

## THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RONNIE DELA CRUZ ALIAS BAROK, ACCUSED-APPELLANT.

Ponente: LIBREA-LEAGOGO, C.C., J.

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### LIBREA-LEAGOGO, C.C., J.:

Before this Court is an appeal from the Decision[1] dated 26 September 2013 of the Regional Trial Court, National Capital Judicial Region, Branch 209, Mandaluyong City, in the case entitled “People of the Philippines v. Ronnie Dela Cruz alias Barok,” docketed as Criminal Case No. MC08-2728-FC, the dispositive portion of which reads:

“WHEREFORE, in view of the foregoing premises, the court finds the accused guilty beyond reasonable doubt of the crime of rape and he is hereby sentenced the penalty of RECLUSION PERPETUA. He is further ordered to pay the offended party the sum of P50,000.00 as civil indemnity, P50,000.00 as moral damages and P30,000.00 as exemplary damages including interest at the rate of 6% per annum on all damages awarded from the date of finality of this judgment until fully paid.

SO ORDERED.”[2]

Accused-appellant filed his Brief[3] dated 19 May 2014. Plaintiff-appellee also filed its Brief[4] dated 28 October 2014. A Manifestation[5] (In Lieu of Reply-Brief) dated 12 November 2014 was filed by accused-appellant. Thus, the appeal is submitted for decision.

### FACTUAL ANTECEDENTS

In this Decision, private complainant is designated as “AAA”.[6]

Accused Ronnie dela Cruz @ Barok (“Barok,” for brevity) was charged with the crime of rape in an Information[7] dated 19 May 2008, before the Regional Trial Court of Mandaluyong City, Branch 209, docketed as Criminal Case No. MC08-2728-FC, the accusatory portion of which reads:

“That on or about the 4[th] day of April 2008, in the City of Mandaluyong, a place within the jurisdiction of this Honorable Court, the above-named accused, by means of force, threat and intimidation, did then and there willfully, unlawfully and feloniously commit an act of sexual assault upon the person of AAA, a minor, 14 years of age, against the latter's will and consent by having carnal knowledge of the said AAA, thereby affecting the victim's normal growth and development as a child, to her damage and prejudice.

CONTRARY TO LAW.”[8]

When arraigned on 27 August 2008, accused entered a plea of not guilty.[9] In an Order[10] dated 22 October 2008, it was stated that the prosecution and the defense jointly manifested that they are adopting the Minutes of the Preliminary Conference dated 30 September 2008 as part of the pre-trial; and the pre-trial was terminated.[11]

Trial ensued.

The prosecution presented four witnesses; AAA, BBB (AAA's mother, Diane (AAA's niece) and Police Chief

Inspector (PCI) Marianne Ebdane.

Their testimonies were summarized by the trial court, viz:

“AAA testified that she was born on June 3, 1994. On the night of April 3, 2008, she together with her cousin Diane, were at the house of Diane's boyfriend. At around 10 or 11 in the evening, accused arrived together with his group of friends. Accused was introduced to her by Diane. Accused and his group invited them to a drinking spree. She did not agree outright but instead she told them *bahala kayo*. They had a drinking spree outside the house of Diane's boyfriend. At around 3 a.m. the next day, she did not want to go home because she had a misunderstanding with her parents. Since she did not have a place to sleep and Diane's boyfriend's house had no space, Diane asked the accused if AAA could sleep at his place. Accused agreed but AAA wanted to see the place first before agreeing to sleep over. Thus, she and accused went to accused's house to check out the room first if she will be comfortable sleeping there. When she and accused arrived at the house, she noticed that there were no other persons present in the house. She went inside the room which had no light on (sic) and accused followed her immediately. He started kissing her. She told him to stop and pushed him away but he did not stop. She was not able to go out of the room because she was drunk and felt weak. He took off her clothes and he went on top of her. He inserted his penis into her vagina and she was crying at that time because she really did not want what he was doing to her. They were lying on the floor. She wanted to go out of that room but did not know the way going out. The house was in a very narrow alley and it was dark outside. She did not ask for help because nobody was in the house. After accused was done with her, he immediately left. She waited until daylight, i.e.(.) around 5:30 to 6:00 a.m. to leave the house as she was not familiar with the place. She went to Diane's boyfriend's house which is just one street away and not too far. She told Diane that they should go home. She did not tell Diane what happened to her as she was afraid that other people might know what happened. She was then thirteen (13) years old and that was the first time she had sexual intercourse. When she got home, she told her aunt about it. Her aunt pitied and told her parents about the rape. She and her mother went to the Women and Children's Protection Desk of Mandaluyong City to report the rape. She executed a sworn statement. Then she and her mother went to the Crime Laboratory for medical examination.

