

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RODEL BULATAO Y AYAWAT, PROMULGATED: ACCUSED-APPELLANT.

Ponente: BARZA, J.

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BARZA, J.:

This is an appeal from the Joint Decision[1] dated April 22, 2013, rendered by Branch 25 of the Regional Trial Court, stationed in Tabuk City, Kalinga, in Criminal Case No. 105-2006, which found accused-appellant Rodel Bulatao guilty beyond reasonable doubt of the crime of Rape.[*]

On October 17, 2006, accused-appellant was charged in two separate Informations, as follows:

In Criminal Case No. 105-2006:

"That on or about the December 2005, at XXX and within the jurisdiction of this Honorable Court, the said accused did then and there willfully, unlawfully and feloniously, by means of force and intimidation, that is by threatening AAA with death should she resist or report the matter to anybody, had carnal knowledge of said AAA, a minor under 12 years of age, against her will."

CONTRARY TO LAW."[2]

In Criminal Case No. 106-2006:

"That sometime on (sic) March 2006, at XXX, and within the jurisdiction of this Honorable court, the said accused did then and there willfully, unlawfully and feloniously, by means of force and intimidation, that is by threatening AAA with death should she resist or report the matter to anybody, had carnal knowledge of said AAA, a minor

CONTRARY TO LAW."[3]

With the assistance of counsel, accused-appellant pleaded not guilty to the charges when arraigned on October 3, 2007,[4]

The prosecution's evidence consisted of the testimonies of private complainant AAA, and her mother BBB.

The relevant testimony of AAA as taken from the summary of the trial court are, as follows:

"She is 13-year old Grave VI pupil of the Mabini Elementary School, Baguio City and a resident of Mabato, Tabuk City, Kalinga.

At present, she is residing at the DSWD, Baguio City. She previously resided in the province at XXX. x x x

Their house at XXX is small one consisting of only one (1) room. The room is not separated from the kitchen and when you are inside the room, you can see the kitchen. They have neighbors but they are far. There is no electricity in their house.

Sometime in December 2005, an unusual incident happened wherein a person entered their house and raped her. It was nighttime when she was raped. She was with her two (2) brothers and her grandmother but her

brothers went to watch (sic). At the time of the incident, only her grandmother was left with her in the house. Her grandmother is old already and she may be more than eighty (80) years of age.

The door was not locked at that time as it was only covered by a sack. The door of the house was not made of wood.

She was studying as the man entered the house and the light she was using then was a bottle with kerosene known as "lampara". She was wearing a t-shirt and a garterized short pant.

When the man went inside their house, she saw a gun that he pointed at her. The gun was a short one. The man was wearing a white t-shirt and his pants appeared to be one which is usually worn by soldiers. He was not wearing a bonnet and his face was not covered by any clothing.

After pointing the gun at her, the man removed her short pant. The man let her lay down and told her that if she will report to her mother and father, he will kill her. After the man removed her pants, he inserted his penis into her vagina. The man also removed her t-shirt. When the man inserted his penis into her vagina, the gun was pointed at her right temple. When the man's penis was inserted into her vagina, she felt pain.

When she was being molested, her grandmother was asleep at the usual palce where she sleeps which was estimated to be more or less four (4) meters away from where she (witness) was. Her grandmother was asleep when she was being molested. She did not shout because she was afraid the man might kill her and her grandmother. After the man raped her, he told her that if she will report the matter to her mother or father, he will kill her.

She knows the man who raped her as Rodel Bulatao and she is sure of this because she saw him with the light (lampara). She is familiar with Rodel Bulatao and she knows him because she often sees him. She identified and pointed at the accused in open court as the person who molested her.

On the following day she did not report the incident to her parents and to her grandmother."[5]

During cross-examination, AAA testified:

She is thirteen years old. She studied in XXX when she was in Grade I and Grade V but she was not able to finish Grade V in XXX because she finished the same in Baguio City.

