

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROMEO LLAMO Y BOLIVAR, ACCUSED-APPELLANT.

G.R. No. 132138. January 28, 2000

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-132138/>

PER CURIAM:

Of all the so-called heinous crimes, none perhaps more deeply provokes feelings of outrage, detestation and disgust than incestuous rape.[1] For the man who rapes his own daughter violates not only her purity and her trust but also the mores of his society which he has scornfully defied.[2] By inflicting the primitive, bestial act of incestuous lust on his own flesh and blood,[3] the culprit is reduced to a level lower than a beast.[4] He deserves no less than to forfeit his place in human society.[5]

In an Information, dated January 28, 1997, Romeo Llamó y Bolívar was charged with the crime of rape committed against his own daughter Arlyn Llamó y Sanchez, to wit:

That sometime on October 1996, at Barangay Bismartz, Municipality of Don Carlos, Province of Bukidnon, Philippines and within the jurisdiction of this Honorable Court, the above- named accused, with lewd design, did then and there wilfully, unlawfully, criminally and forcefully have sexual intercourse with her (sic) own daughter ARLYN LLAMO y SANCHEZ, 12 years one (1) month old on the date of the commission, against her will.

Contrary to and in violation of R.A. 7659.[6]

After trial on the merits, the trial court rendered a decision, dated November 14, 1997, the dispositive portion of which reads as follows:

WHEREFORE, finding the accused Romeo Llamó guilty of rape beyond reasonable doubt for the crime of rape (sic) of his 12-year-old daughter Arlene Llamó, he is hereby sentenced to suffer the maximum penalty of DEATH as defined and penalized under Section 11 of Republic Act 7659 above-mentioned. He is also ordered to indemnify her (sic) victim the sum of P50,000.00 and moral damages of P50,000.00.

SO ORDERED.[7]

A perusal of the records will reveal that aside from private complainant Arlyn Llamó, the prosecution presented the testimonies of Dionesio Lora, Esterlita Lora, Flordeliza F. Eborde, and Dr. Venus Tagarda.

Complainant Arlyn Llamó (also referred to in the transcripts as "Arlene Llamó") gave her testimony inside the judge's chamber upon motion of the prosecution.[8] She told the court that her mother Tessie had left their home, taking with her Arlyn's younger sister but leaving Arlyn in the care of her father, herein accused-appellant Romeo Llamó.[9] She further testified that while she and her father were living in Don Carlos, Bukidnon, her father raped her in a sugarcane plantation.[10] When asked how she was raped, Arlyn gave the following testimony:

X X X

Q

Can you recall how did he rape you?

A

He undressed me.

Q

Other than undressing you what else did he do to you?

A

He placed himself on top of me.

Q

When he placed himself on top of you, what did you do?

A

He threatened me.

x x x.

Q

You said you were raped, was he able to enter your vagina that time?

A

Yes.

Q

Did you feel anything?

A

Yes.

Q

What did you feel?

A

Pain.

On cross-examination, Arlyn testified as follows:

x x x

Q

Now, at the time of the alleged incident of rape you did not shout, is that correct?

A

I shouted.

Q

How did you shout?

A

I said, "help!, help!"

Q

Are you sure Arlene that it was your father Romeo who raped you?

A

Yes.

Q

Did I hear you correct when you said during the direct examination that in fact your father was looking for you?

A

Yes.

Q

He was looking for you before you were raped or after you were raped?

A

He looked for me after I was raped already.

Q

During the raped (sic) according to you you shouted for help and nobody interceded or come for help, is that correct?

A

There was one.

Q

You know who that person was?

A

The person was also his relative. (Witness looking at the accused).

Q

Do you know the name of that person who came to help you?

A

No.

Q

What did that person do when he came to help you?

A

As I was already undressed the person dressed me.

x x x.

Q

Is it not a fact Arlene that it was somebody who raped you, it perhaps your Uncle Totong?

A

It was my father.

Q

Who told you to file a case against your father?

A

Only me.

Q

Nobody ordered you or instructed you?

A

None.

Q

If the person who raped you is inside this chamber will you point out to him?

A

That one. (Witness pointing to a person who had already been identified as Romeo Llamo the accused in this case).

