

PEOPLE OF THE PHILIPPINES, PLAINTIFF, VS. JESUS RAMOS Y VILLANUEVA, ACCUSED.

G.R. No. L-49218. August 27, 1987

Ponente: GANCAYCO, J.

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GANCAYCO, J.:

This is an appeal interposed by the accused Jesus Ramos from the decision of the Court of First Instance of Rizal Branch XVIII, convicting him of rape and sentencing him to reclusion perpetua and ordering him to pay the offended Maria Paz Concepcion the sum of P12,000.00 as actual damages and P30,000.00 as moral damages, and to the pay the costs:[1]

The facts of the case as summarized from the prosecution evidence in the People's Brief, are to wit:

"The evidence of the prosecution shows that at about 8:00 in the evening of February 6, 1975, Maria Paz Concepcion, a 16-year old girl, and her brother Cresencio, were at the fair grounds in San Francisco Del Monte, Quezon City, viewing the shows. They had just attended mass at the San Pedro Bautista parish church (pp. 2-3, tsn, October 6, 1975). After quite sometime, Maria felt thirsty so she and her brother proceeded to a 'sago' vendor to buy 'sago'. While she was drinking the 'sago' that she bought, she saw three men looking at her. One of the three men was the accused Jesus Ramos. The other two were Patrolman Armando Prila and Leonardo Go, also known as Nonong Go (pp. 3-6, tsn, Oct. 6, 1975; pp. 5-8, tsn, May 7, 1976).

"Maria and not pay attention to the three men. After drinking the 'sago', she placed her glass on the counter. The accused approached her and introduced himself. He asked her name, age, and whether she was still studying. She answered all the questions of the accused (pp. 4-6, tsn, Oct. 6, 1975). Later, Pat. Prila also introduced himself (p. 6, tsn Oct. 6, 1975).

"Accused offered to conduct Maria and her companions home. At first, she refused because she already had companions (her other brother Joselito and a neighbor had joined them at the 'sago' stand). But the accused and his companions insisted. Because the accused and Prila were in uniform she consented (p. 7, tsn, Oct. 6, 1975; p. 10, tsn, May 7, 1976).

"It was already about 11:00 o'clock in the evening when Maria her group, and accused and his group, left the fair grounds. The route they took was Roosevelt Avenue (p. 8, tsn, Oct. 6, 1975). While they were walking along Roosevelt Avenue they stopped in front of a drugstore. Patrolman Prila and Nonong Go then led the companions of Maria away from her, so that accused could be alone with her (p. 9, tsn, Oct. 6, 1975).

"Prila and Go offered the companions of Maria twenty centavos and told them to go home. They refused to accept the money (p. 17, tsn, May 7, 1976). At first they also refused to go home without Maria, but the policemen threatened to put them in jail if they did not do so (p. 17, tsn, May 7, 1976). On being threatened, they ran home leaving Maria behind (pp. 19-20, tsn, May 7, 1976).

"When Maria saw his companions running away, she told them to wait for her but they did not hear her. She was about to run after them, but accused held her arms. Upon the return of Prila and Go, accused told Maria to join them in patrol. She refused to go with them, but the accused pulled her and led her to an apartment at Del

Monte Avenue (pp. 10-12, tsn, Oct. 6, 1975).

"Upon arrival at the apartment, Prila and Go entered while accused pulled Maria inside (pp. 11-13-14, tsn, Oct. 6, 1975). Accused pushed her down the sofa and sat beside her. He placed his hands on her shoulder and began whispering to her that he would like to court her (p. 14, tsn, Oct. 6, 1975).

"Maria tried to remove the hands of the accused from her shoulder, but she failed because he was stronger. She asked Prila and Go to remove the hands of the accused from her shoulder but the two just laughed (pp. 14-15, tsn, Oct. 6, 1975). Maria told the accused that she did not want to be courted. Accused arose and asked for a newspaper from Nonong Go. Upon getting the newspaper, accused went out of the apartment (p. 15, tsn, Oct. 6, 1975)

"After a short while the accused came back to the apartment. He invited Maria to go outside with him as he wanted to tell her something. Maria answered that he could do it inside the apartment. Accused got hold of her hand and pulled her outside where it was very dark. Maria told the accused to release her. Instead of doing so, accused covered her mouth. At this juncture, accused placed his hand on his gun and told Maria not to shout or say anything, or else he would shoot her. Then accused pulled her to a vacant lot. (pp. 15-17, tsn, Oct. 6, 1975).

