complainant's minority thus finding him guilty.”

THE RULING OF THIS COURT

The appeal is without merit.

Section 5(b), Article III of the “Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act,” or RA 7610, provides:

“SECTION 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:

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(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 victims 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; and..." (Emphasis Ours)

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Thus, to be held liable for the violation of the abovementioned provision, the following elements must be proven: "(1) the accused commits the act of sexual intercourse or lascivious conduct; (2) the said act is performed with a child exploited in prostitution or subjected to other sexual abuse; and (3) the child, whether male or female, is below 18 years of age." [35]

In the case at bench, this Court finds no cogent reason to disturb the ruling of the RTC that Plaintiff-Appellee has sufficiently proven the existence of all the elements of sexual abuse and finding Accused-Appellant guilty beyond reasonable doubt.

It is undisputed that the act of sexual intercourse and lascivious conduct was committed in three (3) instances: (1) 30 September 2003, (2) 30 November 2003, and (3) 30 March 2004 as testified by the Accused-Appellant [36] and AAA. [37] Likewise, the second element of sexual abuse was also sufficiently proven. The case of *People v. Optana* [38] is instructive on when a child is deemed exploited in prostitution or subjected to other sexual abuse, viz.:

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"A child is deemed exploited in prostitution or subjected to other sexual abuse, when the child indulges in sexual intercourse or lascivious conduct (a) for money, profit, or any other consideration; or (b) under the coercion or influence of any adult, syndicate or group. Under RA 7610, children are "persons below eighteen years of age or those unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of their age or mental disability or condition." It must be noted that the law covers not only a situation in which a child is abused for profit, but also one in which a child, through coercion or intimidation, engages in any lascivious conduct. Hence, the foregoing provision penalizes not only child prostitution, the essence of which is profit, but also other forms of sexual abuse of children. This is clear from the deliberations of the Senate." (Emphasis Ours)

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This Court affirms the finding of the RTC that AAA was enticed by the money given by EEE and Accused-Appellant to indulge in sexual intercourse. [39] Thus, such compensation or consideration became the tool for AAA to consent to such sexual acts done to her person. This finding was substantiated by the Oral Statement of the AAA on 03 April 2003 [40]:

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14. "Q- After Mr. Odonis (sic.) consumed his lustful desire, what happened next?

A- Sir Odonis (sic.) gave me Five Hundred Pesos (P500.00) and told me to keep it secret.

15. Q- Why is it that you did not complain?

A- Because I was lured by the money he offered me, Madam."

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By his own Judicial Affidavit dated 04 March 2013, Accused-Appellant himself clearly admitted giving compensation for sex:

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25. "Q: But have you given her money?

A: Yes, because she asked and she is a very good fuck."

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AAA was also made to suffer coercion and influence from EEE and Accused-Appellant. As admitted by both AAA[41] and the Accused-Appellant[42], the latter was a teacher at YYY at the time when the incident occurred and during the time when AAA was a student there. The latter testified that she would see the accused almost every school hours. In fact, she was also aware that he was the teacher-in-charge of C.A.T. and carpentry. She would also recount that she would see Accused-Appellant every time they would transfer classrooms.[43] Thus, Accused-Appellant's claims[44] that the AAA was never under any of his classes nor were they personally introduced prior to the incidents in the case at bench do not hold water. As a teacher, he exercises ascendancy and influence to the students whether or not they are his personal pupils. In the case of *Bagajo v. Marave*[45], the Honorable Supreme Court emphasized the role of the teachers, as they exercise substitute parental authority over the students. Moreover, it is the special responsibility of the teacher or professor to "cultivate the best potentialities of the heart and mind of the pupil or student." In resorting to paying AAA for sexual intercourse and threatening the latter that should she refuse, their sexual tryst would be spread all over the school campus,[46] Accused-Appellant has perverted any influence that he may gain by virtue of his profession.

It is also worthy to note that such assertions made by AAA were never rebutted nor countered by Accused-Appellant. In fact, the latter even admitted on cross-examination that EEE was his co-teacher in the same school.[47]

Lastly, by virtue of AAA's Certificate of Live Birth,[48] as well as the latter's[49] positive testimony as corroborated by her mother's,[50] this Court is led to believe that sufficient evidence exists to show that AAA was indeed below 18 years of age when she was sexually abused in 2003. In trusting the veracity of the claims brought forth by AAA, this Court relies on the ruling in the case of *People v. Manallo*[51] which states:

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"In affirming the conviction of appellant, the Supreme Court ruled that when a rape victim's testimony is straightforward and candid, unshaken by rigid cross-examination and unflawed by inconsistencies or contradictions in its material points, the same must be given full faith and credit. The credibility of a rape victim is augmented when she has no motive to testify against the appellant or where there is absolutely no evidence which even remotely suggest that she could have been actuated by such motive.

