

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. AMADO HEMOR Y SUSANO, ACCUSED-APPELLANT.

Ponente: DIMAAMPAO, J.

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DIMAAMPAO, J.:

Accused-appellant Amado Hemor y Susano a.k.a. Dondon (AMADO) insists on his innocence and bewails the Joint Decision[1] of conviction dated 24 October 2012 of the Regional Trial Court of Valenzuela City, Branch 172. Three Informations charged AMADO with the crime of Rape under Paragraphs 1 and 2, Article 266-A of the Revised Penal Code, as amended by Republic Act (RA) No. 8353,[2] the inculpatory averments of which read as follows:

CRIMINAL CASE NO. 53-V-07

"That on or about June 13, 2006 in Valenzuela City, Metro Manila and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design, by means of force and intimidation employed upon the person of one AAA,[3] 12 years old, did then and there willfully, unlawfully and feloniously have sexual intercourse with the said complainant, against her will and without her consent, thereby subjecting the said minor to sexual abuse which debased, degraded and demeaned her intrinsic worth and dignity as a human being.

CONTRARY TO LAW."[4]

CRIMINAL CASE NO. 54-V-07

"That on or about June 13, 2006 in Valenzuela City, Metro Manila and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design, by means of force and intimidation employed upon the person of one AAA, 12 years old, did then and there willfully, unlawfully and feloniously insert his finger inside the vagina of the said complainant, against her will and without her consent, thereby subjecting the said minor to sexual abuse which debased, degraded and demeaned her intrinsic worth and dignity as a human being.

CONTRARY TO LAW."[5]

CRIMINAL CASE NO. 55-V-07

"That sometime in July 2006 in Valenzuela City, Metro Manila and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design, by means of force and intimidation employed upon the person of one AAA, 12 years old, did then and there willfully, unlawfully and feloniously have sexual intercourse with the said complainant, against her will and without her consent, thereby subjecting the said minor to sexual abuse which debased, degraded and demeaned her intrinsic worth and dignity as a human being.

CONTRARY TO LAW."[6]

Upon arraignment, AMADO pled not guilty to the charges against him.[7] During the pre-trial conference, the prosecution and the defense stipulated on the following: (a) identity of the accused; (b) commission of the alleged offenses within the territorial jurisdiction of the court; and, (c) minority of AAA.[8] Trial on the merits then ensued.

The prosecution[9] endeavored to prove the facts hereunder:

AAA was a 12-year-old[10] elementary student at the time of the alleged rape. Her family lived in a residential compound in Valenzuela owned by one Lydia Susano-Buenavente (Lydia). Inside the compound was a big house with separate rooms being leased to various individuals. The separate rooms had a common comfort room which was located near the big house.

On 13 June 2006, AAA was watching a movie in one of the leased rooms when she was requested by a certain Ate Tess to throw garbage at the dumping area near the common comfort room. On her way there, AAA saw AMADO standing in a dark area of the compound. She had no option but to pass by that area when AMADO suddenly dragged and forcibly pulled her to the comfort room. There, AMADO undressed AAA and pulled her panty down. He ordered her to face down, or, according to AAA: "pinadapa niya ako". In a jiff, she was made to hold the toilet bowl and stoop down. AMADO inserted his penis into her vagina. Not satisfied, AMADO inserted his penis to her mouth. After satisfying himself, AMADO told AAA to leave the comfort room and threatened her not to tell anyone about what happened.

Two days after, AAA was again pulled by AMADO towards the direction of the unlighted comfort room. While inside, AMADO first inserted his hands into AAA's vagina and then inserted his penis. After a while, AAA left. Out of fear, she still did not tell her parents about the incident.

The third incident of rape happened a few days later when AAA came from her friend's house and upon arriving at the compound, she saw AMADO at a distance waiting for her. He grabbed and brought her to the comfort room of the big house. Despite her resistance, AMADO managed to remove her clothing, including her panty. He inserted his penis into her vagina and then threatened AAA not to tell anyone. He assured her that should she become pregnant, he would hold himself responsible for it. AAA was afraid that AMADO would kill her and her father and so she kept her silence.[11]

In time, AAA narrated to her neighbors the dastardly acts of AMADO. They accompanied AAA to the police station where she divulged to the authorities that AMADO raped her thrice. AAA's mother only learned of the rape incidents after she was summoned by school officials and was informed that her daughter was sexually abused by AMADO, and was also raped by a certain Armando Hemor, AMADO's brother.

