

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. BIENVENIDO JAGON, JR. Y OLAZO, ACCUSED-APPELLANT,

Ponente: ABDULWAHID, J.

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ABDULWAHID, J.:

This is an appeal from the Decision[1] dated September 19, 2012, of the Regional Trial Court (RTC), Branch 272, of Marikina City, in Criminal Case Nos. 04-6632-MK to 04-6635-MK, finding herein accused Bienvenido Jagon, Jr. y Olazo guilty beyond reasonable doubt of three counts of rape under paragraph 1(a) of Article 266-A in relation to Article 266-B of the Revised Penal Code, as amended by Republic Act (RA) No. 8353, sentencing him to suffer the penalty of reclusion perpetua in each case, and ordering him to pay the private complainant the sums of P50,000.00 as civil indemnity and P50,000.00 as moral damages in each case.

The instant case arose from four informations, all dated June 3, 2004, filed by the State Prosecutor of Marikina City, the accusatory portions of which read, as follows:

Criminal Case No. 04-6632-MK[2]

That in or about the month of December 2003, in the City of Marikina, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by means of force, violence and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of one “AAA”[3], a minor, 12 years of age, against her will and without her consent.

CONTRARY TO LAW.

Criminal Case No. 04-6633-MK[4]

That in or about the month of December 2003, in the City of Marikina, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, by means of force, violence and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of one “AAA”, a minor, 12 years of age, against her will and without her consent.

CONTRARY TO LAW.

Criminal Case No. 04-6634-MK[5]

That in or about the month of December 2003, in the City of Marikina, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, by means of force, violence and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of one “AAA”, a minor, 12 years of age, against her will and without her consent.

CONTRARY TO LAW.

Criminal Case No. 04-6635-MK[6]

That in or about the month of December 2003, in the City of Marikina, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, by means of force, violence and intimidation, did then and

there willfully, unlawfully and feloniously have carnal knowledge of one “AAA”, a minor, 12 years of age, against her will and without her consent.

CONTRARY TO LAW.

Upon arraignment held on November 30, 2004, accused-appellant pleaded not guilty to the charges against him.[7] Meanwhile, during pre-trial conference, the parties stipulated on only five facts, namely: (1) the identity of the accused; (2) the jurisdiction of the RTC to try the criminal cases; (3) the identity of the accused as the nephew of the mother of the victim; (4) the defense that the victim is only a minor; and (5) that the victim executed an affidavit in connection with the foregoing criminal cases.[8] Thereafter, trial on the merits ensued.

During trial, the prosecution presented three witnesses, namely: (1) Dr. Mamerto Bernabe, the Medico-Legal Officer of the Philippine National Police Crime Laboratory-Camp Crame; (2) the victim herself, AAA; and (3) Erlina Evasco Olazo, the mother of AAA. On the other hand, the defense likewise presented three witnesses, namely: (1) Aurora Soliman y Hiraban; (2) Angelica dela Cruz y Jagon; and (3) accused-appellant himself.

AAA is the adopted daughter of Erlina Olazo, while accused-appellant is the nephew of Erlina who, at that time of the alleged rape incidents, resided with his mother and married siblings near AAA’s house and who often came over early in the morning to help Erlina at the latter’s store.[9] In essence, AAA testified that accused-appellant, then 25 years-old, raped her on three separate occasions in December 2003, and attempted to do so a fourth time, but was prevented by the timely arrival of her mother. The first incident happened after her mother had left for the market very early in the morning. AAA had just gone back to sleep after letting accused-appellant into the house when she was awakened by someone kissing her lips and neck. While the room itself was dark, AAA knew that it was accused-appellant since they were the only ones in the house and there was enough light coming in from the kitchen to illuminate the room.[10] Accused-appellant touched her breast and stomach before removing her shorts and panties, lying on top of her and inserting his penis into her vagina, making an inward and outward motion while holding her down.[11] AAA cried because of the pain and attempted to push accused-appellant off her, but the latter was too strong.[12] Thereafter, accused-appellant left her to cry herself to sleep. AAA did not tell her mother about the rape since accused-appellant had warned her not to do so.[13]

