PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. EULALIO PADIL, ACCUSED-APPELLANT.

G.R. No. 127566. November 22, 1999

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PER CURIAM:

Cherilyn Magos, thirteen years old, filed a complaint before the Municipal Trial Court of Dulag, Leyte for multiple rape against Eulalio Padil, her maternal grandfather. Private complainant alleged that she was first raped in the month of April, 1992 and that she was being raped every night, sometimes twice a night.[1] However, only ten (10) counts of rape were filed. Finding a prima face case against the accused, the cases were immediately forwarded to the Office of the Provincial Prosecutor and the following informations were filed against Eulalio Padil:

> "Criminal Case No. 96-05-146
>
> The undersigned Officer-In-Charge of the Office of the Provincial Prosecution of Leyte accuses EULALIO PADIL of the crime of RAPE, committed as follows:
>
> That on or about the 11[th] day of March, 1996, in the Municipality of Dulag, Province of Leyte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of his granddaughter CHERILYN MAGOS, a 13-year-old girl, without her consent and against her will.
>
> ACTS CONTRARY TO LAW.
>
> Criminal Case No. 96-05-147
>
> The undersigned Officer-In-Charge of the Office of the Provincial Prosecution of Leyte accuses EULALIO PADIL of the crime of RAPE, committed as follows:
>
> That on or about the 9[th] day of March, 1996, in the Municipality of Dulag, Province of Leyte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation, did, then and there wilfully, unlawfully and feloniously have carnal knowledge of his granddaughter CHERILYN MAGOS, a 13-year-old girl, without her consent and against her will.
>
> ACTS CONTRARY TO LAW.
>
> Criminal Case No. 96-05-148
>
> The undersigned Officer-In-Charge of the Office of the Provincial Prosecution of Leyte accuses EULALIO PADIL of the crime of RAPE, committed as follows:
>
> That on or a bout the 15[th] day of March, 1996, in the Municipality of Dulag, Province of Leyte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation, did, then and there wilfully, unlawfully and feloniously have carnal knowledge of his granddaughter CHERILYN MAGOS, a 13-year-old girl, without her consent and against her will.

ACTS CONTRARY TO LAW.

Criminal Case No. 96-05-149

The undersigned Officer-In-Charge of the Office of the Provincial Prosecution of Leyte accuses EULALIO PADIL of the crime of RAPE, committed as follows:

That on or about the 13[th]day of March, 1996, in the Municipality of Dulag, Province of Leyte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation, did, then and there wilfully, unlawfully and feloniously have carnal knowledge of his granddaughter CHERILYN MAGOS, a 13-year-old girl, without her consent and against her will.

ACTS CONTRARY TO LAW.

Criminal Case No. 96-05-150

The undersigned Officer-In-Charge of the Office of the Provincial Prosecution of Leyte accuses EULALIO PADIL of the crime of RAPE, committed as follows:

That sometime in the month of April, 1992 in the Municipality of Dulag, Province of Leyte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation, did, then and there wilfully, unlawfully and feloniously have carnal knowledge of his granddaughter CHERILYN MAGOS, a 13-year-old girl, without her consent and against her will.

ACTS CONTRARY TO LAW.

Criminal Case No. 96-05-151

The undersigned Officer-In-Charge of the Office of the Provincial Prosecution of Leyte accuses EULALIO PADIL of the crime of RAPE, committed as follows:

That on or about the 18[th] day of March, 1996, in the Municipality of Dulag, Province of Leyte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation, did, then and there wilfully, unlawfully and feloniously have carnal knowledge of his granddaughter CHERILYN MAGOS, a 13-year-old girl, without her consent and against her will.

ACTS CONTRARY TO LAW.

Criminal Case No. 96-05-152

The undersigned Officer-In-Charge of the Office of the Provincial Prosecution of Leyte accuses EULALIO PADIL of the crime of RAPE, committed as follows:

That on or about the 18[th] day of March, 1996, in the Municipality of Dulag, Province of Leyte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation, did, then and there wilfully, unlawfully and feloniously have carnal knowledge of his granddaughter CHERILYN MAGOS, a 13-year-old girl, without her consent and against her will.

