PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. SOTERO GARIGADI, ACCUSED-APPELLANT.

G.R. No. 110111. October 26, 1999

Ponente: GONZAGA_REYES, J.

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GONZAGA_REYES, J.:

Sotero Garigadi appeals from the decision of the Regional Trial Court of Malolos, Bulacan, Branch 22, in Criminal Case No. 1865-M-90, convicting him of the crime of rape, imposing upon him the penalty of reclusion perpetua, and ordering him to pay the amount of P50,000.00 as indemnity.

The sworn complaint dated September 25, 1990 charged appellant with rape committed as follows:

> "That on or about the 22nd day of May, 1990, in the municipality of Meycauayan, province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs and by means of force, violence and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of Gloridel V. Floro, a girl six (6) years of age, against her will and consent."[1]

The accused pleaded "not guilty" upon arraignment.

The relevant facts as synthesized by the Office of the Solicitor General (OSG) in the Appellee's Brief[2] are as follows:

> "On May 22, 1990, Gloridel Floro, who was then 6 years old and a pupil at St. Mary's School, in Sto. Niño, Meycauayan, Bulacan, complained to her mother that appellant kissed her and asked her to sit on his lap and fondled her breast, when she went to appellant's house looking for her playmates. After a while appellant made her to lie down on his bed. When she was lying down, appellant removed her panty and went on top of her. Appellant was clad with a towel and not wearing any underwear. Then, appellant inserted his penis in Gloridel's vagina. After a short while, the maid of Gloridel was heard calling for her. She freed herself from appellant, stood up and went home. But before she left, appellant asked her to go back which she did. xxx (pp. 4-7, tsn., May 22, 1991; pp. 3-6, 8 and 9, tsn., Nov. 8, 1991).
>
> Gloridel was brought to a physician, Dr. Lea Dilag for examination and her vagina was found to be swollen, infected and with a seven o'clock laceration (pp. 4-11, tsn., May 24, 1991)."[3]

Accused-appellant anchoring his defense mainly on denial, presents a different version of the case in his Appellant's Brief,[4] to wit:

> "The accused is a very much married man. He has four (4) kids. He was living a decent life being gainfully employed at the Department of Trade and Industry. He and his family are residing at Sto. Niño, Perez, Meycauayan, Bulacan since 1988 (TSN dated 5-27-92, p. 4).
>
> The accused and family were neighbors of the victim. In fact, the accused was the first person whom the victim's family came to know at the area (3rd par., p. 2, Decision).
>
> Sometime on May 22, 1990, the parents of the victim complained that accused raped their daughter (then six

(6) years old) inside the house of the accused. The accused denied this.

On May 23, 1990, the victim was brought to a private physician, a certain Dra. Lea Dilag, for examination. The said physician whose line or field are pediatrics and OB-Gyne cases, subjected the victim to physical examination by merely using a penlight (p. 5, 1st par., Decision).

Initially, Dra. Dilag allegedly observed a hymenal tear at around 7 o'clock and there was irritation over the private part (p. 4, 1st par., Decision). She issued a medical certificate (Exh. "A").

Upon advise of Dra. Dilag who is very much aware of her lack of expertise in this kind of cases, the father brought the victim (Gloridel) to the NBI on May 29, 1990 whose conclusions/findings were as follows:

"1. No Evident sign of extragenital physical injuries noted on the body of the subject.

2. Hymen, intact."

(Please refer to Exh. "3")

Immediately after May 29, 1990, Gloria Floro, (mother), and Dra. Dilag testifying on the date as "after one or about a week", the victim was again brought back to Dra. Dilag who alleged that the vagina was already swollen and she could not even insert her finger.

A complaint for rape was filed and after preliminary investigation of the case by the Municipal Judge concerned, it was found out that there was no probable cause against the accused (Please see Exh. "2").

The Office of the Provincial Prosecutor of Bulacan, however, reversed the findings of the Municipal Judge; thus, the criminal information for rape and the eventual (but erroneous) conviction of the accused."[5]

Insisting on his innocence and stating that he merely gave Gloridel a fatherly hug and kiss when she came to his house looking for her playmates, accused-appellant raises the following assignment of errors:

"1. The lower court gravely abused its discretion by erroneously holding that the accused had carnal knowledge with the victim.

