PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. TIMOTEO BRACERO, ACCUSED-APPELLANT.

G.R. No. 139529. July 31, 2001

Ponente: KAPUNAN, J.

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KAPUNAN, J.:

Accused-appellant Timoteo Bracero, Napoleon Presillas and Nazareno Presillas were charged with the special complex crime of robbery with rape before the Regional Trial Court of Davao City, Branch 25, in an information which reads as follows:

> The undersigned accuses TIMOTEO BRACERO, NAPOLEON PRESILLAS and NAZARENO PRESILLAS of the crime of Robbery with Multiple Rape, committed as follows:
>
> That on or about the 7[th] day of July 1993 at 7:00 o'clock in the evening, more or less and for sometime thereafter in the Municipality of Sogod, Province of Cebu, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping one another, taking advantage of nighttime, did then and there wilfully, unlawfully and feloniously, with intent of gain, by means of force, violence and intimidation with the use of firearm enter the house of spouses Alberto and Maritess Densing and take, steal and carry away the following:
>
> Cash money in the sum of - -
>
> P 150.00
>
> Lady's wristwatch Seiko 5
>
> valued at - -
>
> 3,000.00
>
> T o t a l
>
> - -
>
> P3,150.00

to the damage and prejudice of the said spouses and in the occasion of the robbery, accused Napoleon Presillas

and Timoteo Bracero with intent of having sexual intercourse and by means of force and intimidation did then and there rape and have carnal knowledge with Maritess Densing, accused Napoleon Presillas for two times while accused Timoteo Bracero, for once.

CONTRARY to and in violation of Article 294 Par. 2 of the Revised Penal Code.[1]

Upon arraignment on March 11, 1994, accused-appellant entered a plea of not guilty to the crime charged.[2] Napoleon and Nazareno Presillas remained at large.

Thereafter, trial ensued.

On November 3, 1994, the trial court rendered a decision which dispositively reads as follows:

> WHEREFORE, premises considered, the Court finds the accused TIMOTEO BRACERO guilty beyond reasonable doubt of two (2) distinct and separate crimes of robbery and rape, and, applying the Indeterminate Sentence Law, the said accused is hereby sentenced to suffer the penalty of imprisonment in the crime of robbery, from TWO (2) YEARS, FOUR (4) MONTHS and ONE (1) DAY of prision correccional, as minimum, to SIX (6) YEARS, EIGHT (8) MONTHS and ONE (1) DAY of prision mayor, as maximum, to indemnify the spouses Alberto and Maritess Densing the sum of P3,150.00 as the value and amount stolen, and to pay 1/3 of the costs; for the crime of rape, to suffer the penalty of imprisonment of SEVENTEEN (17) YEARS, FOUR (4) MONTHS and ONE (1) DAY of reclusion temporal, as minimum, to TWENTY-SIX (26) YEARS and SEVEN (7) MONTHS of Reclusion Perpetua, as maximum, to indemnify the offended party Maritess Densing the sum of P30,000.00 and to pay the costs, which sentences shall be served successively in accordance with and under the terms and conditions imposed in Article 70 of the Revised Penal Code. The said accused is credited with the full term in serving his sentence of the preventive imprisonment which he has undergone during the pendency of this case, subject to the conditions imposed in Article 29 of the Revised Penal Code.
>
> As the two other accused, namely, Napoleon Presillas and Nazareno Presillas, are still at-large and in order that this case shall not remain as pending in the records of the Court, let this case be ARCHIVED in so far as said two accused are concerned and to be revived upon their arrest. Let alias warrant of arrest issue for the said two (2) accused, Napoleon and Nazareno Presillas, and said warrant be returned only upon their arrest.
>
> SO ORDERED.[3]

Accused-appellant filed an appeal with the Court of Appeals. The said court rendered a decision on July 29, 1999 which reads as follows:

> WHEREFORE, the Decision of the Trial Court is hereby MODIFIED by imposing the penalty of reclusion perpetua upon the accused-appellant Timoteo Bracero. However, no judgment shall be entered and instead, the records of the case are hereby ordered elevated to the Supreme Court for its review pursuant to the second paragraph of Section 13, Rule 124, Revised Rules of Court (See also People vs. Esparcia, 187 SCRA 282, 288).
>
> SO ORDERED.[4]

The Court accepted the appeal and required the parties to file additional briefs, if they so desired.[5]

On February 17, 2000, accused-appellant filed his brief ascribing to the trial court the following errors, viz:

> I
>
> THE TRIAL COURT GRAVELY ERRED IN GIVING CREDIBILITY TO THE TESTIMONIES OF SPOUSES ALBERTO AND MARITES DENSING ON THE ALLEGED POSITIVE IDENTIFICATION OR (sic) APPELLANT TIMOTEO BRACERO DESPITE ITS GLARING INCONSISTENCIES AND

CONTRADICTIONS.

