

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RYAN T. MASCARDO, ACCUSED-APPELLANT.

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PAREDES, J.:[*]

THE CASE

THIS APPEAL[1], filed by accused-appellant Ryan T. Mascardo (appellant), seeks to reverse and set aside the Decision[2] dated October 27, 2009, issued by the Regional Trial Court, Branch 199 of Las Piñas City, in Criminal Case No. 05-0433, the decretal portion of which, reads:

WHEREFORE, the Court finds the accused Ryan T. Mascardo GUILTY beyond reasonable doubt of the crime of Rape under Art. 266-A (par. 2) of the Revised Penal Code and hereby imposes the Indeterminate Penalty of imprisonment ranging from TWO (2) YEARS, as minimum, to THREE (3) YEARS, as maximum of PRISION CORRECCIONAL with the accessory penalty of the law. Accused is likewise directed to indemnify the victim AAA the amount of Fifty Thousand Pesos (P50,000.00) as moral damages and another amount of Fifty Thousand Pesos (P50,000.00) as exemplary damages.

However, the sentence imposed upon him is in the meantime suspended. Suspension of sentence shall still be applied even if the child is already eighteen years of age at the time of his conviction. This rule is in line with the Rule on Juveniles in Conflict with the Law and the Rule on the Examination of a Child Witness.

The Court Social Worker assigned is hereby directed to submit her recommendation as to the DISPOSITION MEASURES to be imposed in a hearing to be called by the court.

Let a copy of this Decision be furnished the parties and their counsels and the Court Social Worker for their information and guidance.

SO ORDERED. (Emphasis in the original)

THE ANTECEDENTS

The facts based on the RTC's assailed Decision[3] are, as follows:

AAA[4], a 7 year old[5] minor, and appellant, 16 years old, are second cousins. On November 23, 2003, AAA was outside the store of appellant when the latter called her to their store. Once inside the store, appellant forced AAA to sit on his lap and tied her right leg to a nearby cabinet with a plastic string. Appellant pulled down her short pants and inserted his right forefinger, twice, in AAA's vagina. AAA tried to throw stones at appellant. When he finished, he removed the string from her leg and warned her not to tell her parents or there would be a family feud. AAA ran away.

On February 14, 2004, BBB, AAA's father, related that his daughter told him that, "kinalikot ni Ryan ang pepe ko." AAA narrated that the sexual assault happened when her mother, CCC, went to the house of her father, Lolo Enteng, who was sick. BBB reported the incident to the police and barangay officials.

Thereafter, AAA and BBB went to the Children's and Women's Desk of the Las Piñas police station where AAA executed a Sinumpaang Salaysay (Exhibit "A")[6]. They were referred to the NBI for medico-legal examination.

CCC narrated that she noticed an inflammation in the private part of her daughter but when she asked her about it, AAA refused to speak; she did not press her about it. On February 14, 2004, she learned from BBB that her nephew by her cousin, Lilibeth, had molested AAA.

On February 16, 2004, Dr. Joseph Palermo, medico-legal officer, conducted physical and genital examination on AAA and found that there is a deep healed hymenal laceration at 6 o'clock position (Exhibit "C-1").[7] AAA was in a non- virginal state physically and there were no external signs of trauma noted on her body at the time of the examination.

Appellant denied the charges against him. He testified that on November 23, 2003, at around 10 o'clock in the morning, his mother woke him up and told him that his Lolo Enteng was sick and vomiting blood. She went to assist his grandfather go to the hospital. He was told to stay at the house of his aunt, which he did, and played the play station with his cousins the whole time he was there.

On February 16, 2004, he was at school attending his class' junior-senior prom, when he received a text message from his cousin Gemma, that his mother, Kuya Al, Tito Levy, Tita Riza and Tito Lito were all waiting for him at the school gate; also waiting for him outside were the father and brother of AAA. His Tito Lito asked him if there was truth to the allegations of AAA's family that he "touched" her. He answered in the negative. He was ordered to sleep at his Tita Riza's house for fear that AAA's family might do him harm.

Appellant added that the accusations against him was prompted by the ill-will and grudge harbored by AAA's family against his family. AAA's family is envious of his family. They also had issues regarding the payment of the electric bill as they shared an electric meter. Moreover, the store where the alleged sexual assault took place was already closed at that time.