"When they were already on the vacant lot, accused tried to force her to sit on the newspaper which he had spread on the ground. She refused, so the accused got hold of her shoulder and pushed her down (p. 18, tsn, Oct. 6, 1975). While she was in that position, accused removed his pants. She tried to stand up but she was forced by the accused to lie down (p. 18, tsn, Oct. 6, 1975). She then tried to fight accused but she failed because he was stronger and bigger. The accused kissed her raised her skirt and forcibly removed her shorts (p. 19, tsn, Oct. 6, 1975). Then he removed his brief placed himself on top of her and slowly inserted his penis into her vagina. She struggled but the accused got hold of his gun and poked it to her head, warning her not to shout or else he would kill her and the members of her family. She became afraid (p. 20, tsn, Oct. 6, 1975).

"The first intercourse took place at about 2:15 in the morning. After the intercourse, Maria sat up because her vagina was painful and her body was aching. When the accused saw her witting up, he made her lie down again and had sexual intercourse with her for the second time (p. 22, tsn, Oct. 6, 1975).

"After the second intercourse, the accused told Maria to dress up. Then they proceeded to a place where a jeep was parked. Prila and Go were there waiting for them (p. 22, tsn, Oct. 6, 1975).

"Maria pleaded to Prila and Go to bring her home. The accused told her that he would bring her home after the curfew (p. 23, tsn, Oct. 1975).

"After the curfew, Nonong Go offered to accompany Maria home. Along the way, however, he tried to make, advances to her. She repelled his advances and threatened to report him (pp. 23-24, tsn, Oct. 6, 1975).

"When she reached home, Maria did not immediately report that she had been rape because she was afraid of the threat of accused. Instead when her father asked her where she had been, she told him that she slept in the house of a friend (p. 28, tsn, Oct. 8, 1975).

"She slept the whole day of Friday February 7, When she woke up the following morning she just ate her breakfast, then went back to sleep again. She awoke only at 2:00 o'clock p.m. the following Sunday.

"At 3:30 in the afternoon of Sunday she and her sister went to church. In church, Nonong Go approached her and, inquired if her parents had filed a complaint. She answered that they did not (p. 26, tsn, Oct. 6, 1975). She tried to evade him by joining the procession but Nonong Go followed her. While the procession was going on, she saw her brother Gani. She approached him and Nonong Go left (p. 27, tsn, Oct. 6, 1975).

"The evidence for the prosecution also discloses that at 11:00 o'clock in the evening of February 6, 1975, Cresencio Concepcion, Sr. the father of Maria, was in his house sewing while waiting for his children, Maria Paz, Joselito and Cresenciano, Jr. to arrive (p. 11, tsn, June 15, 1975). Later, two of his children, Cresencio, Jr.

and Joselito arrived. They informed him that Maria was forcibly taken by two uniformed policemen and a civilian (p. 11, tsn, June 15, 1976). Upon receiving the report, Cresencio Concepcion, Sr. and another son, Isagani, went to look for Maria in Roosevelt Avenue. Somebody in Roosevelt Avenue informed him that he saw a girl with two policemen and a civilian going towards Del Monte Avenue. Cresencio Concepcion, Sr. and his son proceeded to Del Monte where they saw a police patrol car at the corner of Roosevelt Avenue. Cresencio Concepcion, Sr. requested the occupants of the car to look for his daughter. He was referred to the policemen in another patrol car. The other policeman brought him and his son along, to look for Maria. They went to the market at Roosevelt Avenue but they were unable to find Maria (p. 13, tsn, June 15, 1976). So they proceeded to Precinct 3. At Precinct 3, Cresencio Concepcion, Sr. asked for the names of the policemen assigned to the fair grounds. The desk officer did not answer so he asked again. This time, the desk officer answered in an irritated manner that he did not know. The desk officer told Cresencio Concepcion, Sr. to wait. He waited up to four o'clock in the morning, but his daughter did not show up. He left the precinct to continue looking for her daughter. When still he did not find her, he went home (pp. 13 to 14, June 15, 1976).

"When he arrived home early in the morning, he asked his wife if Maria was already in the house. Maria herself answered him, saying that she had already arrived. He saw that his daughter was crying (p. 15, tsn, June 15, 1979).