AAA was brought to the PNP Crime Laboratory in Camp Crame for examination. PCI Editha Martinez (PCI Martinez), the Medico-Legal Officer, examined her,[12] and the test results yielded no evident injury seen on AAA's private parts. The examination, however, did not discount the possibility of AAA being a victim of sexual abuse.[13]

Thereafter, AAA was also examined by Dr. Irene Baluyut (Dr. Baluyut) of the Child Protection Unit of the Philippine General Hospital. She uncovered that there was evidence of AAA's vagina being subjected to blunt force or penetrating trauma.[14]

During the trial, Dr. Bernadette Madrid (Dr. Madrid), also a medico-legal officer of the PGH Child Protection Unit, confirmed the findings of Dr. Baluyut.[15]

As expected, AMADO vehemently denied the accusations hurled against him and professed that he was at work

when AAA was allegedly raped on 13 June 2006, 19 June 2006 and 20 July 2006. Lydia corroborated his testimony avowing that she was the owner of the compound which had one house and four rooms being rented out. The rooms had one comfort room that was only two arms-length from her house. One room was rented by her nephew, AMADO, and the other by the family of AAA. On 13 June 2006, Lydia was inside her house and did not hear any sound from the comfort room where the alleged rape of AAA took place.[16] AMADO maintained that even the Medico-Legal Report of PCI Martinez disclosed that there were no lacerations found on the private part of AAA.[17]

Ploughing through the diverse postures of the prosecution and the defense, the court a quo rendered the assailed Joint Decision, decreeing—

"WHEREFORE, the court finds the accused AMADO HEMOR y SUSANO guilty beyond reasonable doubt as principal of the crime of rape under Art. 266-A paragraph (1) (a) of the Revised Penal Code in Criminal Case Nos. 53-V-07 and 55-V-07 and rape under Art. 266-A paragraph 2 of the Revised Penal Code in Criminal Case No. 54-V-07 and in the absence of modifying circumstance and applying the indeterminate sentence law he is hereby sentenced to suffer:

1. The penalty of Reclusion Perpetua in Criminal Case No. 53-V-07, and to indemnify AAA in the amounts of P75,000.00 as civil indemnity, Php75,000.00 as moral damages and Php25,000.00 as exemplary damages;
2. The penalty of Reclusion Perpetua in Criminal Case No. 55-V-07, and to indemnify AAA in the amounts of P75,000.00 as civil indemnity, Php75,000.00 as moral damages and Php25,000.00 as exemplary damages; and(,)
3. The penalty of three (3) years two months and one (1) day of prision correccional as minimum and eight (8) years two (2) months and one (1) day of prision mayor as maximum in Criminal Case No. 54-V-07 and to indemnify AAA in the amounts of Php30,000.00 as civil indemnity, Php30,000.00 as moral damages and Php30,000.00 as exemplary damages.

The City Jail Warden of Valenzuela City is hereby directed to transfer/commit the accused to the New Bilibid Prison, Bureau of Corrections, Muntinlupa City immediately upon receipt of this decision and submit report within five (5) days from compliance.

SO ORDERED."[18]

Aggrieved, AMADO (now, appellant) interposed this Appeal raising this solitary error—

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIMES CHARGED DESPITE THE FACT THAT HIS GUILT HAS NOT BEEN PROVEN BEYOND REASONABLE DOUBT.

We sustain appellant's conviction.

In this jurisdiction, the testimony of the private complainant in rape cases is scrutinized with utmost caution. The constitutional presumption of innocence requires no less than moral certainty beyond any scintilla of doubt. This applies with more vigor in rape cases where the evidence for the prosecution must stand or fall on its own merits and is not allowed to draw strength from the weakness of the evidence of the defense. As an inevitable consequence, it is the rape victim herself that is actually put on trial. The case at bench is no exception.[19]

At the linchpin of this Appeal is the determination of whether or not the prosecution was able to prove beyond reasonable doubt appellant's guilt. The resolution of this issue hinges on the credibility of the prosecution's evidence.

Appellant avows that the testimony of AAA was marred by significant inconsistencies that cast doubt as to the veracity of the charges against him. AAA failed to recall particular dates when she was raped and the various times these rape incidents occurred. AAA's recollection of the abuse was vague and hazy. These whittled down not only her credibility but the truthfulness of her accusations against appellant.[20]

After a perspicacious review of the record, We find no cogent reason to deviate from the judgment of conviction. The prosecution demonstrably discharged its onus of proving that appellant committed the crime of rape. In her direct examination, AAA recounted with limpidity and straightforwardness her sexual ordeals in the hands of appellant, viz:

"Q

How did this start that first time that (appellant) raped you. How did this begin, could you please tell us?

