

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JIMMY ULANDAY @ “SAROY”, ACCUSED-APPELLANT.

Ponente: DE GUIA-SALVADOR, R., J.

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DE GUIA-SALVADOR, R., J.:

This is an appeal from the Judgment[1] dated 28 June 2012 of the Regional Trial Court of Lingayen, Pangasinan, Branch 69 (RTC), in Criminal Case No. L-9199, the decretal portion of which states:

“WHEREFORE, in view of the foregoing, the Court finds the accused Jimmy Ulanday GUILTY beyond reasonable doubt of the crime of Rape and is hereby sentenced to suffer the penalty of reclusion perpetua and to pay [XYZ] the amount of P50,000.00 as civil indemnity and another P50,000.00 as moral damages.

SO ORDERED.”[2]

THE INDICTMENT

Accused-appellant Jimmy Ulanday, a.k.a. Saroy, (appellant) was charged with the crime of rape in an Information filed with the RTC on 23 June 2011, the accusatory portion of which reads:

“That sometime in the evening of March 11, 2011 in Brgy. [YYY], Aguilar, Pangasinan, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs, armed with a knife, with force and intimidation, did, then and there willfully, unlawfully and feloniously drag [XYZ] to a dark portion at the back portion of their house and thereafter remove her shorts pants and panty and have sexual intercourse with her, against her will and consent, to her damage and prejudice.

Contrary to Article 266-A, par. (a) of the Revised Penal Code.”[3]

Upon arraignment on 06 September 2011, the charge was read to appellant in the Pangasinan dialect which he well speaks and understands and, with the assistance of counsel de officio, he entered a plea of “Not Guilty.”[4]

During trial, the prosecution presented the following witnesses: (1) private complainant [5]; (2) Dr. Maria Gwendolyn Luna, who conducted the genital examination of XYZ; and (3) BBB, half-sister of XYZ, who was present when appellant allegedly admitted having raped the latter.

For the defense, only appellant testified.

The Facts

Version of the Prosecution

The Office of the Solicitor General (“OSG”) summarized the testimony of XYZ in the Appellee's Brief as follows:

“On the night of 11 March 2011, [XYZ], twenty-four (24) years old, sat beside the living room window near the main door of her family's house. She looked out the window and watched the dance party which was going on outside their house.

Out of nowhere, [appellant], armed with a knife, entered [XYZ's] house, pulled her out and dragged her towards the house of [her] neighbor, [AAA].

Although she does not know [appellant], [XYZ] was able to identify him because she has seen him before playing tong-its in the gambling area near [her] house.

[Appellant] brought [XYZ] at the back of [AAA's] house. No one was inside [AAA's] house and it was dark.

Once inside [AAA's] house, [appellant] immediately overpowered [XYZ]. He leaned [XYZ] against the wall and removed her pants and underwear. Thereafter, [appellant] pulled down his zipper. [Appellant] then covered [XYZ's] mouth using his left hand and pointed a knife against her face using his right hand. After, despite their standing position, [appellant] spread [XYZ's] legs, inserted his penis into her vagina and proceeded to rape [her]. During the entire assault, [appellant] poked his knife against [XYZ's] face.

After committing his dastardly act, [appellant] returned [XYZ's] pants and underwear. [XYZ] then went back home and slept.

A few months later, in May, [XYZ] accompanied by her mother, reported the crime committed against her to the police.”[6]

Version of the Defense

Appellant denied raping XYZ. The Public Attorney's Office (PAO) summed up the evidence for the defense as follows:

“On March 11, 2011, [appellant] was ... watching a wedding dance party when he first met [XYZ] who was [then] seated inside their house also watching the dance party through their window. [XYZ] then called [appellant's] attention and when he approached her, they had a conversation over the window. During their conversation, [appellant] noticed that [XYZ] was not alone in the house as there were about five (5) other persons living with her. Their conversation lasted for about an hour until he was called by his cousin Eddie Ulanday to go home. He immediately slept upon arriving thereat.

