PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RENATO RAMON, ACCUSED-APPELLANT.

G.R. No. 130407. December 15, 1999

Ponente: VITUG, J.

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VITUG, J.:

For review is another of hundreds of cases which continue to reach this Court because of the imposition by the trial court of the death penalty.

In this instance, accused-appellant Renato Ramon was charged with the crime of rape allegedly committed against his stepdaughter Analyn Manio y Fajilago. When arraigned on 05 March 1996, the accused entered a plea of "not guilty."

The Office of the Solicitor General, in its brief for the People, gives a resume' of the evidence submitted by the prosecution.

"Victim Analyn Manio y Fajilago is one of three children of Josephine Fajilago from her marriage to her first husband, Roberto Manio. After Roberto's death, Josephine married appellant Renato Ramon. The couple begot three children of their own. Josephine's children from her previous marriage namely, Joe, Geraldine and Analyn lived with her and appellant.

> "The first rape was committed by appellant in 1990 when Analyn was about five years old and attending day care schooling. Analyn was alone at her grandmother's house when she was fetched by appellant purportedly to assist him in collecting dried palay. It was about 4:00 P.M. when appellant brought Analyn to an area near the side of the house of her aunt, Jocelyn Fajilago, where the palay had been spread out on a mat and left to dry in the sun. After Analyn fixed the mat, appellant suddenly pushed the unwary child to the mat and took off her panty. He proceeded to unbutton his pants and took out his penis. Appellant positioned himself on top of Analyn and, while continuously kissing the child, forcibly inserted his penis into her vagina. Analyn felt considerable pain and blood oozed out of her vagina. Analyn felt a sticky and hot substance emitted from appellant's sex organ. Appellant, armed with a `balisong', threatened Analyn not to report the incident. After the rape, appellant casually walked towards the direction of the river while Analyn proceeded home. In view of Analyn's tender age, the rape resulted in the dislocation of her legs and pelvic bones which caused her to become temporarily lame. That same night, Analyn reported the incident to her mother in the presence of appellant. Analyn's mother refused to believe her. Neither was she brought to the hospital for treatment.
>
> "The second rape was committed in 1993 when the victim was about eight years old and in Grade II. Analyn and her sister, Geraldine, were already asleep when appellant came home drunk. Analyn woke up in time to see appellant on top of ten-year old Geraldine who was crying. Analyn saw appellant's penis inserted into her sister's sex organ before the former disengaged from Geraldine and turned his attention to her. In the meantime, appellant instructed Geraldine to dress up. Armed with a `balisong', appellant removed Analyn's panty and while holding her shoulder, inserted his penis into her vagina. A crying Geraldine pleaded with appellant to spare her sister and to rape her instead. Unmoved by Geraldine's pleas, appellant continued his assault on Analyn even while the latter begged for mercy (`Maawa na po kayo sa akin'.) Appellant warned

Analyn not to be noisy. This time, appellant did not ejaculate. Because her mother refused to believe the first rape, Analyn did not report the second rape.

"The third rape happened in 1995 when Analyn was nine years old. The victim was selling cigarettes during the `Flores de Mayo' held at Agsalin when her half-sister took ill. The sick child was brought by appellant and Jocelyn to the Medicare Center at Gloria, Oriental Mindoro. Appellant later returned alone to fetch Analyn. He told Analyn to proceed home. Analyn pleaded to be allowed to sleep at her grandmother's house. Appellant refused and instead took her home. There, appellant pushed her on a mat and succeeded in sexually abusing her again. Appellant threatened to kill the child if she told anyone about the rape.

"It was only when appellant tried to rape her again that Analyn finally worked up enough courage to report the sexual abuse to her maternal grandmother, Diosa Fajilago.

"On January 19, 1996, Diosa Fajilago was washing clothes near a river when she was approached by Analyn who narrated to her all that transpired between her and appellant. Diosa asked Analyn why the latter did not report the sexual abuse to her mother. Analyn told her that she did but that Jocelyn refused to believe her. Diosa Fajilago confronted Jocelyn. A belligerent Jocelyn told her mother that it was up to her (`Bahala na kayo') to act on the matter. Diosa Fajilago forthwith filed a complaint with the police authorities in the area. Jocelyn later pleaded to Diosa not to pursue the case. She in fact went to the trial prosecutor's residence in an attempt to have the latter agree to the reduction of the penalty to be imposed in exchange for appellant's entering a plea of guilty to the charge.

