

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. CARLITO BAWANG, ACCUSED-APPELLANT.

G.R. No. 131942. October 05, 2000

Ponente: YNARES-SANTIAGO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-131942/>

YNARES-SANTIAGO, J.:

Incestuous rape, such as that committed by a father against his own daughter is a dastardly and repulsive crime[1] that has no place in our society. Bestial acts of rape perpetrated by fathers against their daughters have, time and again, been condemned by this Court. This case is no different.

For ravishing his daughter who was barely into her teens, Carlito Bawang was charged with Rape in an Information[2] which alleged -

That in the morning on or about the 19th day of September 1995, in the municipality of Siayan, Zamboanga del Norte, within the jurisdiction of this Honorable Court, the said accused, armed with a hunting knife, moved by lewd and unchaste desire and by means of force, violence and intimidation, did then and there wilfully, unlawfully and feloniously succeed in having sexual intercourse with one MYRNA BAWANG, his 14 year old daughter, against her will and without her consent.

CONTRARY TO LAW.

Upon arraignment, accused assisted by counsel de parte entered a plea of "Not Guilty".[3]

The case thereafter proceeded to trial on the merits. After trial, the court rendered judgment, the dispositive portion of which reads:

WHEREFORE, judgment is hereby rendered finding the accused CARLITO BAWANG guilty beyond reasonable doubt of the crime of RAPE defined and penalized under Sec. 11 of R.A. No. 7659 often referred to as the Death Penalty Law, amending Art. 355 of the Revised Penal Code, he is hereby sentenced to suffer the penalty of DEATH; and, to pay the complainant Myrna Bawang the sum of P50,000.00 as damages.

Costs de officio.

SO ORDERED.[4]

In his Brief, the accused raises the following lone assignment of error:

THE TRIAL COURT ERRED IN CONVICTING ACCUSED-APPELLANT GUILTY OF RAPE DESPITE THE INCONCLUSIVE AND WEAK EVIDENCE OF THE PROSECUTION.

The Prosecution's version of the incident is summed thus by the Solicitor General in the People's brief:

- At around nine o'clock in the morning of September 19, 1995, Myrna Bawang was ordered by appellant Carlito Bawang to wash clothes at a creek which was about six kilometers away from their house in Domoyong, Gibo, Siayan, Zamboanga del Norte. Myrna who was then only fourteen years old, was the eldest child of appellant and Pacita Bawang. She had three younger brothers, namely, Ronaldo, Roberto and Rene,

and a younger sister named Genelyn. As the eldest child, Myrna assumed the chores of washing clothes at the Domoyong creek once a week, fetching water, preparing meals and weeding grasses at her family's farm land.[5]

- Myrna's mother, Pacita, was present when appellant ordered their daughter to wash clothes. Myrna obeyed her father and proceeded to the creek. Ronald, then only seven years old, also went to the creek to fetch water. Appellant left the house shortly. Pacita herself left the house for their farm where she had to weed grasses.[6]

- At the creek, Myrna laundered clothes, while her brother Ronald fetched water. Momentarily, their father arrived and took a bath in the creek. After taking a bath, appellant ordered Ronald to go home. Ronald obeyed his father and proceeded to their house.[7]

- After Ronald left, appellant ordered Myrna to have sexual intercourse with him. He poked a "hunting knife" at Myrna, pushed her to the ground and took off her panty. Appellant took off his brief and laid on top of Myrna. He inserted his penis into her vagina. Myrna felt excruciating pain and her sex organ bled. Myrna cried. As appellant was having sexual intercourse with Myrna, he had his "hunting knife" pressing on her neck. After sexually molesting his daughter, appellant threatened to kill her if she revealed what happened between them. Appellant left his daughter by the creek.[8]

- After being ravaged by appellant, Myrna went home. She was still crying. She asked her brother Ronald to fetch her mother at the farm. Myrna told Ronald that she had been raped by appellant. Ronald obeyed his sister and went to the farm to fetch his mother.[9]