Accused-appellant raped AAA twice again that month. The second incident happened around two or three days later, while she was watching over the store while her mother was again at the market,[14] and the third time happened a week later, while she was watching over her paralyzed aunt, who could do nothing to help her since she was already child-like and talking nonsense.[15] Both times, AAA cried and begged accused-appellant to stop, but the latter refused to do so. In addition, accused-appellant warned AAA anew not to tell her mother about what he did, otherwise he will kill Erlina. Since accused-appellant had also threatened Erlina before, AAA believed him[16] and kept quiet about the rape, even after the fourth attempt.[17] She only found the chance to tell her mother when accused-appellant stopped coming over to their house.[18] However, when Erlina confronted accused-appellant and his mother, the former just denied AAA’s accusations.[19]

The next day, or on February 19, 2004, accused-appellant fetched AAA from school, saying that he had to tell her something important when she told him she was just going home.[20] He took her to his aunt’s house in Antipolo, where they stayed for four days.[21] AAA could have escaped, but she did not know the way home, and she was not able to talk to accused-appellant’s aunt, whose name she didn’t know, since the latter went to the market very early in the morning.[22] When accused-appellant’s aunt asked them to leave, accused-appellant took her next to a house in San Mateo, which belonged to Erlina’s co-worker, whose name AAA also did not know.[23] Once, when accused-appellant was out, AAA was able to ask the co-worker to fetch her mother and give a letter[24] she had prepared for the latter.[25] Thereafter, accused-appellant transferred her yet again to a neighbor’s house[26], where Erlina, together with her co-worker and the owner of the house, eventually found

them. After confronting accused-appellant, Erlina took AAA home with her.[27] On March 2, they, (Erlina and AAA) with the help of the former's nephew, Major Christopher Olazo, went to Camp Crame to have AAA physically examined.[28]

Witness Erlina, meanwhile, testified that she, upon the request of her sister, allowed accused-appellant and his live-in partner to stay at her house for three months in 2003 because he was always quarrelling with his brother. Even after his live-in partner left him, accused-appellant still went to the house often to help her in cooking. Erlina had no quarrel with the accused, but her relationship with the latter was not very good due to his reputation in the neighborhood.[29] She caught accused-appellant whispering something to AAA a few times whenever he was in the house, but when she asked AAA about it, the girl merely said that she was afraid of accused-appellant. Since Erlina often used her nephew in disciplining AAA whenever she disobeyed by telling the latter that she would report her to her Kuya Bien, Erlina thought that was the only reason for AAA's fear.[30]

On February 19, 2004, when AAA did not go home from school by 7:00 o'clock in the evening, Erlina texted her cousin, Adelfa Layman, a teacher in AAA's school, who in turn verified AAA's whereabouts from another teacher, Mrs. Herrera. The latter informed them that she saw a man with the physical description of accused-appellant forcibly taking AAA from the school.[31] She was not able to report this to Adelfa, whom she knew to be the aunt of AAA, since Adelfa had already gone home.[32] Upon further inquiry from accused-appellant's friends, Erlina found out that accused-appellant was interested in a minor, and that minor was AAA.[33] Erlina then reported AAA's disappearance to the barangay officials, who accompanied Erlina in her search. In the afternoon of February 21, 2004, Aurora Soliman bought food from Erlina's store and informed Erlina that accused-appellant had asked her permission to spend the night in Aurora's house, but she did not allow him. Two days later, Aurora returned, this time bearing AAA's letter, wherein AAA asked to be fetched and for Erlina not to bring the police.[34] When Erlina finally found AAA and accused-appellant, AAA asked to be taken home, while accused-appellant knelt before Erlina and begged for the latter's forgiveness, saying, "nagalaw ko ang bata". Accused-appellant also expressed willingness to marry AAA, but Erlina refused, saying it was not possible.[35] Thereafter, Erlina and AAA had a talk with their Iglesia ni Kristo minister about the matter before they met with Major Olazo and had AAA subjected to medical examination.

