

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. SULPICIO CASTILLO, ACCUSED-APPELLANT.

Ponente: INGLES, G. T., J.

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INGLES, G. T., J.:

THE CASE

This is an appeal[1] from the Decision[2] of the Regional Trial Court (RTC), Seventh Judicial Region, Branch 24, Cebu City, dated March 2, 2012 in Criminal Case No. CBU-37432, finding accused-appellant Sulpicio Castillo guilty beyond reasonable doubt of the crime of rape as defined by Article 266-A and penalized by Article 266-B of the Revised Penal Code in relation to Republic Act No. 8353.

On August 29, 1994, an Information[3] was filed charging accused-appellant with the crime of rape in Criminal Case No. CBU-37432. The Information reads:

That on the 3rd week of December, 1993 at 1:00 o'clock in the afternoon, more or less, at Barangay San Roque, Municipality of Talisay, Province of Cebu, Philippines (now Talisay City, Cebu), and within the jurisdiction of this Honorable Court, the above-named accused, by means of violence and intimidation with lustful designs, threatened the private complainant with a knife, did then and there wilfully (sic), unlawfully and feloniously remove the panty or underwear of AAA[4], a thirteen (13) year old lass, and thereafter have sexual intercourse with the latter against her will and consent.

CONTRARY TO LAW.

THE ANTECEDENTS

The victim AAA at the time of the filing of the complaint,[5] swore that she is thirteen (13) years of age, single and a resident of Talisay, Cebu. She is a first year high school student, and the daughter of BBB and CCC, both residents of Talisay, Cebu.

At the time of her testimony, AAA was already twenty-five (25) years old, married and living in Sibonga, Cebu.[6]

Sometime on the third week of December 1993, at about 1:00 o'clock in the afternoon, more or less, AAA was on the way to the store of their neighbor when she passed by the house of her friend DDD. DDD called her and convinced her to play brick game at the house of Sulpicio Castillo. Agreeing, the two proceeded to the house of Sulpicio and played.

After awhile, DDD decided to go home and left. AAA transferred outside just beside the house. Sulpicio went out and called AAA to go inside the house.[7] Sulpicio was then standing at the back of the door wearing a towel.[8] Upon entering, Sulpicio closed the door and held AAA's hand tightly while poking a knife on her neck.[9] AAA asked what he was going to do with her. In reply, Sulpicio ordered her to keep quiet and go upstairs. Sulpicio's order came with a threat that if she didn't, he will kill her. Out of fear, AAA obliged.[10]

AAA entered the room elevated by two steps.[11] The room had a bed and a window. Also found inside was a small table. Placed on top of it was oil, a gallon and a magazine.[12]

Sulpicio then told her to remove her skirt and underwear and again threatened to kill her if she didn't do as told. Because of fear, AAA just removed her underwear. Sulpicio then ordered her to lie on the bed. AAA obeyed. While on the bed, Sulpicio stripped his towel and underwear. He then took the oil and lathered it on his penis. He did the same on AAA's vagina. Sulpicio then placed himself on top of AAA, spread her legs and inserted his penis unto her vagina. AAA felt pain[13] and cried. Sulpicio made pumping motions while moaning, "ah ah ah...".[14] When done, he dismounted from AAA. She felt pain and noticed she was bleeding. Thereafter, she dressed herself. Sulpicio did the same. He then threatened AAA that if she will tell what happened, he will kill her and her parents.[15]

AAA went down and Sulpicio followed.[16] He opened the door and checked to see if there were people outside. He let her out of the door and again reminded AAA that if she tells anything, he will kill her and her parents. AAA went to the house of another neighbor and stayed outside. Later, she went home.[17]