2. The lower court gravely abused its discretion by erroneously ruling out the efficacy of the Living Case Report made by the Medico Legal Officer of the National Bureau of Investigation or NBI (Exh. 3).

3. The lower court gravely erred in holding that rape was committed."[6]

As aforesaid, the trial court found the accused guilty beyond reasonable doubt of the crime of rape based on the testimony of the victim, Gloridel, as well as the medical findings of the private physician, Dra. Lea Dilag.

Accused-appellant now assails the credibility of Gloridel. According to him, the testimony of Gloridel was vague, non-comprehensible, inconsistent and contradictory. Accused-appellant likewise assails the result of the medical examination conducted by the private physician, Dra. Lea Dilag, on the grounds that her competency as an expert witness in rape cases had not been substantiated; and that her medical findings are inconclusive on account of her testimony that the laceration may have been caused by insertion of the male organ or a finger.

In its Appellee's Brief, the OSG supports the appealed judgment and asks us to affirm the penalty imposed by the trial court. The OSG contends that based on the testimony of the victim, Gloridel, which was made in a straightforward, candid, and spontaneous manner, the prosecution has clearly established the guilt of the accused beyond reasonable doubt.

The following is Gloridel's testimony, viz:

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Fiscal:

q- Gloridel, you said that you are studying now in St. Mary's, where is St. Mary's located?

Witness:

a- Sto. Nino, Meycauayan, Bulacan, sir.

Fiscal:

q- Do you know why you are here in Court today Gloridel?

Witness:

a- Yes, sir.

q- Why are you in Court today?

a- I will be talked to, sir.

q- About what?

a- About Gary, sir.

q- Who is this Gary that you mentioned?

Interpreter;

(Witness pointing to person inside the Courtroom who when asked answered Gary Sotero, the accused in this case.)

Court:

You better go direct to the point.

Fiscal:

q- Why, what did Gary, the accused in this case do to you?

a- I was looking for my playmates, sir.

q- Who are these playmates of yours?

a- I don't know, sir.

q- While you were looking for your playmates, what happened?

a- I was asked to sit on the lap, sir.

q- Who asked you to sit on the lap?

a- Gary, sir.

Fiscal:

She's referring to the accused, Your Honor.

q- When Gary asked you to sit on his lap, did you comply?

Witness:

a- Yes, sir.

q- What was the clothing or did Gary have anything on his body on that time?

a- “Tapis” or towel, sir.

Fiscal:

q- What about brief, did he has brief at that time?

Witness:

a- None, sir.

Court:

q- Where was the towel?

Interpreter:

(The witness showing . . . indicating the waistline.)

Fiscal:

q- What Gary do to you while you are sitting on his lap?

Witness;

a- He kissed me, sir.

q- On what part of your body did Gary kissed you?

a- At the neck, sir.

q- What else did Gary do to you while you were being seated on his lap?

Interpreter:

She’s demonstrating, pointing to the middle of the palm.

Witness:

a- His penis enter my vagina, sir.

q- Did he lie you down?

a- Yes, sir.

q- Where did he lied you down?

a- In his bed, sir.

q- Did you cry?

a- No, sir.

q- How long did he do this to you?

a- Only a few moment, sir. And then I said I will drink water but I heard the maid calling me, sir.

q- And then what did you do?

Witness:

a- Then I went home and Gary told me to come back, sir.

Court:

q- Did you go back?

a- Yes, Your Honor.

q- On the same day?

a- Yes, Your Honor.

q- What did he do to you when you came back?

a- When I saw two (2) men in his house, we went to the back (likod).

q- To the back portion of the house? You went outside the house?

a- Yes, Your Honor.

q- Gary was with you?

a- Yes, Your Honor. And he asked me to buy cigarette.

q- Did you buy cigarette?

a- Yes, Your Honor.

q- What did he do to you when you came back?

a- He said that the cigarette is not enough.

q- What else?

a- That's all.

q- He did not touch you anymore the second time you came back?

a- No, sir, because I told somebody.

q- Did Gary did this to you only one (1) time?

a- Five (5) times, Your Honor.

q- On the same day?

a- Different dates, Your Honor.[7]

On cross-examination, Gloridel was unwavering and steadfast in her testimony as follows:

> ATTY. FAJARDO:
>
> q- You mentioned that before you see Gary you were looking for your playmates, meaning to say that you had played with your playmates before you met Gary on that day?
>
> COURT:
>
> q- What day?

