PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. EFREN NARIDO, ACCUSED-APPELLANT.

G.R. No. 132058. October 01, 1999

Ponente: KAPUNAN, J.

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KAPUNAN, J.:

Before the Court on automatic review is the decision[1] endered by the Regional Trial Court of Carigara, Leyte, Branch 13, in Criminal Case No. 2653, finding accused-appellant Efren Narido guilty of the crime of statutory rape committed against his own daughter, and sentencing him to the supreme penalty of death.

In an Information filed on 24 March 1997, Efren Narido was charged with the crime of rape allegedly committed as follows:

> That on or about the month of December, 1996, in the municipality of San Miguel, Province of Leyte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with deliberate intent and with lewd designs and by use of force and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge with JENNY NARIDO, eleven (11) years old, against her will to her damage and prejudice.
>
> CONTRARY TO LAW.[2]

Assisted by his counsel de oficio, appellant entered a plea of “NOT GUILTY” during his arraignment on 9 June 1997.[3] Thereafter, trial on the merits ensued.

The prosecution presented evidence establishing the following facts:

> Private complainant, Jenny Narido, eleven (11) years of age, is the eldest among the four (4) children of appellant Efren Narido with his deceased wife.[4] Jenny’s mother died in 1995. Since then Jenny lived with appellant and his common-law wife, Delinia Obsomar, in Barangay Cabatianohan, San Miguel, Leyte.
>
> Jenny testified that sometime in the month of December 1996, appellant requested her to accompany him to gather firewood at a nearby field. Jenny acceded and went with appellant. While gathering firewood, appellant undressed Jenny and ordered her to lie down.[5] He then went on top of her and had sexual intercourse with the latter.[6] During the sexual encounter, Jenny felt pain in her vagina.[7] Unable to do anything, Jenny cried.[8] She narrated that this was the first time appellant defiled her. However, her desecration did not end there. Jenny explained that she was molested by appellant six times on various occasions.[9] One of the assaults against her virtue took place on one evening of the same month in their own house. The sexual attack was actually witnessed by appellant’s common-law wife, Delinia. On that fateful night, Delinia went upstairs and caught appellant in the act of ravishing Jenny. A fight ensued between Delinia and appellant because of what happened. Afterwards, Delinia left the house. Appellant was left alone with Jenny. When Delinia stepped out of the house, appellant turned his anger towards Jenny and slapped her hard until her lips bled.[10] Meanwhile, Delinia went back to the house and saw what appellant did to Jenny. Another quarrel then occurred between Delinia and appellant. In the course of the fight, appellant took hold of his long bolo. Seeing this, and fearing for her life, Jenny fled from their house and ran to the direction of the house of the barangay

captain, Faustino Bertis. On her way, she met Anna Bencito, a barangay health worker, who brought her to the house of the barangay captain. The barangay captain then referred her case to the police authorities. Jenny, on the other hand, was transferred to the custody of Anabelle Agner who assisted her in filing the complaint for rape.

On 21 February 1997, Jenny was brought to the Eastern Visayas Regional Medical Center (EVRMC) for medical examination. Dr. Ma. Vivian Tauro and Dr. Rodolfo Mabulay conducted the examination which revealed the following findings:

OB-GYNE findings:

Pelvic Exam:

External genitalia - Grossly normal

Introitus - Nullipareus with circular opening of hymen (+) old healed hymenal complete laceration at 4 o'clock position.

(+) old healed, incomplete hymenal laceration at 8 o'clock and 11 o'clock positions.

Speculum Exam: Admits virginal speculum with ease. Cervix - pinkish, small, closed, midline, smooth, with whitish discharge.

Cervix - firm, closed, non tender

Uterus - Small

Adnexae - Negative

Discharge - Whitish discharge

Vaginal smear - negative for spermatozoa.[11]

Anabelle Agner, social worker of the Department of Social Welfare and Development (DSWD) assigned at San Miguel, Leyte, testified that Jenny was referred to their agency by Barangay Captain Faustino Bertis. She interviewed Jenny and gathered information about her. During the interviews, she discovered that Jenny was sexually abused by appellant six (6) times on various occasions.[12] She also observed that Jenny suffered from trauma and refused to be examined by a male physician.[13] She related that she interviewed appellant who admitted having molested Jenny once.[14] Lastly, she informed the court that she assisted Jenny in filing the complaint for rape.