After several weeks, the incident was succeeded by other instances. Sulpicio would always pass by AAA's house and sharply look at her. When AAA passed by Sulpicio's house, she was again pulled by him inside the house. There, he had sexual intercourse with her repeatedly.[18] Sulpicio would fetch her from school. When she would refuse to ride with him in his trisikad, he would threaten to kill her.[19] Sometimes, he will go to their house. On some occasions, AAA was able to evade him. On other times, she could not escape him.[20] AAA recounts that the sexual intercourse with Sulpicio happened more or less four or five (4-5) times.[21] After sometime, AAA's cousins informed CCC, AAA's mother, of her daughter's pregnancy.[22] CCC noticed AAA's stomach got bigger and suspected her to be pregnant.[23] They then sought help with the DSWD and was referred to the Norfil Foundation, Incorporated.[24] They also sought the assistance of the police.[25] AAA also had herself medically examined by Medico-Legal Officer Meriam Ruth Dela Calzada, M.D. The examination showed signs of pregnancy of AAA indicated by engorged breasts, enlarged uterus and a positive result in a pregnancy test.[26]

On April 18, 1994, A Warrant of Arrest[27] was issued against accused-appellant.

On August 19, 1994, AAA delivered a baby boy at Lapu-Lapu District Hospital, Lapu-Lapu City. Considering her young age, her family's economic condition and lack of parenting skills to care for her child, AAA decided to put her child for adoption. With BBB's consent (AAA's father), on September 19, 1994, AAA relinquished her rights and responsibilities over her child.[28]

On June 6, 1995, the Regional Trial Court, Branch 24 of Cebu City issued an Order[29] placing CRIM CASE NO. CBU-37432 in archive considering that the accused therein remained at large.

It was long after that accused-appellant was found.[30] On October 14, 2005, an Order for detention during the pendency of the case was issued by the RTC.[31] The case was then set for arraignment on November 21, 2005.[32] Upon arraignment, accused-appellant pleaded not guilty.[33]

Pre-Trial[34] and Trial ensued. For the prosecution, aside from AAA, CCC and expert witness Dr. Madeline Amadora were also presented.

CCC at the time of her testimony narrated that she is forty-nine (49) years old, a homemaker, a resident of Talisay City[35] and the mother of AAA.[36] A birth certificate[37] of AAA was presented to prove their relationship.

Accused-Appellant Sulpicio Castillo is their neighbor.[38] During AAA's Christmas Break in 1993, AAA had a thin physique.[39] Sometime after December 1993, a certain neighbor informed her that AAA was pregnant.[40]

Thereafter, CCC confronted AAA about it. AAA admitted she was with child and that accused-appellant was the father. Sulpicio had forced her to have sexual contact with him by poking a knife at her.[41] CCC took AAA to be medically examined. The results yielded positive for pregnancy.[42]

Upon reporting the matter to the authorities, a case was filed against accused-appellant. However, Castillo fled. He could no longer be found in his home. While conceiving, AAA was held at the Talisay Police Station for her security.[43] Thereafter, she was placed under the custody of the DSWD. After giving birth, AAA gave the child up for adoption.[44]

Dr. Madeline Amadora was also presented as an expert witness. She was presented to prove that she knows a certain Dr. Meriam Ruth de la Calzada, who underwent a residency training at the Vicente Sotto Medical Center sometime in 1994. Dr. de la Calzada is no longer connected with the said hospital. Her testimony was for the purpose of proving that AAA was examined by Dr. de la Calzada on March 25, 1994.[45]

Dr. Amadora knew Dr. de la Calzada as the latter was her resident physician during her training for her post graduate internship.[46] She is familiar of her signature because during her internship, Dr. de la Calzada signed her Certificate and other forms related to her training.

When asked to go over the pertinent findings of the Medical Certificate prepared by Dr. de la Calzada, Dr. Amadora read that the patient had a pregnancy test which resulted positive. On page 3, she wrote that the hymen had old healed lacerations at 5, 7 and 9 o'clock positions. When asked of the implications of the healed lacerations, Dr. Amadora explained that Dr. de la Calzada "might be telling that there are not yet or impressions in that hymenal area at the 5 to 7 which is the posterior portion and in the 9 o'clock lacerations which is on the left side of the patient." [47]

When asked what could have caused these old healed lacerations on the hymen of AAA, the witness replied that it is usually caused by flaunt penetration. Flaunt Penetration may be caused by penile penetration or other objects that has penetrated the vagina.[48]

