

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. JAIME GONZALES Y PALLER, APPELLANT.

G.R. No. 140676. July 31, 2002

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

When the age of the victim is not proven beyond reasonable doubt by the prosecution, the accused may be declared guilty only of simple, not qualified, rape; and penalized with reclusion perpetua, not death.

The Case

For automatic review before this Court is the August 12, 1997 Decision[1] of the Regional Trial Court (RTC) of Las Piñas City (Branch 275) in Criminal Case No. 96-0101, finding Jaime Gonzales y Paller guilty beyond reasonable doubt of rape in its qualified form. The dispositive portion of the Decision reads as follows:

“WHEREFORE, judgment is rendered finding accused Jaime Gonzales y Paller GUILTY of Rape beyond reasonable doubt, which is punished under Article 335, as amended, with death. Accused Jaime Gonzales y Paller is hereby sentenced to die by the method provided for by law and to pay Maryann Gonzales y Aboga the sum of P100,000.00.”[2]

The February 8, 1996 Information[3] against appellant was worded as follows:[4]

“That on or about the 29th day of January, 1996, in the Municipality of Las Piñas, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously have carnal knowledge [of] her daughter of tender age, Mary-ann Gonzales y Aboga who is eleven (11) years of age, against her will and consent.”[5]

When arraigned on March 4, 1996, appellant, with the assistance of his counsel de oficio,[6] pleaded not guilty.[7] After pretrial and due trial, appellant was found guilty of qualified rape.

The Facts

Version of the Prosecution

In its Brief,[8] the Office of the Solicitor General (OSG) summarized the facts in the following manner:

“The victim Maryann Gonzales y Aboga is the daughter of appellant Jaime Gonzales. She was born on April 8, 1984. Sometime in December of the year 1995, her mother left for Kuwait to work. Maryann was left with her father, herein appellant, and her five (5) younger brothers at their residence in Bernabe Compound, Las Piñas.

“On January 29, 1996, around 1:00 in the morning, appellant arrived home drunk. He roused Maryann from her sleep and ordered her to prepare milk for her baby brother who was then crying. As she rose from the bed from a ‘nakatagilid’ position, she noticed her skirt had been lifted up. However, she did what appellant told her to do and went down to prepare the milk for her baby brother.

“Thereafter, appellant ordered Maryann to put off the light as he removed his pants. He ordered her to undress

to which she refused. But appellant pulled her and she became so afraid of him that she complied and removed her dress. He then placed himself on top of her and put a substance in her vagina after which he inserted his penis into her vagina. She felt pain. After he was finished, a substance came out from her vagina which she did not know what it was.

“After satisfying his lust, appellant told Maryann that he would kill her if she reported the incident to anyone. Maryann cried a lot. Later that morning when Maryann woke up, all the things on the beddings were already gone. When she urinated, she felt pain. She went to school but upon arriving thereat she felt as if she was ‘out of her mind.’ Her teacher called her attention and told her that her mind was blank. Notwithstanding appellant’s threats, Maryann reported the sexual abuse to the aunt of her mother, Pacita Resco, and to a friend of her mother, Nenita Polintan.

“On February 5, 1996, Resco and Polintan accompanied the victim to the Las Piñas Police Station where the victim executed her sworn statement. That same day, she was brought to the National Bureau of Investigation (NBI) where she was medically examined by Dr. Louella I. Nario. Dr. Nario issued Living Case Report No. MG-96.184 which disclosed the following:

CONCLUSIONS:

- No evident sign of extragenital physical injuries noted on the body of the subject at the time of examination.
- Hymen intact and its orifice small (1.5 cms. In diameter) as to preclude complete penetration by an average sized, adult, Filipino male organ in full erection without producing any genital injury.

“Dr. Nario opined that even as the victim’s hymen was not lacerated, it is still probable that she was raped because it has been said that mere contact of the male organ can already constitute a crime of rape.”[9] (Citations omitted)

Version of the Defense

On the other hand, appellant’s statement of facts is as follows:[10]

“Accused Jaime Gonzales testified that he was 35 year[s] old and married. On January 20, 1996 at about 2:00 or 2:30 a.m., he was in a dancing session at the other barangay about a 100 meters from the house. The dancing ended at 4:30 a.m. Also living in the house are his 6 children. His daughter Mary-ann is 12 years old.

“When he arrived home, the door was open. He noticed that the mosquito net was untied from the posts. Mary-ann was not home when he arrived that morning. He lied down to take a rest.

“Regularly, his children go to Parañaque because they are selling fruits in the market.

