

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROLANDO BACULE, ACCUSED-APPELLANT.

G.R. No. 127568. January 28, 2000

Ponente: KAPUNAN, J.

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KAPUNAN, J.:

For automatic review is the decision of the Regional Trial Court of Lapu-lapu City[1] finding appellant guilty of rape beyond reasonable doubt and sentencing him to suffer the death penalty.

Appellant was charged in an information that reads:

That on the 9th day of May 1995, at or about 10:00 p.m., in sitio Guiwanon, Looc, Lapu-lapu City, Philippines, within the jurisdiction of this Honorable Court, while the offended party - an 8 - year old girl - was then sleeping in their house, the aforementioned accused did then and there willfully, unlawfully and feloniously have carnal knowledge of her, and when the undersigned offended party was awakened the said accused pointed a knife at her and, by means of a threat to kill her, did then and there willfully, unlawfully and feloniously continue on having carnal knowledge of her, against her will, to the damage and prejudice of the offended party.[2]

The evidence for both the prosecution and the defense are succinctly set forth by the trial court as follows:

The prosecution built its case for the People on the testimony of the rape victim corroborated by the findings of Dr. Joycelyn Gonzales. Complainant recounted that on May 9, 1995, at about 10:00 o'clock in the evening, while she was asleep together with the accused, her common-law father, in their house and while her mother was in Sibonga, Cebu, she was awakened when the accused undressed her by removing her dress, short pants and panty. She tried to shout for help but the accused covered her mouth with his hand while the other hand was pointing a knife on her neck. The accused kissed her arms, face, lips and nipples and licked her vagina. She was instructed by the accused to spread her legs apart and the latter inserted his penis into her vagina. She felt the pain but she could do nothing because of the threat on her life by the accused. A while later, the accused pushed his penis towards the direction of her anus. She agonized in pain again and felt so tired in her efforts to free herself. Thereafter, the accused stood up while she remained crying because of the pain she felt on her vagina and anus. She went to the comfort room and dressed up herself. Immediately on the following morning, she revealed and narrated the sad experience she suffered in the hands of the accused to her aunt who occupied the second floor of the house. On that same day she was brought to the hospital for medical examination.

In her cross-examination, she testified that, when she started schooling, she used to live with her mother and the accused in the same house. Her mother instructed her to call the accused her "Papa." Upon her mother's return from Sibonga, Cebu, she narrated to her the whole incident but the latter disbelieved her.

Dr. Joycelyn Gonzales, a resident physician of Lapu-lapu City District Hospital, testified she conducted a medical examination on the rape victim/complainant. Based on her findings, a contusion appeared on the hymenal wall on both sides of the vagina, while the result of the sperm analysis was negative of the presence of spermatozoa. She stressed that the contusion of the hymenal wall may have been caused by friction or injury

on account of a hard object. A penis could cause a contusion of the hymen. There was no deep penetration as to cause the laceration. However, in rare cases, the hymen would still remain intact even if there is deep penetration. x x x.

Genoveva Epe, a Barangay Tanod of Looc, Lapu-lapu City, testified that on May 10, 1995 at 5:30 in the afternoon (a day following the incident), she was informed by Magdalena Baring (aunt of the rape victim) that her niece was raped by the accused. She immediately went to the residence of the accused together with Barangay Tanod Ricardo Dungog. She confronted the accused while Ricardo Dungog held the hand of the victim. Because many people converging at the place wanted to maul the accused, the latter was hurriedly brought to the police station of Lapu-lapu City for safekeeping.

Another prosecution witness, Magdalena Baring (aunt of the rape victim), testified she knew the accused who is the common-law husband of her cousin (rape victim's mother) who rented the first floor of her house. On May 10, 1995, at 9:00 o'clock in the morning, she noticed something unusual in the appearance of the complainant. She was very weak and refused to eat her meal. When asked about her problems, she narrated to her the sad experience the night before with the accused. She brought the complainant to the hospital for medical examination. On the same day, she brought her (rape victim) to the police headquarters of Lapu-lapu City where an investigation was conducted. A rape charge was filed with the City Prosecutor's Office of Lapu-lapu City.

She likewise testified that, when the accused was confronted by Barangay Tanod Genoveva Epe and Ricardo Dungog, she was present together with the rape victim/complainant. The accused was brought to the police headquarters of Lapu-lapu City for safekeeping because many people wanted to maul him.