A week after the dance party, Jimmy was accosted by Botog Caguioa and Danny Caguioa, uncle of [XYZ], while he was on his way to Poblacion riding his motorcyle. He was being accused by them of raping [XYZ], and when he denied having done the same, they mauled him.

x x x

x x x

x x x[7]

RULING OF THE RTC

After trial, the RTC, relying on the unwavering and consistent testimony of XYZ, rendered Judgment finding and declaring appellant guilty of rape. Brushing aside the inconsistencies in XYZ's testimony, it ruled that they were “trivial issues that cannot foreclose the fact that the accused had carnal knowledge of [XYZ] against her will.”[8] It also stressed that an “ample margin of error and understanding should be accorded to [XYZ] who was observed to be suffering from physical disability (polio) and difficulty in comprehension as she does not know how to read and write.”[9] Further, it rejected the defenses of denial and alibi proffered by the appellant upon finding them to be self-serving and uncorroborated,

Aggrieved, appellant perfected his appeal with the timely filing of his Notice of Appeal on 12 July 2012.[10]

The Issue

Appellant seeks the reversal of the judgment of conviction on a lone assignment of error, to wit:

“THE COURT A QUO GRAVELY ERRED IN FINDING THAT THE GUILT OF THE ACCUSED-APPELLANT HAS BEEN PROVEN BEYOND REASONABLE DOUBT.”[11]

The Court's Ruling

We find no merit in the appeal. However, a modification of the penalties and civil liabilities imposed by the trial court is in order.

In reviewing rape cases, three settled principles have traditionally guided the courts in determining the guilt or innocence of the accused, viz.: (1) an accusation of rape can be made with facility, it is difficult to prove but more difficult for the person accused, though innocent, to disprove it; (2) in view of the intrinsic nature of the crime of rape where only two persons are usually involved, the testimony of the complainant must be scrutinized with extreme caution; and, (3) the evidence for the prosecution must stand or fall on its own merits and cannot be allowed to draw strength from the weakness of the evidence of the defense.[12] As a result of these guiding principles, in a prosecution for rape, the credibility of the complaining victim, concededly, becomes the single most important issue.[13]

Appellant contends that the inconsistency in the testimony of XYZ as to the location of the door (living room or kitchen) through which appellant dragged her out of the house is not trivial and minor in character, but a significant detail negating her tale of rape.[14] He also calls attention to other circumstances that cast serious doubt on XYZ's sincerity and truthfulness, viz: (1) her admission that she did not see the knife at the time appellant raped her;[15] (2) the fact that the crime was reported to the police only on May 17, 2011, or more than two months after the rape incident;[16] (3) the fact that she just went home and slept right after such incident without even crying or feeling lonely, which is contrary to the natural reaction of a victim of a recent sexual assault;[17] (4) Dra. Maria Gwendolyn Luna's finding and testimony that the hymenal laceration in XYZ's vagina was only about five days old when she was examined on 16 May 2011 more than two months after such incident.[18]

Essentially, appellant's contentions boil down to XYZ's credibility. In this regard, the rule is long and well-settled that the findings of the trial court pertaining to the credibility of witnesses are entitled to great weight and respect since it has the unique opportunity to observe their demeanor on the witness stand.[19] Such findings are, in fact, binding and accorded finality,[20] unless there appears in the record some fact or circumstance of weight which the lower court may have overlooked, misunderstood, or misappreciated and which, if properly considered, would alter the results of the case.[21]

Far from yielding reasons of such strength or cogency as would warrant a departure from the foregoing principles, however, Our circumspect perusal of the record confirmed the trial court's observation that XYZ testified in a positive, straightforward and consistent manner in recounting the details of the incident, hence, her testimony deserves full faith and credit. We also uphold the trial court in giving credence to XYZ's categorical open court narration of how in the evening of 11 March 2011, appellant, then armed with a knife, dragged her out of her house towards a dark[22] area at the back of her neighbor's house[23] and raped her, thus:

Q:

What did [appellant do] when he entered your house on March 11, [2011] in the evening while you were watching this dance party?

A:

[Appellant] entered [our house] armed with a knife and pulled me, sir.

Q:

[Where] did [appellant] pull you?

A:

In [an unlighted[24] area at the back of] the house of our neighbor, sir.

x x x

x x x

x x x

Q:

What did [appellant] do when he was able to pull you out?

A:

[Appellant] removed my pants, he removed my panty and then he covered my mouth and he poked a knife, sir.

Q:

When [appellant] was pulling and removing your panty and your pants, did you not shout for help?

A:

No, because he covered my mouth and I can hardly breath, sir.

Q:

By the way Madam Witness, you said he was holding a knife, what did he do with the knife?

A:

[Appellant] poked [the knife] towards my face, sir.

x x x

x x x

x x x

Q:

Were he able to remove your panty and your pants?