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Moreover, it is highly inconceivable for a young barrio lass, inexperienced with the ways of the world, to fabricate a charge of defloration, undergo a medical examination of her private parts, subject herself to public trial and tarnish her family's honor and reputation unless she was motivated by a potent desire to seek justice for the wrong committed against her." (Emphasis Ours)

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Interestingly, this Court finds that Accused-Appellant admits of his sexual liaisons with AAA. His only defense is anchored on the alleged misrepresentation made by AAA on the latter's age[52] as well as his reliance on the latter's physical appearance, which he described as "robust, big, large, oversize, and even obese at the time she was still 16 years old." [53] He argues that his well-founded belief that AAA was of majority age, buttressed by her frame and her consent to their sexual relations[54], should therefore absolve him from any liability.

This Court is not swayed by Accused-Appellant's defense. The claim that AAA had the freedom to consent to their sexual encounters being of majority age is unfounded. The case of *Malto v. People*[55], sheds light to the effect that consent of a child is immaterial in criminal cases involving violation of Section 5(b), Article III of RA 7610:

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“The harm which results from a child's bad decision in a sexual encounter may be infinitely more damaging to her than a bad business deal. Thus, the law should protect her from the harmful consequences of her attempts at adult sexual behavior. For this reason, a child should not be deemed to have validly consented to adult sexual activity and to surrender herself in the act of ultimate physical intimacy under a law which seeks to afford her special protection against abuse, exploitation and discrimination. (Otherwise, sexual predators like petitioner will be justified, or even unwittingly tempted by the law, to view her as fair game and vulnerable prey.) In other words, a child is presumed by law to be incapable of giving rational consent to any lascivious act or sexual intercourse.” (Emphasis Ours)

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Lastly, aside from the glaring fact that all the elements to be held liable for the crime under Section 5(b), Article III of RA 7610 are present and proven beyond reasonable doubt, this Court lends credence to the well-entrenched doctrine that the factual findings of the trial court especially on the credibility of the witnesses are accorded great weight and respect and will not be disturbed on appeal as in the case of *People v. Invencion y Soriano*[56]:

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“It held that the factual findings of the trial court especially on the credibility of the witnesses are accorded great weight and respect and will not be disturbed on appeal. This is so because the trial court has the advantage of observing the witnesses through the different indicators of truthfulness or falsehood, such as the angry flush of an insisted assertion, the sudden pallor of a discovered lie, the tremulous mutter of a reluctant answer, the forthright tone of a ready reply, the furtive glance, the blush of conscious shame, the hesitation, the yawn, the sigh, the candor or lack of it, the scant or full realization of the solemnity of an oath, or the carriage and mien.”

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As this Court is fully convinced of the RTC's findings with regard to the credibility of AAA, her lone testimony is deemed sufficient to sustain the ruling of conviction as emphasized in *People v. Teves y Lemen*.[57]

Section 5, Article III of RA 7610 provides for the penalty of reclusion temporal in its medium period to reclusion perpetua for violating any of the provisions under the said section. This Court affirms the penalty imposed by the RTC, that absent any mitigating and aggravating circumstance, the proper imposable penalty is reclusion temporal in its maximum period, the medium of the penalty prescribed by law. Notwithstanding the fact that RA 7610 is a special law, the Accused-Appellant may enjoy the benefits of the Indeterminate Sentence Law as per the case of *People v. Bon*.[58] Thus, he is entitled to a maximum term within the range of the proper imposable penalty of reclusion temporal in its maximum period (17 years, 4 months and 1 day to 20 years) and a minimum term within the range of the penalty next lower to that prescribed by law, which is prision mayor in its medium period to reclusion temporal in its minimum period (8 years and 1 day to 14 years and 8 months).

