

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MARIO CALDONA Y LLAMAS, ACCUSED-APPELLANT.

G.R. No. 126019. March 01, 2001

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

Mario Caldon is a self-confessed womanizer who admits having several wives. His lechery, however, was not merely confined to these women and breaks new ground in terms of the revolting for he satiated his lust and sexual depravity on not only one but three of his daughters. This case is the sordid tale of one of them.

For ravishing his daughter Maria Lolita Caldon, accused Mario Caldon y Llamas was charged in Criminal Case No. C-49696 with the crime of Qualified Rape, in an Information[1] which reads:

That on or about the 13th day of August 1995 in Kalookan City, MM., Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs and taking advantage of his superior strength being her father, by means of force, threats and intimidation employed upon the complainant LOLITA CALDONA Y PONTIVEROS, did then and there wilfully, unlawfully and feloniously lie with and have sexual intercourse with said complainant against her will and without her consent.

Contrary to law.

Upon arraignment, accused, duly assisted by counsel, refused to enter a plea. The trial court thus entered a plea of not guilty in his behalf.[2] The case thereafter proceeded to trial.

After trial, the court a quo rendered judgment finding accused guilty beyond reasonable doubt of the crime charged and imposed on him the supreme penalty of death thus:

WHEREFORE, judgment is rendered CONVICTING Mario Caldon of the crime of Rape, an offense defined and penalized under Art. 335 of the Revised Penal Code, as amended by R.A. 7659, and the Court sentences MARIO CALDONA to suffer the penalty of DEATH. Ordering Mario Caldon to pay the victim (Ma. Lolita) P50,000.00 as moral damages and P25,000.00 as exemplary damages.

Mario Caldon shall be committed immediately to the National Bilibid Prisons. The Branch Clerk of Court is hereby ordered to transmit the entire record of this case to the Hon. Clerk of Court, Supreme Court for automatic review of the decision of this Court.

SO ORDERED.

On automatic review, accused-appellant alleges that -

I

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED DESPITE THE INCREDIBLE AND INCONSISTENT TESTIMONIES OF THE PROSECUTION WITNESSES.

II

GRANTING THAT ACCUSED-APPELLANT IS GUILTY, THE TRIAL COURT GRAVELY ERRED IN IMPOSING THE SUPREME PENALTY OF DEATH DESPITE THE FAILURE OF THE PROSECUTION TO ALLEGE IN THE INFORMATION THE QUALIFYING CIRCUMSTANCE OF THE OFFENDED PARTY'S AGE TO BE UNDER EIGHTEEN (18) YEARS.

The prosecution's version of the incident is summarized in the People's Brief as follows:

On August 13, 1995, private complainant Ma. Lolita Caldon and her sister Ma. Cristina went to 148 B. Serrano Street to ask money from their father, appellant Mario Caldon.[3]

Appellant gave private complainant money and asked her to go to 59 B. Serrano Street, Kalookan City.[4] Private complainant proceeded to the said address.[5] After a while, appellant arrived at 59 B. Serrano Street and started undressing private complainant.[6] Thereupon, appellant sexually molested private complainant and inserted his penis into the latter's private parts.[7]

After her ravishment, private complainant proceeded to 148 Macabagdal St. where she saw her sisters.[8] Private complainant did not tell anybody about her ordeal in the hands of appellant.[9] She and her sisters went to the Cultural Center of the Philippines.[10]

Subsequently, private complainant, together with her sisters and mother went to the house of a certain "Auntie Thelma." [11] They collected their things and went to Payatas, Fairview where they stayed for a week.[12] Thereafter, they transferred to a rented house in Manggahan, Quezon City.[13]

Sometime in November 1995, private complainant, accompanied by her aunt, Paz Hontiveros went to Dr. Liza de Guzman of the Mental Hospital for consultation.[14] Private complainant told the doctor about the rape incident.[15] Later on, she was confined at the Mental Hospital for three days because she was hallucinating.[16] She could hear the voice of appellant threatening her and was imagining what the latter was doing to her.[17]