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ATTY. FAJARDO:

q- On May 22, 1990?

WITNESS:

a- Yes, sir.

q- And what were you playing with your playmates on that day?

a- Anything, sir.

q- Does it include riding a bicycle?

a- Yes, sir.

q- And also jumping whether on a chair or higher thing?

a- No, sir.

q- You also said that Gary called you, where was Gary then?

a- Inside the house, sir.

q- Inside his house or inside his bedroom?

a- In his room, sir.

q- You also said that Gary kissed you on the neck, was Gary also hugged and embraced you?

a- Yes, sir.

q- When Gary kissed you on your neck it is as if a kiss of your father?

a- No, sir.

q- Was it gentle? Was the kiss of Gary gentle?

WITNESS:

a- “Hindi madiin”, Your Honor.

q- Does Gary kiss you often?

a- Yes, Your Honor.

q- Every time you go to his house?

a- Yes, Your Honor.

q- In the presence of his children?

a- No, Your Honor.

q- When there are the two of you only?

a- Yes, Your Honor.

q- Aside from kissing you, what else did Gary do to you?

a- He entered his penis in my vagina, Your Honor.

q- Was this in a room?

a- Yes, Your Honor.

q- Was the room locked?

a- Yes, Your Honor.

q- There's only the two of you?

a- Yes, Your Honor.

q- Did he remove your clothes?

a- No, Your Honor.

q- Only your panty?

a- Yes, Your Honor.

q- Did he make you lie down on the bed?

a- Yes, Your Honor.

q- And what did he do when you were already lying down on your bed?

a- He kissed me, Your Honor.

COURT

q- What else?

a- I was told to lie down, Your Honor, then he entered his penis in my vagina.

q- Did you cry?

a- No, Your Honor.

q- Was it painful?

a- No, Your Honor.

q- How long did it last?

a- Short time only, Your Honor.

q- Why, did you cry?

a- No, Your Honor.

q- Did anybody arrive? Do you know why he stop? I told him I will stand up and he stop, Your Honor.

ATTY. FAJARDO:

q- Is it not that Gary stop because your maid called you?

a- Yes, sir.

q- So your previous answer is not entirely correct?

a- It's correct, sir.

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COURT

q- She said she's going to stand up, why did you say that you are going to stand up?

a- Because I wanted to go home, sir.

q- Were you called by your maid before you stood up?

a- Yes, Your Honor.

q- Did you hear her?

a- No, Your Honor.

q- How do you know that the maid were looking to you?

WITNESS:

a- Our maid knocked on the door, Your Honor.

ATTY. FAJARDO:

q- Which door?

a- The front door, sir.

COURT:

q- The front door or the door to your room?

a- The front door, Your Honor.

q- Did you hear the knocking of the maid?

a- Yes, Your Honor.

q- Is that the reason why you stood up?

a- Yes, Your Honor.

ATTY. FAJARDO:

q- Why do you say that the door of the room of Gary was locked?

a- He told me that all the doors and the windows are closed, sir.

q- Gary told you that?

a- Yes, sir.

q- Now, how far is the room from the door of the house?

a- Near the door, sir.

q- You said that the door and all the windows . . .

COURT:

q- Was that the first time the accused told you to lie down when he removed your panty

a- Yes, Your Honor.

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q- Previous to that, he did not do that?

a- No, Your Honor.

q- Was that the first time?

a- Yes, Your Honor.

ATTY. FAJARDO:

q- You said also that Gary do the said acts to you five times during the last hearing?

COURT:

a- What is your question?

ATTY. FAJARDO:

q- You said that Gary do the said thing to you five times, and the fifth time was on May 22, 1990, which is correct, the answer you gave to the Judge or to the answer you have given last hearing?

WITNESS:

a- Five (5) times, sir.

COURT:

q- You mean to say before this date Gary was already asking you to lie down and removed your panty?

a- Yes, Your Honor.

q- Inside the room also?

a- Yes, Your Honor.

q- Where were your playmates this time?

a- They are far away, Your Honor.

