PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. GODOFREDO CALDOZA, ACCUSED-APPELLANT.

Ponente: PEREZ, J.

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PEREZ, J.:

Assailed in this appeal[1] filed by Godofredo Caldoza is the Decision[2] dated 25 November 2011 rendered by the Regional Trial Court (RTC), 10[th] Judicial Region, Branch 22, Cagayan de Oro City, in Criminal Case No. 2001-348 entitled "People of the Philippines v. Godofredo Caldoza, Gilbert Mangayan and 3 John Does," finding him guilty beyond reasonable doubt of the crime of Robbery in an Inhabited House.

THE ANTECEDENTS

The conviction of accused-appellant Godofredo Caldoza ("Caldoza") stemmed from an Information[3] filed by the Provincial Prosecutor of Misamis Oriental on 2 August 2001 against the accused-appellant Caldoza, Gilbert Mangayan and 3 John Does, the accusatory portion reads as follows:

> On May 4, 2001, at about 7:00 o'clock in the evening, at Sitio Tigkawayan, Barangay Sinaloc, El Salvador, Misamis Oriental, which is within the jurisdiction of the Honorable Court, the above- named accused, with intent to gain, and in conspiracy with each other, did then and there, willfully, unlawfully, and feloniously gain entrance into an inhabited house owned by one Danilo Buna by breaking forcibly open the rooftop of the kitchen and took and carried away the following personal properties, to wit:
>
> Cash money----------
>
> P3,000.00
>
> Wrist watch----------
>
> P800.00
>
> Table clock----------
>
> P125.00
>
> Cellular phone----------
>
> P6,000.00
>
> Underwear----------

P150.00

Travelling bag----------

P350.00

All valued in the total amount of P11,425.00 to the great damage and prejudice of the owner thereof, said Danilo Buna.

Contrary to and in violation of Article 299 of the Revised Penal Code.[4]

When arraigned, accused-appellant pleaded not guilty to the charge. Meanwhile, the prosecution moved to discharge co- accused Gilbert Mangayan, a minor, to utilize him as state witness.[5]

Pre-trial was conducted and terminated. Trial ensued thereafter.

At the trial, the prosecution presented Mangayan as witness even without an order granting the Motion to Discharge Mangayan as State Witness. After Mangayan testified on 5 August 2004,[6] the pending motion to discharge him as witness was ruled by the trial court to have become moot and academic. The minor Mangayan testified to prove the following:

On 4 May 2001, Mangayan chanced upon accused-appellant Caldoza driving a vehicle. He was called by the accused-appellant and told to rob the house of Mangayan's uncle, Danilo Buna (also known as "Uncle Presko"). Mangayan was accompanied by a certain Patrick and the accused-appellant in going to Buna's house. Upon reaching the victim's house, Mangayan and Patrick went up to the roof of the house and destroyed its ceiling to gain entrance to the house. Once inside, Mangayan and Patrick took the victim's money from a piggy bank. They also took a cellphone and some toys. After taking those things, they went out through the kitchen door. Once outside, the money they got was divided among five (5) other companions including appellant. Mangayan did not take any money but was only given the toys as his share. The group proceeded to another house to rob again but retreated after the owner of the house woke up.[7]

The testimony of Danilo Buna ("Buna") was likewise presented to prove the following:

On 6 May 2001, Buna was in Cagayan de Oro City driving a taxicab. His mother went to his house at Regency, Iponan, Cagayan de Oro City to tell him that their house at Tigkawayan, Sinaloc, El Salvador was robbed on 4 May 2001. He immediately went to his house at El Salvador and verified the things that were missing as a consequence to the alleged robbery that took place. After checking his belongings, he found out that among those that were lost were cash in the amount of P3,000.00, a wrist watch worth P800.00, a table clock worth P125.00, 3 pieces of sunglasses worth P500.00, a cellphone worth P6,000.00, underwear worth P150.00 and a travelling bag worth P150.00, with a sum total of P11,425.00. Thereafter, Buna reported the incident to the El Salvador, Misamis Oriental Police Station. The police found that the robbers gained entrance by destroying the upper part of the house near the kitchen. Later, police officers recovered from Mangayan several toys and a dismantled cellphone. Buna talked to Mangayan regarding the incident and the latter admitted to the crime and confirmed the items that he and his companions took from the former's house. Mangayan also told Buna that he was with Godofredo Caldoza and a certain Patrick during the commission of the crime.[8]