II

THE TRIAL COURT ERRED IN DISREGARDING THE DEFENSE OF ALIBI INTERPOSED BY THE ACCUSED-APPELLANT TIMOTEO BRACERO.[6]

The relevant antecedents are as follows:

At around seven o'clock in the evening of July 7, 1993, three (3) men later identified as Napoleon Presillas, Nazareno Presillas and accused-appellant, came to the residence of the complainants Alberto and Marites Densing looking for Alberto's father.[7] Napoleon Presillas then ordered Alberto to come down. He did so accompanied by his wife, Marites. When they alighted, Alberto was directed by the trio to sit under a coconut tree.[8]

The trio then identified themselves as members of the military and informed them that they came to retrieve the two (2) hand grenades which the spouses allegedly have in their possession. Failure to surrender the same, they were told, would mean payment of a fine amounting to ten thousand pesos (P10,000.00).[9]

Alberto denied having hand grenades in his possession and told them that he did not have money to pay the supposed fine.[10] However, the trio who now claimed to be members of the New People's Army (NPA) insisted in their demand for the hand grenades and the money while pointing a gun at Alberto. Afraid for his and his wife's lives, Alberto said that he had one hundred fifty pesos (P150.00) in his wallet and a cow to sell.[11] Napoleon ordered Marites to get the wallet. She was accompanied by accused-appellant[12] who when they reached the couple's room held her by the waist, mashed her breasts and embraced her. Marites however was able to wrest herself from him.[13] When she found the money, she gave it to the accused-appellant, then went outside to where the group was.

Napoleon then held Marites and directed her towards the back of the house while accused-appellant and Nazareno guarded an immobilized Alberto.[14] While they were at the back of the house, Napoleon ordered Marites to lie down and threatened to shoot her if she did not obey. Trembling with fear, Marites complied. Napoleon then removed her clothes and ordered her to take off her short pants. He placed himself on top of her and forcibly removed her underpants. He then embraced her tightly and succeeded in having sexual intercourse with her.[15] Thereafter, he ordered her to stand up and put on her clothes. He admonished her not to tell her husband about what happened.[16]

Afterward, they proceeded to Eutiquio Presbitero's house to sell the Densing's cow. At a distance of about half a kilometer to said house, only Alberto and Napoleon proceeded while Marites, guarded by Nazareno and accused-appellant, stayed behind and waited near a field of coconut trees.[17]

Accused-appellant ordered Marites to go farther into the field and ordered her to lie down. When she asked why, accused-appellant replied that if she valued their safety, she should just do as she was told. Marites pleaded with him to spare her, saying that Napoleon already raped her, but accused-appellant refused. Afraid, Marites then did as she was told. Accused-appellant then removed his pants and Marites' short pants and underpants. He placed himself on top of her and succeeded in having sexual intercourse with her.[18] After satisfying his carnal lust, he ordered her to stand. Holding her by the forearm, he noticed the watch she was wearing. He forcibly took it from her despite her protest.[19]

Moments later, Marites saw her husband and Napoleon coming. The trio discussed something among themselves. After that, the spouses were led into a grove of bamboo trees where Alberto was ordered to sit while Napoleon, holding Marites by the arm, led her away allegedly to collect dried leaves to be used for sleeping.[20] Thereupon, Napoleon ordered Marites to lie down. When she refused, Napoleon pinned her to the ground, pulled down her

short pants and underpants, raised her dress and again succeeded in having sexual intercourse with her.[21] He then led Marites back to her husband with the warning not to tell her husband about the second rape.[22]

Marites sat beside her husband but could only cry when Alberto asked her what happened. Napoleon told the spouses that he and his companions cannot stay anymore but gave them instructions as to where they will deliver the proceeds of the sale of their cow.[23]

Thereafter, they let the spouses go. On their way home, Marites told Alberto of the three (3) acts of rape committed against her by accused-appellant and Napoleon.[24]

The following day, the spouses reported the incident to the police stationed at Sogod. Their affidavits were taken. Thereafter, they proceeded to the Dosado Memorial Hospital where Marites was subjected to a physical and medcial examination by Dr. Lilia Diaz.[25] The findings revealed healed lacerations and the presence of spermatozoa in Marites' genitalia.