ATTY. FAJARDO:

q- Did you report the first four times that Gary did the same thing to you?

a- Yes, sir.

q- To whom did you report such things?

a- To my mother, sir.

q- Four (4) times you reported to your mother?

a- No, sir.

q- One time only?

a- Yes, sir.

q- The last time only?

a- Yes, sir.

COURT;

q- Why did you tell your mother?

WITNESS:

a- I don't like it anymore, Your Honor.

q- Is it to your mother you told this or to anybody else?

a- To my mother and to our maid, Your Honor.

ATTY. FAJARDO:

q- To whom did you tell such thing first, to your maid or to your mother?

a- To our maid, sir.

q- And how about Karen Valencia, do you know Karen Valencia?

a- Yes, sir.

q- Did you tell such thing also to Karen Valencia?

a- Yes, sir.

q- Now, did your mother come to know of such thing that Gary did to you on May 22, 1990?

a- My mother came to know it, sir.

q- From whom did your mother come to know that?

a- When my mother went out to Gary's place, sir.

COURT:

May we know how old is she?

FISCAL MADDELA:

a- Six (6) years old, Your Honor.

ATTY. FAJARDO:

q- You said that Gary lie you down, how about him, What was his position?

COURT:

She already answered, he went on top of her and put his penis inside the vagina, already answered.

COURT:

Did Gary ask you to hold his private part?

WITNESS:

a- No, Your Honor.

q- Even on those five times, he did not ask you to hold his private part?

a- No, Your Honor.

ATTY. FAJARDO:

q- How about his finger, did he enter his finger insider your vagina on May 22, 1990?

a- No, sir.

COURT:

q- Does he pondle your vagina?

a- Yes, Your Honor.

ATTY. FAJARDO:

q- With what?

a- He always enter his penis in my vagina, sir.

ATTY. FAJARDO:

q- There was no instance when of all those five occasions Gary never inserted his finger to your vagina?

a- Only once, sir.

COURT:

His finger?

a- Only one time, Your Honor.

ATTY. FAJARDO:

q- Was that occasion on May 22, 1990 or other date?

a- Yes, sir, May 22, 1990.

q- That was on the last occasion?

a- Yes, sir.

COURT:

q- Did you feel painful?

a- No, Your Honor.

COURT:

q- So he was only pondling it?

WITNESS

a- Yes, Your Honor.

ATTY. FAJARDO:

q- Are you sure that Gary never inserted his finger in your vagina on the last occasion, he just pondled your vagina?

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a- Yes, sir.

q- So the statement in your sole affidavit to the effect that before Gary inserted or entered his penis into your vagina he inserted also his finger is not true?

COURT:

> I think, we better clarify this, she is very young girl, how would she distinguish inserting and pondling. The only way is whether your feel pain or not.

q- Do you know what's inserting a finger inside a vagina mean? Alright, let the hand of the interpreter is the vagina, what other things . . .

a- He entered his organ, Your Honor.

q- You are sure that the finger never inserted in your vagina?

a- No, Your Honor.

q- Pondling lang, hipo hipo lang?

a- Yes, Your Honor.

COURT:

Anymore?

ATTY. FAJARDO:

q- Did you see any blood in your vagina after you said that Gary inserted or entered his penis to your vagina on May 22, 1990?

WITNESS:

a- None, sir.

COURT:

q- What about on the other occasion, did you notice whether blood came out on your vagina because of what Gary's doing?

a- None, Your Honor.

ATTY. FAJARDO:

q- That would be all, Your Honor.[8]

The above testimony of Gloridel was corroborated by the medical findings of the examining physician, Dra. Lea Dilag, who during the trial explained that on May 23, 1990, a day after the alleged incident, she examined Gloridel; that consistent with the medical certificate marked as Exhibit "A" she found a hymenal tear at around 7 o'clock and iritima (irritation) over the private part of Gloridel; that after about a week, Gloridel was again brought to her for examination because of high fever which was due to an infection of the laceration in her vagina.

As regards the competence and credibility of a child to testify, the decision on this question rests primarily with the trial judge who sees the proposed witness, notices his manner, his apparent possession or lack of intelligence, as well as his understanding of the obligation of an oath. As many of his manners cannot be photographed into the

record, the decision of the trial judge will not be disturbed on review unless from what is preserved, it is clear that it was erroneous.[9]

The trial court found that Gloridel "irrefutably established by her testimony the circumstances under which the crime was committed, despite the protestations of the accused that nothing happened. Gloridel Floro has adequately recounted the details that took place on the date of the incident"[10] ; and, after a rigorous scrutiny of the testimony of Gloridel, we find no reason to disturb the said findings of the trial court.