In his defense, the accused testified that on May 9, 1995, at 10:00 o'clock in the evening, he was at home together with the complainant and no unusual incident ever transpired on that night. On the following day (May 10) when he went home from work, he saw many people gathered in the vicinity of their house. He was met by Magdalena Baring who advised him to run away so that nothing would happen to him but he remained afoot until he was arrested by a Barangay Tanod, whose name he could not remember anymore, and who brought him to Lapu-lapu City Police Station where he was investigated and subsequently incarcerated.

He likewise testified that at the time of the alleged incident, her common-law wife (mother of the complainant), was in Sibonga, Cebu to attend the wedding of her cousin.

Lone witness for the defense Ellen Bacule, the common-law wife of the accused, testified that she lived with the accused since 1987. On May 9, 1995, at about 10:00 o'clock in the evening, she was at home together with her 8-year old daughter (the complainant) and the accused. There was no unusual incident that transpired in their house on that evening. The following day (or on May 10) at 1:00 o'clock in the afternoon, she left for Sibonga, Cebu to attend the wedding of her cousin. She left her only daughter (complainant) to her cousin, Magdalena Baring, while her common-law husband (accused) was out for work. On May 11, 1995, as she went home she was surprised upon learning that her daughter was raped by the accused. She confronted the latter who was already detained in jail at the Lapu-lapu City Police Station. The accused vehemently denied the charges against him and contended that everything was just fabricated. After the alleged incident, she never had the chance to see her daughter.

In her cross-examination, she insisted that at the time of the alleged incident, she was at home together with the accused and the complainant. However, when she was asked to comment on the contradicting testimony of the accused that, at the time of the alleged incident, she was in Sibonga, Cebu, she could not explain the inconsistencies.

She claimed that at one time after the alleged incident, she had a chance to talk to her cousin, Magdalena Baring, whom she suspected to have kept her daughter. She asked to allow her to talk to her daughter regarding the incident but her cousin never gave any information.

At the trial, she insisted that the accused was innocent and the latter could not do such rape against her daughter. She could not afford to see her husband (accused) to continue languishing in jail even if the findings of the physician would clearly show that her daughter was raped. She claimed that if it were true that her daughter was raped by her common-law husband, she would be the first one to complain x x x[3]

On July 10, 1996, the trial court rendered a decision the dispositive portion of which states:

WHEREFORE, finding the accused Rolando Bacule GUILTY of rape beyond reasonable doubt, attended by the aggravating circumstances of ignominy, moral ascendancy and being the common-law spouse of the parent of the victim, he is hereby meted the maximum penalty of DEATH, and to pay the complainant the sum of P50,000.00 as Damages.

The penalty imposed on the accused being death, which under the rules has to be reviewed automatically by the Highest Court of the land, the Clerk of Court of this Branch is hereby directed to elevate the records of this case to the honorable Supreme Court as early as possible.

SO ORDERED.[4]

Appellant asserts his innocence before this Court.

First, he claims that the complainant could not have positively identified the man who raped her since the scene of the crime did not enjoy ample lighting. According to appellant, "The trial court merely assumed that there was a light coming from the outside." [5] Complainant testified:

ATTY. TAUB:

Q :

Going back to the incident. Can you still recall that at the time of the incident if your house was lighted.

WITNESS:

A :

It was not lighted.

Q :

So there was no light at all?

A :

There was none, sir.

Q :

But despite the fact, you were able to see your father wiping his penis with your panty?

A :

Yes, sir, because the only thing that served as curtain of our door was a sack of holes.

COURT:

Q :

You would want to tell the Court that the door of your house where you were staying, is not equipped with a door shutter?

A :

Yes, sir, only a sack.

Q :

You would want to tell the Court that because of this, the light from the outside goes inside your house?

A :

Yes, sir.

Q :

Was that the reason why you saw the accused clearly?

A :

Yes, Your Honor.[6]

We do not agree that the question of the trial judge regarding the source of the light was based on mere assumption. As may be gleaned from the testimony quoted above, complainant said that she saw her "father" wipe his penis with her panty "because the only thing that served as curtain of our door was a sack with holes." Such reasoning may seem non sequitur at first. However, it may be inferred from the context of the testimony that there was light passing through the holes in the sack enough to enable complainant to see the accused wipe his penis with her panty. Why else would complainant mention the sack with holes that served as a curtain? Complainant's statement thus prompted the judge to clarify whether "the light from the outside goes inside [complainant's] house," and if this was "the reason why [she] saw the accused clearly." To both questions, the complainant answered in the affirmative.