After the prosecution completed its evidence, the Public Attorney's Office filed an Omnibus motion to Dismiss,[9] on account of Mangayan's minority. The trial court, in an Order dated 28 July 2006,[10] dismissed

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the case as to Gilbert Mangayan, who was 11 years old at the time of the commission of the crime and thus, exempted from criminal liability pursuant to Republic Act 9344.[11]

On the other hand, the defense presented four (4) witnesses, namely: Rosita Catiil ("Catiil"), Reynan Asan ("Asan"), Carmelita Omongos ("Omongos") and the accused-appellant Caldoza. Their testimonies were presented to prove the following:

On 4 May 2001 at around 5:00 o'clock in the afternoon, Catiil was with her child at Sinaloc and went home around 7:00 o'clock in the evening. On her way home, she passed by the house of Buna and did not notice anything unusual. Catiil also did not notice accused-appellant Caldoza in the neighborhood, although they were neighbors who often see each other in that place.[12] Catiil only knows that at that time, accused-appellant Caldoza was working at the house of Jesus Palasan at Alo, located about 5 kilometers away from Tigkawayan.[13]

Around 7:00 o'clock in the evening on the same day, Asan was at Plaza of Cogon, El Salvador, Misamis Oriental which is 8 kilometers away or less than an hour by land vehicle from Tigkawayan, Sinaloc, El Salvador. Asan was with accused- appellant Caldoza and other companions who were hauled here to attend a political rally. Asan, accused-appellant Caldoza and their companions stayed at El Salvador until 12 midnight and was later sent home by Jesus Palasan.[14]

Omongos testified that she was at her house doing nothing around 7:00 o'clock in the evening and she does not know if accused- appellant Caldoza visited her house that time because as his neighbor, accused-appellant usually drops by her house when he passes by in an elf vehicle he drives accompanied by his employer, Jesus Palasan. She knows that the accused-appellant has resided in Alubijid, Misamis Oriental since 2000. However, she knew of the rally at Cogon, El Salvador, Misamis Oriental on that same night.[15]

The accused-appellant himself testified that on 4 May 2001, he was working as a driver of an elf van owned by Jesus Palasan. At about 7:00 o'clock in the evening of that day, he was at Alo, El Salvador, together with Jesus Palasan. Thereafter, he went to Cogon, El Salvador to watch a political rally and left at around 1:00 o'clock in the morning the next day or on 5 May 2001.[16]

On 25 November 2011, the trial court rendered the appealed Decision, the dispositive portion of which states as follows:

> "WHEREFORE, the foregoing premised (sic) considered, judgment is hereby rendered finding the accused GODOFREDO CALDOZA GUILTY beyond reasonable doubt of the crime of robbery in an inhabited house punishable under Article 299 of the Revised Penal Code, and considering that there is no aggravating nor mitigating circumstance present, he is hereby ordered to suffer an indeterminate sentence of two (2) years four (4) months and one (1) day as the minimum period, to eight (8) years as the maximum period. The accused is likewise ordered to pay the private complainant Danilo Buna the amount of P9,000.00, representing the value taken from him.
>
> SO ORDERED."[17]

From said decision, accused-appellant Caldoza appealed before Us and prayed that the trial court's decision be reversed and dismissed for failure of the prosecution to prove his guilt beyond reasonable doubt, ascribing the following errors committed by the trial court:

> I
>
> THE TRIAL COURT ERRED IN NOT SETTING ASIDE GILBERT MANGAYAN'S DECLARATIONS AS IT WERE NULL AND VOID BECAUSE HE WAS AN ACCUSED (MINOR) WHEN HE TESTIFIED,

HE WAS NOT REPRESENTED BY COUNSEL, AND HE WAS NOT INFORMED OF HIS RIGHTS UNDER SEC. 12(1), ART. III OF THE CONSTITUTION.