The record also indicates that the date of the last menstruation was December 15, 1993. From the data, the age of the fetus on March 25, 1994 is fourteen (14) weeks and three (3) days or three (3) months, one (1) week and two (2) days.[49] When asked when possibly the patient could have had sexual contact, the doctor replied that it was possible that the patient ovulated on day 14 of her first day of menstruation or on December 28, 1993. Thus, if there was sexual contact, she got pregnant that day.[50]

On the part of the defense, accused-appellant was presented to testify for himself. Accused-Appellant stated that he is fifty-nine (59) years old, married and an inmate of the Cebu Provincial Detention and Rehabilitation Center.

At the time of the incident, accused-appellant claimed he was thirty-nine (39) or forty (40) years old. During that time, his youngest child was eighteen (18) years old.[51]

Castillo testified that he knows AAA because she used to be his neighbor and was close with AAA's father.[52] When asked whether he recalled anything that happened on the third or last week of December 1993, he answered in the negative.

As follow-up, he was asked if anything unusual happened between AAA and him on January 1994.[53] This time, accused-appellant responded in the affirmative. Castillo added that what happened between them was consensual. On that particular month, accused-appellant claims that he was sick at that time. AAA went to his house. She went up, took off her clothes and closed the windows.

Prior to the incident, accused-appellant claims that he and AAA had a close relationship. In their closeness, AAA

tempted him to “do that act”. Being a man, he admitted he was tempted. Accused-Appellant alleged:

Q: Was there any courtship between you, Mr. Witness, and Amor?

A: She would usually go to our house and ask favor from me (“Mamaray’g”)

Q: And what do you mean by “mamaray’g”. Could you describe it more?

A: She would flirt with me.[54]

COURT

Q: Was there monetary favor that was asked by her on this pamaray’g?

A: Not all the time, Your Honor, but there was a Christmas time when she asked money from me.[55]

Accused-Appellant alleged that they again had sexual intercourse on March 1994. He added that he and AAA had consensual sex. AAA would usually go to his house especially during those times when his wife was not around.[56] Accused-Appellant further claims that AAA had a boyfriend during those times when they had sexual intercourse. When they agreed to have sexual intercourse, AAA was no longer a virgin.[57]

When asked if his wife knew about what happened between him and AAA, Sulpicio confirmed that his wife had suspicions. However, it was only after AAA filed her complaint that he confessed to his wife. That was also the time (March 1994)[58] when he decided to go to Tawi-Tawi to work in a seaweed plantation.[59]

On cross-examination, accused-appellant stated that he will not deny having sexual intercourse with AAA. He however stressed that the act was consensual.[60] He felt sorry for her considering she was still young. Yet he would be tempted especially when AAA goes to his house and undresses.[61] He decided not to tell CCC about what happened between them for he was afraid that the former would physically hurt her.[62]

On March 2, 2012, the Regional Trial Court issued the assailed decision finding accused-appellant guilty. The dispositive portion of which reads:

WHEREFORE, finding accused GUILTY beyond reasonable doubt of the crime charged, this Court hereby sentences him to suffer the penalty of imprisonment of Reclusion Perpetua. Accordingly, he should suffer the accessory (sic) penalty inherent in the law and he is adjudged liable to pay the following measures of damages:

1. FIFTY THOUSAND PESOS (P50,000.00) as damages arising from the crime;
2. FIFTY THOUSAND PESOS (P50,000.00) in moral damages; and
3. to pay the cost of the proceedings.

SO ORDERED.[63]

In finding for the guilt of accused-appellant, the Lower Court found it incredulous for a child who still has a penchant for playing outside would be depraved and promiscuous to tempt a friend of her father, more than thirty years (30) her senior to engage in sexual intercourse with her by stripping.

The Lower Court also took note that the sexual act was repeated because of the continuing threat to harm AAA and her family. It declared accused-appellant's sinister design to have persisted because of AAA's tender age.