“Nothing happened in the house that particular morning.”[11] (Citations omitted)

Ruling of the Trial Court

The RTC held that because the testimony of complainant was clear and convincing, it could “not ignore [her] detailed declaration x x x on the rape committed against her by her own father.”[12] It ruled that the contact of the penis with the labia of the vagina was sufficient to constitute carnal knowledge.[13] And since appellant was the father of complainant who, at the time of the rape, was only eleven (11) years and nine (9) months old,[14] the RTC sentenced him to death.

Hence, this automatic review before us.[15]

Issues

In his Brief, appellant assigns this lone error:

“The trial court erred in finding the accused guilty of the crime of qualified rape instead of attempted rape only.”[16]

The Court’s Ruling

The appeal is partly meritorious. Appellant is guilty of simple, not qualified, rape; hence, the penalty should be reduced to reclusion perpetua.

First Issue:

Stage of the Rape Committed

In the main, appellant does not deny having sexually molested his daughter. After poring over the evidence adduced in the court below, we do not doubt the fact. The RTC assessed the testimony of the victim as positive, clear, convincing and sufficient to sustain a conviction for rape. Indeed, the narration could have been made only by someone subjected to a sexual assault. As we have ruled on many occasions, the testimonies of child-victims of rape are to be given full weight and credence.[17]

The victim in the present case was even more credible, because she vividly recalled details that a child could not have possibly concocted. It is highly improbable that a girl of tender years, one not yet exposed to the ways of the world, would impute to any man a crime so serious as rape, if what she claims is not true.[18]

Courts usually give greater weight to the testimony of the victim of a sexual assault, especially a minor.[19] No woman, especially one so young, would concoct a tale of defloration; allow the examination of her private parts; and undergo the expense, the trouble and the inconvenience -- not to mention the trauma of a public trial -- if she is not motivated solely by the desire to have the culprit apprehended and punished.[20] The embarrassment or stigma she suffers in allowing an examination of her private parts and in testifying in open court on the painfully intimate details of her ravishment effectively rules out the possibility of a false accusation of rape.[21] For this reason, the Court has consistently applied the well-settled rule that when a woman -- more so if she is a minor -- says she has been raped, she says in effect all that is necessary to prove that rape was committed.[22]

Equally telling is the fact that appellant opted to rely on bare and unsubstantiated denials. In his testimony he simply averred that nothing happened in their house on that particular morning[23] and expected the court to believe his bare and self-serving statement.

It is well-settled in our jurisdiction that plain denial and alibi in a criminal trial cannot take precedence over the positive testimony of the offended party.[24] Prevailing over these lines of defense are categorical and consistent positive identification, absent any showing of ill motive on the part of the eyewitness testifying on the matter. Unless substantiated by clear and convincing proof, these defenses are deemed to be negative, self-serving and undeserving of any weight in law.[25]

Since, on the part of the victim, there was no showing of any improper motive to testify falsely against the accused or to implicate him falsely in the commission of the crime, the logical conclusion is that no such improper motive existed, and that the testimony is worthy of full faith and credence.[26] As this Court has reiterated time and time again, it is most unlikely for a young girl like complainant, to impute the crime of rape to no less than a close relative and to face social humiliation therefor, if not to vindicate her honor.[27]

This truism becomes even more pronounced in this case, in which a child is accusing her very own father of acts of bestiality. It would take the most senseless kind of depravity for a young daughter to fabricate a story that would send her father to death, only because he had scolded her or because they did not see eye to eye.[28] A child, innocent and naive to the ways of the world, is not likely to accuse her own father of so serious a crime as incestuous rape if it was not the plain truth, or if her motive was not purely to bring the offender to justice.[29]

Appellant insists that there was no consummated rape. If at all, the crime committed was only attempted rape, there being allegedly no proof of penetration.

We disagree. The testimony of complainant is very clear. That there had been penetration she undoubtedly proved in this wise:

“Q What happened after your father arrived?

A He was so drunk. When he entered the house, I was not aware of that. He told me to wake up because my baby brother was then crying and asked me to prepare milk for my brother.

Q What did you do after your father woke up and asked you to prepare milk for your younger brother?

A I went down and I prepared the milk for my brother.

Q After you prepared milk for your younger brother, do you remember what happened next, if any?

A At first, he asked me to put off the light, and then, he removed his pants.

Q After your father put off the lights and removed his pants, do you remember what happened next, if any?

A He asked me to undress, but I refused, so, he pulled me.

Q What did you do when your father pulled you?

A I undressed myself because I was afraid of him.

Q Why are [you] afraid of him?

A Since I was very young, I have been so afraid of him. (Witness started to cry).

Q After he asked you to undress yourself, what did he do next, if any?

A He touched me.

Q What do you mean when you say ginalaw ako’?

A He put himself on top of me.

Q After your father put himself on top of your body, what did he do next, if any?

A He put something, a white substance which I do not know what.

Q Where did your father place this white substance? What part of your body?

