PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MANUEL CALIMLIM Y MUYANO, ACCUSED-APPELLANT.

G.R. No. 123980. August 30, 2001

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

Before us on automatic review is the joint decision[1] of the Regional Trial Court, First Judicial Region, Branch 46, Urdaneta, Pangasinan finding accused-appellant Manuel Calimlim guilty of four (4) counts of rape based on similarly-worded informations in the following criminal cases:

> Criminal Case No. U-8525:
>
> That on or about the 2nd day of April, 1995, at the Poblacion of the municipality of Manaoag, province of Pangasinan and within the jurisdiction of this Honorable Court, the said accused, by means of force and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge with the undersigned complainant, a minor, against her will.
>
> CONTRARY TO LAW.[2]
>
> Criminal Case No. U-8638:
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> That on or about the 2nd day of April, 1995, at the Poblacion of the municipality of Manaoag, province of Pangasinan and within the jurisdiction of this Honorable Court, the said accused, by means of force and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge with the undersigned complainant, a minor, against her will.
>
> CONTRARY TO LAW.[3]
>
> Criminal Case No. U-8639:
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> That on or about the 2nd day of April, 1995, at the Poblacion of the municipality of Manaoag, province of Pangasinan and within the jurisdiction of this Honorable Court, the said accused, by means of force and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge with the undersigned complainant, a minor, against her will.
>
> CONTRARY TO LAW.[4]
>
> Criminal Case No. U-8640:
> That on or about the 2nd day of April, 1995, at the Poblacion of the municipality of Manaoag, province of Pangasinan and within the jurisdiction of this Honorable Court, the said accused, by means of force and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge with the undersigned complainant, a minor, against her will.
>
> CONTRARY TO LAW.[5]

Appellant pleaded not guilty to the charges. Thereafter, trial on the merits followed.

The prosecution's case was mainly based on the testimony of private complainant, LANIE S. LIMIN. According to her, she was fourteen (14) years old and had been living with the family of Kagawad Manny Ferrer and Cresencia Ferrer (Ferrers) for the past three years. The night of April 2, 1995, she was left alone in one of the two houses of the Ferrers since her usual companions, the sons of Manny and Cresencia, were out for the night. The Ferrers were in the other house about 15 meters away. At around 11:30 P.M., she was awakened when she heard somebody, later identified as appellant, enter her room. Appellant immediately poked a knife at the left side of her neck and said, "Accompany me because I killed my wife."[6] She was then dragged to the pig pen, about 8-9 meters away from the place where she slept. Afterwards, she was again forcibly taken back to her room, then to her cousin's room and to the kitchen. In each of these places, appellant forcibly had sexual intercourse with her while he poked a knife against her neck. According to her, she first recognized appellant while they were in the kitchen when she was able to remove the cloth covering his face. She stated that she knew appellant because she had seen him always following her whenever she went to school. After the fourth intercourse, appellant threatened that he would kill her if she reported the incidents. Despite the threat, she told her cousin, Manicris Ferrer,[7] who then reported the matter to Dr. Nancy Quinto who lived nearby.[8] On cross-examination, complainant stated that she did not struggle nor shout nor resist because she was afraid that appellant might kill her.[9]

The second witness was CRESENCIA FERRER, who testified that the victim was her niece. Lanie's grandmother was the sister of her mother. Cresencia testified that Lanie was born in Sexmoan, Pampanga, on June 13, 1981, and became her ward starting October 25, 1993. On the evening of April 2, 1995, Cresencia said she was in her shop in front of their house. Lanie was left alone in the other house because her usual companions, the children of the Ferrers, all went to a disco. The other children, Christian and Manicris, were inside their shop with her and her husband. Cresencia recalled that she was still awake at 11:30 P.M. working on some clothing materials. She did not see or notice anything unusual that night. The following morning, she tried to get Lanie to rise but the latter did not want to. Lanie was crying so she decided to leave Lanie alone. At around 8:00 A.M., Cresencia's daughter Manicris called her from outside the shop to inform her that Dr. Quinto was there to talk to her. Dr. Quinto and Manicris told Cresencia that Lanie had been raped. Cresencia said that when she confronted Lanie about it, Lanie narrated her ordeal and pointed to appellant as her rapist. The women brought Lanie to the Community Hospital in Baritao where she was medically examined. Then they reported the matter to the police.[10]

