PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. OSCAR ABREGO Y YULO, ACCUSED-APPELLANT.

Ponente: ZALAMEDA, R.V., J.

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ZALAMEDA, R.V., J.:

Assailed in the present Appeal is the Decision[1] dated 07 October 2011 of the Honorable Josephine Zarate-Fernandez, Presiding Judge of Branch 76, Regional Trial Court of San Mateo, Rizal in Criminal Case No. 9086 entitled, "People of the Philippines vs. Oscar Abrego y Yulo, Accused" finding accused Oscar Abrego y Yulo guilty beyond reasonable doubt for the crime of Qualified Rape committed against AAA,[2] a seventeen (17)-year old minor and a mental retardate[3] in Criminal Case No. 9086, but acquitting him in Criminal Case No. 10139 --

> "X x x
>
> WHEREFORE, premises considered, judgment is hereby rendered, as follows:
>
> 1. In Criminal Case No. 9086, finding accused Oscar Abrego y Yulo GUILTY beyond reasonable doubt of the crime of Qualified Rape (Violation of Article 266-A 1 (a) in relation to Article 266-B, 6[th] paragraph No. 10 of the RPC, as amended by RA 8353 and in further relation to Section 5 (a) of RA 8369) and sentencing him to suffer the penalty of Reclusion Perpetua and to indemnify the victim, [AAA], the amount of Fifty thousand Pesos (P 50,000.00) as civil indemnity; seventy-five thousand pesos (75,000.00) as moral damages; and, fifty thousand pesos (P50,000.00) as exemplary damages.
>
> 2. In Criminal Case No. 10139, ACQUITTING accused Oscar Abrego y Yulo for failure to prove the guilt of the accused upon reasonable doubt.
>
> Accused Oscar Abrego y Yulo is hereby ordered to be committed to the National Bilibid Prisons in Muntinlupa City for service of sentence.
>
> Accused Oscar Abrego y Yulo is to be credited for the time spent for his preventive detention in accordance with Art. 29 of the Revised Penal Code as amended by R.A. 6127 and E.O. 214.
>
> SO ORDERED.
>
> X x x"[4]

As gathered from the records, the facts are as follows:

On 27 February 2007 and 24 October 2007, accused-appellant Oscar Abrego[5] was charged with the crime of Qualified Rape,[6] in two (2) Informations allegedly committed as follows:

> In Criminal Case No. 9086-07
>
> "That on or about the 21[st] day of February, 2007 in the Municipality of Rodriguez, Province of Rizal, Philippines and within the jurisdiction of this Honorable Court, the above named accused, with lewd design, by means of force, violence and intimidation, did then and there, willfully, unlawfully and feloniously have carnal

knowledge of one [AAA], seventeen (17) years old minor, at the time of the commission of the crime, and well knowing that said victim is suffering from mental disability and emotional disorder (feebleminded) thereby raising the crime to Qualified Rape, and further aggravated by the circumstances of abuse of superior strength and dwelling, against her will and consent and to her damage and prejudice.

CONTRARY TO LAW."[7]

In Criminal Case No. 10139

"That on or about the month of January, 2007 in the Municipality of Rodriguez, Province of Rizal, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs, by means of force, violence and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of one [AAA], 17 years of age and a minor, against her will and consent, and well knowing that the said victim is suffering from mental disability and emotional disorder (feebleminded) thereby raising the crime to Qualified Rape, and further aggravated by the circumstances of abuse of superior strength, minority and dwelling, to the damage and prejudice of said [AAA].

CONTRARY TO LAW."[8]

On arraignment, accused-appellant pleaded not guilty to the two (2) charges.[9] The two (2) cases were later consolidated,[10] both being intertwined and closely related with one another. After the termination of the pre-trial, trial on the merits ensued.

The prosecution presented the following witnesses: the victim AAA and PSI Dean C. Cabrera,[11] the Duty Medico-Legal Officer of the Philippine National Police[12] Crime Laboratory at Camp Crame.

