

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. SHAREFF ALI EL AKHTAR, ACCUSED-APPELLANT.*G.R. No. 130640. June 21, 1999*

Ponente: QUISUMBING, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-130640/>**QUISUMBING, J.:**

The Regional Trial Court of Quezon City, Branch 103,[1] in Criminal Case No. Q-96-67171, convicted accused-appellant of the crime of Rape and sentenced him to death by lethal injection. The case is now before us on automatic review.

Accused-appellant is a 30 year old Libyan national, a student of Oriental Institute in its electronic technician's course, a resident of Lagro Subdivision, Quezon City,[2] and married to a Filipina nurse working in Libya[3] with whom he has a one-and-a-half year old son.

Complainant is Gina Rozon y Freo, aged 17, having been born on May 30, 1979[4] in Sta. Barbara, Bulusan, Sorsogon. At the time of the alleged offense she was newly graduated from high school. Her complaint told of a harrowing tale of abduction, starting from the Lagro Post Office and ending in her alleged detention for ten days at appellant's house where he forced her to take drugged drinks, while he repeatedly abused her.

The facts of the case as found by the trial court and on record are as follows:

Prior to the incident, complainant was on vacation and staying with her aunt, Francia. Her aunt's family occupied the second floor of an apartment unit in San Jose del Monte, Bulacan.[5] Appellant and his son occupied the ground floor. Being neighbors, Gina and appellant became acquainted with each other.[6] However, on July 14, 1996, appellant transferred to another house in Lagro Subdivision, Quezon City.

In the morning of July 17, 1996, complainant asked permission from her aunt to mail a letter at the Lagro Post Office.[7] By chance, she saw appellant walking behind her.[8] Suddenly, appellant grabbed her hand,[9] placed his right arm on her back and pushed her inside a waiting tricycle that was parked some meters away from the "paradahan" of tricycles.[10] While holding complainant with one arm, he barricaded the tricycle door with his other hand. The tricycle sped off.[11] Complainant was overcome by nervousness and was unable to shout for help.[12] The tricycle driver stopped in front of a house in Lagro Subdivision. Appellant asked complainant to step down and pushed open the gate of the house and asked her to get inside. He pushed her towards a chair, then padlocked the room.[13] Appellant got a glass of softdrink and forced Gina to drink it. Thereafter, Gina became drowsy and fell asleep.[14] She woke up the next morning and stood up. To her utter shock, she saw herself completely naked in bed, feeling weak and her vagina in pain.[15] She saw plenty of blood on the bedsheet. Because she was still feeling weak, she fell down on the bed.[16] Appellant later entered the room and asked if she was all right. She pleaded with him to let her go home. Appellant did not respond, but stood up and changed the bedsheets. He then left and locked the door. After about an hour, appellant came back and brought with him macaroni and orange juice. Complainant noticed some white sediments floating on the orange juice, but appellant told her they were vitamins and forced her to drink the juice. This caused her to fall asleep again for a long time.

When she woke up afterwards, she was naked again and her vagina was in pain. Appellant was inside the room sitting on a chair. Complainant got the bedsheet to cover her body, and appellant went out of the room. Complainant opened the window jalousies in the hope of calling the attention of the neighbors but appellant, who was outside fetching water, saw her and went back to the room with a kitchen knife. Appellant pushed a cabinet to cover the window and threatened to kill her if the neighbors saw her. Drained, she sat on the bed. Appellant went out and came back with some juice and forced her to drink again, causing her to fall asleep once more. When she woke up, she tried to open the bedroom door, but it was locked.[17] She went back to the bed and again fell asleep. Thereafter, appellant came into the room and fed her Jollibee chicken chili wings with rice.[18] Appellant changed his clothes and went out.[19] She then attempted to go out of the room but appellant was outside, in the sala. Appellant pulled her back to the room, then poked a knife at her, threatening to kill her if she went out of the room again.[20] Appellant then asked her to drink two types of medicine, one was Propan and the other a white tablet.[21] She did not want to drink the white tablet but appellant pushed it inside her mouth for her to swallow it. Then she fell asleep and when she woke up, her private part was in renewed pain ("Mahapding-mahapdi at nanghihina").[22] During her incarceration in the house of appellant, he asked her to take a bath around three times and dressed her in his clothes.[23] She became so weak ("hinang-hina") that she could hardly shout for help. Nor could she go to the comfort room without being carried by appellant.[24] When she urinated, her private part was painful and when she checked it, she saw a big wound.[25]