"When he saw Maria crying, he inquired about the report of his son that she was with two policemen. Maria answered that she would not talk in the meantime (p. 15, June 15, 1976).

"On Saturday, he again had a confrontation with Maria. Maria told her that she would tell everything at the police headquarters. They intended to go to the headquarters on Saturday, but as General Karingal was out, they decided to go on Monday (p. 16, tsn, June 15, 1976).

"On Monday, February 10, 1975, they went to the office of General Karingal to report the matter, General Karingal ordered a rush investigation of the incident. Maria was brought to Camp Crame where she was medically examined (pp. 16-17, tsn, June 15, 1976)."[2]

The medical findings of the PC Crime Laboratory are as follows:

"GENERAL AND EXTRAGENITAL:

Fairly developed, nourished and coherent female subject. Breasts are conical with dark brown areola and nipples from which no secretion could be pressed out. Abdomen is flat and tight. There are no external signs of recent application of any form of trauma.

GENITAL:

There is scanty growth of pubic hair. Labia majora are full, convex and coaptated with the pale brown, hypertrophied labia minora presenting in between. On separating the same are disclosed an abridged vulvar mucosa and an elastic fleshy-type of hymen with a shallow, healed laceration at 3 and a deep, healed laceration at 9:00 o'clock positions. External vaginal orifice offers moderate resistance to the introduction of the examining index finger and the virgin-sized vaginal speculum. Vaginal canal is narrow with slightly shallowed rugosities. Cervix is normal in size, color and consistency.

"Vaginal and per-urethral smears are negative for gram-negative diplococci and for spermatozoa.

REMARKS:

Subject is non-virgin state physically."[3]

The NBI on the other hand made the following findings:

"CONCLUSIONS:

1. No evident sign of extra-genital physical injury noted on the body of the subject at the time of examination.
2. Genital findings present, compatible with sexual intercourse with a male on or about the alleged date of commission."[4]

The accused denies having ravished Maria Paz Concepcion. His version[5] is that he met Maria Paz Concepcion at the fair grounds at about 8:00 o'clock in the evening of February 6, 1975; that it was Maria who talked to him first and asked him if he knows a certain policeman who was courting her; that after their conversation, the accused together with Prila and Go went on patrol duty; that when they returned to the fair grounds, Maria was there; that they asked her where her companions were, and she told them that she sent them home; that accused offered that he and his companions will accompany her home and she agreed; that they walked along Roosevelt Avenue until they reached Del Monte Avenue at which point Nonong Go suggested that they have a snack at his apartment. Again, Maria agreed; that accused and Maria later went out of the apartment and seated themselves in a cemented portion of a demolished house which was about three meters away; that they engaged in conversation but later he courted her; that at about 4:00 o'clock Nonong Go accompanied Maria home, that before they parted, accused and Maria agreed that they would meet that coming Sunday at the corner of Roosevelt and Del Monte Avenue; that he did not see Maria on the appointed date and hour, because he went to the meeting place late.

Appellant attributes the filing of this case to the desire of Maria's father to marry her off to him or to get some money from him.

Specifically, appellant raises the following assignment of errors:

"I

THE LOWER COURT ERRED IN GIVING FULL FAITH AND CREDIT TO THE UNCORROBORATED TESTIMONY OF COMPLAINING WITNESS, MARIA PAZ CONCEPCION, AND MAKING IT THE SOLE BASIS FOR CONVICTION HEREIN, IN SPITE OF THE FACT THAT SAID TESTIMONY CONTAINED IRRECONCILABLE CONTRADICTIONS AND INCONSISTENCIES IN SO MANY MATERIAL PARTS, AS WELL AS STATEMENTS NOT CONSONANT WITH ORDINARY HUMAN CONDUCT AND REACTIONS, AS TO RENDER THE SAME WHOLLY INCREDIBLE.