Witness Dr. Bernabe, meanwhile, testified that he conducted physical examination, consisting of a general and extra-genital examination, on AAA. The examination showed the presence of shallow-healed lacerations at 3:00 o'clock and 9:00 o'clock and a deep-healed laceration at 5:00 o'clock position, which could have been caused by vaginal penetration by a blunt rigid object, possibly an erect penis. Dr. Bernabe concluded that AAA was in a non-virgin state physically, although there was no sign of any injury or trauma on her body.[36] In addition, Dr. Bernabe testified that the lacerations could have been sustained by the victim even prior to February 19, 2004, when she was allegedly taken from her school by accused-appellant.[37]

In his defense, accused-appellant denied the charges of rape against him, alleging that he and AAA were sweethearts at the time of the supposed rapes. Accused-appellant testified that he first met AAA at his aunt's house sometime in 2002[38], but did not know her age. When they later eloped, AAA informed him that she was 17 years old[39], which information accused-appellant believed since she looked that age although she was still in grade school. They became close when he became a helper at his aunt's store, until he eventually fell in love with AAA, whom he described as very sweet and who often confided in him whenever his aunt would scold her.[40] Thus, he courted her and they entered into a secret relationship. Accused-appellant also claimed that AAA had given him a love letter once, but he could not present the same since AAA's bag had been taken by his aunt. He also said he had a picture as proof, but he never submitted the same to the court.[41] Accused-appellant admitted that he had sexual intercourse with AAA on November 11, 2003 at his aunt's house while the latter was

out, but claimed that AAA had consented to the same and that the latter was no longer a virgin before that.[42]

Accused-appellant further testified that it was AAA who asked him to fetch her from her school on February 19, 2004, and to elope with her because his aunt had noticed her behavior whenever he was not around. Moreover, Erlina frequently scolded and hurt AAA by slapping her and pulling her ear and hair. Sometimes, accused-appellant was present when his aunt was hurting AAA.[43] Three days before their supposed elopement, he had a talk with Erlina about her relationship with AAA, and Erlina told him to stay away from AAA and not to go to their house anymore.[44] However, when AAA asked him to, accused-appellant fetched AAA and they went to eat first at Jollibee, San Mateo, before boarding a jeep to look for the house of AAA's older sister in Aurora, Cubao, but to no avail. Not having enough money and already afraid of their relationship, the two proceeded to the house of accused-appellant's cousin, Lulu Jagon, in Padilla, near Antipolo, where he introduced AAA as his girlfriend and they stayed for four days.[45] When accused-appellant's cousin told him to go home, he and AAA went to Marikina and proceeded to a small hut in San Mateo, Rizal, which belonged to Aurora Soliman, their neighbor and a barangay tanod where they lived. There, they found Aurora's son and accused-appellant's childhood friend, Rey, who informed them that there were people looking for them. When Aurora arrived, accused-appellant asked her to help them and to fetch his aunt Erlina, but did not tell Aurora that he and AAA had eloped.[46] Later that same day, Aurora returned with Erlina, who was very mad at accused-appellant and who started cursing him, until the elders in the area, along with Aurora and another barangay tanod asked them to just settle the matter amongst themselves. Thereafter, accused-appellant returned to his mother's house, while AAA went home with Erlina. Accused-appellant and AAA stopped talking to each other after that.[47] He later learned that he had a warrant of arrest for four counts of rape which allegedly occurred in December 2003. However, accused-appellant denied this, claiming that, while they had "contact" during that time, they merely kissed each other.[48]

Aurora Soliman, on the other hand, confirmed during her testimony that accused-appellant had asked her permission to visit her hut in San Mateo, Rizal, and that she told him it was up to him since her son was there. When she went to the hut three days later, she found accused-appellant there with a girl. The girl informed her that they had eloped, and Aurora even teased them and volunteered to be their ninang (godmother). Aurora did not have the chance to talk to the girl at length since she was feeding her chickens, but she observed the two with their arms around each other, although she could not hear their conversation.[49] Aurora likewise confirmed that, when she was about to leave to go back home, the girl suddenly ran to her and handed her a letter, asking her to give the same to her mother. Thus, as requested, Aurora went back home and delivered the letter to Erlina.[50]

The third witness for the defense was Angelica dela Cruz, who was six years old at the time her uncle, accused-appellant, and AAA went to stay at their house in Antipolo for four days. She did not know why they went there, but testified that her uncle told her that AAA was his girlfriend. During their stay, Angelica observed that accused-appellant and AAA seemed to be happy and looked like boyfriend and girlfriend. That was the first time accused-appellant went to their house and the last time Angelica saw him.[51]

