

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. LEONARDO BALLOT Y TOLENTINO, ACCUSED-APPELLANT.

Ponente: SALAZAR-FERNANDO, J.

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SALAZAR-FERNANDO, J.:

Before this Court is an appeal from the Decision[1] dated November 25, 2010 of the Regional Trial Court, National Capital Judicial Region, Branch 48, Manila in Criminal Case No. 09-265801 for Rape, entitled "People of the Philippines, Plaintiff, vs. Leonardo Ballot y Tolentino, Accused.", the dispositive portion of which reads:

"WHEREFORE, the Court finds the accused guilty beyond reasonable doubt for the felony of RAPE and he's sentenced to suffer prison term of 4 years, 2 months of prison correccional as minimum to 10 years as maximum of prison mayor and to pay the costs.

Accused is ordered committed to the National Bilibid Prison. The BJMP Manila is ordered to commit him at the National Penitentiary without unnecessary delay.

SO ORDERED."

The facts are:

Accused-appellant Leonardo Ballot y Tolentino alias "Lenny" (Ballot for brevity) was charged[2] with Rape under Article 266-A, paragraph 2 of the Revised Penal Code (RPC) in relation to Republic Act No. 8353 (The Anti-Rape Law of 1997), committed as follows:

"That on or about December 23, 2008, in the City of Manila, Philippines, the said accused, did then and there willfully, unlawfully and feloniously, with lewd design and by means of force and intimidation, commit sexual assault upon said AAA,[3] by then and there inserting his penis into her mouth and rubbing his penis to the latter's vagina, against her will and consent."

Contrary to law."

In the evening of December 23, 2008, the victim's father, BBB, through the help of the police, apprehended accused-appellant Ballot who was initially detained at the Pandacan Police Station, and later transferred to the Manila City Jail.[4] Upon arraignment on February 3, 2009, accused-appellant Ballot pleaded not guilty to the offense charged.[5] At the Pre-trial conference held on February 24, 2009, the identity of accused-appellant Ballot as the person charged in the case was admitted.[6]

Thereafter, trial on the merits ensued.

The prosecution presented BBB[9], the victim, AAA, SPO2 Josette G. Saturnino and Dr. Merle Tan, as witnesses.

BBB, the victim's father, testified[7] that: AAA is his daughter as shown in the latter's Certificate of Live Birth[8]; he knows accused-appellant Ballot, and he identified him in open court[9]; accused-appellant Ballot is his Brother-in-Christ as they are both members of the religious organizations, Knights of Columbus[10] and the Holy Name Society under the Most Holy Trinity Parish; he hired accused-appellant Ballot to help him in his lubricant

business and they agreed that his salary would be Php5,000.00 with free board and lodging; he hired him as a stay-in staff because accused-appellant Ballot used to live in the slum area, and he thought that the latter's presence in his house would help protect his family in his absence since only his eight (8)-year old daughter, AAA, the maid and himself are living in the house; on December 23, 2008, at around 6:00 o'clock in the evening, he, AAA and accused-appellant Ballot went to his warehouse in Sampaloc; while he was in the warehouse, he bumped into his former housemaid, Beth, who told him that she witnessed accused-appellant Ballot molesting AAA; upon learning about this, he brought AAA to his room in the warehouse and asked her about what accused-appellant Ballot did to her; AAA told him, "pinasubo daw ang ari nya sa bibig nya" and accused-appellant Ballot also lifted the skirt of AAA and rubbed his organ on her organ; when he heard AAA's reply, he wanted that accused-appellant Ballot be arrested; so he asked his son to accompany them back to their house in Pandacan; when they reached the house, he made up a story that he was fetching someone at the airport but when he left he enlisted the help of his friend, Col. Rodrigo Bonifacio, and they went to the Pandacan Police Station; he texted his son to make sure that accused-appellant Ballot was still in their house, then he took the police with him to have the latter arrested; he told accused-appellant Ballot about his complaint when he was arrested by the police; accused-appellant Ballot replied that he did not mean to do what he did, and said, "nademonyo ako, di ko alam kung ano pumasok sa akin."; on December 24, 2008 he brought AAA to the Child Protection Unit at the Philippine General Hospital to file their complaint with the Social Worker; on the same day, AAA was interviewed and examined[11]; and, on December 25, 2008, he executed an affidavit in relation to the case, "Salaysay ng Pagkakadakil[12]", which he also identified.