Diane Kristina Pocesio is the cousin AAA was referring to in her complaint/testimony. Diane is much older than AAA but AAA is actually her aunt. They are not cousins. At around 10:00 pm of April 3, 2008, she and AAA were at Noknok's (Diane's boyfriend) house. The three of them were drinking liquor and then accused together with his friends arrived. Accused joined them in their drinking session. By midnight, AAA was already sleepy and dizzy. She asked accused if AAA could sleep at his place to which he agreed. Noknok's house is small that's why she talked to accused. Also they could not go home because there were no more vehicles that would take them home. She did not know accused but he seemed to be a nice person. Accused told them that he and AAA would just go and see the house first and it will not take them a long time to do so. Because of this, she did not accompany AAA in going to accused's house. She waited for them until morning but they did not come back. She went to accused's house but AAA was not there already (sic). Then she went back to Noknok's house and there she saw AAA. AAA was seated and looked tired. That was around 6:00 a.m. She found out about the rape only in the evening of April 4 through her mother. This was the first time AAA joined them in their drinking session. She also filed a case against the accused for grave threats. Last April 15, 2008, she took a picture of accused using her cellphone while they were both inside a store. She took this picture so that she could show how accused looked like to AAA's parents. Accused got angry, deleted his picture, and threatened to kill her if he saw her again.

The prosecution and defense agreed to dispense with the testimony of BBB (AAA's mother) and stipulated that she accompanied her daughter to the police station and assisted her in filing the complaint.

PCI Marianne Ebdane, Medico-Legal Officer assigned at the Quezon City Police District Crime Laboratory conducted a medico-legal examination of AAA on 5 April 2008. After conducting the genital examination, she filled up the Sexual Crime Protocol which includes the general data of the victim and the brief history which

was written by AAA herself. In the hymen, there was a deep fresh laceration at 8:00 o'clock position and in the perihymenal region, there was an abrasion. Except for these, all findings were normal. The presence of fresh deep laceration at 8 o'clock position in the hymen means that there was a blunt object inserted into the hymen or genitalia such as a finger or an erect penis.”[12]

The prosecution filed its Formal Offer of Exhibits[13] dated 16 September 2011, consisting of Exhibits “A” to “H” and their respective submarkings, to which the accused filed his Comment/Objection[14] dated 14 October 2011. In an Order[15] dated 18 October 2011, the trial court admitted Exhibits “A” to “D.”

The defense presented the accused and his testimony was summarized by the trial court, viz:

“Accused denied the charge. He testified that he was invited by Noknok to drink when they saw him passing by. Diane asked him if AAA could sleep over at his place because according to Diane, AAA ran away from home. They were both drunk and he does not remember what happened when they got home. It is possible that they had sex but there was no force involved as they were both drunk at that time. His brother fixed breakfast for AAA at around 8:00 a.m. and then AAA went back to sleep. He woke up at around 10:30 a.m. and left at 11:00 a.m. to go to his aunt's place. When he came back to his house at around 4:00 p.m. AAA was still there preparing her things.”[16]

The assailed Decision[17] dated 26 September 2013 was promulgated,[18] finding the accused guilty beyond reasonable doubt of the crime of rape, the decretal portion of which was earlier quoted.[19] The accused filed his Notice of Appeal[20] dated 26 September 2013. On even date, the trial court issued an Order[21] giving due course to the appeal. The trial court issued a Sentence Mittimus[22] dated 26 September 2013 addressed to the Director of the Bureau of Corrections.

