PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. EGMEDIO LAMPAZA, ACCUSED-APPELLANT.

G.R. No. 138876. November 24, 1999

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

The medical examination of a victim is not a requisite for the successful prosecution of rape. Even without a medical report, a court may convict an accused based on the offended party's credible testimony. The "sweetheart" defense cannot be given credence in the absence of corroborative proof like love notes, mementos, pictures or tokens. Love is not a license to rape.

The Case

Egmedio Lampaza appeals the March 14, 1994 Decision[1] of the Regional Trial Court (RTC) of San Jose, Antique (Branch 10)[2] in Criminal Case No. 3692, finding him guilty of rape.

In an Information dated May 25, 1988 and "at the instance of the offended party," Assistant Provincial Fiscal Juan C. Mission Jr. charged appellant as follows:[3]

> "That on or about the 20th day of March, 1988, in the Municipality of Tobias Fornier, Province of Antique, Republic of the Philippines and within the jurisdiction of this Honorable Court, the above-named accused with lewd design, through intimidation, violence and force and with the use of a deadly weapon, did then and there willfully, unlawfully and feloniously have carnal knowledge with Teodora Wacay without and against the consent of the offended party."

With the assistance of Atty. Esdras F. Tayco, appellant entered a plea of not guilty when arraigned on June 9, 1988.[4] Trial proceeded in due course. Thereafter, the trial court promulgated its assailed Decision, the decretal portion of which reads:[5]

> "WHEREFORE, in the light of the above facts, law and jurisprudence, after the prosecution has presented thorough and convincing evidence, the Court finds accused EGMEDIO LAMPAZA GUILTY beyond reasonable doubt of the crime of RAPE and applying the Indeterminate Sentence Law hereby sentences him to suffer the penalty of imprisonment for the period of Twelve (12) Years and one (1) Day to Fourteen (14) Years and Eight (8) Months as minimum to Seventeen (17) Years and Four (4) Months and One (1) Day to Twenty (20) Years as maximum and to indemnify Teodora Wacay [in] the amount of P30,000.00 as damages, without subsidiary imprisonment in case of insolvency and to pay the costs."

On June 1, 1994, appellant, through Counsel Cezar C. Tajanlangit, filed a Notice of Appeal to the Court of Appeals (CA).[6] After the defense and the prosecution filed their respective Briefs, the appellate court[7] rendered a Decision affirming the conviction of appellant, but modifying the penalty to reclusion perpetua. The dispositive portion of the CA Decision reads:[8]

> "WHEREFORE, the appealed decision is AFFIRMED with the MODIFICATION that appellant EGMEDIO

> LAMPAZA is hereby sentenced to suffer the penalty of reclusion perpetua and to pay complainant Teodora Wacay the amount of P50,000.00 for moral damages."

In the light of Section 13, Rule 124 of the Rules of Court,[9] the CA "recalled" the entry of the above judgment, certified the case to this Court and elevated the records.[10]

The Facts

Version of the Prosecution

In its Brief,[11] the Office of the Solicitor General adopted the following facts as summarized by the trial court:[12]

> "The first witness presented was a college student who is the nephew of the private offended party, who went to the house of the latter on March 20, 1988, without finding her there. Witness looked for Teodora, proceeding to the place where farm animals are grazed, which was two hills away. (pp. 2-4 TSN, September 27, 1989)
>
> "Witness saw [his] aunt running out [of] one of the nipa huts in the farm. When [his] aunt reached him, she was sobbing and very pale. She immediately asked him to accompany her back to her house. His aunt explained to him that she ha[d] to leave that place immediately because she was afraid of somebody and therefore could not stay in Sitio Namontonan, Brgy. Camandagan, Tobias Fornier, Antique. (pp. 5-7, TSN, Ibid.)
>
> "During cross examination, defense counsel verified the details regarding the testimony under direct-examination of this witness, as to the reason witness was in that sitio (p. 8, TSN, id.), the distance between the house and the grazing area of the farm animals, the location of the nipa hut and other details. (p. 9, TSN, id.)
>
> "Witness repeated to the Court that [his] aunt was very afraid when he met her running out of the nipa hut although she did not tell him yet what happened. That [his] aunt was trembling, very pale and looking very weak. (p. 10, TSN, id.)
>
> "The private offended party herself testified, and positively identified accused in open court. (p. 18, TSN, id.) That in the morning of March 20, 1988 she was in her farm lot in Sitio Namontonan, Barangay Camandagan, Tobias Fornier, Antique. When she was about to graze their animals, all of a sudden accused came from behind her and twisted both her arms. Then accused lifted her and brought her to a nipa hut which was uninhabited. Victim struggled to set herself free, to no avail despite kicking, shouting and struggling to be free from the hold of the accused. (pp. 18-23, TSN, id.)
>
> "Accused dropped [the] victim to the floor of the nipa hut; pinned both her legs including her right hand with [his] knees [and took] off his pants. The accused ha[d] his bolo beside him with which he threatened the victim. Victim testified that accused raped her then, explaining in detail the commission of the said act. (pp. 23-29, TSN, id.)
>
> "Witness informed her husband and her mother about the rape that evening. (pp. 31-32, TSN, id.)
>
> "During cross-examination, defense counsel tried to impeach the testimony of the witness by eliciting the information that accused and victim were close neighbors; that during the incident private offended party passed by accused who was cutting bamboo poles, on her way to the grazing area of the farm lot. (pp. 3-4, TSN, November 7, 1989). She described again the force and intimidation emanating from the accused in committing the act complained of. Private offended party informed the Court of the great fear she felt that she was trembling and almost speechless when the incident happened. (pp. 5-7; 11-22, TSN, Ibid.)
>
> "Witness was never attracted to the accused as she testified on cross[-]examination. (p. 19, TSN, id.)

