

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. AVELINO MABONGA Y BABON, APPELLANT.

G.R. No. 134773. June 29, 2004

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.:

Appeal from the Decision[1] dated March 17, 1998 of the Regional Trial Court, Branch 76, San Mateo, Rizal, in Criminal Case No. 3223 convicting Avelino Mabonga, appellant, of rape and sentencing him to reclusion perpetua. He was ordered to pay the victim, Janice Malacaman, P50,000.00 as moral damages, and costs.

The Information[2] charges appellant as follows:

“That on or about the 20th day of April, 1997, in the Municipality of Rodriguez, Province of Rizal, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, by means of threats, force and intimidation and with lewd design or intent to cause or gratify his sexual desire or abuse, humiliate or degrade complainant, did then and there willfully, unlawfully and feloniously have sexual intercourse with JANICE MALACAMAN Y BRANDIS, mentally incapacitated, 13 years old, without her consent and against her will.

Contrary to law.”

Upon arraignment on June 6, 1997, appellant, assisted by counsel, pleaded not guilty to the crime charged. Trial ensued thereafter.

The evidence for the prosecution, as borne by the records, shows that complainant Janice “Bobot” Malacaman was born on September 29, 1983 to spouses Narciso and Evelyn Brandis Malacaman.[3] But the couple separated, prompting Janice to live with her mother and stepfather Efren Pascual at G. Ramos Street, Barangay Geronimo, Rodriguez, Rizal. When Janice was 8 years old, she suffered from epilepsy.[4] During the period from 1993 to 1996, she was examined and treated by Dr. Ricardo Atengco at the Amang Rodriguez Medical Center. He diagnosed her illness as a neurological disorder that causes delay in her neuro-developmental status.[5] He explained that although Janice is already 13 years old, however, her mentality is that of a 6 or 7 year old.[6]

On April 20, 1997, Evelyn, Janice’s mother, went to Marikina. Before leaving, she requested her neighbor Jennifer Ayad to watch her daughter Janice.[7] At around 7:00 o’clock in the evening that same day, Janice went home to eat.[8] As she was approaching the house, she saw Rolando Ayad and appellant Avelino Mabonga lying on a bench.[9] She noticed that both men were drunk.[10] Suddenly, appellant dragged her to a toilet situated outside an abandoned house[11] and commanded her to undress and lie down. Then he removed his pants and placed himself on top of her.[12] Against her will and consent, he inserted his penis inside her vagina and sexually ravished her.[13] Soon, appellant’s wife Rita and other neighbors arrived.[14] At that instance, Janice heard Rita ordering appellant to stop.[15]

At about the same time, Rolando, who was seated beside appellant, was awakened. Although he was dizzy and

suffering from a headache,[16] he saw appellant dragging Janice, while she struggled and resisted.[17] Appellant subdued her as they proceeded to a toilet located outside an abandoned house about 60 feet away.[18] Unknown to them, he trailed behind. He saw appellant naked on top of Janice.[19] Frightened that appellant was armed with a weapon, he immediately left and sought help from his neighbors and appellant's wife Rita.[20]

Rafael Ayad, upon being informed of the incident by his niece Jennifer, ran towards the toilet[21] and saw appellant naked on top of Janice.[22] He then instructed Jennifer to report the incident to the police.[23] Before leaving, he heard appellant's wife shouting, "anong ginagawa mo diyan?" (what are you doing there?).[24]

Meanwhile, SP01 Ronaldo San Diego arrived.[25] He found appellant lying on the street. Rolando, who was beside appellant, informed SP01 San Diego that appellant sexually molested Janice.[26] Then SP01 San Diego and Rolando brought appellant to the police station at Rodriguez, Rizal.[27]

At the police station, P01 Lope Macauba, Jr. conducted an investigation. Janice identified appellant as the one who sexually abused her. This was confirmed by Rolando. Thereupon, both executed their sworn statements.[28]

The next day, Janice and her mother went to the Crime Laboratory of the Philippine National Police (PNP) at Camp Crame, Quezon City.[29] There, Janice was examined by Dr. Tomas D. Suguitan who issued Medico-Legal Report No. M-1454-97[30] with the following findings:

"GENITAL:

There is absence of pubic hair. Labia majora are full, convex, coaptated and congested with the congested labia minora presenting in between. On separating the same disclosed an elastic, fleshy-type hymen with deep healing laceration at 3 o'clock and shallow healing laceration at 6 o'clock position. External vaginal orifice offers strong resistance to the introduction of the examining index finger and the virgin-sized vaginal speculum. Vaginal canal is narrow with prominent rugosities. Cervix is normal in size, color and consistency.