Q

How do you call this person which you pointed out?

A

He is my Papa.[11] (Underscoring supplied.)

x x x

At this juncture, it is worthy to note that the trial court observed that Arlyn was "somewhat mentally retarded" and appeared tense.[12] She could not tell the court her age, nor could she distinguish the twelve months of the year or tell the number of days in a month.[13]

Arlyn's testimony was corroborated by Dionesio Lora who saw accused-appellant in the act of raping his own daughter .[14]

Dionisio testified that he is the vice-president as well as Peace and Order Committee Chairman of his purok in Barangay Bismartz, Municipality of Don Carlos, Bukidnon; that at about seven o'clock in the evening of October 18, 1996, he was supervising a patrol around the Purok with two companions, namely, Ruby Galarpe and Rogelio

Galendez; that he had a flashlight with him; that as they were walking near a sugarcane field, they heard a cry for help from inside said field; that they hurried towards the direction of the voice, and saw and recognized the accused-appellant on top of his own daughter who was lying on the ground; that he (Dionesio) scolded the accused saying, "Stop that, she is your own daughter!"; that the accused-appellant quickly stood up and left.[15]

Dionesio further testified that he later brought Arlyn to the house of Esterlita Lora who was also a kagawad of Barangay Bismartz,[16] and married to Dionesio's cousin, Ricardo "Totong" Lora.[17] After leaving Arlyn in the care of Esterlita, Dionesio reported the incident to the Punong Barangay, Metrobio Villador.[18]

Esterlita Lora, for her part, testified that at about nine o'clock in the evening of October 18, 1996, Dionesio Lora brought Arlyn Llamo to her house, requesting that she take care of Arlyn because she had just been raped by her own father in the sugarcane field; that at that time, her husband Totong was also at home; that she let Arlyn sleep in her house; that the next morning she brought Arlyn to one Flordeliza Eborde, a social worker at the Department of Social Welfare and Development (DSWD) of Don Carlos.[19]

Flordeliza Eborde corroborated the testimony of Esterlita. She testified that in the morning of October 19, 1996, Esterlita Lora brought Arlyn Llamo to her house; that she interviewed Arlyn who told her that she had been molested by her father; that she went to Barangay New Nongnongan to inquire about Arlyn's family, particularly her mother; that she learned therein that Arlyn's mother had run away with her younger daughter; that she went to the municipal jail to interview the accused Romeo Llamo regarding the circumstances of Arlyn's birth; that she then went to the Local Civil Registrar to register the birth of Arlyn because Romeo Llamo himself told her that Arlyn's birth was not registered; that she was able to obtain a Certificate of Live Birth[20] therefrom which was offered by the prosecution as Exhibit "B;" that, she then brought Arlyn to the Maramag District Hospital for a medical examination; and, that thereafter, they went to the chief of police of Don Carlos, Bukidnon.[21]

Upon questioning by the court, Mrs. Eborde revealed that every time her father's name was mentioned, Arlyn would involuntarily urinate.[22]

The prosecution also presented the testimony of Dr. Venus Tagarda, the physician who examined Arlyn. Dr. Tagarda testified as follows:

x x x

Q Please tell the Honorable Court what was the result of your examination?

A In my examination I found old healed laceration of the hymen situated at three, five, seven and nine o'clock. And I found out that there is a positive of sexual abuse (sic).[23] (Underscoring supplied.)

x x x

The defense for its part, presented the sole testimony of accused-appellant Romeo Llamo. He testified, thus:

x x x

Q

Do you know the victim in this case Arlene Llamo?

A

Yes.

Q

How are you related to Arlene Llamo?

A

My own daughter .

Q

In February 1996 when you were residing at Public Market area of Malaybalay, Bukidnon, was Arlene Llamo living with you?

A

Yes.

x x x.

Q

In 1996 can you recall if you and Arlene resided or went to barangay Bismartz, Don Carlos, Bukidnon?

A

I can remember.

Q

When was that when you went to Bismartz in 1996?

A

October 7.

Q

1996?

A

1996.

Q

What was the reason why you and Arlene went to Bismartz in October 7, 1996?

A

I harvested palay.

x x x.

Q

By the way, when you arrived at barangay Bismartz on October 7, 1996, where did you immediately reside or live with?