"Analyn was brought by Erling, the wife of the Barangay Captain of Banus, and Mira, an employee of the DSWD, to a hospital for medical examination. Analyn who was by then eleven years old, was examined by Dra. Editha Dumlao, Municipal Health Officer of Gloria, Oriental Mindoro."[1]

The findings of Dra. Dumlao, who had conducted the medical examination, were contained in a medical certificate issued by her. Her certification was to the following effect:

"PHYSICAL EXAMINATION:

"Breast: Soft fairly developed, nipples are light pinkish to pale brown surrounded by areola.

"Labia Majora and Minora are normal with one another covering completely the opening of the external opening with occasional thin black pubic hair at Mon's Pubis.

"INJURIES FOUND:

Healed laceration with sharp borders and slightly retracted edge was noted at 3rd, 5th and 9th position about 0.1 cm. each on the face of a watch.

"INTERNAL EXAMINATION:

Admit one middle finger with very slight degree of resistance.

"CONCLUSION:

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> The above described injuries was noted in the person of Analyn Manio."[2]

Dra. Dumlao, in her testimony, stated that the hymenal lacerations found on Analyn could be attributed to the penetration of a male sex organ.

The defense presented Josephine Ramon, mother of Analyn, who said that her daughter Analyn was never heard to fret about any sexual transgression, let alone one perpetrated by accused-appellant. What Analyn only complained of , Josephine testified, was the swelling of Analyn's legs. At one time, she brought Analyn to a "manghihilot" due to an injury on her left foot which Analyn had sustained when she fell from a mango tree.

Renato Ramon, on his part, denied all the charges against him. He stated that Analyn was only about two years old when he and Josephine got married, and the family lived all together in one house.[3] He was there to witness his stepdaughters, Analyn and Geraldine, grow up from childhood to puberty. He denied the insinuation that the untimely death of Geraldine could have been due to an infection in her sex organ caused by him.

The trial judge,[4] in his decision of 10 April 1997, found Renato Ramon guilty of the charge; he concluded:

> "WHEREFORE, in view of the foregoing, this court finds the accused RENATO RAMON guilty beyond reasonable doubt of three counts of rape defined and penalized under Article 335 of the Revised Penal Code as amended by Republic Act 7659 which took effect only on January 1, 1994, and in the absence of any mitigating circumstance, Renato Ramon is hereby sentenced as follows:
>
> - RECLUSION PERPETUA for the first rape he committed in 1990 when Analyn Manio was five (5) years old;
>
> - RECLUSION PERPETUA for the second rape committed in 1993 when Analyn was in Grade II or when she was Eight (8) years old; and
>
> - DEATH for the rape committed on May, 1995 (Sec. 11, RA, 7659).

"To pay the offended party the sum of FIFTY THOUSAND PESOS for each and every rape committed by way of moral damages (People vs. Ibay, 233 SCRA 15; People vs. Espinosa, 247 SCRA 66; People vs. Sabellina, 238 SCRA 492). Further, accused is hereby ordered to pay the offended party the amount of FIFTY THOUSAND PESOS by way of exemplary damages (People vs. Lao, 249 SCRA 137) and to pay the costs.

"SO ORDERED."[5]

The death penalty having been imposed on accused-appellant, the records of the case were elevated to this Court for its automatic review.

Accused-appellant, through counsel in this appellate proceedings, bewails his conviction on all three counts of rape; alternatively, he urges, the penalties imposed on him should be lowered. The Office of the Solicitor General takes exception and contends that the decision of the trial court should be affirmed with only the `modification that the civil indemnity to the victim be amended such as would make accused-appellant liable for the amount of P50,000.00 for each of the first two acts of rape and P75,000.00 for the third offense of rape.

The complaint is indeed flawed; it reads:

> "CRIMINAL COMPLAINT
> "The undersigned, grandmother of the offended party accuses RENATO RAMON of the crime of RAPE, committed as follows, to wit:
> "That on or about the month of May, 1995, and prior thereto, in barangay Banus, municipality of Gloria, province of Oriental Mindoro, Philippines and within the jurisdiction of the Honorable Court, the above-named

accused, RENATO RAMON, by means of force and intimidation, with lewd and unchaste design, did, then and there wilfully, unlawfully and feloniously lay with and have carnal knowledge with the granddaughter of the undersigned, against her (ANALYN MANIO y Fajilago) will and without her consent.