CONCLUSION:

Findings are compatible with recent loss of virginity. There are no external signs of application of any form of violence.

x x x."

Dr. Suguitan confirmed on the witness stand that the ruptures or lacerations at Janice's hymen were "recently inflicted"[31] and could have been caused by the insertion of an erected male organ.[32]

Appellant Avelino Mabonga vehemently denied the charge. He testified that at around 1:00 o'clock in the afternoon of April 20, 1997, the day of the incident, he was in Barangay Isidro drinking gin with his friends. After drinking 5 bottles of gin, he decided to go home. On his way, he met Rolando who was seated in front of Janice's house. Rolando invited him to drink, at the same time asking money from him. When he acceded, Rolando instructed his nephew to buy 4 bottles of gin. But before they could consume the 4 bottles, he fell to the pavement and slept. When he woke up, he was surprised to find himself detained at the Rodriguez Police Station. He further claimed that in testifying against him, Rolando and Rafael were motivated by hatred that stemmed from a land dispute. In fact, Rolando even threatened him saying, "may araw ka rin."

Rita Mabonga, appellant's wife, corroborated his testimony.

Cresencio Cabiao, a resident of Libis Riverside, same municipality, testified that on April 20, 1997, at around 7:00 o'clock in the evening, while on his way to a store, he saw appellant lying on a concrete pavement. He noticed that appellant was drunk. On his way home after 30 minutes, he saw appellant still lying on the same pavement.

On March 17, 1998, the trial court rendered a Decision, the dispositive portion of which reads:

“WHEREFORE, premises considered, judgment is hereby rendered finding herein accused Avelino Mabonga guilty beyond reasonable doubt of the crime of Rape as defined and penalized under Art. 335 of the Revised Penal Code, and sentencing him to suffer reclusion perpetua, and to indemnify herein private complainant Janice Malacaman in the amount of P50,000.00 as moral damages and to pay the costs.

SO ORDERED.”

Appellant, in his brief, raised this lone assignment of error:

“THE COURT A QUO ERRED IN CONVICTING THE ACCUSED-APPELLANT NOTWITHSTANDING THE FAILURE OF THE PROSECUTION TO ESTABLISH HIS GUILT BEYOND REASONABLE DOUBT.”

The basic issue for our resolution is whether the prosecution has established appellant’s guilt by evidence beyond reasonable doubt.

The crime, as alleged in the Information, was committed on April 20, 1997. Hence, the law applicable to the case at bar is Article 335 of the Revised Penal Code, as amended by R.A. 7659,[33] which provides:

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

- 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.

x x x.”

The above provision refers to the crime of simple rape committed under any of the following circumstances: (1) by using force or intimidation; (2) when the woman is deprived of reason or otherwise unconscious; and (3) when the woman is under 12 years of age (statutory rape) or is demented.[34]

As shown by the evidence for the prosecution, Janice does not possess the intelligence of a normal girl. At 13, when the crime was committed, she had a mental capacity of a 6 or 7 year old child. Dr. Ricardo Atengco, her physician for three years, testified that her mental faculties are different from those of a fully-functioning 13 year old, thus:

“FISCAL FLORANTE RAMOLETE:

x x x

Q Doctor, do you know a person by the name of Janice Malacaman?

A Yes, sir.

Q Why do you know her?

A She was my former patient at Amang Rodriguez Medical Center, sir.

Q Since when have you been the doctor of Janice Malacaman?

A I have seen her first in the year 1993 at the outpatient department, sir.

Q And up to the present she is your patient, doctor?

A Not anymore, sir, because I am already in private practice.

Q Up to what year has she been your patient?

A Up to the year of 1996, sir.

Q And as your patient from 1993 up to 1996, what is her illness?

A She was diagnosed to have epilepsy, sir.

x x x

Q

Kindly enlighten us doctor about this epilepsy. Please give us a short background or description about this disease, epilepsy?