At one point, appellant went inside the room and told complainant that her aunt was outside, but threatened her not to shout, otherwise, he would kill her.[26] She was then shaking with fear.[27] Appellant changed his clothes and went out. When he came back, he told her that if her aunt came back, he would also kill her aunt.[28]

When complainant failed to return home on July 17, 1996, her aunt (Francia) became worried. She called up their relatives asking for her, but no one knew her whereabouts.[29] Francia told her husband, Joseph, about her suspicion that appellant might have something to do with complainant's disappearance because the aunt had seen him suspiciously looking at their house prior thereto. Joseph and a brother of complainant immediately went to appellant's house in Lagro.[30] They saw that the doors and windows of appellant's house were padlocked,[31] so they knocked on the main door. Appellant peeped through the windows and told them to enter through the side door.[32] They informed him about complainant's disappearance, but he denied any knowledge regarding her whereabouts. They nonetheless noticed that the house was in disarray. One of the rooms was padlocked. Suspecting that complainant was inside the padlocked room, they insisted on getting inside, but appellant warned them against intruding into his privacy. Fearing that they would be accused of trespassing, they immediately left, but reported complainant's disappearance to the nearby Lagro police station. They also reported their suspicion about appellant's possible involvement in her disappearance.[33] The police were alerted and together with complainant's relatives, they went to appellant's house, but no one opened the door.[34]

On the tenth day of her abduction (July 26, 1996), appellant informed her that there were policemen outside. For reasons known only to appellant, he immediately got some love letters from his cabinet. He ordered her to copy them on several pieces of paper and affix her signature in every letter to make it appear that the same were her love letters to him. She complied, literally at knife-point. Only then did appellant release her.[35] Appellant waited until there were no people outside the house, then he hailed a cab and brought complainant somewhere in Blumentritt, Manila, where he hailed another taxi. He boarded her in the taxi, paid the fare, and instructed the driver to bring her to Lagro. He told her that he would be going to the embassy.[36]

Though still very weak, complainant went to her brother, Arnold, who worked in a barber shop in Lagro and told him what happened. He then went to fetch their uncle for help. Together, they went home to the aunt's house in San Jose del Monte, where they arrived at around 8:00 in the evening. The aunt asked complainant what happened

and where she had been, but she merely cried and cried and cried. When asked during the trial to describe complainant's appearance at that time, the aunt said that she looked dazed and very tired. ("Pagod na pagod, mga mata ay maga at parang wala sa sarili.") Complainant still felt very weak but she narrated to her relatives her ordeal. The following morning, accompanied with her aunt and uncle, complainant reported the incident to the Lagro police station.[37] Then, they went to the NBI for her medical examination.

On August 2, 1996, complainant filed charges against appellant for the crime of Forcible Abduction with Rape committed as follows:

"The undersigned complainant accuses SHAREFF ALI EL AKHTAR of the crime of FORCIBLE ABDUCTION WITH RAPE, committed as follows:

That on or about the 17th day of July 1996, in Quezon City, Philippines, the above-named accused, an Arab National, did, then and there, wilfully, unlawfully and feloniously with lewd design forcibly abduct one GINA ROZON Y FREO, a minor, 17 years of age, a student, by forcing her to board a tricycle along Assession Road, Post Office, Barangay Pasong Putik, Quezon City, and brought her to his apartment also at Lagro, Quezon City, where accused locked her, then made her drink Coke, a softdrink, that made her feel dizzy and thereafter accused sexually abused her repeatedly up to the time she was released on July 26, 1996, all against her will and without her consent, to the damage and prejudice of said GINA ROZON Y FREO.

CONTRARY TO LAW.

Quezon City, Philippines, July 30, 1996."

Appellant entered a plea of "not guilty" on arraignment.[38]

During trial, the prosecution presented the following witnesses: complainant herself, her aunt Francia Rozon, her uncle Joseph Rozon, and Dr. Erlinda R. Marfil, the Chief Psychiatrist of the National Bureau of Investigation.