It held that despite the inconsistency with her testimony in Court and her narration to the examining doctor as to the date when the first incident occurred, AAA was able to recount the minutest details of her harrowing experience.[64]

It further took credence of accused-appellant's culpability when he failed to file his counter-affidavit and opted to go in hiding instead.[65]

Aggrieved, accused-appellant now comes before this Court alleging that the court a quo erred in pronouncing his guilt despite the failure of the prosecution to prove his guilt beyond reasonable doubt.[66]

In support of his allegation, accused-appellant argues that AAA's claim of involuntary sexual intercourse is inconsistent and contradictory to her description of the surrounding circumstance. Specifically, the threat AAA described is disproportionate to the force or intimidation necessary for her to succumb to an involuntary sexual intercourse.[67]

Further, there was no direct evidence showing the required penetration of the male organ to the female genitalia. The bare statements of AAA crying that she was sexually assaulted or raped by the accused are not sufficient to establish the latter's guilt for the crime of rape. At most, AAA testified only to the commission of acts of lasciviousness in the absence of proof actually showing sexual intercourse.[68]

The Office of the Solicitor General (OSG) filed its appellee's brief in behalf of the plaintiff-appellee Republic of the Philippines. It argued that accused-appellant's contention deserves scant consideration. At the time of the incident, AAA was just over twelve years of age. Having been threatened by a knife, she is at an age where she could easily be cowed and coerced.

The contention that AAA did not actually see the penis of accused-appellant and therefore may not constitute rape is absurd. The trial court had the opportunity of observing the demeanor of witnesses while testifying. The testimony of AAA leaves no room for doubt that she had been threatened by appellant to have sexual intercourse with him.[69] As long as there is no showing that they overlooked or misinterpreted certain significant facts, which if considered, could materially affect the result of the facts of the case, the Lower Court's evaluation of the witnesses is binding upon the appellate court.[70]

ISSUE

The lone issue before this Court is whether or not the Regional Trial Court erred in finding accused-appellant guilty beyond reasonable doubt for the crime of rape.

THE COURT'S RULING

As gleaned from accused-appellant's brief, his assignment of error is premised on two arguments: First, that the allegation is based solely on the testimony of AAA. He ventures to say that the threat that AAA described is way disproportionate to the force or intimidation necessary for her to succumb to an involuntary sexual intercourse when opportunities to call for help or to escape were present. Second, that there is no direct evidence showing the required penetration of the male organ to the female genitalia necessary to consummate the crime. This Court notes that accused-appellant did not contest the other findings arrived at by the Lower Court and limited his arguments to those identified above.

After a careful review of the records, We find accused-appellant's arguments to be unsupported by evidence.

Since the crime of rape is essentially one committed in relative isolation or even secrecy, it is usually only the victim who can testify with regard to the fact of the forced coitus.[71] Nevertheless, a finding that the accused is guilty of rape may be based solely on the victim's testimony if such testimony meets the test of credibility.[72] A rape victim who testifies in a categorical, straightforward, spontaneous and frank manner, and remains consistent, is a credible witness.[73]

In the case at bar, We find AAA to have given a detailed and consistent narration of the events. It must be remembered that more than a decade has lapsed from time the complaint was filed and from the date AAA took the stand to testify on the crime against accused-appellant. Yet, despite the passage of time, AAA was steadfast with her narration of the events. Her testimony has remained faithful with the sworn statements^[74] she gave before the Talisay Police Station on March 29, 1994.

The Supreme Court has held that no woman, much less a child of such tender age, would willingly submit herself to the rigors, the humiliation and the stigma attendant upon the prosecution of rape, if she were not motivated by an earnest desire to put the culprit behind bars.^[75]

The argument that the threat imposed on AAA had not been sufficient to drive her to surrender to accused-appellant fails to impress us. Accused-Appellant posits that AAA could have cried out for help or escaped. We are not persuaded. AAA was threatened with a knife on her neck. At her vulnerable age, she may not be expected to react with the courage and maturity of a woman.