Thereafter, the instant case was filed.

As already mentioned above, accused-appellant inceptively faults the trial court for convicting him despite what he claims to be the seemingly untrustworthy identification made by the Densing spouses based on the inconsistencies between their written statements and testimonies in open court.

When an accused assails the identification made by witnesses, he is in effect attacking the credibility of those witnesses who referred to him as the perpetrator of the crime alleged to have been committed.[26] Inevitably, the case turns on the question of credibility.

It has long been a well-settled rule of evidence and procedure that the issue of credibility of witnesses is within the exclusive province of a trial court to determine under the well-nigh principle that findings of trial courts deserve respect from appellate courts.[27] The foregoing rule notwithstanding, a thorough examination of the records of the case reveals that the trial court's findings of fact are fully supported by the evidence on record.

The testimonies of Alberto and Marites were not only consistent with, and corroborative of, each other. Their narration of what transpired before the trial court was clear, coherent and categorical. There was no discernable hesitation or uncertainty on the part of the spouses in identifying the accused-appellant during the trial. Marites testified on direct examination[*] as follows:

> Q
>
> Now a few seconds before you brought away from your house, what happened?
>
> A
>
> We were robbed by them and money was taken away from us.
>
> Q
>
> Now, who robbed you?
>
> A
>
> Napoleon Presillas, Nazareno Presillas and Timoteo Bracero.
>
> Q
>
> You mentioned about money Mrs. Witness, where was the money being placed which you said was being robbed by those persons?

A

On the wallet which was placed upstairs.

Q

Who of those three persons actually took the wallet?

A

Timoteo Bracero.

Q

Now Mrs. Witness, could you tell this Honorable Court how was Timoteo Bracero able to know the wallet upstairs containing money?

A

They were asking money from us and I told them that we have no money and with this because they wanted that will be fined with that handgrenade in the amount of ten thousand pesos and we further told them that the only money we have was only one hundred fifty pesos.

Q

Who told those three persons about the money amounting of one hundred fifty pesos?

A

I was the one, sir.

Q

What about the possession of that money about the wallter?

A

I was the one who got the wallet, sir.

Q

Now, what actually prompted you Mrs. Witness to tell the truth of those three (3) persons about the wallet containing one hundred fifty pesos?

A

Because they were forcibly demanding us to produce in the amount of ten thousand pesos and I told them that we have no money in this amount and the only money that we have was only one hundred fifty pesos, the remaining amount which we used in our daily subsistence.

Q

Who in particular Mrs, witness forcibly demanded that the amount of tel thousand pesos?

A

Napoleon Presillas.

Q

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Now when Napoleon, or you said a few minutes ago mrs. Witness before you were actually raped by Napoleon Presillas he had a firearm, now when Napoleon Presillas demanding money amounting of ten thousand pesos, where was the firearm of Napoleon Presillas?

A

His firearm was on his waist.

Q

And so, you actually handed to him the amount of one hundred fifty pesos?

A

I gave the one hundred fifty pesos to Timoteo.

COURT INTERRUPTING:

Q

Why did you give to Timoteo when it was Napoleon Prescillas who demanded money from you?

A

I gave that amount of one hundred fifty pesos to Timoteo Bracero because at the time that I got the money I was the one who told by Napoleon to follow me upstairs and I was rattled while looking the money upstairs.

Q

And were you able to find that money upstairs?

A

I took it for quite a long time to locate that money, Your Honor, because I forgot where I placed that money.

Q

After having found with your money, what did you do?

A

I gave it to Timoteo, Your Honor.

Q

After that what Timoteo say?

A

After I gave the money to Timoteo Bracero he went downstairs and thereafter Napoleon hold my shoulder and he brought me towards at the back of our house and there I was sexually abused by him and after he was actually abused by him he told me to stand up because they were in hurry to sell the cow to Eutiquio.

Q

Now did you actually go to the house of Eutiquio?

A

I was left by them the coconut trees but these coconut trees are near to the house of Eutiquio and I was left

guarded by Timoteo and Nazareno. It was my husband and Napoleon who proceeded to the house of Eutiquio.

xxx

Q

How far from the house of Eutiquio in relation to your house?