A:

Yes, sir.

Q:

Did you not make any struggle against his act?

A:

I tried, sir.

x x x

x x x

x x x

Q:

And after [removing] your panty and your pants, what did he do?

x x x

x x x

x x x

A:

[Appellant] inserted his penis, sir.

Q:

How did [appellant] insert[ed] his penis Madam Witness?

A:

By spreading my legs part ways, sir.

COURT:

Q:

Then? What was your position at the time the [appellant] inserted his penis in your vagina?

A:

Still on the standing position leaning on something, your Honor.

Q:

How about the [appellant] what was his position?

A:

[Appellant] was in front of me, your Honor.

Q:

And what did he do with his clothing?

A:

[Appellant] was wearing short pants, your Honor.

Q:

How did he insert then his penis when he was wearing a short pant?

A:

With a zipper, you Honor, he pulled down the zipper, your Honor.

x x x

x x x

x x x

Q: So you mean he just opened the zipper and put out the penis?

A: Yes, your Honor.

Q: Were you able to see the penis?

A: No your Honor because it was very dark then.

Q:

Did you feel it?

A: Yes, your Honor.

Q: How did you feel when the penis was inserted to your vagina?

A: Painful, I felt pain, sir.

Q: Was that the first time that a penis was inserted into your vagina?

A: Yes, your Honor.

Q: How long was the penis inserted to your vagina?

A: Just a few minutes, your Honor.”[25]

That appellant could not present any evidence to show any ill-motive or sensible justification for XYZ to accuse him falsely of a serious offense as rape serves to enhance the latter's credibility. More so, since appellant himself admitted that he never had any quarrel or misunderstanding with XYZ or any of her relatives before the filing of the rape complaint against him.[26] Further, as time and again held, the willingness of a rape victim to go the trouble and humiliation of a public trial is an eloquent testament to the truth of her complaint. In so testifying, she could only have been impelled to tell the truth and the need to seek and obtain justice.[27]

The inconsistency in XYZ's testimony as to the location (whether in the living room or the kitchen) of the door through which appellant dragged her out of the house concerns a minor or inconsequential matter which does not impair the essential integrity of the prosecution's evidence as a whole, nor detract from XYZ's credible testimony.[28] Far from discrediting XYZ, such inconsistency is a badge of veracity and a manifestation of truthfulness demonstrating that her testimony had not been rehearsed or concocted.[29] As aptly observed by the Supreme Court, “rape victims are not expected to make an errorless recollection of the incident, so humiliating and painful that they might in fact be trying to obliterate it from their memory. Thus, a few inconsistent remarks in rape cases will not necessarily impair the testimony of the offended party.”[30]

Neither does XYZ's failure to see the knife while she was being raped nor the fact that she sustained no injury detract from the credibility of her story that appellant threatened her with a knife while sexually defiling her. Contrary to the assertion of appellant, XYZ clearly explained how she saw the knife before appellant grabbed her, why she did not see it while at the crime scene, and why she sustained no injury. XYZ testified that her family's house where appellant snatched her was well-lit,[31] so she easily recognized him[32] and saw him armed with a knife[33] upon his entry. She stated that the back area of her neighbor's house where appellant eventually raped her was unlighted[34] and “very dark,”[35] so she could not see the knife, but merely sensed it.[36] She sustained no injury from the knife because appellant did not hurt nor attempt to injure her,[37] and used the knife only to threaten and intimidate her, to create fear in her mind.

Appellant's argument that XYZ's lack of injury from the knife is an indication that he never threatened or intimidated her to be able to consummate the crime, is misplaced. The use of a weapon, by itself, is strongly suggestive of force or at least intimidation, and threatening the victim with a knife, much more poking it at her is

sufficient to bring her into submission.[38]

Because behavioral psychology teaches that people react to similar situations dissimilarly,[39] We find that appellant is similarly out on a limb in insisting that XYZ's failure to shout for help while she was being sexually defiled rendered her testimony improbable. Confronted with the same startling or frightful experience, the settled rule that no standard form of behavioral can be expected of people[40] assumes even greater significance insofar as it concerns XYZ who, being polio-stricken and unschooled, can hardly be expected to confront and repel appellant's unexpected attack with rationality and presence of mind.[41] Far from being indicative of her casual indifference, XYZ's failure to shout for help could well be attributed to the fact that she was overcome by fear of the frightful experience when appellant covered her mouth and sexually violated her at knife point.