On cross-examination, Cresencia recalled that around 3:00 A.M., April 3, 1995, the wee hours after the alleged rape, she heard their gate opening because of the arrival of her three sons from the disco.[11]

SPO1 MARIO SURATOS testified that he was the duty officer when the rapes were reported to their station by Kagawad Ferrer.[12] It was not the victim herself who reported the rapes.[13]

DR. RICARDO FERRER, who conducted the physical examination on Lanie, testified that there was minimal vaginal bleeding and there were lacerations in the hymen, the positions of which were at 9:00 o'clock, 6:00 o'clock and 3:00 o'clock, all fresh, indicating that there were insertions within the past 24 hours. There was also a whitish vaginal discharge which was found positive for spermatozoa.[14]

During cross-examination, Dr. Ferrer stated that the lacerations found inside the complainant's vagina could have been caused by hard objects other than a penis. He said the lacerations could have also been caused by fingers or a thumb, but would unlikely be the victim's since she would have stopped once she felt the pain. The doctor also stated that it was possible that the spermatozoa was artificially placed inside the vagina, but that it was not possible to determine the identity of the person who emitted it.[15]

Appellant MANUEL CALIMLIM denied the accusations. He claimed that he was in his house on the evening of April 2, 1995, and that he went to sleep at 10:00 P.M. He recalled that he even had sex with his wife in the early

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morning of April 3, 1995. He averred that he was just being used as a scapegoat by the Ferrers who hated him since he did not vote for Ferrer who was a candidate during the last elections. He also surmised that the Ferrers could have been irked when appellant allowed the construction of a waiting shed in front of his house. He asserted that as a hollow blocks maker, a physically draining job, he was often tired and weak and had little strength to engage in sex for more than once a month.[16]

ERLINDA PIMENTEL CALIMLIM, wife of accused, testified that on the night of April 2, 1995, she was with the accused, who slept from 10:00 P.M. until 5:00 A.M. the following morning.[17]

MARLENE P. CALIMLIM, daughter of appellant, testified that her father was with them on the evening of April 2, 1995 until the following morning. She remembered that her parents slept at 10:00 P.M. that night and she sensed they even engaged in sexual intercourse at around 2:00 A.M. of April 3, 1995. She added that it was possible the Ferrers were angry at her father because her father did not vote for Ferrer during the last elections and also because of their disagreement about the waiting shed.[18]

On November 17, 1995, the trial court rendered its joint decision finding appellant guilty of all charges. Appellant was sentenced to death for each count of rape. The similarly-worded dispositive portions of said decision reads as follows:

> WHEREFORE, this Court finds the accused MANUEL CALIMLIM y Muyano:
>
> WITH RESPECT TO CRIMINAL CASE NO. U-8525:
>
> GUILTY beyond reasonable doubt of the crime of RAPE defined and penalized under Republic Act No. 7659, the offense having been committed with the attendant circumstance of "with the use of a deadly weapon" and with the generic aggravating circumstances of nocturnity and disguise, hereby sentences him to suffer the supreme penalty of DEATH, to pay the complainant LANIE S. LIMIN the sum of P50,000.00 as damages, and to pay the costs.
>
> IN CONNECTION WITH CRIMINAL CASE NO. U-8638:
>
> GUILTY beyond reasonable doubt of the crime of RAPE defined and penalized under Republic Act No. 7659, the offense having been committed with the attendant circumstance of "with the use of a deadly weapon" and with the generic aggravating circumstances of dwelling, nighttime and disguise, hereby sentences him to suffer the supreme penalty of DEATH, to pay the offended party LANIE S. LIMIN the amount of P50,000.00 as damages, and to pay the costs.
>
> WITH REGARDS TO CRIMINAL CASE NO. U-8639:
>
> GUILTY beyond reasonable doubt of the crime of RAPE defined and penalized under Republic Act No. 7659, the offense having been committed with the attendant circumstance of "with the use of a deadly weapon" and with the generic aggravating circumstances of dwelling, nighttime and disguise, hereby sentences him to suffer the supreme penalty of death, to pay the victim the sum of P50,000.00 as damages, and to pay the costs.
>
> AS TO CRIMINAL CASE NO. U-8640:
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> GUILTY beyond reasonable doubt of the crime of RAPE defined and penalized under Republic Act No. 7659, the offense having been committed with the attendant circumstance of "with the use of a deadly weapon" and with the generic aggravating circumstances of dwelling, nighttime and disguise, hereby sentences him to suffer the supreme penalty of DEATH, to pay the complainant the amount of P50,000.00 as damages, and to pay the costs.
>
> "The law is harsh, but that is the law."