II

THE TRIAL COURT SERIOUSLY ERRED IN CONVICTING ACCUSED-APPELLANT CALDOZA BECAUSE THE PROSECUTION FAILED TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.

III

THE TRIAL COURT SERIOUSLY ERRED IN CONSIDERING GILBERT MANGAYAN AS CREDIBLE WITNESS DESPITE HIS BEING A PRINCIPAL IN THE CRIME CHARGED, HENCE A POLLUTED SOURCE, HIS DECLARATIONS ARE UNCORROBORATED AND HIS "SLIPUPS" ARE SERIOUS, HIS DECLARATIONS WERE ELICITED BY LEADING QUESTIONS, FURTHER HE ADMITTED TO HAVE BEEN FORCED IN EXECUTING HIS TWO AFFIDAVITS RELIED UPON BY THE PROSECUTION, ASIDE FROM HIS EVIDENT INTEREST TO BE EXCULPATED OF THE CRIME HE HAD DONE.

IV
THE TRIAL COURT ERRED IN RULING THAT ACCUSED- APPELLANT CALDOZA COULD ONLY OFFER ALIBI AS DEFENSE, BECAUSE HE IS NOT CALLED BY LAW TO PRESENT HIS EVIDENCE AS THE CHARGE AGAINST HIM SHOULD HAVE BEEN DISMISSED AFTER THE PROSECUTION RESTED ITS CASE, ASIDE FROM THE FACT THAT HIS DEFENSE IS SUPPORTED BY CREDIBLE WITNESSES AND THE PRESUMPTION OF HONESTY IN HIS FAVOR WAS NOT EVEN OVERTURNED.[18]

THIS COURT'S RULING

For an accused to be found guilty of Robbery in an Inhabited House under Article 299 of the Revised Penal Code, the following elements must be proven: (1) That the offender entered (a) an inhabited house, or (b) public building, or (c) edifice devoted to religious worship. (2) That the entrance was effected by any of the following means: (a) Through an opening not intended for entrance or egress; (b) By breaking any wall, roof, or floor or breaking any door or window; (c) By using false keys, picklocks or similar tools; or (d) By using any fictitious name or pretending the exercise of public authority. (3) That once inside the building, the offender took personal property belonging to another with intent to gain.

Based principally on the testimony of the minor Mangayan, the trial court found all the above elements established beyond reasonable doubt, in that accused-appellant Caldoza, as principal by inducement, committed robbery by ordering the minor Mangayan and a certain Patrick to enter private complainant's house by destroying the ceiling of the house to gain entrance and taking several personal properties for their personal gain.[19]

We quote the pertinent portions of Mangayan's testimony:

[Prosecutor Zaidah Zayas-Bernardez]

Q Do you know the accused in this case Godofredo Caldoza?

A Yes.

Q If you know the accused, will you please look at this room if he is present in court this morning?

A Yes.

Q Will you please point to him?

A (Witness is pointing to a man wearing white t-shirt named Godofredo Caldoza)

x x x x

Q Do you remember if you have seen Godofredo Caldoza on May 4, 2001?

A Yes.

Q Where did you see him?

A At the vehicle.

Q What was he doing in the vehicle?

A He was driving.

Q And aside from driving what was he doing?

A He commanded me.

Q What was his command to you?

Atty. Capadocia:

Objection, your honor. Leading.

COURT:

Follow up question.

A To rob.

[Prosecutor. Bernardez]

Q Whose house did he ask you to rob?

A He asked me to rob the house of my uncle Frisco.

Q Who is this Frisco, do you know him?

A Yes, he is my uncle.