A At my vagina.

Q After your father placed this white substance at your vagina, do you remember what happened next, if any?

A He inserted his penis, and thereafter, there was a substance that came out from my organ which I do not know.

Q How did you feel when he inserted his penis to your vagina?

A I felt pain.

Q After your father inserted his penis to your vagina, do you remember what happened next, if any?

A ‘Matapos niya akong ginalaw, tapos, may lumabas sa akin.’ And then, when I woke up, all the things on the beddings were gone already.

Q After your father had inserted his penis to your vagina, did he tell you anything?

A Yes sir. He told me that he will kill me if I report the matter to anyone.

Q What did you do after your father threatened you?

A I cried a lot.

Q After you cried a lot, what did you do next, if any?

A The following morning, since I have to go to school, I felt pain when I urinated.

Q What did you do after you felt pain when you urinated?

A I still went to school and when I arrived at the school, I was out of my mind. I was even called and noticed by my teacher because my mind was blank.”[30]

Complainant was categorical in declaring that appellant had indeed inserted his penis into her vagina. We do not see how her plain and self-evident testimony can leave any iota of doubt that actual penile penetration indeed occurred. Explained the OSG:

“Also, Maryann was positive and categorical in her declaration that she ‘felt pain’ when appellant ‘inserted his penis’. She likewise felt pain in her vagina when she urinated later in the morning before going to school. In this case, there is no doubt that there was ‘penetration’ or ‘introduction’ of appellant’s penis into the labia of the pudendum of Maryann’s vagina. Her clarifying declaration that the white substance...came out from her vagina after he inserted his penis clearly evinces that he ejaculated inside her vagina.”[31]

Besides, in assessing the testimony of complainant, it would be unfair to apply the standards used for adults.[32] It should be viewed as a narration of a child who barely understands sex and sexuality.[33] It is in the context of this perspective and of the other relevant portions of her testimony that we view her statement about the actual penetration.

That the cases cited by appellant do not apply to the case at bar has been correctly observed by the OSG, which points out:

“x x x. The ruling in *Campuhan*, supra, cannot apply since this is not a mere case of ‘epidermal contact, stroking or grazing of organs, a slight brush or a scrape of the penis on the external layer of the victim’s vagina’, but a ‘penetration’ or ‘introduction of the male organ into the labia of the pudendum, or the bombardment of the draw bridge’, so to speak. For the same considerations, appellant’s reliance on *People v. Tolentino*, 308 SCRA 485 [1999] would be misplaced. In *Tolentino*, this Honorable Court ruled that only attempted rape was committed in view of the paucity of evidence that the slightest penetration ever took place, considering that the complainant therein only testified that the accused ‘was trying to force his sex organ into mine, sir’. This was her explanation when asked what she meant when she said ‘binubundol-bundol and kanyang ari’, without narrating important details which would demonstrate beyond any shadow of doubt that the accused’s penis reached the labia of the pudendum, or the lips of the said complainant’s vagina.”[34]

Clearly, in *People v. Campuhan*,[35] the accused was not able to penetrate the victim in view of the latter’s struggle and the timely arrival of her mother. However, the absence of these circumstances in the instant case did not preclude actual penetration. Again, in *Campuhan*, the fact of penetration relied upon by the RTC for conviction came from the mother of the victim and not from the latter herself. In the present case, the victim positively testified to the fact of penetration.

In *People v. Gonzales*,[36] the victim herself admitted that even before there could be actual penetration, the accused had already prematurely ejaculated. In *People v. Tolentino*,[37] the victim testified that the accused had

merely tried to force his organ into hers; she did not categorically state that it had actually penetrated her. All these prior rulings do not apply to the instant case. Here the victim was clear, positive and categorical in her statement that appellant had indeed inserted his penis into her vagina.

To be sure, complete penetration of the female genitalia is not required for a finding that rape was consummated.[38] Neither is the rupture of the hymen necessary.[39] The mere introduction of the penis into the labia majora of the victim's genitalia engenders the crime of rape.[40] Hence, what consummates rape is the "touching" by the penis of, or its "entry" into, the labia majora or the labia minora of the pudendum of the victim's genitalia.[41] Penile invasion necessarily entails contact with the labia.[42] Even the briefest of contacts without laceration of the hymen is deemed to be consummated rape.[43]

Neither does the Medical Report negate the consummation of the rape. Verily, a medical examination of the victim is merely corroborative in character and is not an essential element of rape.[44] The accused may be convicted even on the basis of the lone uncorroborated testimony of the rape victim. That is, provided it is clear, positive, convincing and otherwise not inconsistent with human nature and the normal course of things.[45]

Appellant alleges contradiction between the medical certificate and complainant's positive testimony. But we do not see such contradiction here.