During the night of the rape incident, she was studying. She was still Grade IV then. x x x

x x x x x x

At the time of the rape, she was only eleven (11) years old and was very much smaller in size than she is today.

When a man entered the house at the night she was raped, she was studying using the light from a "lampara". The light was not bright as it cannot illuminate the outside of the house. Inside the house, her grandmother was also there. Her grandmother was sleeping and she knew that when she was studying, her grandmother was already asleep. x x x

Her two (2) brothers went to watch television in their neighbour's house but the house was far from their house. Their neighbors house was estimated to be a kilometre away. She does not know the time her brothers left the house to watch television. She does not also know the time her brothers returned but she was still awake when her brothers arrived. Her lola was still sleeping when they arrived.

Their house has a door but it has no lock as it is made up of sack. The door can be closed. The man who entered the house opened the sack and entered through the opening. She saw the man through the sack and when the man entered, she was taken aback and was surprised. She did not call the attention of the grandmother because the man pointed a gun at her. At the time he opened the door, the man pointed a gun at her. She does not know the kind of gun but it was a small one measuring about six (6) inches. The handle of

the gun was colored brown.

When the man entered the house and pointed a gun at her, he immediately removed her pant and panty. He also removed her upper clothing. It took a few moments for the man to remove her clothes as he just pulled down her clothing with one (1) hand. She did not resist. The man did not remove her clothing at the same time as he first removed her pant and panty.

The man removed her pant and panty very fast. He just pulled it down very fast and violently. He used his right hand in removing her clothing as the man was holding a gun in his left hand.

The man also removed her t-shirt. She did not have a bra at that time or an undershirt. He used his right hand that was used in removing her shirt as the gun was held in his left hand.

The man did not kiss her before he inserted his penis. He did not hold any part of her body. Immediately after removing all her clothes, the man inserted his penis into her vagina. When he inserted his penis, there was no immediate entry as the man pinned ("impoged") her down. At the time the man was inserting his penis, he was holding the gun in his right hand.

It took the man to consummate his sexual molestation with her. At that time, she did not yet know how to count time but now she knows. It did not take the man too long to finish his sexual molestation.

She was accompanied by her mother when she filed a case before the police for investigation. She was raped and she was raped for three (3) times a week. She did not answer when asked if she was raped in the year 2006.[6]

When asked by the trial court, AAA testified:

She was eleven (11) years old at the time she was raped. She was then in grade school as a Grade IV pupil. x x x

Before she was raped, she was studying her English subject. She was sitting on the floor of the room when a man pointed the gun at her. When the man laid her down, he pulled her short pant. She was wearing a panty at that time and the man also removed the same.

Before inserting his penis into her vagina, the man removed his pants and his brief. He went on top of her when he inserted his penis and did the push and pull action. The man stayed on top of her for quite a time ("nabaybayag bassit").

She felt afraid when the accused went on top of her and inserted his penis to her private part. She also felt pain in her private part since that time and after the rape. The pain subsisted for two (2) days. She also noticed that blood came out of her private part after the rape.

She did not tell her lola and her parents about what happened because she did not want to be killed. Nobody told her that she will be examined by a doctor but she was eventually examined by a doctor at the Provincial Hospital.

x x x x x x

Rodel Bulatao is not their neighbor but, previous to the incident, she knew him because she often saw him.[7]

BBB, the mother of AAA, testified that she executed an Affidavit in relation to these cases which was marked as Exhibit "A"[8]. Witness stated in her affidavit that accused-appellant raped AAA from December 2005 up to March 2006 in their hut usually at nighttime when she and her husband are not at home. Nobody caught accused-appellant raping AAA because they do not have any neighbor. BBB also stated that AAA told her she was threatened with a hand gun.

When asked by the Court, BBB testified, among others:

"Her highest educational attainment is Grade III elementary. She does not know how to read and write but she can vote. x x x

She was not ever called by the police authorities for an investigation regarding the rape case.