The defense presented the appellant and his counsel, Atty. Manuel de Jesus. Appellant's version of the incident, as set out in his Brief, is as follows:[39]

"[O]n July 17, 1996 - the date of the supposed forcible abduction with rape - he was in the Libyan Embassy where he repaired the Embassy's television set (t.v.) (tsn, pp. 8-12, April 10, 1997). It was a certain Mr. Aghila Gheldan, head of the Consular section, who requested him to do such work. He left his residence at the Lagro Subdivision at around 8:00 o'clock in the morning, and finished the repair at about 6:00 o'clock in the evening. (tsn, pp. 4-9, April 17, 1997). Appellant also submitted a Certification dated August 19, 1996, signed by aforementioned Mr. Gheldan, that the accused "has visited the Bureau (referring to the Libyan People's Bureau, or the Libyan Embassy) twice (d), dated July 12 and July 17, 1996 respectively") Exh. 36, p. 86, records).

Appellant also testified that before he transferred residence to Lagro Subdivision, Quezon City on July 14, 1996, he lived in the ground floor of an apartment in Pecsonville Subdivision, San Jose del Monte, Bulacan. The complainant lived with her aunt Francia Rozon in the second floor of the same apartment and it was in that apartment that appellant came to know complainant since September 3, 1995 (TSN, pp. 10-11, April 10, 1997; pp. 30-32, April 24, 1997). Appellant likewise claimed that the complainant is his girlfriend and that as a consequence of that relationship, he had had several sexual contacts with her prior to his transfer to the Lagro Subdivision. As evidence of that relationship, he submitted several love letters which were signed by the complainant (TSN, pp. 10-16, 22, April 10, 1997; Exhibits "3" to "35," inclusive, pp. 196-A to 231, folder of exhibits). Asked why Gina filed the case against him, he answered that "Auntie and Uncle discovered our relations and Gina was compelled to file this case," and "they were asking P500,000 from me in order to drop the case" (TSN, pp. 21-22, April 10, 1997)."

On July 24, 1997, after due trial, the trial court rendered judgment, disposing as follows:

"ACCORDINGLY, the court renders judgment finding accused SHAREFF ALI AKHTAR GUILTY beyond reasonable doubt as principal of the crime of rape charged in this case and hereby sentences him to suffer the penalty of DEATH by lethal injection.

On the civil aspect, the accused is ordered to pay GINA ROZON y FREO the sum of P50,000.00 as compensatory damages and P100,000.00 as moral damages.

SO ORDERED."

In his bid for acquittal, appellant now makes the following assignment of errors:

- THE TRIAL COURT ERRED IN GIVING FULL FAITH AND CREDIT TO THE TESTIMONY OF THE COMPLAINANT NOTWITHSTANDING ITS IMPROBABILITIES AND INCONSISTENCIES WITH ORDINARY HUMAN BEHAVIOR AND EXPERIENCE, THEREBY IMPAIRING HER OWN CREDIBILITY AS WELL.
- THE TRIAL COURT ERRED IN MANIFESTING BIAS AGAINST THE ACCUSED-APPELLANT AND THEREBY TOTALLY DISREGARDING HIS DEFENSES.
- THE TRIAL COURT ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME OF RAPE AND IMPOSING THE PENALTY OF DEATH, INSTEAD OF ACQUITTING HIM.

Appellant assails the credibility of the complainant considering her conduct during the alleged abduction wherein she did not even resist nor shout for help from the tricycle driver or the other people around the highly-populated area of Lagro during her alleged captivity inside his house. He stresses that she made no strong efforts to thwart him from making her drink the supposedly drugged softdrinks or juice. He contends that they already had prior sexual relations since they were "sweethearts".

It is well settled doctrine that in a prosecution for rape, the complainant's credibility becomes the single most important issue. Thus, if her testimony meets the test of credibility, the accused may be convicted on the basis thereof.[40] Assessing the credibility of the witnesses is a function that is best discharged by trial courts.[41] Factual findings of trial courts are accorded the highest respect unless it is shown that certain facts of value have been plainly overlooked which if considered could affect the result of the case.[42] After a thorough review of the records of the case, we see no reason to depart from this rule.

Complainant's failure to ask for help when she was abducted, or to escape from appellant's house during her detention, should not be construed as a manifestation of consent to the acts done by appellant. For her life was on the line. Against the armed threats and physical abuses of appellant, she had no defense. Moreover, at a time of grave peril, to shout could literally be to court disaster. Her silence was born out of fear for her safety, to say the least, not a sign of approval.