Physical resistance need not be established in rape when threats and intimidation are employed and the victim submits herself to the embrace of her rapist because of fear.^[76]

In *People of the Philippines vs. Bienvenido Lazaro*,^[77] the Supreme Court held:

It would be insensitive to expect the victim to act with equanimity and to have the courage and the intelligence to disregard the threat made by Bienvenido. When a rape victim is paralyzed with fear, she cannot be expected to think and act coherently. This is especially true in this case, since AAA was threatened by appellant that she would be killed if ever she would tell anybody about the rape incident.

In *People v. Bayani*,^[78] the Supreme Court stressed:

It must be emphasized that force as an element of rape need not be irresistible; it need but be present, and so long as it brings about the desired result, all considerations of whether it was more or less irresistible is beside the point. So must it likewise be for intimidation which is addressed to the mind of the victim and is therefore subjective. Intimidation must be viewed in the light of the victim's perception and judgment at the time of the commission of the crime and not by any hard and fast rule; it is therefore enough that it produces fear -- fear that if the victim does not yield to the bestial demands of the accused, something would happen to her at that moment or even thereafter as when she is threatened with death if she reports the incident. Intimidation includes the moral kind as the fear caused by threatening the girl with a knife or pistol. And when such intimidation exists and the victim is cowed into submission as a result thereof, thereby rendering resistance futile, it would be extremely unreasonable, to say the least, to expect the victim to resist with all her might and strength. If resistance would nevertheless be futile because of continuing intimidation, then offering none at all would not mean consent to the assault so as to make the victim's participation in the sexual act voluntary.

In *People v. Somodio*,^[79] The High Tribunal held:

Sexual congress with a girl under 12 years old is always rape. If the woman is under twelve (12) years of age, proof of force and consent becomes immaterial, not only because force is not an element of statutory rape, but also because the absence of free consent is presumed when the woman is below 12 years old.^[80]

In the instant case, at the time the incident occurred, a little more than a month has lapsed since AAA turned thirteen (13) years old. With accused-appellant's admission of sexual intercourse between him and AAA, he has barely escaped from the presumption that the sexual congress was without consent.

Contrary to accused-appellant's assertion that there is no direct evidence to prove consummation, the evidence on record says otherwise. Accused-Appellant's argument that there is absence of direct evidence to prove

consummation is inconsistent with his admission that he had repeated sexual intercourse with AAA. In his testimony, Castillo affirmed that he had sexual relations with AAA, albeit with the qualification that the acts were mutually agreed upon.

The medical certificate[81] of AAA's examination presented before the trial court also supports the fact of coitus. The examination notes indicated that AAA's hymen had "old healed laceration(s) at 5,7,9, o'clock position. Further, her orifice "admits 2 fingers with ease".

Moreover, from the timeline of events, AAA's childbirth as consequence of the rape is congruent with the period of time when she was ravished by accused-appellant. The fact of AAA's childbirth is documented by the Family/Child Welfare and Community Development Agency, Norfil Foundation, Incorporated.[82]

It is well-settled 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 requisites of carnal knowledge. Lacerations, whether healed or fresh, are the best physical evidence of forcible defloration.[83]

The test for determining the credibility of a complainant's testimony is whether it is in conformity with common knowledge and consistent with the experience of mankind. Whatever is repugnant to these standards becomes incredible and lies outside of judicial cognizance.[84]

Applied in the circumstances, We find nothing incredible nor unusual in AAA's testimony or reaction with the incident that transpired that could hint of falsity.

As opposed to AAA's testimony, We find Castillo's testimony preposterous. Accused-Appellant's truthfulness becomes questionable when his recollection on the significant event appears to be confused. At the time accused-appellant testified on March 3, 2008, he was fifty-nine (59) years old.[85] Yet when asked how old he was at the time the admitted carnal knowledge happened, he claimed to be thirty-nine (39) or forty (40) years old then.[86] Considering that according to him the sexual contacts happened in January 1994[87] and March 1994,[88] accused-appellant could not have been the age he claimed to be. At the time of his testimony, fourteen (14) years has lapsed. The disparity in his chronological timeline renders his credibility doubtful.