Q What did you do in the house of your uncle Frisco?

A I robbed.

Q Do you know a certain Danilo Buna?

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A Yes.

Q Is Frisco and Danilo Buna one and the same person?

A Yes, they are the same person.

Q Now, where is the house of your uncle Frisco located?

A Along the road.

Q Aside from you, where there other person went with you when you robbed the house of your uncle Frisco or Danilo Buna?

A Yes.

Q Now, who was your companion in going to the house of your uncle Frisco or Danilo Buna?

A Patrick.

Q Were you able to reached the house of Danilo Buna or your uncle Frisco?

A Yes.

Q Upon reaching the house, what did you do?

A We went up to the roof and into the ceiling.

Q Who was with you in climbing the roof top?

A The two of us.

Q What is the name of your companion?

A I do not know his name.

Q What did you do when you climb the roof?

A We destroyed the wood.

Q Why did you destroy the wood?

A Because it can be easily destroy.

Q After it was destroyed , what did you do next?

A We entered the house.

x x x x

Q When you were already inside the house, what did you do next?

A We got the money.

Q From where did you get the money?

A From the savings on the piggy bank.

Q Do you know how much money did you get?

A No.

Q Aside from getting the money, what other things did you get inside the house?

A Cellphone.

Q And what else?

A And some toys.

Q Is that all the things you get inside the house?

A Yes.

Q After getting these things, what did you and your companion do?

A Then we went away.

x x x x

Q What did you do with the money, the cellphone and the toys you got?

A We divided it.

Q And who was those persons who divided it?

A They were the one who divided it.

Q You mean Godofredo Caldoza?

A Yes.

Q You said “Sila”, how many were they?

A Five.

Q What about you, were you given your share?

A Only toys.

Q After you were given by your share, what happened next?

A We went away.

x x x x[20]

To set aside his conviction, accused-appellant Caldoza seeks to discredit if not to wholly exclude the incriminating testimony of witness Gilbert Mangayan. Accused-appellant claims that Mangayan’s testimony was taken in violation of the latter’s constitutional rights, and should thus be set aside. Appellant Caldoza also posits that assuming Mangayans’ testimony is not excludible on constitutional grounds, then the same should still be inadmissible or wholly devoid of probative value because of inconsistency, lack of corroboration and the use of leading questions.

The right to counsel and the right to be silent when charged with a criminal offense are guaranteed to the accused

both under the Philippine Constitution[21] and the Rules on Criminal Procedure.[22]

The right covers the period from custodial investigation, well into the rendition of judgment, and even on appeals.[23] Article III of the 1987 Constitution provides this right to an accused not only during trial but even before an information is filed. It provides:

> Sec 12 (1) Any person under investigation for the commission of an offense shall have the right to be informed of his right to remain silent and to have competent and independent counsel, he must be provided with one. These rights cannot be waived except in writing and in the presence of counsel.

The Rules of Court also grants an accused the right to counsel under Rule 115, viz:

> Sec. 1. Rights of accused at the trial. – In all criminal prosecutions, the accused shall be entitled: Xxx
>
> (c) To be present and defend in person and by counsel at every stage of the proceeding, from the arraignment to the promulgation of the judgment..xxx.

The aforementioned rights guaranteed under the Constitution are personal rights,[24] and thus, cannot be claimed by anyone except the person whose rights are invaded, or one who is authorized to do so in his behalf. In this case, only Mangayan can claim or waive these rights for his own protection and not the accused-appellant Caldoza. Accused- appellant may not invoke the minor's constitutional rights in order to evade liability for his own crime.

Atty. Michelia O. Capadochia ceased to be counsel for the minor Mangayan after the latter agreed to testify for the prosecution even if there was no resolution ordering the accused to be discharged as a state witness yet. Mangayan testified against accused-appellant Caldoza without any coercion from the prosecution or the court. It was of his own volition to tell the exact truth before the witness stand. When he was called upon to testify on the witness stand, he was assisted by the prosecution who presented him as an ordinary witness and co- conspirator.