On September 19, 2012, the RTC rendered the assailed Decision, finding accused-appellant guilty beyond reasonable doubt of three counts of rape and acquitting him with respect to the fourth count of rape, to wit:[52]

WHEREFORE, in view of the foregoing, accused BIENVENIDO JAGON JR. y OLAZO is found GUILTY beyond reasonable doubt of three (3) counts of RAPE defined and penalized in paragraph 1(a) of Article 266-A in relation to Article 266-B of the Revised Penal Code, as amended by Republic Act NO. 8353 in Criminal Case Nos. 2004-6632-MK, 2004-6633-MK and 2004-6634-MK and hereby sentences him to suffer the penalty of RECLUSION PERPETUA in each case and is ordered to pay private complainant, AAA, the sums of:

a] P50,000.00 as civil indemnity in each case; and

b] P50,000.00 as moral damages in each case.

The period during which the herein accused was in detention during the pendency of this case shall be credited to him in full provided that he agree (sic) to abide by and comply with the rules and regulations of the City Jail of Marikina.

With respect to Criminal Case No. 2004-6635-MK, the Court finds the said accused, NOT GUILTY on ground of insufficiency of evidence.

SO ORDERED.

Aggrieved, accused-appellant appealed the decision to this Court, raising a lone assignment of error, thus:[53]

THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF RAPE DESPITE THE PROSECUTION'S FAILURE TO OVERTHROW THE CONSTITUTIONAL PRESUMPTION OF INNOCENCE IN HIS FAVOR.

The present appeal is unmeritorious.

Article 266-A of the Revised Penal Code defines rape, 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 machination 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.

x x x x x x x x (Emphasis supplied)

Due to the nature of the crime of rape, where there are normally no witnesses to be found, the Supreme Court has provided for the following guiding principles in determining the innocence of guilt of the accused: (1) an accusation of rape can be made with facility; it is difficult to prove but more difficult for the accused, though innocent, to disprove; (2) in view of the intrinsic nature of the crime of rape in which only two persons are usually involved, the testimony of the complainant must be scrutinized with extreme caution; and (3) the evidence for the prosecution must stand or fall on its own merits, and cannot be allowed to draw strength from the weakness of the evidence for the defense[54].

In rape under Art. 266-A, paragraph 1, carnal knowledge is the crucial element which must be proven beyond reasonable doubt.[55] In the instant case, we find that this element was sufficiently proven, and in fact, was clearly admitted by accused-appellant during cross-examination, when he stated that he once had sexual intercourse with the victim at his aunt's house in 2003,[56] although on a different date and although he initially claimed that he merely kissed the victim. In addition, subsequent physical examination and the healed lacerations found in her genitalia clearly revealed the victim to be in a non-virgin state, as testified to by Dr. Bernabe.[57]

We do not find credence in the sweetheart defense invoked by accused-appellant or his claim that the victim willingly engaged in sexual intercourse with him, and that she initiated their alleged elopement. Said defense is incredulous in light of the fact that the victim was only 11 years old at the time the relationship supposedly began,

and 12 years old at the time of the supposed elopement, if accused-appellant is to be believed, while the latter was already 25 years old. His claim that he did not know how young AAA really was and that she only told him she was 17 years old at the time they allegedly eloped is likewise unbelievable considering that accused-appellant himself acknowledged that he lived with AAA and her mother for a few months and that he knew that AAA was still in grade school.

Moreover, other than his bare allegations, accused-appellant failed to substantiate his defense. “As a rule, bare invocation of sweetheart theory cannot stand alone. To be credible, it must be corroborated by documentary, testimonial, or other evidence”, such as letters, notes, photos, mementos or corroborating testimonies of credible witnesses.[58] In this case, accused-appellant could not even present either the love letter which the victim supposedly gave him or the picture of the two of them, which he claimed to have. Accused-appellant conveniently alleged that the letter could no longer be presented since it was in the victim’s bag, which had been taken by her mother, Erlina. However, if it is true that the victim had already given it to accused-appellant, why would it still have been in the former’s possession? Further, if there was in fact a picture as accused-appellant claimed during his testimony, why did he not present it in court? Accused-appellant could not even present any of his or the victim’s closest friends, to whom either of them would surely have confided about a secret relationship. Even witnesses Aurora Soliman and Angelica dela Cruz could only testify on what was told them by accused-appellant and by the victim, who was usually in the company of accused-appellant at that time.