A

Epilepsy is a neurological disorder wherein there is a sort of a short circuit in the brain. So when the patient goes into attack, the patient goes into convulsion and this seizure is usually precipitated by an illness or stress or anything that could precipitate an attack, sir.

Q So, it affects the brain?

A Yes, sir.

Q

But although it affects the brain, in your opinion doctor, can a victim suffering from epilepsy still understand a little bit of what she is doing?

A

When we say epilepsy, this condition is usually related to a delay in the neuro-developmental status of the patient. Since this patient has epilepsy, her mentality does not correlate with her actual age. If this patient is 13 years old, her mental age could be that of a 6 or 7 year old, sir.

x x x.”[35]

But despite Janice’s mental condition, she was able to testify clearly that appellant had carnal knowledge of her by using force and intimidation. He pulled her and inserted his penis into her vagina, thus:

“FISCAL FLORANTE RAMOLETE:

x x x

Q Miss witness, are you the same Janice Malacaman, the complainant against Avelino Mabonga?

A Yes, sir.

Q What did Avelino Mabonga do to you?

A He pulled me, sir.

Q What else did Avelino Mabonga do to you aside from pulling you?

A He brought me to a destroyed comfort room (dinala ako sa sirang kubeta), sir.

Q What did Avelino Mabonga do to you in that 'sirang kubeta'?

A

He asked me to remove my panty and shorts and also his pants and shorts, sir. Then he asked me to lie down as he laid on top of me.

Q What else did he do to you?

A He inserted his penis into my vagina (pinasok po niya and titi niya sa buray ko) sir.

Q Is accused present here, Miss witness?

A Yes, sir.

x x x

Q Do you know when Avelino Mabonga inserted his penis into your vagina, madam witness?

A Last night, sir.

Q Did you give your statement to the police in connection to what Avelino Mabonga did to you?

A Yes, sir.

x x x.”[36]

During cross-examination, Janice never wavered in her assertion that appellant ravished her and this incident was even witnessed by appellant's wife, thus:

“x x x

FISCAL FLORANTE RAMOLETE:

Q What did Ave do to you?

A Hinila ako sa sirang kubeta, sir.

Q What did he do next after pulling you to a comfort room?

A He asked me to remove my shorts, sir. Siya naman ay nagbaba ng pantalon at shorts niya, sir.

Q After that, what happened?

A Dumapa po naman siya sa akin, sir.

Q After that, what happened?

A Ipinasok niya ang titi niya sa buray ko, sir.

Q After that, what happened?

A Nakita ng asawa niya, sir.

Q You testified earlier that his wife saw the incident, was Avelino still on top of you, at that time?

A Yes, sir.

x x x.”[37]

In his brief, appellant assails Janice's credibility, stressing that her narration of the sordid details of the incident

was not only rehearsed but coached by her mother and witness Rolando Ayad.

Janice's intelligence is admittedly deficient. Thus, if the crime did not actually happen, she could not have narrated in detail how appellant ravished her. The present case is analogous to *People vs. Goles*,^[38] where the victim therein is a mental retardate. There, we ruled:

"It would be preposterous to assume that the victim, whose intelligence quotient is admittedly low, could have concocted the grave charge of rape, or that she and her mother would go into the trouble of having her medically examined, going to court and advertising to the whole world she had been raped, if the charge was merely invented."

We reject appellant's contention that Janice was coached by her mother and witness Rolando Ayad. It bears stressing that "no young and decent lass will publicly cry rape if such were not the truth."^[39] In fact, no woman would be willing to undergo a public trial, along with the shame, humiliation and dishonor of exposing her own degradation, were it not to condemn an injustice and to have the offender apprehended and punished.^[40] Also, it is highly unnatural for a mother, virtuous or not, to use her own daughter as "an engine of malice, especially if it will subject her to embarrassment and even stigma."^[41]

As found by the trial court, Janice, being only 13 years old and an epileptic, could have been an easy victim of appellant's bestial desire, thus:

"Complainant, under the circumstances, could have been easily cowed into submitting to offender's evil design. She is thirteen (13) years old and an epileptic suffering from a delayed neuro-developmental status that makes her mentality incapable of correlating with her actual age. This was attested by her physician, Dr. Ricardo Atengco of the Amang Rodriguez Medical Center, who treated complainant from 1993 to 1996."^[42]