Moreover, the supposed normal conduct of XYZ after the rape incident, and the long delay in her reporting it, are not grounds to disbelieve her tale of rape by the appellant. XYZ's conduct of immediately going to sleep, not crying or feeling lonely after she had been sexually defiled hardly diminishes her credibility. Different people react differently to a given stimulus or type of situation, and there is no standard form of behavioral response when one is confronted with a strange or startling or frightful experience.[42] In fact, the Supreme Court never laid down a rule on how a rape victim should behave immediately after she has been violated because there is no uniform behavior expected of victims after being raped.[43] The experience of being sexually violated may be dealt with in any way by the victim depending on the circumstances, but her credibility should not be tainted with any modicum of doubt by how she had behaved.[44]

Neither is XYZ's failure to promptly report the rape incident to any member of her family or the police an indication of a fabricated accusation. Delay in reporting a rape incident renders the charge dubious only if the delay is unreasonable and unexplained. But, where the delay in revealing the commission of a crime is justified, as when there are threats from the perpetrator,[45] just like in this case, the tardiness will not render such charge unworthy of belief. XYZ expressed before the trial court her overwhelming fear of appellant[46] after the latter had threatened her with physical harm and death if she would disclose the incident to anyone.[47] Indeed, it is not uncommon for rape victims to conceal for sometime the assaults on their virtue or person because of the rapist's threats on their lives.[48]

Appellant also contends that the result of the genital examination of XYZ on 16 May 2011 showed that her vaginal lacerations were "only about five days (5) days old,"[49] thereby belying the charge of rape which allegedly occurred on 11 March 2011 or two months before such examination. Appellant's contention is flawed. Appellant misconstrued the pertinent portion of the testimony of Dr. Gwendolyn Luna by disregarding the phrase "or more" in her answer to the public prosecutor's query.[50] Dr. Luna's estimate of the age of XYZ's vaginal lacerations was aptly interpreted by the Solicitor General, viz.:

"The foregoing testimony only means that the old lacerations were [incurred] five (5) days or more prior to the physician's date of examination. Evidently, contrary to the [appellant's] claim, [Dra. Gwendolyn Luna's] testimony is in fact consistent and corroborate[d] [XYZ's] testimony that she was raped on 11 March 2011."

In any case, the date of the commission of the sexual assault,[51] the presence or absence of laceration,[52] and the medical examination of the victim[53] are not essential elements of the offense of rape nor indispensable in the successful prosecution thereof. Further, being merely corroborative in character, neither is the doctor's testimony indispensable[54] as the victim's testimony alone, if credible, is sufficient to convict.[55]

As to appellant's defense of denial and alibi, such cannot prevail over XYZ's positive identification of the former as her ravisher. Denial is an intrinsically weak defense which must be buttressed by strong evidence of non-culpability to merit credibility.[56] Appellant's unsupported and self-serving denial cannot overcome the

positive testimony of XYZ of his authorship of the crime charged.

On the other hand, for alibi to prosper, the accused must show that (1) he was at a different place at the time the crime was committed; and (2) it was physically impossible for him to be at the crime scene at the time of its commission.[57] Thus, to successfully avail of this defense, the accused must demonstrate that he could not have been physically present at the scene of the crime and its immediate vicinity when the crime was committed.[58] Records show that the house where the XYZ was raped and appellant's residence where he allegedly proceeded after his conversation with XYZ, are both located in Brgy. [YYY], Aguilar, Pangasinan.[59] Appellant thus failed to demonstrate the physical impossibility of his being at the scene of the crime at the time of its commission.

Under Article 266-A of the Revised Penal Code, as amended by RA 8353, rape is committed by a man who shall have carnal knowledge of a woman through force, threat or intimidation. Sexual intercourse with a woman against her will or without her consent is the gravamen of the offense of rape.[60] In this case, the following essential elements of rape were duly established by the prosecution through the credible testimony of private complainant XYZ, viz: 1) that the perpetrator had carnal knowledge of a woman; and 2) that it was committed by using force, threat or intimidation. Armed with a knife, appellant had carnal knowledge of XYZ at the back of her neighbor's house in Brgy. Tampac, Aguilar, Pangasinan. Hence, We sustain the trial court's finding that the prosecution has proved by evidence beyond reasonable doubt that appellant is guilty of rape.