- Upon being told that Myrna wanted her to go home, Pacita, who was weeding grasses at the farm, immediately went home. There, she found Myrna with her siblings. Myrna was crying. Appellant was not in the house at that time. Myrna told her mother that she was raped by appellant. Myrna revealed that appellant had sexual intercourse with her at the creek of Domoyong and threatened to kill her if she shouted. Pacita raised Myrna's skirt and saw that Myrna's panty was stained with blood. Pacita further noticed her daughter had fever and was emotionally disturbed. While Myrna and her mother were talking, Ronald saw his sister Myrna crying.[10]

- Pacita was angered by what happened to Myrna. She later confronted appellant about what he did to their daughter but he denied having raped Myrna.[11]

- Despite appellant's assault on Myrna, Pacita did not immediately report the incident to the police authorities or to the barangay captain, nor did she bring her daughter to a hospital. Pacita had been threatened by appellant that he would kill all of them if she revealed the incident. More than two months later, in the month of December, Pacita finally went to the police authorities in Siayan, Zamboanga del Norte. She reported the rape of her daughter to an investigator named "Andus." [12]

- On December 6, 1995, Pacita brought her daughter to Dr. Raymund Nadela, the Municipal Health Officer and Rural Health Physician of Siayan, Zamboanga del Norte. Dr. Nadela examined Myrna.[13]

- Dr. Nadela found that Myrna's hymen was "not intact" and that such condition could have been caused by sexual intercourse.[14] Dr. Nadela likewise found that Myrna's hymen did not bear any lacerations. However, the non-existence of lacerations does not necessarily mean that sexual intercourse did not take place. According to Dr. Nadela, the absence of lacerations in the hymen can be an indication that said hymen is elastic.[15]

Accused-appellant denied the charge[16] and gave a contrasting account of what happened. He declared that his wife and children were not telling the truth when they accused him of raping the victim.[17] Professing his innocence, he testified that he was at home the whole day on September 19, 1995 because he could not walk as he was afflicted with boils on his feet,[18] an ailment he allegedly contracted as far back as September 2, 1995.[19]

Accused-appellant's claim that he was at home on the date of the incident afflicted with boils on his neck and feet was corroborated by his sister Elma B. Sango[20] and Pedro Alicayos, both his neighbors, who came to visit him at the time.[21]

In reviewing rape cases, the Court is guided by the following principles: 1] to accuse a man of rape is easy, but to disprove it is difficult though the accused may be innocent; 2.] considering that in the nature of things, only two persons are usually involved in the crime of rape, the testimony of the complainant should be scrutinized with great caution; and 3.] the evidence for the prosecution must stand or fall on its own merit and not be allowed to draw strength from the weakness of the evidence of the defense.[22] Corollary to these legal yardsticks is the dictum that when a victim of rape says she has been defiled, she says in effect all that is necessary to show that rape has been inflicted on her and so long as her testimony meets the test of credibility, the accused may be convicted on the basis thereof.[23]

This Court has said time and again that in reviewing rape cases, it will be guided by the settled realities that an accusation for rape may be made with facility. While the commission of the crime may not be easy to prove, it becomes even more difficult for the person accused, although innocent, to disprove that he did not commit the felony. In view of the intrinsic nature of the crime of rape where only two persons are normally involved, the testimony of the complainant must always be scrutinized with great caution.[24] Thus in a prosecution for rape, the complainant's credibility becomes the single most important issue.[25]

Accused-appellant basically seeks to discredit the testimony of the victim. This Court has, however, remained steadfast to the rule that the trial court's assessment of the credibility of complainant's testimony is entitled to great weight, absent any showing that some facts were overlooked which, if considered, would affect the outcome of the case.[26] Guided by the foregoing principles, the Court has meticulously scrutinized the testimony of complaining witness Myrna Bawang and ultimately reached the conclusion that the acts charged did in fact occur. Fourteen-year old Myrna's testimony on the acts of rape perpetrated against her by her father is clear and could have only been narrated by a victim subjected to such a sexual assault. Indeed, the accused-appellant's bestiality is detailed in the following narration of the victim:

Q:

What happened when you went to the creek to wash cloth[e]s last year?

A:

He ordered me to wash cloth[e]s then he followed up, sir.

Q:

Who ordered you to wash cloth[e]s?