AAA testified that in the evening of 21 February 2007, after washing the dishes, she went to the lavatory located at the back of their house to relieve herself. Accused-appellant who was already in the lavatory pulled her inside and removed her shorts. She was unable to shout because accused-appellant covered her mouth and warned her not to tell her mother. He then pushed her face down towards the ground and inserted his penis in her vagina. Upon returning to the house she told a relative about what happened to her.[13]

PSI Cabrera testified that the day following the incident, a Request for Genital Examination[14] was made by the Chief of the Women and Children Complaint Division at the PNP Criminal Investigation and Detection Group to the Medico-Legal Division, as AAA was a victim of an alleged sexual abuse. Upon examining the hymen of AAA PSI Cabrera noticed that there were deep-healed lacerations at 4 and 9 o'clock positions.[15] According to the witness:

"X x x

PROS. GONZALES:

Q.

And aside from that, what injury have you found out?

A.

On the genital examination with regard to the hymen and posterious fourchette, the findings on the hymen goes as presence of deep-healed lacerations at 4 and 9 o'clock positions and for the posterior fourchette, it is abraded, sir.

Q.

You said that you had found out that the posterior fourchette was abraded at the time it was examined, what

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does that manifest?

A.

This means that the abrasion or the injury at the posterior fourchette has been sustained at least twenty-four (24) hours from the time of examination, sir.

Q.

Meaning that from the time that you have examined the patient, the injury had been sustained by her within twenty-four (24) hours?

A.

Yes, sir.

Q.

That is on the posterior fourchette?

A.

Yes, sir.

Q.

Could you please tell us what was your findings regarding the presence of a deep-healed laceration on the 4 and 9 o'clock positions on the hymen, sir.

A.

With regard to the genital injury sustained by the hymen, this deep-healed laceration could have been sustained at least three (3) days prior to the examination, sir.

Q.

Could it be more or less sustained by the victim a month from February from the time of the examination?

A.

Yes, it is possible, sir.

Q.

And could you please tell us what would be the cause or causes for the injuries that were sustained by [AAA] on different parts of her genitals?

A.

The genital injuries sustained on the hymen and posterior fourchette are caused by a blunt and hard penetrating object, sir.

Q.

In this particular case the complaint was that the victim was raped and that the victim sustained these injuries as a cause of the accused having carnal knowledge of the victim in this case, is the penis of the male, an erected one, could it be considered as a blunt object as to have caused these injuries?

A.

It is possible, sir.

X x x"[16]

At the time PSI Cabrera was interviewing the victim the latter was coherent,[17] thus, he was unable to confirm then if the latter was indeed suffering from any mental disability or emotional disorder.[18]

After the prosecution rested its case, the defense presented accused-appellant.

The accused-appellant denied raping AAA. He testified that when he arrived home from a drinking spree in the evening of 21 February 2007 he proceeded to the lavatory outside the house of the family of AAA. As it was dark he did not see that AAA was inside so he proceeded to relieve himself. On cross-examination accused-appellant testified that when he was about to enter the lavatory he saw that AAA was inside. Nonetheless he proceeded to relieve himself. It was then that she shouted. He claimed that he was suspected of raping AAA because they were both in the lavatory at the same time.[19]

After trial, the court a quo rendered the assailed Decision convicting accused-appellant of the crime charged in Criminal Case No. 9086 and acquitting him in Criminal Case No. 10139. Accused-appellant filed a Notice of Appeal[20] on 15 December 2011 which was given due course by the court through the Order[21] dated 02 January 2012.

In his Brief,[22] accused-appellant, through counsel, faults the court a quo for the following errors:

I
THE COURT A QUO GRAVELY ERRED IN DISREGARDING THE ACCUSED-APPELLANT'S TESTIMONY.

II
THE COURT A QUO GRAVELY ERRED IN GIVING WEIGHT AND CREDENCE TO THE PROSECUTION WITNESSES' INCONSISTENT AND IMPROBABLE TESTIMONIES.

III
ASSUMING THAT THE ACCUSED-APPELLANT INDEED COMMITTED THE CRIME ASCRIBED TO HIM, THE COURT A QUO GRAVELY ERRED IN CONVICTING HIM OF QUALIFIED RAPE.[23]

The issues being intertwined, they shall be resolved jointly.