ACTS CONTRARY TO LAW.

Criminal Case No. 96-05-153

The undersigned Officer-In-Charge of the Office of the Provincial Prosecution of Leyte accuses EULALIO PADIL of the crime of RAPE, committed as follows:

That on or about the 16[th] day of March, 1996, in the Municipality of Dulag, Province of Leyte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by means of force and

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intimidation, did, then and there wilfully, unlawfully and feloniously have carnal knowledge of his granddaughter CHERILYN MAGOS, a 13-year-old girl, without her consent and against her will.

ACTS CONTRARY TO LAW.

Criminal Case No. 96-05-154

The undersigned Officer-In-Charge of the Office of the Provincial Prosecution of Leyte accuses EULALIO PADIL of the crime of RAPE, committed as follows:

That on or about the 14[th] day of March, 1996, in the Municipality of Dulag, Province of Leyte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation, did, then and there wilfully, unlawfully and feloniously have carnal knowledge of his granddaughter CHERILYN MAGOS, a 13-year-old girl, without her consent and against her will.

ACTS CONTRARY TO LAW.

Criminal Case No. 96-05-155

The undersigned Officer-In-Charge of the Office of the Provincial Prosecution of Leyte accuses EULALIO PADIL of the crime of RAPE, committed as follows:

That on or about the 12[th] day of March, 1996, in the Municipality of Dulag, Province of Leyte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge of his granddaughter CHERILYN MAGOS, a 13-year-old girl, without her consent and against her will.

ACTS CONTRARY TO LAW."[2]

Cherilyn Magos testified that she was born on March 31, 1983[3] Her father died on April 1992 and her mother, the daughter of the accused, remarried. Cherilyn, together with her two younger brothers and sister started living in the house of the accused in Brgy. Victory, Dulag, Leyte after the 40th -day following her father's death. A year later, her mother Teresita Padil Magos married Jun Legaspi and lived with the latter in Brgy. Tabo.

In April, 1992, Cherilyn's grandmother, the wife of the accused, went to Alangalang, Leyte to harvest palay. One evening, while Cherilyn was sleeping in the sala next to her auntie Aireen, who was sleeping next to the accused, the accused transferred to the place behind her, removed her short pants and panties. She resisted but he held her thigh, got on top of her and moved his buttocks. He did not succeed because she struggled and after that he fell asleep. She covered herself with a blanket but he later succeeded in inserting his penis into her vagina from behind. He moved his body; she was asked to stop moving her body because he already "asked the permission of the police". After telling her that "it is over", he again raped her from behind, removing again her shorts and her panties. She felt pain in her vagina.[4]

After four years, on March 14, 1996, accused raped her granddaughter again. At about 9:00 o'clock Cherilyn was sleeping beside her aunt Aireen, who was sleeping beside the accused. The accused transferred to a place behind Cherilyn, removed her short pants and her panty, and then removed his briefs. He made her lie on her side, spread her legs, raised one of her thighs by using his arm the hand of which was cut off, and then held his penis to insert it into her vagina. It was painful. As she stood she was warned that if she will tell anyone, they will all be beheaded. She was afraid.[5]

The incident was repeated in the evening of March 15, 1996, at about 10:00 in the evening. She was sleeping with Aireen and the accused in the sala, while her two brothers and sister were in the bedroom. The accused transferred to a place behind her towards her left side and after taking off her panty and his brief, he made her open her thighs

and legs by using his arm with severed hand, and held his penis, directing it towards her vagina. As he stood up, he threatened to behead everyone if she will tell anyone.[6]

Cherilyn was raped again on March 16, 1996 at about 8:00 o'clock in the evening in the same place. The accused perpetrated the rape in substantially the same way - holding her legs with the arm with a severed hand, and inserting his penis by holding it with his right hand.