Faustino Bertis also testified for the prosecution. He stated that Jenny was brought to his house by the barangay health officer. He learned that Jenny was subjected by appellant to maltreatment and was threatened by the latter. After hearing Jenny's complaint, he immediately referred her case to the police authorities.

In contrast, the defense presented only one witness, appellant himself. For his part, appellant interposed denial and alibi as his defenses. He insisted that he knew nothing about the crime for which he was being charged. While he admitted that Jenny is his own daughter, and that she was eleven years old and living with him when the alleged incident took place, he, nevertheless, denied the commission of rape saying that being the father of Jenny he could not do such a thing.[15] He related that he was summoned by the police authorities and investigated regarding the complaint for rape. He told the police that he did not rape Jenny. Appellant, likewise, averred that on certain days in the month of December 1996, he was at Danao fishing. He explained that he went fishing at least once a week. He also regularly attended to his farm from 7:00 a.m. to 4:00 p.m. Finally, he contended that from the time Jenny was brought to the house of Faustino Bertis and entrusted to the custody of the DSWD, he was unable to meet and

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talk with her.

After considering the evidence from both sides, the trial court was convinced that appellant was guilty of the crime charged. Thus, on 29 October 1997,[16] the trial court convicted appellant of statutory rape and sentenced him to death. The dispositive portion of the decision of the trial court reads:

> WHEREFORE, IN VIEW OF ALL THE FOREGOING CONSIDERATIONS, judgment is hereby rendered finding the accused EFREN NARIDO Guilty of the crime of Rape and is hereby sentenced to suffer the penalty of Death.
>
> SO ORDERED.[17]

The above decision is now subject of the present review.

In his brief, appellant ascribes the following errors to the trial court:

I

THE COURT A QUO ERRED IN CONVICTING THE ACCUSED DESPITE THE FAILURE OF THE PROSECUTION TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.

II

THE COURT A QUO ERRED IN PRECIPITATELY DISREGARDING THE DEFENSE OF THE ACCUSED-APPELLANT.[18]

The first assigned error essentially revolves on the issue of credibility of the witnesses for the prosecution, particularly Jenny. Appellant claims that the trial court wrongfully believed the testimony of Jenny inasmuch as the same is “full of inconsistencies, contradictions, goes against the common experience of man and by itself, is totally incredulous and unworthy of belief.”[19] On the other hand, the second assigned error refers to the acceptability of appellant’s denial and alibi. On this score, appellant faults the trial court in disregarding his defenses when according to him the prosecution was not able to prove his guilt beyond reasonable doubt.

The Office of the Solicitor General (OSG), however, does not agree with the appellant. The OSG is convinced that the trial court correctly convicted appellant since the prosecution was able to establish his culpability. The OSG, likewise, contends that Jenny is a credible witness and that her testimony is sufficient to convict appellant.[20]

In reviewing evidence in rape cases, the Court is guided by three settled principles, to wit: (a) an accusation for rape can be made with facility; it is difficult to prove it but more difficult for the person accused, though innocent, to disprove it; (b) in view of the nature of the crime in which only two persons are involved, the testimony of complainant must be scrutinized with extreme caution; and, (c) the evidence of the prosecution must stand or fall on its own merits, and cannot be allowed to draw strength from the weakness of the evidence of the defense.[21]

Generally, when it comes to the issue of credibility, the trial court’s assessment is entitled to great weight, even conclusive and binding, if not tainted with arbitrariness or oversight of some fact or circumstance of weight and influence.[22] The reason is obvious. The trial court is in a better position than the appellate court to properly evaluate testimonial evidence having the full opportunity to observe directly the witnesses’ deportment and manner of testifying.[23] Appellant has not given us any reason, and we find none, to depart from or give exception to this principle.

The trial court considered the following testimony of Jenny as believable and truthful, to wit:

Pros. Merin:

x x x

Q Would you tell the truth to the court today, regarding your case?

A Yes sir.

Q What would happened (sic) to you if you would not tell the truth as told you by your teacher?

A If I tell a lie I will go to hell.

Q So you would promise to the Court today that you will tell the truth and nothing but the truth?