She remembers that she executed a document before the police wherein the questions were propounded in Ilocano and translated in the E. She does not know English language. x x x

She was called to the police station because of the alleged rape of her daughter. Her statements at the police station might have been put into writing. She did not tell anything to the police when she was called to the station. When the police officer asked the name of her daughter, she told the name and when asked who raped her daughter, she told Rodel. When asked who Rodel was, she pointed to the accused who was then present in Court. x x x"[9]

The defense presented accused-appellant, Jenelyn Espiritu, Rodel Lambayong and Florence Kibayen.

Witness Jenelyn Espiritu identified the Affidavit[10] she executed and confirmed the contents thereof that she is a lady guard at the Provincial Capitol and assigned at the Provincial Hospital, Tabuk, Kalinga. While she was on duty on 15 September 2006 at around 9:00 o'clock in the evening, she saw a woman carrying a baby whom her child gave birth to. The woman she saw carrying a baby was BBB, whom she came to know as the mother of AAA.

Witness stated that BBB asked her if she can help them and witness positively answered. BBB told witness that AAA, who gave birth, was a victim of rape. When asked who raped AAA, BBB answered that it was AAA's father.

When asked by the trial court, the witness stated:

Before the night of 15 September 2006, she never met BBB and did not know her name. BBB may not also know her.

x x x. She does not know why BBB told her about the rape of her daughter but maybe because she is a lady guard at the provincial hospital.

She did not attend the hearing of these cases when AAA testified. She does not know that AAA pointed to accused-appellant as the rapist. Based on her affidavit, she is not sure why the woman told that the rapist is the father of the victim but she came to testify on the words spoken by the mother of AAA. The woman did not return to her to tell more of the alleged rape of her daughter.

As stated in her affidavit, she advised BBB to go to the police station to have the matter be blotted and the latter even asked her (witness) if she would accompany her to the police. BBB even told her personal matter by describing her husband.

She was not promised anything in exchange for her coming to court to testify. She did not know accused-appellant before.[11]

Next witness to testify was Rodel Lambayong, who stated that:

Direct Examination

He is 33 years old, married, a farmer and a resident of Purok 6, Bulanao, Tabuk, Kalinga. He remembers that on 15 September 2006 at around 9:00 o'clock in the evening, he was at the Provincial Hospital as he was on duty as a security guard. While he was on duty, he saw an old woman going to Jenelyn Espiritu. He was then

beside Jenelyn Espiritu at the time he saw the woman approached her (Jenelyn). Jenelyn Espiritu was a lady guard who was also on duty that time.

When the woman approached Jenelyn, the former asked if she can be of helped and Jenelyn replied if she can help. The woman then told Jenelyn that the boy was the child of her daughter. The woman also told that the father of the child is the father of AAA.

x x x x x

The woman was holding a baby when she approached Jenelyn. He heard the woman say her name to Jenelyn and it was BBB. He also heard the woman say to Jenelyn that if her husband will visit, she will arrest him and Jenelyn said that they had no authority to arrest.

Cross-Examination

He has no present employment. He was separated in his work as security guard in 2007.

Jenelyn told him to testify in this case. When Jenelyn approached him, she asked if he can be a witness and he answered in the affirmative. Jenelyn approached him because she wanted to help the accused, Rodel Bulatao, in this case.

He does not know the relationship of Jenelyn and the accused. Before he came to testify, he was briefed by the lawyer such that all his statements during the direct examination were told by the counsel.

He was at a distance of about two (2) meters from Jenelyn when the woman approached. Jenelyn asked the woman who impregnated her child and the latter answered that it was her child's father ("daytoy nga anak ket anak met lang ti ama na").

He does not know what Jenelyn asked that prompted the woman to tell that whenever Jovelyn attends her classes, she was not in uniform. He did not also know why the said question was asked.

The old woman was carrying a baby who was just newly born. He cannot remember the date when the motehr of the newly born baby was brought to the hospital; it was maybe on the 14[th]. He was on duty on September 14 and he saw the mother of the infant who was brought to the hospital.