Appellant next assails complainant's credibility. He cites portions of complainant's testimony where complainant's answers were not responsive to the questions propounded to her, thus rendering her testimony unreliable:

PROS. GICALE:

Q :

What did you do after you told your auntie about what happened to you?

WITNESS:

A :

She brought me to a room and undressed me, and she found out that there were stains.

Q :

What did your aunt do afterwards?

A :

When my father arrived, he scolded me and pushed me and he told me that he will have another intercourse with me (Witness is crying again.)

x x x

Q :

When your mother came back, did you tell your mother?

A :

When my mother came back, my father was already detained.[7]

It must be remembered, though, that the complaining witness is an eight year-old child compelled to relive in court the trauma she suffered in the hands of a man whom she called "father." Indeed, the burden on any woman under the same situation would be immense, and for a child like complainant, unimaginable. Accordingly, the child witness cannot be expected to give a precise response to every question posed to her. Her failure to give an answer to the point, considering her age, does not make her a witness less worthy of belief. When an alleged victim of rape says that she was violated, she says in effect all that is necessary to show that rape had been inflicted on her, and so long as her testimony meets the test of credibility, the accused may be convicted on the basis thereof.[8] We find no reason in this case to disturb the following assessment of the trial court regarding the credibility of complainant:

After going over the evidence on record, the Court believes that the guilt of the accused has been amply established by the prosecution. The rape victim/complainant, an 8-year old child, categorically narrated in court how she was sexually abused by the accused, her common-law father. Innocently, she gave her account from the time the accused undressed her to the time when she was deflowered. The court is convinced she could not have told the court such a horrible experience from the hands of her common-law father had said incident not really happened. In rape cases, the accused may be convicted solely on the basis of the complainant's testimony provided that the same is credible and convincing. The court finds no reason to doubt the testimony of the victim. No woman, especially of tender age would concoct a story of defloration, allows an examination of her private parts and thereafter pervert herself by being subject to a public trial, if she was not motivated solely by the desire to have the culprit apprehended and punished (People vs. Guilbao, 217 SCRA 64). The court cannot help but give full credit to the testimony of Zenaida Bacule, an 8-year old barrio lass, who in all her childhood innocence and naivety could not have concocted rape charges against the accused who treated her like his child if the sexual assault upon her were not true. The accused being her common-law father, whom she gave respect as her real father, has moral ascendancy and influence over her. She could do nothing but submit to the bestial desires of the accused, especially so that the latter had pointed a knife on her neck which scared her. One cannot expect an 8-year old young girl to act like an adult who would have the courage and intelligence to disregard a threat to her life.[9]

Appellant also asserts that the failure of complainant's aunts to report the rape immediately to the authorities lends credence to his defense that he was framed.

We find no delay in the reporting of the rape. The testimony of Magdalena Baring shows that they brought complainant to the hospital for examination on the same day that complainant told them that she was "embraced" by her "Papa Lando." Apprised by the examining doctor of the presence of lacerations in complainant's vagina, the sisters went back home to rest and then reported the incident to the police the afternoon of the same day.

Q :

What did Zenaida Bacule tell you?

A :

She told us everything starting from the kissing of her face, and going down to the other parts of her body.

Q :

What did you do?

A :

We undressed her to find out whether she has signs of "tsikinini".

Q :

What did you find?

A :

None.

Q :

What did you do afterwards after you investigated the body of the child?

A :

We investigated the child to find out whether there was penetration, and knew that there was a little. So, I suggested to Imelda to bring the child to the doctor.

FISCAL GICALE:

Q :

Can you tell us the name of the doctor?

A :

Dr. Gonzales.

Q :

In what hospital did you bring Zenaida?

A :

Opon District Hospital .

Q :

Did the doctor perform the examination of Zenaida Bacule?

A :

Yes.

Q :

Did she issue a medical certificate?

A :

Yes. This is the xerox copy of the medical certificate she issued.

Q :

Did she relate to you what is her findings on Zenaida Bacule?