Lilibeth Mascardo stated that appellant was left at the house of his grandfather Enteng on November 23, 2003. She said that the charges against her son was the product of an altercation between the two families because of disagreements on payments of water and electric bills. On February 13, 2004, she was surprised that BBB went looking for appellant and accusing him of touching AAA. BBB even threw stones at their house, and which incident her family had recorded in the police blotter. Lilibeth stated that her son denied having touched AAA.

Mary Jane Ferrer, aunt of AAA, and appellant testified that on November 23, 2003, AAA stayed with CCC who was with them at their Lolo Enteng's house. They only left at lunch time to eat and returned at around 2:30 in the afternoon. She also confirmed the feud between the two families.

After trial, on October 28, 2009, the RTC issued the assailed decision,

Appellant filed this appeal and assigns the following errors:[8]

- I. THE HONORABLE TRIAL COURT ERRED IN GIVING CREDIBILITY AND TRUST TO THE MATERIAL INCONSISTENCIES CONTAINED IN THE TESTIMONIES OF THE PROSECUTION WITNESSES.
- II. THE HONORABLE TRIAL COURT ERRED IN ITS BENEVOLENT AND BLIND ADHERENCE TO THE TESTIMONY OF THE PRIVATE COMPLAINANT, AAA.
- III. THE HONORABLE TRIAL COURT ERRED IN NOT GIVING WEIGHT AND BELIEF TO THE STRAIGHTFORWARD AND CANDID TESTIMONIES OF THE DEFENSE WITNESSES.
- IV. THE HONORABLE TRIAL COURT ERRED IN NOT ACQUITTING THE ACCUSED-APPELLANT, RYAN T. MASCARDO, DESPITE THE FAILURE OF THE PROSECUTION TO PROVE BEYOND REASONABLE DOUBT THAT ACCUSED-APPELLANT, WHO WAS ONLY 16 YEARS OLD WHEN

THE CRIME WAS ALLEGEDLY COMMITTED BY HIM, ACTED WITH DISCERNMENT.

THE ISSUE

The main and only issue in this case is whether or not appellant is guilty of the crime of rape by sexual assault under Article 266-A, paragraph 2 of the Revised Penal Code, as amended, beyond reasonable doubt.

THE COURT'S RULING

The appeal is without merit.

The first three assigned errors of appellants will be discussed jointly as they pertain to the credibility of witnesses and weight of evidence of the prosecution. In the main, appellant argues that the RTC should have given more weight to his evidence rather than that of the prosecution.

Appellant contends that the testimonies of the prosecution witnesses were riddled with material inconsistencies which militate against the finding of guilt of appellant. Specifically, he points to the testimonies of AAA and BBB as conflicting, in both minor and major points, as follows:

- 1) As to the date when AAA related the incident to BBB. AAA stated that she told BBB of the incident on the same night; while BBB testified that his daughter complained to him of the acts allegedly committed by the accused on February 13, 2004 at more or less 11 o'clock in the evening[9];
- 2) AAA said that it was her parents who asked her about the incident while BBB stated that it was AAA who told him about it[10];
- 3) In her cross-examination, AAA was no longer sure whether she reported the incident on the same night or two days later[11];
- 4) During her direct examination, AAA could not remember when appellant inserted his right forefinger in her vagina and later on, she categorically stated that it was on November 23, 2003[12];
- 5) At first, AAA stated that she did not protest when appellant allegedly inserted his forefinger in her vagina, but later on, she claimed throwing stones at him[13]; and
- 6) In his cross-examination, BBB stated that it was not 11 o'clock in the evening when his daughter reported the incident to him, but rather, it was at 8 o'clock in the evening.[14]

According to appellant these inconsistencies are too numerous and tainted with untruthfulness that they should not have been ignored. We are not persuaded.

Having scoured the transcripts of the testimonies adverted to, We find that the inconsistencies and inaccuracies are minor, such that these manifest truthfulness and candor, and erase any suspicion of a rehearsed testimony[15]. What is important is that AAA and BBB conveyed what they had actually perceived; and categorically supplied facts which secured the conviction of appellant, despite the passage of time. Verily, victims of crimes and their immediate family, cannot be expected to recall with exact precision the minutiae of the incident. Human memory is not as unerring as a photograph. Different persons having different reflexes produce varying reactions, impressions, perceptions and recollections. Their physical, mental and emotional conditions may have also affected the recall of the details of the incident[16].