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> "When queried by the Court as to the length of the sexual intercourse she stated that it lasted only three minutes, although the acts of force, intimidation and the struggle lasted for more than ten minutes. (pp. 22-23, TSN, id.)
>
> "During the hearing of January 4, 1990, prosecution presented another witness in the person of the husband of the offended party (p. 32), who testified that the latter informed him about her being raped by the accused; that [he] wanted to kill the accused but he was prevailed upon by his wife and decided to file a case in Court, hence the criminal complaint (p. 34). Witness was in another town during the incident: that he returned to his house in the afternoon of the following day, when his wife informed him of the incident. (p. 32-34)
>
> "They went to the police authorities the following day and filed their formal complaint, contained in a sworn statement. (pp. 34-38, TSN, id.)"

Version of the Defense

Insisting that appellant and complainant were sweethearts, the defense presents the following version of the facts:[13]

> "The defense's version of the case is as follows: Accused Egmedio Lampaza and complainant Teodora Wacay are neighbors. They have known each other since childhood. Accused courted complainant who later became his girlfriend. However, they married different persons, but that notwithstanding, they have had intimate relations.
>
> "In the morning of 20 March 1988, accused heard a signal from complainant. The latter informed him that her husband was in another town, and when he asked her "what now because your husband is not there," complainant just laughed. Complainant told accused that she was going to fetch her carabao, so he followed her. When he reached the place where she was, he put his arms around her, but she brushed them aside, apprehensive that they might be seen. Complainant went up the nipa hut, the same place where they had had sexual intercourse, and made love again, with complainant taking off her clothes first, followed by accused taking off his pants and shirt. They made love consensually. He did not threaten complainant; neither did he use force [or] violence in consummating the sexual act because the same was with the consent of complainant (t.s.n., August 6, 1991.)
>
> "Filomena Lampaza, the lawfully-wedded wife of the accused, testified that complainant is the mistress of her husband, the accused. Because of her husband's extra-marital relationship, they were always quarreling. To avoid further trouble she went to Iloilo to work as a housemaid for Judge Amelia K. Del Rosario (pp. 49-50, t.s.n., Sept. 24, 1991). The latter testified that Filomena had worked for her family as a housemaid, and during the course of her employment she had confided to her employer that her (Filomena's) husband was maltreating her and ha[d] a `querida' (t.s.n., Jan. 30, 1992)."

Ruling of the RTC and the CA

Debunking the claim that the sexual intercourse was consensual, the trial court held that appellant used force against the victim by twisting her arm and bodily lifting her from the farm lot to the nipa hut. He also threatened and intimidated her by placing a bolo beside her during the actual rape. The trial court ruled:[14]

> "Our assessment and appraisal of the facts of the case show that there was force committed on the victim when her arms were twisted and she was bodily lifted from the farm lot to the nipa hut. She was intimidated or there was a threat to intimidate her, when the bolo was placed beside her during the rape.
>
> "This court finds that the incident complained of which occurred on March 20, 1988 was x x x done without the consent [or] approval of the victim.
>
> "We do not see any reason why Teodora Wacay related the incident to her husband the following evening, if

> indeed the rape was not committed because the husband was out of town then. Much more, that she went to court. In People vs. Estolano, 193 SCRA 383, the Supreme Court held that complainant would not have made the offense subject and endured the ordeal of testifying to all its gory detail if she had not in fact been raped."