A :

She told us that the child has a little laceration.

Q :

From the hospital, where did you go next?

A :

We went home.

Q :

Was there anything else that you did after you went home?

A :

No, we rested.

Q :

Did you report the incident to the Police?

A :

Yes, in the afternoon.

Q :

To whom did you report the incident?

A :

To the Police Station where we brought the child.

Q :

What happened at the barangay level?

A :

After we brought the child to the Police Station, she was brought to the Barangay Captain because she was summoned.[10]

In any case, the Court could not believe that complainant's aunts would fabricate charges of rape against appellant, subject their own niece to scandal and, in the process, earn the ire of their cousin just to malign appellant for reasons unknown even to him.

Finally, appellant's non-flight cannot be weighed in his favor. There is no established doctrine that, in every instance, the non-flight of the accused is an indication of his innocence.[11] Inapplicable likewise is *People vs. Godoy*,[12] invoked by appellant, where this court held that:

It is the natural tendency of a man to remain for long by the side of the woman he had raped, and in public, in a highly populated area at that it is to be expected that the one who is guilty of a crime would want to dissociate himself from the person of his victim, the scene of the crime, and from all other things and circumstances related to the offense which could possibly implicate him or give rise to even the slightest suspicion as to his guilt.

In this case, appellant and his victim live in the same house. If he suddenly disappeared and did not return home, this would give rise to suspicion and prompt inquiries regarding his absence. Unknown to appellant, however, his

crime had already been reported, to the authorities when he arrived from work.

Accordingly, we affirm appellant's conviction for rape. Article 335 of the Revised Penal Code, as amended by Section 11 of Republic Act No.7659, states:

Art. 335. When and how rape is committed. - Rape is committed by having carnal knowledge of a woman under any of the following circumstances.

- By using force or intimidation;
- When the woman is deprived of reason or otherwise unconscious;
- When the woman is under twelve years of age or is demented.

The crime of rape shall be punished by reclusion perpetua.

Whenever the crime of rape is committed with the use of deadly weapon or by two or more persons, the penalty shall be reclusion perpetua to death.

When by reason or on the occasion of the rape, the victim has become insane, the penalty shall be death.

When the rape is attempted or frustrated and a homicide is committed by reason or on the occasion thereof, the penalty shall be reclusion perpetua to death.

When by reason or on occasion of the rape, a homicide is committed, the penalty shall be death.

The death penalty shall also be imposed if the crime or 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.
- When the victim is under the custody of the police or military authorities.
- When the rape is committed in full view of the husband, parent, any of the children or other relatives within the third degree of consanguinity.
- When the victim is a religious or a child below seven (7) years old.
- When the offender knows that he is afflicted with Acquired Immune Deficiency Syndrome (AIDS) disease.
- When committed by any member of the Armed Forces of the Philippines or the Philippine National Police or any law enforcement agency.
- When by reason or on the occasion of the rape, the victim has suffered permanent physical mutilation.

The prosecution has proven beyond reasonable doubt that appellant succeeded in having carnal knowledge with the victim, a child eight years of age. Appellant, however, cannot be sentenced to death under the first circumstance listed in the last paragraph of Article 335, as amended. While the prosecution did prove that appellant was the common-law spouse of the victim's parent, such fact was not alleged in the information. In *People vs. Ramos*[13] the Court held that the failure to allege in the information the relationship between the accused and the victim constituted a violation of the right of the accused to be informed of the nature and cause of accusation against him. The Court thus reduced from death to reclusion perpetua the penalty imposed upon appellant therein since the relationship between him and his 14-year old daughter, though proved, was not alleged in the information.

While Republic Act No. 7659 did not give a legal designation to the crime of rape attended by any of the seven new circumstances introduced 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 the first part of Article 335. They raise the imposable penalty upon a 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.

As this qualifying circumstance was not pleaded in the information or in the complaint against appellant, he cannot be convicted of qualified rape because he was not properly informed that he was being accused of qualified rape. The Constitution guarantees the right of every person accused in a criminal prosecution to be informed of the nature and cause of accusation against him. This right finds amplification and Implementation in the different provisions of the Rules of Court. Foremost among these enabling provisions is the office of an Information.

The facts stated in the body of the information determine the crime of which the accused stands charged and for which he must be tried. This recital of the essentials a crime delineate the nature and cause of accusation against an accused.