"CONTRARY TO ART. 335 OF THE RPC IN RELATION TO R.A. 7659

Pinamalayan, Oriental Mindoro

January 26, 1996

(Sgd.)

DIOSA FAJILAGO y de Guzman

(Grandmother of Offended Party)

"ASSISTED BY:

(Sgd.)

CESAR A. ENRIQUEZ

1st Assistant Provincial Prosecutor"[6]

The complaint charges accused-appellant with more than one count of rape by the bare added phrase, "and prior thereto." An indictment for multiple offenses in a single complaint or information transgresses Section 13, Rule 110, of the 1985 Rules on Criminal Procedure which states that a "complaint or information must charge but one offense, except only in those cases in which existing laws prescribe a single punishment for various offenses." Regrettably for accused-appellant, however, he has failed to timely question the above defect, and he may thus be deemed to have waived his objection to the multiplicity of charges. In People vs. Conte,[7] this Court has ruled:

"But was the trial court correct in convicting the appellant of eleven counts of rape?

"Notably, the single complaint filed by Gloria Crisostomo charges the appellant with several crimes of rape, (It states in part `that the said accused . . . did then and there wilfully, unlawfully and feloniously have carnal knowledge for several times with . . .' [emphasis supplied].) in violation of Section 13, Rule 110 of the Rules of

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> Court, which provides that a complaint or information must charge but one offense. Under Sections 1 and 3(e) of Rule 117, the appellant, before entering his plea, should have moved to quash the complaint for being duplicitous. For his failure to do so, he is deemed to have waived the defect. (Section 8, Rule 117, Rules of Court; People vs. Dulay, 217 SCRA 132 [1993]; People vs. Basay, 219 SCRA 404 [1993]; People vs. Ducay, 225 SCRA 1 [1993].) Hence, pursuant to Section 3 of Rule 120, the court could convict him of as many offenses as are charged and proved, and impose on him the penalty for each and every one of them."[8]

It would appear from the records of the case that the defense of accused-appellant consisted basically of a mere denial of the charges. He insisted that he "did nothing," wrong and claimed, "wala akong kasalanan sa ibinibintang sa akin."[9] In our jurisprudence, a simple denial, unless substantiated by clear and convincing evidence, could not prevail over the testimony of credible witnesses testifying on affirmative matters.[10] Denial should be buttressed by strong evidence of non-culpability so as to itself merit weight.[11]

Analyn positively identified her stepfather as being the perpetrator of the crime; she testified:

> "Pros. Enriquez:
>
> "Q -
>
> Will you please tell the Honorable Court how many times you were actually rape by the accused?
>
> "A -
>
> Three (3) times, sir.
>
> "Q -
>
> Tell us, the first time that you were sexually abused by the accused, when was that and what grade were you in?
>
> "A -
>
> I was attending the day care schooling when I was first rape, sir.
>
> "Q -
>
> How old were you then, please try to remember.
>
> "A -
>
> I was six (6) years old then, sir.
>
> "Q -
>
> Where did this rape take place?

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"A -

Near the house of my Tita Jocelyn, sir.

"Q -

In what barangay?

"A -

Banus, sir.

"Q -

Will you please tell us the circumstances how you were rape by the accused on that occasion?

"Court:

"Make it of record that the witness Analyn was crying.

"Witness:

"A -

When we were collecting the palay which were already dried and after I was able to fix the mat wherein the palay were placed, he pushed me on the mat and took off my panty, sir.

"Q -

Before taking off your panty, what was taken off on your body?

"A -

He just removed my panty, sir.

"Q -

And after removing your panty, what did the accused do?

"A -

He unbuttoned his pants and his penis came out, sir.

"Pros. Enriquez:

"Q -

And after the penis came out, what did he do with the penis?

"A -

He placed himself on top of me and he kissed me continuously.

"Q -

After kissing you continuously when he was on top of you, what else did he do?

"A -

He threatened me not to report this matter, sir.

"Q -

My question was, what was done to you by the accused when he was on top of you?

"A -

He kissed me, sir.

"Q -

What was done with the penis?

A -

"He forcibly inserted his penis to my sexual organ, sir.

"Q -

What did you feel when that sexual organ was forcibly inserted to your sexual organ?

"A -

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I felt pain, sir.

"Q -

And do you know if there was blood that ooze from your sexual organ?