A:

My father, Sir.

Q:

You mean to say Carlito Bawang the accused in this case?

A:

Yes, sir.

Q:

You said that you were ordered to go to the creek to wash cloth[e]s and you also said that your father followed you up, tell this Hon. Court what happened when you and your father was (sic) at the creek?

A:

He requested me to have sexual intercourse with him, sir.

Q:

And what did you tell him when he asked that he will have sexual intercourse with you?

A:

He pointed his hunting knife to me, sir.

Q:

After he pointed his hunting knife at you what happened next?

A:

He push[ed] me sir.

Q:

And what happened to you when you were pushed by your father?

A:

He take (sic) off my panty, sir.

Q:

Who take (sic) your panty, he or you?

A:

He, sir.

Q:

Was your panty taken off from your body?

A:

Yes, sir.

Q:

What happened after your panty was taken off?

A:

He also take (sic) off his brief.

Q:

After he take (sic) off his brief and your panty was take[n] off what happened?

A:

He lay on top of me, sir.

Q:

And what happened when he lay on top of you?

A:

That is the time I felt pain in my vagina.

Q:

Why?

A:

Because his penis is inside my vagina.

Q:

You said he was holding a hunting knife, at that time what did he do with the hunting knife?

A:

He pointed the hunting knife at my neck, sir.

Q:

Did he say something?

A:

There was that if I will reveal it he will kill me, sir.

Q:

You said you felt pain when you notice[d] that his penis was inside your vagina, what happened to your vagina?

A:

It was bleeding, sir.

Q:

Did he say something to you when he go (sic) away?

A:

Yes, he warned me not to tell it to my mother.

Assailing the foregoing narration of the victim, accused-appellant first insists that Myrna's claim that she was raped is doubtful because she reported the incident to the police more than two (2) months after the incident took place. He further argues that Myrna cannot claim that her fear of appellant was the reason for the delay because she reported the incident to her mother immediately after it took place.

The argument is sophistic at best and is bereft of merit.

The two-month delay of Myrna and her mother in reporting the victim's ravishment is explained by the fact they were intimidated by accused-appellant. It needs stressing in this regard that accused-appellant was the victim's

father who had control and moral ascendancy over her. The victim lived under the same roof with accused-appellant and saw him everyday. In fact, even after the rape, she still slept in the same house with him.[27] Accused-appellant's threats and constant presence were thus enough to cow Myrna and her mother into silence. Particularly revealing in this regard are the following excerpts of Pacita Bawang's testimony on cross-examination:

Q:

So more than one month passed that you reported the incident at Siayan.

A:

Yes, sir.

Q:

What took you so long?

A:

Because he warned us that if the incident will be revealed all of us will be killed.

x x x x x x x x

Q:

Immediately after the report made by Myrna did you not go to your barangay captain and report the incident?

A:

No, I did not.

Q:

During that period since the report made by Myrna, you have not reported the incident to your barangay captain?

A:

I was not able to report to [the] barangay captain because he was always watching us.[28]

Only recently in *People v. Fernando Watimar*[29] which, in turn, cited the earlier but nonetheless recent case of *People v. Arthur De Leon y Lagmay @ "Joel"*,[30] this Court has consistently held that delay in reporting rape incidents in the face of physical violence cannot be taken against the victim. A rape victim's action is oftentimes overwhelmed by fear rather than reason. It is fear springing from the initial rape that the perpetrator hopes to build up a climate of extreme psychological terror, which would, he hopes, numb his victim to silence and submissiveness.[31] While indeed the victim may have tarried in reporting her defilement, the two-month hiatus in reporting the crime will not extricate accused-appellant from his predicament much more so vis-à-vis the Court's pointed pronouncement in *People v. Conrado Cabana @ Randy*[32] that -

The delay and initial reluctance of a rape victim to make public the assault on her virtue is neither unknown or uncommon.[33] As held in the case of *People v. Malagar*[34]

Vacillation in the filing of [a] complaint by [a] rape victim is not an uncommon phenomenon. This crime is normally accompanied by the rapist's threat on the victim's life, and the fear can last for quite a while. There is also the natural reluctance of a woman to admit her sullied chastity, accepting thereby all the stigma it leaves

and then to expose herself to the morbid curiosity of the public whom she may likely perceive rightly or wrongly, to be more interested in the prurient details of her ravishment than in her vindication and the punishment of the rapist. In *People vs. Coloma*[35] we have considered an 8-year-delay in reporting the long history of rape by the victim's father as understandable and so not enough to render incredible the complaint of 13-year old daughter.