We likewise find no correctible error in the manner of examination of the minor Mangayan or in the appreciation by the trial court of his testimony.

It is true that leading questions are generally not allowed and have little probative value. However, Section 10, Rule 132 of the Rules of Court provides:

Sec. 10. Leading and misleading questions. – A question which suggests to the witness the answer which the examining party desires is a leading question. It is not allowed, except:

> xxx xxx xxx
>
> (c) When there is difficulty in getting direct and intelligible answers from a witness who is ignorant, or a child of tender years, or is of feeble mind, or a deaf mute.
>
> xxx xxx xxx"[25]

In the present case, Mangayan was twelve (12) years old when he testified in court and his minority was not in issue. His age was of his best knowledge based on what his mother told him since he does not even know the date when he was born. He could not even remember the last time he went to school.[26] That said, We have carefully examined the transcript of Mangayan's testimony and found no question of a leading character that could have seriously prejudiced the accused. The questions propounded to Mangayan were clearly phrased to elicit facts that Mangayan had personal knowledge of but which he was having some difficulty or hesitation in expression.

The trend in procedural law is to give wide latitude to the courts in exercising control over the questioning of a child witness. The reasons are spelled out in the Rule on Examination of a Child Witness, which took effect on

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December 15, 2000, namely, (1) to facilitate the ascertainment of the truth, (2) to ensure that questions are stated in a form appropriate to the developmental level of the child, (3) to protect children from harassment or undue embarrassment, and (4) avoid waste of time. Leading questions in all stages of examination of a child are allowed if the same will further the interests of justice.[27]

As to the inconsistencies of Mangayan's testimonies, We affirm the trial court's findings, thus:

> The testimony of the (sic) Gilbert Mangayan on the identity of the accused, and more so on the elements constituting the crime of robbery, was clear, categorical, and positive. This negates any doubt as to the credibility of the witness. Although there may have been slipups in his testimony, in this jurisdiction however, it is a well-settled rule that minor inconsistencies do not impair the credibility of a witness where there is a consistency in relating the principal occurrence and positive identification of the wrongdoer.[28]

The alleged inconsistencies pertain only to minor matters which do not weaken the credibility of Mangayan. The Supreme Court, in Avelino v. People,[29] elucidated on this subject, to wit:

> "Given the natural frailties of the human mind and its capacity to assimilate all material details of a given incident, slight inconsistencies and variances in the declarations of a witness hardly weaken their probative value. It is well-settled that immaterial and insignificant details do not discredit a testimony on the very material and significant point bearing on the very act of accused-appellant. As long as the testimonies of the witnesses corroborate one another on material points, minor inconsistencies therein cannot destroy their credibility. Inconsistencies on minor details do not undermine the integrity of a prosecution witness."

However, accused-appellant argues that Mangayan's testimonies were uncorroborated and should therefore be discredited. We do not agree. Mangayan's account of the crime and his participation in its commission is corroborated by the physical evidence offered by the prosecution, including the demonstrative evidence showing the situs of the crime and the effects of the crime recovered later.[30] But even without corroboration from other witnesses, Mangayan's declarations can stand alone and be given full credence as he was an actual and direct participant in the criminal act and was thus giving direct evidence on the facts in issue.

In the appreciation of Mangayan's testimonies, We agree with the trial court when it said:

> Although, generally, the rules require corroboration, the uncorroborated testimony of Gilbert Mangayan was shown to be straightforward and truthful. He was steadfast when he testified because not only was he an eyewitness, he was a direct participant as well in the commission of the crime. Ill will or motive was neither introduced against his positive testimony, and thus making his testimony all the more credible and trustworthy.

Mangayan consistently testified that he was a co-principal in the alleged crime and attested to the fact that it was accused-appellant Caldoza who induced him to rob his own uncle's house. He gave full details as to how the robbery happened and what the accused-appellant took from the private complainant's house. Such detailed narration of the robbery cannot be simply made up or imagined by Mangayan, considering his young age.