On December 14, 1995, private complainant accompanied by her aunt, Paz Hontiveros, proceeded to the National Bureau of Investigation (NBI) to file a complaint against appellant.[18] Private complainant was examined by Dr. Maximo Reyes, NBI.[19] The findings of the examination are as follows:

- No evident sign of extra-genital physical injuries noted on the body of the subject at the time of examination.
- Hymen, intact but distensible and its orifice wide (2.5 cms. In diameter) as to allow complete penetration by an average-sized, adult Filipino male organ in full erection without producing any hymenal laceration.[20]

Accused-appellant denied the charge[21] and gave a different version of what transpired. He claimed that the filing of the rape case against him was instigated by his brother-in-law and sister-in-law to keep him away from his women and also as a reprisal for his interference in his in-laws' quarrel over family inheritance.[22] More specifically, accused-appellant testified that in the morning of August 13, 1995, at around 7:00 to 7:30 a.m., he was at home in 148 Macabagdal St., Grace Park, Calookan City with his live-in partner, Honey Bell Meniano, who was then preparing breakfast.[23] He saw his wife, Lolita, the complainant, Ma. Lolita, her siblings Ma. Teresa, Mario, Jr., Ma. Cristina and Mica pass by all dressed up.[24] He called them and asked his wife where they were going.[25] His wife approached and told him that they were going for a walk to the Cultural Center while the children were going swimming.[26] He berated his wife, telling them it was already late in the morning, but still he gave them P100.00 for their taxi fare.[27] The complainant then approached him, kissed him and asked for his permission.[28] He handed the money over and called a cab and after his family left, he went back to eat his breakfast.[29] Thereafter, he proceeded to 59 Macabagdal Street, Grace Park, Calookan City to see his son Reynold, who was not with the group that went to the Cultural Center. He found the boy sleeping.[30] He woke

up Reynold and asked him to send a telegram to his new-found flame, Virgie Labata.[31] Reynold proceeded to the Grand Central Station and sent the telegram.[32]

Accused-appellant next proceeded to his electro-mechanical shop at 59 Macabagdal Street to inform his worker Lando Yap, that they would be working overtime that day.[33] There, he found his nephew, Bibeth, who served as his errand boy.[34] He started working upon his arrival at the shop.[35] It was already midnight when accused-appellant learned that his wife and children had not yet returned. Alarmed and fearful that they met an accident, accused-appellant boarded a taxicab and went to the house of his wife's parents at 10th Avenue, but he was told that they were not there. From there, he went to the house of Mary Ann Castro, another of his women, and was likewise told that his family did not go there.[36] He proceeded to the house of his mother to ask for help in the search for his family. He went to the Cultural Center to look for them and reported the matter to the Police Detachment at Luneta, but to no avail.[37] He never saw them again.[38] He only heard from them a month later when he received a letter from complainant telling him not to waste his time and money looking for them anymore because they were already in good hands, and that they wanted to live on their own and to experience life without him.[39]

Owing to the gravity of the penalty imposed, the Court must once again defer to the following principles in reviewing rape cases: 1] to accuse a man of rape is easy, but to disprove it is difficult though the accused may be innocent; 2.] considering that in the nature of things, only two persons are usually involved in the crime of rape, the testimony of the complainant should be scrutinized with great caution; and 3.] the evidence for the prosecution must stand or fall on its own merit and not be allowed to draw strength from the weakness of the evidence for the defense.[40] Corollary to these legal yardsticks is the dictum that when a victim of rape says she has been defiled, she says in effect all that is necessary to show that rape has been inflicted on her and so long as her testimony meets the test of credibility, the accused may be convicted on the basis thereof.[41]

As in most rape cases, accused-appellant assails the credibility of the victim. However, we have consistently held that the trial court's assessment of the credibility of complainant's testimony is entitled to great weight, absent any showing that some facts were overlooked which, if considered, would affect the outcome of the case.[42]

In the case at bar, the testimony of sixteen-year old Ma. Lolita Caldoná on how she was raped by her father clearly shows that she was indeed a victim of sexual assault. Thus:

ATTY. CEBALLOS:

Q

Miss Caldoná, you mentioned that you brought a complaint for rape against your father, when was the time you were raped?