Hence, this appeal.

## RULING

Accused-appellant assigns a lone error, viz:

“I.

THE COURT A QUO GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE OFFENSE CHARGED DESPITE THE PROSECUTION'S FAILURE TO ESTABLISH HIS GUILT BEYOND REASONABLE DOUBT.[23]

Accused-appellant contends, inter alia, that: the trial court arrived at the judgment of conviction by relying entirely on the private complainant's version while totally disregarding his testimony; the element of force, threat, or intimidation was not clearly established beyond reasonable doubt; while private complainant claims offering physical resistance against him to stop, such is a mere allegation controverted by her own subsequent acts; it must be noted, that from the time she was allegedly followed until the consummation of the act complained of, he did not employ force, threat or intimidation; he was unarmed at that time; private complainant's claim that he immediately followed and kissed her inside the room hardly constitutes force, threat or intimidation considering that he did not warn her of any physical harm should she resist the same; she was totally free to protest or ward off his alleged “unwelcome” sexual advances had she wished to; her manner of testifying apparently lacks candor; her demeanor prior to and during the alleged rape was inconsistent with that of a woman who was raped such that she could have easily shouted for help from the people in the nearby rooms considering that the place of the incident was part of a house and her mouth was uncovered nor gagged; she could have easily resisted as her hands and feet were untied, however she remained placid while he was allegedly doing those odious acts; her justification in not fleeing immediately despite many opportunities to do so pales; while rape victims react

differently, it is unnatural for private complainant to not even make a feeble attempt to free herself considering that she had all the opportunity to do so; her claim that there was forcible sexual intercourse is hardly believable; not all denials and alibis should be regarded as fabricated; if he is truly innocent, he can have no other defense but denial and alibi; and presumption of innocence can be overcome only by proof of guilt beyond reasonable doubt.

Plaintiff-appellee ripostes, inter alia, that: accused-appellant's contention is not meritorious as private complainant was able to establish the presence of all the elements to sustain a conviction for rape, through her testimony; she identified him as the perpetrator who had carnal knowledge of her; the presence of intercourse was properly documented by a medico-legal certificate; anent the element of force and intimidation, taking into consideration the victim's age, force/intimidation need not be irresistible; as explained, she was unable to resist his bestial desires because she was intoxicated and could not exert sufficient resistance to his advances; as a man, accused-appellant's strength is still stronger than her; she was aware that he had a weapon, a small knife, behind his back; in prosecution for rape, the victim's credibility becomes the single most important issue for when a woman says she was raped, she says in effect all that is necessary to show that rape was committed; she did not waver in pointing to accused-appellant as her rapist; despite her minority and intoxication at the time of the incident, she was straightforward and categorical in narrating the said incident; while she had an opportunity to escape and cry for help, she did not know the place where she was brought to pass the night; she neither knew that the house was situated in a dark alley and no one else, other than the two of them were inside the house at the time she was raped; the trial court judiciously exercised its discretion in giving full faith and credit to the testimony of the victim.

The appeal is bereft of merit.

In this jurisdiction, the accused (is convicted) only when his guilt is established beyond reasonable doubt. Conformably with this standard, we are mandated as an appellate court to sift the records and search for every error, though unassigned in the appeal, in order to ensure that the conviction is warranted, and to correct every error that the lower court has committed in finding guilt against the accused.[24]

The law presumes that an accused in a criminal prosecution is innocent until the contrary is proven. This basic constitutional principle is fleshed out by procedural rules which place on the prosecution the burden of proving that an accused is guilty of the offense charged by proof beyond reasonable doubt. Whether the degree of proof has been met is largely left for the trial courts to determine.[25] Proof beyond reasonable doubt does not mean such a degree of proof as, excluding possibility of error, produces absolute certainty. Moral certainty only is required, or that degree of proof which produces conviction in an unprejudiced mind.[26]