Accused-appellant, however, characterizes Gloridel's testimony as vague and non-comprehensible, inconsistent and contradictory for "at times, she would say that the accused inserted his penis to her vagina, however, in continuation, she would state that the accused only fondled her private part." According to accused-appellant "the victim was so incoherent but what was made clear by her was that the accused only inserted his finger to the girl's vagina."[11] Further, accused-appellant points out that the following circumstances as related by Gloridel at the trial: that she did not cry when the accused laid her down; that she did not feel any pain when the accused inserted his penis; and that the insertion was for a short time only; and that she stood up immediately and went home are incredible, unbelievable and contradict very sharply the normal behavior of a raped victim, specifically, if she was just six (6) years old.

As we have mentioned earlier, we find the testimony of Gloridel to be clear and convincing. Her declaration that accused-appellant inserted his penis into her vagina was made in a straightforward and unshaken manner. Errorless and accurate to the last detail testimony cannot be expected of Gloridel, who was seven (7) years of age at the time of the trial. The alleged inconsistencies and lapses pointed by accused-appellant to discredit Gloridel's testimony, e.g. that accused-appellant merely fondled her or inserted his finger in her vagina, are all minor and trivial details which do not touch upon the commission of the offense. These lapses, to our mind, serve to strengthen rather than weaken the credibility of a witness because they erase any suspicion of coached or rehearsed testimony.[12] Indeed, Gloridel may have supplied unresponsive answers to some questions; yet a child of tender age cannot be expected to understand every question asked of her in the course of examination. Ample margin of error and understanding should be accorded to young witnesses who, much more than adults, would be gripped with tension due to the novelty of the experience of testifying before a court.[13] We have repeatedly held that different people react differently to a given type of situation, there being no standard form of human behavioral response when one is confronted with a strange, startling or frightful experience.[14] While Gloridel mentioned twice during the course of her examination that she did not feel pain, this does not render her entire testimony incredible as vaginal bleeding[15] or pain is not an element of rape. Additionally, testimony that the incident happened for a few moments only does not negate the commission of rape.

Moreover, there is no evidence on the record, as none was adduced by accused-appellant, of any ill-motive on the part of Gloridel, and her parents for that matter, as to why they would fabricate charges against the accused-appellant. Accused-appellant never even attempted to prove that Gloridel or her family was motivated by ill-feelings as to falsely impute to him the commission of such a serious crime.

We likewise find no reason to doubt the competence and credibility of the private physician, Dr. Lea Dilag. Dr. Dilag who specializes in Pediatrics and Obsterics-Gynecology is competent to determine as to whether there is irritation or laceration in the genitalia of a child. While Dr. Dilag admitted that she advised the mother of Gloridel to take her to a government physician for examination, the reason for this was not her lack of expertise, but as she explained during her cross-examination, that government physicians who work by shifts have more time to testify in court.[16] Neither does her testimony that the hymenal tear may have been caused by either "insertion of the private part of a man or a finger"[17] impair her competence and credibility. Whatever doubt this must have engendered has been cured by the categorical statement of Gloridel that accused-appellant entered his private part

in her vagina.

Further, Dr. Dilag's testimony remains intrinsically credible absent any showing that it was improperly or maliciously motivated, thus, entitled to full faith and credit. It is not expected that a witness would prevaricate and aid in the criminal conviction of one who did not bring him any harm or injury. Be that as it may, we could even dispense with the medical findings of Dr. Dilag in the face of the positive and unequivocal identification of accused-appellant as the rapist of Gloridel. A medical certificate is not indispensable to prove the commission of rape.[18]

Clearly, the essential requisite of carnal knowledge has been adequately established. When the physician's finding of penetration is corroborated by the testimony of the victim that the appellant's private part touched her vagina, it is sufficient to establish the essential requisite of carnal knowledge.[19] Statutory rape as defined in Art. 335, par. (3), of the Revised Penal Code is committed by having carnal knowledge of a woman under twelve (12) years of age. The penetration, no matter how slight, or mere introduction of the male organ into the labia of the pudendum constitutes carnal knowledge.[20]