Accused-Appellant also claims that it was AAA who would initiate the sexual contact by seducing him. During their sexual contacts, AAA also had a boyfriend. We find Castillo's rendition of the facts absurd. If AAA indeed had a boyfriend then, why would a thirteen (13) year old girl go out of her way to seduce to have sex a man at least thirty (30) years her senior? Moreso, why would she choose a friend of her father?

We quote with approval the observations made by the Regional Trial Court:

It taxes the credulity of the Court to believe (sic) that a child who is still playing outside would be depraved and promiscuous to tempt a man, who is a friend of her father and more than thirty years older, to engage in sexual intercourse with her by stripping her clothes and closing the windows.[89]

Thus, this Court is convinced that Castillo has spun a tale too tall to be plausible. We also consider the timely flight of accused-appellant for more than ten (10) years to Tawi-Tawi in the supposed purpose of finding employment after a Warrant of Arrest was issued against him. His evasion of the charges against him bolsters the indication of guilt on his part.

The Supreme Court has long adhered to the rule that findings of the trial court on the credibility of witnesses and their testimonies are accorded great respect, unless the trial court overlooked substantial facts and circumstances, which, if considered, would materially affect the result of the case. In rape cases, the evaluation of the credibility of witnesses is addressed to the sound discretion of the trial judge, whose conclusion thereon deserves much

weight and respect, because the judge has the direct opportunity to observe them on the stand and ascertain if they are telling the truth or not. This deference to the trial court's appreciation of the facts and of the credibility of witnesses is consistent with the principle that when the testimony of a witness meets the test of credibility, that alone is sufficient to convict the accused.[90]

In sum, We find the assigned error in this appeal to be devoid of any merit. The conviction of accused-appellant beyond reasonable doubt for rape is very well supported by the prosecution's evidence.

With regard the award of damages, the same must be modified. The court a quo awarded P50,000.00 as damages arising from the crime; moral damages in the amount of P50,000.00 and ordered accused-appellant to pay the cost of the proceedings. In line with existing jurisprudence,[91] the civil indemnity awarded to AAA must be increased to P75,000.00. The amount for moral damages should also be increased to P75,000.00. The amount of P30,000.00 should also be awarded as exemplary damages. An interest of six percent (6%) per annum is also imposed from the finality of this judgment until the amount of damages awarded is fully paid.[92]

An award of civil indemnity ex delicto is mandatory upon a finding of the fact of rape, and moral damages may be automatically awarded in rape cases without need of proof of mental and physical suffering.[93] Exemplary damages are also called for, by way of public example, and to protect the young from sexual abuse.[94]

WHEREFORE, appeal is hereby DENIED. The Decision of the Regional Trial Court, Branch 24 of Cebu City dated March 2, 2012 in CBU-37432 is hereby AFFIRMED with MODIFICATION in that the award of civil indemnity is increased to P75,000.00. The award of moral damages is also increased to P75,000.00. Exemplary damages of P30,000.00 is also imposed on accused-appellant. The civil indemnity and damages shall earn interest at six percent (6%) per annum from finality of this Decision until fully paid.

SO ORDERED.

Maxino, P.A., and Francisco, R.C., JJ., concur.

[1] Rollo, page 17.

[2] Ibid., page 29.

[3] Original Records, page 1.

[4] Pursuant to Republic Act No. 9262, otherwise known as the "Anti-Violence Against Women and Their Children Act of 2004" and its implementing rules, the real name of the victim, together with that of her immediate family members, is withheld and fictitious initials instead are used to represent her, both to protect her privacy. *People vs. Cabalquinto*, G.R. No. 167693, September 19, 2006.

[5] Original Records, page 4.

[6] T.S.N., May 22, 2006.

[7] Original Records, page 6.

[8] T.S.N., page 3, May 22, 2006.

[9] *Supra*, Note 6.

[10] Original Records, page 7.

[11] T.S.N., page 6, May 22, 2006.

[12] T.S.N., page 7, May 22, 2006.

[13] T.S.N., page 9, May 22, 2006.

[14] Id.

[15] T.S.N., page 10, May 22, 2006.

