

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. RODEL ANTIVOLA, APPELLANT.

G.R. No. 139236. February 03, 2004

Ponente: CALLEJO, SR., J.

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CALLEJO, SR., J.:

This is an automatic review of the Decision[1] of the Regional Trial Court of Malolos, Bulacan, Branch 78, convicting the appellant Rodel Antivola of qualified rape and sentencing him to suffer the death penalty.[2]

On March 25, 1998 an Information was filed charging the appellant of qualified rape, the accusatory portion of which reads:

That on or about the 4th day of December 1997, in the Municipality of Angat, Province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused did then and there wil[l]fully, unlawfully and feloniously by means of violence and intimidation, have carnal knowledge of the offended party Rachel M. de Guzman, a minor, five (5) years of age, against her will and consent.

Contrary to law.[3]

When arraigned on April 13, 1998, the appellant, duly assisted by counsel de oficio, pleaded not guilty to the charge.[4] Trial ensued thereafter.

The Case for the Prosecution[5]

By December 1997, Rachel de Guzman was already five years of age.[6] She lived with her parents at No. 174 Donacion, Angat, Bulacan,[7] a piscatorial village in the vicinity of a river.[8] In the afternoon of December 4, 1997, Rachel, together with three other children, were playing outside. Rachel saw the appellant Rodel (Bungi) Antivola feeding the fishes in the nearby fishpond.[9] The appellant approached Rachel and asked her to go with him inside his house, telling her that they would play another game. Unsuspecting, she acceded and went with the appellant.[10]

Once inside the house, the appellant removed Rachel's shorts and touched her private parts. She cried, but the appellant was unmoved. He brought out his penis and inserted it into Rachel's vagina, causing the child excruciating pain. After satiating his lust, the appellant let her go and instructed her to step out.[11]

Rachel did as she was told. She went home and did not tell anyone about what happened. Her mother, Sally de Guzman, noticed the crease marks on her clothes. That afternoon, while Sally was bathing Rachel, she noticed a reddish discoloration on Rachel's private part. Baffled, she asked her daughter about it, who pointed to the appellant "Bungi," as the one who defiled her.[12] Sally then promptly reported the incident to the police authorities who apprehended the appellant. The following day, Sally executed a sworn statement before Judge Eric T. Calderon.[13]

On December 8, 1997, Dr. Manuel C. Aves, Medico-Legal Officer of the Bulacan Provincial Crime Laboratory

Office, examined Rachel. His Medico-Legal Report revealed the following findings:

GENERAL AND EXTRA-GENITAL

PHYSICAL BUILT

: Lean built

MENTAL STATUS

: Coherent female

BREAST

: Flat

ADMOMEN

: Flat

PHYSICAL INJURIES

: No signs of physical injury.

GENITAL :

PUBIC HAIR

: Absent

LABIA MAJORA : Coaptated

LABIA MINORA : Light pinkish

HYMEN : Multiple fresh lacerations (superficial) at 3, 9, 11 o'clock. With swelling and congestion.

EXTERNAL VAGINAL ORIFICE :

VAGINAL CANAL : not examined

CERVIX : not examined

PERI- URETHRAL AND VAGINAL SMEARS:

REMARKS : Multiple fresh lacerations (superficial) at 3, 9, 11 o'clock with swelling and congestion.[14]

Dr. Aves explained that the fresh lacerations on Rachel's hymen could have been caused by "manipulation of the organ or penetration of whatsoever." [15]

The Case for the Accused [16]

The appellant testified that he was 26 years old, single, and lived with his brother, Ruben Antivola, in Donacion, Angat, Bulacan. [17] He made a living as a part-time helper in the nearby fishpond owned by Ruben Nicolas. [18] He knew Rachel and her family since they were neighbors, their houses being seven houses apart from each other. [19]

The appellant denied raping Rachel and disclaimed having a moniker "Bungi." [20] He averred that the charge against him was contrived by Rachel's family out of envy, for having been chosen by Nicolas as the caretaker of his fishpond. [21]

He declared that on December 4, 1997, he was at the fishpond busily engaged in harvesting the fish. After eating lunch at about 11:30 a.m., Ruben Nicolas dropped by their house to tell them to start working. At exactly 12:00 noon, he left for the fishpond, roughly four houses away from his house. [22] Ruben Nicolas, his brother Ruben, Jun Nicolas, and Danny de Guzman were working with him at the fishpond. They worked continuously without let up, until they finished the harvest at around 4:00 p.m. Thereafter, they proceeded to the store of Rachel's grandmother and had some snacks. At 4:30 p.m., the appellant headed straight home. [23] Half an hour later, Sally and her mother confronted him, and accused him of molesting Rachel. [24]