The conversation between the woman and Jenelyn lasted for maybe ten (10) minutes and that was also the duration of time he was there. Jenelyn asked the woman her name after some minutes past.

Jenelyn did not inform him of the line of questioning and the answers. He was not promised a reward or anything for him to come and testify as he only wanted to help.

He did not see the husband of the woman.

Another witness, Florence Kibayen Arucan testified:

Direct Examination

She is 50 years of age, married and a midwife-nursing attendant at the Provincial Hospital, Kalinga and a resident of Purok 6, Bulanao, Tabuk, Kalinga.

She was at work on 15 September 2006 as a midwife at the Kalinga Provincial Hospital. As a nursing aide, she recalled having assisted AAA and BBB. She cannot recall the exact date that AAA gave birth. She recalled having assisted AAA in the evening of 15 September 2006. After that, the mother of AAA approached them at the nursing station at around 9:00 o'clock.

BBB asked for their help as she wanted her husband to be arrested or imprisoned for having impregnated their daughter. She responded by bringing BBB to the security guard and heard BBB telling the same thing to the

security guard.

Cross-examination

x x x x x

The woman who gave birth was not alone when she went to the hospital she had an attendant who was her mother named BBB. She only talked to BBB when the latter sought help but she cannot remember the exact date. The mother wanted to seek help so that her husband will be apprehended when he will come. She wanted her husband to be apprehended because it was him who impregnated her daughter.

She accompanied the woman to the guard because they were on duty and the guard has the responsibility of giving directions to the person. The woman also informed the guard of her problem.

Questions of the Court

The security guard at that time was Jenelyn Espiritu. She accompanied BBB to the security guard because the security guard has the right to advise the latter. She told BBB to go to the police but she (BBB) said that she does not know where to go so she (witness) referred her to the security guard.

Her companion at the nurses' station was Liza Ladrington who was a midwife. Liza Landrington is the only companion she can remember but there were then three (3) of them at the station that time. BBB approached them all at the nurses' station when she asked for help but she was the one who talked to Martina because the others were making their rounds.

BBB wanted to seek help telling that when her daughter will be discharged from the hospital, her husband will be coming to pay the bills and she wanted that her husband will be arrested by the time. BBB wanted her husband to be arrested because it was him who impregnated her daughter. She believed what BBB told her.

x x x x x

It was Rodel who asked her to testify today. It was the mother of Rodel who approached her and she (witness) readily told that she will testify. She was not promised any money for her testimony.

Last to testify was accused-appellant, who denied the charges against him.

Direct Examination

He is 42 year of age, married, jobless and a resident of Mabato, Amlao, Tabuk City, Kalingan.

He does not know anything regarding the two (2) rape charges against him. At the time alleged in Criminal Case No. 105-2006, he was in their house because their children were still young. He has three (3) children. His eldest is a girl aged 16 years. On December 2005, after Christmas break, he was at their house attending to his children. Also on the alleged time March 2006, he was also in their house and he was busy that time as they were sawing.

He does not know the private complainant, AAA. He came to know AAA when he was arraigned.

He thinks the reason why he was charged for rape was that the person who filed the cases was the one who stole the carabao. The man he is referring to is David Cosidon, the uncle of the private complainant.

Cross-examination

He is from Mabato, Tabuk City, Kalinga. He knows that the house of David Cosidon is also located at Mabato. David Cosidon's house is about 500 meters away from their house. AAA is the niece of David Cosidon and her house is around one (1) kilometer from their house. In their locality, almost everyone knows everybody but he does not know the child. He only knows the house of the little girl.

He said that the cases against him were at the instance of David Cosidon because of Cosidon's character who was stealing carabaos and he (witness) was the one tasked to search the carabao of his cousin. It was through him that the people were able to find out that it was David Cosidon who was stealing carabaos.