Then, too, appellant questions the findings of fact of the trial court based on the testimonies of the witnesses and the sufficiency of the evidence presented. We remain unconvinced.

The Supreme Court, in the case of *People of the Philippines vs. Marcelino Dadao, Antonio Sulindao, Eddie Malogsi (deceased) and Alfemio Malogsi*[17], held:

We have consistently held in jurisprudence that the resolution of such a factual question is best left to the sound judgment of the trial court and that, absent any misapprehension of facts or grave abuse of discretion, the findings of the trial court shall not be disturbed. In *People v. De la Rosa*, we yet again expounded on this principle in this wise:

[T]he issue raised by accused-appellant involves the credibility of [the] witness, which is best addressed by the trial court, it being in a better position to decide such question, having heard the witness and observed his demeanor, conduct, and attitude under grueling examination. These are the most significant factors in evaluating the sincerity of witnesses and in unearthing the truth, especially in the face of conflicting testimonies. Through its observations during the entire proceedings, the trial court can be expected to determine, with reasonable discretion, whose testimony to accept and which witness to believe. Verily, findings of the trial court on such matters will not be disturbed on appeal unless some facts or circumstances of weight have been overlooked, misapprehended or misinterpreted so as to materially affect the disposition of the case (Citations omitted; Underscoring supplied).

Moreso in the case at bar where the victim was only about 6 years old at the time of the commission of the crime, for it is settled jurisprudence that testimonies of child victims are given full weight and credit because, when a woman, more so if she is a minor, says that she has been raped, she says in effect all that is necessary to show that rape was committed. Youth and immaturity are generally badges of truth and sincerity[18].

We share the court a quo's finding that AAA's testimony was candid and straightforward. AAA was only about 8 years old at the time she testified in court, but the manner in which she narrated the incident could not have been made in a straightforward manner by a girl her age who was not subjected to such sexual abuse. As the RTC noted, a girl her age could not have concocted the circumstances relating to the incident.

Moreover, the testimony of AAA that she was sexually assaulted is supported by the medical certificate issued by Dr. Palmero who physically examined AAA. The examination showed that there was a deep healed hymenal laceration at 6 o'clock position which could have been inflicted more than 1 week to one year from examination. Said laceration of the hymen is caused by a blunt object, such as a finger, which was inserted in the vagina.

Furthermore, the RTC has sufficiently resolved the factual issues raised by appellant as shown by the pertinent portions of the assailed decision as follows:

xxx

The accused likewise seeks to discredit complainant's testimony by pointing out during her direct examination, she testified that she did not remember when accused inserted his right forefinger into her private part. Yet, when asked again the same question, she was categorically sure that it happened on November 23, 2003.

Failure to recall the exact date of the crime is not an indication of false testimony. Moreover, the precise date when the victim was raped is not an element of the offense. An Information is sufficient as long as it is alleged that the offense was committed at any time near the actual date at which the offense was committed. The allegation that the rape was committed on or about the 23[rd] day of November, 2003 constitute sufficient compliance with Section 11, Rule 110 of the Revised Rules of Criminal Procedure.

Accused also contends that while AAA's rape allegedly took place inside their store on November 23, 2003 yet the store in which the crime allegedly happened already stopped operating months before the alleged incident took place.

The assertion of the accused cannot stand scrutiny. No other than the mother of the accused herself admitted that her son Ryan has access to their store. Clearly, it was not impossible for the accused to sneak into the store and open it.

Accused further posits that it was unlikely for him to commit rape at noon time and inside a store which is a public place. The court does not agree. Fear of discovery or the likely appearance of other people does not necessarily deter the commission of rape. In this connection, suffice it to say that lust is no respecter of time and place. It is known to happen in the most unlikely places such as parks, passageways, within school premises or even occupied rooms.

Accused likewise submits that there was no tenacious resistance shown on complainant's part. Physical resistance, however, need not be established in rape when intimidation is exercised upon the victim especially since the victim in the instant case is merely seven years of age (as alleged in the information) at the time of the sexual assault (citations omitted).[19]

Article 266-A, paragraph 2 of the Revised Penal Code, as amended by RA No. 8353[20] provides, that:

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;
 - b) When the offended party is deprived of reason or is otherwise unconscious;
 - c) By means of fraudulent machination or grave abuse of authority; and
 - d) When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.