Affirming appellant's conviction, the Court of Appeals modified the penalty to reclusion perpetua and increased the moral damages to P50,000.

Assignment of Errors

Appellant contends that the trial court committed the following errors:[15]

> "I
>
> x x x [I]n holding that accused-appellant used force and intimidation on complainant in order to consummate the sexual act
>
> "II
>
> x x x [I]n holding that the sexual intercourse herein complained of "was done without the consent [or] approval of the victim"
>
> "III
>
> x x x [I]n finding accused-appellant guilty beyond reasonable doubt of rape based on the inconsistencies, contradictions, and incredibilities palpably apparent in complainant's testimony and in [the testimonies] of her witnesses"

In resolving this appeal, we shall address seriatim the three grounds raised by appellant.

The Court's Ruling

The appeal has no merit.

First Issue: Force and Intimidation

Appellant contends that rape was not proven because force and intimidation were not established beyond reasonable doubt. Specifically, he argues that the testimony of the victim on this point should be rejected, because it conflicted with her Sworn Statement given during the preliminary investigation. First, in her statement she averred that "he pressed [her] forward towards" the nipa hut; but she testified that he "lifted" her. Second, she declared in her statement that he "forcibly made [her] lie down," but she testified that he "dump[ed] [her] on the floor." Third, she also stated that appellant's bolo was tucked to his side, but she testified that it was placed beside her.[16]

We are not convinced. The "conflicts" cited by appellant are largely semantical, not factual, in character. Whether appellant forcibly made her lie down on the floor or whether he dumped her makes no substantial difference in appreciating the fact of the crime: that she was down on the floor against her will. Likewise, appellant makes too much ado about the discrepancy between her being "pressed forward" and her being "lifted"; the allegedly conflicting statements equally mean that he forced her to go to the nipa hut. Moreover, the well-settled rule is that inconsistencies between an affidavit and a testimony do not necessarily discredit the witness, for affidavits are generally incomplete[17] and are not considered final repositories of truth.[18]

In any event, we agree with the trial court that appellant used force and intimidation in ravaging complainant. Although its factual findings are not absolutely binding on this Court because it was not the ponente who heard the prosecution witnesses,[19] we believe and so hold that the totality of the evidence presented indubitably

demonstrates that appellant had sexual intercourse with complainant against her will. He twisted the arms of the terrified victim, forced her to go inside the uninhabited nipa hut, placed the bolo beside her, and threatened to kill her in order to sate his lust. The victim testified as follows:[20]

"Q.

Now, while you were untying the rope of your carabao, do you recall of any unusual incident that happened?

A

Yes, Sir.

Q.

What was that incident?

A

All of a sudden, a person came from behind me and twisted both my hands. (Witness demonstrated with her right hand twisted towards the left side of her body while the left hand was also twisted towards the right side of her body, both hands in front).

x x x x x x x x x

Q.

Now, after the accused Egmedio Lampaza twisted your arms, what else happened?

A

He lifted me.

Q.

Will you please demonstrate to this Honorable Court how you were lifted by Egmedio Lampaza?

A

(With Julie Magbanua acting in place of the victim and the witness in place of the accused, the accused stands behind the victim and place[s] both arms around the victim while the arms of the victim are twisted with the right arms towards the left and the left arms towards the right side of her body and from that position the accused lifts the victim upward, raising the victim about three inches from the ground.)

Q.

Now, Madam Witness, while you were being lifted by the accused in the position you have just mentioned, what else did he do?

A

Egmedio Lampaza told me, `Come, let's have sexual intercourse'.

Q.

While saying that and while lifting you, what else did Egmedio Lampaza do, if any?

A

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He brought me to the nipa hut, Sir.

Q.

How far is that nipa hut from where you were at that time?

A

About five arms stretch away, Sir.

Q.

Was that hut inhabited?

A

No one lives there.

x x x x x x x x x

Q.

While you were being lifted by the accused and being carried to the nipa hut, what did you do if you did anything?

A

I struggled to set myself free.

Q.

Will you please demonstrate to this Honorable Court how you struggled?