Accused-appellant next contends that Pacita's claim that he threatened to kill her and her children is self-serving and doubtful as "...there had never been any confrontation between her and the appellant prior to the filing of the complaint." [36]

The argument is likewise devoid of merit.

The records reveal that although Pacita may have initially stated that there was no confrontation between her and accused-appellant, she eventually disclosed that there was in fact such a confrontation where accused-appellant threatened to kill her if she revealed the incident to anyone. Noteworthy in this regard are the following excerpts from her testimony:

Q:

Since you were informed by Myrna that your husband Carlito Bawang raped her, did you do anything to her?

A:

I was angry.

Q:

You were angry at whom?

A:

My husband.

Q:

Since you were angry at your husband, what did you do to your husband?

A:

I was not able to confront him because if I do that he might kill all of us.

Q:

Because of fear that your husband might kill you all, what did you do?

A:

So I lodged my complaint at Siayan.

Q:

Until now you were not able to confront your husband regarding the incident?

A:

I confronted him but he denied having done it.

Q:

So when he denied the incident did you believe him?

A:

I did not, but I believe my daughter.[37]

x x x x x x x x

Q:

So more than one month passed that you reported the incident at Siayan?

A:

Yes, sir.

Q:

What took you [so] long?

A:

Because he warned us that if the incident will be revealed, all of us will be killed.[38]

While there indeed may be a conflict in the statements of Pacita on this point, the contradiction as can be seen in the foregoing excerpts is more apparent than real. It, in fact, reveals that Pacita's testimonial declarations stemmed from confusion and emotional stress as a result of testifying on a sensitive matter and not from a deliberate attempt to twist the truth. Be that as it may, the contradiction, if at all, refers to a minor and insignificant detail which hardly dents Pacita's credibility as a witness. To be sure, honest inconsistencies on minor and trivial matters serve to strengthen rather than destroy the credibility of a witness to a crime, especially when the crime is shocking to the conscience and numbing to the senses.[39]

Certain minor variances in the details of a witness' account, more frequently than not, can be badges of truth rather than indicia of falsehood and they often bolster the probative value of the testimony.[40] Furthermore, it must be pointed out that "[E]ven where a witness has been found to have deliberately falsified the truth in some particulars, it is not required that the whole of his testimony be rejected.[41] The testimony of a witness may be believed in part and disbelieved in part, depending upon the corroborative evidence and the probabilities and improbabilities of the case." [42]

Accused-appellant next points to Myrna's absence of hymenal lacerations despite her claim that "...she bled as a result of her defloration"[43] and that he "...made pumping motions" during the alleged sexual congress. He also claims that Dr. Nadela's findings were inconclusive because he testified that Myrna's hymen was not ruptured but later declared that said hymen was broken.[44]

The arguments are just as tenuous.

The presence of lacerations in the hymen is not necessary to prove rape.[45] The case of *People v. Vicente Balora y Delantar*[46] explicitly states that -

...Lack of lacerated wounds does not negate sexual intercourse. A freshly broken hymen is not an essential element of rape.[47] Even the fact that the medical report states that the hymen of the victim was still intact does not negate rape.[48] As explained by Dr. Maximo Reyes, the medico-legal officer of the NBI, "there are hymen[s] that may admit without necessarily producing laceration and there are hymen[s] that may admit with injuries that will produce such laceration."

As to the contention that no spermatozoa was found in the vaginal canal of complainant despite her claim that accused ejaculated, the presence or absence of spermatozoa is immaterial in the prosecution of a rape case. It is well settled that penetration of the woman's vagina, however slight, and not ejaculation, constitutes rape.[49]

A circumspect scrutiny of Dr. Nadela's testimonial declarations discloses that they were anything but inconclusive. On the contrary, his testimony even tended to clarify the apparent conflict pointed out by accused-appellant, viz:

Q:

In your findings you stated [the] hymen [was] not intact, do you mean to say that the hymen is already broken at that time considering that it is no longer intact?