As every person criminally liable is also civilly liable, this Court directs the Accused-appellant to pay Php50,000 as civil indemnity ex delicto in accordance with prevailing jurisprudence.[59] Further, Accused is also ordered to pay interest of 6% per annum on all the monetary awards for damages from date of finality of this Decision until fully paid.[60]

WHEREFORE, based on the foregoing, the Joint Decision dated 27 September 2013 of the Regional Trial Court of Tayug, Pangasinan, Branch 52 in Criminal Case No. T-3555 and Criminal Case No. T-3556, finding Accused-Appellant guilty beyond reasonable doubt of the crime charged of violation of Section 5(b), Article III of RA 7610 is hereby AFFIRMED. For each count, the Accused-Appellant Orlando Odonos y Serrano is sentenced to suffer the penalty ranging from 14 years and 8 months of reclusion temporal as minimum to 20 years of

reclusion temporal as maximum. Accused-appellant is ordered to pay Private Complainant Php50,000.00 as civil indemnity. He is further ordered to pay an interest of 6% per annum on all the monetary awards for damages from date of finality of this Decision until fully paid.

SO ORDERED.

Castillo, M., Chairperson, and Galapate-Laguilles, Z.T., JJ., concur.

[1] Rollo, p. 24.

[2] Rollo, p. 33.

[3] Records (Volume I, Crim. Case No. T-3555), p. 1.

[4] Pursuant to *People v. Cabalquinto*, G.R. No. 167693, September 19, 2006, and Sec. 40 of A.M. No. 04-10-11-SC, fictitious initials are used to preserve the confidentiality of the identity of the woman-victim and her immediate family and other identifying details such as their address, telephone number, school, business address, employer or other identifying information of the parties or an immediate family or household member, without their consent or without authority of the court.

[5] *Id.*

[6] Records (Volume I, Crim. Case No. T-3556), p. 1.

[7] Records (Volume I, Crim. Case No. T-3555), p. 67.

[8] *Id.* at p. 82.

[9] Records (Volume I, Crim. Case No. T-3555), p. 4.

[10] Records (Volume II, Original Transcript of Proceedings and Stenographic Notes), p. 1.

[11] Records, *supra* note 9.

[12] *Id.*

[13] *Id.* at p. 5.

[14] *Id.*

[15] *Id.*

[16] *Id.*

[17] *Id.*

[18] Records (Volume I, Crim. Case No. T-3555), p.211.

[19] Records (Volume II, Original Transcript of Proceedings and Stenographic Notes), p. 34.

[20] *Id.*

[21] Records, *supra* note 18.

[22] Records (Volume I, Crim. Case No. T-3555), p.212.

[23] *Id.* at 213.

- [24] Id.
- [25] Records (Volume II, Original Transcript of Proceedings and Stenographic Notes), p. 41.
- [26] Id. at 42.
- [27] Rollo, p. 24.
- [28] Rollo, p. 14.
- [29] Rollo, p. 17.
- [30] Rollo, p. 18.
- [31] Rollo, p. 43.
- [32] Rollo, p. 56.
- [33] Rollo, p. 69.
- [34] Rollo, supra note 30.
- [35] People v. Leonardo y Dantes, G.R. No. 181036, July 6, 2010.
- [36] Records (Volume I, Crim. Case No. T-3555), p.211.
- [37] Id. at p.4.
- [38] People v. Optana, G.R. No. 133922, February 12, 2001.
- [39] Rollo, p. 30.
- [40] Records (Volume I, Crim. Case No. T-3555), p. 5.
- [41] Records (Volume II, Original Transcript of Proceedings and Stenographic Notes), p. 48.
- [42] Id. at p. 36.
- [43] Records (Volume II, Original Transcript of Proceedings and Stenographic Notes), p. 45.
- [44] Id. at p. 37.
- [45] Bagajo v. Marave, G.R. No. L-33345, November 20, 1978.
- [46] Id. at 23.
- [47] Records (Volume II, Original Transcript of Proceedings and Stenographic Notes), p. 37
- [48] Rollo, p. 237.
- [49] Records (Volume I, Crim. Case No. T-3555), p. 4.
- [50] Id. at p. 7.
- [51] People v. Manallo, G.R. No. 143704, March 28, 2003.
- [52] Rollo, p. 43.
- [53] Rollo, p. 22.
- [54] Rollo, p. 19.

[55] Malto v. People, G.R. No. 164733, September 21, 2007.

[56] People v. Invencion y Soriano, G.R. No. 131636, March 5, 2003.

[57] People v. Teves y Lemen, G.R. No. 128839, July 20, 1999.

[58] People v. Bon, G.R. No. 149199, 28 January 2003.

[59] Malto v. People, supra note 55.

[60] People v. Mallari, G.R. No. 179041, April 1, 2013.

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