A

One (1) kilometer.

Q

Now, you said that you were left at the coconut tree guarded by the two persons, now how far were you in relation to the house of Eutiquio then?

A

It did not reach a half kilometer.

Q

Now while you were there near the coconut tree, Mrs. witness, what happened?

A

I was raped by Timoteo Bracero.

Q

You are referring to Timoteo Bracero one of the accused who is now in court wearing a green t-shirts?

A

Yes, sir, he is the one.

Q

Now at what particular placed did Timoteo Bracero raped you?

A

At the coconut plantation.

Q

Now how did he rape you, Mrs. witness?

A

At the place where I was raped by Timoteo Bracero first he told me to lie down and I asked him why and he told me just lie down so that you will not be killed all of you and I told him "you again wanted to fuck me when in fact your companion had already fuck me and Timoteo further told me that just do what I told you if you don't want to be killed and I told further that I am willing as long as you will not kill us.

Q

Now could you tell the Honorable Court about what happened a few second before you were actually raped by Timoteo Bracero?

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A

He held me and he told me to lie down and I asked him "why?" and Timoteo told me just lie down anyway my companion is far and the other one who guarded me was far from the place where I was about to be raped by Timoteo Bracero and the other one was at the barangay road which is far from us.

Q

Now, who was guarded at that time?

A

Timoteo and Nazareno.

Q

Now, you actually lie down Mrs. witness?

A

Yes, sir, I lie down as told by Timoteo and the place where I lie down was stony.

Q

After that, what happened next?

A

After that that I already lie down Timoteo Bracero removed his pants up to his knees only and thereafter he placed on top of me and at that time I already lost my strength.

Q

Now, you were then wearing your short pants?

A

Yes, sir, I was wearing my short pants.

Q

What happened to your short pants?

A

After I lie down Timoteo Bracero removed his pants and also removed my short pants down and thereafter he place on top of me.

Q

What about your panty, what happened to your panty?

A

Also included in removing my short pants.

Q

After Timoteo had already removed your short pants, what happened next?

A

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He astride me and he inserted his penis to my vagina.

Q

Did you not try to push him, Mrs. witness?

A

I pushed him away because I felt pain of my back because his body was already placed on top of me.

Q

Now, after Timoteo had already inserted inside your vagina, what did you feel Mrs. witness?

A

I did not feel anything because I already lost my strength and I was also frightened.

Q

Now for how many times did you abuse by Timoteo Bracero?

A

Only once, sir.

Q

After that, what happened next?

A

After that Timoteo Bracero ordered me to stand up because I was wearing at that time a watch like this one that I was wearing now but it was only a seiko 5 it was being pawned by my cousin and he got that watch from me.

Q

That seiko 5, what was the value?

A

My cousin pawned that seiko 5 to me in the amount of P1,000 but according to him that he purchased that seiko 5 in the amount of P3,000.

Q

Now, you said that Timoteo took your seiko 5 while in the process of taking the seiko 5, what was your reaction Mrs. witness?

A

I told him that do not took away this seiko 5 you know that it is pawned by my cousin from me and how could I pay him.

Q

Could you tell this Honorable Court whether or not you offered some form of physical resistance to the ... of Timoteo Bracero in taking of that seiko 5 watch?

A

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I was not able to move because he held me and he said that "your watch is a gunuine watch" and I answered that "yes, that is true in fact it is pawned by my cousin to me."

Q

What part of your body was being held by Timoteo?

A

My forearm when he took the watch from me.[28]

On cross-examination,[*] she further declared:

Court to the witness:

Q

In the morning of the day following the day of the incident when you reported the matter to the police, was your husband with you?

A

Yes, Your Honor.

Q

And you were asked to tell the persons committed this robbery and who raped you?

A

We were asked, Your Honor.

Q

What did you tell?

A

We were asked who raped me and who committed the robbery and my husband told the investigator that it was Timoteo Bracero but we told them that we do not know those others who were with Timoteo Bracero and on the following week, we were shown the pictures.

xxx

Q

Were you able to meet the accused Timoteo Bracero in the Provincial Jail?

A

Yes, sir.

Q

Is it not a fact that when Rex Bacayo confronted you whether that Timoteo Bracero who was confined there was the same person who raped you on the evening of July 7, 1993 and that you said that he is similar to the one who raped you, is that correct?

A

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When I was confronted by Rex Bacayo about Timoteo Bracero I told Rex Bacayo that he is the very one.