A

I was watching (a) movie in a neighbor's house and Ate Tess ordered me to throw the garbage, sir.

Q

What happened next after you were told to dump the garbage, AAA?

A

He was already in the dark area where I have to pass by, sir.

Q

When you said 'siya', you are referring to (appellant)?

A

Yes, sir.

Q

What did (appellant) do (to) you when you saw him at the dark area?

A

I passed by and after that he pulled me, sir.

Q

And what happened next after (appellant) pulled you?

A

And then he brought me to the CR, sir.

Q

What happened at the CR?

A

He undressed me and pulled down my panty, sir.

Q

After he took off your panty what happened next?

A

He inserted his penis into my vagina, sir.

Q

This happened inside the CR?

A

Yes, sir.

Q

How big is this CR, from that place where you are sitting now, could you indicate?

A

Yes, sir.

Q

When he placed his private part into your private part, was he sitting down?

A

He have (sic) my face down 'pinadapa nya po ako', sir.

Q

How did he make you 'pinadapa' in the CR?

A

In the CR there was a toilet bowl and he made me hold the bowl and then he made me stoop down, sir.

Q

And it was in that position and your body that stoop down and he placed his private part in your private part?

A

Yes, sir.

Q

So he was able to place his private part into your private part?

A

Yes, sir.

Q

And what did he do with his private part when it is (sic) already inside your private part?

A

After he inserted his private part into my vagina, he put his penis into my mouth, sir.

Q

And after that what happened next?

A

And after that he ordered me to go out of the CR, sir.

x x x

X X X

Q

You cannot remember the date when (appellant) did this to you in the CR?

A

I cannot remember, sir.

Q

You said that this happened again when (appellant) again raped you. When did this happen again, could you tell us the time and the date when (appellant) did this to you again? How many days after the first time?

A

After two (2) days he did it again, sir.

Q

Where did this happen the second time that you were with (appellant) and he did bad thing to you?

A

Also in the CR, sir.

Q

The first time was in the CR and the second time was also in the same CR ?

A

Yes, sir.

Q

The second time what happened then at the CR?

A

At first he inserted his hands into my vagina and then his penis, sir.

Q

You used the word 'kamay' what part of the 'kamay' or hand, what did (appellant) do with his 'kamay' to your private part?

A

I did not see because it was dark, sir.

Q

But you felt the 'Kamay' of (appellant) in your private part?

A

Yes, sir.

Q

Now, this happened for the third time, is that correct, Miss Witness?

A

Yes, sir.

Q

Now the third time that (appellant) did bad thing to you, where did his happen, also in that same CR or in another place?

A

It happened in the CR of the big house, sir.

Q

But not in the same CR when the first two incidents happened, it is in a different CR?

A

Yes, sir.

Q

What happened on the third time, could you tell us what (appellant) did to you on the third time?

A

Me and my classmates went to the house of our friend and when I went home he was there waiting, sir.

Q

And what happened next after (appellant) was there waiting for you after you were with your friends?

A

He waited for me and he pulled me again to the CR, sir.

Q

And that third time when he pulled you again in that other CR, what did he do to you?

A

He wanted me to undress, sir.

Q

Did you take off your dress?

A

No, sir but after that when I did not remove my dress he was the one who removed it, sir.

Q

Was he able to remove your clothes?

A

Yes, sir.

Q

And your panty also?

A

Yes, sir.

Q

So what happened next after (appellant) or Amado Hemor succeeded in removing the whole of your clothes?

A

He again inserted his penis into my vagina, sir.

Q

Did this happen again on the fourth time or no more? Only three times?

A

Only three times, sir."[21]

Verily, AAA's recount of her debasing rape in the hands of appellant has the hallmark of truth and deserves full faith and credence. She distinctly identified appellant and described how he defiled her by inserting his penis into her vagina and mouth.