II

THE LOWER COURT ERRED IN TOTALLY DISREGARDING THE TESTIMONY OF PROSECUTION WITNESS, DR. DESIDERIO MORALED A, PC MEDICO-LEGAL OFFICER, WHO INTERNALLY EXAMINED COMPLAINING WITNESS, MARIA PAZ CONCEPCION, ON THE VERY DAY, SHE REPORTED THIS CASE TO THE QUEZON, CITY POLICE, TO THE EFFECT THAT ON THE BASIS OF HIS FINDINGS THE SAID MARIA PAZ CONCEPCION COULD NOT HAVE BEEN RAPED ON FEBRUARY 6, 1975, TO THUS COMPLETELY BELIEVE ALL CLAIMS OF MARIA PAZ CONCEPCION TO THE CONTRARY THEREOF AND, IN EFFECT, FULLY SUSTAINING THE TESTIMONY OF THE APPELLANT THAT HE NEVER HAD SEXUAL INTERCOURSE WITH MARIA PAZ CONCEPCION ON THAT DATE.

III

THE LOWER COURT ERRED IN FAILING TO CONSIDER THE EFFORTS OF MARIA PAZ CONCEPCION AND HER FATHER, CRESENCIANO CONCEPCION, SR., TO MAKE IT APPEAR THAT THE ENTIRE POLICE FORCE OF QUEZON CITY WAS IN CONNIVANCE WITH THE APPELLANT IN THIS CASE, AS INDICATIVE OF THEIR PROPENSITY TO LIE OR MAKE UNTRUTHFUL STATEMENTS AND, THEREFORE, SHOULD NOT BE CONSIDERED AS RELIABLE WITNESSES.

IV

THE LOWER COURT ERRED IN INDULGING IN SURMISES TO JUSTIFY ITS JUDGMENT OF CONVICTION HEREIN, NOTWITHSTANDING THAT SAID SURMISES ARE BELIED BY PROVEN FACTS AND TESTIMONIES OF DISINTERESTED WITNESSES.

V

THE LOWER COURT ERRED IN DISBELIEVING THE CLAIM OF APPELLANT THAT HE NEVER TOUCHED COMPLAINING WITNESS AT ALL SIMPLY BECAUSE IT ALLEGEDLY SAW NO REASON WHY SO YOUNG A GIRL WOULD EXPOSE HERSELF TO THE HUMILIATION OF A PUBLIC TRIAL MERELY TO FALSELY CLAIM THAT SHE WAS RAVISHED TWICE BY A POLICEMAN, WHEN THE REASON FOR HER SAID ACTUATIONS IS CLEARLY APPARENT FROM THE EVIDENCE ON RECORD, TO WIT: THAT PRIOR TO FEBRUARY 6, 1975, SHE HAD ALREADY BEEN DISGRACED, AS SHOWN BY THE TESTIMONY OF DR. DESIDERIO MORALEDA, HENCE SHE SAW AN OPPORTUNITY NOT ONLY TO HIDE HER SAID DISHONOR FROM BUT ALSO TO REDEEM HERSELF IN THE PUBLIC EYE WHEN THE APPELLANT INDISCREETLY KEPT HER IN HIS COMPANY ON THE NIGHT OF FEBRUARY 6, 1975, THUS MAKING HIMSELF VULNERABLE EVEN TO FALSE OR FABRICATED CHARGES LIKE THIS ONE.

VI

THE LOWER COURT ERRED IN DISBELIEVING THE CLAIM OF THE APPELLANT THAT ONE, OF THE REASONS WHY THE COMPLAINANT AND HER FATHER FILED THIS CASE AGAINST HIM IS THEIR DESIRE TO EXTORT MONEY FROM HIM, CONSIDERING THAT MAJOR PABLO AGACER OF THE QUEZON CITY POLICE CONFIRMED SUCH FACT AND HIS TESTIMONY ON SAID POINT WAS ADMITTED TO BE TRUE BY THE, FATHER OF THE COMPLAINANT HIMSELF.

VII

THE LOWER COURT ERRED IN CONVICTING THE APPELLANT AS GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF SIMPLE RAPE AND IN SENTENCING HIM TO THE PENALTY OF RECLUSION PERPETUA, AS WELL AS TO INDEMNIFY THE OFFENDED PARTY THE SUM OF P12,000.00 AS ACTUAL DAMAGES AND P30,000.00 AS MORAL DAMAGES, AND TO PAY THE COSTS."