It is fundamental that every element of which the offense is composed must be alleged in the complaint or information. The main purpose of requiring the various elements of a crime to be set out in an information is to enable the accused to suitably prepare his defense. He is presumed to have no independent knowledge of the facts that constitute the offense.

An accused person cannot be convicted of an offense higher than that with which he is charged in the complaint or information on which he is tried. It matters not how conclusive and convincing the evidence of guilt may be, but an accused cannot be convicted of any offense, unless it is charged in the complaint or information on which he is tried or is necessarily included therein. He has a right to be informed of the nature of the offense with which he is charged before he is put on trial. To convict an accused of a higher offense than that charged in the complaint or information on which he is tried would be an unauthorized denial of that right.

To be more precise, we declared in *Garcia* that it would be a denial of the right of the accused to be informed of the charges against him and, consequently, a denial of due process, if he is charged with simple rape and be convicted of its qualified form punishable with death although the attendant circumstance qualifying the offense and resulting in capital punishment was not alleged in the indictment on which he was arraigned.

The rule in *Ramos* was first laid down in *People vs. Garcia*,^[14] where the accused was alleged in the information to be the guardian of the victim. It turned out in the trial, however, that the accused was actually the common-law husband of the mother of the victim. Such common-law relationship between the accused and the parent of the victim was not alleged in the information. Accordingly, the Court lowered the penalty from death to reclusion perpetua.

The ruling in *Garcia* and *Ramos* was followed in *People vs. Medina*,^[15] *People vs. Dimapilis*,^[16] and *People vs. Ambray*,^[17] all of which involved the common-law spouse of the victim's mother. In all these cases, the accused was spared the death penalty.

Appellant, however, committed the crime of rape with the use of a deadly weapon, a circumstance alleged in the information. Complainant testified on cross-examination:

ATTY. TAUB:

Q :

Your father allegedly undressed you, is it not?

WITNESS:

A :

Yes, sir.

Q :

And he also pulled down your shorts?

A :

Yes, sir.

Q :

How about your panty?

A :

He removed it also.

Q :

Then he started to kiss your nipple, is it not?

A :

Yes, sir.

Q :

And he also licked your vagina?

A :

Yes, sir.

Q :

You never shouted at that time?

A :

I shouted but he covered my mouth.

Q :

At that time that the accused covered your mouth was he also holding a knife?

A :

Yes, sir.

Q :

Was the accused already nude at the time when he started kissing your lips as well as licking your vagina?

A :

Yes, sir.

Q :

(You) After that incident, your father went out?

A :

Yes, sir.[18]

Rape with the use of a deadly weapon is punishable by the third paragraph of Article 335, as amended, by reclusion perpetua to death. In this connection, Article 63 of the Revised Penal Code states:

xxx

In all cases in which the law prescribes a penalty composed of two indivisible penalties the following rules shall be observed in the application thereof:

- When in the commission of the deed there is present only one aggravating circumstance, the greater penalty shall be applied.
- When there are neither mitigating nor aggravating circumstances in the commission of the deed, the lesser penalty shall be applied.
- When the commission of the act is attended by some mitigating circumstance and there is no aggravating circumstance, the lesser penalty shall be applied.
- When both mitigating and aggravating circumstances attended the commission of the act, the courts shall reasonably allow them to offset one another in consideration of their number and importance, for the purpose of applying the penalty in accordance with the proceeding rules, according to the result of such compensation.

Whether an aggravating circumstance attended the commission of the crime is therefore crucial in determining whether appellant should be meted the death penalty.

The trial court appreciated the circumstance of ignominy against appellant, apparently in view of its finding that appellant had sodomized complainant. Ignominy is defined as a circumstance pertaining to the moral order which adds disgrace and obloquy to the material injury caused by the crime.[19] This Court in previous rape cases, has held the following circumstances ignominious: where the accused ordered the complainant to exhibit to them her complete nakedness for about ten minutes before raping her;[20] where the rape was committed in front of the husband of the victim[21] or by two or more persons in view of one another;[22] where the sexual intercourse was performed in the "dog style" position;[23] and where the accused plastered mud on the victim's private part.[24] Ignominy was also present in *People vs. Lozano*,[25] where the victim was pregnant and whose pleas on that ground were ignored by the accused who went on to force his lust on her. The accused then tied a banana fiber around his penis and inserted it again into her vagina. Thereafter, he pulled out his organ and forced the victim to suck it.