A When I was nine years old.

Q How did this happen?

A

When he arrived home, his eyes were red. He drove away my mother and afterwards he undressed me and I asked him what he was going to do with me. He said, nothing, I will just do something.

Q After your father undressed you on that particular date, what did he do to you?

A He forced his private part inside my private part.

Q Was he able to penetrate his private part into your private part?

A He forced his penis inside my private part and I told him it was painful.

Q When he forced his private part into your private part, what did you do?

A

I was fighting back and I refused. I was then noisy and fighting back but he placed a pillow case inside my mouth.

Q And then after he placed the pillow case inside your mouth, what happened next?

A He tied a wire on my back and he did what he wanted with me.

Q After he was able to do what he wanted to do, what happened next?

A After that I was not talking anymore.

x x x x x x x x

Q After this first incident [of] you being raped by your father, was there any incident that happened?

A After three days, I was then preparing food, he called me and told me to go inside the room.

Q What happened next?

A

He told me to get a Vicks (sic) to massage his head and afterwards he undressed me and abused me again.

Q On that particular incident, was your father able to penetrate his private part into your private part?

A

He forced his penis inside my private part.

Q And what were you doing when he was able to penetrate?

A

I was crying and crying.

Q Where did this happen?

A Inside our house.

Q Where is your house?

A At 178 B. Serrano Street, Grace Park, Kal. City.

Q Who was inside your house at the time?

A

Our workers who were then busy working on the compressors and my sisters who were there outside playing.

Q What time did it happen?

A It happened in the afternoon.

Q Where was your mother at the time?

A My mother has not returned yet to the house.

Q And after this second incident, was this repeated?

A It happened everyday.

COURT:

Q You were then nine years old?

A Yes, Your Honor.

Q The first time you were abused, when was that?

A I could not recall the date.

Q How old are you now?

A 16 years old.

Q So about 7 years ago?

A

Yes, Your Honor.[43]

x x x x x x x x

Q

Why did you go to [to] the house of your father when you were residing at 59 Macabagdal and you went to 148 Serrano?

A We intended to ask money for our transportation to go to Cultural.

x x x x x x x x

PROSECUTOR:

Q Were you able to talk personally to your father?

A Yes, sir.

Q

What happened?

A I asked money from him and he gave money.

COURT:

Q You said we, we asked money, you must be with somebody?

A Yes, Your Honor.

Q Who was your companion?

A My sister Cristina.

Q How old is this Cristina at the time?

A 14.

x x x x x x x x

Q After he gave you money, what happened next?

A He told me to go at (sic) No. 59 B. Serrano but before proceeding at 59, he sexually abused me.

Q In what particular place did he abuse you?

A My father went with me. He abused me at No. 59.

Q You said your father told you to go to No. 59 Serrano and that was the time that he abused you...

COURT:

No clarify that.

x x x x x x x x

Q

So there are three houses or residential places of your father. One is 148 Serrano, 59 Serrano and 59 Macabagdal?

A Yes, Your Honor.

Q Why did your father tell you to go to 59 Serrano?

A He would tell me something.

COURT:

Go ahead.

PROSECUTOR:

Q What did you say?

A I obeyed him.

Q What time did you arrive there?

A It was in the morning. I can no longer remember the exact date.

Q What happened when you arrived there?

A He undressed me.

x x x x x x x x

Q

When your father told you to go to 59 Serrano, did it occur to you [that] there was no reason why you should go there?