A rape charge is a serious matter with pernicious consequences both for the complainant and the accused; hence, utmost care must be taken in the review of a decision involving conviction of rape. Thus, in the disposition and review of rape cases, the Court is guided by these principles: First, the prosecution has to show the guilt of the accused by proof beyond reasonable doubt or that degree of proof that, to an unprejudiced mind, produces conviction. Second, the evidence for the prosecution must stand or fall on its own merits and cannot draw strength from the weakness of the evidence of the defense. Third, unless there are special reasons, the findings of trial courts, especially regarding the credibility of witnesses, are entitled to great respect and will not be disturbed on appeal. Fourth, an accusation of rape can be made with facility; it is difficult to prove but more difficult for the person accused, though innocent, to disprove. And fifth, in view of the intrinsic nature of the crime of rape where only two persons are usually involved, the testimony of the complainant must be scrutinized with extreme caution.[24]

At the time of the rape, Republic Act No. 8353 or the Anti-Rape Law of 1997, which repealed Article 335 of the Revised Penal Code and classified rape as a crime against persons, was already effective.[25] The new provisions on rape, provided under Articles 266-A and 266-B of the Revised Penal Code, state as follows:

"ART. 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 machinations or grave abuse of authority;

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."

xxx
"Article 266-B. Penalty. – Rape under paragraph 1 of the next preceding article shall be punished by reclusion perpetua."

xxx

Carnal knowledge of a woman suffering from mental retardation is rape since she is incapable of giving consent to a sexual act. Under these circumstances, all that needs to be proved for a successful prosecution are the facts of sexual congress between the rapist and his victim, and the latter’s mental retardation.[26] [M]ental retardation can be proven by evidence other than medical/clinical evidence, such as the testimony of witnesses and even the observation by the trial court.[27]

In the instant case, even if no expert witness was presented to testify on AAA's mental disability, the accused-appellant's admission that the victim is suffering from mental retardation is sufficient proof that AAA is unquestionably a mental retardate. Quoted below are pertinent portions of accused-appellant's testimony:

"X x x

Q.

How long have you been a neighbor of the victim?

A.

For a long time, sir.

Q.

So you are aware of her condition and mental state?

A.

Yes, sir.

Q.

That she is mentally retarded?

A.

Yes, sir.

Xxx

Q.

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She acts like a minor or a kid?

A.

Yes, sir.

X x x"[28]

Apart from the foregoing admission, the court a quo, upon observing for itself AAA's deportment on the witness stand, arrived at the same conclusion – the victim indeed suffers from mental retardation.[29] Thus, accused-appellant's knowledge of AAA's mental disability at the time of the commission of the crime qualifies the crime of rape. He is therefore guilty of the crime of qualified rape.[30]

As it is settled that the victim in the present case is a mental retardate, the only thing that must be established is the fact of sexual congress between AAA and accused-appellant.

In a determination of guilt for the crime of rape, primordial is the credibility of complainant's testimony, because, in rape cases, the accused may be convicted solely on the testimony of the victim, provided it is credible, natural, convincing, and consistent with human nature and the normal course of things.[31] The settled rule is that the trial court's conclusions on the credibility of witnesses in rape cases are generally accorded great weight and respect, and at times even finality, unless there appears in the record certain facts or circumstances of weight and value which the lower court overlooked or misappreciated and which, if properly considered, would alter the result of the case. Since the trial judge had the direct and singular opportunity to observe the facial expression, gesture and tone of voice of the complaining witnesses while testifying, it was truly competent and in the best position to assess whether the witness was telling the truth.[32]

The prosecution was able to prove beyond reasonable doubt that accused-appellant had carnal knowledge of AAA. We have thoroughly examined the testimony of AAA and found no reason to cast doubt on her categorical and positive declarations of the sexual assault committed against her. Her narration of the sexual act was straightforward and categorical despite her mental condition. We quote the pertinent portions of her testimony:

"X x x

Q:

And when you went inside the comfort room, what happened if anything had transpired?

A:

Totong was in our house, sir.

Q:

You said that you went to the comfort room?

A:

Yes, sir.

Q:

When you went to the comfort room, what happened if anything had happened?

A:

He pulled me, sir.

Q:

Who pulled you?

A:

He is the one, sir.

(Witness pointing to a certain man in the Courtroom seated at the first row).

Q:

Do you know the full name of Totong?

A:

Yes, sir.

Q:

What is the full name of Totong?

A:

Abrego, sir.

Q:

Can you point to the person whom you called as Abrego or Totong?

A:

That man, sir.

(Witness pointing again to the man pointed to a while ago by the private complainant who when asked answered to the name of Oscar Abrego).

Q:

After he had pulled you, what did you do next after that?

A:

He removed my shorts, sir.

Q:

When he removed your shorts, what was your reaction, if there was any?

A:

I did not shout, sir.

Q:

Why did you not shout?