Questions of the Court

He would be made a witness if ever there was a case filed against David Cosidon for the theft of the carabao of his cousin. He does not know if there was a case of theft filed against David Cosidon. The theft of the carabao was referred to the Brangay Lupon of Mabato and the same was settled. The carabao was recovered.

He cannot approximate how long the time it would take him to run the distance between his house and the house of AAA. He cannot also approximate how long it would take him to walk the distance.

He knows the mother of AAA because he is staying in the area for a long time. He also knows Lito Lumaday, the husband of the mother of AAA. xxx[12]

On April 22, 2013, the trial court rendered the appealed Decision convicting the accused in Criminal Case No. 105-2006, but acquitted him in Criminal Case No. 106-2006.

The said judgment reads:

"WHEREFORE, foregoing premises considered, this Court finds the accused GUILTY beyond reasonable doubt of the crime of rapse as charged in Criminal Case No. 105-2006 and imposes upon him the penalty of reclusion perpetua and the payment of P50,000.00as moral damages and exemplary damages of P25,000.00 to the victim, AAA.

As far as the charge of rape under Criminal Case No. 106-2006 is concerned, the Court acquits the accused for lack of evidence."[13]

Hence this appeal, whereby accused-appellant imputed the following errors to the trial court:

ITHE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME CHARGED DEPSITE THE PROSECUTION'S FAILURE TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.

IITHE TRIAL COURT GRAVELY ERRED IN NOT GIVING WEIGHT AND CREDENCE TO ACCUSED-APPELLANT'S DEFENSE OF DENIAL.[14]

The accused-appellant argues that the trial court gravely erred in convicting him of the crime of rape because the prosecution miserably failed to establish his guilt beyond reasonable doubt. It contends that the testimony of AAA is highly improbable and fraught with inconsistencies which, when considered, could materially alter the outcome of the case.[15] To discredit AAA's credibility, the accused-appellant alleged that AAA presented different accounts of how the alleged rape incident transpired sometime in December 2005. According to accused-appellant, AAA's accounts of the alleged incident is incredulous for how could accused-appellant remove her short pants and panty and t-shirt with one hand violently without creating any noise that would have awakened her grandmother who was only about four (4) meters away from where the alleged rape incident took place. AAA was merely coached and induced by her family to implicate the accused-appellant to get even with the latter who caught her uncle (David Cosidon) stealing a carabao of accused-appellant's cousin.

The accused-appellant posits that there is nothing in the testimony of AAA that would show that she sustained injury on her body when the accused-appellant laid her down and removed her short pants, panty and t-shirt violently. The possibility that she was not ravished by accused-appellant is not remote. Accused-appellant claims that BBB even declared to the defense witnesses, Florence Arucan and Jenelyn Espiritu, that AAA was raped by

her husband, AAA's own father. BBB even asked help from them for the arrest of her husband. Although it may be argued that the defense is weak, the defense counters that the evidence for the prosecution is weaker. In a bid to exculpate himself, accused-appellant argues that his defense of denial and alibi should not have been disregarded by the trial court considering that the defense was able to present unbiased witnesses who heard AAA's mother declaring that it was the latter's husband who raped her daughter.

The Office of the Solicitor General (OSG), for the State, prays that the Decision be affirmed with the modification that there should be an imposition of interest rate of six (6) percent per annum on all the awards for damages, to earn from the date of the finality of the Court's decision until fully paid.

The OSG states that the prosecution was able to show the existence of the elements of rape under the Amended Revised Penal Code, effectuated by R.A. No. 8353, or the Anti-Rape Law of 1997, which states:

Art. 266-A. Rape: When and how committed. —

Rape is committed:

1) By a man who shall have carnal knowledge of a woman under any of the following circumstances:

- a) Through force, threat, or intimidation;
- b) When the offended party is deprived of reason or otherwise unconscious;
- c) By means of fraudulent machination or grave abuse of authority; and
- d) When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.