A I understood what he meant by that.

Q What was your understanding while you were being sent at 59?

A That he would abused (sic) me again.

COURT:

Go ahead.

PROSECUTOR:

Q Now when you arrived at 59, you were undressed by your father. How did he undress you?

A He removed the buttons of my dress.[44]

x x x x x x x x

ATTY. CEBALLOS:

Q

Miss Caldon, in your statement a while ago, you said that when you were at No. 59 Serrano St., your father undressed you. Now, you said that he was unbuttoning his shirt. After unbuttoning his shirt, what happened next?

A He removed my shorts and kissed me on my lips, neck and breast.

Q While he was kissing you on your lips, neck and breast, what were you doing?

A None sir, I was just crying.

Q Did you say anything to your father?

A Yes sir, there was.

Q What did you tell your father?

A I told my father these words "Sawang-sawa na ako sa iyong panggaganyan."

Q When you said that to your father, what did he say?

A "Masarap di ba ang ginagawa ko?"

Q And what did you say when your father said that?

A I said, "Hindi ako nasasarapan sa ginagawa mo."

Q What did your father say after that, if you can recall?

A

He told me "Masarap di ba, masarap di ba?" and he boxed me and I cried, so I just said "Oo masarap ho" so he will not box me again.

Q What did your father say after saying those words?

A He did not box me because I said "masarap."

COURT:

When he said "masarap di ba ang ginagawa ko" to what does he refer?

A He was referring to what he was doing to me.

COURT:

What was he doing to you?

A He was always raping me many times, Your Honor.

COURT:

What do you mean by "raping you often"?

A What he was doing to my mother, he was doing also to me.

COURT:

The Court is not clear on that - when he said "di ba masarap ang ginagawa ko", at the time he uttered those words what was he doing to you?

A He was inserting his private parts inside my vagina, Your Honor.

ATTY. CEBALLOS:

Q Was he able to put his penis into your vagina?

A Yes, sir.

Q And after that, what did your father do?

A He was pumping and pumping sir.

Q And what were you doing when he was pumping and pumping?

A I was then crying and crying.

Q In what position was your father [when he] pumped you?

A He was on top of me, sir.

Q Where [were] you? On the floor or on the bed?

A We were on the floor , sir.

Q After he was pumping you, what happened next?

A After a while there was a white discharge that came out from his private parts.

Q And what did you do when a white discharge came out of his private parts?

A So, I stood up.

Q What did you do after that?

A I put on my clothing.

Q What was your father doing while you were putting on your clothes?

A He was wiping his private parts, sir.

COURT:

Why must he wipe his private parts? Did he produce oil that makes his penis sticky?

A Because something came out from his penis, Your Honor.

COURT:

You said that when you received the money from your father, you were with your sister Cristina, and your father told you to go to No. 59 Serrano Street, and Cristina left the house of Mama Annabel in order to eat, is

that correct?

A Yes, Your Honor.

COURT:

And you said further that you knew your father will be following you and he will sexually abuse you at No. 59 Serrano, is that not correct?

A Yes, Your Honor, I knew.

COURT:

That he will abuse you there?

x x x x x x x x

A

I knew my father would follow me to No. 59 Serrano Street because if I will not obey him, he will beat me up again and threaten me with a samurai.

ATTY. CEBALLOS:

What do you mean by he will threaten you with a samurai?

A It is a big long knife which is used to Mang Ramon, sir.

Q Have you ever seen that samurai before?

A It's been in his custody for a long time and he usually sharpens it.

x x x x x x x x

ATTY. CEBALLOS:

After you saw your father wiping his penis, what did you do?

A I put on my dress, sir.

Q And after putting on your dress, where did you go?

A

When I was dressed up already, I left the house ahead of my father and then he followed and locked the door, sir.

COURT:

You said that since you were 9 years old, you were sexually abused by your father up to August 1993 (sic), is that correct?