Ruben Nicolas corroborated in part the appellant's story. He testified that he owned the hut where the Antivola brothers were staying. He acknowledged Ruben as the fishpond's caretaker, but disowned the appellant as an employee. [25] He said that the appellant was jobless, but used to do odd jobs for him in his fishpond. He confirmed that the appellant was in the fishpond the whole afternoon of December 4, 1997. [26]

Marites Capalad, the appellant's co-worker and sister-in-law, testified that at about 12:00 noon on December 4, 1993, she and her fellow workers were already at the fishpond harvesting the fish. She was recording the harvest, while the rest, particularly the appellant, helped lift the fishnets. They worked continuously all afternoon, without any break. Not one of them even left the place. They finished the harvest at about 5:00 p.m. [27] She revealed that she was initially reluctant to testify out of fear of Rachel's father and grandfather. They threatened to blow up the fishpond if she testified for the appellant. [28]

After trial, the appellant was convicted by the trial court of the crime of rape in its qualified form and sentenced to suffer the supreme penalty of death. It disposed of the case as follows:

WHEREFORE, the foregoing considered, this Court finds accused Rodel Antivola GUILTY beyond reasonable doubt of the crime of Rape defined and penalized under the provisions of Articles 266-A and 266-B of Republic Act No. 8353 otherwise known as the Anti-Rape Law of 1997, amending Article 335 of the Revised Penal Code, in relation to Republic Act No. 7610, and hereby sentences him to suffer the penalty of DEATH and to pay private complainant Rachel de Guzman the amount P75,000.00 as moral damages.

SO ORDERED. [29]

The trial court gave full credence to the testimony of Rachel, describing her as a "picture of an innocent child responding squarely to every question propounded to her with truthfulness and spontaneity seemingly unmindful of the gravity of her every testimony." [30] It rejected the appellant's defenses of mistake of identity, denial and alibi, declaring that he was positively identified by Rachel. It further discounted the appellant's alibi, concluding that he failed to prove two-fold elements respecting time and place. [31]

Hence, this automatic review.

In his brief, the appellant assailed the trial court's decision contending that:

I

THE LOWER COURT ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME OF RAPE DEFINED AND PENALIZED UNDER ATRS. 266-A AND 266-B OF REPUBLIC ACT 8353, AMENDING ART. 335 OF THE REVISED PENAL CODE IN RELATION TO REPUBLIC ACT NO. 7610 DESPITE FAILURE ON THE PART OF THE PROSECUTION TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.

II

THE LOWER COURT ERRED IN IMPOSING THE PENALTY OF DEATH UPON ACCUSED-APPELLANT DESPITE FAILURE ON THE PART OF THE PROSECUTION TO PROVE THE AGE OF THE ALLEGED VICTIM.[32]

The Sufficiency of the
Prosecution's Evidence
Against the Appellant

The appellant asserts that he is not guilty of consummated rape because as declared by Rachel on cross-examination, he merely touched her private parts. He contends that at so young an age, Rachel could easily be coached by her mother into saying that the appellant penetrated her, when in truth, he merely touched her vagina. He theorizes that children like Rachel are hyperactive, thus, the lacerations on her genitalia could have been caused by incidents such as "horseback riding and bicycle riding." [33] The charge against him was contrived by Rachel's parents for their failure to have themselves employed as caretakers of the fishpond.

We disagree.

We reiterate the following standard in reviewing an appeal from a conviction for rape:

In reviewing rape cases, this Court is guided by three principles: (1) an accusation of rape can be made with facility and while the accusation is difficult to prove, it is even more difficult for the person accused, although innocent, to disprove; (2) considering the intrinsic nature of the crime, only two persons being usually involved, the testimony of the complainant should be scrutinized with great caution; (3) the evidence for the prosecution must stand or fall on its own merit, and cannot be allowed to draw strength from the weakness of the evidence for the defense.[34]

Rachel's testimony was direct, candid, and replete with details of the rape. She testified that after touching her private parts, the appellant inserted his penis inside her vagina, thus:

PROS. SANTIAGO

Q When you said that you were raped by Rodel Antivola, what do you mean by that?