On the other hand, witness Erlina Olazo testified that, when she talked to accused-appellant’s friends, they only said that he was interested in a minor, namely AAA, without saying that AAA returned accused-appellant’s affection. In addition, the prosecution presented the letter which the victim allegedly sent to her mother, as confirmed by Aurora Soliman, the messenger of the letter and, significantly, one of the defense witnesses. The letter, which accused-appellant never bothered to refute, effectively negates any of his claim that he and the victim were engaged in a secret consensual relationship and that the latter was the one who initiated the alleged elopement, to wit:[59]

Dear Mama

Mama sunduin mo na po ako natatakot na po kay kuya Bien Wag po kayong magdala ng pulis baka po kasi itago niya po ulit ako. mama bilisan nyo po.

[AAA]

With respect to the three specific incidents of rape in December 2003 for which accused-appellant was found guilty by the RTC, accused-appellant could only interpose a general denial of said charges. “Denial and alibi constitute self-serving negative evidence which cannot be accorded greater evidentiary weight than the positive declaration of a credible witness.”[60] Accused-appellant could not even present proof of any ill-motive on the part of the victim to testify against him and accuse him of such a grave offense as rape, thereby subjecting herself to the humiliation of a physical examination and an arduous and protracted public trial.

Meanwhile, a careful review of the assailed Decision dated September 19, 2012, clearly show that the RTC found the victim’s testimony more credible vis-à-vis accused-appellant’s defense and his witness testimonies. Thus, the RTC held:[61]

Clearly, the testimony of the private complainant was replete with details and very consistent even on cross-examination, and this sufficiently supports the conclusion that she was indeed sexually assaulted by the accused on three (3) occasions on (sic) December 2003. It would be difficult for a rational mind not to give credence to this kind of testimony. This kind of testimony given by private complainant could not be thought of as simply rehearsed or scripted.

We have held time and again that testimonies of rape victims who are young and immature deserve full credence, considering that no young woman, especially of tender age, would concoct a story of defloration, allow an examination of her private parts, and thereafter pervert herself by being subject to a public trial, if she was not motivated solely by the desire to obtain justice for the wrong committed against her. It is highly improbable for an innocent girl, who is very naïve to the things of this world to fabricate a charge so humiliating not only to herself but to her family.

X X X X X X X X

As against the positive and categorical testimony of [AAA], the accused could only proffer the defense of denial and presenting a “sweetheart defense”. However, he was not able to refute the clear testimony of [AAA] on how she was raped by the accused on three (3) occasions on (sic) December 2003 and corroborated by the medico legal officer why the victim’s hymen had shallow healed lacerations as shown in Medico Legal Report No. M-833-04 dated March 16, 2004.

X X X X X X X X

It is well-settled that a categorical and positive identification of an accused, without any showing of ill-motive on the part of the witness testifying on the matter, prevails over alibi and denial, which are negative and self-serving evidence undeserving of real weight in law unless substantiated by clear and convincing evidence. The defense never imputed ill-motive on the part of the complainant.

In these present cases, there is no clear and convincing evidence presented by the accused of the existence of improper motive on the part of the private complainant. It only sustains the conclusion that no improper motive exists and the testimony of the victim and her witnesses should be given full faith and credit. This is especially true in the light of the consistent pronouncement of the Supreme Court in rape cases that “no decent and sensible woman will publicly admit being a rape victim and thus run the risk of public contempt—in dire consequence of a rape charge—unless she is, in fact, a rape victim.”

Time and again, the Supreme Court has held that factual findings of the trial court are entitled to great weight and respect, if not conclusiveness, “since the trial court was in the best position as the original trier of the facts in whose direct presence and under whose keen observation the witnesses rendered their respective version of the events that made up the occurrences constituting the ingredients of the offense charged.”[62] Only when it is convincingly shown that the RTC’s findings of fact were either “erroneous, or biased, or unfounded, or incomplete, or unreliable, or conflicted with the findings of fact of the CA would the Court assume the rare role of a trier of facts”.[63] Such is not the case here.

