

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. IRENEO PADILLA Y VILLASEÑOR ALIAS & IRING, DEFENDANT-APPELLANT.

G.R. No. 137648. March 30, 2001

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PER CURIAM:

On automatic review is the decision of the Regional Trial Court, Branch 166 of Pasig City in Criminal Case No. 109270-H finding herein accused-appellant Ireneo Padilla y Villaseñor guilty beyond reasonable doubt of raping his own daughter and sentencing him to suffer the supreme penalty of death.

On November 8, 1995, Eula Padilla,[1] assisted by her mother, Esmeralda D. Sarmiento, filed a complaint charging her father, Ireneo Padilla with rape, committed as follows:

That on or about the 3rd day of November, 1995 in the Municipality of Taguig, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs and by means of force, threats, violence and intimidation, did then and there willfully, unlawfully and feloniously have sexual intercourse with the undersigned complainant Eula Padilla, a 10 year old girl, who is his own daughter against the latter's will and consent.[2]

On arraignment, accused-appellant pleaded guilty to the offense charged but upon being informed that the imposable mandatory penalty is death, he withdrew his former plea and entered a plea of not guilty. The case then proceeded to trial.

The prosecution presented as evidence the testimonies as well as the sworn statements of private complainant Eula Padilla and her mother, Esmeralda Sarmiento and the sworn statements of Dr. Owen Libaquin, the examining physician and Police Officer I Romeo Oreta, the arresting officer.

Eula Padilla recounted the incident as follows:

At around three o'clock in the morning of November 4, 1995, while she was sleeping in their house at No. 44 Pag-asa Street, Signal Village, Taguig, Metro Manila, her father Ireneo Padilla, the accused-appellant, tied both her hands and feet, covered her mouth and undressed her. The accused-appellant then forcibly inserted his penis inside her vagina. Eula felt pain in her private part and cried but she could not do anything because her hands and feet were tied. After the sexual act, her father untied her and immediately left the house.

At noontime of the same day, her mother noticed bloodstains on her shorts. Unsure of whether the bloodstains were caused by menstrual period, her mother called her grandmother who lived just a few houses away. Upon confrontation by her grandmother, Eula disclosed that she was raped by her father. The following day, November 5, 1995, her mother brought her to the Philippine National Police Crime Laboratory Service (PNPCLS) in Camp Crame, Quezon City for medical examination.[3]

Complainant's mother, Esmeralda Sarmiento Padilla, corroborated complainant's account. She testified that accused-appellant Ireneo Padilla is her husband and private complainant Eula Padilla is their daughter. On

November 4, 1995, she noticed bloodstains on the shorts of Eula so she asked her to change. Unsure of whether her daughter was already menstruating, she called her mother (complainant's grandmother) who talked to private complainant and asked her what happened. It was then that Eula disclosed that she was raped by the accused-appellant. Esmeralda confronted her husband and asked him if there was any truth to what her daughter narrated. The accused-appellant replied, "Hindi daw niya alam kung bakit nagawa niya iyon." After taking her daughter to the Rizal Medical Center for treatment, she reported the incident to the police. On November 5, 1995, the police headed by Police Officer I Romeo Oreta arrested the accused-appellant in his house and brought him to the police station where he was investigated and detained. Esmeralda voluntarily turned over her daughter to the custody of the Department of Social Welfare and Development (DSWD).[4]

After conducting a physical examination of private complainant, Dr. Owen Libaquin, the medico-legal officer, submitted the following findings in his Medico-legal Report :

General and Extra-Genital:

Fairly nourished, fairly developed, and coherent female child. Breasts are undeveloped. Abdomen is flat and tight.

Genital:

There is absence of pubic hair. Labia majora are full, convex and coaptated with an abraded and congested labia minora presenting in between. On separating the same disclosed an elastic, fleshy-type and markedly congested hymen with fresh, compound laceration at 6:00 o'clock extending to the posterior fourchette. External vaginal orifice offers strong resistance to the introduction of the examining index finger. Vaginal canal is tight and reveals fresh and clotted blood.

Conclusion:

Findings are compatible with recent loss of virginity.

There are no external signs of application of any form of violence.