To support his claim of a "frame-up", accused presented Major Pablo Agacer, Commanding Officer, of the Special Operations Group and formerly Commanding Officer of Precinct III, Quezon City Police Department, who testified that he knew Cresenciano Concepcion, Sr. (father of complainant) because he used to be a police informer; that in the first week of March, 1975, he met with Cresenciano because the latter had information to give him and that Cresenciano also wanted to consult him about the mauling he suffered in the hands of a military man; that Cresenciano took advantage of the occasion to ask him to be the mediator in a rape case involving two members of Station 3; that he was promised by Cresenciano that he will receive a share in the settlement; that Cresenciano allegedly told him "Pasukan mo na, Capitan, at ipasok mo ng aregluhan"; and that he declined the offer of 1/3 of the amount of the settlement.[6]

Felicidad Rueda, a "sago" vendor was also presented by the defense. She testified that when she left the lair grounds at 9:00 o'clock in the evening of February 6, 1975, Maria was still in the vicinity; and that Maria had asked her brother to leave ahead because accused would conduct her home.[7]

Patrolman Armando Prila testified that he was with the accused and Maria the apartment of Go at Del Monte

Avenue; that when the accused and Maria were in the vacant lot; he did not notice or hear any conversation between the two; that the place was so dark that he could not see the silhouette of a person in the vacant lot; and that he had a poor eyesight.[8]

Nicandro Rodriguez, a boarder in the apartment where Maria was brought by the accused and his companions in the evening of February 6, 1975, testified that it was not true that Maria was forcibly pulled inside the apartment; that Maria was not pulled outside the apartment and that he did not know what happened in the vacant lot.[9]

The first, second and fifth assignment of errors pertain to the findings of fact of the lower court and the credibility of witnesses. Our jurisprudence is replete with pronouncements that an appellate court which has only the cold records of the case before it will not disturb the findings of the trial court which had the advantage of having seen and heard the witnesses and observed their deportment and manner of testifying. The only exception to the rule is when the trial court plainly overlooked certain facts and circumstances of weight and influence which, if considered, will materially alter the result of the case.[10]

Appellant contends that complainant is an untrustworthy witness since; contrary to her claim of virginity, she was no longer a virgin when she was allegedly raped on February 6, 1975, in view of the findings of Dr. Desiderio Moraleda, PC Medical Officer who examined her. Moreover, the N.B.I. findings show that complainant's condition at the time of examination was compatible with her having sexual intercourse with a man at or about the time of the commission of the crime.[11] Second, virginity is not an essential element in rape and the character of the offended party in rape committed by force is immaterial.[12] Thus, assuming, for the sake of argument that complainant was not a virgin, the crime of rape was nevertheless committed because appellant had sexual intercourse with her by means of force. Third, the lower court has "scrutinized with the greatest caution the testimony of Maria Paz" and "has listened carefully to her testimony and has found it to be straightforward and honest.[13] We cannot possibly question such findings since the lower court was in the best position to appreciate her credibility having heard complainant's testimony and observed her demeanor in court.

Appellant next points to the so-called discrepancies and inconsistencies in the prosecution evidence relative to the time lapse between the first and second intercourse and the place where appellant undressed. Such inconsistencies and discrepancies are merely on minor details not material to the case and do not affect credibility. If at all, these reinforce rather than weaken the testimony of complainant. A witness whose testimony is perfect in all aspects, without a flaw and remembering even the minutest details which jibe beautifully with one another, lays herself open to suspicion of having been coached or having memorized statements earlier rehearsed.[14]

Complainant allegedly stated in court that the interval between the first and second sexual intercourse was five minutes, but in her affidavit executed on February 7, 1975, she stated that the interval was one hour and fifteen minutes, and in her affidavit dated April 24, 1975, she said they took place one after another.

This Court takes judicial notice of the fact that in most cases, an affidavit is not prepared by the affiant himself, but by another who uses his own language in writing the affiant's statements. Omissions and misunderstandings by the writer are not infrequent particularly under circumstance of stress and impatience.[15]

As to the alleged discrepancy respect to the place where appellant undressed, whether in the vacant lot or in the apartment, this is of no moment and does not impair the basic facts testified to by complainant regarding the commission of the crime.