To Our mind, AAA, who is of tender age, would not pinpoint appellant as her malefactor if this were not the truth. The testimonies of child-victims of rape are to be given full weight and credence. Reason and experience dictate that a girl of tender years, who barely understands sex and sexuality, is unlikely to impute to any man a crime so serious as rape, if what she claims is not true. Her candid narration of how she was raped bears the earmarks of credibility, especially if no ill will — as in this case — motivates her to testify falsely against the accused. When a woman, more so when she is a minor, says she has been raped, she says in effect all that is required to prove the ravishment. The accused may thus be convicted solely on her testimony — provided it is credible, natural, convincing and consistent with human nature and the normal course of things.[22]

Therewithal, AAA's testimony that appellant raped her thrice was corroborated by the results of the physical examination conducted on her by Dr. Baluyut. When the victim's testimony is corroborated by the physician's finding of penetration, there is sufficient foundation to conclude the existence of the essential requisites of carnal knowledge. Lacerations, whether healed or fresh, are the best physical evidence of forcible defloration.[23]

Here, the prosecution irrefutably demonstrated appellant's commission of the crime of rape and rape by sexual assault under Paragraphs 1 and 2, Article 266-A of the Revised Penal Code, as amended, viz:

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

a. Through force, threat or intimidation.

x x x

x x x

2. By any person who, under any of the circumstances mentioned in paragraph 1 hereof, shall commit an act of sexual assault by inserting his penis into another person's mouth or anal orifice, or any instrument or object, into the genital or anal or orifice of another person.”

It bears emphasis that AAA's failure to remember the exact dates of the rape cuts no ice with her credibility. It is a well-entrenched doctrine that the date or time of the commission of rape is not a material ingredient of the said crime because the gravamen of rape is carnal knowledge of a woman through force and intimidation. The precise time when the rape took place has no substantial bearing on its commission.[24]

Taking umbrage at AAA's testimony, appellant cashes in on the Medico-Legal Report submitted by PCI Martinez that "no evident injury" on AAA's private parts could be found at the time she was examined. On the other hand, Dr. Baluyut's Report which revealed that there were lacerations on the hymen of AAA cannot be given any weight since she was not presented in court. So, too, Dr. Madrid's testimony validating Dr. Baluyut's findings were of little significance given that the former was not the one who prepared the report.

We are not persuaded.

True it is that PCI Martinez testified that upon her initial examination of AAA, there was no evident injury on her private part. Nonetheless, PCI Martinez clarified that:

"Q

Now(,) Doctor Martinez(,) on the reports marked as Exhibits G and H you made the conclusion that there was no evident injury at the time of the examination, but this cannot exclude sexual abuse. Could you please explain this, doctor?

A

My comment, 'No evident injury at the time of the examination', because I found no laceration on the hymen of the victim, sir. I cannot exclude sexual abuse since if I remember, your Honor, there was some discharge found on the patient that is why I put also on the remarks that further investigation such as diagnostic studies or careful questioning of the child is required. I requested for urinalysis and genital urine culture found on the genital of the victim.

Q

Are (sic) all of these done?

A The subject did not come back anymore, sir.

Q How about any other injuries, did you find external injuries on the victim?

A No, I did not find any physical injuries, sir."[25] (Emphasis Supplied)

Pellucidly, the initial finding of PCI Martinez indicated that she could not exclude sexual abuse considering that there were discharges found on AAA's vagina. PCI Martinez was unable to conclude her report because AAA failed to return for further examination. The findings of PCI Martinez were explicated in the medico-legal findings of Dr. Baluyut who pronounced that there was blunt force/trauma on AAA's vagina indicative of rape. Albeit Dr. Baluyut did not testify in court, Dr. Madrid categorically declared that as the Director of the Child

Protection Unit of the PGH, Dr. Baluyut was under her supervision.[26] Perforce, Dr. Madrid's avowal validating the findings of Dr. Baluyut deserves credence.[27] On this score, Dr. Madrid explicated—

"Q

Could you kindly explain just for the record Dr. Madrid what is the meaning of this conclusion of Dr. Baluyot in Exhibit L – 'Anogenital examination showed clear evidence of blunt force or penetrating trauma'?

A

The finding of Dr. Baluyot means that there is conclusive evidence that penetration of the hymen occurred, sir.

Q

Anyway(.) what part of the hymen was involved in this penetration. Did it penetrate the hymen up to what point?

A

The hymen: Tanner Stage 4, hymen transaction at 6 o'clock position, that means that there is healed laceration.

Q Doctor, showing to you these photographs marked as Exhibit M-1, M-2 and M-3(.) what part is the hymen in Exhibit M-1. Could you encircle the one with black.

A Here, sir.

x x x

x x x

Q

Doctor, [w]hat could have caused this blunt penetrating force or penetrating trauma on the hymen of AAA?

A

We know that there was penetration but by just looking at the laceration you cannot say whether it is a penis, finger or an object, sir.

Q

But it is definitely certain that this laceration was caused by a human person?

A

When you say caused by human, yes, but you cannot say whether it is a penis of that human or if he used his finger or not, sir.