While Janice failed to resist appellant's lustful advances, it does not indicate that she consented thereto. On this point, the late Chief Justice Ramon C. Aquino explained the insignificance of consent when rape is committed on a woman suffering some mental deficiency impairing her reason or free will (like the victim here), thus:

"x x x in the rape of the woman deprived of reason or unconscious, the victim has no will. The absence of will determines the existence of rape. Such lack of will may exist not only when the victim is unconscious or totally deprived of reason, but also when she is suffering some mental deficiency impairing her reason or free will. In that case, it is not necessary that she should offer real opposition or constant resistance to the sexual intercourse. Carnal knowledge of a woman so weak in intellect as to be incapable of legal consent constitutes rape. Where the offended woman was feeble-minded, sickly and almost an idiot, sexual intercourse with her is rape. Her failure to offer resistance to the act did not mean consent for she was incapable of giving any rational consent."^[43]

Janice's testimony is corroborated by her neighbors, Rolando and Rafael. Both categorically testified that they saw appellant having sexual intercourse with her on the day in question, thus:

"FISCAL FLORANTE RAMOLETE:

x x x

Q How far is this demolished house from that place where you saw Avelino Mabonga dragging Bobot?

A Very near, sir.

Q

From where you are seated now, will you kindly show the distance between the demolished house and that place where Avelino Mabonga dragged Bobot?

A The distance is about 60 ft., sir.

x x x

Q What else did you do next, Mr. Witness?

A Meron po akong nasa isip. Na baka ganoon nga ang mangyari dahil naalimpungatan po ako noon, sir.

Q What did you foresee will happen when you saw Avelino dragging Bobot?

A He might do something wrong to her, sir. So I followed them to that place. There, I saw Avelino naked, sir.

Q Do you mean to say that he was completely naked, Mr. witness?

A Yes, sir.

Q What else did you see?

A I saw him on top, sir.

Q On top of whom, Mr. witness?

A On top of the child, sir.

x x x.”[44]

“Q

Where is this toilet that your niece was referring to when she shouted, ‘Avelino Mabonga is pulling or dragging Bobot to a toilet’?

A At the back of our house, sir.

Q And were you able to go to that toilet, Mr. witness?

A Yes, sir.

Q What did you see?

A I saw Avelino Mabonga, sir.

Q Was he alone then, Mr. witness?

A No, sir.

Q What was Avelino Mabonga doing there?

A He was on top of the child, sir.

Q You are referring to Bobot, Mr. witness?

A Yes, sir.

Q You said that he was on top of Bobot, did you notice his body, Mr. witness?

A He was not wearing anything, sir. Not a single clothing.

Q So, do you want to impress upon this Court that he was completely naked, Mr. witness?

A Yes, sir.

x x x

Q Why didn't you stop Avelino Mabonga when you saw him on top of Bobot, Mr. witness?

A

I was worried that Avelino Mabonga might be carrying something that would cause harm to the girl and myself, sir.

Q After calling your niece, Mr. witness, what else did you do?

A I asked her to call the police, sir.

x x x

Q Mr. witness, what transpired next?

A I saw the wife of Ave proceeding to the place where Ave was. She was shouting, sir.

x x x

Q Mr. witness, you said that she was shouting, what did you hear, if any?

A She was cursing (minumura) Ave, sir.

Q What else did you hear when Rita was shouting, Mr. witness?

A She shouted, 'what are you doing there?' (Anong ginagawa mo diyan?)

x x x."[45]

But appellant discredits the above testimonies, imputing ulterior motive on their part.

It is immaterial and irrelevant whether Janice's testimony was corroborated or not. Corroborative testimony frequently unavailable in rape cases, is not essential to warrant a conviction for the crime.[46] An accused may be convicted solely on the basis of the victim's testimony.[47]

On this point, the trial court gave full credence and weight to the corroborative testimonies of said witnesses that appellant had carnal knowledge of Janice by means of force and intimidation, thus:

"That carnal knowledge of complainant was accomplished by means of force and intimidation, has likewise been established. Eyewitnesses' account and even the testimony of complainant herself revealed how she was forcibly dragged by the offender to an abandoned structure (toilet). x x x.