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"Dura lex, sed lex, it is said."

SO ORDERED.[19]

In his brief, appellant assigns the following errors allegedly committed by the trial court:

I

THAT THE SAID HONORABLE REGIONAL TRIAL COURT GRAVELY ERRED IN NOT FINDING THE ACCUSED NOT GUILTY OF THE CRIME AS CHARGED

II

THAT THE HONORABLE REGIONAL TRIAL COURT MISCONVICTED SAID ACCUSED-APPELLANT FOR FOUR (4) COUNTS OF RAPE CONTRARY TO THE FINDINGS OF THE ATTENDING PHYSICIAN WHO PHYSICALLY EXAMINED THE ALLEGED VICTIM THAT IF EVER THERE WAS A CRIME OF RAPE COMMITTED IT COULD ONLY BE ONCE

III

THAT THE HONORABLE REGIONAL TRIAL COURT WAS GROSSLY MISTAKEN IN NOT APPRECIATING THE MAIN DEFENSE OF SAID ACCUSED-APPELLANT THAT THE NARRATION OF FACTS AS ORCHESTRATED AND TESTIFIED TO BY ALLEGED VICTIM DEFIES IMAGINATION

IV

AND THE FOREMOST, THE HONORABLE COURT OVERLOOKED THE CONSTITUTIONAL RIGHTS OF THE ACCUSED-APPELLANT, SUCH AS THE REQUIREMENT OF GIVING A CHANCE TO ACCUSED-APPELLANT TO FILE COUNTER-AFFIDAVITS AND THAT OF HIS WITNESSES; HIS BEING IMMEDIATELY ARRESTED WITHOUT THE REQUIRED WARRANT OF ARREST; AND WHEN ARRESTED, WAS NOT ACCORDED THE RIGHT TO COUNSEL WHEN BROUGHT TO THE PNP INVESTIGATIVE BODY[20]

In sum, the issues here involve the credibility of witnesses, the denial of appellant's constitutional rights, the sufficiency of the evidence for his conviction, and the propriety of the death sentence imposed on him.

Appellant raises the defense of denial and alibi while he challenges complainant's credibility. He insists that he was at home during the time the alleged crimes were perpetrated. He also argues that complainant's story is unlikely because a man like him would not be able to consummate four (4) rapes in just one night and within a short time. He asserts that he is just being made a fall guy by complainant's guardians who hold a grudge against him. Appellant also points out that the testimony of complainant shows that she did not exert any tenacious resistance, implying that if there was intercourse, she had consented to it. Appellant also claims he was denied his right against warrantless arrests, his right to remain silent, and his right to due process. For example, he was not allowed to submit any counter-affidavit during the investigation of his case.[21]

The Office of the Solicitor General, for the State, stresses that the testimony of complainant deserves full faith and credit. There is no showing that she was impelled by any improper motive in filing her complaint. A young barrio lass would not fabricate a charge of sexual abuse and subject herself to the humiliation of a public trial unless she was motivated by a strong desire to bring her abuser to justice. The victim did not show tenacious resistance since, being a young girl, she was easily awed and overpowered by appellant. Her lack of resistance could also be attributed to paralyzing fear she felt at the time of her rape. Contrary to appellant's claim, there was no impossibility nor improbability about complainant's story. The findings and evaluation of the trial court regarding the credibility of the prosecution witnesses should be given great respect since the trial court was in the best

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position to observe the demeanor, attitude and manner of the witnesses. Finally, said the OSG, the defense of denial and alibi presented by the appellant cannot prevail over the positive identification made by the complainant that appellant was the rapist.