A

At the house of Monding Estampador.

x x x.

Q

When you harvest the palay of Menting Estampador where was your daughter Arlene Llamo?

A

She was at the place of Monding Estampador.

x x x.

Q

How many days did you stay in Bismartz?

A

From 7th of October until after the third day wherein my daughter was lost.

x x x.

Q

What is the name of the wife of Monding Estampador?

A

Mane.

Q

Did you ask Mane where your daughter was?

A

I asked her.

Q

What was the response of Mane?

A

According to her my daughter went to Masimag.

x x x.

Q

And when you were searching for your daughter were you able to find your daughter?

A

No.

x x x.

Q

What was the information given to you by Galendez?

A

He said, "Do not worry about your daughter because she was taken by Dionesio Estampador.

Q

Are you referring to Dionesio Estampador or Dionesio Lora?

A

I mean Dionesio Lora.

Q

When you had this information what did you do?

A

I went to the house of Lora.

x x x.

Q

Since you had a some sort (sic) of solid information that your daughter is with Dionesio Lora and in fact you have already gone to report her although on a separate occasions (sic), did you not come back to their house to again look for your daughter thereat?

A

No more.

Q

In connection with this case can you recall when were you arrested?

A

I can recall.

Q

When?

A

October 20.

x x x.

Q

Do you know of any reason Mr Llamo that your daughter would forcibly testified (sic) against you?

A

None.

Q

Would you like to tell the Honorable Court that your daughter was lying?

A

She was telling a lie.

Q

Do you think that she was coached?

A

She was coached because she does not know.

Q

Now, tell us Mr. Llamo before this Honorable Court and in the eyes of God, did you really rape your daughter?

A

No, I did not rape her.

Q

Not even once?

A

No.

Q

Even when she was still young?

A

No.

Q

Until the time she was already 12 years old?

A

Not once.

Q

What would be her motive in implicating you as a rapist?

A

I do not know about that.

On cross-examination, the accused-appellant testified as follows:

Q

Mr Llamo, you said Arlene is your own daughter and do you recall when did Arlene born? (sic)

A

I can recall.

Q

When?

A

August 26, 1984.

. x x x.

Q

You mentioned of Dionesio Lora of Bismartz, Don Carlos, Bukidnon, is that correct?

A

Yes, I know him.

Q

You know him because he is your relative, is that correct?

A

Yes.

Q

One witness for the prosecution was Esterlita Lora whose husband is Ricardo Lora. Do you know spouses Esterlita Lora and Ricardo Lora?

A

Yes, I know them.

Q

Because Ricardo Lora is also your relative?

A

Yes.

Q

You have no quarrel with Esterlita Lora?

A

None.

Q

You have no quarrel with Dionesio Lora?

A

None.

Q

How about this Flordeliza Eborde considering that you know her only at the time she interviewed you at the jail in Don Carlos. Do you have quarrel with her?

A

None also.[24]

In gist, the testimony of accused-appellant Romeo Llamo consisted of his denial of the crime imputed to him, and the alibi that during the period within which the rape allegedly happened, he was in Bismartz, Don Carlos, harvesting palay. He allegedly left his daughter Arlyn in the house of one Monding Estampador in the same barangay. After three days, he allegedly came back from the ricefield to pick up Arlyn only to be told that she had gone to the nearby barangay of Masimag. According to the accused-appellant, he searched for his daughter for several days to no avail. Finally, on October 20, 1996, he was arrested for the rape of his own daughter, herein complainant Arlyn Llamo.

In convicting the accused, the trial court chose to give credence to the testimony of 12-year-old Arlyn Llamo. Said court ruled:

The court is fully convinced that accused Romeo Llamo had indeed raped his own daughter as charged. The court cannot give credence to the bare denial and unsubstantiated testimony of the accused. On the other hand, and despite her apparent low mental endowment, Arlene was able to give to the court a good account of the crime. In her simple but straightforward narration of the incident, the court cannot but be impressed that she bared painful truth. Certainly, it is difficult to believe and (sic) a girl her age would fabricate a shameful act committed by her own father whom she depended upon for all material and emotional needs. Moreover, the crime was witnessed by Dionesio Lora who, according to the accused himself, is his relative. Lora was a credible witness. He had no reason to invent a lie against the accused. Indeed, it was fortunate that Dionesio Lora, with two companions, happened to be out on patrol in the vicinity of the sugarcane field that evening performing the civic duty assigned to him as chairman of the Peace and Order Committee of his Purok. Had he not caught the accused committing the bestial act, Arlene may perhaps continued to suffer in total despair the degradation of her young body.[25]

The case is now before us on automatic review.