An appeal, however, throws the whole case open for review such that the Court may, and generally does, look into the entire records if only to ensure that no fact of weight or substance has been overlooked, misapprehended, or misapplied by the trial court.[27] (I)n reviewing rape cases, (we are) guided with three settled principles: (1) an accusation of rape can be made with facility and while the accusation is difficult to prove, it is even more difficult for the person accused, although innocent, to disprove; (2) considering the intrinsic nature of the crime, only two persons being usually involved, the testimony of the complainant should be scrutinized with great caution; and (3) the evidence for the prosecution must stand or fall on its own merit, and cannot be allowed to draw strength from the weakness of the evidence for the defense.[28] After a careful scrutiny of the records of the instant case, We find no compelling reason to reverse the ruling of the trial court.

Articles 266-A and 266-B of the Revised Penal Code, as amended by Republic Act No. 8353, provide:

“Article 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;

x x x x

'Article 266-B. Penalties. – Rape under paragraph 1 of the next preceding article shall be punished by reclusion perpetua.”

In the instant case, AAA identified accused-appellant in open court as the one who raped her.[29]

The elements necessary to sustain a conviction for rape are: (1) the accused had carnal knowledge of the victim; and (2) said act was accomplished (a) through the use of force or intimidation, or (b) when the victim is deprived of reason or otherwise unconscious, or (c) when the victim is under 12 years of age or is demented.[30]

Here, the elements of rape were established by the prosecution beyond reasonable doubt. AAA, who was 13 years old at the time she was raped on 04 April 2008,[31] testified in this wise:

“PROSECUTOR

x x x x

Q:

What happened there when you reached the house of the accused?

A:

Upon reaching the house, Barok pointed to where the room was, ma'am.

x x x x

Q:

And where there other person present at that time you reach (sic) the house?

A:

In that room, none, ma'am.

x x x x

Q:

When you entered the room, what happened then?

A:

When I entered the room, Barok followed me immediately and started kissing me.

Q:

And what was your reaction since you were there only to sleep?

A:

I told him to stop and I pushed him away from me but he did not stop, ma'am.

Q:

What happened after that?

A:

He took off my clothes, ma'am.

Q:

After he took off your clothes, what did he do?

A:

He went on top of me, ma'am.

PROSECUTOR:

When you said, he went on top of you, what happened?

A:

I just felt something painful.

Q:

Why? What did he do to you when you say painful?

A:

He inserted his private part into mine, ma'am.

Q:

When you say private part, are you referring to the penis of the accused?

A:

Yes, ma'am.

Q:

And what did you feel at that time while he was inserting his penis into your private part?

A:

I was crying at that time because I really don't want what he was doing to me, so I pushed him away from me but he did not stop.

x x x x

Q:

About how long did he insert his penis on your private part?

A:

Maybe ten (10) minutes, ma'am.”[32]

Further, PCI Dr. Marianne S. Ebdane, who conducted the medical examination on AAA testified that: she conducted the medico-legal examination on 05 April 2008;[33] found a deep fresh laceration at 8 o'clock position in the hymen of AAA which means that there was a blunt object inserted into the hymen or the genitalia, which could be a finger or an erect penis.[34] The said findings are stated in her Medico-Legal Report R08-772[35] dated 09 April 2008. It has been held that 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 requisite of carnal knowledge; that laceration, whether healed or fresh, is the best physical evidence of forcible defloration.[36]

In his defense, accused-appellant, while admitting having had sexual intercourse with AAA, testified that there was no force, threat or intimidation employed.[37]

We are not persuaded.