The OSG recommends, however, that the imposable penalty should be reclusion perpetua, and not death, because the informations charging appellant of rape did not allege the qualifying circumstance of "use of a deadly weapon". The OSG also recommends an increase in the damages to be awarded to the complainant.[22]

In reviewing rape cases, this Court has three guiding principles: (1) an accusation for rape can be made with facility; it is difficult to prove but even more difficult for the person accused, though innocent, to disprove it; (2) 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; and (3) the evidence for the prosecution must stand or fall on its own merit, and the prosecution cannot be allowed to draw strength from the weakness of the evidence for the defense.[23]

Nevertheless, the Court has ruled that in rape cases, the accused may be convicted solely on the testimony of the victim, provided that such testimony is credible, natural, convincing and consistent with human nature and the normal course of things.[24] In evaluating the credibility of witnesses, much weight and great respect is given to the findings made by the trial court[25] since it has the unique opportunity to observe the demeanor of the witnesses first-hand under grilling cross-examination. Hence, findings of the trial court on the credibility of witnesses 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.[26]

In this case, we find that complainant has no reason to falsely accuse appellant. Appellant avers that complainant was influenced by the Ferrers to falsely accuse him. He also insinuates that complainant was protecting the real offenders, the children of the Ferrers, out of blind loyalty to them. However, both averment and insinuation are not sufficiently backed up by persuasive proof. They are mere darts in the dark, pathetic ploys that remain preposterous propositions offered up by the defense. It is rather unseemly as well as unnatural for complainant to subject herself to public ridicule, exonerate her real ravishers, and vent her fury only against appellant. It would have been easier for her to endure her shame in silence rather than invent a sordid story if it were not true. As we have consistently held, a young girl would not concoct a rape charge, allow the examination of her private parts, then publicly disclose that she has been sexually abused, if her motive were other than to fight for her honor and bring to justice the person who defiled her.[27] That she was prevailed upon by the Ferrers to fabricate the rape charge, just to get even with appellant because he did not vote for Ferrer, is too inane a tale to inspire belief. Complainant's testimony on record is too candid and straightforward to be mere fabrication. She bared details which could not be concocted easily even by an ingenious or imaginative narrator. She cried for several minutes,[28] while she testified, enhancing her testimony's credibility.[29] Absent any ill-motive to falsely accuse appellant, we hold that complainant's testimony deserves full faith and credence.[30]

The defense capitalizes on the fact that complainant did not tenaciously resist the assault on her. Physical resistance, however, need not be established in rape when the victim is intimidated, threatened by a knife.[31] Intimidation must be viewed in the light of the victim's perception and judgment at the time of the commission of the crime of rape and not by any hard and fast rule.[32] In this case, the victim was a minor while her attacker was an armed man boasting he had just killed his wife. Indeed a rape victim need not show that she would fight unto death,[33] resisting a brutal crime. What is essential in this prosecution of her ravisher, is evidence showing that she did not consent to the sexual act, while he had used force and intimidation in achieving his evil desire.[34]

Further, the defense wants to make us believe that it was not possible for appellant to consummate four (4) acts of

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rape in just one night. This proposition deserves scant consideration. Rape is an act of depravity and lust. There is no rhyme nor reason for beastly acts. But negative testimony on mere possibilities cannot outweigh positive testimony of complainant on the number of sexual violations she endured.

Now we come to the defense of alibi which appellant offers coupled with outright denial. Corroborated mainly by his close relatives, this defense is less than persuasive and piteously dubious.[35] It is not credible because it is tainted with bias, especially in this case where the witnesses are the wife and the daughter of appellant.[36] Worse, the testimonies of said witnesses were not even consistent with one another. Note that the wife, Erlinda, testified that the appellant slept from 10:00 P.M. of April 2, 1995 until 5:00 A.M. the following morning.[37] But the daughter, Marlene, testified that her parents were awake and perhaps made love at around 2:00 A.M. of April 3, 1995.[38] Erlinda said she did not know if her husband woke up during the night, after she mentioned she had a light sleep and would have noticed if he did.[39] Inconsistency in the statements of the defense witnesses, while not necessarily an indication that they were lying, suggests that both mother and daughter could not recall with precision what happened during the crucial hours of the night of April 2 to early morning of April 3, 1995, but merely included the events that normally happen at around those hours in their household. Ranged against complainant's positive identification of her rapist and her candid, straightforward and convincing testimony, the defense of alibi raised by appellant must surely fall for lack of merit.