According to the OSG, no more eloquent evidence of rape is necessary in the light of the testimony of the victim herself who recounted in detail the sordid incidents that destroyed her womanhood. Her categorical and consistent testimony, as opposed to the self-serving testimonies of the defense witnesses, establishes that accused-appellant succeeded in having carnal knowledge with her against her will. The victim positively and consistently declared during her testimony that accused-appellant raped her. The OSG postulates that contrary to the contention of accused-appellant, it is not necessary that there should have been signs of physical violence on the body of the victim. Proof of injury is not necessary because this is not an element of the crime. In the face of this serious accusation against him, accused-appellant could only interpose the defenses of denial and alibi.

There is no merit in the appeal.

It was alleged in the Information that AAA was a minor at the time of the commission of the crime. However, no evidence was proffered to prove this. A certificate of Live Birth of AAA was attached in the record but this was not marked and offered as exhibit by the prosecution. Be that as it may, We find no reason to disturb the findings of the RTC that AAA was raped by accused-appellant. The basic rule is that findings and conclusions of a trial court, upon whom the responsibility of assessing the credibility of witnesses primarily rests, deserve great weight and respect. Conclusions as to the credibility of witnesses in rape cases lie heavily on the sound judgment of the trial court. When the question arises as to which version is to be believed, the judgment of the trial court is accorded the highest respect in view of the opportunity it had to observe the witnesses' demeanor and deportment on the witness stand. Concededly, it is in a better position than an appellate court to discern whether a witness is telling the truth or fabricating a lie. Barring arbitrariness and oversight of facts which might affect the result of the case, such assessment must bind even this Court.[16]

AAA positively identified the accused-appellant as her rapist. This Court is not unaware that due to its intimate nature, rape is usually a crime bereft of witnesses, and, more often than not, the victim is left to testify for herself. Thus, in the resolution of rape cases, the victim's credibility becomes the primordial consideration. It is settled

that when the victim's testimony is straightforward, convincing, and consistent with human nature and the normal course of things, unflawed by any material or significant inconsistency, it passes the test of credibility, and the accused may be convicted solely on the basis thereof. Inconsistencies in the victim's testimony do not impair her credibility, especially if the inconsistencies refer to trivial matters that do not alter the essential fact of the commission of rape.[17] This Court scrutinized the testimony of AAA and We find no reason to overturn the trial court's assessment of her credibility, which had the opportunity of observing AAA's manner and demeanor on the witness stand. AAA firmly testified that she knows accused-appellant because she is familiar with him as she "saw him oftenly".[18] In fact, she positively pointed to him in court as the one who raped her.[19] Also, in the testimony of accused-appellant, he declared that he lives only about one (1) kilometer away from the house of AAA and stated that in their locality, almost everyone knew everybody.[20]

As to accused-appellant's defense of denial, this must crumble in light of AAA's positive and specific testimony. We have consistently held that the identification of the accused, when categorical and consistent, and without any showing of ill motive on the part of the eyewitness testifying, should prevail over mere denial. In the context of this case, the accused-appellant's denial, unsupported by any other evidence, cannot overcome the victim's positive declaration on his identity and involvement in the crime attributed to him.[21]

Accused-appellant's assertion that the trial court should have considered his alibi must likewise fail. For alibi to prosper, it must not only be shown that appellant was at another place at the time of the commission of the crime but that it was also impossible for him to be present at the crime scene.[22] In this case, accused-appellant was not able to present evidence that he was in a different place at the time of the rape incident.

Anent accused-appellant's capitalization on AAA's lack of sustained injury on her body, this too bears no merit. It is a settled rule that it is not necessary for a victim to resist to the point of inviting death or physical injuries for rape to exist. It is sufficient if the sexual intercourse took place against the victim's will, or that she yielded to a genuine apprehension of great harm. Actual resistance on the part of the victim is not an essential element of rape.[23] In this case, the prosecution adequately proved that there was force and intimidation applied against AAA considering that accused-appellant pointed a gun at her. Undoubtedly, AAA submitted herself to accused-appellant's will because of fear for her life and safety. This is clear from the testimony of AAA that:

Q:

So why did you not shout when you were being molested Miss Witness?