On the alleged unnatural actuations and attitude of complainant after she was raped, said actuations being: a) she did not tell her parents that she was raped, instead, she told her father that she slept in the house of one of her friends; b) she stated in court that if her father had believed her story that she came from the house of a friend she

would have forgotten the incident without reporting it to her father or the police unless she became pregnant, We fully concur with the observation made by the lower court on his matter, as follows:

"The defense also points out the failure of Maria Paz to immediately report to her father her defloration; she in fact lied to her father that she slept in the house of a friend on the three occasions that her father asked what happened to her. Does this conduct of Maria Paz show that her subsequent revelation was false? The Court does not think so. At the time the first inquiry was made co her this was past five o'clock in the morning - she had not had even a single wink of sleep. Lack of sleep can easily disorient a person; moreover, she had undergone a harrowing experience, a traumatic rite of passage that it is easy to understand the confusion that is introduced in the mind. Her tormentor was after all a police officer who had threatened her before they parted. Her father was a mere tailor. In her exhausted mind, she must have found it difficult at first to pour out her story. But, after she had rested, she narrated the events of Friday without nervousness, as affirmed by police investigator Leonardo Arceo. She repeated her story, albeit with minor inconsistencies, on the witness stand, in a clear, positive and straightforward manner, without the hesitancy, and cloudy details that usually mark a perjured testimony. That a girl so young would be ready to face the rigors and humiliation of a public trial is a touchstone of her testimony's truthfulness (See *People vs. Selfeison*, 1 SCRA 275)."[16]

As to the third assigned error, appellant contends that Cresencio Concepcion is not a credible witness since he lied when he testified that when he asked the desk sergeant of Precinct 3 for the name of the policeman assigned to the fair grounds in Roosevelt Avenue on February 6, 1975, the desk sergeant, in an insulting manner told him that he did not know.

The mere denial by the desk sergeant of the, acts attributed to him does not make the complainant's father a liar, and an untrustworthy witness. Triers of facts are not bound to believe all that any witness has said; they may accept some portions of his testimony and reject other portions according to what seems to them upon other facts and circumstances to be worthy of belief.[17]

Anent the fourth assigned error, contrary to appellant's claim, the lower court did not indulge in surmises to justify its judgment. There is here an apparent plan by the accused on how to proceed with his evil intentions on the complainant as shown by the chronology of events in this case.

As to the sixth assigned error, while it is true that Major Agacer testified that the father of the complainant requested him to mediate he said nothing about the alleged desire of complainant's father to extort money from the appellant. What he said was that he did not know if appellant actually committed the crime of rape or whether the father of the complainant was just trying to extort money from the policeman.[18]

The record also discloses that at the time the incident in question took place, complainant was a mere young lass of about sixteen years of age and a fourth year high school student. No evidence was presented showing that she is a girl of loose moral character or one of wanton disposition. It is noted that appellant made no imputation of that sort against her. We therefore find it hard to believe that she will fabricate the charge of rape against the accused and consequently face the humiliation and embarrassment of a public trial, if the same is not true.

In the light of the foregoing disposition of the assigned errors, the seventh assigned error must fail. The lower court did not err in convicting the accused-appellant of the crime charged. The decision being in accord with law and the evidence, the same must be affirmed.

WHEREFORE, the judgment appealed from is affirmed in toto, with costs against accused-appellant.

SO ORDERED.

Teehankee, C.J., Narvasa, Cruz, and Paras, JJ., concur.

[1] Page 16, Decision, page 19, Rollo.

[2] Pages 1-8, Brief for the Appellee, page 99, Rollo.

[3] Exhibit A.

[4] Exhibit C.

[5] Pages 3-13, Tsn., Jan. 23, 1978.

[6] Pp. 3-8, Tsn., June 22, 1977.

[7] Pp. 4-5, Tsn., February 17, 1977.

[8] Pp. 7-8, Tsn., March 15, 1977.

[9] Pp. 2-11, Tsn., Oct. 27, 1977.

[10] People vs. Sibayan, 116 SCRA 180; Magat vs. Court of Appeals, 116 SCRA 283. People vs. Sarmiento, 64 SCRA 350. People vs. Macaraeg, 63 SCRA 285.

[11] Exhibit C.

[12] People vs. Torre, 62 Phil. 942.

[13] Decision, p. 79, Appellant's Brief.

[14] People vs. Ibal, 143 SCRA 317, 324.

[15] People vs. Reyasaga, 54 SCRA 350.

[16] Pp. 16-17, Rollo, Decision.

[17] People vs. Lim Bun Juan, 17 SCRA 934, 945.

[18] TSN, p. 12, June 22, 1977.

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