A He touched my private part, Sir.

Q When was it, Rachel?

A December 4.[35]

...

Q At the house of Rodel, will you tell us what transpired between you and Rodel?

A He removed my short and touched my private part.

Q Did you not shout or cry when Rodel touched your private part?

A I cried, Sir.

Q What else did he do aside from touching your private part?

A He brought out his penis, Sir.

Q What did he do with his penis?

A He touched my private parts first then he inserted his penis.[36]

...

Q What did you feel when Rodel inserted his penis to your vagina?

A I was crying, Sir.

Q Aside from crying, did you feel pain?

A Yes, Sir.

Q What else did you feel?

A My vagina was very painful, Sir.

...

Q When your mother noticed your vagina to be reddish, what did she do?

A I said that it was “Bungi.”

Q Who is “Bungi?”

A Rodel Antivola, Sir.

Q Will you look around tell us if “Bungi” or Rodel Antivola is around?

A That one, Sir.

Q Please point to him.

A (Witness pointing to the person who answered to the name of Rodel Antivola).[37]

Rachel’s testimony says it all. It is marked by spontaneity, honesty and sincerity. When a woman, more so if she is a minor, says that she has been raped, she says in effect all that is necessary to show that rape was committed.[38] Youth and immaturity are generally badges of truth and sincerity.[39] In rape cases, the testimony of the victim alone, if credible, is sufficient to convict the accused of the crime. The medical certificate is presented merely to corroborate the victim’s declaration that she was sexually molested. In fact, what is more telling in the medical findings proffered in evidence by the prosecution is the presence of hymenal lacerations in different positions in the victim’s genitalia which is the best physical evidence of her forcible defloration.[40]

The appellant indulged in sheer conjectures by claiming that the lacerations on the hymen of Rachel were caused by horseback riding or bicycling. There is no evidence that Rachel had ridden a bicycle or rode on a horseback. Mere speculations and surmises are not evidence.

Equally incredible is the appellant’s claim that the family of Rachel concocted the charge against him because of their failure to be appointed as caretakers of the fishpond. The appellant himself testified that he did not know of any reason why Sally charged him of rape.

Q And you cannot tell the Honorable Court the reason why the mother of Rachel filed a case against you, for this offense of Rape, you do not know of any reason?

A None, sir.

Q You have no previous understanding (sic) with the mother of Rachel prior to December 4, 1997?

A None, sir.[41]

However, we agree with the contention of the Office of the Solicitor General (OSG), that the appellant’s claim is unbelievable and at the same time absurd.[42] Without credible evidence proffered by the appellant, bad faith or ulterior motive could not be imputed on the part of Rachel’s family in pointing to the appellant as the perpetrator of the crime. When there is no showing that the principal witnesses for the prosecution were actuated by improper motive, the presumption is that the witnesses were not so actuated and their testimonies are thus entitled to full faith and credit.[43] For the appellant to say that Rachel was used by her family as a “sacrificial lamb” to get back at him for their misfortune is not only too lame but also preposterous. It is inconceivable that Rachel’s mother would falsely point an accusing finger at the appellant for a crime as serious as rape when the latter was not even the one appointed as the fishpond’s caretaker. No mother in her right mind would use her offspring as an engine of malice. She would not subject her child to the humiliation, disgrace, and even the stigma attendant to a prosecution for rape unless she is motivated by the desire to bring to justice the person responsible for her child’s defilement.[44]

The appellant's barefaced denial of the charge cannot prevail over the positive, spontaneous and straightforward identification by Rachel of the appellant as the malefactor. A rape victim can easily identify her assailant especially if he is known to her because during the rape, she is physically close to her assailant, enabling her to have a good look at the latter's physical features.[45] The doctrine consistently upheld by this Court is that alibi cannot prevail over the positive identification of the accused as the perpetrator of the crime. It is inherently a weak defense; and unless supported by clear and convincing evidence, it cannot prevail over the positive declaration of the victim.[46]

We have consistently held that for alibi to prosper, the appellant must prove not only that he was somewhere else when the crime was committed but he must likewise demonstrate that it was physically impossible for him to be at the scene of the crime at the time of its commission.[47] This, the appellant miserably failed to do. By his own admission, the fishpond was just five houses away from his own. Clearly, it was not physically impossible for him to be present at the scene of the crime at the time of its commission.