Behavioral psychology, moreover, teaches us that people react to similar situations dissimilarly.[43] There is no standard form of behavior when one is confronted by a shocking incident. The workings of the human mind when placed under emotional stress are unpredictable. This Court indeed has not laid down any rule on how a rape victim should behave immediately after she has been abused. This experience is relative and may be dealt with in any way by the victim depending on the circumstances, but her credibility should not be tainted by any modicum of doubt.[44] Thus, physical resistance is not the sole test to determine whether or not a woman involuntary succumbed to the lust of an accused,[45] particularly where accused employed drugs in order to render the woman unconscious during coitus.

In *People v. Santiago*, 197 SCRA 556, 566-567 (1991), we ruled that-

"The appellant's submission that the victim failed to raise an outcry or offer serious resistance when she was abducted and later raped has no merit. The suggestion of the victim that she was drugged after drinking the lemon juice given by the appellant explains why the victim was unable to resist the accused effectively or make an outcry. While no chemical test was undertaken to concretely prove that the juice she drank actually contained drugs, the fact remains uncontroverted as appellant did not even take the witness stand in order to deny that after the victim drank the lemon juice already prepared for her, she began to feel weak and dizzy. x x x. It is clear that the acts of appellant were deliberately done to deprive the victim of reason and the will to resist his sexual assault. The effect is thus similar to that of violence in overcoming resistance with which she could very well have successfully thwarted the lustful act. Appellant undoubtedly had clearly committed the crime charged by depriving complainant of reason to be able to have carnal knowledge of her without the latter having in least shown any sign of consent. (*People v. Bautista*, No. L-49778, January 27, 1981, 102 SCRA 483). In a rape of a woman deprived of reason or who is unconscious, the victim has no will. In that case, it is not necessary that she should offer real opposition or constant resistance to the sexual intercourse."

Moreover, the physical examination of her person supports the testimony of the victim that she has been raped. The medico-legal report dated July 26, 1996, by Dr. Floreto D. Arzala, Jr. of National Bureau of Investigation reveals that, while there were no extra-genital physical injuries on complainant, recent genital trauma was present (Exhibit "C"). After the examination, the medico-legal officer told complainant that her private part had lacerations ("Maraming gasgas at mga sugat.") whereupon she again burst into tears.[46] Physical injuries such as bruises or bleeding tend to confirm the fact that a violent assault did take place.[47] Further, after the medico-legal department of the NBI had referred complainant to the Psychiatric Section of the NBI for a neuro-psychiatric examination on December 6, 1996, witness Dra. Erlinda Marfil testified that as a result of said examination, she concluded that complainant was suffering from post-traumatic stress reaction as a result of what happened to her person.[48]

Appellant claims that on the day of the abduction, July 17, 1996, he was at the Libyan embassy fixing a television set. He even presented a certification that he indeed visited the embassy on said date. However, this proffered defense of alibi could not overcome the overwhelming evidence against him. Alibi is inherently a weak defense whose value loses a lot when time and distance do not make the imputed offense impossible of commission. In this case, more than a certification of an embassy visit is needed to overthrow the positive evidence on hand.

Appellant makes much of the love letters allegedly sent by complainant to him with her protestations of love and devotion. Complainant's testimony negated this contrived posture known as the "sweetheart defense". Even assuming that appellant and complainant were lovers, however, this fact alone would not negate the commission of rape, especially where coitus occurred when the woman was drugged. We have repeatedly declared that "a love affair does not justify rape, for the beloved cannot be sexually violated against her will." [49] A man does not have an unbridled license to subject his beloved to his carnal desires.[50] By asserting the existence of such a relationship, appellant seeks to prove that the victim willingly participated in the sexual act. But she did not. Complainant was just a former neighbor, not a lover of the appellant. The evidence in this case clearly shows that she could not resist the sexual assault upon her person because she was made to drink liquids which rendered her unconscious and a defenseless prey to the repeated sexual assault of appellant. The situation in this case does not speak of consensual love but of criminal lust which could not be disguised by the so-called "sweetheart defense".

While appellant was charged with the crime of Forcible Abduction with Rape, he was convicted by the trial court of the crime of rape under Article 335 of the Revised Penal Code, as amended by Section 11 of R.A. No. 7659 which provides:

"Art. 335. When and how rape is committed. Rape is committed by having carnal knowledge of 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. x x x"

As to the crime committed by the appellant, we have held that "forcible abduction is absorbed in the crime of rape if the main objective of the appellant is to rape the victim." [51] As can be gleaned from the testimony of complainant, she was raped by appellant no less than three times. The first rape occurred as follows: [52]

FISCAL RAMOS: After that what else did he do?