A

(At this juncture, Julie Magbanua takes the place of the accused while the witness takes the place of the victim and from the position previously described, with the xxx arms [of the accused] around the victim, the victim struggle[s] to set herself free by moving her body towards the left and right and trie[s] to push her head downward away from the arms of the accused [who is] embracing her. The witness further states that since her feet were off the ground, it [was] hard to set herself free).

Q.

Now, aside from struggling hard to free yourself from the clutches of the accused, what else did you do if any?

A

I kicked both my legs. (Witness demonstrates a movement as if she were pedalling an unseen bicycle).

Q.

Did you make any statement while you were trying to struggle from the hold of the accused?

A

I did not say anything. I only struggled.

Q.

Why did you not say anything?

x x x x x x x x x

A

Because I was afraid, Sir.

PROSECUTOR CASALAN:

Q.

Was the accused able to reach the nipa hut with you?

A

Yes, Sir.

Q.

While you were already at the nipa hut, what did the accused do, if any?

A

He dumped me on the floor of the nipa hut.

x x x x x x x x x

Q.

After the accused dumped you on the floor of the nipa hut, what happened to you?

A

The accused pinned both my legs as well as my right hand, Sir, with both of his knees.

x x x x x x x x x

PROSECUTOR CASALAN:

Q.

Now, Madam Witness, while in this position, what next did the accused do?

A

The accused took off his pants.

Q.

While the accused was doing that, was the accused saying anything?

A

Yes, Sir.

Q.

What did he say?

A

`If you do not allow me to have sexual intercourse with you, I am going to kill you.'

Q.

Did you notice if there was any weapon carried by the accused with him?

A

Yes, Sir.

Q.

What was he carrying?

A

He was carrying a bolo, Sir.

Q.

Where was the bolo of the accused at that time?

A

It was beside me, Sir."

Appellant further argues that "if there was any resistance [by the victim], it was couched in general terms."[21] The argument is bereft of merit. We must stress that the law does not impose upon a rape victim the burden of proving resistance.[22] Indeed, physical resistance need not be established when the culprit employed intimidation,[23] which, insofar as it was directed at the mind of the victim, must be viewed in the light of the latter's perception and judgment at the time.[24] In the present case, the victim was terrified because the threat of the appellant to kill her was substantiated by the bolo he placed beside her. Furthermore, she could not have successfully resisted because, according to her, he was husky and strong.

Neither are we persuaded by his contention that complainant did not undergo medical examination to show signs of physical struggle or assault.[25] The fact that the victim had no visible signs of injury did not by itself disprove rape.[26] We reiterate that she was too intimidated to offer serious resistance to the advances of appellant.

More important, no law requires a medical examination for the successful prosecution of rape.[27] Even without a medical report, the rape victim's credible testimony, standing alone, is a sufficient basis for conviction.[28] In the present case, we find no reason to disbelieve her testimony. Time and time again, the Court has held that no woman in her right mind would declare to the whole world that she was raped and subject herself to the concomitant strain and stigma, unless she is telling the truth.[29] For his part, appellant failed to adduce any evidence to show that the victim's testimony was false.

Second Issue: Sweetheart Theory

Appellant admits that he had sexual intercourse with the complainant that fateful day, but argues that they were lovers and the act was consensual.[30] He adds that their respective marriages to different persons had not prevented them from engaging in sexual dalliances with each other.

We are not persuaded. Other than his bare assertions, appellant adduced no independent proof that he was the sweetheart of the victim. His defense was neither corroborated by any other witness nor substantiated by any memento, love note, picture or token.[31] Furthermore, even assuming that the two were lovers, their relationship did not give him a license to sexually assault her.[32]

Appellant's defense is further negated by the behavior of the victim who, according to Rogelio Sumbilon, was

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running out of the crime scene "sobbing and very pale"[33] immediately after the commission of the crime. Elaborating during cross-examination, he said that the victim "was in a hurry, as if she was afraid of something and as if somebody was running after her."[34] When they reached her house, she told him that she was afraid and that they should hurry to her mother's house about three or four kilometers away. Her conduct clearly belied appellant's claim that the sexual act was consensual.