A:

He covered my mouth, sir.

Q:

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After covering your mouth, what else did he do if he had done anything?

A:

He told me not to tell it to my mother, sir.

Q:

After that, what did he do next if he had done anything?

A:

Itinaob niya ako, sir?

COURT:

Q:

You were pushed down facing the ground?

A:

Yes, ma'am.

X x x"[33]

"X x x

Pros. Gonzales:

Your Honor, there was a previous indication that she testified that she was raped, your Honor, in the TSN dated June 5, 2008, I asked her the question 'Q: What did he do to you?' and her answer was: 'A: I was raped, sir.'

Q:

My question to you [now], Miss Witness, what did he do to you when you said he raped you?

A:

He undressed me, sir.

Q:

After he had undressed you, what did he do to you?

A:

'Itinaob po', sir.

Q:

Why did he do that?

A:

He inserted his penis here, sir.

Pros. Gonzales:

Witness for the record, your Honor, is pointing to her private part and may we make it of record that the

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witness is suffering from mental retardation.

X x x"[34]

To extricate himself from criminal liability the accused-appellant contends that there were some inconsistencies in the testimonies proffered by AAA: (a) Since the medico-legal report indicated that the laceration was already healed, then the rape could not have occurred in the evening of 21 February 2007 and (b) AAA's testimony during cross-examination that she did not enter the lavatory as it was closed proves that the latter did not commit any wrongdoing towards her. According to the accused-appellant, these inconsistencies cast doubt on the veracity and accuracy of AAA's statements.

It has been held that "[t]he absence of fresh lacerations does not negate sexual intercourse. In fact, rupture of the hymen is not essential as the mere introduction of the male organ in the labia majora of the victim’s genitalia consummates the crime." In other words, "[w]hat is required for a consummated crime of rape xxx is the mere touching of the labia by the penis."[35] In the instant case, not only did the penis of the accused-appellant touch the labia, it was inserted in her vagina.

In trying to further discredit AAA, accused-appellant refers to her testimony given during cross-examination:

"X x x

Q:

What was the reason why you went to the comfort room?

A:

To use the CR, sir.

Q:

What were you wearing at that time?

A:

I was wearing shorts, sir.

Q:

When you were going to the CR to use the CR, you pulled down your shorts?

A:

No, sir, he was the one.

Q:

So you are trying to impress upon the Court that he was at the comfort room, that the accused was ahead of you at the comfort room?

A:

Yes, sir.

Q:

So when he was at the comfort room, it was still close?

A:

Yes, sir.

Q:

And because it was close you decided to go back to the kitchen and continue washing the dishes, isn't it?

A:

Yes, sir.

X x x"[36]

We find no inconsistency so as to discredit her testimony. We take note that although the victim is a mental retardate and the incident happened some nineteen (19) months before being cross-examined in court, she was consistent during the direct examination and cross-examination that accused-appellant was already in the lavatory when she went there for the purpose of relieving herself and likewise, it was accused-appellant who pulled down her shorts when they were in the lavatory. The alleged inconsistencies pointed out by the accused-appellant are trivial and inconsequential and do not at all discredit AAA as a witness. Time and again, it has been held that "a few discrepancies and inconsistencies in the testimonies of witnesses referring to minor details and not in actuality touching upon the central fact of the crime do not impair the credibility of the witnesses. Instead of weakening their testimonies, such inconsistencies tend to strengthen the witnesses' credibility because they discount the possibility of their being rehearsed."[37] Inconsistencies and discrepancies in details which are irrelevant to the elements of the crime are not grounds for acquittal.[38]

The records show that the prosecution established all the elements of the crime charged through the credible testimony of AAA. Accused-appellant had carnal knowledge of the victim who is not only a minor but also a mental retardate.