A Yes sir.

Q Do you know the accused in this case, Efren Narido?

A Yes sir.

Q Why do you know him?

A He is my father.

Q Is he inside this courtroom?

A Yes sir.

Q Where is he, kindly point where is your father?

Court Interpreter:

Witness is pointing to a person inside this courtroom [and] when asked of (sic) his name identified himself as Efren Narido.

x x x

Q On the month of December could you recall that you were made to accompany by (sic) your father to gather some firewood, do you recall that?

A Yes I remember sir.

Q Was it in the morning or in the afternoon?

A It was in the day time.

Q Were you alone with your father in taking some firewood?

A Yes sir.

Q Who told you that you have to accompany your father?

A My father.

Q While you were taking this firewood, do you recall what happened to you?

A Yes sir.

Q What did you (sic) father do to you?

A He undressed me and lay (sic) on top of me.

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Q You mean he has (sic) made (sic) some sexual intercourse with you?

A Yes sir.

Q How did you feel when your father made (sic) some sexual intercourse with you, did you feel the pain?

A Yes sir.

Q Did you shout or you cried (sic)?

A I cried sir.

Q While your father was doing (sic) some sexual intercourse with you, what next happened (sic) if you could still recall?

A Yes sir I remember.

Q What happened?

A When he again stole another copra (sic) he again laid himself on top of me.

Q You mean you were twice sexually abused?

A No sir.

Q How many times?

A Six (6) times.

Q Now on that day when your father brought you to help him to gather some firewood was it the first or the 6th time?

A It was the first time that he raped me.

Q Do you know this person of your stepmother (sic), do you know her name?

A Yes sir.

Q What is the name of your step mother?

A Delinia.

Q Did you see your mother that time after you were sexually abused by your father?

A I did not.

Q When did you see your step mother after you were abused by your father?

A On (sic) the evening and upstairs.

Q What did your step mother do to your father that evening?

A They quarreled.

Q What made your step mother quarreled (sic) [with] your father?

A Because he laid himself on top of me.

Q You mean your step mother saw what your father did to you?

A Yes sir upstairs (sic) of our house.

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> Q So after the quarrel what did your father do to you?
>
> A Because at that time my step mother went out of our house that was the time when my father slapped me at my cheek and my lips bleed (sic).
>
> Q What did you do after you were slapped by your father many times?
>
> A Because my step mother saw of the slapping incident they had another quarrel and then my father took a long bolo and since I saw that my father took a long bolo I ran to the house of the barangay captain.[24]

The trial court gave full faith and credence to the testimony of Jenny who positively identified appellant as her aggressor. The lower court observed that Jenny, who cried in between her testimony, never hesitated in pointing to his father as the one who violated her. The trial court, likewise, stressed that the eleven-year old complainant could not be sophisticated enough to fabricate the crime of rape against her very own father.

We agree with the findings of the trial court. Although Jenny's testimony is not exactly perfect in all details, it bore the earmarks of truth. In fact, Jenny testified in between sobs which fortified the trial court's evaluation that her testimony is truthful. In any event, when a woman, more so if she is a minor, says that she has been raped, she says in effect all that is necessary to constitute the commission of the crime that has been inflicted on her.[25] This doctrine applies with more vigor when the culprit is a close relative of the victim,[26] and her father at that. Furthermore, it is a reputable precept that testimonies of rape victims who are young or of tender age are credible.[27] The revelation of an innocent child whose chastity was abused deserves full credit.[28] A victim would not make public the offense, undergo the agony and humiliation of a public trial and endure the ordeal of testifying to all its gory details if she had not in fact been raped.[29] As a rule, a victim of rape will not come out in the open if her motive was not to obtain justice and her testimony as to who abused her is not the truth.[30] With the foregoing principles in mind, we are satisfied that the trial court correctly ruled that Jenny was telling the truth and that she is a credible witness.

Nevertheless, appellant faults the trial court for believing Jenny's testimony. First of all, appellant questions the delay which attended the reporting of the alleged rape. Appellant points out that the length of time which Jenny allowed to pass from the time she was first molested to the time she decided to report the rape incident rendered the truth of her charge doubtful. According to appellant, it is uncommon for a rape victim, like Jenny, to still eat, live and sleep in the same house where her alleged perpetrator lives. We are not persuaded by the submissions of appellant.