Q

How about your husband, did Rex Bacayo not ask him if he was the same Timoteo Bracero who robbed you?

A

My husband was confronted by Rex Bacayo about Timoteo Bracero and he immediately identified Timoteo Bracero that he was the one who robbed us.

Q

So, your husband knows very well Timoteo Bracero, is that correct?

A

Yes, sir, they were classmates before.[29]

On direct examination,[*] Alberto testified that:

Q

Now mr. witness, this Timoteo Bracero, when for the first time did you see him?

A

I saw this accused Timoteo Bracero for the first time at the school, Dosado Memorial School, Sogod, Cebu.

Q

Now Mr. witness, what was Timoteo Bracero doing there at the said school?

A

He was schooling, sir.

Q

What about you, what were you doing there?

A

I was also schooling, sir.

Q

Now you were studying in different years?

A

The same year and grade, sir.

Q

So, you were one classmates?

A

Yes, sir.

Q

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Now, was it in first year or another year?

A

First year.

Q

Could you estimate the year wherein you were classmates?

A

1968 and 1969.

Q

When you were then classmates, what was you age, mr. witness?

A

I was 16 years old.

Q

What about Timoteo Bracero?

A

He was 16 or 17 years old.

xxx

Q

After you have mentioned about the amount of P150.00, what happened next?

A

Napoleon ordered to command Marites to get the wallet.

Q

Could you tell the Honorable Court whether Marites Densing obey the order of Napoleon?

A

Yes, sir.

Q

And, so, Marites went up stair.

A

Yes, sir.

Q

Now what happened next?

A

Marites went up stairs to look the money.

Q

After looking for the money, what happened?

A

Marites Densing gave the money to Timoteo Bracero because Timoteo Bracero accompanied my wife to go up stairs.[30]

On cross-examination,[*] he declared further:

Q

Now when you met the accused in the evening of July 7, 1993 to your house, did you recognize him already?

A

Yes, sir.

Q

When these three persons arrived in your house and greeted and asked who was Dadoy Densing, you have already recognized one of them as Timoteo Bracero?

A

Yes, sir, when they arrived.

Q

When you were downstair of your house together with your wife, did any of the accused these three persons pointed you a gun immeidately?

A

He was not pointed a weapon, sir, but Napoleon talked me first.

Q

Do you know already Napoleon Presillas when he came to your house in that evening?

A

No, sir.

Q

Having recognized the accused Timoteo Bracero, who was your classmate and I presumed you also friend of his before you were pointed a gun by Napoleon, did you not exchange pleasantires with Timoteo Bracero?

A

No, sir, because I was afraid that they might kill me.

xxx

Q

Why did you say that you were afraid that they might kill you when you came downstair and have recognized

one of the accused Timoteo Bracero who were not yet pointed a gun towards you by Napoleon Presillas?

A

Because they were humor as they are robbers.

Q

Who was whom did you refer as the robber, the three accused or only Timoteo Bracero?

A

The three (3), sir.[31]

Another well-entrenched rule in our jurisprudence is that it is a natural reaction for victims of criminal violence to strive to ascertain the appearance of the malefactors and observe the manner in which the crime was committed. In Marites' case, it is important to note that it was accused-appellant who accompanied her inside their house when she searched for her husband's money; that it was accused-appellant who held her by the waist, mashed her breasts and embraced her; and that it was accused-appellant who raped her in the coconut grove. Given these grueling circumstances, it would have been impossible for Marites not to remember accused-appellant's face and demeanor. In Alberto's case, it is not likely that he will forget a classmate's face. As aforestated, Alberto testified that accused-appellant was a classmate in high school.[32]

Moreover, records do not disclose any improper motive on the part of the spouses to falsely point to accused-appellant as one of the perpetrators of the robbery-rape. Consequently, their identification of the accused-appellant should be given full faith and credit.[33]

Accused-appellant lamely opines that there is an inconsistency between the written sworn statement given by Alberto to the Sogod Police on August 12, 1993 and his testimony given in open court. He contends that such inconsistency could lead to no other conclusion than that he was not properly identified by Alberto.

As we have already discussed above, we have expended considerable time and effort studying the records of this case and we find nothing in the spouses' account of events which will show that their credibility is impeachable.