On cross-examination he disclosed[13] that: the entries in the Certificate of Live Birth presented in court are not all true because he is not AAA's biological father; AAA is the daughter of his niece and he adopted her when she was six (6) months old; he reared AAA as his own daughter ever since she was placed in his custody; the date of birth[14] of AAA is an information supplied to him by his niece, and he has no personal knowledge as to whether AAA was actually born on such date.

AAA, the victim testified[15] that: she is eight (8) years old, an elementary student, and can read Tagalog and English; she is a Catholic, she goes to church, believes and relies on God to solve their problems; she can tell what is right from what is wrong; she did not celebrate her birthday[16] in 2008 because she had to see a doctor after her Tito Leny (referring to accused-appellant Ballot, whom she identified in court[17]) asked her to rub, hold and suck his penis; the incident happened in the early morning of December 23, 2008, near the dirty kitchen while accused-appellant Ballot was cooking and she was looking at what he was cooking; accused-appellant Ballot put down his zipper and brought out his penis; she saw his penis, it was color brown with pubic hair; then, he ordered her to put his penis into her mouth ("pinasubo"); his penis was stiff, and at least an inch of his penis was inserted into her mouth (using a ball pen as a reference for length); he was standing at a distance of about two (2) feet while she was on bended knees when he inserted his penis into his mouth; then, he lowered her panty up to her knees and asked her to rub his penis ("pinakiskis") on her vagina; she was asked to stand facing him and bend her knees as he rubbed his penis on her vagina; he forced her to do said acts, and he was holding her waist as the incident happened; she was angry at accused-appellant Ballot because what he did to her was bad and she wanted him to be incarcerated; after the incident, accused-appellant Ballot went upstairs to get his clothes from his room and then he proceeded to the comfort room; in the afternoon of December 23, 2008, she went with her father and accused-appellant Ballot to the warehouse; while she was there, she had a conversation with her father about what happened to her; after this conversation, they proceeded to the Pandacan Police Station where a policewoman investigated what happened to her; and, at the police station, she also executed an affidavit[18] relative to the case which she identified.

On cross-examination, she stated[19] that: she was in the kitchen of their house in Pandacan on December 23,

2008 and she was looking at accused-appellant Ballot who was then cooking, but, she could not remember what he was cooking; there were five (5) people, including her, in the house at the time the incident happened; the size of the kitchen is 2x4 meters, while their house is 4x8 meters big; the kitchen is located inside their house; the "sala" and the kitchen is divided by a wall ("harang"); because of the dividing wall, it is not easy for the people to see what is happening inside the house; she stayed in the kitchen for only a while; accused-appellant Ballot asked her to put something in her mouth; she had not seen, smelled, nor tasted that object before; the object reached her tongue a little, but she does not know its taste; she does not know what that object is and nobody told her that the object is a penis, but she knows that what was inserted in her mouth was a penis.

On re-direct examination, she maintained[20] that: when the incident happened there were people in the kitchen and in the living room, and accused-appellant Ballot was cooking dinner but she does not remember what he was cooking.

SPO2 Josette G. Saturnino (SPO2 Saturnino for brevity) is the police officer from Pandacan Police Station No. 10 who handled the case,[21] and she was presented as a witness to identify[22] the documents she prepared for inquest such as the "Sinumpaang Salaysay[23]" of AAA, the "Salaysay ng Pagkakadakil[24]" executed by BBB, and the Booking and Information Sheet[25] regarding the arrest of accused-appellant Ballot.

During cross-examination, she stated[26] that: she merely prepared the documents for inquest but had no participation in the arrest of accused-appellant Ballot; it was the father of the victim, BBB, who arrested accused-appellant Ballot; the case was referred for inquest to the inquest fiscal; rape cases in relation to R.A. No. 7610 and cases of warrantless arrest where the perpetrator was caught *in flagrante delicto* are usually referred for inquest; she has no personal knowledge of the case; and, the accused-appellant Ballot was detained.

Dr. Merle Tan (Dr. Tan for brevity) is the doctor from the Child Protection Unit of the Philippine General Hospital (CPU-PGH) who examined the victim, AAA, on December 24, 2008.[27] During her direct examination, Dr. Tan identified her Medical Report[28] and testified[29] that: she conducted a medical interview and a thorough physical examination including ano-genital examination on AAA on December 24, 2008 with the consent of the latter's father, who brought her to their office; during the medical interview, she only asked the name of AAA, her age, where she goes to school, and whether she was already interviewed by the police; for the general physical examination, she looked at the whole body of AAA, the hands, eyes, ears, nose including the genitalia, and she did not find any injury or bruises on AAA's body; likewise, no injury was found on the external genitalia and hymen of AAA; this notwithstanding, the medical evaluation does not rule out sexual abuse because there are "non-contact" forms of sexual abuse (like taking pictures of the victim's body, showing pictures to the victim, or asking the victim to undress and looking at the victim's naked body) which usually do not leave any injury on the victim's body, thus there is a need for further investigation, such as witnesses accounts or a careful questioning of the child is required.