COMPLAINANT: He forced me to drink the coke. He inserted the mouth of the bottle inside my mouth so I could drink it maam (sic).

Q: Were you able to drink the coke?

A: Yes, because he was forcing me to drink it.

Q: After that, how did you feel?

A:

I fell asleep, "walang malay po."

Q: After that, when did you regain your senses?

A: When I woke up it was already the next morning, maam.

Q: And what did you do when you wake up (sic) the following morning?

A: I was trying to remember the room where I am, maam.

Q: Did you finally come to your senses?

A: Yes, and I became afraid, maam.

Q: Why?

A: Because I know I was not in the house of my auntie when I woke up.

Q: What did you do?

A: I stood up from the bed and I felt that my private part was aching.

Q: What private part?

A:

My vagina was aching.

Q: How did you find yourself when you wake up?

A: I was naked, completely naked when I woke up.

Q: What did you see in your vagina, you said it was painful, what did you see if any?

A: I saw plenty of blood on the bedsheet when I stood up, sir.

Q:

What did you do?

A: Because I was feeling weak, I fell down.

Q: Where did you fall down?

A: On the bed, maam.

Q: Thereafter, what else if anything, happened?

A: He went inside, maam.

Q: After that, what did he do?

A:

He asked me if I am okay.

Q: What did you tell him?

A: I pleaded with him to allow me to go home, maam.

Q: What did he say?

A: He did not speak or say anything, maam.

From the testimony of the complainant, the second rape occurred as follows:[53]

FISCAL RAMOS: After one hour what happened next?

COMPLAINANT: The accused went inside the bedroom bringing with him food to eat.

Q: What did you do?

A:

He brought with him macaroni with plenty of pepper that is why I did not eat it.

Q: After that what else happened?

A: That same time he also asked me to drink softdrinks.

Q: How did he tell you to drink softdrinks?

A: He told me that is vitamins and asked me to take it.

Q: Did you take it?

A: Yes, because he was forcing me to take it, maam.

Q: Is that in a bottle?

A: Yes, sir.

Q:

What kind?

A: Glass, maam.

Q: Is it Coca-cola or what?

A: Glass bottle, maam.

Q: What color, is that?

A: Color orange.

Q: And he said, he told you it's vitamins, what is that he told you vitamins?

A: That orange colored liquid, there was something floating colored white and I asked him about it and he said that's vitamins.

Q: Did you drink that?

A: Yes, sir.

Q: After that, how did you feel?

A: I fell asleep, maam.

Q: Did you regain your senses again after that?

A: Yes, maam.

Q: Would you know what time was that when you wake up after getting another sleep?

Q: Do you have wrist watch?

A: None sir,

Q: No clock there?

A: No clock, maam.

Q: What time was that when you woke up again?

A:

It took a long time before I woke up again.

Q: When you woke up, what happened?

A: I saw I was naked again, maam.

Q: And how about your private part, what did you feel?

A: It was painful, maam.

The third rape occurred as follows:[54]

FISCAL RAMOS: After that what else happened after he went out of the bedroom?

COMPLAINANT: He returned and asked me to drink two types of medicines.

Q: What medicine?

A: I know the other one is vitamins, but the other one I don't know, but it's a tablet colored white.

Q: Why do you know the other one as vitamins?

A:

I saw in the packet the name of the vitamins, maam.

Q: What is the name?

A: Propan, maam.

Q: He came in bringing those two tablets, what did he do with it?

A: He asked me to drink them.

Q: How did he ask you to drink the white tablet?

A: I did not want to drink the white tablet, but he pushed it inside my mouth, maam.

Q: After that, what else happened?

A:

I fell asleep again. When I woke up I was again naked, maam.

Q: How about your body, was there anything unusual upon your body when you woke up?

A: "Mahapding-mahapdi at nanghi-hina."

Q: What is that part of your body which you said mahapding-mahapdi?

A: My vagina, sir.

In this connection, Section 3 of Rule 120 of the Rules of Court provides that-

"SEC. 3. Judgment for two or more offenses. - When two or more offenses are charged in a single complaint or information, and the accused fails to object to it before trial, the court may convict the accused of as many offenses as are charged and proved, and impose on him the penalty for each and everyone of them setting out separately the findings of fact and law in each case."

Appellant should therefore be held responsible for as many rapes as were committed by him which were duly proven during trial.