The force and violence required in rape cases is relative and need not be overpowering or irresistible when applied. For rape to exist, it is not necessary that the force or intimidation be so great or be of such character as could not be resisted – it is only necessary that the force or intimidation be sufficient to consummate the purpose which the accused had in mind. Further, it should be viewed from the perception and judgment of the victim at the time of the commission of the crime. What is vital is that the force or intimidation be of such degree as to cow the unprotected and vulnerable victim into submission.[38]

Here, AAA testified that when she saw the room, she did not like it and when she was about to go out of the room, accused-appellant pushed her inside and started kissing her;[39] she told him to stop and pushed him away from her, but he did not stop;[40] she was not able to run away and get out of the room because she felt so weak that time because she was very drunk such that she was not strong enough to exert sufficient resistance against accused-appellant;[41] as a man, he was stronger than her and she thought he had a small knife behind his back.[42] Clearly, accused-appellant was able to consummate his bestial act against AAA's will. AAA was a minor at that time. She was so weak, vulnerable, severely inebriated, and even thought that accused-appellant had a small knife at the time of the rape incident.

Accused-appellant seeks to escape the consequences of his criminal act by pointing out portions of AAA's testimony which he claims to be contrary to common experience, particularly AAA's failure to make any feeble move to catch attention from the other persons nearby despite the fact that her mouth was not covered nor gagged, and she was free to run if she desired, considering that her hands and feet were untied, but she did not.

We are unpersuaded.

Behavioral psychology teaches us that people react to similar situations dissimilarly. There is no standard form of behavior when one is confronted by a shocking incident as the workings of the human mind when placed under emotional stress are unpredictable.[43] A person accused of a serious crime such as rape will tend to escape liability by shifting the blame on the victim for failing to manifest resistance to sexual abuse. However, xxx no clear-cut behavior can be expected of a person being raped or has been raped. It is a settled rule that failure of the victim to shout or seek help does not negate rape.[44] Moreover, resistance is not an element of rape. A rape victim has no burden to prove that she did all within her power to resist the force or intimidation employed upon her. As long as the force or intimidation is present (as in this case), whether it was more or less irresistible is beside the point.[45]

In the instant case, AAA's testimony shows that while accused-appellant inserted his penis into her private parts, the latter was crying because she did not want what he was doing; she pushed him away but he did not stop; she attempted to go out of the room but she does not know the way out as it was dark outside and the alley was very narrow.[46] It has been held that (t)he victim's failure to shout or offer tenacious resistance did not make voluntary her submission to the criminal acts of her aggressor. It bears stressing that not every rape victim can be expected to act with reason or in conformity with the usual expectations of everyone.[47] Her failure to take advantage of an opportunity to escape does not automatically vitiate the credibility of her account.[48] Further, AAA explained that her failure to escape despite her opportunity to leave was due to the fact that it was still dark

outside and she did not know how to get to the house of Diane's boyfriend (Noknok).[49]

Time and again, (it has been) held that when it comes to the issue of credibility of the victim or the prosecution witnesses, the findings of the trial courts carry great weight and respect and, generally, the appellate courts will not overturn the said findings unless the trial court overlooked, misunderstood or misapplied some facts or circumstances of weight and substance which will alter the assailed decision or affect the result of the case. This is so because trial courts are in the best position to ascertain and measure the sincerity and spontaneity of witnesses through their actual observation of the witnesses' manner of testifying, their demeanor and behavior in court.[50] The RTC, which had the vantage point in observing the demeanor of AAA at the witness stand, considered AAA's testimony as entitled to full weight and credence.[51]

Jurisprudence instructs us that no young woman, especially of tender age, would concoct a story of defloration, allow an examination of her private parts, and thereafter pervert herself by being subjected to public trial, if she was not motivated solely by the desire to obtain justice for the wrong committed against her.[52] Here, AAA's minority was duly established as evinced by her Certificate of Live Birth[53] (Exhibit "C"- "C-1"). Considering her tender age, AAA could not have concocted a horrid story of defloration.

Accused-appellant's defense is denial. While admitting that something happened between him and AAA, he testified that "wala naman po talagang pilitan."[54]

We are not convinced.