A:

Yes, sir.

Q:

It is possible if a blunt instrument is inserted into the vagina of a young girl may cause a hymen [to be] broken?

A:

We have to consider that one but sometimes [it] may not because the hymen is elastic.

Q:

In other words, if a large size of (sic) penis is inserted in the vagina of a woman of a tender age who has [an] elastic hymen, the hymen will not be broken?

A:

It is possible.

Q:

So even if a woman at the age of 14 has sexual intercourse [and] her hymen is elastic even [if] the penis inserted is [of] a large size it will not cause the hymen [to be] broken?

A:

Yes, it is possible.

Q:

When you examined Myrna Bawang, did she tell you how old she is?

A:

Yes, sir.

Q:

What is her age at that time?

A:

14 years old.

Q:

You physically examine[d] Myrna Bawang?

A:

Yes, sir.

Q:

And one of your findings is that her hymen was not intact?

A:

Yes, sir.

Q:

In other words, the hymen is already broken?

A:

Yes, Your Honor.

Q:

And it is possible that a male penis inserted in hymen of a vagina of a 14 year old girl may cause a hymen [to be] broken?

A:

Yes, Your Honor.[50]

Dr. Nadela's findings find support in Solis' treatise on Legal Medicine[51] which says that -

The hymen is always present although in some instances it is congenitally absent. The presence of unruptured hymen does not always show virginity. The hymen may be lacerated due to some other causes not sexual intercourse. A woman may have conceived and given birth to a child with the hymen remaining uninjured. The hymen opening may be wide and with old lacerations and yet the woman has no history of sexual intercourse. Some hymen[s] are distensible that insertion of big male organ will not produce laceration. Some hymen[s] are congenitally imperforate that it may require surgical intervention.

Elaborating further, Solis states that -

As a rule, the hymen is lacerated during the first sexual act, however, it is not always the case. Some hymen[s] are thick, elastic and fleshy that can resist certain degree of distention without causing laceration. The hymen may be lacerated due to some other causes. So that the fact that the hymen is intact does not prove absence of sexual intercourse and the presence of laceration does not prove defloration.[52]

Accused merely raised denial and alibi as his defense.

Such defenses are unavailing given the facts prevailing herein. The Court has consistently held in previous cases too numerous to cite that for alibi to prosper, it must be proven that during the commission of the crime, the accused was in another place and that it was physically impossible for him to be at the locus criminis. Alibi and denial are inherently weak defenses and unless supported by clear and convincing evidence, the same can not prevail over the positive declarations of the victim who, in a simple and straightforward manner, convincingly identified the accused-appellant as the defiler of her chastity. In short, the positive assertions of accused-appellant's daughter that he raped her is entitled to greater weight.[53] While denial and alibi are legitimate defenses in rape cases, bare assertions to this effect can not overcome the categorical testimony of the

victim.[54]

Addressing the issue on the propriety of the penalty imposed, the trial court meted out the death penalty on accused-appellant pursuant to Article 335 of the Revised Penal Code, as amended by R.A. No. 7659, whose pertinent portions state that:

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.

As the Court recently held in *People v. Dominador Historillo*,^[55] reiterating the earlier ruling in *People v. Garcia*,^[56] the seven circumstances added by R.A. No. 7659 to Article 335 are special qualifying 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. Qualified rape is thus punishable by the single indivisible penalty of death, which must be applied regardless of any mitigating or aggravating circumstance which may have attended the commission of the deed."^[57]

A reading of the information shows that the minority of Myrna and her relationship to the accused-appellant have been alleged therein. The information particularly specified that accused-appellant "did then and there wilfully, unlawfully and feloniously succeed in having sexual intercourse with one MYRNA BAWANG, his 14 year old daughter, against her will and consent." However, while the offended party averred that she was fourteen years old at the time, she presented no birth certificate to substantiate the averment.^[58] It has been held ---