And the identity of the culprit cannot be questioned. Accused herein was positively identified by complainant. Even the eyewitnesses, whose testimonies have not been impeached, pinpoint the accused as the person who committed the detestable act. Jurisprudence have consistently maintained that positive identification prevails over an accused's bare denial. The defense's attempt to attribute evil motive to the prosecution witnesses to falsely testify against herein accused, miserably failed.

x x x."[48]

Equally unconvincing is appellant's claim that sexual assault is totally negated by the findings of the PNP Crime Laboratory Medico-Legal Officer that there are "no external signs" of force upon the victim and that her hymen has "healing lacerations."

We have repeatedly held that "the absence of external signs of physical injuries does not cancel out the commission of rape, since proof of injuries is not an essential element of the crime." [49] In fact, even the absence of fresh lacerations does not preclude the finding of rape. Laceration of the hymen is not an element of the crime of rape.[50] Suffice it to say that Dr. Suguitan in his Medico-Legal Report, emphatically concluded that the above

“findings are compatible with recent loss of virginity.”[51]

Appellant also underscores the impossibility of committing rape in the presence of people, such as his wife and neighbors. But it is a common judicial experience that “the presence of people nearby does not deter rapists from committing their odious act. Rape can be committed even in places where people congregate, in parks, along the roadside, within school premises, inside a house where there are several occupants and even in the same room where other members of the family are sleeping.”[52]

Appellant’s bare denial cannot exculpate him. It cannot prevail over the positive testimony and categorical assertion of Janice that appellant sexually abused her.

In *People vs. Pancho*,[53] we aptly held:

“Appellant’s denial is an inherently weak defense. It has always been viewed upon with disfavor by the courts due to the ease with which it can be concocted. Inherently weak, denial as a defense crumbles in the light of positive identification of the accused, as in this case. The defense of denial assumes significance only when the prosecution’s evidence is such that it does not prove guilt beyond reasonable doubt. Verily, mere denial, unsubstantiated by clear and convincing evidence, is negative self-serving evidence which cannot be given greater evidentiary weight than the testimony of the complaining witness who testified on affirmative matters.”

And so, the trial court correctly found appellant guilty of the crime of simple rape through force and intimidation. There being neither aggravating nor mitigating circumstance that attended the commission of the crime, the trial court, thus, properly imposed upon appellant the penalty of reclusion perpetua, pursuant to Article 335 of the Revised Penal Code, as amended, earlier quoted.

With respect to appellant’s civil liability, aside from the award of moral damages of P50,000.00, the trial court should have awarded the victim P50,000.00 as indemnity ex delicto. Such award is mandatory upon the finding of the fact of rape.[54]

WHEREFORE, the appealed Decision dated March 17, 1998 of the Regional Trial Court, Branch 76, San Mateo, Rizal, in Criminal Case No. 3223 is hereby **AFFIRMED** with **MODIFICATION** in the sense that in addition to the award of P50,000.00 as moral damages to herein victim, Janice Malacaman, appellant **AVELINO MABONGA** is also ordered to pay her P50,000.00 as civil indemnity.

With costs de oficio.

SO ORDERED.

Corona, and Carpio-Morales, JJ., concur.
Vitug, (Chairman), J., on official leave.

[1] Penned by Judge Jose C. Reyes, Jr., Rollo at 23-33.

[2] Rollo at 7.

[3] Exhibit “D” Certificate of Live Birth, RTC Records at 62.

[4] Transcript of Stenographic Notes (TSN), July 29, 1997 at 13.

[5] TSN, July 10, 1997 at 3-4.

[6] Id. at 4.

[7] TSN, July 29, 1997 at 12; and 17.

[8] TSN, July 10, 1997 at 8.

[9] Id. at 5-6.

[10] Id.

[11] Id. at 6.

[12] TSN, July 2, 1997 at 3; and July 10, 1997 at 6-8.

[13] Id.

[14] TSN, July 10, 1997 at 6; and July 17, 1997 at 3.

[15] TSN, July 17, 1997 at 3.

[16] TSN, June 25, 1997 at 12; and 14.

[17] Id. at 4 and 10-11.

[18] Id. at 4; and 11.

[19] Id. at 10.

[20] Id. at 10-12.