She was spared from a similar ordeal on March 17, 1996, when she went to her auntie in Paranas, Samar to ask the latter buy her a dress. She stayed that night with her.[7]

The rape was repeated twice on March 18, 1996 at 9:00 o'clock p.m. and 10:00 o'clock p.m. Cherilyn was told after the first rape that he will do it again after urinating.[8]

Cherilyn also testified on the rape that was perpetrated by the accused in the evening of March 11, 1996. She was lying on the floor still awake when the accused transferred again to the place behind her, and after taking off her panty and his brief, raped her from behind by directing his penis held by his hand, and inserting it into her vagina.[9]

The rape that occurred at about 12:30 in the afternoon of March 12, 1996 in the sala of the same house was accomplished in the same manner; the accused again threatened to behead everybody if she will tell anyone.[10]

Eulalio again raped Cherilyn from behind in the same manner, in the evening of March 13, 1996 at 10:00 o'clock in the house of Eulalio.[11]

Cherilyn wrote her mother Teresita Padil, who was then in Manila, to report that her grandfather had been raping her, and to ask for help.[12] Teresita went home and assisted Cherilyn in filing her complaint at the police station.

Dr. Edgardo E. Daya, the Rural Health Physician of Dulag, Leyte, who conducted a medical examination of the victim Cherilyn on March 19, 1996 testified that he conducted a speculum examination and an internal examination. The speculum examination[13] revealed that it was positive for semen and spermatozoa and the milky secretions outside the vulva would not have been present if no sexual contact had occurred. The totality of the hymen was already broken through the insertion of a hard object like a penis inside the vagina and the index finger could be inserted with ease, indicating the victim is no longer a virgin.[14]

The accused Eulalio Padil denied that he molested her granddaughter. He claimed that he caught Cherilyn having sexual intercourse with her boyfriend in the afternoon of March 18, 1996 at about 4:00 o'clock in the afternoon at Hill 120, Dulag, Leyte and whipped her out of anger. He declared that the motive of Cherilyn in filing these cases is that she got angry after she was chastised for having sexual intercourse with her boyfriend.[15] A witness, Teresita Cesar, confirmed his account that Cherilyn was with her boyfriend at Hill 120 in the afternoon of March 18, 1996.[16]

The trial court found the accused guilty as charged:

> "WHEREFORE in Criminal Case No. 96-05-150 the court finds accused Eulalio Padil guilty, beyond reasonable doubt, as principal of the crime of Rape defined and penalized under Article 335 of the Revised Penal Code before its amendment by RA 7659, considering that the crime was committed in April, 1992 before the effectivity of RA 7659, sentences accused EULALIO PADIL to Reclusion Perpetua and to pay Cherilyn Magos indemnity in the amount of P100,000.00.
>
> In Criminal Case No. 96-05-147 the Court finds the accused EULALIO PADIL guilty, beyond reasonable doubt, as principal, of the crime of Rape defined and penalized by Article 335 of the Revised Penal Code as Amended by Section 11 of RA 7659, sentences accused EULALIO PADIL to Death, and to pay Cherilyn

Magos indemnity in the amount of P100,000.00.

In Criminal Case No. 96-05-146, the court finds accused EULALIO PADIL guilty, beyond reasonable doubt, as principal of the crime of Rape defined and penalized by Article 335 of the Revised Penal Code as amended by Section 11 of RA 7659, sentences accused EULALIO PADIL to Death, and to pay Cherilyn Magos indemnity in the sum of P100,000.00.

In Criminal Case No. 96-05-155, the court finds accused EULALIO PADIL, guilty, beyond reasonable doubt, as principal of the crime of Rape defined and penalized by Article 335 of the Revised Penal Code as amended by Section 11 of RA 7659, sentences accused EULALIO PADIL to Death, and to pay Cherilyn Magos indemnity in the sum of P100,000.00.

In Criminal Case No. 96-05-149, the court finds accused EULALIO PADIL guilty, beyond reasonable doubt, as principal of the crime of Rape defined and penalized by Article 335 of the Revised Penal Code as amended by Section 11 of RA 7659, sentences accused EULALIO PADIL to Death, and to pay Cherilyn Magos indemnity in the sum of P100,000.00.