Remarks:

Vaginal and periurethral smears are negative for gram-negative diplococci and for spermatozoa.[5]

In view of the admission by counsel for the accused-appellant of the due execution of the medico-legal report prepared by Dr. Libaquin, his testimony was dispensed with. The prosecution also admitted the due execution of the sworn statement of SPO1 Romeo Creta and he was no longer presented on the witness stand.[6]

On the other hand, accused-appellant Ireneo Padilla vehemently denied the accusation against him. He claimed that in the evening of November 3, 1995, he was sleeping with his wife Esmeralda and their three children, Eula, 10 years old, Joel, 7 years, and Angie, 5 in their house at No. 38 Pag-asa Street, Signal Village, Taguig, Metro Manila. At around six o'clock of the following morning, he left their house and proceeded to the talipapa to check on his fruit and vegetable stall as it rained the whole night due to typhoon "Rosing." In the early morning of November 5, 1995, he was surprised when several police officers arrested him in their house and brought him to the Taguig Police Station. He denied having sexually abused his daughter Eula and maintained that it is a mere fabrication instigated by his parents-in-law who did not like him.[7]

On January 12, 1999, the trial court rendered its decision convicting accused-appellant and sentencing him as follows:

WHEREFORE, the court finds accused Ireneo Padilla y Villaseñor Guilty beyond reasonable doubt of the

crime of Rape charged in the Information and is hereby sentenced to suffer the supreme penalty of Death, and indemnify the victim Eula Padilla, the sum of Fifty Thousand (P50,000.00) Pesos.

The accused-appellant raises the following errors before us:

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED OF THE CRIME CHARGED DESPITE THE VAGUE TESTIMONY OF THE PRIVATE COMPLAINANT.

THE TRIAL COURT GRAVELY ERRED IN IMPOSING THE DEATH PENALTY DESPITE THE PROSECUTION (sic) FAILURE TO PROVE THE QUALIFYING CIRCUMSTANCE OF RELATIONSHIP.

The Court has repeatedly reiterated the three principles that guide its review of rape cases, to wit: (1) an accusation for rape can be made with facility; it is difficult to prove but more difficult for the person accused to disprove; (2) in view of the intrinsic nature of the crime of rape where only two persons are usually involved, the testimony of the complainant is scrutinized with extreme caution; and (3) the evidence for the prosecution stands or falls on its own merits and cannot be allowed to draw strength from the weakness of the defense.[8]

Conviction or acquittal in a rape case more often than not depends almost entirely on the credibility of the complainant's testimony because by the very nature of this crime, it is usually only the victim who can testify as to its occurrence.[9] In rape cases, the accused may be convicted solely on the basis of the testimony of the victim, provided that such testimony is credible, natural, convincing and consistent with human nature and the normal course of things.[10] And, in the evaluation of the credibility of the complainant's testimony, the sound determination and conclusion by the trial court is accorded much weight and respect.[11]

In the case under scrutiny, we find no compelling reason to overturn the factual findings of the trial court. The testimony of the complainant, Eula Padilla, who was only ten years old at the time she testified, deserves full faith and credit. Her simple, positive and straightforward recounting on the witness stand of her harrowing experience lends credence to her accusation. Moreover, being a mere child of tender years, her age belies any allegation that her charge was a mere concoction or fabrication impelled by some ill-motive or revenge. As has been stressed by this Court in numerous cases, when a woman or a child victim says that she has been raped, she in effect says all that is necessary to show that rape was indeed committed.[12]

Accused-appellant faults the prosecution in the way it conducted its direct examination of the complainant. It is argued that a rape case is not prosecuted by merely referring to the sworn statement executed by the complainant and asking her to confirm such statements; on the contrary, all the material allegations sufficient to prove the crime complained of should be established by the clear testimony of the complainant on the witness stand. Reference is made to the following portions of the direct examination:

COURT:

The question is too general, you better ask her the event and the date.

q Do you remember having executed or signed a sworn statement?

a Yes sir.

q If that statement is presented to you can you recognize it?

a Yes sir.

q I am presenting to you a one page sworn statement will you please examine it and tell us if this is the statement?

a Yes this my statement (sic).

q There is a signature above the name Eula S. Padilla, do you know whose signature is this?

a Mine sir.

q Do you now affirm the contents of this statement?

a Yes sir.