"A -

Yes, sir.

"Q -

And according to you he forcibly inserted his penis, what did he do to your legs?

"Atty. Manalo:

"Its presumptuous, your Honor, leading.

"Pros. Enriquez:

"The child was hospitalized for dislocating joint, your Honor. At this juncture, your Honor, may we request that the accused be made to stand up, your Honor. With the height and the body of the accused, your Honor.

"Atty. Manalo:

"Yes, your Honor, but that is not the ground for the Prosecutor to ask leading questions. In that case we are constrained to register continuing objections to the manner the question is being raised.

"Pros. Enriquez:

Q -

"What was done by the accused to your both legs?

"A -

None, sir.

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"Q -

After you were rape by the accused, what did you feel in connection with your legs, your thigh and your pelvic bone?

"A -

A little bit pain and I could not walk, sir.

"Q -

After this rape which according to you was painful, I presumed that you reported this to your mother, can you do that?

"A -

Yes, sir.

"Q -

And what was the reaction of your mother?

"A -

She did not believe me, sir.

"Q -

When was the second occasion when you were raped by the accused, where did it take place?

"A -

In our own house, sir.

"Q -

Will you please tell us how you were raped by the accused?

"A -

I was in Grade II then and my sister and I were already sleeping in our room when the accused arrived drunk, sir.

"Q -

When the accused arrived already drunk, what happened next?

"A -

I was then awaken and I saw Manong on top of my sister and my sister was crying, sir.

"Q -

What is the name of your sister again?

"A -

Geraldine, sir.

"Court:

"Q -

That sister you are referring, is she your elder sister or younger sister?

"A -

Yes, your Honor.

"Court:

"Proceed.

"Pros. Enriquez:

"Q -

Now, after your Manong, the accused, had raped your sister Geraldine, when according to you, you were awaken, with your Manong on top of Geraldine and Geraldine was crying, what happened next?

"Atty. Manalo:

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"We object to the word rape, there is no testimony from the witness that her sister was rape.

"Pros. Enriquez:"

"I stand corrected, your Honor.

"Pros. Enriquez:

"Q -

When you woke up and you heard the cries of your sister, with the accused on top of your sister Geraldine, what happened next?

"A -

I was already awake and I saw when Manong separated from my sister, I noticed that his penis was inserted in the sexual organ of my sister, sir.

"Q -

And then what happened next?

"A -

After that I was next (ako po ang isinunod at siya ay may hawak na balisong).

"Q -

When you said next, what did the accused do, tell us?

"A -

He removed my panty and held my shoulder and forcibly inserted his penis to my vagina, sir.

"Q -

What did you feel when that hard penis was inserted to your sexual organ?

"A -

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I felt pain, sir.

"Q -

Before the accused actually placed himself on top of your what, if any, did your sister Geraldine do or say?

A -

"My sister uttered the following: `HUWAG NA LANG DAW PO AKONG GAHASAIN AT SIYA NA LAMANG'.

"Q -

Despite the plea of your sister Geraldine to expel you from the agony of sexual assault, what was done by the accused?

"WITNESS:

"A -

He continued, sir.

"Q -

Continued what?

"A -

He continued raping me, sir.

"Q -

How about you, what did you say, if any, to the accused when he was about to sexually molest you for the second time?

"A -

I told him in this wise: `MAAWA PO KAYO SA AKIN'.

"Q -

Despite those plea, what did the accused do?

"A -

He continued to sexually abuse me and told me not to be noisy, sir.

"Q -

Where is your sister Geraldine now?

"A -

She is already dead, sir.

"Q -

Tell us, the third time that you were raped, where did it take place and what grade were you in?

"A -

It happened in our own house and I was in Grade IV, sir.

"Q -

How old were you then, if you could still remember?

"A -

I was nine (9) years old then, sir.

"Q -

Tell us, how you were raped for the third time?

"A -

We were attending flores de mayo when my half sister became sick, sir.

"Q -

What year was that, if you still remember?

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"A -

1995, sir.

"Q -

Considering that it was flores de Mayo was it in the 31st or the katapusan or was it the beginning of flores de Mayo?

"A -

Last day of Flores de Mayo, the katapusanan, sir.

"Q -

Where was that Flores de Mayo held?

"A -

At Agsalin, sir.

"Pros. Enriquez:

"Q -

Who were your companion when you were in that Flores de Mayo at Agsalin?