We have previously held that delay in making a criminal accusation does not impair the credibility of a witness if such delay is satisfactorily explained.[31] In the case at bar, considering that Jenny is a child of tender years, effectively under the control of appellant, it is not difficult to understand why even after she was abused she stayed on and did not complain. Since the rapist is her own father, Jenny must have been overwhelmed by fear and confusion as to why his father could commit such a nefarious act against his own daughter. Such reaction is not unbelievable. Indeed, a survey conducted by the University of the Philippines Center for Women's Studies showed that victims of rape committed by their fathers took much longer in reporting the incidents to the authorities than did other victims.[32] One of the explanations for such a scenario is the fact that the father lives with the victim and constantly exerts moral authority over her.[33] Besides, settled is the principle that it is not uncommon for young girls to conceal for some time the assaults on their virtues especially when their very own rapist is living with them.[34] In such a situation, Jenny could not be expected to have the courage and intelligence to immediately report the sexual assault committed against her. At any rate, we do not consider a period of two months as constituting delay to show that the charge of rape is doubtful. In fact, in the case of People v. Coloma,[35] this Court declared that even a delay of eight (8) years is not a sign of fabrication.

Appellant, likewise, argues that the failure of Jenny to remember the exact dates when she was ravished by appellant shows inconsistency and contradiction in her testimony which renders the same unworthy of belief. Corollary to this, appellant claims that the failure of the prosecution to point out in the information the exact dates when the rapes took place deprived him of reasonable notice of the crime charged against him, thus, negating the opportunity for him to establish before the court his precise whereabouts on those dates. We find the aforementioned arguments bereft of merit.

The Court reiterates the rule that failure of the complainant to state the exact date and time of the commission of rape is a minor matter and can be expected when a witness is recounting the details of a humiliating experience which are painful and difficult to recall in open court and in the presence of other people.[36] Certainly, the failure of complainant to recall some details of the crime, instead of suggesting prevarication, precisely indicates spontaneity and is to be expected from a witness who is of tender age and unaccustomed to court proceedings.[37] Moreover, a rapist cannot expect the hapless object of his lechery to have the memory of an elephant and the cold precision of a mathematician because total recall of an incident is not expected of a witness, especially if it is the victim herself who is on the witness stand.[38] The victim cannot be expected to mechanically keep and then give an accurate account of the traumatic and horrifying experience she has undergone.[39] This is particularly true in this case where the rape victim is only eleven years old and comes from a remote barangay, it being improbable for a young girl like her and one not exposed to the ways of the world to impute a crime as serious as rape, to her own father, if it were not true. At any rate, the alleged inconsistency is inconsequential considering that it refers to trivial details which have nothing to do with the essential fact in the crime of rape which is carnal knowledge through force or intimidation. Thus, failure to recall the exact dates of the commission of the crime did not make Jenny's testimony less credible.

With respect to the allegation of appellant that he was denied due process when the prosecution failed to state the exact dates of the commission of rape in the information, we find the contention untenable. It bears stressing that the date is not an essential element of rape, for the gravamen of the offense is carnal knowledge of a woman.[40] Indeed, the precise time of the crime has no substantial bearing on its commission.[41] As such, it is not essential that it be alleged in the information with ultimate precision. Section 11, Rule 110, of the Rules on Criminal Procedure sustains this view:

> Sec. 11. Time of the commission of the offense. It is not necessary to state in the complaint or information the precise time at which the offense was committed except when time is a material ingredient of the offense, but the act may be alleged to have been committed at any time as near to the actual date at which the offense was committed as the information or complaint will permit.

For this reason, appellant cannot complain that he was deprived of the right to be informed of the nature of the accusation against him.

Finally, appellant questions the failure of the prosecution to present another possible witness to the rape - - appellant's common-law wife, Delinia Obsomar. According to appellant such non-presentation proves that no such witness exists and that the imputed rape is equally untrue. We are not convinced. As aptly stated by the OSG, it is within the prerogative of the prosecution whom to present as a witness.[42] Furthermore, Delinia, being the common-law wife of appellant, could not be a willing and effective witness for the prosecution. In the case of People v. Barera,[43] we held that the complainant's uncorroborated testimony in a rape case, if credible and positive, is sufficient to declare a conviction. We hold that Jenny's testimony is credible and sufficient to sustain appellant's conviction and it was not necessary to offer another witness to corroborate her story.