A:

Because the person might kill me together with my grandmother sir. "Baka patayinnak pati ni Lolak".

Q:

So after the man sexually molested you Miss Witness, what did he do next if any Miss witness?

A:

After he raped me he told me before going out he told me that "If you report this matter to your mother and father he will kill me sir "Patayinnak".[24]

Force needs not to be irresistible, nor should it be identified with violence, as all that is required is that the force exerted be sufficient to consummate the evil design. Intimidation, on the other hand, produces fear that if the victim does not yield to the lustful demands of her attacker, something would happen to her at that point or thereafter.[25]

The defense cannot as well count on the premise that it is not possible for AAA to have been raped because the alleged violent removal by accused-appellant of AAA's short pants, panty and t-shirt would have awakened AAA's grandmother who was sleeping just four (4) meters away. It has been held that rape has been shown to have been committed even in places where people congregate, in parks, along the roadside, within school premises, inside a house where there are other occupants, and even in the same room where other members of the family are also sleeping.[26]

As to the OSG's argument that the awards for damages shall include the imposition of interest rate of 6% per annum, the same is meritorious. Thus, in conformity with prevailing jurisprudence,[27] an interest at the legal rate of 6% per annum is imposed on all the monetary awards for damages from date of finality of this judgment until fully paid.

WHEREFORE, the appeal is hereby DENIED. The Decision dated April 22, 2013, is AFFIRMED with the MODIFICATION that accused-appellant RODEL BULATAO y AYAWAT is further ordered to pay interest at the rate of six percent (6%) per annum on all the damages awarded, to be computed from the date of the finality of this judgment until fully paid.

SO ORDERED.

Abdulwahid, (Chairperson), and Cruz, JJ., concur.

[1] Rollo pp. 42-69, rollo.

[*] To maintain the confidentiality of information in cases involving violence against women and their children, the Court shall withhold the real name of the victim-survivor and shall use fictitious initials instead to represent her. Likewise, the personal circumstances of the victims-survivors or any other information tending to establish or compromise their identities, as well as those of their immediate family or household members, shall not be disclosed. (People vs. Cabalquinto, G.R. No. 167693, September 19, 2006)

Thus, the private offended party shall be referred to as AAA. The initials BBB shall stand for her mother while XXX shall denote the place where the crime was allegedly committed.

[2] p. 1, record.

[3] p. 566, record.

[4] p. 68, record.

[5] pp. 44-45, rollo.

[6] pp. 45-48, rollo.

[7] pp. 49-51, rollo.

[8] p. 11, record.

[9] pp. 51-54, rollo.

[10] Exh. "1", p. 51, record.

[11] p. 57, rollo.

[12] pp. 57-62, Rollo

[13] p. 70, rollo.

[14] p. 31, rollo.

[15] p. 33, rollo.

[16] PP. vs. Yaba y Basa, G.R. No. 194946, September 3, 2014.

[17] Pp. vs . Balino, G.R. No.194833, July 2, 2014.

[18] TSN, July 1, 2008, p. 375, record.

[19] TSN, February 5, 2008, p. 253, record.

[20] TSN, April 13, 2012, pp. 554-555, record.

[21] People vs. Arnel Macafe, G.R. No. 185616, November 24, 2010.

[22] Pp vs. Obogne, G.R. No. 199740 March 24, 2014.

[23] People vs. Fajardo Napudo, G.R. No. 168448, October 8, 2008.

[24] TSN, February 5, 2008, p. 251, record.

[25] Supra at note 23.

[26] People vs. Crizaldo Pacheco, G.R. No. 187742, April 20, 2010.

[27] People vs. Marasigan, G.R. No. 210619, Augsut 20, 2014; People vs. Crisostomoy Malliar, G.R. No. 196435, January 29, 2014.

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