"A -

The accused and I because we were then selling cigarette, sir.

"Q -

Now you said that at that time your half sister was ill, where was she brought?

"A -

At the Medicare Center at Gloria, sir.

"Q -

And who brought her at Medicare?

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"A -

Manong and my mother, sir.

"Q -

Will you please tell the Honorable Court if after bringing the sick child to the Medicare, if your Manong returned to Agsalin?

"A -

Yes, sir.

"Q -

Now, what happened after your Manong returned?

"A -

He told me that we will go home and on our way home near our place, I told him that I will sleep in Lola Diosa's house, but he did not permit me, sir.

"Q -

Where did you go?

"A -

When we reached our house, he pushed me on the mat, sir.

"Q -

And at that time, were there any other person in the house?

A -

"None, sir.

"Q -

And after you were pushed to the mat, what happened next?

A -

" He took off his pants and took off also my panty and brought out his penis, sir.

Q -

"And then what happened after his penis was brought out?

"A -

He forcibly inserted his penis to my vagina, sir.

Q -

"And after that, what, if any, did he tell you?

"A -

He told me in this wise: `HUWAG DAW PO AKONG MAGSUSUMBONG KAHIT KANINO AT PAPATAYIN AKO'."[12]

The victim's testimony, delivered straightforwardly, was narrated in a manner typical of young victims of rape.[13] At one point, Analyn was unable to hide her contempt against her stepfather. When he denied having raped her, she called him "sinungaling."[14]

The Court finds to be wanting of merit the argument of accused-appellant, that it would be highly unthinkable for rape to be committed in a public place. Rape does occur not only in seclusion;[15] repeatedly, it has been said, lust is no respecter of time and precinct and known to happen in most unlikely places such as in parks, along roadsides, within school premises or even in occupied rooms.[16]

The averment that Analyn could have run away when accused-appellant started removing her panties likewise hardly deserves consideration. Different people, previous cases can tell us, react differently to given situations.[17] Most women might, when given the chance, immediately flee from their aggressors but others may become virtually catatonic because of mental shock.[18] In People vs. Remoto,[19] the Court has observed that-

"x x x it is not proper to judge the actions of children who have undergone traumatic experiences by the norms of behavior expected under the circumstances from mature persons. The range of emotion shown by rape victims is yet to be captured even by the calculus. It is thus unrealistic to expect uniform reactions from rape victims."[20]

Contrary to the urgings of accused-appellant, it is not always necessary to establish physical resistance in rape cases. A rape victim might be compelled to submit herself, against her will, to the rapist's demands simply because of fear for life and personal safety.[21] In the instance before us, the moral ascendancy and influence of accused-appellant over his stepdaughter can even substitute for violence or intimidation.[22] In any event, the coercion used by an assailant against the victim need not be an irresistible force but only such as to consummate the lewd design in the mind of the offender.[23]

Accused-appellant is correct, upon the other hand, in assailing the penalty of death imposed upon him by the trial

court. Article 335 of the Revised Penald Code, as amended by Section II of Republic Act No. 7659 provides:

> "ART. 335. When and how rape is committed. Rape is committed by having carnal knowledge of a woman under any of the following circumstances.
>
> "1. By using force or intimidation;
>
> "2. When the woman is deprived of reason or otherwise unconscious; and
>
> "3. 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 a 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 the occasion of the rape, a homicide is committed, the penalty shall be death.
>
> "The death penalty shall also be imposed if the crime of rape is committed with any of the following attendant circumstances:
>
> "1. 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.
>
> "2. When the victim is under the custody of the police or military authorities.
>
> "3. 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.
>
> "4. When the victim is a religious or a child below seven (7) years old.
>
> "5. When the offender knows that he is afflicted with Acquired Immune Deficiency Syndrome (AIDS) disease.
>
> "6. When committed by any member of the armed Forces of the Philippines or the Philippine National Police or any law enforcement agency.
>
> "7. When by reason or on the occasion of the rape, the victim has suffered permanent physical mutilation. (As amended by Sec. 11, R.A. 7659.)"