His insistence that he has strong corroboration for his testimony is unpersuasive. For alibi to be considered, it must be supported by credible corroboration, preferably from disinterested witnesses who will swear that they saw or were with the accused somewhere else when the crime was being committed.[48] Although the appellant's alibi was corroborated by Ruben Nicolas and Marites Capalad, such corroborations were not credible, for the said witnesses cannot be considered as disinterested witnesses, they being related or were one way or another linked to each other. Alibi is commonly regarded as weak if it is sought to be established wholly or mainly by the accused himself or his relatives.[49] But even if we consider the said corroborations, the same do not establish an iron-clad alibi for the appellant.

Ruben Nicolas, the appellant's part-time employer, and Marites Capalad, the appellant's sister-in-law and co-worker, in unison, vouched for the appellant's physical presence in the fishpond at the time Rachel was raped. It is, however, an established fact that the appellant's house where the rape occurred, was a stone's throw away from the fishpond. Their claim that the appellant never left their sight the entire afternoon of December 4, 1997 is unacceptable. It was impossible for Marites to have kept an eye on the appellant for almost four hours, since she testified that she, too, was very much occupied with her task of counting and recording the fishes being harvested. Likewise, Mr. Nicolas, who, admittedly was 50 meters away from the fishpond, could not have focused his entire attention solely on the appellant. It is, therefore, not farfetched that the appellant easily sneaked out unnoticed, and along the way inveigled the victim, brought her inside his house and ravished her, then returned to the fishpond as if he never left.

Marites' corroborating testimony is not only biased for it is a natural desire for relatives to exculpate their kin from criminal liability, it is also inconclusive. Alibi is at best a weak defense and easy of fabrication especially between parents and children, relatives, and even those not so related.[50] For alibi to be credible, it must count with a strong corroboration. Well-entrenched is the rule that evidence should first be believable and logical before it can be accorded weight. To be given any credence, it must not only proceed from the mouth of a credible witness; it must be credible in itself as a common experience and observation that mankind can deem probable under the circumstances.[51]

It is an established rule that when it comes to the issue of credibility of witnesses, the appellate courts generally will not overturn the findings of the trial courts. They are in the best position to ascertain and measure the sincerity and spontaneity of witnesses through their actual observation of the witnesses' manner of testifying, their demeanor and behavior in court.[52] In this case, we find no basis to depart from the rule.

Further strengthening the case of the prosecution were the conduct of Rachel, her mother Sally, and her

grandmother after the rape. We have held that the conduct of the victim immediately following the assault is of utmost importance in establishing the truth or falsity of the charge of rape.[53] Here, Rachel, upon her mother's inquiry, readily told the latter what happened to her and assuredly pointed to the appellant as the culprit. Subsequently, Sally, together with the grandmother of the child, lost no time and went to the house of the appellant to confront him. Thereafter, they reported the matter to the authorities. The following day, Sally executed her sworn statement regarding the incident and three days later, had her child medically examined. All the foregoing acts were done days after the commission of the crime. The promptness and spontaneity of these deeds manifested the natural reactions of a parent whose child had just undergone sexual molestation, and evinced nothing more than an instant resolve to denounce the ravisher, and to protect whatever honor they had left.

All told, we hold that the prosecution has fully discharged its duty of proving the guilt of the appellant beyond reasonable doubt.

The Sufficiency of Evidence
of Rachel's Minority and the
Propriety of Imposing the
Death Penalty

The only issue left to be determined is the question of the penalty to be meted upon appellant.

The appellant claims that the trial court erred in imposing the death penalty because Rachel's birth certificate was never submitted in evidence; hence, her age at the time she was allegedly raped was never conclusively established. He argues that the failure to sufficiently establish the victim's age is fatal and consequently bars conviction for rape in its qualified form.[54]

We agree.

At the time of the rape, Republic Act No. 8353 or the Anti-Rape Law of 1997, which repealed Article 335 of the Revised Penal Code and classified rape as a crime against persons, was already effective. The new provisions on rape, provided under Articles 266-A and 266-B of the Revised Penal Code, state as follows:

Article 266-A. Rape; When And How Committed. – Rape is committed –

- 1) By a man who shall have carnal knowledge of a woman under any of the circumstances:
 - a) Through force, threat, or intimidation;
 - b) When the offended party is deprived of reason or otherwise unconscious;
 - c) By means of fraudulent machinations or grave abuse of authority; and
 - d) When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.