Third Issue: Alleged Inconsistencies and "Incredibilities"

Appellant contends that the prosecution witnesses should not be accorded credence because their testimonies were replete with inconsistencies and "incredibilities." In addition to the instances alluded to earlier, appellant cites the following: the victim testified that she shouted, although she said in her Sworn Statement that she had not done so; she allegedly told her husband of the rape on the evening of the fateful day, but her husband testified that he did not return home until the afternoon of the following day.[35]

We are not persuaded. The aforecited inconsistencies are minor in character and, as such, do not impugn the credibility of the complainant. Indicative of an unrehearsed testimony, the slight contradictions even serve to strengthen her credibility.[36] Indeed, the Court cannot expect a rape victim to remember every ugly detail of the sexual assault.[37]

Equally unconvincing is the alleged physical impossibility of the victim's narration that he was allegedly pinning her down with both his hands while taking off his shirt at the same time.[38] The alleged impossibility does not imply the falsity of her testimony; it only means that it was impossible for her to remember the minutiae of appellant's act.

Appellant also challenges the plausibility of the following assertions of the victim: (a) she made no mention of the rape to her nephew when she saw him right after the incident;[39] (b) she did not immediately tell her husband that she had been raped;[40] (c) she did not report the outrage to the police or to the barangay officials.[41]

These arguments are puerile. Complainant's testimony was not weakened by her failure to immediately narrate the incident to her nephew or to her husband. There is no code of conduct prescribing the correct reaction of a rape victim to the sexual assault. When placed under a great deal of emotional stress, the workings of the human mind are unpredictable.[42] Some may immediately relay the incident to authorities and close relatives, but others need time to compose themselves before deciding on a course of action.[43] Although she did not immediately inform her nephew about the incident, she told her husband about it after he arrived from another town, when they were about to sleep. That same night, she and her husband decided to report the outrage to the authorities. In this light, her account is far from incredible. Even assuming that there was a delay in reporting the incident to the police, this fact is not necessarily an indication of fabrication.[44]

Crime and Punishment

Article 335 of the Revised Penal Code provides that rape is committed when carnal knowledge of a woman is obtained under any of the following circumstances: (1) force or intimidation is used (2) the woman is deprived of reason or otherwise unconscious, or (3) the woman is under twelve years of age or is demented. Herein appellant does not deny that he had carnal knowledge of the victim. Moreover, the totality of the evidence presented shows that he employed force and intimidation against her. Clearly, his conviction of rape should be affirmed.

Under the law in effect when the crime was committed, the penalty for simple rape was reclusion perpetua. In imposing a lower indeterminate penalty, the trial court erred, because the Indeterminate Sentence Law does not apply when the offense involved is punishable with reclusion perpetua.

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Likewise, appellant should be ordered to pay the victim P50,000 as indemnity ex delicto, in line with existing jurisprudence.[45] We agree with the Court of Appeals that he should also be ordered to pay P50,000 as moral damages. The Court has held that "the fact that complainant has suffered the trauma of mental, physical and psychological sufferings which constitute the bases for moral damages is too obvious to still require the victim's recital thereof at the trial x x x."[46]

WHEREFORE, the assailed Decision of the Court of Appeals is AFFIRMED, with the MODIFICATION that the appellant shall pay the victim P50,000 as indemnity ex delicto in addition to the P50,000 awarded as moral damages. Costs against appellant.

SO ORDERED.

Melo (Chairman), Vitug, Purisima, and Gonzaga-Reyes, JJ., concur.

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[1] Although the Decision is dated March 14, 1994, it was promulgated only on May 31, 1994. (See Order of the trial court, dated May 31, 1994, Records, pp. 171-172.)

[2] Assisting Judge Marvie R. Abraham Singson wrote the assailed Decision, but it was Judge Pedro Icamina who heard the testimonies of the prosecution witnesses.

[3] Records, p. 1.

[4] Records, p. 25.

[5] RTC Decision, pp. 10-11; rollo, pp. 16-17.

[6] Records, p. 173.

[7] Tenth Division, composed of J. Ruben T. Reyes, ponente; J. Quirino D. Abad Santos Jr. (chairman) and J. Hilarion L. Aquino (member), both concurring.

[8] CA Decision, p. 17; rollo, p. 133.

[9] It provides that "[w]henever the Court of Appeals should be of the opinion that the penalty of reclusion perpetua or higher should be imposed in a case, the Court, after discussion of the evidence and the law involved, shall render judgment imposing the penalty of reclusion perpetua or higher as the circumstances warrant, refrain from entering judgment and forthwith certify the case and elevate the records thereof to the Supreme Court."

[10] Records, p. 140. In a Resolution dated July 19, 1999, this Court informed appellant that he "may file a SUPPLEMENTAL BRIEF, if he so desires, within 30 days from notice." Because appellant did not do so, the case was deemed submitted for resolution on the basis of the pleadings filed by the parties before the Court of Appeals.