In his brief, accused-appellant makes a lone assignment of error, to wit:

THE TRIAL COURT GRAVELY ERRED IN CONVICTING ACCUSED-APPELLANT OF RAPE DESPITE FAILURE OF THE PROSECUTION TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.[26]

Accused-appellant argues that the claim of witness Dionesio Lora that he caught the former raping his daughter on the evening of October 18, 1996 does not jibe with the medical findings of Dr. Venus Tagarda who examined the private complainant three (3) days after the alleged rape was committed or on October 21, 1996. Dr. Tagarda testified that he found an "old healed laceration" in the hymen of private complainant. According to accused-appellant, if it were true that the alleged rape was committed on October 18, 1996, then the laceration of the private complainant's hymen should still be fresh or not totally healed.[27]

Accused-appellant's argument is untenable. Well-settled is the rule that in rape cases, the absence of fresh lacerations in complainant's hymen does not prove that she was not raped.[28] A freshly broken hymen is not an essential element of rape.[29] Healed lacerations do not negate rape.[30]

In one case, this Court ruled that the testimony of the complainant herself as supported by the medical evidence of her non-virgin state is sufficient to sustain the accused's conviction.[31]

The case of *People vs. Erardo*,[32] is another case in point. In that case, as with the one at bar, the physician who examined the victim three (3) days after the commission of rape, found old hymenal lacerations.

Accused-appellant therein contended that since the medical examination was conducted only three (3) days after the alleged rape, this implies that the hymenal lacerations already existed prior to the date of the rape.

The Court found this contention unavailing. It ruled that the claim that another person is responsible for the old healed hymenal lacerations prior to the date of the examination does not negate the commission of rape by accused-appellant when this has been demonstrated in vivid detail by complainant herself.

Similarly, in the case at bar, the defense tried to impute the crime to another person, one Uncle "Totong,"[33] to whom Arlyn reported the alleged rape.[34] This contention must fall flat in the face of Arlyn's positive assertion that it was her father, the accused-appellant Romeo Llamo who raped her.[35] A perusal of Arlyn's testimony as borne by the transcripts will show that she unhesitatingly pointed to her father as the person who deflowered her. Her testimony was simple and straightforward, consistent and unwavering, much like that of an innocent child that Arlyn Llamo was and still is. The trial court's conclusions, therefore, finding that the victim was raped by the accused-appellant, based on the direct and positive assertions of the victim, corroborated by an impartial eyewitness and the physician who examined her, deserve respect.[36]

Accused-appellant's claim that if he had libidinous designs on his daughter, he need not have brought her to the sugarcane plantation to perpetrate it because "he had every opportunity to do it at home" deserves scant consideration. Based on his own account, accused-appellant declared that when he and Arlyn went to Bismartz, Don Carlos, Bukidnon on October 7, 1996, they stayed at the house of the Estampador spouses.[37] As correctly observed by the Solicitor General, accused-appellant's reason for bringing Arlyn to the sugarcane field then becomes obvious--to be away from the prying eyes of Monding Estampador and his wife so that he can perpetrate his dastardly act with absolute ease and impunity.[38]

Finally, accused-appellant contends that the trial court failed to consider his candid and unrebutted testimony to the effect that prior to the alleged rape imputed to him, his daughter Arlyn was missing;[39] and, that he allegedly spent several days searching for her. Accused-appellant further claims that there was a great possibility that the alleged rape was committed during the time that Arlyn was missing.[40]

Accused-appellant's lame denial and alibi cannot prevail over the positive testimony of complainant as well as eyewitness Dionesio Lora and the other prosecution witnesses. Notably, while appellant consistently declared that he searched for his daughter and even reported to the authorities that she was missing, he failed to present any witness to corroborate his claim. As it is, such claim is self-serving and deserves no evidentiary value.