FISCAL PANDAC:

May I request that this be marked as Exh. A and the signature as Exh. A-1.

q

In this question No. 9 and also the answer which I quote "Sinong isusumbong mo?" and your answer "Ang tatay ko po" do you affirm this?

a Yes sir.

q

And also in question no. 10 which I quote "Bakit mo isusumbong ang tatay mo? "Kasi po itinali niya ang kamay pati paa ko at tinakpan niya ang bibig ko pagkatapos po ay hinubaran niya ako at pinilit niyang ipinasok ang bird niya sa ari ko", do you understand this?

a Yes sir, I confirm that.

FISCAL PANDAC:

May I request your Honor that question no. 10 be marked as Exh. A-2.

q Did you ask your father why he do that to you? (sic)

a No sir.

xxx xxx xxx

q

In question no. 12 and 13 which I quote "Naipasok ba naman ng tatay mo ang bird niya sa ari mo?" and your answer "Opo, naipasok po", do you affirm this?

a Yes sir.

q This q-13 ano naman ang naramdaman mo" answer "masakit po", do you affirm this?

a Yes sir.

q

This tanong no. 14 "Ano naman ang ginawa mo ng maramdaman mong masakit?" sagot "sinabi ko po sa tatay ko na masakit pero wala po akong magawa dahil nakagapos po ako", do you affirm this?

a Yes sir.

FISCAL PANDAC:

May I request that the question no. 12, 13 and 14 be bracketed and marked as Exh.- A3.

q

In tanong no. 15 which I quote "kailan ba naman ginawa sa iyo ng tatay mo?" sagot "Noon pong bumabagyo ng gabi pets (sic) 3 ng Nobyembre 1995", do you affirm this?

a Yes sir.

q

Tanong no. 16 "Saang lugar ba naman ginawa sa iyo ito ng tatay mo? sagot "sa loob po ng bahay namin", do you affirm this?

a Yes sir.

q

In Tanong No. 17 "Anong oras ba naman ginawa sa iyo ito ng tatay mo"? sagot - "maguumaga na po, sa tingin ko po'y mag- aalas-tres ng umaga", do you affirm this?

a Yes sir.

FISCAL PANDAC:

May I request that questions Nos. 15, 16 and 17 and the answers be marked as Exh. A-4.[13]

We do not agree with accused-appellant's contention. It is not correct to say that the direct examination of the complainant consisted merely of her oral confirmation of the contents of the sworn statement she executed before the police. Indeed, in the direct examination of the complainant, the prosecutor read to her certain portions of her sworn statement and asked her if she made them and to confirm the truth thereof. The trial court allowed the procedure without any objection from the defense. Moreover, in the hearing of February 12, 1997, where the prosecution made its offer of documentary evidence, the counsel for the accused-appellant admitted the sworn statement as part of the testimony of the complainant Eula Padilla:

xxx xxx xxx

Atty. Antonano:

Your Honor, please, by way of comments and objections to the offer of exhibits, the defense admits the existence of Exhibit "A" -the Sinumpaang Salaysay of Eula Padilla is offered as part of her testimony but this cannot prove sexual abuse by the accused in the person of the complainant Eula Padilla.

xxx xxx xxx[14]

The Solicitor General correctly made this observation on the examination of witnesses: "[T]he Court gives considerable latitude and indulgence to characteristics of counsel, who is allowed, for the most part, to follow the dictates of common sense and to choose his own methods of effective presentation of his side of the case, but subject always to the control of the trial judge." [15]

It also bears stressing that the testimony of Eula on direct examination did not consist alone of her affirmation of the contents of her sworn statement. She also made direct and straightforward declarations that she was raped by her father, thus:

xxx xxx xxx

q

At that time when your father do (sic) that act to you, where was your mother?

a She was asleep.

q Which part of the house were your mother is sleeping? (sic)

a Beside my father.

q Did your mother do anything to protect you when your father did that to you?

a Yes, she followed-up at Baybreeze.

q Why, where was your father at that time after he did that act to you?

a

At Baybreeze.

q Where is that Baybreeze located?

a At Tambak.

q At the time when your father having a sexual inter-course with you, what did your mother do at that time? (sic)

a She was asleep.

q Is there any other person aside from you, your mother, and your father in that room?

a No more.

xxx xxx xxx

q

You testified that at the time when your father do the act, your mother is also sleeping inside the room, did your mother came to know the incident right there and here? (sic)

a No sir.

q At what time did you report the incident to your mother?

a Tanghali po.

q How about to your Lola?

a Also noontime.

q Do you know what did your mother or Lola do after you reported the matter to them?