In Criminal Case No. 96-05-154, the court finds accused EULALIO PADIL guilty, beyond reasonable doubt, as principal of the crime of Rape defined and penalized by Article 335 of the Revised Penal Code as amended by Section 11 of RA 7659, sentences accused EULALIO PADIL to Death, and to pay Cherilyn Magos indemnity in the sum of P100,000.00.

In Criminal Case No. 96-05-148, the court finds accused EULALIO PADIL guilty, beyond reasonable doubt, as principal of the crime of Rape defined and penalized under Article 335 of the Revised Penal Code as amended by Section 11 of RA 7659, sentences accused EULALIO PADIL to Death, and to pay Cherilyn Magos indemnity in the sum of P100,000.00.

In Criminal Case No. 96-05-153, the court finds EULALIO PADIL guilty, beyond reasonable doubt, as principal of the crime of Rape defined and penalized by Article 335 of the Revised Penal Code as amended by Section 11 of RA 7659, sentences accused EULALIO PADIL to Death, and to pay Cherilyn Magos indemnity in the sum of P100,000.00.

In Criminal Case No. 96-05-151, the court finds the accused EULALIO PADIL guilty, beyond reasonable doubt, as principal of the crime of Rape defined and penalized by Article 335 of the Revised Penal Code as amended by Section 11 of RA 7659, sentences accused EULALIO PADIL to Death, and to pay Cherilyn Magos indemnity in the sum of P100,000.00.

In Criminal Case No. 96-05-152, the court finds accused EULALIO PADIL guilty, beyond reasonable doubt, as principal of the crime of Rape defined and penalized by Article 335 of the Revised Penal Code as amended by Section 11 of RA 7659, sentences accused EULALIO PADIL to Death, and to pay Cherilyn Magos indemnity in the sum of P100,000.00.

SO ORDERED."[17]

The case is before us on automatic review. The accused-appellant assigns a lone error in his brief, to wit:

> THE TRIAL COURT ERRED IN FINDING ACCUSED-APPELLANT EULALIO PADIL GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF RAPE WHEN THE EVIDENCE SHOWS THAT THE TESTIMONY OF CHERILYN MAGOS IS FABRICATED, ILL-MOTIVATED AND WHOLLY CONCOCTED.[18]

Accused-appellant claims that the testimony of the private complainant lacks the elements of truthfulness and candor as shown by (1) the glaring similarities of complainant's account concerning the ten counts of rape, which are "basically similar", and "without major variations"; (2) complainant's long silence over a period of four years

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runs counter to natural reaction. In his reply brief, appellant contends that it is hard to believe that he could have raped the victim on the occasions she narrated when she was sleeping beside her aunt Aireen and her siblings were in the adjoining room.

We affirm the finding that the guilt of the accused has been established beyond reasonable doubt.

We find no cogent legal basis to disturb the finding of the trial court upholding the credibility of the complainant Cherilyn whose demeanor when testifying the court observed carefully and intensely, and found to be "sincere, truthful and honest." The court observed that in most parts of her testimony she was sobbing in tears, and that while there may be some lapses in her testimony, these did not adversely affect, but instead strengthened its credibility. Our own reading of the records yields no reason to disturb the trial court's findings, which by well-established precedents are given great weight and accorded high respect by the appellate court which cannot be in a better position, by reading the transcripts, to decide the question of credibility.[19]

We agree with the Solicitor General that the fact that the multiple rapes were committed in "similar manner" does not disprove the sexual assaults were committed, much less affect the credibility of the private complainant, who must of necessity base her narration on what actually transpired during the repeated assaults. The fact that the accused-appellant committed the multiple rape and satisfied his bestial instincts in similar unusual manner does not reflect on the truthfulness of Cherilyn's account of her ordeal.