While the law holds that the death penalty shall be imposed if, among other instances, the crime of rape is committed against a victim under eighteen (18) years of age and the offender is her step-parent, the information, however, has failed to allege any relationship between accused-appellant and his victim. In People vs. Garcia,[24] the Court has said:

> "One further observation. Article 335 originally provided only for simple rape punishable by reclusion perpetua, but Republic Act No. 4111 introduced amendments thereto by providing for qualified forms of rape carrying the death penalty, that is, when committed with the use of a deadly weapon or by two or more persons, when by reason or on the occasion of the rape the victim becomes insane, or, under the same circumstances, a homicide is committed. The homicide in the last two instances in effect created a special complex crime of rape with homicide. The first two attendant circumstances are considered as equivalent to qualifying circumstances since they increase the penalties by degrees, and not merely as aggravating

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> circumstances which affect only the period of the penalty but do not increase it to a higher degree. The original provisions of Article 335 and the amendments of Republic Act No. 4111 are still maintained.
>
> "As earlier observed, Republic Act No. 7659 thereafter introduced seven more attendant circumstances the presence of any of which takes the case out of the purview of simple rape, and effectively qualifies the same by increasing the penalty one degree higher through the imposition of the death penalty. All these new attendant circumstances, just like those introduced by republic Act No. 4111, partake of the nature of qualifying circumstances, and not merely aggravating circumstances, on the same rationale already explained.
>
> "Now, it has long been the rule that qualifying circumstances must be properly pleaded in the indictment. If the same are not pleaded but proved, they shall be considered only as aggravating circumstances, (People vs. Collado, 60 Phil. 610 [1934]; People vs. Jovellano et al., L-32421, March 27, 1974, 56 SCRA 156; People vs. Fuertes, G.R. No. 104067, January 17, 1994, 229 SCRA 289; People vs. Rodico, et al., G.R. No. 107101, October 16, 1995, 249 SCRA 309.) since the latter admit of proof even if not pleaded. (U.S. vs. Campo, 23 Phil. 368 [1912]; People vs. Domondon, 60 Phil. 729 [1934]; People vs. De Guzman, G.R. No. 73464, August 1988, 164 SCRA 215.) Indeed, it would be a denial of the right of the accused to be informed of the chares 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."[25]

The Garcia ruling has since been reiterated in People vs. Ramos,[26] People vs. Ilao,[27] People vs. Medina[28] and still recently, in People vs. Gallo.[29]

The Court agrees with the Office of the Solicitor General that payment of civil indemnity ex delictu, in the sum of P50,000.00, should also be imposed upon accused-appellant for each count of rape when the death penalty is not imposed.

WHEREFORE, the decision dated 10 April 1997, of the court a quo declaring accused-appellant Renato Ramos guilty of simple rape on three counts is AFFIRMED but the penalty therein imposed is MODIFIED by ordering him to serve the penalty of reclusion perpetua for each count of rape. In addition to the damages awarded by the court a quo, accused-appellant is likewise ordered to pay Analyn Manio by way of civil indemnity ex-delictu the sum of FIFTY THOUSAND PESOS (P50,000.00) for each count of rape.

SO ORDERED.

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

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[1] Appellee's Brief, pp. 3-8.

[2] Records, p. 5.

[3] Diosa Fajilago testified that Renato Ramon and her daughter Josephine got married before the municipal mayor (TSN, 14 January 1997, p. 3).

[4] Judge Bienvenido Y. De Castro of the Regional Trial Court of Pinamalayan, Oriental Mindoro.

[5] Rollo, p.23.

[6] Records, p. 1.

[7] 247 SCRA 583.

[8] At p. 593.

[9] TSN, 26 February 1997, p. 14.

[10] People vs. Parazo, 272 SCRA 512.

[11] People vs. Burce, 269 SCRA 293.

[12] TSN, 14 January 1997, pp. 12-17.

[13] See People vs>. Cabillan, 267 SCRA 258.

[14] TSN, 26 February 1997, p. 14.

[15] People vs. Sangil, Sr., 276 SCRA 532.

[16] People vs. Cabillan, supra.

[17] People vs. Del Rosario, 282 SCRA 178.

[18] People vs. Corea, 269 SCRA 76.

[19] 244 SCRA 506.

[20] At pp. 519-520.

[21] People vs. Rabosa, 273 SCRA 142; People vs. Quiamco, 268 SCRA 516.

[22] See people vs.Burce, supra.

[23] People vs. Zaballero, 274 SCRA 627.

[24] 281 SCRA 463.

[25] At pp. 488- 489.

[26] 296 SCRA 559.

[27] 296 SCRA 658.

[28] 300 SCRA 98.

[29] G.R. No. 124736, 29 September 1999.

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