Meanwhile, accused-appellant Ballot was the sole witness for the defense, and he testified[30] that: he was a stay-in employee at the house of Brother BBB, and he was told that he would be the caretaker of a warehouse which BBB is building for the latter's use in his oil business; but he worked as a painter for Brother BBB for less than a month; he was at BBB's home in the morning of December 23, 2008 because he slept there and he lived there; aside from him, Brother BBB also employed a helper, the babysitter of AAA; around noontime on December 23, 2008, he went with AAA and BBB to the latter's warehouse in Sampaloc and stayed there until 5:00 o'clock in the afternoon; at around 6:00 o'clock in the evening, they went back to BBB's house in Pandacan on board the latter's vehicle; he was at the back of the house, getting an oil container when the police arrived and arrested him; he was being accused of rape when he was arrested in the evening of December 23, 2008; thereafter, he was brought to the Police Station for questioning; at the Police Station, they asked him about what he did to

AAA, but he denied doing anything to her; at the inquest held on December 24, 2008, he did not admit the charges imputed against him; he denied knowledge of the case filed against him; he was detained at the police precinct from December 23, 2008 until January 15, 2009 before he was transferred to the Manila City Jail.

On cross-examination, he declared[31] that: prior to the incident, he was living in the house of Brother BBB; he was there in the morning of December 23, 2008 and only left the house after lunch to go to Sampaloc with Brother BBB and his companions; he had breakfast at the said house and he helped cook the same, but he allegedly did not know that the incident happened before breakfast.

After trial, the lower court rendered a judgment of conviction against accused-appellant Ballot.[32] Hence, this appeal raising a lone assignment of error:[33]

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME CHARGED DESPITE THE FACT THAT HIS GUILT HAS NOT BEEN PROVEN BEYOND REASONABLE DOUBT.

The appeal is without merit.

A successful prosecution of rape by sexual assault defined under the second paragraph of Article 226-A of the Revised Penal Code[34] burdens the prosecution to prove the following elements:[35]

- "xxx (1) That the offender commits an act of sexual assault;
(2) That the act of sexual assault is committed by inserting his penis into another person's mouth or anal orifice;
(3) That the act of sexual assault is accomplished by the use of force or intimidation. Xxx"

A thorough review of the records supports accused-appellant Ballot's conviction as the elements of rape by sexual assault are clearly established in the following statements of AAA:

"xxx Atty. Gudarán: AAA, after Tito Leny showed to you his penis, what did Tito Leny do next?

A: He ordered me to put his penis into my mouth, "pinasubo."

Q: Was Tito Leny able to insert his penis into your mouth?

A: Yes, Sir.

Q: Was the penis of Tito Leny stiff or very hard?

A: Stiff, Sir.

Q: How long was Tito Leny's penis inserted inside your mouth?

A: (At this juncture, the Interpreter is holding a ball pen and showing the same to the witness, she pointed a measurement of more than an inch.)

Q: Will you please show this Honorable Court the position by putting that ball pen to your mouth the length of the penis that was inserted to your mouth?

A: Over the black ball pen which has a length or measurement of two (2) inches, half of that, Sir. One (1) inch, Sir.

Q: What was your position when Tito Leny inserted his penis inside your mouth?

A: I was on bended knees, Sir.

Q: How about Tito Leny, what was his position then when he inserted his penis inside your mouth?

A: he was just standing, Sir.[36]

xxx xxx xxx

Q: AAA, are you angry at your Tito Leny?

A: Yes, Sir.

Q: May we know the reason why you are angry at your Tito Leny?

A: Because what he did to me was bad, Sir.

Q: AAA, what do you want this Honorable Court to do with your Tito Leny in relation to the incident that happened to you?

A: That he be incarcerated, Sir.

Q: AAA, when Tito Leny sucked (sic) his penis into your mouth, and when Tito Leny inserted and rubbed his penis into your vagina, did Tito Leny force you?

A: Yes, Sir.