At all events, it is the burden of the prosecution to prove with certainty the fact that the victim was below 18 when the rape was committed in order to justify the imposition of the death penalty. The record of the case is bereft of any independent evidence, such as the victim's duly certified Certificate of Live Birth, accurately showing private complainant's age. The fact that accused-appellant Manuel has not denied the allegation in the complaint that Maricel was 16 years old when the crime was committed cannot make up for the failure of the prosecution to discharge its burden in this regard. Because of this lapse, as well as the corresponding failure of the trial court to make a categorical finding as to the minority of the victim, we hold that the qualifying circumstance of minority under Republic Act No. 7659 cannot be appreciated in this case, and accordingly the death penalty cannot be imposed.^[59]

Therefore, accused-appellant can only be held liable for simple rape and, accordingly, sentenced to suffer the penalty of reclusion perpetua.

Finally, the Court observed that while the trial court awarded an indemnity of P50,000.00, it did not award other damages which are due the victim in crimes of this nature. Myrna is also entitled to moral damages because under prevailing case law, moral damages are imposed in rape cases involving young girls between thirteen (13) and nineteen (19) years of age, taking into account the immeasurable havoc wrought on their youthful feminine psyche.^[60] Currently, moral damages for rape is fixed at P50,000.00.^[61] Exemplary damages in the amount of P50,000.00 is likewise in order to deter other fathers with perverse tendencies or aberrant sexual behavior from sexually abusing their daughters.^[62]

WHEREFORE, the decision of the Regional Trial Court, Branch 11, of Sindangan in Criminal Case No. S-2684 is **AFFIRMED** with the **MODIFICATIONS** that the accused-appellant is guilty of simple rape and is sentenced to suffer the penalty of reclusion perpetua. Further, accused-appellant is ordered to pay the offended party P50,000.00 as civil indemnity; P50,000.00 as moral damages and P50,000.00 as exemplary damages,

SO ORDERED.

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

[1] *People v. Fernando Watimar*, G.R. Nos. 121651-52, 16 August 2000, citing *People v. Amado Sandrias Javier*, G.R. No. 126096, 26 July 1999, 311 SCRA 122 (1999).

[2] Record, p. 13.

[3] *Ibid.*, p. 17.

[4] *Id.*, p. 86.

[5] TSN, 3 August 1996, pp. 2-3; 21 March 1997, pp. 3-4; 6 June 1997, pp. 3-4.

[6] TSN, 21 March 1997, pp.4-5; 6 June 1997, p. 4; 3 August 1996, p. 3.

[7] TSN, 3 August 1996, pp. 3,5; 6 June 1997, p. 4.

[8] TSN, 3 August 1996, pp. 4-6.

[9] TSN, 3 August 1996, p. 4; 6 June 1997, p. 5.

[10] TSN, 21 March 1997, pp. 5-6; 6 June 1997, pp. 5-6, 13-14, 3 August 1996, pp. 5-6.

[11] TSN, 21 March 1997, pp. 6,10; 3 August 1996, p. 6.

[12] TSN, 21 March 1997, pp. 6, 10-11.

[13] TSN, 21 March 1997, pp. 1`4-15; 3 August 1996, p. 7, 18 October 1996, pp. 2-4.

[14] TSN, 18 October 1996, pp. 4-5.

[15] *Ibid.*, pp. 6-8.

[16] TSN, 10 October 1997, p. 13.

[17] *Ibid.*, pp. 9-10.

[18] *Id.*, pp. 3, 8, 9, 11-12

[19] *Id.*, p. 3.

[20] TSN, 29 August 1997, p. 2.

[21] TSN, 29 August 1997, pp. 3-4, 5, 7-8, 9; 7 November 1997, pp. 3, 6, 7-8, 10.

[22] *People v. Felipe Hofileña y Taala*, G.R. No. 134772, 22 June 2000, p. 8, citing *People v. Sta. Ana*, 291 SCRA 188 [1998]; *People v. Ramirez*, 266 SCRA 335 [1997]; *People v. Teves*, 246 SCRA 236 [1995]; *People v. Guamos*, 241 SCRA 528 [1995]; *People v. Casinillo*, 213 SCRA 777 [1992].