With regard to accused-appellant's assertion that Mangayan's testimony is null and void, We declare that the latter's testimony is admissible even if he was not discharged as a state witness because in such a case, Mangayan testified as an ordinary witness and co-conspirator. Further, granting ex gratia argumenti that not all the requisites of a valid discharge are present, the improper discharge of an accused will not render inadmissible his testimony nor detract from his competency as a witness.[31]

Even if the prosecution's Motion to Discharge Accused as a State Witness became moot and academic by presenting Mangayan as a witness before the said motion was acted upon, such cannot lessen the probative weight of Mangayan's testimonies. Indeed, there was no longer need to discharge Mangayan as a state witness because the trial court has even then, dismissed the case against Mangayan as he was 11 years old at the time of the

commission of the offense and thus, exempted from criminal liability pursuant to the provisions of Republic Act 9344.[32]

Finally, appellant then puts forward the defense of alibi and denial to oppose the accusations against him but his defense cannot prevail over the positive testimony of the prosecution witness. Alibi is the weakest defense not only because it is inherently weak and unreliable, but also because it is easy to fabricate.[33] It is generally rejected when the accused is positively identified by a witness.[34] The defense of denial is likewise unavailing. Denial is an intrinsically weak defense which must be buttressed with strong evidence of non-culpability to merit credibility.[35]

Appellant argues correctly that every accused enjoys the presumption of innocence and the case of the State will rise or fall on the strength or weakness of the evidence of guilt. It is thus up to the accused if in his or his counsel's judgment he desires to proffer evidence of innocence. But if he does such as when he raises alibi in defense, he has the burden to prove the defense he claims.

In order for the defense of alibi to prosper, it is not enough to prove that the accused was somewhere else when the offense was committed, but it must likewise be demonstrated that he was so far away that it was not possible for him to have been physically present at the locus delicti or its immediate vicinity at the time of its commission. Due to its doubtful nature, alibi must be supported by clear and convincing proof.[36]

A review of the evidence presented by accused-appellant Caldoza reveals that it did not meet the standards for an effective defense of alibi. Accused-appellant and his witnesses failed to establish by clear and convincing evidence that it was physically impossible for him to be at Tigkawayan, El Salvador, Misamis Oriental where the robbery took place. Accused-appellant's testimony revealed that at around 7 o'clock in the evening on 4 May 2001, he was at a political rally at the plaza of Cogon, El Salvador, Misamis Oriental together with Reynan Asan, the lone witness who corroborated the accused-appellant's testimony[37] The distance between the locus delicti and Cogon, El Salvador, is about 8 kilometers only. Assuming that accused-appellant's claim and that of Asan was true, it is also not impossible that the accused-appellant may have discreetly left the place and went to Tigkawayan, El Salvador. Therefore, it is also not physically impossible for accused-appellant to make a trip towards Tigkawayan, El Salvador and come back to Cogon, El Salvador to participate in the political rally till 1 o'clock dawn the next day.

Moreover, the testimonies of Rosita Catiil and Carmelita Omongos presented to corroborate the defense of alibi of accused-appellant Caldoza could only diminish the probative weight to his defense. It is established in jurisprudence that, in order for corroboration to be credible, the same must be offered preferably by disinterested witnesses.[38] While Catiil is related by affinity to the accused- appellant,[39] Omongos is a close family friend of the Caldozas since they are long time neighbors.[40] Undoubtedly, Catiil and Caldoza are not considered disinterested witnesses.

Basic is the rule that factual findings of trial courts, including their assessment of the witnesses' credibility, are entitled to great weight and respect by this Court, unless some facts and circumstances of weight and substance, having been overlooked or misinterpreted, might materially affect the disposition of the case.[41] Jurisprudence also tells us that where there is no evidence that the witnesses of the prosecution were actuated by ill motive, it is presumed that they were not so actuated and their testimony is entitled to full faith and credit.[42]

Given all these, We find no cogent reason to deviate from the findings of facts and conclusions of law of the trial court.