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

Appellant was charged with rape by sexual assault defined under Article 266-A paragraph 2 of the Revised Penal Code, as amended by RA 8353. Indeed, in order to obtain a conviction for rape by sexual assault, it is essential for the prosecution to establish the elements that constitute such crime. Article 266-A(2) of the Revised Penal Code explicitly provides that the gravamen of the crime of rape by sexual assault which is the insertion of the penis into another person's mouth or anal orifice, or any instrument or object, into another person's genital or anal orifice[21].

In the case at bar, the prosecution has established beyond reasonable doubt the elements for rape by sexual assault in that: AAA was a minor, under 12 years of age, she being 6 years of age at the time of the incident on November 23, 2003 [DOB: February 25, 1997 per her Birth Certificate (Exhibit "D")], albeit the Information[22] stated that AAA was then 7 years old; and AAA testified that appellant inserted his right forefinger in her vagina, her testimony being corroborated by the medical certificate[23] issued by Dr. Palermo.

Appellant denies the charge claiming that the same was prompted by the feud between his family and AAA's. He insists that at the time of the incident he stayed at the house of his aunt up to 12 o'clock midnight; adding that granting, without admitting, that he committed the crime, he should still be absolved because the prosecution failed to prove that he acted with discernment. We are not convinced.

Appellant's denial and alibi deserve scant consideration. No jurisprudence in criminal law is more settled than that alibi is the weakest of all defenses, for it is easy to contrive and difficult to disprove, and for which reason it is generally rejected. It has been consistently held that denial and alibi are the most common defenses in rape cases. Denial could not prevail over complainant's direct, positive and categorical assertion. As between a positive and categorical testimony which has the ring of truth, on one hand, and a bare denial, on the other, the former is generally held to prevail[24].

With respect to the concept of "discernment" or lack thereof, the Supreme Court in the case of People of the

Philippines vs. Hermie M. Jacinto[25], elucidated, that:

Discernment is that mental capacity of a minor to fully appreciate the consequences of his unlawful act. Such capacity may be known and should be determined by taking into consideration all the facts and circumstances afforded by the records in each case.

The surrounding circumstances must demonstrate that the minor knew what he was doing and that it was wrong. Such circumstance includes the gruesome nature of the crime and the minor's cunning[ness] and shrewdness.

In this case, it has been established that appellant called AAA to the store, tied her leg, and sexually assaulted her. He warned AAA not to tell her family or else it can cause a feud between their families. He knew that what he did was wrong and tried to hide it. He knew the dire consequences of his actions. We note the observation of the Solicitor General in appellant's testimony that even before he was apprised of the detail of what he had done to AAA, he already denied the same, as follows:

ATTY. ABING:

Q: After having been informed that you were being looked upon (sic) by the Alayon family, what happened next if any?

A: Tito Lito asked me if I did something to AAA.

Q: What was your answer to that question of Tito Lito?

A: I said that there's no truth to that.

COURT:

Q: You were being asked if you did something to AAA and you said there is no truth to that?

A: Yes, your honor.[26]

The above circumstances showed appellant's mental capacity to fully understand the consequences of his unlawful action[27].

The Penalty

The penalty for rape by sexual assault under Article 266-A(2) is prision mayor. Considering that appellant was a minor at the time of the commission of the crime, his penalty will be lowered by one degree pursuant to Article 68 of the Revised Penal Code[28]. The penalty next lower by one degree from prision mayor is prision correccional. The time included in prision correccional is from six (6) months and one (1) day to six (6) years. There being no aggravating circumstance and taking into consideration the privileged mitigating circumstance of minority, and applying the Indeterminate Sentence Law[29], We opine that the proper penalty should be imprisonment ranging from two (2) years and four (4) months, as minimum, to four (4) years and two (2) months, as maximum, of prision correccional. As correctly imposed, the penalty is suspended.