[11] Signed by Assistant Solicitor General Amparo M. Cabotaje-Tang and Associate Solicitor Ma. Zorayda V. Tejones.

[12] Brief for Plaintiff-Appellee, pp. 3-6; rollo, pp. 86-89.

[13] Appellant's Brief, pp. 5-6; rollo, pp. 51-52. The Brief was signed by Atty. Cezar R. Tajanlangit.

[14] RTC Decision, pp. 9-10; rollo, pp. 15-16.

[15] Appellant's Brief, p. 1; rollo, p. 47.

[16] Appellant's Brief, pp. 9-10; rollo, pp. 55-56.

[17] People v. Padao, 267 SCRA 64, January 28, 1997; Sumalpong v. CA, 268 SCRA 764, February 26, 1997.

[18] People v. Espanola, 271 SCRA 689, April 18, 1997; People v. Pontilar, 275 SCRA 338, July 11, 1997.

[19] See footnote no. 2.

[20] TSN, September 27, 1989, pp. 19-26.

[21] Appellant's Brief, p. 10; rollo, p. 56.

[22] People v. Penero, 276 SCRA 564, July 31, 1997.

[23] People v. Rabosa, 273 SCRA 142, June 9, 1997; People v. Gaban, 262 SCRA 593, September 30, 1996.

[24] People v. Oarga, 259 SCRA 90, July 17, 1996; People v. Gumagob, 265 SCRA 84, November 28, 1996; People v. Corea, 269 SCRA 76, March 3, 1997.

[25] Appellant's Brief, p. 17; rollo, p. 62.

[26] People v. Querida, 229 SCRA 745, February 7, 1994; People v. Sabellina, 238 SCRA 492, December 1, 1994; People v. Arnan, 224 SCRA 37; June 30, 1993.

[27] People v. Julian, 270 SCRA 733, April 4, 1997; People v. Manaay, 151 SCRA 31, June 18, 1987.

[28] People v. Salazar, 258 SCRA 55, July 5, 1996. See also People v. De la Cruz, 224 SCRA 506, July 6, 1993; People v. Godines, 196 SCRA 765, May 7, 1991.

[29] People v. Cabaluna, 264 SCRA 596, November 21, 1996; People v. De Guzman, 265 SCRA 228, December 2, 1996.

[30] Appellant's Brief, pp. 11-12; rollo, pp. 57-58.

[31] See People v. Acabo, 259 SCRA 75, July 17, 1996.

[32] People v. Buendia, GR Nos. 133949-51, September 16, 1999; People v. Travero, 276 SCRA 301, July 28, 1997; People v. Laray, 253 SCRA 654, 662-663, February 20, 1996; People v. Gecomo, 254 SCRA 82, 110, February 23, 1996.

[33] TSN, September 27, 1989, p. 5.

[34] Ibid., p. 10.

[35] Appellant's Brief, p. 14; rollo, p. 60.

[36] People v. Letigio, 268 SCRA 227, February 13, 1997; People v. Magallano, 266 SCRA 305, January 16, 1997; People v. Devilleres, 269 SCRA 716, March 14, 1997; People v. Butron, 272 SCRA 352, May 7, 1997; People v. Patawaran, 274 SCRA 130, June 19, 1997.

[37] People v. Alas, 274 SCRA 310, June 19, 1997; People v. Sagucio, 277 SCRA 183, August 11, 1997.

[38] Appellant's Brief, pp. 15-16; rollo, pp. 60a-61.

[39] Ibid., p. 14; rollo, p. 60.

[40] Ibid.

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[41] Ibid., p. 17; rollo, p. 62.

[42] People v. Apongan, 270 SCRA 713, April 4, 1997; People v. San Juan, 270 SCRA 693, April 4, 1997; People v. Cabel, 282 SCRA 410, December 14, 1995

[43] People v. Malunes, 247 SCRA 317, August 14, 1995; People v. Roncal, 272 SCRA 242, May 6, 1997.

[44] People v. Julian, 270 SCRA 733, April 4, 1997; People v. Quitoriano, 266 SCRA 373, 378, January 20, 1997.

[45] People v. Sumalpong, 284 SCRA 464, January 20, 1998; People v. Betonio, 279 SCRA 532, September 26, 1997; People v. Adora, 275 SCRA 441, July 14, 1997.

[46] People v. Ignacio, 294 SCRA 542, August 24, 1998, per Romero, J. See also People v. Vergel, GR No. 128813, October 4, 1999.

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