As stated beforehand, appellant faults the trial court for rejecting his defenses of denial and alibi. We find no reason to overturn the trial court's finding in this regard. As the Court has oft pronounced, both denial and alibi,

are inherently weak defenses which cannot prevail over the positive and credible testimony of the prosecution witness that the accused committed the crime.[44] Thus, as between a categorical testimony which has a ring of truth on one hand, and a mere denial and alibi on the other, the former is generally held to prevail. Besides, appellant must prove that the denial and alibi offered by him are buttressed by strong evidence of non-culpability to merit credibility.[45] Appellant, however, failed to do so. With the prosecution proving beyond reasonable doubt that appellant raped his daughter, his denial and alibi collapse.

Moreover, appellant failed to establish any ill-motive which could have induced Jenny to falsely accuse him of such a serious crime as rape. In fact, appellant admitted on the stand that he knows no reason why his own daughter would charge him with a capital offense. The stenographic transcript states the following testimony of appellant in this regard:

> Cross-examination by Pros. Merin:
>
> x x x
>
> Q: Of course you love all your four children to include Jenny?
>
> A: Yes, sir because they are my children.
>
> Q: And Jenny is how old?
>
> A: Walking (sic) to eleven.
>
> Q: So, how did Jenny call you?
>
> A: Tatay, which means father.
>
> Q: So, she respects you therefore as a father?
>
> A: Yes, sir.
>
> Q: So, in fact she obeys what you would like her to do?
>
> A: Yes, sir.
>
> Q: Do you know of any reason or reasons why Jenny your own daughter who love (sic) you and you love too would charge a case against you?
>
> A: I do not know of any reason or reasons.[46]

It is doctrinal in this jurisdiction that where there is no evidence to show any dubious reason or improper motive why a prosecution witness would testify falsely against an accused or falsely implicate him in a heinous crime, the testimony is worthy of full faith and credit.[47]

However, all is not in vain for appellant. Although we sustain the trial court's finding of guilt, we, nevertheless, hold that the trial court erred in sentencing appellant to death. Article 335 of the Revised Penal code, as amended by Section 11 of Republic Act No. 7659, otherwise known as the Death Penalty Law, states in part:

> Art. 335. When and how rape is committed. -
>
> x x x
>
> 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,

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> guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim.

x x x

We have previously declared that the special circumstances introduced by Republic Act No. 7659, including the above, which sanction the automatic imposition of the death penalty partake of the nature of qualifying circumstances since these circumstances increase the penalty for rape by one degree.[48] Nonetheless, to be properly appreciated as a qualifying circumstance, it must be specifically pleaded in the information.[49] As the Court stated in the case of People v. Ramos,[50] the concurrence of the minority of the victim and her relationship to the offender being a special qualifying circumstance should be alleged in the information for death to be imposable. A perusal of the information in the case under review reveals that although the complainant's minority was alleged, the fact of relationship between appellant and complainant, albeit proven during the trial, was not so specified. For this reason, we are constrained to rule that appellant can only be convicted of simple statutory rape and cannot be held liable for qualified rape for want of the allegation of relationship in the aforesaid information. To rule otherwise would lead to a denial of appellant's constitutional right to be informed of the nature and the cause of the accusation against him. Hence, the death penalty cannot be imposed upon appellant.

In the same vein, appellant also cannot be convicted for more than one count of rape. Although it was established during the trial that appellant raped Jenny in at least two occasions, only one information was filed alleging that appellant had carnal knowledge with Jenny once. Since he was indicted and tried under a single information stating only a single crime then he can only be convicted thereof accordingly.

The trial court, likewise, erred in not awarding complainant damages to which she is entitled in accordance with law and jurisprudence. In this regard, it has been the practice of the Court to outrightly award the amount of P50,000.00 as civil indemnity to victims of rape.[51] Moreover, an additional amount of P50,000.00 as moral damages should also be given to complainant even without proof, it being presumed that a victim of rape suffered moral injuries entitling her to such award.[52]

WHEREFORE, the decision of the court a quo is AFFIRMED, with the MODIFICATION that accused-appellant Efren Narido is sentenced to suffer the penalty of reclusion perpetua and to pay the complainant, Jenny Narido, the amount of P50,000.00 as civil indemnity, plus an additional amount of P50,000.00, as moral damages.