Denial is an inherently weak defense and has always been viewed upon with disfavor by the courts due to the ease with which it can be concocted. Denial as a defense crumbles in the light of positive identification of the accused, as in this case. The defense of denial assumes significance only when the prosecution's evidence is such that it does not prove guilt beyond reasonable doubt. Verily, mere denial, unsubstantiated by clear and convincing evidence, is negative self-serving evidence which cannot be given greater evidentiary weight than the testimony of the complaining witness who testified on affirmative matters.[55]

In the instant case, the trial court found that the "(a)ccused's bare and unsubstantiated denial fails to persuade in light of AAA's positive identification and straightforward testimony"[56] and that "given all the circumstances, the court does not find ill-motive on her part to fabricate a charge of rape against the accused."[57] Indeed, no woman would concoct a tale that would tarnish her reputation, bring humiliation and disgrace to herself and her family, and submit herself to the rigors, shame, and stigma attendant to the prosecution of rape, unless she is motivated by her quest to seek justice for the crime committed against her.[58] (Thus,) (a)bsent evidence showing any reason or motive for a witness to falsely testify against the accused, the logical conclusion is that no such improper motive exists and the testimony should be accorded full faith and credit. Between the positive and categorical testimony of the rape victim on one hand and the accused's bare denial on the other, the former generally prevails.[59]

From the foregoing disquisition, We find no compelling reason to overturn the findings of the trial court, which found accused-appellant guilty beyond reasonable doubt of the crime of rape.

We now review the penalty of reclusion perpetua imposed by the trial court for conviction of simple rape in Criminal Case No. MCO8-2728-FC.

The same is affirmed. The penalty is in accordance with the first paragraph of Article 266-B of the Revised Penal Code, as amended, which was earlier quoted. In addition thereto, (i)t must be mentioned that accused-appellant is not eligible for parole pursuant to Section 3 of Republic Act No. 9346.[60]

As to damages, the trial court awarded the amount of P50,000.00 as civil indemnity, P50,000.00 as moral damages and P30,000.00 as exemplary damages including interest at the rate of 6% per annum on all damages awarded from the date of the finality of the judgment until fully paid.

We sustain the same.

Civil indemnity, which is mandatory in a finding of rape is distinct from and should not be denominated as moral damages which are based on different jural foundations and assessed by the court in the exercise of sound discretion. The award of moral damages, on the other hand, is automatically granted in rape cases without need of further proof other than the commission of the crime because it is assumed that a rape victim has actually suffered moral injuries entitling her to such award.[61] The award of exemplary damages is justified under Article 2230 of the Civil Code[62] as part of the civil liability when the crime was committed with one or more aggravating circumstances as in the instant case the attendance of an aggravating circumstance, that is, AAA's minority.[63] Moreover, in line with recent jurisprudence, the interest at the rate of 6% per annum shall be imposed on all damages awarded from the date of the finality of this judgment until fully paid.[64]

WHEREFORE, premises considered, the appeal is DENIED. The Decision dated 26 September 2013 of the Regional Trial Court, National Capital Judicial Region, Branch 209, Mandaluyong City, in Criminal Case No. MC08-2728-FC finding accused-appellant Ronnie Dela Cruz alias Barok guilty beyond reasonable doubt of the crime of rape and sentencing him to suffer the penalty of reclusion perpetua and to pay the offended party AAA the sums of P50,000.00 as civil indemnity, P50,000.00 as moral damages and P30,000.00 as exemplary damages including interest at the rate of 6% per annum on all damages awarded from the date of finality of this judgment until fully paid is AFFIRMED with MODIFICATION, in that accused-appellant is not eligible for parole.

**SO ORDERED.**

Diamante and Sadang, JJ., concur.

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[1] Rollo, pp. 37-47; penned by Hon. Monique A. Quisumbing-Ignacio

[2] Id. at 46-47

[3] Id. at 23-35

[4] Id. at 63-77

[5] Id. at 80-81

[6] Cf. *People v. Cabalquinto*, 533 Phil. 703 (2006), cited in *People of the Philippines v. Manolito Lucena y Velasquez*, alias "Machete," G.R. No. 190632, 26 February 2014; Sec. 29 of Republic Act No. 7610, otherwise known as Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act; Sec. 44 of Republic Act No. 9262, otherwise known as Anti-Violence Against Women and Their Children Act of 2004; and Sec. 40 of A.M. No. 04-10-11-SC, known as Rule on Violence Against Women and Their Children effective 15 November 2004