Accused-appellant's defense of denial cannot demolish AAA's clear and convincing narration and positive identification of accused-appellant as the one who sexually abused her. Well entrenched is the rule that the defense of denial can easily be overcome by a positive identification that is categorical, consistent and untainted by any ill motive on the part of the eyewitnesses testifying on the matter. Nothing is more settled in criminal law jurisprudence than that denial and alibi cannot prevail over the positive and categorical testimony of the witness.[39] 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.[40]

When there is no showing that the principal witnesses for the prosecution were actuated by improper motive, the presumption is that the witnesses were not so actuated and their testimonies are thus entitled to full faith and credit.[41] Considering the mental retardation of AAA, We find it highly improbable that she would fabricate the rape charge against accused-appellant. It is likewise unlikely that she was instructed into accusing accused-appellant given her limited intellect. Due to her mental condition, only a very traumatic experience would leave a lasting impression on her so that she would be able to recall it when asked.[42]

Consistently, the Court has ruled that evidence to be believed must proceed not only from the mouth of a credible witness but must be credible in itself as to hurdle the test of conformity with the knowledge and common experience of mankind.[43] We find the testimony of accused-appellant to be incredible. During direct examination he testified that he was not able to see the victim who was inside the lavatory, that she did not make a sound when he came in and when he was relieving himself. It goes against the norm for a female not to reveal herself under the circumstances. During cross-examination, accused-appellant said that before entering the

lavatory, he had already noticed the victim inside. We find it outrageous that despite having seen the victim he still went inside to relieve himself without telling her to get out. Certainly, this act of the accused-appellant reveals a depraved character. Mentally retarded or not, AAA is still a female deserving the respect of the male species.

It is well-settled that an appeal in a criminal case opens the whole case for review. This Court is clothed with ample authority to review matters, even those not raised on appeal, if we find them necessary in arriving at a just disposition of the case.[44]

We find that the court a quo correctly assessed the penalty of reclusion perpetua imposed by the court a quo against the accused-appellant for the crime of qualified rape. However, there is a need to modify the damages awarded.

Pursuant to prevailing jurisprudence, the civil indemnity for the victim shall be seventy-five thousand (P75,000.00) pesos if the rape is perpetrated with any of the attending qualifying aggravating circumstances that require the imposition of the death penalty.[45] Since the court a quo only awarded the amount of fifty thousand (P50,000.00) pesos as civil indemnity there is a need to increase the same.

Moral damages must also be awarded in rape cases without need of proof other than the fact of rape since it is assumed that the victim suffered moral injuries entitling her to such an award.[46] In conformity with existing case law the court a quo correctly imposed the award of seventy-five thousand (P75,000.00) pesos.[47] Exemplary damages are likewise called for, by way of public example and to protect the young from sexual abuse.[48] There is, however, a need to reduce the amount of exemplary damages awarded by the court a quo from fifty thousand (P50,000.00) pesos to twenty-five thousand (P25,000.00) pesos, pursuant to what was awarded in the case of People vs. Suansing.[49]

Further, the amounts awarded to the victim should be adjudged legal interest at the rate of six percent (6%) per annum, from the date of finality of judgment until fully paid.[50]

WHEREFORE, premises considered, the 07 October 2011 Decision of Branch 76, Regional Trial Court of San Mateo, Rizal in Criminal Case No. 9086 is hereby AFFIRMED with MODIFICATION as follows:

> "WHEREFORE, premises considered, judgment is hereby rendered, as follows:
>
> 1.) In Criminal Case No. 9086, finding accused Oscar Abrego y Yulo GUILTY beyond reasonable doubt of the crime of Qualified Rape (Violation of Article 266-A 1 (a) in relation to Article 266-B, 6th paragraph No. 10 of the RPC, as amended by RA 8353 and in further relation to Section 5 (a) of RA 8369) and sentencing him to suffer the penalty of Reclusion Perpetua and to indemnify the victim, [AAA], the amount of Seventy-Five Thousand Pesos (P75,000.00) as civil indemnity; Seventy-Five Thousand Pesos (P75,000.00) as moral damages; and, Twenty-Five Thousand Pesos (P25,000.00) as exemplary damages.
>
> The damages awarded shall earn interest at six percent (6%) per annum from finality of judgment until fully satisfied.
>
> 2. In Criminal Case No. 10139, ACQUITTING accused Oscar Abrego y Yulo for failure to prove the guilt of the accused upon reasonable doubt.
>
> Accused Oscar Abrego y Yulo is hereby ordered to be committed to the National Bilibid Prisons in Muntinlupa City for service of sentence.
>
> Accused Oscar Abrego y Yulo is to be credited for the time spent for his preventive detention in accordance with Art. 29 of the Revised Penal Code as amended by R.A. 6127 and E.O. 214.

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SO ORDERED."

SO ORDERED.

Bato, Jr., (Chairperson), and Sempio Diy, JJ., concur.

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[1] Records (Crim. Case No. 10139 Folder), pages 169 to 174.