ATTY. ANTONANO:

Witness is having a hard time answering the question.

COURT:

Another question.

q

You testified awhile ago that your mother looked for the whereabouts of your father at Baybreeze, do you know why your mother is looking for your father?

a Yes sir.

q Can you inform this court about that?

a After I was raped and after my mother came to know about it, she followed my father at Baybreeze.

q Did you report the matter to the police authorities?

a Yes sir.

q And your father was apprehended by the police after the report was made?

a Yes sir.

q Right there at the police station, you pointed the person of your father as the one who did the act to you?

a Yes sir.

q Now, did you see a doctor in connection with your case?

a Yes sir.[16]

Complainant also positively testified as to the circumstances surrounding the rape when she was cross-examined by counsel for the accused:

q You have mentioned Ms. witness that your hands were tied, is that correct?

a Yes mam.

q Could you describe how were they tied?

a With the hands at the back.

q And when you said that your feet were tied, are you telling the court that your both feet were tied together?

a Yes mam.

q And you said that your mouth was covered also, is that correct?

a Yes mam.

xxx xxx xxx

q While the tying of the hands was being done to you, did you not even try to cry Ms. witness?

a I cried.

q How loud was your cry?

a Mahina lang po.

xxx xxx xxx

q You said that while your father was tying your hands, your mother was sleeping, where was she sleeping?

a On the bamboo bed.

xxx xxx xxx

q You said that you also reported the incident to you Lola, is that correct?

a

Yes mam.

q

Do I get you right that you only come to report the incident to your lola because according to you your short stained with blood? (sic)

q And that your Lola saw these stains of blood?

a Yes mam.

xxx xxx xxx

q Where was the short that your grandmother saw blood stain in it?

a It was with the clothes to be laundered. (sic)

xxx xxx xxx[17]

Accused-appellant brands as vague the portion of complainant's testimony how she was raped: "ipinasok niya ang bird niya sa ari ko." [18] It is appellant's contention that such testimony does not positively establish that the rape was committed.

The Court does not agree. To say that the word "bird" is vague is plain sophistry. A child victim of rape could not be expected to be sophisticated and knowledgeable in the ways of sex. [19] What she meant by the word "bird" was no other than a male genital organ. Although the term is not as definitive as the word "penis," a young and innocent child cannot be expected to be as graphic and explicit in her language as an adult.

In fact, the victim also described her father's sexual organ as "bird" in her sworn statement before the police on November 8, 1995, the truth of which she later affirmed on the witness stand. She declared in her affidavit:

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T: Bakit ka nasa pulis?

S: Magsusumbong po ako.

T: Sinong isusumbong mo?

S: Ang tatay ko po.

T: Bakit mo isusumbong ang tatay mo?

S:

Kasi po itinali niya ang kamay pati paa ko at tinakpan niya ang bibig ko pagkatapos po ay hinubaran niya ako at pinilit niyang ipinasok ang bird niya sa ari ko.

T: Naipasok ba naman ng Tatay mo ang bird niya sa ari mo?

S: Opo, naipasok niy (sic) po.

T: Ano ba naman ang naramdaman mo ng maipasok ng tatay mo ang bird niya?

S: Masakit po.

T: Anong ginawa mo nang maramdaman mong masakit?

S: Sinabi ko po sa tatay ko na masakit pero wala po akong magawa dahil nakagapos ako.

T: Kailan ba naman ginawa sa iyo ito ng Tatay mo?

S:

Noon pong bumabagyo ng gabi, petsa-03 ng Nobyembre 1995.[20]

Moreover, the testimony of complainant was buttressed by the declaration of her mother[21] to whom the victim related the dastardly acts committed by accused-appellant on her. The medico-legal officer found fresh hymenal lacerations on her organ and concluded that his "findings are compatible with (her) recent loss of virginity." [22] Ineluctably, the bare denial of herein accused-appellant cannot overcome the clear and positive evidence adduced by the prosecution to prove the commission of the crime charged.

Thus, this Court affirms the finding of the trial court that the accused-appellant is guilty beyond reasonable doubt of raping complainant Eula Padilla.