CIVIL and CRIMINAL LIABILITY

Under Article 266-B of the Revised Penal Code, as amended by RA 8353, when the crime of rape is committed with the use of a deadly weapon the imposable penalty shall be reclusion perpetua to death. Applying Article 63[61] of the Revised Penal Code, and there being no mitigating nor other aggravating circumstances in the commission of the crime, the lesser of the two indivisible penalties or reclusion perpetua shall be imposed. Thus, the trial court correctly imposed the penalty of reclusion perpetua. However, We hold that appellant should be declared ineligible for parole pursuant to Republic Act No. 9346[62]

We also affirm the trial court's award of civil indemnity and moral damages in the amount of Php50,000.00 each. Civil indemnity and moral damages are mandatorily awarded to the victim upon a finding that rape took place.[63]

In addition, exemplary damages of Php30,000.00 should be awarded in favor of XYZ since appellant used a deadly weapon to perpetrate the crime of rape against her. While the use of a deadly weapon is not one of the generic aggravating circumstances under Article 14 of the Revised Penal Code, under Article 266-B thereof, the presence of such circumstance in the commission of rape increases the penalty, provided that it has been alleged in the Information and proved during trial[64], as in the case at bar. This manifests the legislative intent to treat the accused who resorts to this particular circumstance as one with greater perversity and, concomitantly, to address it by imposing a greater degree of liability.[65]

Finally, pursuant to the current policy of the Supreme Court, all the monetary awards for damages shall earn 6% interest per annum reckoned from the date of finality of the decision until fully paid. [66]

WHEREFORE, the appealed judgment is **AFFIRMED** with the **MODIFICATION** (1) declaring accused-appellant Jimmy Ulanday, a.k.a. Saroy, ineligible for parole; (2) ordering him to pay the rape victim exemplary damages of Thirty Thousand (Php30,000.00) Pesos; and (3) imposing interest of six percent (6%) interest per annum on all awarded damages reckoned from the date of finality of this decision until fully paid.

SO ORDERED.**CERTIFICATION**

Pursuant to Article VIII, Section 13 of the Constitution, it is hereby certified that the conclusions in the above decision were reached in consultation before the case was assigned to the writer of the opinion of the Court.

Garcia, R.R. and [*]Sorongon, E.D., JJ., concur.

[*] Vice Justice Danton Q. Bueser, as per Office Order No. 223-14-ABR dated May 21, 2014.

[1] Records, p. 81-95

[2] Id., p. 95

[3] Id., p. 3

[4] Id., pp. 33 and 35.

[5] Republic Act No. 7610 (An Act Providing For Stronger Deterrence And Special Protection Against Child Abuse, Exploitation And Discrimination, And For Other Purposes); Republic Act No. 9262 (An Act Defining Violence Against Women And Their Children, Providing For Protective Measures For Victims, Prescribing Penalties Therefor, And For Other Purposes); and Section 40 of A.M. No. 04-10-11-SC (Rule On Violence Against Women And Their Children) mandate that the identity of the victim or any information which could establish or compromise her identity, as well as those of her immediate family or household members, be withheld.

[6] Rollo, pp. 24-25

[7] Id., pp. 60-61, citations ommitted

[8] Records, p. 48

[9] Id.

[10] Records, pp. 97-98

[11] Rollo, p. 25

[12] People vs. Santos, 426 SCRA 133; People vs. Gaufo, 425 SCRA 119; People vs. Valdez, 421 SCRA 376; People vs. Subido, 253 SCRA 196

[13] People vs. Andales, 422 SCRA 253

[14] Rollo, pp. 26-28

[15] Id., pp. 28-29

[16] Id., p. 28

[17] Id., pp. 29-30

[18] Id., p. 31

[19] People vs. Suarez, G.R. No. 153573-76, 15 April 2005; People vs. Sapigao, Jr., G.R. No. 178485, September 4, 2009.