SO ORDERED.

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

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[1] Penned by Judge Eriberto N. Maceda.

[2] Records, p. 1.

[3] Id., at 19.

[4] TSN, July 2, 1997, pp. 3-4.

[5] Id., at 5.

[6] Id.

[7] TSN, July 2, 1997, p. 9.

[8] Id., at 6.

[9] Id.

[10] TSN, July 2, 1997, p. 7.

[11] Records, p. 9.

[12] TSN, July 7, 1997, p. 3.

[13] Id., at 4.

[14] Id., at 5.

[15] TSN, September 2, 1997, pp. 4, 7.

[16] Records, p. 42.

[17] Ibid.

[18] Appellant's Brief, Rollo, pp. 23, 25.

[19] Id., at 23, 30.

[20] Appellee's Brief, Rollo, pp. 46, 54.

[21] People v. Lucanas, G.R. Nos. 130599-600, April 21, 1999, citing People v. Matrimonio, 215 SCRA 613 (1992).

[22] People v. Alojado, G.R. Nos. 122966-67, March 25, 1999, citing People v. Angeles and Nell, 275 SCRA 19 (1997).

[23] People v. Platilla, G.R. No.126123, March 9, 1999, citing People v. Gargar, et al., G.R. Nos. 110029-30, December 29, 1998.

[24] TSN, July 2, 1997, pp. 4-7.

[25] People v. Pascual, 220 SCRA 440, 450 (1993) citing People v. Matrimonio, 215 SCRA 613 (1992).

[26] People v. Burce, 269 SCRA 293, 311 (1997) citing People v. Matrimonio, 215 SCRA 613 (1992).

[27] People v. Victor, 292 SCRA 186, 195 (1998).

[28] Ibid., citing People v. Gagto, 253 SCRA 455 (1996).

[29] People v. Vitor, 245 SCRA 392, 402 (1995).

[30] Ibid.

[31] People v. Bugarin, 273 SCRA 384, 398 (1997) citing People v. Abandaño, 242 SCRA 531 (1995).

[32] Id., at 399.

[33] Id.

[34] People v. Lucanas, supra note 21, citing People v. Vitor, 245 SCRA 392 (1995).

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[35] 222 SCRA 255, 263 (1993).

[36] People v. Bugarin, supra note 31, at 397, citing People v. Cruz, 240 SCRA 234 (1995).

[37] Ibid.

[38] People v. Travero, 276 SCRA 301, 310 (1997), citing People v. Mandap, 244 SCRA 457 (1995).

[39] Ibid., citing People v. Cura, 240 SCRA 234 (1995).

[40] People v. Bugayong, G.R. No. 126518, December 2, 1998, citing People v. Hortillano, 177 SCRA 729 (1989).

[41] People v. Bugarin, supra note 31, at 397, citing People v. Empleo, 226 SCRA 454 (1993).

[42] Appellee's Brief, Rollo, p. 46, 60.

[43] 262 SCRA 63, 76 (1996).

[44] People v. Victor, supra note 27, at 198, citing People v. Macagaling, 237 SCRA 299 (1994).

[45] People v. Burce, supra note 26, at 314.

[46] TSN, September 2, 1997, pp. 7-8 (Underscoring added).

[47] People v. Victor, supra note 27, at 199, citing People v. Pama, 216 SCRA 385 (1992).

[48] People v. Perez, G.R. No. 122764, September 24, 1998.

[49] People v. Maraga, G.R. No. 129529, September 29, 1998, citing People v. Ramos, G.R. No. 129439, September 25, 1998.

[50] G.R. No. 129439, September 25, 1998.

[51] People v. De la Cuesta, G.R. No. 126134, March 2, 1999; People v. Bolatete, G.R. No. 127570, February 25, 1999.

[52] People v. Lucanas, supra, note 21, citing People v. Prades, G.R. No. 127569, July 30, 1998.

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