Denials and alibis unsubstantiated by clear and convincing evidence are negative and self-serving which deserve no weight in law and cannot be given greater evidentiary weight over the testimonies of credible witnesses who testified on affirmative matters.[41]

In the instant case, the trial court observed that "despite her apparent low mental endowment, Arlene was able to give to the court a good account of the crime. In her simple but straightforward narration of the incident, the court cannot but be impressed that she bared painful truth." The trial court, likewise, found Dionesio Lora a credible witness.[42]

Moreover, it is worthy to note that accused-appellant himself testified that he had no quarrel with any of the prosecution witnesses, two of whom are even his relatives.[43] Well-entrenched is the rule that the testimony of a rape victim is credible where she has no motive to testify against the accused;[44] more so, when such testimony is simple and straightforward, unshaken by a rigid cross-examination and unflawed by any inconsistency or contradiction. The same must be given full faith and credit.[45]

This Court has consistently held that when the victim says that she has been raped, she says in effect all that is

necessary to show that rape has been committed, and if her testimony meets the test of credibility, the accused may be convicted on the basis thereof.[46] This is all the more true where the complainant is the daughter of the accused because it is absurd that a daughter would accuse her own father of this heinous crime had she really not been aggrieved. Given the naivete, age, and low mentality of complainant, it is difficult to believe that she would fabricate a charge of rape against her own father whom she had depended on for all her material and emotional needs.

In this culture, the father is called "haligi ng tahanan," the pillar of strength upon whom his children look to for moral guidance and material as well as emotional support. The father is the "padre de familia," the head of the family who is morally and socially obligated to protect his family and to ensure their well-being.

That is why society recoils with disgust and repulsion when confronted with cases of incestuous rapes such as the one at bar. That is why we are outraged when the very person whom society in general and the family in particular, look up to is the one who betrays his family's trust and destroys the moral fibers of society. For, as stated at the outset, the man who violates the chastity of his own daughter, his own flesh and blood is reduced to a level lower than a beast. By inflicting the primitive, bestial act of incestuous lust on his own blood, such a man deserves to forfeit his place in human society.[47]

In this case, the Cour is morally convinced beyond an iota of doubt that herein accused-appellant committed the dastardly act of rape against his own daughter Arlyn.

Thus, we find that the trial court correctly imposed the penalty of death upon the accused-appellant considering the latter's relationship to the complainant who was only twelve (12) years old at the time the rape was committed. Four Justices of the Court continue to maintain the unconstitutionality of Republic Act 7659 insofar as it prescribes the death penalty; nevertheless, they submit to the ruling of the majority to the effect that this law is constitutional and that the death penalty can be lawfully imposed in the case at bar.

Article 335 of the Revised Penal Code, as amended by Section 11 of Republic Act No.7659 (An Act to Impose the Death Penalty on Certain Heinous Crimes Amending for that Purpose the Revised Penal Code, as Amended, other Special Penal Laws, and for other purposes) provides:

x x x.

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

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

The crime of rape shall be punished by reclusion perpetua.

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

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

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

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

The death penalty shall also be imposed if the crime of rape is committed with any of the following attendant circumstances:

- When the victim is under eighteen (18) years of age and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim.
- When the victim is under the custody of the police or military authorities.
- When the rape is committed in full view of the husband, parent, any of the children or other relatives within the third degree of consanguinity.
- When the victim is a religious or a child below seven (7) years old.
- When the offender knows that he is afflicted with Acquired Immune Deficiency Syndrome (AIDS) disease.
- When committed by any member of the Armed Forces of the Philippines or the Philippine National Police or any law enforcement agency.
- When by reason or on the occasion of the rape, the victim has suffered permanent physical mutilation. (Underlining supplied.)

x x x.