A Yes, Your Honor.

COURT:

And that sexual abuse is that your father inserted his penis into your vagina, is that correct?

A Yes, your Honor.

COURT:

Did you have other experiences other than your father?

A None, your Honor.

COURT:

You said your father did to you what he was doing to your mother? You mean to say you were watching your father and mother do these things?

A

Because there were occasions when my father would use my mother but my mother refused and my father would get angry.

COURT:

You mean, they had sexual intercourse in your presence?

A It happened many times, Your Honor.

COURT:

Was it done purposely for you to see them?

A Yes, your Honor.

x x x x x x x x

ATTY. CEBALLOS:

Did you tell your mother about what happened at No. 59 Serrano?

A I did not tell her sir.

Q Why did you not tell?

A Because I do not want her to go crazy, sir.

Q After August 13, did you again see your father?

A No more sir.

x x x x x x x x

COURT:

You said that your father and mother had sexual intercourse in your presence. Did your father tell you to watch while they were having sexual intercourse?

A No, Your Honor, he told that to my mother.

Q What did your father tell your mother?

A Tingnan mo Lita, manood ka, di ba gusto mo? Masyado ka kasing tsismosa.

Q While he was doing that what did your father do?

A He was trying to touch my breast and to remove my dress.

Q What was the reply of your mother?

A My mother did not say anything. She just cried, Your Honor.

PROSECUTOR MANANQUIL:

I would like to make on record that while [the] witness is answering the question she was crying.

COURT:

Why must your father have to tell your mother about that? Why must he utter those words?

A

Because my father does not want my mother to interfere with what he was doing to the three of us, Your Honor.

Q

You said that your father and mother, in several occasions had sexual intercourse in your presence, that is correct is it not?

A Yes, Your Honor.

Q Was it whose idea (sic) that you must be present during the time they had sexual intercourse?

A My father's idea, Your Honor.

Q How did he manifest that you should be there?

A

Because one time, when my father came home and tried to have sexual intercourse with my mother but my mother said I should go into our room but my father prevented my mother telling me and said "pabaya mo siya." [45]

Despite persistent efforts by defense counsel to elicit an admission that she had many suitors, [46] that she had four (4) boyfriends, [47] and that she had sex with them, [48] private complainant insisted that she was never touched by anybody except her father, who forced her to have sexual intercourse with him. [49]

Accused-appellant merely raised denial as his defense. However, such a defense is unavailing given the facts prevailing herein. The Court has consistently held that denial is an inherently weak defense and, unless supported by clear and convincing evidence, the same can not prevail over the positive declarations of the victim who, in a simple and straightforward manner, convincingly identified the accused-appellant as the defiler of her chastity.

In short, the positive assertions of accused-appellant's daughter that he raped her is entitled to greater weight. [50] While denial and alibi are legitimate defenses in rape cases, bare assertions to this effect can not overcome the categorical testimony of the victim. [51] It certainly would take a most senseless kind of depravity for a young daughter to concoct a story which would put her own father to death. [52] Furthermore, no young girl of decent repute would allow the examination of her private parts or subject herself to the shame, embarrassment and humiliation of a public trial, if she has not in fact been raped. [53]

A word must, however, be made with regard to the other incidents of rape adverted to by private complainant in the course of her testimony. Each and every charge of rape is a distinct and separate crime so that each charge should be proven beyond reasonable doubt. [54] Thus, for all her testimonial declarations to this effect, her bare statements that she was raped many times by the accused-appellant is clearly inadequate and grossly insufficient to establish guilt of the accused-appellant insofar as these other acts of rape are concerned. In *People v.*

Garcia,[55] the Court pointed out that:

xxx the indefinite testimonial evidence that complainant was raped every week is decidedly inadequate and grossly insufficient to establish the guilt of appellant therefor with the required quantum of evidence. So much of such indefinite imputations of rape, which are uncorroborated by any other evidence, fall within this category.