As to the proper penalty, the trial court imposed the supreme penalty on death on the appellant for the following reason:

"And since it appears that Shareff did not hesitate twice to threaten Gina with a kitchen knife during her detention and likewise Gina being a minor was forced by the accused to drink certain liquids to render her unconscious thereby adding ignominy to her long ordeal, the penalty should be imposed in the maximum."

However, we find that appellant was convicted under Article 335, No. 2 of the Revised Penal Code, as amended by R.A. No. 7659, wherein the penalty for simple rape is reclusion perpetua. Appellant used the knife not to consummate the crime of rape but to threaten Gina not to leave the bedroom where she was locked up. Hence, we find appellant herein guilty of three (3) counts of simple rape.

WHEREFORE, the appealed judgment of the court a quo finding accused-appellant Shareff Ali El Akhtar guilty beyond reasonable doubt of the crime charged is hereby **AFFIRMED** with the **MODIFICATIONS** that the death sentence imposed by the court a quo is hereby reduced to reclusion perpetua for each of the three counts of rape, and that appellant is hereby ordered to pay complainant the amount of P50,000.00 as indemnity and P100,000.00 as moral damages for each count of rape.

Costs against appellant.

SO ORDERED.

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

[1] Judge Jaime N. Salazar, Jr., presiding.

[2] TSN, April 10, 1997, p. 4.

[3] Ibid., p. 12.

[4] TSN, August 28, 1996, p. 3; TSN, September 13, 1996, p. 3.

[5] TSN, September 13, 1996, p. 2.

[6] TSN, August 22, 1996, pp. 4-8.

- [7] Id., at 8.
- [8] TSN, August 29, 1996, p. 6.
- [9] Supra, note 6 at 10.
- [10] Ibid.
- [11] Id., at 11.
- [12] Id., at 8-12.
- [13] Id., at 15.
- [14] Id., at 12-17.
- [15] Id., at 18-19; TSN, September 3, 1996, pp. 6-7.
- [16] Id., at 19.
- [17] Id., at 20-32.
- [18] Id., at 33-34; TSN, August 28, 1996, p. 4.
- [19] Id., at 35.
- [20] Id., at 38.20
- [21] Id., at 39-40.
- [22] Id., at 41.
- [23] TSN, September 3, 1996, p. 4; TSN August 22, 1996, p. 43-44.
- [24] TSN, August 28, 1996, p. 20; TSN, September 3, 1996, p. 5.
- [25] Id., at 21.
- [26] Id., at 24.
- [27] Id., at 25.
- [28] Id., at 26.
- [29] TSN, September 13, 1996, p. 5.
- [30] Id., at 5.
- [31] Id., at 6.
- [32] Id., at 8.
- [33] Id., at 10.
- [34] Id., at 11.
- [35] TSN, August 28, 1996, pp. 27-38.
- [36] Id., at 43-44.
- [37] Id., at 45-51; TSN, September 13, 1996, pp. 12-13.

- [38] Records, p. 4.
- [39] Appellant's Brief, Rollo, pp. 68-69.
- [40] *People v. Dacoba*, 289 SCRA 265, 270 (1998); *People v. Gagto*, 253 SCRA 455 (1996).
- [41] *People v. De los Santos*, G.R. No. 121906, September 17, 1998, p. 23; *People v. Cabaluna*, 264 SCRA 596 (1996).
- [42] *Ibid.*; *People v. Villanueva*, 254 SCRA 202 (1996).
- [43] *People v. Mostrales*, G.R. No. 125937, August 28, 1998, p. 9; *People v. Atuel*, 261 SCRA 339 (1996).
- [44] *People v. Sagun*, G.R. No. 110554, February 19, 1999.
- [45] *People v. Mostrales*, G.R. No. 125937, August 28, 1998, p. 9; *People v. Gumahob*, 265 SCRA 84 (1996).
- [46] TSN, August 28, 1996, p. 55.
- [47] *People v. Belo*, G.R. No. 109148, December 14, 1998.
- [48] TSN, February 27, 1997, p. 13-14.
- [49] *People v. Jimenez*, G.R. No. 128364, February 4, 1999, p. 1.
- [50] *People v. Lozano*, G.R. No. 125080, September 25, 1999, pp. 9-10.
- [51] *People v. Godines*, 196 SCRA 765, 773 (1991).
- [52] TSN, August 22, 1996, pp. 16-20.
- [53] TSN, August 22, 1996, pp. 22-27.
- [54] TSN, August 22, 1996, pp. 39-41.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.