[21] TSN, September 17, 1997 at 5.

[22] Id.

[23] Id. at 6.

[24] Id.

[25] TSN, August 13, 1997 at 3.

[26] Id. at 4.

[27] Id.

[28] TSN, August 21, 1997 at 4-7; June 25, 1997 at 6-7; and July 2, 1997 at 3-4.

[29] TSN, July 29, 1997 at 14.

[30] TSN, July 17, 1997 at 8-10; Exhibit "C", Records at 61.

[31] TSN, July 17, 1997 at 9-10.

[32] Id. at 10.

[33] New provisions on rape are found in Articles 266-A to 266-D under Crimes Against Persons. Article 335 has been repealed by R.A. No. 8353 (Anti-Rape Law of 1997) effective October 22, 1997.

[34] See *People vs. Jose Santos*, G.R. Nos. 137828-33, March 23, 2004 at 10.

[35] TSN, July 10, 1997 at 2-4.

[36] TSN, July 2, 1997 at 3.

[37] TSN, July 10, 1997 at 8-9.

[38] G.R. No. 91513, December 21, 1990, 192 SCRA 663, cited in *People vs. Maceda*, G.R. No. 138805, February 28, 2001, 353 SCRA 228, 242.

[39] See *People vs. Tabanggay*, G.R. No. 130504, June 29, 2000, 334 SCRA 575, 597, citing *People vs. Castromero*, 280 SCRA 421 (1997).

[40] *People vs. Diasanta*, G.R. No. 128108, July 6, 2000, 335 SCRA 218, 226, citing *People vs. Lusa*, 288 SCRA 296 (1998); *People vs. Adora*, 275 SCRA 441 (1997); *People vs. Junio*, 237 SCRA 826 (1994); *People vs. Lagrosa, Jr.*, 230 SCRA 298 (1994); and *People vs. Domingo*, 226 SCRA 156 (1993).

[41] *People vs. Galleno*, G.R. No. 123546, July 2, 1998, 291 SCRA 761, 774, citing *People vs. Dones*, 254 SCRA 696 (1996).

[42] See RTC Decision, *supra*. at 32.

[43] Aquino, Ramon C., Revised Penal Code, 1988 Edition, Vol. III at 393-394, cited in *People vs. Namayan*, 246 SCRA 646, 655 (1995); and *People vs. Quiñones*, 222 SCRA 249, 253 (1993).

[44] TSN, June 25, 1997 at 4-5 (direct testimony of Ronaldo Ayad).

[45] TSN, September 17, 1997 at 5-6 (direct testimony of Rafael Ayad).

[46] *People vs. Osing*, G.R. No. 138959, January 16, 2001, 349 SCRA 310, 315.

[47] *People vs. Abon*, G.R. No. 130662, October 15, 2003 at 8, citing *People vs. Dalisay*, G.R. No. 133926, August 6, 2003; and *People vs. Agustin*, 365 SCRA 667 (2001).

[48] See RTC Decision, *supra*.

[49] *People vs. Osing*, *supra*., citing *People vs. Casipit*, 232 SCRA 638 (1994).

[50] *People vs. Pancho*, G.R. Nos. 136592-93, November 27, 2003 at 12, citing *People vs. Pruna*, 390 SCRA 577 (2002); *People vs. Geraban*, 358 SCRA 213 (2001); *People vs. Esteves*, 390 SCRA 135 (2002); *People vs. Llamo*, 323 SCRA 791 (2000); and *People vs. Sapinoso*, 328 SCRA 649 (2000).

[51] Exhibit "C", *supra*.

[52] *People vs. Belga*, G.R. No. 129769, January 19, 2001, 349 SCRA 678, citing *People v. Lusa*, 288 SCRA 296 (1998); and *People vs. Antonio*, 333 SCRA 201 (2000).

[53] *Supra*. at 13, citing *People vs. Watiwat*, G.R. No. 139400, September 3, 2003; *People vs. Colisao*, 372 SCRA 20 (2001); and *People vs. Musa*, 371 SCRA 234 (2001).

[54] *People vs. Ayuda*, G.R. No. 128882, October 2, 2003 at 14, citing *People vs. Escaño*, 376 SCRA 670 (2002); and *People vs. Arizapa*, 328 SCRA 214 (2000).

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