Q: Will you please demonstrate or tell this Honorable Court how did Tito Leny force you when he inserted his penis inside your mouth?

A: Yes, Sir.

Q: And how was that, how did he force you when he inserted his penis into your mouth first?

Interpreter: It is made of record that the minor-witness is nodding her head.

xxx xxx xxx

Q: AAA, when Tito Leny inserted his penis into your mouth, where did he hold you?

A: (Witness is touching the back of her waistline)[37] xxx"

It has been repeatedly held that the lone testimony of the victim in a rape case, if credible,[38] is enough to sustain a conviction.[39] This conclusion becomes all the more true where, as in this case, the child-victim takes the witness stand.[40] In fact, previous decisions involving rape cases have shown the high improbability that a girl of tender years would impute to any man a crime so serious as rape if what she claims is not true.[41] The case of *People of the Philippines vs. Armando Chingh y Parcia*,[42] illuminates, viz:

"xxx Time and again, this Court has held that when the offended parties are young and immature girls, as in this case, courts are inclined to lend credence to their version of what transpired, considering not only their relative vulnerability, but also the shame and embarrassment to which they would be exposed if the matter about which they testified were not true. A young girl would not usually concoct a tale of defloration; publicly admit having been ravished and her honor tainted; allow the examination of her private parts; and undergo all the trouble and inconvenience, not to mention the trauma and scandal of a public trial, had she not in fact been raped and been truly moved to protect and preserve her honor, and motivated by the desire to obtain justice for the wicked acts committed against her. xxx" (emphasis ours)

In a stark contrast, all accused-appellant Ballot can offer in his defense is his bare denial by feigning ignorance of the charges imputed against him.[43] As a settled rule, the defense of denial fails vis-a-vis the positive and convincing statements given by a private complainant.[44] This is so because denial much like alibi is inherently a weak defense and constitutes self-serving negative evidence which can not be accorded greater evidentiary weight

than that of a declaration coming from a credible witness who testifies on positive matters.[45] Significantly, the defense of accused-appellant Ballot is further weakened by his own admission[46] that he was at the victim's house preparing breakfast at the time the incident happened.[47]

Under the circumstances, the lower court cannot be faulted in giving more credence to AAA's testimony to justify conviction as opposed to accused-appellant Ballot's mere denial. To note, jurisprudence firmly recognizes the respect accorded to the trial court's assessment of the credibility of a witness because of its unique opportunity to observe that elusive and incommunicable evidence of the witness's demeanor and deportment on the stand while testifying.[48] An elaborate discussion on this doctrine is found in the case of *People of the Philippines vs. Sergio Bentonio*,[49] to wit:

"xxx the trial court is in the best position to assess the credibility of witnesses and their testimonies, because of its unique opportunity to observe the witnesses firsthand and note their demeanor, conduct and attitude under grilling 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 disbelieve. Consequently, 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. xxx" (emphasis ours)

On a final note, this Court also undertakes to remedy the lower court's inadvertence in not awarding the appropriate civil indemnity and damages bestowed upon rape victims. It is well-settled that an award of civil indemnity to the rape victim is mandatory upon a finding that rape took place.[50] As such, prevailing jurisprudence dictates that a victim of rape by sexual assault is entitled to an award of P30,000 as civil indemnity.[51] In the same vein, moral damages is additionally awarded without the need of pleading or proof of the basis thereof[52] since it is presumed that the victim necessarily suffered injury due to the odiousness of the crime.[53] The case of *People of the Philippines vs. Mauricio Watiwat*[54] further elucidates, thus:

"xxx Moral damages are additionally awarded without need of pleading or proof of the basis thereof. This is because it is recognized that the victim's injury necessarily results from an abysmal crime to warrant by itself the award of moral damages. The anguish and the pain she has to endure are evident. Indeed, the offended party in a rape case is a victim many times over. In our culture, which puts a premium on the virtue of purity or virginity, rape stigmatizes the victim more than the perpetrator. xxx"

The grant of exemplary damages is also justified to serve as a deterrent and reinforce protection of children from sexual abuse.[55] This is explained in the case of *People of the Philippines vs. Michael Lindo y Vergara*,[56] to wit:

"xxx Art. 2229 of the Civil Code serves as the basis for the award of exemplary damages as it pertinently provides, 'Exemplary or corrective damages are imposed, by way of example or correction for the public good, in addition to the moral, temperate, liquidated or compensatory damages.' Being corrective in nature, exemplary damages, therefore, can be awarded, not only in the presence of an aggravating circumstance, but also where the circumstances of the case show the highly reprehensible or outrageous conduct of the offender. By subjecting a child to his sexual depredations, accused-appellant has displayed behavior that society has an interest in curbing. Thus, the purpose of exemplary damages to serve as a deterrent finds application to the present case, to protect the youth from sexual abuse. xxx"

Indeed, children should be protected from sexual predators, and jurisprudence maintains that the conviction of the accused coupled with the award of damages upon the victim satisfies this purpose.[57]

WHEREFORE, premises considered, the appeal is hereby DENIED. The Decision dated November 25, 2010 of

the Regional Trial Court, Branch 36, Manila in Criminal Case No. 09-265801 is AFFIRMED with the MODIFICATION in that accused-appellant Leonardo Ballot y Tolentino is further ORDERED to pay the victim, AAA, the amount of Php 30,000.00 as civil indemnity, plus moral damages of Php 30,000.00 and exemplary damages of Php 30,000.00.[58] The rest of the decision stands.

SO ORDERED.

Garcia, and Bueser, JJ., concur.

[1] Records, pp. 241-254

[2] Records, p. 1

[3] Per Supreme Court Resolution dated September 19, 2006 in A. M. No. 04-11-09-SC, as well as the ruling in People vs. Cabalquinto (G. R. No. 167693, September 19, 2006, 502 SCRA 419), pursuant to Republic Act No. 9262, also known as the "Anti-Violence Against Women and Their Children Act of 2004", and its implementing rules, the real names of the victims, as well as those of their immediate family or household members, are withheld and fictitious initials instead are used to represent them, to protect their privacy. Likewise, the personal circumstances of the victim or any other information tending to establish or compromise their identities as well as those of their immediate family or household members, shall not be disclosed. See People vs. Cabalquinto, G. R. No. 167693, September 19, 2006, 502 SCRA 419 and the Supreme Court Resolution dated September 19, 2006.

[4] Records, pp. 7, 12, 31

[5] Records, p. 36

[6] Records, p. 44

[9] Supra, footnote 3

[7] Records, pp. 146-160 (Transcript of Stenographic Notes (TSN) of BBB taken on March 17, 2009 pp. 3-18)

[8] Records, p. 131

[9] Records, p. 148 (TSN of BBB taken on March 17, 2009 p. 5)

[10] Records, p. 132

[11] Records, pp. 138-139

[12] Records, p. 7

[13] Records, pp. 161-169 (TSN of BBB taken on March 17, 2009 pp. 18-26)

[14] Supra, footnote 3

[15] Records, pp. 173-182 (TSN of AAA taken on April 14, 2009 pp. 3-12); 188-189 (TSN of AAA taken on June 23, 2009 pp. 5-6); 192-198 (TSN of AAA taken on July 20, 2009 pp. 2-8)

[16] Supra, footnote 3

[17] Records, p. 178 (TSN of AAA taken on April 14, 2009 pp. 8)

[18] Records, p. 3

- [19] Records, pp. 202-208 (TSN of AAA taken on April 29, 2010 pp. 3-9)
- [20] Records, pp. 208-210 (TSN of AAA taken on April 29, 2010 pp. 9-11)
- [21] Records, pp. 214-215 (TSN of SPO2 Josette G. Saturnino taken on July 15, 2010 pp. 3-4)
- [22] Records, pp. 215-218 (TSN of SPO2 Josette G. Saturnino taken on July 15, 2010 pp. 4-7)
- [23] Records, p. 3
- [24] Records, p. 7
- [25] Records, p. 12
- [26] Records, pp. 219-220 (TSN of SPO2 Josette G. Saturnino taken on July 15, 2010 pp. 8-9)
- [27] Records, pp. 223-224 (TSN of Dr. Merle Tan taken on August 12, 2010 pp. 2-3)
- [28] Records, pp. 138, 227-228 (TSN of Dr. Merle Tan taken on August 12, 2010 pp. 6-7)
- [29] Records, pp. 223-227 (TSN of Dr. Merle Tan taken on August 12, 2010 pp. 2-6)
- [30] Records, pp. 230-237 (TSN of accused-appellant Leonardo Ballot y Tolentino taken on October 7, 2010 pp. 2-9)
- [31] Records, pp. 237-238 (TSN of accused-appellant Leonardo Ballot y Tolentino taken on October 7, 2010 pp. 9-10)
- [32] Supra, footnote 1
- [33] Rollo, p. 42
- [34] Paragraph 2 of Article 226-A of the Revised Penal Code states:
- "xxx Article 226-A. Rape, when and how committed.- Rape is committed -
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. xxx"
- [35] People of the Philippines vs. Heracleo Abello y Fortada (G. R. No. 151952, March 9, 2009)
- [36] Records, pp. 180-181 (TSN of AAA taken on April 14, 2009 pp. 10-11)
- [37] Records, pp. 196-197 (TSN of AAA taken on July 20, 2009 pp. 6-7)
- [38] The case of People of the Philippines vs. Roger Ugos (G. R. No. 181633, September 12, 2008) instructs that a rape victim's testimony as to who abused her is deemed credible where she has absolutely no motive to incriminate and testify against the accused.
- [39] People of the Philippines vs. Armando Chingh y Parcia (G. R. No. 178323, March 16, 2011)
- [40] People of the Philippines vs. Roger Ugos (G. R. No. 181633, September 12, 2008)
- [41] Id.
- [42] G. R. No. 178323, March 16, 2011
- [43] Records, pp. 235-236 (TSN of accused-appellant Leonardo Ballot y Tolentino taken on October 7, 2010 pp.