The delay of four years in reporting the first offense committed in 1992 is not fatal to the prosecution's cause. Delay in reporting the offense of incestuous rape is not an indication that the charge is fabricated.[20] The accused-appellant consistently intimidated the victim and effectively instilled fear in her mind specially considering the fact that he had been previously convicted of homicide. Delay in reporting a rape incident neither diminishes complainant's credibility nor undermines the charges of rape where the delay can be attributed to the pattern of fear instilled by the threats of bodily harm, specially by one who exercised moral ascendancy[21]over the victim. The silence of the victim of rape or her failure to disclose her state without loss of time to the authorities do not prove that the charges are baseless and fabricated.[22] The victim might bear the ignominy and pain in private rather than reveal their shame to the world or risk the rapist's making good the threat to hurt the victim.[23] Moreover, Cherilyn told her aunt Aireen the day following the first rape incident that she was raped by her grandfather and her aunt merely told her that she too was raped by her father Eulalio Padil. It was not until she wrote about the repeated rapes to her mother in 1996 that her mother returned to Brgy. Victory to assist her in filing the complaint before the authorities. There were occasions that her mother Teresita Padil visited her and her siblings in the house of the accused after the former's marriage to Jun Legaspi. Cherilyn did not report the rape incident in 1992 to the authorities, but the repeated rapes perpetrated by the accused in 1996 must have compelled her to write to her mother in Manila and finally report her ordeal to the latter.

Accused-appellant's allegation that it was only in April 1993 that Cherilyn and her siblings transferred to the house of their grandfather the accused, and that accordingly, Cherilyn could not have been raped in April 1992, is not borne out by the evidence. Teresita Padil and her children transferred to the house of the accused after the 40th day following the death of Cherilyn's father in February, 1992.[24]

The defense of denial interposed by accused-appellant is inherently weak and is viewed with disfavor. It cannot prevail over the positive and candid testimony of the victim, whose credibility was upheld by the trial court. No young girl would concoct a story of sexual assault, undergo gynecologic examination, subject herself to the trauma and embarrassment of criminal prosecution unless she speaks the truth.[25] On the suggestion that it was the boyfriend of Cherilyn who deflowered her, the following disposition of the trial court is apt and invites no contravention-

> "The defense of accused Eulalio Padil is denial. He claimed that it was the unnamed lover of Cherilyn Magos who deflowered her. He said that on March 18, 1996 at about 4:00 o'clock in the afternoon he saw Cherilyn Magos had sexual intercourse with her boyfriend in Hill 120, Dulag, Leyte. He said the he whipped her because of his anger. He declared that the motive why Cherilyn Magos filed these cases against him is that she got angry when he whipped her when he caught her having sexual intercourse with her boyfriend.
>
> To the mind of the court to be caught in flagrante delicto to have sex with a boyfriend, if true, would not be sufficient enough to fabricate a serious offense as rape for ten counts against her own grandfather. Leaving the house of Eulalio Padil and stay with her auntie Emma Magos Bacu, where she is now, would be enough if the charges against him are not true. The 13-year old Cherilyn Magos would not have the nerve to go to court and expose what happened to her during those days she encountered the most painful and degrading moments of her life if what happened to her in the hands of the accused are not true. In fact the court had observed carefully and intensely the demeanor of the offended party when testifying, although her testimony had been interrupted during the moments when she could no longer hold her temper, as in the most part of her testimony she was sobbing in tears, the court had observed her to be sincere, truthful and honest in her testimony. There may be some lapses though in her testimony, but they should not adversely affect, but instead strengthened her credibility."[26]

An examination of the transcripts reveals that Cherilyn failed to testify on the rape incident purportedly committed on March 9, 1996, at 9:00 o'clock p.m. subject of Criminal Case No. 96-05-147.[27] Hence, the accused can only be found guilty of nine counts of rape.

For the rape committed in April 1992[28], the applicable law is Article 335 of the Revised Penal Code, before it was amended by R.A. 7659, which imposes the penalty of reclusion perpetua.

For the rapes committed after the amendment introduced by Section 11 of Republic Act No. 7659[29], which took effect on December 31, 1993, the applicable provision is as follows:

"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."
>
> xxx xxx xxx

The concurrence of the minority of the victim and her relationship to the offender is a special qualifying circumstance both of which were alleged and proved with certainty, and which justifies the imposition of death penalty.