Q

But you can tell the Honorable Court that this AAA is a victim of child abuse?

A

Yes, sir because sexual abuse is a medical declaration so our declaration is child sexual abuse." [28] (Emphases Supplied)

Given the foregoing, there is nary a doubt that the prosecution was able to establish the guilt of appellant beyond reasonable doubt. The presumption of innocence having been overcome, it becomes inevitable for the defense to bear the burden of evidence to show reasonable doubt as to appellant's guilt. [29] This, the defense lamentably failed to do so.

Anent appellant's defenses of denial and alibi, We find the same unpersuasive. It is settled that both denial and alibi are inherently weak defenses which cannot prevail over the positive and credible testimony of the prosecution witness that the accused committed the crime. Thus, as between a categorical testimony which has a ring of truth on one hand, and a mere denial and alibi on the other, the former is generally held to prevail. For the defense of alibi to prosper, the appellant must prove that he was somewhere else when the offense was committed and that he was so far away that it was not possible for him to have been physically present at the place of the crime or at its immediate vicinity at the time of its commission. [30]

Upon this point, appellant's bare assertion that he was at work during the incidents of rape deserves short shrift. No one came forth to testify and corroborate his statement that she was at work all day on those crucial dates. Besides, appellant himself testified that his place of work was less than thirty (30) minutes away from the compound where AAA was raped. [31] The defense failed to show the physical impossibility of appellant to commit the crimes charged. Likewise, appellant failed to show that AAA was impelled by ill-motive to falsely impute the crime of rape against him. In actual fact, he admitted in his testimony that before the rape incidents, AAA's family had good relations with him and had no known grudge against him. [32]

Appellant asseverates that no rape could have taken place since Lydia, who lived nearby, did not see or hear AAA being dragged and raped inside the comfort room. Appellant could not have raped her in a place readily seen and easily accessible to everyone inside the compound.

Appellant's asseveration could hardly wash.

It is inconsequential as to whether Lydia heard or saw the rape being perpetuated by appellant. It is a common judicial experience that rapists are not deterred from committing their odious act by the presence of people nearby. Lust is no respecter of time and place. The reason for failure to shout for help is because as a minor, AAA was overcome by fear. Minors are easily intimidated and cowed into silence even by the mildest threat against their lives. [33]

With this disquisition, We find and so hold that the court a quo irreproachably convicted the appellant of the three counts of rape.

Finally, We tackle the penalty imposed on appellant. In Criminal Case Nos. 53-V-07 and 55-V-07, it was shown that appellant committed two (2) counts of rape under Par. 1(a), Art. 266-A of the Revised Penal Code. The court a quo correctly adjudged that the impossible penalty is reclusion perpetua for each count of rape. However, the prevailing juris-prudence^[34] dictates that AAA is entitled to civil indemnity of P50,000.00, moral damages of P50,000.00, and P30,000.00 of exemplary damages, all with interest at the rate of six percent (6%) per annum from the date of finality of this judgment.^[35]

On the impossible penalty for Criminal Case no. 54-V-07, appellant having committed one (1) count of rape through sexual assault under Par. 2, Art. 266-A of the Revised Penal Code, the impossible penalty is prision mayor. Considering that there are no aggravating or mitigating circumstances, the penalty should be imposed in its medium period pursuant to Article 64 (1) of the same Code. Applying the Indeterminate Sentence Law, appellant should be sentenced to an indeter-minate penalty the minimum of which should be within the range of the penalty next lower in degree than that prescribed by law for the offense, that is, prision correccional (6 months and 1 day to 6 years) and the maximum of which should be within the range of prision mayor in its medium period (8 years and 1 day to 10 years).^[36]

Appropriately, We impose the indeterminate penalty ranging from six (6) years of prision correccional, as minimum, to ten (10) years of prision mayor, as maximum. Moreover, AAA is entitled to P30,000.00 as civil indemnity, P30,000.00 as moral damages, and P30,000.00 as exemplary damages, in congruence with prevailing jurisprudence^[37] all with interest at the rate of six percent (6%) per annum from the date of finality of this judgment.^[38]

WHEREFORE, the Joint Decision dated 24 October 2012 of the Regional Trial Court of Valenzuela City, Branch 172, in Criminal Case Nos. 53-V-07, 54-V-07 and, 55-V-07 is hereby AFFIRMED with the following MODIFICATIONS:

- Under Criminal Case Nos. 53-V-07 and 55-V-07, accused-appellant Amado Hemor y Susano is sentenced to suffer the penalty of reclusion perpetua for each count of rape. He is likewise ordered to indemnify AAA in the amounts of P50,000.00 as civil indemnity, P50,000.00 as moral damages and P30,000.00 as exemplary damages according to prevailing jurisprudence, all with the interest rate of six percent (6%) per annum from the date of finality of this judgment.