The amendment introduced by Republic Act 7659, otherwise known as the Death Penalty Law, to the crime of rape under Section 335 of the Revised Penal Code, enumerates the special qualifying circumstances which warrant the mandatory imposition of the death penalty. Since these special qualifying circumstances raise the penalty for the crime of rape by one degree, that is, from reclusion perpetua to the maximum penalty of death, great caution must be taken by the trial court in their evaluation. For these special qualifying circumstances to be appreciated, they must both be specifically pleaded in the information or complaint and duly proven during trial[23] and the degree of proof required is proof beyond reasonable doubt, or equal certainty as the crime itself.[24]

The first qualifying circumstance, under which accused-appellant is prosecuted, provides:

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

xxx xxx xxx

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;

xxx xxx xxx

It must be pointed out that the circumstances of minority and relationship under paragraph (1) must concur;[25] otherwise, if there is failure to allege either one in the information, or to prove either during trial, the penalty of death cannot be imposed.

In the case at bar, the complaint properly pleaded the special qualifying circumstances of minority and relationship.[26]

As a rule, even if the age of the victim is not contested, there must be independent proof of the age of the victim,[27] as well as the filiation between the victim and the accused.[28] Independent proof of age may consist of the certificate of live birth or the baptismal certificate of the victim.[29] Should such documents be unavailable, it must be shown that they were either lost or destroyed, and other documents or oral evidence sufficient for the purpose may be presented.[30]

In the present case, we find sufficient evidence of complainant's minority and her relationship with the accused even if independent proof of minority was not presented. Complainant declared on the witness stand that she was ten years old when she was ravished by her father.[31] Moreover, her testimony was corroborated by her mother who also testified that her daughter's age at the time she was raped was ten.[32]

In the case of *People vs. Nelson dela Cruz*,^[33] the two victims were 14 and 15 years old when their father allegedly raped them. The evidence as to their minority consisted of the testimonies of the victims themselves and their mother. On the basis thereof, we ruled that the prosecution proved the minority age of the victims beyond reasonable doubt. The Court found no reason to doubt the testimony of the victims' mother who, as a mother, has personal knowledge of the ages of her children.

In those cases where the Court required independent proof of age of the victim,^[34] the complainants' ages ranged from 13 to 16 years old. Under such circumstances, independent evidence that accurately shows the victim's age is thus necessary because the age range is so near the borderline age of 18. As the Court succinctly pointed out in the case of *People vs. Javier*:^[35]

xxx Although the victim's age was not contested by the defense, proof of age of the victim is particularly necessary in this case considering that the victim's age which was then 16 years old [was] just two years less than the majority age of 18. In this age of modernism, there is hardly any difference between a 16-year old girl and an 18-year old one insofar as physical features and attributes are concerned. xxx Thus, it is in this context that independent proof of the actual age of the rape victim becomes vital and essential as to remove any iota of doubt that the victim was indeed under 18 years of age as to fall under the qualifying circumstances enumerated in Republic Act 7659. xxx

In the case at bar, however, the victim was only ten years old when the rape was committed. In such an instance, the court may take judicial notice of the victim's age and independent proof of minority may not be necessary. In the case of *People vs. Tipay*,^[36] the Court pronounced that the presentation of the certificate of birth is not at all times necessary to prove minority and the minority of a victim of tender age who may be below the age of ten is quite manifest and the court can take judicial notice thereof. In *People vs. Bali-balita*,^[37] the victim was only ten years old when she was raped by the live-in partner of her mother. The Court held that the victim's minority was sufficiently proven. As the victim, who was ten years and four months old at the time of the rape, testified in court only about four months after the rape, it would not have been difficult for the trial court to take judicial notice that she was under 18 years of age.

The Court's rulings in the two aforecited cases find application in the present case. Complainant Eula was only ten years old at the time of the rape. And at the time she testified in court, only five months had elapsed from the day of the commission of the crime. Thus, the trial court could have easily taken judicial notice of her minority.

Relationship between the victim and the accused has likewise been established. Complainant categorically declared that the accused-appellant is her father. This was corroborated by her mother who testified that the accused is her husband. Accused-appellant himself, in his direct testimony admitted that complainant Eula Padilla is one of his three children.^[38]

Thus, having proven both minority and relationship, the penalty of death was correctly meted out by the trial court.