...

Article 266-B. Penalties. – Rape under paragraph 1 of the next preceding article shall be punished by reclusion perpetua.

...

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

...

- 5) When the victim is a child below seven (7) years old;

...

In *People v. Pruna*,^[55] the Court, after noting the divergent rulings on the proof of the victim's age in rape cases, has set out certain guidelines in appreciating age, either as an element of the crime or as qualifying circumstance:

- The best evidence to prove the age of the offended party is an original or certified true copy of the certificate of live birth of such party.
- In the absence of a certificate of live birth, similar authentic documents such as baptismal certificate and school records which show the date of birth of the victim would suffice to prove age.
- If the certificate of live birth or authentic document is shown to have been lost or destroyed or otherwise unavailable, the testimony, if clear and credible, of the victim's mother or a member of the family either by affinity or consanguinity who is qualified to testify on matters respecting pedigree such as the exact age or date of birth of the offended party pursuant to Section 40, Rule 130 of the Rules on Evidence shall be sufficient under the following circumstances:
 - a. If the victim is alleged to be below 3 years of age and what is sought to be proved is that she is less than 7 years old;
 - b. If the victim is alleged to be below 7 years of age and what is sought to be proved is that she is less than 12 years old;
 - c. If the victim is alleged to be below 12 years of age and what is sought to be proved is that she is less than 18 years old.

-

In the absence of a certificate of live birth, authentic document, or the testimony of the victim's mother or relatives concerning the victim's age, the complainant's testimony will suffice provided that it is expressly and clearly admitted by the accused.

-

It is the prosecution that has the burden of proving the age of the offended party. The failure of the accused to object to the testimonial evidence regarding age shall not be taken against him.

-

The trial court should always make a categorical finding as to the age of the victim.^[56]

In the present case, no birth certificate or any similar authentic document was presented and offered in evidence to prove Rachel's age. The only evidence of the victim's age is her testimony^[57] and that of her mother's (Sally de Guzman's) Simumpaang Salaysay,^[58] which was adopted as part of the latter's direct testimony,^[59] attesting to the fact that her five-year-old daughter was raped.

Sally's testimony regarding Rachel's age was insufficient, since Rachel was alleged to be already five years old at the time of the rape, and what is sought to be proved is that she was then less than seven years old. Her testimony will suffice only if it is expressly and clearly admitted by the accused. There is no such express and clear declaration and admission of the appellant that Rachel was less than seven years old when he raped her. Moreover, the trial court made no finding as to the victim's age.

It must be stressed that the severity of death penalty, especially its irreversible and final nature once carried out, makes the decision-making process in capital offenses aptly subject to the most exacting rules of procedure and evidence.^[60] Accordingly, in the absence of sufficient proof of Rachel's minority, the appellant cannot be

convicted of qualified rape and sentenced to suffer the death penalty.

However, Sally's testimony that her daughter was five years old at the time of the commission of the crime is sufficient for purposes of holding the appellant liable for statutory rape, or the rape of a girl below twelve years of age. Under the second paragraph of Article 266-B, in relation to Article 266-A(1)(d), carnal knowledge of a woman under twelve years of age is punishable by reclusion perpetua. Thus, the appellant should be sentenced to suffer reclusion perpetua, and not the death penalty.

As to damages, the trial court erred in not awarding civil indemnity to the victim, the same being mandatory upon the finding of the fact of rape.[61] We award to the victim the sum of P50,000 as civil indemnity. In view of the finding that the appellant is liable only for simple rape, the amount of P75,000 as moral damages should be lowered to P50,000 in conformity with prevailing jurisprudence.[62]

This is not the first time that a child has been snatched from the cradle of innocence by some beast to sate its deviant sexual appetite. To curb this disturbing trend, the appellant should, likewise, be made to pay exemplary damages which, in line with prevailing jurisprudence, is pegged at P25,000.[63]

WHEREFORE, the Decision of the Regional Trial Court of Malolos, Bulacan, Branch 78, is AFFIRMED with MODIFICATION. Appellant Rodel Antivola is held GUILTY of simple rape, and is sentenced to suffer the penalty of reclusion perpetua. He is ordered to pay the victim Rachel de Guzman P50,000 as civil indemnity; P50,000 as moral damages; and P25,000 as exemplary damages.