- [20] People vs. Iglesia, 365 SCRA 156
- [21] People vs. Marino, G.R. No. 168693, 19 June 2009; People vs. Relos, Sr., G.R. No. 189326, November 24, 2010.
- [22] TSN, 3 November 2011, p. 12
- [23] Id., p. 19
- [24] Id., p. 15
- [25] TSN, 3 November 2011, pp. 07-12.
- [26] TSN, 24 January 2012, p. 19
- [27] People vs. Belga, G.R. No. 129769, 349 SCRA 678 (2001), cited in People vs. Tubat, G.R. No. 183093, 1 February 2012
- [28] Id.
- [29] People vs. Sabadlab, G.R. No. 175924, 14 March 2012
- [30] People vs. Penilla, G.R. No. 189324, 20 March 2013, citing People vs. Balbarona, G.R. No. 146854, 28 April 2004.
- [31] TSN, 3 November 2011, p. 30.
- [32] Id.
- [33] Id., p. 07.
- [34] Id., p. 15.
- [35] Id., pp. 12 and 29.
- [36] Id., p. 28.
- [37] TSN, 3 November 2011, p. 17.
- [38] People vs. Tubat, G.R. No. 183093, 1 February 2012
- [39] People vs. Malones, G.R. Nos. 124388-90, 11 March 2004, citing People vs. Ibay, 233 SCRA 15
- [40] People vs. Malones, Ibid.
- [41] TSN, 1 September 2003, p. 25
- [42] Kummer vs. People, G.R. No. 174461, 11 September 2013
- [43] People vs. Lazaro, G.R. No. 186379, 19 August 2009
- [44] People vs. Macapanas, G.R. No. 187049, 4 May 2010, citing People vs. Luzorata, 350 Phil. 129 (1998)
- [45] People vs. Frias, G.R. No. 203068, 18 September 2013
- [46] TSN, 3 November 2011, pp. 20-21
- [47] Id., pp. 18-19
- [48] People vs. Zafra, G.R. No. 197363, 26 June 2013

[49] Rollo, p. 31

[50] TSN, 25 October 2011, p. 05. The excerpts of the TSN provides:

“Q Relative to that word you said healed, was it freshly healed or old healed?

A It was an old laceration, sir.

Q And it has been how many months or days?

A Five days or more, sir.” Emphasis added.

[51] People vs. Dion, G.R. No. 181035, 4 July 2011

[52] People vs. Colorado, G.R. No. 200792, 14 November 2012

[53] People vs. Balonzo, G.R. No. 176153, 533 SCRA 760 (2007)

[54] People vs. Rubio, G.R. No. 195239, 7 March 2012, citing People vs. Evina, 453 Phil. 25, 41 (2003); citing People vs. Perez, G.R. No. 122764, 24 September 1998, 296 SCRA 17

[55] People vs. Araojo, G.R. No. 185203, September 17, 2009, 600 SCRA 295.

[56] People vs. Espino, Jr., G.R. No. 176742, 554 SCRA 682 (2008)

[57] People vs. Estrada, G.R. No. 178318, 15 January, 2010.

[58] People vs. Bravo, G.R. No. 185282, 24 September 2012, citing People vs. Jacinto, G.R. No. 182239, 645 SCRA 590 (2011).

[59] See Exhibits “A” and “C.” Records, pp. 17 and 20; and TSN, 24 January 2012, pp. 02 and 10

[60] People vs. Gabawa, 398 SCRA 467, 28 February 2003; People vs. Lolos, G.R. No. 189092, 19 August 2010.

[61] Article 63. Rules for the application of indivisible penalties....

In all cases in which the law prescribes a penalty composed of two indivisible penalties, the following rules shall be observed in the application thereof:

x x x

x x x

x x x

- When there are neither mitigating nor aggravating circumstances, the lesser penalty shall be applied.

x x x

x x x

x x x

[62] AN ACT PROHIBITING THE IMPOSITION OF DEATH PENALTY IN THE PHILIPPINES. “SEC. 3. Person convicted of offenses punished with reclusion perpetua, or whose sentences will be reduced to reclusion perpetua, by reason of this Act, shall not be eligible for parole under Act No. 4180, otherwise known as the Indeterminate Sentence Law, as amended.” See People vs. Frias, G.R. No. 203068, 18 September 2013

[63] People vs. Ofemiano, 1 February 2010, G.R. No. 187155; People vs. Calongui, G.R. 170566, 3 March 2006

[64] People vs. Guillermo, G.R. No. 177138, 26 January 2010, citing People vs. Hapin, G.R. No. 175782, 531 SCRA 224 2007, (239); People vs. Legaspi, G.R. No. 136164-65, 357 SCRA 234 (2001); People vs. Catubig, 461 Phil. 102 (2001); and People vs. Custodio, G.R. No. 176062, 557 SCRA 293 (2008).

[65] Ibid.

[66] People vs. Lagman, G.R. No. 197807, 16 April 2012.

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