[16] Id.

[17] T.S.N., page 11, May 22, 2006.

[18] Supra, note 9.

[19] T.S.N., page 6, December 4, 2006.

[20] T.S.N., page 12, May 22, 2006.

[21] Id.

[22] T.S.N., page 12, May 22, 2006.

[23] Supra, note 9.

[24] Original Records, page 52.

[25] T.S.N., page 13, May 22, 2006.

[26] Original Records, page 5.

[27] Original Records, page 10.

[28] Original Records, page 53.

[29] Original Records, page 13.

[30] Id, page 35.

[31] Original Records, page 17.

[32] Original Records, page 18.

[33] Original Records, page 20.

[34] Original Records, page 22.

[35] T.S.N., page 2, March 5, 2007.

[36] T.S.N., page 3, March 5, 2007.

[37] Id, page 4.

[38] Id.

[39] T.S.N., page 7, March 5, 2007.

[40] T.S.N., page 8, March 5, 2007.

[41] T.S.N., page 10, March 5, 2007.

[42] T.S.N., page 11, March 5, 2007.

- [43] T.S.N., page 12, March 5, 2007.
- [44] T.S.N., page 13, March 5, 2007.
- [45] T.S.N., page 3, June 4, 2007.
- [46] T.S.N., page 4, June 4, 2007.
- [47] T.S.N., pages 6-7, June 4, 2007.
- [48] T.S.N., page 7, June 4, 2007.
- [49] T.S.N., pages 7-8, June 4, 2007.
- [50] T.S.N., page 8, June 4, 2007.
- [51] T.S.N., page 10, June 4, 2007.
- [52] Supra, note 49.
- [53] T.S.N., page 3, March 3, 2008.
- [54] T.S.N., page 4, March 3, 2008.
- [55] T.S. N., page 5, March 3, 2008.
- [56] Id.
- [57] T.S. N., page 6, March 3, 2008.
- [58] T.S. N., page 12, March 3, 2008.
- [59] T.S. N., page 7, March 3, 2008.
- [60] T.S. N., page 8, March 3, 2008.
- [61] T.S. N., page 9, March 3, 2008.
- [62] T.S. N., page 11, March 3, 2008.
- [63] Id. page 47.
- [64] Id. page 46.
- [65] Id. page 47.
- [66] Id. page 17.
- [67] Id. page 22.
- [68] Id. page 24.
- [69] Id. pages 61-62.
- [70] Id. page 62.
- [71] People v. Gabawa, 446 Phil. 616, 625 (2003).
- [72] People v. Sumarago, 466 Phil. 956, 966 (2004).
- [73] People vs. Perez, 296 SCRA 17 (1998) .

- [74] Original Records, page 6.
- [75] People of the Philippines vs. Bernabe Pangilinan y Crisostomo, G.R. No. 183090, November 14, 2011.
- [76] People v. David, 461 Phil. 364, 384-385 (2003).
- [77] G.R. No. 186379, August 19, 2009.
- [78] 331 Phil. 169 (1996).
- [79] 427 Phil. 363, 376 (2002).
- [80] Id.
- [81] Original Records, page 9.
- [82] Original Records, page 52.
- [83] People v. Belen, 432 Phil. 881, 893 (2002).
- [84] People v. De la Cruz, 408 Phil. 838, 848 (2001).
- [85] T.S.N., page 2, March 3, 2008.
- [86] T.S.N., page 10,
- [87] T.S.N., page 4, March 3, 2008.
- [88] T.S.N., page 5, March 3, 2008.
- [89] Id., page 46.
- [90] Supra, note 73.
- [91] People of the Philippines vs. Ernesto Fragante y Ayuda, G.R. No. 182521, February 9, 2011.
- [92] People of the Philippines vs. Rolando Cabungan, G.R. No. 189355, January 23, 2013.
- [93] People v. Atadero, G.R. No. 183455, October 20, 2010, 634 SCRA 327, 348.
- [94] People v. Garcia, G.R. No. 177740, April 5, 2010, 617 SCRA 318, 335.

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