More substantially, appellant avers that his arrest violated Section 5 of Rule 113,[40] since his arrest was made one day after the crime was committed, but without any judicial warrant, although the police had ample time to get one. This he claims is also in violation of Article III, Sec. 2 of the Constitution.[41] But here it will be noted that appellant entered a plea of not guilty to each of the informations charging him of rape. Thus, he had effectively waived his right to question any irregularity which might have accompanied his arrest and the unlawful restraint of his liberty.[42] This is clear from a reading of Section 9 of Rule 117 of the Revised Rules of Criminal Procedure:[43]

> Sec. 9. Failure to move to quash or to allege any ground therefor. - The failure of the accused to assert any ground of a motion to quash before he pleads to the complaint or information, either because he did not file a motion to quash or failed to allege the same in said motion, shall be deemed a waiver of any objections except those based on the grounds provided for in paragraphs (a), (b), (g) and (i) of section 3 of this Rule. (Underlining supplied)

Given the circumstances of his case now, the exceptions do not apply here and we are constrained to rule that appellant is estopped from raising the issue of the legality of his arrest.

Moreover, the illegal arrest of an accused is not sufficient cause for setting aside a valid judgment rendered upon a sufficient complaint after a trial free from error.[44] The defense's claim of warrantless arrest which is illegal cannot render void all other proceedings including those leading to the conviction of the appellant, nor can the state be deprived of its right to convict the guilty when all the facts on record point to his culpability.[45]

However, we find one point in appellant's favor. As recommended by the Office of the Solicitor General, the penalty imposable on the appellant for the rapes committed should not be capital punishment. The qualifying circumstance, concerning "use of deadly weapon," was not alleged in the four informations against the appellant. Even if proved during trial, still that circumstance could not be used to aggravate appellant's crime, not having been included in the informations. To do so would violate appellant's right to be informed of the nature and cause of accusation against him. See People vs. Motos, 317 SCRA 96, 119 (1999), which held that where neither the complaint nor the evidence introduced show any qualifying circumstance that would make the offense fall within the category of rape punishable by death, the only penalty that can be properly decreed is the lower indivisible penalty of reclusion perpetua.

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Further, in People vs. Pailanco, 322 SCRA 790, 804 (2000), we also held that:

> ...neither can we impose the death penalty for the second incident of rape when complainant was threatened with a bolo by accused-appellant. Although under Article 355 of the Revised Penal Code, as amended by R.A. No. 7659, the penalty of reclusion perpetua to death is imposable when the rape is committed with the use of a deadly weapon, however, in the case at bar, the use of a deadly weapon during the second incident of rape was not alleged in the information... [A] qualifying circumstance may only be taken into account as an ordinary aggravating circumstance when it is not alleged in the information (citing People vs. Entes, 103 SCRA 162). The next lower penalty to death being the single indivisible penalty of reclusion perpetua, only the same may be imposed regardless of the presence of ordinary aggravating circumstances.

Conformably to law and jurisprudence, appellant herein can only be convicted of simple rapes committed by using force and intimidation, punishable by reclusion perpetua for each count of rape.

Finally, in line with current jurisprudence and considering the need to deter commission of a bestial offense against a minor, aside from the civil indemnity of P50,000.00 for each rape, appellant should be made to pay the additional amounts of P50,000.00 as moral damages and P25,000.00 as exemplary damages for every count of rape.[46]

WHEREFORE, the decision of the trial court finding the appellant Manuel Calimlim y Muyano GUILTY beyond reasonable doubt of four (4) counts of rape, in Criminal Case Nos. U-8525, U-8638, U-8639, and U-8640 is AFFIRMED, with the MODIFICATION that the penalty imposed upon the appellant is only reclusion perpetua for each count of rape. Further, he is ORDERED to pay private complainant Lanie S. Limin the amount of P50,000.00 as civil indemnity, another P50,000.00 as moral damages, and P25,000.00 as exemplary damages for each count of rape.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Pardo, Buena, Gonzaga-Reyes, Ynares-Santiago, De Leon, Jr., and Sandoval-Gutierrez, JJ., concur.