[7] Record, pp. 1-2

[8] Id. at 1

[9] Id. at 30

[10] Id. at 37

- [11] Id.
- [12] Id. at 269-271
- [13] Id. at 191-192
- [14] Id. at 207-208
- [15] Id. at 209
- [16] Id. at 271
- [17] Id. at 269-279
- [18] Id. at 285
- [19] Supra, note 2
- [20] Record, pp. 286-287
- [21] Id. at 288
- [22] Id. at 280-281
- [23] Rollo, p. 25
- [24] Cf. Rogelio S. Reyes v. The Honorable Court of Appeals, G.R. No. 180177, 18 April 2012
- [25] Cf. People of the Philippines v. Percival Dela Rosa Y Bayer, G.R. No. 201723, 13 June 2013
- [26] Cf. People of the Philippines v. Jose Clara y Buhain, G.R. No. 195528, 04 July 2013
- [27] People of the Philippines v. Percival Dela Rosa y Bayer, supra
- [28] People of the Philippines v. Manolito Lucena y Velasquez, alias “Machete,” supra
- [29] TSN, 10 September 2009, pp. 5-6
- [30] People of the Philippines v. Felimon Patentes y Zamora, G.R. No. 190178, 12 February 2014
- [31] TSN, 10 September 2009, p. 19
- [32] Id. at 12-15
- [33] TSN, 09 December 2010, p. 5
- [34] Id. at 11-12
- [35] Record, p. 201
- [36] Cf. People of the Philippines v. Rolando Rondina, G.R. No. 207763, 30 June 2014
- [37] TSN, 02 May 2013, pp. 9, 21
- [38] People of the Philippines v. Manolito Lucena y Velasquez, alias “Machete,” supra
- [39] TSN, 04 February 2010, pp. 4-5
- [40] TSN, 10 September 2009, p. 13
- [41] TSN, 04 February 2010, p. 5

- [42] TSN, 10 September 2009, pp. 31-32
- [43] *People of the Philippines v. Felimon Patentes y Zamora*, *supra*
- [44] *People of the Philippines v. Bernabe Pareja y Cruz*, G.R. No. 202122, 15 January 2014
- [45] *People of the Philippines v. Christopher Rivera y Royo*, G.R. No. 200508, 04 September 2013, citing *People v. Baldo*, G.R. No. 175238, 24 February 2009, 580 SCRA 225, 233
- [46] TSN, 10 September 2009, pp. 14-15
- [47] *People of the Philippines v. Manolito Lucena y Velasquez*, alias "Machete," *supra*
- [48] *People of the Philippines v. Daniel Alcober*, G.R. No. 192941, 13 November 2013
- [49] TSN, 04 February 2010, p. 7
- [50] *People of the Philippines v. Mervin Gahi*, G.R. No. 202976, 19 February 2014, citing *People v. Amistoso*, G.R. No. 201447, 09 January 2013, 688 SCRA 376, 387-388
- [51] Record, p. 274
- [52] *People of the Philippines v. Mervin Gahi*, *supra*
- [53] Record, p. 198
- [54] TSN, 02 May 2013, p. 21
- [55] *People of the Philippines v. Rey Monticalvo y Magno*, G.R. No. 193507, 30 January 2013
- [56] Record, p. 275
- [57] *Id.* at 274
- [58] *People of the Philippines v. Manolito Lucena y Velasquez*, alias "Machete," *supra*
- [59] *People of the Philippines v. Briccio Baculanta*, G.R. No. 207513, 16 June 2014
- [60] *People of the Philippines v. Rene Santiago*, G.R. No. 196970, 02 April 2014
- [61] *People of the Philippines v. Manolito Lucena y Velasquez*, alias "Machete," *supra*
- [62] *Id.*
- [63] Cf. *People of the Philippines v. Marvin Cruz*, G.R. No. 201728, 17 July 2013
- [64] *People of the Philippines v. Manolito Lucena y Velasquez*, alias "Machete," *supra*

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