- Under Criminal Case No. 54-V-07, accused-appellant Amado Hemor y Susano is sentenced to suffer the indeterminate penalty ranging from six (6) years of prision correccional, as minimum, to ten (10) years of prision mayor, as maximum. He is likewise ordered to pay AAA the amounts of P30,000.00 as civil indemnity, P30,000.00 as moral damages, and P30,000.00 as exemplary damages. All damages shall be subject to interest at the legal rate of six percent (6%) per annum from the finality of this Decision.

SO ORDERED.

C E R T I F I C A T I O N

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.

Ybañez and Manahan, JJ., concur.

- [1] Original Record, Folder 1, pp. 118-122.
- [2] Anti-Rape Law of 1997.
- [3] In accordance with the ruling of the Supreme Court in *People v. Cabalquinto*, 502 SCRA 419, 425-426 (19 September 2006).
- [4] Original Record, Folder I, p. 1.
- [5] *Id.*, Folder II, p. 1.
- [6] *Id.*, Folder III, p. 1.
- [7] Certificate of Arraignment; *Id.*, p. 28.
- [8] Pre-Trial Order; *Id.*, Folder I, pp. 31-32.
- [9] TSN 12 February 2010, pp. 4-11; 3 March 2010, pp. 3-23 June 2010, pp. 2-14; 10 November 2010, pp. 2-25; 15 December 2010, pp. 2-15; 9 February 2011, pp. 3-13.
- [10] Certificate of Live Birth; Folder of Exhibits, p. 3.
- [11] *Id.*, p. 12.
- [12] Initial Medico Legal Report; Folder of Exhibits, p. 5.
- [13] Medico-Legal Report No. R06-1783; *Id.*, p. 9.
- [14] Provisional Medico-Legal Report No. 2006-09-0001; *Id.*, p. 14.
- [15] TSN, 23 June 2010, pp. 2-14.
- [16] Direct Testimony of Lydia Susano-Buenavente; TSN, 21 March 2012; 1-9.
- [17] Direct Examination of Amado Hemor; *Id.*, 7 March 2012.
- [18] Original Record, Folder 1, p. 122.
- [19] See *People v. Jalosjos*, 369 SCRA 179, 195 (16 November 2001).
- [20] Rollo, pp. 7-9.
- [21] TSN, 10 November 2010, pp. 14-23.
- [22] See *People v. Veloso*, 690 SCRA 586, 597 (13 February 2013).
- [23] See *People v. Batula*, 686 SCRA 575, 586 (28 November 2012).
- [24] See *People v. Lolos*, 627 SCRA 509, 518 (9 August 2010).
- [25] TSN, 22 March 2010, pp. 6-8.
- [26] *Id.*, 23 June 2010, p. 8.
- [27] See Direct Examination of Dr. Bernadette Madrid; TSN, 23 June 2010; p. 9.
- [28] See Direct Examination of Dr. Bernadette Madrid; TSN, 23 June 2010, pp. 9-11.
- [29] See *People v. Belen*, 383 SCRA 314, 320 (10 June 2002).

[30] See *People v. Piosang*, 697 SCRA 587, 596-597 (5 June 2013).

[31] TSN, 7 March 2012, p. 5.

[32] *Id.*, p. 11.

[33] See *People v. Dumagdag*, 652 SCRA 535, 545 (22 June 2011).

[34] See *People v. Balquedra*, 678 SCRA 718, 728-729 (22 August 2012). See also *People v. Garcia* *People v. Lindo*, 627 SCRA 509, 518 (9 August 2010).

[35] See *Nacar v. Gallery Frames and/or Felipe Bordey, Jr.*, 703 SCRA 439, 457-458 (13 August 2013).

[36] *People of the Philippines v. Roberto Garcia y Padiernos*, GR No. 206095 (25 November 2013).

[37] See *People of the Philippines v. Roberto Garcia y Padiernos*, GR No. 206095 (25 November 2013). See also *People v. Lindo*, 627 SCRA 509, 518 (9 August 2010).

[38] See *Nacar v. Gallery Frames and/or Felipe Bordey, Jr.*, 703 SCRA 439, 457-458 (13 August 2013).

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