At any rate, the Court finds no reason to reverse the ruling of the trial court insofar as the rape committed on August 13, 1995, as alleged in the Information, is concerned. The act of rape is rendered all the more heinous and reprehensible in this case considering that the victim is merely a fifteen-year old girl whose abuser was her own father.

Nevertheless, while the guilt of the accused-appellant was proved beyond reasonable doubt, the Court finds the imposition of the death penalty against him unwarranted. The circumstances under the amendatory provisions of R.A. No. 7659, Section 11, are in the nature of qualifying circumstances which can not be proved as such unless alleged in the information. Even if such circumstances are proved, the death penalty can not be imposed where the same were not properly alleged in the Information.[56]

In the case at bar, the trial court based the imposition of the death penalty on accused-appellant on Article 335 of the Revised Penal Code, as amended by R.A. No. 7659, which states, in pertinent part:

The death penalty shall also be imposed if the crime of rape is committed with any of the following attendant circumstances:

- When the victim is under eighteen (18) years of age and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common law spouse of the parent of the victim. x x x.

More particularly, the trial court imposed the penalty of death after taking into consideration the age of Ma. Lolita who was then fifteen (15) years and eight (8) months old[57] and the fact that accused-appellant is her father. However, while the qualifying circumstance of relationship has been alleged in the Information, it is devoid of any averment on private complainant's minority. Since one of the twin requirements mentioned, namely, minority, was not alleged in the Information, accused-appellant can neither be convicted for qualified rape nor could the death penalty be meted upon him because to do so would be to deprive him of the right to be informed of the nature and cause of the accusation against him.

Viewed vis-à-vis the foregoing legal standards, accused-appellant can be convicted of simple rape only, which is punishable with reclusion perpetua. It must be borne in mind that the requirement for complete allegations on the particulars of the indictment is based on the right of the accused to be fully informed of the nature of the charges against him so that he may adequately prepare for his defense pursuant to the due process clause of the Constitution.[58]

The penalty prescribed for the offense of simple rape, reclusion perpetua, is an indivisible penalty. Under Article 63 of the Revised Penal Code, in all cases in which the law prescribes a single indivisible penalty, said penalty shall be applied regardless of any mitigating or aggravating circumstances that may have attended the commission of the deed.[59]

Finally, the Court notes that while the trial court awarded moral and exemplary damages, it did not award any civil indemnity which is mandatory upon the finding of rape.[60] Civil indemnity is distinct from and should not be denominated as moral damages which are based on different jural foundations and assessed by the court in the exercise of sound discretion.[61] Current case law fixes indemnity ex delicto at P50,000.00.[62] While the Court agrees that exemplary damages are proper, the amount should be increased to P50,000.00 in order to deter other

fathers with perverse tendencies or aberrant sexual behavior like accused-appellant from sexually abusing their daughters.[63]

WHEREFORE, the judgment of the Regional Trial Court, finding accused-appellant guilty beyond reasonable doubt of rape, is AFFIRMED with the MODIFICATIONS that accused-appellant is hereby sentenced to suffer the penalty of Reclusion Perpetua and ordered to pay the offended party P50,000.00 as indemnity ex delicto, P50,000.00 as moral damages; and P50,000.00 as exemplary damages.

SO ORDERED.

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

[1] Rollo, p. 3.

[2] Record, p. 125.

[3] TSN, 15 May 1996, p. 2.

[4] Ibid.

[5] Id.

[6] Id., p. 3.

[7] Id.

[8] Id., p. 7.

[9] Id.

[10] Id.

[11] Id., p. 21.

[12] Id.

[13] Id.

[14] Id., p. 26.

[15] Id.

[16] Id.

[17] Id.

[18] Id., p. 25.

[19] Id.

[20] Exhibit F.

[21] TSN, 31 July 1996, pp. 3, 15, 18.