Alberto's initial failure to reveal the names of the assailants when they reported the matter to the police does not detract from the fact that accused-appellant was one of the perpetrators of the robbery-rape as testified to by the spouses in open court. Besides, the alleged "inconsistency" is too trivial and minor to consider.

In numerous cases decided by the Court, it has been held that inconsistencies between the sworn statement and direct testimony given in open court do not necessarily discredit the witness since an affidavit, being taken ex-parte, is oftentimes incomplete and is generally regarded as inferior to the testimony of the witness in open court.[34]

Accused-appellant next interposes the defense of denial and alibi. He maintains that he was in his home at the time the crime was committed.

Alibi and denial cannot prevail over the positive identification of herein accused-appellant as one of the perpetrators of the crime charged.[35] For alibi to prosper, it would not be enough for the accused-appellant to prove that he was elsewhere when the crime was committed. He went further to demonstrate that it would have been physically impossible for him to have been at the scene of the crime at the time of its commission.[36]

Records show that accused-appellant resides in Danao City and that it was not physically impossible for him to be in Sogod, the scene of the crime, at the time the incident happened. By his own admission, accused-appellant

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testified that transportation from Cebu City to Sogod, passing through Danao City, was still available from five o'clock in the afternoon to six o'clock in the evening. Consequently, it would not have been impossible for him to be in Sogod at around seven o'clock in the evening when the incident transpired.

Finally, accused-appellant and his co-accused were charged with the special complex crime of robbery with multiple rape under paragraph 2 of Article 294 of the Revised Penal Code which is punishable by reclusion perpetua to death. However, the trial court found accused-appellant guilty beyond reasonable doubt of the separate crimes of robbery and rape and imposed upon him the penalty respective to each crime.[37] This is erroneous. When the robbery is accompanied by rape, as in the case at bar, the same must be punished as a special complex crime. As discussed above, accused-appellant is guilty of robbery with one (1) count of rape, consequently, he should be sentenced to suffer the penalty of reclusion perpetua.

WHEREFORE, the decision of the Regional Trial Court is hereby AFFIRMED with the MODIFICATION that accused-appellant Timoteo Bracero is found guilty beyond reasonable doubt of the crime of robbery with rape and is sentenced to suffer the penalty of reclusion perpetua, together with the accessory penalty provided by law.

SO ORDERED.

Puno, Pardo, and Ynares-Santiago, JJ., concur.
Davide, Jr., C.J., (Chairman), on official leave.

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[1] Records, pp. 1-2.

[2] Id., at 36-37.

[3] Id., at 82-83.

[4] CA Rollo, pp. 107-108.

[5] Rollo, p. 3.

[6] Id., at 7.

[7] TSN, April 5, 1994, p. 7.

[8] TSN, April 8, 1994, p. 3.

[9] Id., at 4; TSN, April 5, 1994, pp. 7-8.

[10] TSN, April 8, 1998, p. 4.

[11] Id., at 5.

[12] Id., at 5-6.

[13] TSN, April 7, 1994, p. 8.

[14] TSN, April 5, 1994, p. 9.

[15] Id., at 10.

[16] Id., at 12.

[17] Id., at 13-14.

[18] Id., at 15.

[19] Id., at 15-16.

[20] Id., at 17-18.

[21] Id., at 18.

[22] Id., at 19.

[23] Id.

[24] Id., at 20.

[25] Id., at 21.

[26] People v. Apawan, 235 SCRA 355 (1994).

[27] People v. Merino, 321 SCRA 199 (1999); People v. Mendoza, 301 SCRA 66 (1999); People v. Obello, 284 SCRA 79 (1998).

[*] Reproduced verbatim.

[28] TSN, April 5, 1994, pp. 12-16. Emphasis ours.

[*] Reproduced verbatim.

[29] TSN, April 7, 1994, pp. 11-13. Emphasis ours.

[*] Reproduced verbatim.

[30] TSN, April 8, 1994, pp. 4-6.

[*] Reproduced verbatim.

[31] Id., at 10-12.

[32] TSN, April 5, 1994, p. 13.

[33] People v. Lozano, 206 SCRA 234 (1992); People v. Payot, 308 SCRA 43 (1999).

[34] People v. Silvestre, 307 SCRA 68 (1999); People v. Banela, 301 SCRA 84 (1999); People v. Villanueva, 215 SCRA 22 (1992).

[35] People v. Yanson-Dumancus, 320 SCRA 584 (1999).

[36] People v. Lachica, 316 SCRA 443 (1999).

[37] See Note 3.

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