[2] People vs. Cabalquinto (G.R. No. 167693, 19 September 2006, 502 SCRA 419) and Resolution in A.M. No. 04-11-09-SC dated 19 September 2006 mandate that the Court shall use fictitious initials in lieu of the real names of the victim/s and immediate family members other than the accused, and delete the exact addresses of the victim to protect the privacy of the victim and their relatives. This policy is in line with Sec. 29 of Republic Act No. 7610 (Special Protection of Children Against Abuse, Exploitation and Discrimination Act), Sec. 44 of Republic Act No. 9262 (Anti-Violence Against Women and Their Children Act of 2004), and Sec. 40, Rule on Violence Against Women and their Children (A.M. No. 04-10-11-SC effective November 15, 2004). (See People vs. Veloso, G.R. No. 188849, 13 February 2013.)

[3] Certificate of Live Birth (Exhibit "B"); Records (Crim. Case No. 10139 Folder), page 112.

[4] Id. at 174.

[5] "Accused-appellant," for brevity.

[6] Records (Crim. Case No. 9086 Folder), pages 01 to 02 and (Crim. Case No. 10139 Folder), pages 01 to 04.

[7] Records (Crim. Case No. 9086 Folder), page 01.

[8] Id. (Crim. Case No. 10139 Folder), page 03.

[9] Id. (Crim. Case No. 9086 Folder), page 17 and (Crim. Case No. 10139 Folder), page 30.

[10] Id. (Crim. Case No. 10139 Folder), page 30.

[11] "PSI Cabrera," for brevity.

[12] "PNP," for brevity.

[13] TSN dated 05 June 2008, pages 04 to 05; TSN dated 30 July 2008, pages 02 to 04; TSN dated 18 September 2008, pages 02 to 05.

[14] Exhibit "D"; Records (Crim. Case No. 10139 Folder), page 114.

[15] TSN dated 24 March 2008, pages 07 to 08.

[16] TSN dated 24 March 2008, pages 08 to 09.

[17] Id. at page 12.

[18] Id.

[19] TSN dated 29 September 2010, pages 05 to 07; TSN dated 22 November 2010, pages 04 to 07.

[20] Records (Crim. Case No. 10139 Folder), page 175.

[21] Id. at 177.

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[22] Rollo, pages 24 to 35.

[23] Id. at page 26.

[24] People vs. Espino, Jr., G.R. No. 176742, 17 June 2008.

[25] People vs. Antivola, G.R. No. 139236, 03 February 2004.

[26] People vs. Suansing, G.R. No. 189822, 02 September 2013.

[27] People vs. Dela Paz, G.R. No. 177294, 19 February 2008.

[28] TSN dated 22 November 2010, pages 07 to 08.

[29] Records (Crim. Case No. 10139 Folder), page 173.

[30] People vs. Suansing, G.R. No. 189822, 02 September 2013.

[31] People vs. Peralta, G.R. No. 187531, 16 October 2009.

[32] People vs. Dollano, Jr., G.R. No. 188851, 19 October 2011.

[33] TSN dated 30 July 2008, pages 02 (should have been typed as 03) to 04.

[34] TSN dated 18 September 2008, pages 02 to 03.

[35] People vs. Suansing, G.R. No. 189822, 02 September 2013.

[36] TSN dated 18 September 2008, page 04.

[37] People vs. Ortega, G.R. No. 186235, 25 January 2012.

[38] People vs. Arpon, G.R. No. 183563, 14 December 2011.

[39] People vs. Corpuz, G.R. No. 191068, 17 July 2013.

[40] People vs. Bonaagua, G.R. No. 188897, 06 June 2011.

[41] People vs. Antivola, G.R. No. 139236, 03 February 2004.

[42] People vs. Suansing, G.R. No. 189822, 02 September 2013.

[43] People vs. De Guzman, G.R. No. 192250, 11 July 2012.

[44] People vs. Racho, G.R. No. 186529, 03 August 2010.

[45] People vs. Suansing, G.R. No. 189822, 02 September 2013.

[46] Id.

[47] People vs. Suansing, G.R. No. 189822, 02 September 2013 citing People vs. Dela Paz, G.R. No. 177294, 19 February 2008.

[48] Id.

[49] G.R. No. 189822, 02 September 2013.

[50] People vs. Galagar, Jr., G.R. No. 202842, 09 October 2013.

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