Suspension of sentence is proper under Section 38 of Republic Act No. 9344 which provides that:

SEC. 38. Automatic Suspension of Sentence. - Once the child who is under eighteen (18) years of age at the time of the commission of the offense is found guilty of the offense charged, the court shall determine and ascertain any civil liability which may have resulted from the offense committed. However, instead of pronouncing the judgment of conviction, the court shall place the child in conflict with the law under suspended sentence, without need of application: Provided, however, That suspension of sentence shall still be applied even if the juvenile is already eighteen (18) years of age or more at the time of the pronouncement of his/her guilt.

However, the benefits of a suspended sentence can no longer apply to appellant. The suspension of sentence lasts

only until the child in conflict with the law reaches the maximum age of twenty-one (21) years. Unfortunately, appellant is now twenty-seven (27) years old. Be that as it may, to give meaning to the legislative intent of the Act, the promotion of the welfare of a child in conflict with the law should extend even to one who has exceeded the age limit of twenty-one (21) years, so long as he/she committed the crime when he/she was still a child. The offender shall be entitled to the right to restoration, rehabilitation and reintegration in accordance with the Act in order that he/she is given the chance to live a normal life and become a productive member of the community. The age of the child in conflict with the law at the time of the promulgation of the judgment of conviction is not material. What matters is that the offender committed the offense when he/she was still of tender age. Thus, appellant may be confined in an agricultural camp or any other training facility in accordance with Sec. 51[30] of Republic Act No. 9344. The case should be remanded to the court of origin to effect appellant's confinement in an agricultural camp or other training facility. So said the Supreme Court in *People of the Philippines vs. Hermie M. Jacinto*[31].

Award of Damages

With regard the award of damages, We take note of the submission of the Solicitor General, to wit:

As regards the award of exemplary damages, it is respectfully submitted that it should be deleted. Recent jurisprudence dictates that exemplary damages cannot be awarded as part of the civil liability if the crime was not committed with one or more aggravating circumstance.

Anent the award of moral damages, the People concur with the decision of the court a quo, as this is consistent with prevailing jurisprudence. Instead of exemplary damages, however, the People respectfully recommend that an award of P50,000.00 as civil indemnity should be awarded. It should be noted that civil indemnity is in the nature of actual and compensatory damages, and is obligatory upon conviction for rape. As to moral damages, it is automatically awarded to rape victims without the necessity of proof, for it is assumed that the victim suffered moral injuries entitling her to such award. Such award is separate and distinct from civil indemnity (citations omitted).[32]

In the more recent case of *People of the Philippines v. Aurelio Jastiva*[33], the Supreme Court still awarded exemplary damages absent an aggravating circumstance, ratiocinating as follows:

This Court notes, however, that both the RTC and Court of Appeals overlooked the award of exemplary damages. Being corrective in nature, exemplary damages can be awarded even in the absence of an aggravating circumstance if the circumstances of the case show the highly reprehensible or outrageous conduct of the offender. Thus, this Court deems it necessary to modify the civil liability of appellant Jastiva to include exemplary damages for the vindication of the sense of indignity and humiliation suffered by AAA, a woman of advanced age, and to set a public example, to serve as deterrent to those who abuse the elderly, and to protect the latter from sexual assaults.

In the case at bar, the victim at the time of the incident, was a minor 6 years of age. We cannot over emphasize the importance of taking care and protecting our the minors from sexual abuse. Hence, We retain the award of exemplary and moral damages, in addition to the civil indemnity usually granted to the victims of rape. In accordance with recent jurisprudence, interest at the rate of six percent (6%) should likewise be imposed[34].

WHEREFORE, premises considered, the Appeal is DISMISSED. The assailed Decision dated October 27, 2009, issued by the Regional Trial Court, Branch 199, Las Piñas City, in Criminal Case No. 05-0433 which found appellant Ryan T. Mascardo guilty beyond reasonable doubt of the crime of rape by sexual assault is AFFIRMED with MODIFICATION that appellant shall suffer the penalty of imprisonment ranging from two (2) years and four (4) months, as minimum, to four (4) years and two (2) months, as maximum, of prison correccional; likewise, he is ORDERED to pay AAA the following: Fifty Thousand Pesos (P50,000.00) as civil indemnity,

Fifty Thousand Pesos (P50,000.00) as exemplary damages, and Fifty Thousand Pesos (P50,000.00) as moral damages, plus interest at the legal rate of 6% per annum from the finality of this Decision.