This Court however finds the evidence insufficient to prove that appellant indeed committed sodomy. Complainant narrated during her cross-examination that:

PROS. GICALE:

Q :

After you were kissed on the different parts of you body by Rolando Bacule, what happened next?

WITNESS:

A :

He inserted his penis on my vagina.

Q :

What did you feel then?

A :

I felt pain.

Q :

After that, what happened next?

A :

He spread my legs.

Q :

Anything else happened after that?

A :

He pushed his penis towards my anus.

Q :

Did you feel anything?

A :

I felt pain. I could not urinate and remove my bowel. (The witness is crying.) [26]

Thus, complainant claimed that appellant merely "pushed his penis towards (her) anus," not that he actually inserted his sex organ therein. That complainant had difficulty in moving her bowels could have just as well been the result of the vaginal, rather than anal, intercourse.

Aggravating circumstances before being taken into consideration for the purpose of increasing the degree of the penalty to be imposed must be proved with equal certainty and clearness as that which establishes the commission of the act charged as the criminal offense.[27] It bears noting that the prosecution never even sought to prove ignominy, and the alleged act of sodomy was brought out only during cross-examination. Worse, the prosecution did not pursue this matter by conducting re-direct examination. This lapse on the part of the prosecution can only favor the accused.

The trial court also appreciated "moral ascendancy" as an aggravating circumstance. This is erroneous since "moral ascendancy" is not listed among the circumstances considered aggravating by Article 14 of the Revised Penal Code.

Under Article 63, *supra*, when there are neither mitigating nor aggravating circumstances in the commission of the deed, the lesser penalty shall be applied. Accordingly, the penalty of death meted by the trial court is reduced to reclusion perpetua.

Consistent with prevailing jurisprudence,[28] the Court holds appellant liable to complainant for the amount of P50,000.00 as civil indemnity, and P50,000.00 as moral damages.

WHEREFORE, the Court finds appellant Rolando Bacule GUILTY beyond reasonable doubt of the crime of rape and sentences him to suffer the penalty of reclusion perpetua. Appellant is ordered to pay complainant the amount of P50,000.00 as civil indemnity, and P50,000.00 as moral damages.

SO ORDERED.

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

[1] Branch 27, presided by Judge Teodoro K. Risos.

[2] Records, p. 1.

[3] Id., at 82-84.

[4] Id., at 86.

[5] Rollo, p. 47.

[6] TSN, August 15, 1995, p. 22.

[7] TSN, August 15, 1995, pp. 9-10. Underscoring ours.

[8] People of the Philippines vs. Cresente Napiot, G. R. No. 119956, August 5, 1999.

[9] Records, p. 85.

[10] TSN, September 6, 1995, pp. 9-11.

[11] Argoncillo vs. Court of Appeals, 292 SCRA 313 (1998)

[12] 250 SCRA 676 (1996)

[13] 296 SCRA 550 (1998)

[14] 281 SCRA 463 (1997)

[15] 300 SCRA 98 (1998)

[16] 300 SCRA 279 (1998)

[17] G.R. No. 127177, February 25, 1999.

[18] TSN, August 15, 1995, p. 15. Underscoring ours.

[19] People vs. Acaya, 163 SCRA 768 (1988)

[20] People vs. Jose, 37 SCRA 450 (1971)

[21] People vs. Obtinalia, 38 SCRA 651 (1971); People vs. Soriano, 207 Phil. 630 (1983); People vs. Detuya, 154 SCRA 410 (1987)

[22] People vs. Cañete, 43 SCRA 14 (1972); People vs. Martinez, 274 SCRA 259 (1997)

[23] People vs. Mejorada, 224 SCRA 837 (1993); People vs. Saylan, 130 SCRA 159 (1984)

[24] People vs. Fernandez, 183 SCRA 511 (1990)

[25] 296 SCRA 403 (1998)

[26] TSN, August 15, 1995, p. 6. Underscoring ours.

[27] People vs. Derilo, 271 SCRA 633 (1997)

[28] People vs. Emocling, 297 SCRA 214 (1998); People vs. Villamor, 297 SCRA 262 (1998)

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