As explained in People vs. Ramos-

> "While Republic Act 7659 did not give legal designation to the crime of rape attended by any of the seven new circumstances introduced in Article 335 on December 31, 1993, this Court has referred to such crime as qualified rape in a number of its decisions. However, with or without a name for this kind of rape, the concurrence of the minority of the victim and her relationship with the offender give a different character to the rape defined in Article 335, they raise the imposable penalty upon the person accused of rape from reclusion perpetua to the higher and supreme penalty of death. Such an effect conjointly puts relationship and minority of the offended party into the nature of a special qualifying circumstance.[30]

The amount of damages awarded by the trial court must be modified. The civil indemnity in Criminal Cases Nos. 96-05-146; 96-05-148; 96-05-149; 96-05-151; 96-05-152; 96-05-153; 96-05-154; 96-05-155 should be modified

to P75,000.00 considering that the crime was committed under circumstances which justify the imposition of the death penalty.[31] Moral damages in the amount of P50,000.00 are automatically granted in rape cases without need of proof for it assured that the victim has suffered moral injuries entitling her to such an award.[32]

Four (4) members of the Court, although maintaining their adherence to the separate opinions expressed in People vs. Echegaray[33] that R. A. 7659 insofar as it prescribes the penalty of death is unconstitutional, nevertheless submit to the ruling of the majority that the law is constitutional and that the death penalty should accordingly be imposed.

WHEREFORE, the decision of the Regional Trial Court, Branch 6, Tacloban City is AFFIRMED with the MODIFICATION that the accused-appellant Eulalio Padil is ordered to pay the offended party Cherilyn Magos in Criminal Cases Nos. 96-05-146; 96-05-148; 96-05-149; 96-05-151; 96-05-152; 96-05-153; 96-05-154; 96-05-155 the sum of P75,000.00 as civil indemnity and P50,000.00 as moral damages, and in Criminal Case No. 96-05-150 the sum of P50,000.00 as indemnity and P50,000.00 a moral damages; and is ACQUITTED in Criminal Case No. 96-05-147.

In accordance with Section 25 of R. A. 7659, amending Article 83 of the Revised Penal Code, upon the finality of this decision, let the records of this case be forthwith forwarded to the Office of the President for his reference in case he decides to exercise his prerogative of mercy. No pronouncements as to costs.

SO ORDERED.

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

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[1] Order dated April 23, 1996, p. 11 Record.

[2] Record, pp. 368-374.

[3] Tsn., September 17, 1996; see Exhibit "B".

[4] September 17, 1996, pp. 7-13.

[5] Tsn., October 7, 1996, pp. 2-4.

[6] Tsn., October 7, 1996, pp. 6-8.

[7] Tsn., October 8, 1996, pp. 7-8.

[8] Tsn., October 8, 1996, pp. 2-6.8

[9] Tsn., October 7, 1996, pp. 2-5.

[10] Tsn., October 7, 1996, pp. 6-8.

[11] Tsn., October 7, 1996, pp. 9-11.

[12] Tsn., October 8, 1996, pp. 9-10.

[13] Exhibit "A".

[14] Tsn., September 16, 1996, pp. 6-10.

[15] Tsn., October 17, 1996, pp. 9-16.

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[16] Tsn., October 17, 1996, pp. 5-10.

[17] Record, pp. 406-409.

[18] Rollo, p. 124.

[19] People vs. Padilla, 242 SCRA 629.

[20] People vs. Gecomo, 254 SCRA 82.

[21] People vs. Talaboc, 256 SCRA 441; People vs. Dones, 254 SCRA 696.

[22] People vs. Yambao, 193 SCRA 571.

[23] People vs. Rafanan, 182 SCRA 811.

[24] Tsn., October 8, 1996, p. 2; Tsn., October 15, 1996, p. 4.

[25] People vs. Erese, 281 SCRA 361; People vs. Gomez, 279 SCRA 288; People vs. Mamalayan, 280 SCRA 748.

[26] Rollo, pp. 79-81.

[27] MTC Civil Case No. 12,180; Complaint dated April 11, 1996.

[28] Civil Case No. 96-05-150.

[29] People vs. Simon, 234 SCRA 555.

[30] G. R. No. 129439, Prom. September 25, 1998.

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

[32] People vs. Prades, G. R. No. 127569, Prom. July 30, 1998.

[33] 267 SCRA 682 (1997).

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