The case is remanded to the court of origin to effect appellant's confinement in an agricultural camp or other training facility.

SO ORDERED.

Didican, (Chairperson), and [**]Corales, JJ., concur.

[*] Acting Senior Member per Office Order No. 461-14-ABR dated November 3, 2014.

[**] Acting Junior Member per Office Order No. 461-14-ABR dated November 3, 2014.

[1] Rollo, pp. 49-92

[2] Records, pp. 407-13, penned by Judge Joselito dj. Vibandor.

[3] Ibid., pp. 408-11.

[4] The real name and other personal circumstances of the victim are withheld to protect her privacy pursuant to Republic Act No. 7610 and Republic Act No. 9262, as held in *People vs. Cabalquinto*, G.R. No. 167693, September 19, 2006.

[5] The Birth Certificate of AAA (Exhibit "D", records, p. 220) showed her date of birth as February 25, 1997, thus, she was about six (6) years old at the time of the incident. The Information (records, p. 1), however, stated her age as seven (7) years old. The RTC denied amendment of the same as it will affect the substantial rights of appellant, TSN dated January 30, 2006, pp. 31-32.

[6] Records, p. 216.

[7] Ibid., p. 219.

[8] Rollo, pp. 58-9.

[9] Appellant's Brief citing TSN dated January 30, 2006, pp. 25-26 and TSN dated March 21, 2006, p. 7, rollo, p. 60.

[10] Ibid., pp. 61-2.

[11] Ibid., p. 62

[12] Ibid., p. 63.

[13] Ibid.

[14] Ibid., pp. 64-5.

[15] See *People vs. Jimmel Sanidad, Ponce Manuel alias Pambong*, G.R. No. 146099, April 30, 2003.

[16] Ibid.

[17] G.R. No. 201860, January 22, 2014.

[18] See *People vs. Roel Vergara y Clavero*, G.R. No. 199226, January 15, 2014.

[19] RTC Decision, records, pp. 416-7.

[20] The Anti-Rape Law of 1997.

[21] Mike Alvin Pielago y Ros vs. People, G.R. No. 202020, March 13, 2013.

[22] Records, p. 1.

[23] Medico-Legal Report No. M-607-04 (Exh. "C"), records, p. 219.

[24] People vs. Vicente Candellada, G.R. No. 189293, July 10, 2013.

[25] G.R. No. 182239, March 16, 2011.

[26] Appellee's Brief quoting TSN dated February 3, 2009, pp. 9-10, rollo, p. 134.

[27] People vs. Hermie M. Jacinto, *supra*, note 25.

[28] ARTICLE 68. Penalty to Be Imposed Upon a Person Under Eighteen Years of Age. — When the offender is a minor under eighteen years and his case is one coming under the provisions of the paragraph next to the last of article 80 of this Code, the following rules shall be observed:

1. Upon a person under fifteen but over nine years of age, who is not exempted from liability by reason of the court having declared that he acted with discernment, a discretionary penalty shall be imposed, but always lower by two degrees at least than that prescribed by law for the crime which he committed.
2. Upon a person over fifteen and under eighteen years of age the penalty next lower than that prescribed by law shall be imposed, but always in the proper period.

[29] RA 4103, as amended. SECTION 1 provides in pertinent part, as follows: Hereafter, in imposing a prison sentence for an offense punished by the Revised Penal Code, or its amendment, the court shall sentence the accused to an indeterminate sentence the maximum term of which shall be that which, in view of the attending circumstances, could be properly imposed under the rules of the said Code, and the minimum which shall be within the range of the penalty next lower to that prescribed by the Code for the offense; xxx.

[30] Sec. 51. Confinement of Convicted Children in Agricultural Camps and Other Training Facilities. – A child in conflict with the law may, after conviction and upon order of the court, be made to serve his/her sentence, in lieu of confinement in a regular penal institution, in an agricultural camp and other training facilities that may be established, maintained, supervised and controlled by the BUCOR, in coordination with the DSWD.

[31] G.R. No. 182239, March 16, 2011, *supra* note 25.

[32] Appellee's Brief, rollo, pp. 135-6.

[33] G.R. No. 199268, February 12, 2014.

[34] People vs. Domingo Banan y Lumido, G.R. No. 193664, March 23, 2011.

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