The presence of any of the seven special qualifying circumstances as enumerated above effectively qualifies simple rape to warrant the imposition of the death penalty regardless of the presence of other aggravating or mitigating circumstances. Under item number one (1), the concurrence of minority of the victim and her relationship to the offender constitutes one special qualifying circumstance; both should be alleged and proved.[48] In the instant case, it was specifically alleged in the complaint and information; and, indubitably proved during trial that Arlyn was under eighteen years of age, in fact only twelve years old, when the rape was committed and that the offender, Romeo, was her father. The prosecution offered the Certificate of Live Birth of Arlyn Llamo; and, more significantly Romeo admitted his paternity and Arlyn's minority at the time of the commission of the rape, in open court.[49]

Thus, the Court is constrained to affirm the death penalty imposed by the trial court. Four justices of the Court have continued to maintain the unconstitutionality of Republic Act 7659 insofar as it prescribes the death penalty; nevertheless they submit to the ruling of the majority to the effect that this law is constitutional and that the death penalty can be lawfully imposed in the case at bar.

WHEREFORE, in view of the foregoing, the decision, dated November 14, 1997, of the Regional Trial Court of Malaybalay, Bukidnon, Branch 8, finding accused-appellant Romeo Llamo guilty beyond reasonable doubt of the crime of rape against his 12-year-old daughter Arlyn Llamo, and sentencing him to suffer the maximum penalty of DEATH as defined and penalized under Section 11 of Republic Act 7659 is hereby AFFIRMED. In line with recent jurisprudence, accused-appellant is, likewise, ordered to pay, the victim in the amount of Seventy Five Thousand Pesos (P75,000.00) by way of civil indemnity damages, and the additional amount of Fifty Thousand Pesos (P50,000.00) as moral damages, with costs.

In accordance with Article 83 of the Revised Penal Code, as amended by Section 25 of R.A. 7659, upon finality of this decision, let the Records of this case be forthwith forwarded to the Office of the President for possible exercise of his pardoning power.

SO ORDERED.

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

[1] *People vs. Gabayron*, 278 SCRA 78 (1997).

[2] *People vs. Ramos*, 165 SCRA 400 (1988).

[3] *People vs. Melivo*, 253 SCRA 347 (1996).

[4] *People vs. Dusohan*, 227 SCRA 87 (1993).

[5] *People vs. Melivo*, *supra*.

[6] *Records*, p. 15.

[7] *Id.*, at 59.

[8] *Rollo*, p. 12.

[9] *Ibid.*

[10] *TSN*, July 2, 1997, p. 12.

[11] *Id.*, at 12-21.

[12] *Rollo*, p. 12.

[13] *Ibid.*

[14] *Rollo*, p. 13.

[15] *Ibid.*

[16] *TSN*, July 2, 1997, pp. 27-28.

[17] *Id.*, at 28; *TSN*, July 15, 1997, pp. 3-4.

[18] *TSN*, July 2, 1997, p. 28.

[19] *TSN*, July 15, 1997, pp. 4-5.

[20] *Records*, p. 47.

[21] *TSN*, July 15, 1997, p. 14.

[22] *Id.*, at 17.

[23] *TSN*, July 2, 1997, p. 5.

[24] *TSN*, July 28, 1997, pp. 3-32.

[25] *Records*, pp. 58-59.

[26] *Rollo*, p. 30.

[27] *Id.*, at 38.

[28] People vs. Ngo, 202 SCRA 549 (1991).

[29] People vs. Madridano, 227 SCRA 363 (1993).

[30] People vs. Liquiran, 228 SCRA 62 (1993).

[31] People vs. Joaquin, Jr., 225 SCRA 179 (1993).

[32] 277 SCRA 643 (1997).

[33] TSN, July 2, 1997, p. 20.

[34] Id., at 14.

[35] Id., at 17 & 20.

[36] People vs. Dejucos, 156 SCRA 469 (1987).

[37] Rollo, p. 71.

[38] Ibid.

[39] Rollo, p. 39.

[40] Id., at 39-40.

[41] People vs. Gayon, 269 SCRA 587 (1997).

[42] Rollo, pp. 15-16.

[43] TSN, July 28, 1997, pp. 26 & 32.

[44] People vs. Matamorosa, 231 SCRA 509 (1997).

[45] People vs. Saballe, 236 SCRA 365 (1994).

[46] People vs. Hangdaan, 201 SCRA 568 (1991); People vs. Erardo, supra.

[47] People vs. Melivo, supra.

[48] People vs. Sacapaño, G.R. No.130525, September 3, 1999.

[49] TSN, July 28, 1997, pp. 3 & 28.

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.