Lastly, accused-appellant would have this court reverse the findings of the trial court because the physical examination by the NBI Medico-Legal Officer disclosed no genital or extra-genital injuries on Gloridel and that her hymen was intact. These findings of the NBI Medico-Legal Officer directly contradict the findings of the private physician Dr. Dilag during examinations conducted within a span of one (1) week from the alleged incident. Dr. Dilag examined Gloridel a day after the alleged incident or on May 23, 1990; while the NBI Medico-Legal conducted its examination a week after or on May 29, 1990. It is odd that about the same time that the NBI conducted its examination, Gloridel was brought to Dr. Dilag for a second time due to high fever which the latter diagnosed as resulting from an infection of the laceration in the victim's vagina, noting that her vagina had become swollen. The trial court disregarded the medical certificate issued by the NBI Medico-Legal Officer, Dr. Alberto Reyes, for his failure to testify in court despite repeated requests to do so. According to accused-appellant this piece of evidence has been stipulated upon and admitted by the prosecution. The records bear this out; in an order dated October 23, 1992, the trial court stated thus:

> "At today's scheduled hearing for the reception of last defense witness in the person of Dr. Alberto Reyes, said Doctor is again absent in Court. However, the Court is in receipt of a telegram claiming that said Doctor has a previous commitment with the RTC of Makati, Br. 60.
>
> In order to abbreviate proceedings, Atty. Bernar Fajardo, defense counsel, stipulated the medical certificate issued by Dr. Alberto Reyes, and Fiscal Maddela did not object to the medical certificate issued by the said Doctor, and which medical certificate was marked as Exhibit "3" by the defense.

xxx xxx xxx."[21]

Nevertheless, the admission of said certificate is not sufficient to alter our findings on the credibility of Gloridel and consequently the outcome of the instant case. We have already reiterated the rule that in rape cases, the medical examination of the victim or the presentation of a medical certificate is not essential to prove the commission of rape as the testimony of the victim alone if credible is sufficient to convict the accused of the crime.[22] This is so in the case at bar.

In accordance with the second paragraph of Art. 335, the trial court correctly sentenced the accused-appellant to reclusion perpetua and in accordance with current rulings, indemnity in the amount of P50,000.00. In addition, moral damages in the amount of P50,000.00 should be awarded to the victim which is automatically granted in rape cases,[23] separate and distinct from the indemnity.

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WHEREFORE, the decision of the Regional Trial Court of Malolos, Bulacan, Branch 22, in Criminal Case No. 1865-M-90 is hereby AFFIRMED, with the MODIFICATION that accused-appellant is further ordered to pay Gloridel Floro the amount of P50,000.00 as moral damages.

SO ORDERED.

Melo, (Chairman), Vitug, Panganiban, and Purisima, JJ., concur.

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[1] Records, p. 2.

[2] Rollo, p. 121.

[3] Rollo, pp. 124-125.

[4] Rollo, p. 81.

[5] Rollo, pp. 82-84.

[6] Rollo, p. 81.

[7] TSN dated November 8, 1991, pp. 3-6.

[8] TSN dated January 8, 1992, pp. 189-198.

[9] People vs. Libungan, 220 SCRA 315 (1993).

[10] Records, p. 283.

[11] Rollo, p. 87.

[12] People vs. Pamor, 237 SCRA 462 (1994); People vs. Padilla, 242 SCRA 629 (1995); People vs. Conde, 252 SCRA 681 (1996).

[13] People vs. De la Cruz, 276 SCRA 352 (1997), citing People vs. Salazar, 221 SCRA 170 (1993).

[14] People vs. Roncal, 272 SCRA 242 (1997).

[15] People vs. Lazaro, 249 SCRA 234 (1995).

[16] TSN dated May 24, 1991, p. 19.

[17] TSN dated May 24, 1991, p. 14.

[18] People vs. Quiamco, 268 SCRA 516.

[19] People vs. De la Peña, 276 SCRA 558 (1997), citing People vs. Castillo, 197 SCRA 657 (1991).

[20] Ibid.

[21] Records, p. 101.

[22] People vs. Abordo, 224 SCRA 725 (1993).

[23] People vs. Victor, G.R. No 127903, July 9, 1998.

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