[22] TSN, 31 July 1996, pp. 18-19.

[23] Ibid., p. 13

[24] Id.

[25] Id.

[26] Id.

[27] Id.

[28] Id.

[29] Id., pp. 14-15.

[30] Id., p. 15.

[31] Id.

[32] Id.

[33] Id., pp. 15-16.

[34] Id., p. 16.

[35] Id.

[36] Id.

[37] Id., pp. 16-17.

[38] Id., p. 17.

[39] Id.

[40] *People v. Felipe Hofilena y Taala*, G.R. No. 134772, 22 June 2000, citing *People v. Sta. Ana*, 291 SCRA 188 [1998]; *People v. Ramirez*, 266 SCRA 335 [1997]; *People v. Teves*, 246 SCRA 236 [1995]; *People v. Guamos*, 241 SCRA 528 [1995]; *People v. Casinillo*, 213 SCRA 777 [1992].

[41] *People v. Penaso*, G.R. No. 121980, 23 February 2000; *People v. Garces, Jr.*, G.R. No. 132368, 20 January 2000; *People v. Borja*, 267 SCRA 370 [1997]; *People v. Ramirez*, 266 SCRA 335 [1997].

[42] *People v. Rolando Baybado*, G.R. No. 132136, 14 July 2000, citing *People v. Sabredo*, G.R. No. 126114, 11 May 2000.

[43] TSN, 14 May 1996, pp. 14-15.

[44] Id., pp. 19-20.

[45] TSN, 15 May 1996, pp. 3-11, 14-15, 19-21, 28-29.

[46] Ibid., p. 26.

[47] Id.

[48] TSN, 3 June 1996, pp. 19-20.

[49] TSN, 28 May 1996, p. 27; 3 June 1996, pp. 19-20.

[50] *People v. Romeo Arillas y Montoya*, G.R. No. 130593, 19 June 2000.

[51] *People v. Elraine Martinez*, G.R. No. 130606, 15 February 2000, citing *People v. Masalihit*, 300 SCRA 147 [1998] and *People v. Taneo*, 284 SCRA 251 [1998].

[52] *People v. Rivera*, 318 SCRA 317 [1999].

[53] *People v. Tabion*, 317 SCRA 126 [1999], citing *People v. Bersabe*, 289 SCRA 685 [1998] and *People v. Erese*, 281 SCRA 316 [1997].

[54] *People v. De Leon*, 319 SCRA 743 [1999].

[55] 281 SCRA 463 [1997].

[56] *People v. Cesar Melendres y Bejo*, G.R. No. 133999-4001, 31 August 2000, citing *People v. Ilao*, 296 SCRA 658 [1998] and *People v. Bartolome*, G.R. No. 133987, 28 January 2000.

[57] Exhibit E.

[58] *People v. Camilo Villanueva*, G.R. No. 135330, 31 August 2000.

[59] *People v. Salvador Villar*, G.R. No. 127572, 19 January 2000; *People v. Ramos*, 296 SCRA 559 [1998].

[60] *Id.*,

[61] *People v. Francisco Villanos y Tumamang*, G.R. No. 126648, 1 August 2000, citing *People v. Emocling*, 297 SCRA 214 [1998]; *People v. Ignacio*, 294 SCRA 542 [1998]; and *People v. Adora*, 275 SCRA 441 [1997].

[62] *People v. Segundo Cano*, G.R. No. 130631, 30 August 2000; *People v. Mamac*, G.R. No. 130332, 31 May 2000; *People v. Rafales*, G.R. No. 133477, 21 January 2000; *People v. Caballero*, 258 SCRA 541 [1996]; *People v. Abordo*, 258 SCRA 571, [1996].

[63] *People v. Ramos*, 312 SCRA 137 [1999], citing *People v. Lao*, 249 SCRA 137 [1995] and *People v. Matrimonio*, 215 SCRA 613 [1992].

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