7-8)

"Direct Testimony of the Witness Leonardo Ballot y Tolentino taken on October 7, 2010:

xxx Atty. Buan: Now, did you ask why you were being arrested Mr. Witness?

A: They asked me what I did to the child, and I said, "Who child", "sinong bata"?

xxx xxx xxx

Q: Were you brought for inquest, Mr. Witness?

A: December 24, Sir.

Q: And what happened there Mr. Witness?

A: We talked at the inquest, before the Fiscal and they asked me if I am admitting the charges filed against me and I said, I do not.

Q: Who asked you that question?

A: I think the Public Prosecutor, Sir.

Q: And then after Mr. Witness, what happened next?

A: No more. Sir.

Q: Now, Mr. Witness, if you will be asked again regarding that accusation or that question, what can you say Mr. Witness?

A: I really do not know anything about the charges or case they are trying against me, Sir. xxx"

[44] People of the Philippines vs. Emmanuel Aaron (G. R. No. 136300-02, September 24, 2002)

[45] People of the Philippines vs. Ruel Baway y Aligan (G. R. No. 130406. January 22, 2001)

[46] Section 4, Rule 129 on the Rules on Evidence states:

"xxx Sec.4. Judicial Admissions. - An admission, verbal or written, made by a party in the course of the proceedings in the same case, does not require proof. xxx"

[47] Records, pp. 237-238 (TSN of accused-appellant Leonardo Ballot y Tolentino taken on October 7, 2010 pp. 9-10)

"Cross Examination of the Witness Leonardo Ballot y Tolentino taken on October 7, 2010:

xxx Fiscal: So you were there in the morning?

A: Yes, Ma'am.

Q: And you even had breakfast there?

A: Yes, Ma'am.

Q: And as a matter of fact, you helped in the cooking of breakfast?

A: Yes, Ma'am.

Q: Are you aware Mr. Witness that this incident happened before breakfast?

A: I do not know about that Ma'am. xxx"

[48] People of the Philippines vs. Ariston Pardillo, Jr. (G. R. No. 119543, November 28, 1997)

[49] G.R. No. 119165, September 26, 1997

[50] People of the Philippines vs. Michael Lindo y Vergara (G. R. No. 189819, August 9, 2010)

[51] People of the Philippines vs. Heracleo Abello y Fortada (G. R. No. 151952, March 9, 2009)

[52] People of the Philippines vs. Mauricio Watiwat (G. R. No. 139400, September 3, 2003)

[53] People of the Philippines vs. Heracleo Abello y Fortada (G. R. No. 151952, March 9, 2009)

[54] G. R. No. 139400, September 3, 2003

[55] People of the Philippines vs. Michael Lindo y Vergara (G. R. No. 189819, August 9, 2010)

[56] G. R. No. 189819, August 9, 2010

[57] People of the Philippines vs. Michael Lindo y Vergara (G. R. No. 189819, August 9, 2010)

[58] The case People of the Philippines vs. Michael Lindo y Vergara (G. R. No. 189819, August 9, 2010), provides that:

"xxx for rape through sexual assault under Art. 266-A, par. 2 of the Revised Penal Code, the award of damages will be PhP30,000 as civil indemnity, PhP30,000 as moral damages, and PhP30,000 as exemplary damages, in line with prevailing jurisprudence. Xxx"

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