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[1] Rollo, pp. 28-72.

[2] Id. at 14.

[3] Id. at 15.

[4] Id. at 16.

[5] Id. at 17.

[6] TSN, September 18, 1995, p. 5.

[7] Sometimes spelled as Maricris Ferrer in the Transcript of Stenographic Notes.

[8] TSN, September 18, 1995, pp. 2-11.

[9] Id. at 19-20.

[10] TSN, September 25, 1995, pp. 3-11.

[11] Id. at 18-19.

[12] TSN, September 29, 1995, p. 3.

[13] Id. at 7-8.

[14] Id. at 13-17.

[15] Id. at 20-25.

[16] TSN, October 20, 1995, pp. 10-16.

[17] TSN, October 9, 1995, pp. 14-15.

[18] TSN, October 13, 1995, pp. 7-9.

[19] Rollo, pp. 70-72.

[20] Id. at 93.

[21] Id. at 96-98.

[22] Id. at 122- 133.

[23] People vs. Moreno, 321 SCRA 334, 348 (1999); People vs. Quijada, 321 SCRA 426, 431 (1999).

[24] People vs. Flores, 322 SCRA 779, 784 (2000); People vs. Geromo, 321 SCRA 355, 362 (1999).

[25] People vs. Venerable, 290 SCRA 15, 25 (1998).

[26] People vs. Ombrog, 268 SCRA 93, 100-101 (1997).

[27] People vs. Brigildo, 323 SCRA 631, 645 (2000); People vs. Rosales, 313 SCRA 757, 764 (1999); People vs. Gayomma, 315 SCRA 639, 648 (1999).

[28] TSN, September 18, 1995, p. 10.

[29] People vs. Celis, 317 SCRA 79, 92 (1999); People vs. Mosqueda, 313 SCRA 694, 707 (1999).

[30] People vs. Llamo, 323 SCRA 791, 806-807 (2000); People vs. Abella, 315 SCRA 36, 44 (1999).

[31] People vs. Lampaza, 319 SCRA 112, 125 (1999); People vs. Malabago, 271 SCRA 464, 472 (1997).

[32] People vs. Patriarca, 319 SCRA 87, 96 (1999).

[33] People vs. Igdanes, 272 SCRA 113, 120 (1997).

[34] People vs. Reyes, 315 SCRA 563, 578 (1999); People vs. Manahan, 315 SCRA 476, 483 (1999); People vs. Pagpaguitan, 315 SCRA 226, 237 (1999).

[35] People vs. Cantere, 304 SCRA 127, 137 (1999).

[36] See People vs. Gailo, 316 SCRA 733, 743 (1999).

[37] TSN, October 9, 1995, p. 14; TSN, October 13, 1995, p. 4.

[38] TSN, October 20, 1995, pp. 3-4.

[39] TSN October 13, 1995, p. 4.

[40] (a) When, in his presence, the person to be arrested has committed, is actually committing, or is attempting to commit an offense;

(b) When an offense has just been committed and he has probable cause to believe based on personal knowledge

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of facts or circumstances that the person to be arrested has committed it; and

(c) When the person to be arrested is a prisoner who has escaped from a penal establishment or place where he is serving final judgment or is temporarily confined while his case is pending, or has escaped while being transferred from one confinement to another. (Revised Rules of Criminal Procedure, December 1, 2000.)

[41] Sec. 2. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable, and no search warrant or warrant of arrest shall issue except upon probable cause to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched and the persons or things to be seized." (Article III, Philippine Constitution.)

[42] People vs. Briones, 202 SCRA 708, 719 (1991).

[43] Took effect on December 1, 2000.

[44] People vs. De Guzman, 224 SCRA 93, 100 (1993).

[45] People vs. De Guia, 227 SCRA 614, 626 (1993); People vs. Manlulu, 231 SCRA 701, 710 (1994).

[46] People vs. Malinao, G.R. No. 137647, February 1, 2001; People vs. Hofileña, G.R. No. 134772, 334 SCRA 214, 229 (2000); People vs. Bation, 305 SCRA 253, 271 (1999).

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