[23] *People v. Penaso*, G.R. No. 121980, 23 February 2000, pp. 5-6; *People v. Garces, Jr.*, G.R. 132368, 20 January 2000, pp. 9-10; *People v. Borja*, 267 SCRA 370, [1997]; *People v. Ramirez*, 266 SCRA 335 [1997].

[24] *People v. Jimmy Mijano y Tamora*, G.R. No. 129112, 23 July 1999, 311 SCRA 81.

[25] *People v. Emil Babera y Rabanera*, G.R. No. 130609, 30 May 2000, p. 8 citing *People v. Dacoba*, 289 SCRA

265 [1998] and *People v. Gagto*, 253 SCRA 455 [1996].

[26] *People v. Rolando Baybado*, G.R. No. 132136, 14 July 2000, p. 6, citing *People v. Sabredo*, G.R. No. 126114, 11 May 2000.

[27] TSN, 21 March 1997, p. 11.

[28] *Ibid.*, pp. 10-11.

[29] G.R. Nos. 121651-52, 16 August 2000, p. 19.

[30] G.R. Nos. 124338-41, 12 May 2000, p. 13.

[31] Citing *People v. Caballero*, G.R. No. 129693, 24 January 2000, citing *People v. Melivo*, 253 SCRA 347 [1996].

[32] G.R. No. 127124, 9 May 2000, pp. 14-15.

[33] *People v. Montefalcon*, 243 SCRA 617 [1995].

[34] 238 SCRA 512 [1994].

[35] 222 SCRA 255 [1993].

[36] Appellant's Brief, p. 5.

[37] TSN, 21 March 1997, p. 6; italics supplied.

[38] *Ibid.*, pp. 9-10; italics supplied..

[39] *People v. Patalin, Jr.*, G.R. No. 125539, 27 July 1999, 311 SCRA 186, citing *People v. Agunias*, 279 SCRA 52 [1997].

[40] *People v. Molina*, G.R. No. 129051, 28 July 1999, 311 SCRA 517, citing *People v. Talledo*, 262 SCRA 544 [1996].

[41] *People v. Ortiz*, 266 SCRA 641 [1997].

[42] *People v. Dela Cruz*, G.R. No. 130608, 26 August 1999, 313 SCRA 189, citing *People v. Julian*, 270 SCRA 733 [1997].

[43] Appellant's Brief, p. 5.

[44] Appellant's Brief, p. 6.

[45] *People v. Lim*, G.R. Nos. 131861-63, 17 August 1999, 312 SCRA 550, citing *People v. Domantay*, 307 SCRA 1 [1999] and *People v. Maglente*, 306 SCRA 546 [1999].

[46] G.R. No. 124976, 31 May 2000, p. 11.

[47] *People v. Joey Amigable*, G.R. No. 133857, 31 March 2000.

[48] *People v. Cabebe*, 290 SCRA 543 [1998].

[49] *People v. Dela Paz*, 299 SCRA 86 [1998].

[50] TSN, 18 October 1996, pp. 7-8.

[51] Pedro Solis, Legal Medicine, pp. 341-342 (1996).

[52] Ibid. , p. 344.

[53] People v. Romeo Arillas y Montoya, G.R. No. 130593, 19 June 2000, p. 7.

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

[55] G.R. No. 130408, 16 June 2000.

[56] 281 SCRA 463 [1997].

[57] People v. Empante, 306 SCRA 250 [1999], citing People v. Ponayo, 261 SCRA 61 and People v. Mengote, 305 SCRA 380 [1999].

[58] People v. Rosales, 313 SCRA 757, 765 (1999).

[59] People v. Cula, G.R. No. 133146, March 28, 2000.

[60] People v. Accion, 312 SCRA 250 [1999]; citing People v. Erese, 281 SCRA 316 [1997] and People v. Sabellina, 238 SCRA 492 [1994].

[61] People v. Dreu, G.R. No. 126282, 20 June 2000; citing People v. Padilla, 301 SCRA 265 [1999].

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

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.