Four members of the Court maintain their position that Republic Act No. 7659, insofar as it prescribes the death penalty, is unconstitutional. Nevertheless, they submit to the ruling of the Court, by a majority vote, that the law is constitutional and that the death penalty should be accordingly imposed.

In accordance with recent jurisprudence, we increase the amount of civil indemnity from P50,000.00 to P75,000.00 as the crime of rape is qualified by circumstances warranting the imposition of the death penalty.^[39] We additionally impose the award of moral damages in the amount of P50,000.00 to the victim without need for proof of the victim's mental and physical suffering as such injury has been consistently recognized as being inherently concomitant with and necessarily resulting from the odious crime of rape.^[40]

WHEREFORE, the Decision of the Regional Trial Court of Pasig City , Branch 166 finding the accused IRENEO PADILLA guilty of Rape under Art. 335 of the Revised Penal Code as amended by Section 11 of RA 7659 and imposing upon him the penalty of death is AFFIRMED, with the modification that the amount of P50,000.00 civil indemnity is increased to P75,000.00 and moral damages in the amount of P50,000.00 is additionally imposed.

In accordance with Section 25 of Republic Act No. 7659, amending Section 83 of the Revised Penal Code, upon finality of this Decision, let the records of this case be forthwith forwarded to the Office of the President for possible exercise of pardoning power.

SO ORDERED.

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

[1] Interchangeably spelled in the Transfer of Stenographic Notes (TSN) as "Jola", "Yula" and "Jula".

[2] Rollo, p. 1.

[3] TSN, March 28, 1996.

[4] TSN, October 3, 1996.

[5] Records, p. 6.

[6] TSN, February 12, 1997, p. 2.

[7] TSN, February 18, 1997.

[8] *People vs. Gallo*, 284 SCRA 590, 612 (1998).

[9] *People vs. Abuan*, 284 SCRA 46, 53 (1998).

[10] *People vs. Medina*, 300 SCRA 98, 106 (1998).

[11] *People vs. Venerable*, 290 SCRA 15, 25 (1998).

[12] *People vs. Tumala, Jr.*, 284 SCRA 436, 439 (1998).

[13] TSN, March 28, 1996, pp. 3-4.

[14] TSN, February 12, 1997, p. 2.

[15] Rollo, pp. 63-64, Brief for the Appellee, pp.4-5.

[16] TSN, March 28, 1996, pp. 4-5.

[17] TSN, March 28, 1996, pp. 7-9.

[18] *Supra*, note 3.

[19] *People vs. Manuel*, 298 SCRA 184 (1998).

[20] Records, p. 3.

[21] TSN, October 3, 1996.

- [22] The medico-legal report of Dr. Owen Libaquin was presented as documentary evidence and was duly admitted by counsel for the accused in the hearing of February 12, 1997. (TSN of February 12, 1997).
- [23] *People vs. Alvero*, G.R. Nos. 134536-38, April 5, 2000; *People vs. Ferolino*, G.R. Nos. 131730-31, April 5, 2000.
- [24] *People vs. Javier*, 311 SCRA 122 (1999).
- [25] *People vs. Bali-balita*, G.R. No. 134266, September 15, 2000; *People vs. Ramos*, 296 SCRA 559 (1998).
- [26] Note no. 1.
- [27] *People vs. Javier*, *supra*.
- [28] *People vs. Licanda*, G.R. No. 134084, May 4, 2000.
- [29] *Ibid*.
- [30] *People vs. Tundag*, G.R. Nos. 135695-96, October 12, 2000.
- [31] TSN, March 28, 1996, pp. 2-3.
- [32] TSN, October 3, 1996, p. 2.
- [33] G.R. No.131167-68, August 23, 2000.
- [34] *People vs. Javier*, *supra*; *People vs. Tundag*, *supra*; *People vs. Tipay*, G.R. No. 131472, March 28, 2000; *People vs. Cula*, G.R. No.133146, March 28, 2000.
- [35] *Supra*.
- [36] *Supra*.
- [37] *Supra*.
- [38] TSN, February 18, 1997, p. 2.
- [39] *People vs. Prades*, 293 SCRA 411 (1998)
- [40] *People vs. Perez*, 296 SCRA 17, 37 (1998); *Id.*, at 430-431.

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