Considering the foregoing disquisition, we find no reversible error on the part of the RTC in rendering the assailed Decision.

WHEREFORE, the instant appeal is DENIED. The assailed Decision dated September 19, 2012, of the RTC, Branch 272, Marikina City, in Criminal Case Nos. 04-6632-MK to 04-6635-MK is AFFIRMED.

SO ORDERED.

*Antonio-Valenzuela, and **Galapate-Laguilles, JJ., concur.

* Vice J. R.F. Barza, who is on leave, per Office Order No. 155-14-RSF dated April 22, 2014.

** Vice J. R.A. Cruz, who is on leave, per Office Order No. 151-14-RSF dated April 21, 2014.

[1] Penned by Judge Felix P. Reyes; Rollo, pp. 46-79.

[2] Records, vol. 1, p. 2.

[3] Initials are being used to substitute the name of the child-victim in order to protect her privacy, pursuant to the ruling in *People v. Cabalquinto*, 502 SCRA 419 (2006).

[4] Records, p. 14.

[5] *Id.* at 26.

[6] *Id.* at 38.

[7] *Id.* at 82.

[8] *Id.* at 94.

[9] Transcript of Stenographic Notes (TSN), February 14, 2007, pp. 13-14.

[10] *Id.* at 14-16.

[11] *Id.* at 19-25.

[12] *Id.* at 26.

[13] *Id.* at 29-32.

[14] *Id.* at 33-53.

[15] TSN, April 17, 2007, pp. 5-15.

[16] *Id.* at 16-17.

[17] *Id.* at 21-23.

[18] *Id.* at 28-29.

[19] *Id.* at 30.

[20] *Id.* at 33-34.

[21] *Id.* at 35-39.

[22] *Id.* at 39.

[23] *Id.* at 40.

[24] See Exh. "H".

[25] TSN, April 17, 2007, p. 45.

[26] *Id.* at 46.

[27] *Id.* at 48-49.

[28] TSN, April 24, 2007, pp. 26-28.

[29] TSN, September 22, 2008, pp. 18-20.

[30] *Id.* at 20-21; TSN, February 13, 2008, pp. 18-22.

[31] TSN, February 13, 2008, pp. 12-18; TSN, September 22, 2008, pp. 4-10.

[32]TSN, September 22, 2008, p. 24.

[33] TSN, February 13, 2008, pp. 23-24.

[34] Id. at 29-32.

[35] TSN, May 6, 2008, pp. 12-14.

[36] TSN, December 1, 2005, pp. 2, 13-17.

[37] Id. at 24-26.

[38] TSN, August 10, 2010, p. 4.

[39] Id. at 10.

[40] Id. at 9; TSN, October 6, 2010, p. 3.

[41] TSN, October 6, 2010, pp. 5-6.

[42] Id. at 6-7.

[43] TSN, August 10, 2010, pp. 12-13.

[44] Id. at 16.

[45] Id. at 13-14, 16-18.

[46] Id. at 19-21.

[47] Id. at 21-22.

[48] Id. at 23.

[49] TSN, November 17, 2009, pp. 3-5, 8-9.

[50] Id. at 5-6.

[51] TSN, March 15, 2010, pp. 2-5.

[52] See Note 1 at 79.

[53] Rollo, p. 31.

[54] *People vs. Tubat*, 664 SCRA 712, 718 (2012), citing *People vs. Dalisay*, 605 SCRA 807, 814 and other related cases.

[55] *People vs. Gaduyon*, G.R. No. 181473, November 11, 2013, citing *People vs. Briosos*, 581 SCRA 485, 493.

[56] See Note 42.

[57] See Note 36.

[58] See *People vs. Bacatan*, G.R. No. 203315, September 18, 2013, citing *People vs. Mirandilla, Jr.*, 654 SCRA 761, 771-772.

[59] See Note 24.

[60] *People vs. Vergara*, G.R. No. 199226, January 15, 2014, citing *People vs. Nachor*, 638 SCRA 317, 333.

[61] See Note 1 at 75-78.

[62] People vs. Vidaña, G.R. No. 199210, October 23, 2013 (citation omitted).

[63] People vs. Reyes, 701 SCRA 455, 461 (2013).

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