Accordingly, the prescribed penalty under Article 299 of the Revised Penal Code is prision mayor, when the

offenders do not carry arms and the value of the property taken exceeds 250 pesos. Considering that there are no aggravating or mitigating circumstances, the range of the penalty that must be imposed is prision mayor in its medium period with a prison term of eight (8) years and one (1) day to ten (10) years. Applying the Indeterminate Sentence Law, the maximum term of the penalty is to be taken from the medium period of prision mayor, which is eight (8) years and one (1) day to ten (10) years. The minimum term of the penalty is to be taken from the penalty next lower in degree, which is prision correccional in its medium period, the range of which is two (2) years, four (4) months and one (1) day to four (4) years and two (2) months. Thus, the trial court was correct in imposing to accused-appellant Caldoza an indeterminate sentence of two (2) years, four (4) months and one (1) day as the minimum period, to eight (8) years as the maximum period.

Anent the amount to be indemnified, the trial court correctly held in ordering accused-appellant Caldoza to pay the private complainant the amount of PhP9,000.00 as indemnification of the value of the goods taken from the latter. This is in consonant with Article 100 and must offer restitution or reparation under Article 104 of the Revised Penal Code that a person criminally liable for a felony is also civilly liable.

WHEREFORE, the appealed decision of the RTC, Branch 22, Cagayan de Oro City, in Criminal Case No. 2001-348, is hereby AFFIRMED in toto.

SO ORDERED.

Camello, J., Chairperson, and Inting, JJ., concur.

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[1] Rollo, pp. 16-33.

[2] Rollo, pp. 34-39.

[3] Records, pp. 2-3.

[4] Ibid.

[5] Records, pp. 105-106.

[6] Records, p. 117.

[7] TSN, August 5, 2004, pp. 5-9.

[8] TSN, September 15, 2002, pp. 7-15.

[9] Records, pp 152-155.

[10] Records, p 156.

[11] The Juvenile Justice and Welfare Act of 2006.

[12] TSN, June 17, 2008, pp. 7-8.

[13] TSN, June 17, 2008, p. 6.

[14] TSN, April 28, 2009. pp. 5-7.

[15] TSN, January 21, 2010, pp. 5-7.

[16] TSN, August 31, 2011, pp. 3-5.

[17] Id., at 2.

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[18] Rollo, p. 25.

[19] Rollo, p. 37.

[20] TSN, August 5, 2004, pp 4-9.

[21] Article III (Bill of Rights) of the 1987 Constitution

[22] Rule 115 of the Rules of Court

[23] People v. Serzo, Jr., G.R. No. 118435, June 20, 1997 citing People v. Jose, 37 SCRA 450, 472-473, February 6, 1971.

[24] Id.

[25] People v. Daganio, G.R. No. 137385, January 23, 2002.

[26] TSN, August 5, 2004, pp 12-13.

[27] Id., at 19.

[28] Rollo, p 38.

[29] G.R. No. 181444, July 17, 2013, citing Madali v. People, G.R. No. 180380, August 4, 2009, 595 SCRA 274, 294.

[30] Records, pp 123-124.

[31] People v. Verceles, G.R. No. 130650, September 10, 2002.

[32] Rollo, p 35.

[33] Sumbillo v. People, G.R. No. 167464, January 21, 2010.

[34] Ibid.

[35] People v. Amistoso, G.R. No. 201447, January 9, 2013.

[36] People v. Lara, G.R. No. 199877, August 13, 2012.

[37] TSN, April 28, 2009, pp. 5-7.

[38] People v. Aquino, G.R. No. 201092, January 15, 2014.

[39] TSN, June 17, 2008, p. 10.

[40] TSN, January 21, 2010, p. 9.

[41] Coscolla v. People, G.R. No. 176566, April 16, 2009.

[42] People v Dadao, G.R. 201860, January 22, 2014.

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