SO ORDERED.

Davide, Jr., C.J., Puno, Vitug, Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, and Tinga, JJ., concur.

Azcuna, J., on official leave.

[1] Penned by Judge Gregorio S. Sampaga.

[2] Docketed as Criminal Case No. 421-M-98.

[3] Records, p. 2.

[4] Id. at 10.

[5] The prosecution presented three witnesses: Rachel de Guzman, Sally de Guzman, and Dr. Manuel C. Aves.

[6] TSN, 15 May 1998, p. 2 (Rachel de Guzman).

[7] TSN, 25 May 1998, p. 2 (Sally de Guzman).

[8] TSN, 15 May 1998, p. 2 (Rachel de Guzman).

[9] TSN, 18 May 1998, p. 3 (Rachel de Guzman).

[10] TSN, 15, May 1998, p. 3 (Rachel de Guzman).

[11] Id. at 4.

[12] Id. at 5.

[13] Records, p. 4.

- [14] *Id.* at 49.
- [15] TSN, 8 July 1998, p. 3 (Dr. Manuel C. Aves).
- [16] The defense presented as witnesses : Rodel Antivola, Marites Capalad, and Ruben Nicolas.
- [17] TSN, 2 September 1998, p. 5 (Rodel Antivola).
- [18] TSN, 19 April 1999, pp. 7-8 (Ruben Nicolas).
- [19] TSN, 2 September 1998, pp. 2, 5 (Rodel Antivola).
- [20] *Id.* at 6.
- [21] *Id.* at 4.
- [22] *Id.* at 8.
- [23] *Id.* at 2-3.
- [24] *Id.* at 8.
- [25] TSN, 19 April 1999, p. 7 (Ruben Nicolas).
- [26] *Id.* at 9-10.
- [27] TSN, 20 November 1998, pp. 2-3 (Marites Capalad).
- [28] *Id.* at 8.
- [29] Records, p. 137.
- [30] *Id.* at 135.
- [31] *Id.* at 137.
- [32] Rollo, p. 47.
- [33] *Id.* at 51.
- [34] *People v. Sambrano*, G.R. No. 143708, February 24, 2003.
- [35] TSN, 15 May 1998, p. 3 (Direct testimony of Rachel de Guzman).
- [36] *Id.* at 4. (Emphasis supplied)
- [37] *Id.* at 5.
- [38] *People v. Fernandez*, 351 SCRA 80 (2001).
- [39] *People v. Casil*, 241 SCRA 285 (1995).
- [40] *People v. Ulgasan*, 335 SCRA 441 (2000).
- [41] TSN, 2 September 1998, p. 6.
- [42] Rollo, p. 79.
- [43] *People v. Cruz*, 229 SCRA 754 (1994).
- [44] *People v. Geraban*, 358 SCRA 213 (2001).

- [45] People v. Tipay, 329 SCRA 52 (2000).
[46] People v. Musa, 371 SCRA 234 (2001).
[47] People vs. Baniel, 275 SCRA 472 (1997).
[48] People vs. Yadao, 216 SCRA 1 (1992).
[49] People v. Parica, 243 SCRA 557 (1995).
[50] People v. Retuta, 234 SCRA 645 (1994).
[51] People v. Villaflores, 371 SCRA 429 (2001).
[52] People v. Alfanta, 378 Phil. 95 (1999).
[53] People v. Lamarozza, 299 SCRA 116 (1998).
[54] Records, p. 48.

[55] 390 SCRA 577 (2002).

- [56] Id. at 604.
[57] TSN, 15 May 1998, p. 2 (Rachel de Guzman).

INTERPRETER TO THE WITNESS ...

Q : Please state your name and other personal circumstances.

A : RACHEL DE GUZMAN, 5 years old...

- [58] Records, p. 4.
[59] TSN, 25 May 1998, p. 2 (Sally de Guzman). [60] People v. Liban, 345 SCRA 453 (2000).
[58] Records, p. 4.
[59] TSN, 25 May 1998, p. 2 (Sally de Guzman).
[60] People v. Liban, 345 SCRA 453 (2000).
[61] People v. Larena, 309 SCRA 305 (1999).
[62] People v. Mirante, Sr., G.R. No. 147606, January 14, 2003.
[63] People v. Marquez, 347 SCRA 510 (2000).

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