After all, it is the victim's testimony that is the most important evidence of the sexual assault. This Court has ruled thus:

"In child sexual abuse cases particularly, normal physical findings are common due to several factors, such as delay in seeking medical examination, the rapid healing of injuries, washing, urinating or defecating after the sexual assault, the elasticity of the hymen, changes in the hymenal tissue due to estrogen effect when the victim is at the pubertal stage, or the type of sexual molestation involved, such as fondling, oral sodomy, or cunnilingus, which leaves no physical marks. The child's disclosure is the most important evidence of the sexual abuse she has gone through." [46] (Citations omitted)

Second Issue:

Proper Penalty

However, we agree with appellant that the trial court erred in imposing the death penalty.

We stress that, as provided under paragraph 1 of Article 266-B of the Revised Penal Code as amended,[47] in incestuous rapes, the age of the victim and her relationship with the offender must be both alleged in the information and proven during trial, otherwise, the death penalty cannot be imposed.[48] These attendant circumstances alter the nature of the crime of rape and increase the penalty.[49] As such, they are in the nature of qualifying circumstances.[50]

In the case before us, the age of complainant was not proven beyond reasonable doubt. The Information alleged that on January 29, 1996, the date of the rape, she was eleven (11) years old. But other than her bare testimony, no other proof was presented to prove her age. We have held that, although hearsay, the testimony of a rape victim as to her age is admissible as evidence of family tradition. But it cannot, by itself alone be considered proof of age beyond reasonable doubt.[51] We note, too, that the testimony of the present victim as to her age at the time of the commission of the crime was not corroborated by her mother or any other close relative.

In fact, no other evidence was ever presented -- no certificate of live birth or baptismal certificate or school records[52] to prove the age of the victim at the time of the crime. Her minority must be proved with equal certainty and clarity as the crime itself.[53] Since there is no acceptable proof as to her exact age, appellant must be held guilty only of simple, not qualified, rape.

This Court has consistently ruled that, upon a finding of the fact of rape, the award of civil indemnity ex delicto is mandatory.[54] If the death penalty is imposed, the indemnity should be P75,000; otherwise, the victim is entitled to P50,000.[55] An additional P50,000 should be awarded as moral damages. Moral damages are automatically granted in rape cases without need of further proof other than the commission of the crime, because it is assumed that a rape victim has actually suffered moral injuries entitling her to such an award.[56] Finally, exemplary damages in the amount of P25,000 should be awarded in view of the proven circumstance of father-daughter relationship. This award should serve to deter other fathers with perverse tendencies and aberrant sexual behavior from preying upon and sexually abusing their daughters.[57]

WHEREFORE, the appealed Decision is hereby MODIFIED; appellant is found guilty of simple, not qualified, rape; and is sentenced to reclusion perpetua, not death. He is further ORDERED to pay complainant P50,000 as indemnity ex delicto, another P50,000 as moral damages, and P25,000 as exemplary damages. No pronouncement as to costs.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Puno, Vitug, Kapunan, Mendoza, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, and Corona, JJ., concur.

[1] Penned by Judge Bonifacio Sanz Maceda; rollo, pp. 14-20; records, pp. 111-117.

[2] RTC Decision, pp. 6-7; rollo, pp. 19-20; records, pp. 116-117.

[3] Rollo, pp. 7-8; records, pp. 1-2.

[4] Signed by Assistant Prosecutor Jus A. Cabangon, with the approval of Provincial Prosecutor Gregorio A. Arizala.

[5] Rollo, p. 7; records, p. 1.

[6] Atty. Leopoldo Macinas.

[7] Order dated March 4, 1996; records, p. 18.

[8] Appellee's Brief was signed by Assistant Solicitors General Carlos N. Ortega and Azucena Balanon-Corpuz and Solicitor John Emmanuel F. Madamba.

[9] Appellee's Brief, pp. 3-5; rollo, pp. 81-83.

[10] Appellant's Brief was signed by Attys. Arceli A. Rubin and Teresita S. De Guzman of the Public Attorney's Office.

[11] Appellant's Brief, p. 5; rollo, p. 49.

[12] RTC Decision, p. 5; rollo, p. 18; records, p. 115.

[13] Ibid., pp. 6, 19 & 116.

[14] Id.

[15] This case was deemed submitted for resolution on August 8, 2001, upon receipt by this Court of appellant's Reply Brief filed by the Public Attorney's Office. Earlier, appellant's Brief was received by the Court on November 23, 2000, while appellee's Brief was submitted on May 23, 2001.

- [16] Appellant's Brief, p. 6; rollo, p. 50. Original in upper case.
- [17] *People v. Deacosta*, GR No. 110131, May 28, 2001; *People v. Apostol*, 320 SCRA 327, December 9, 1999; *People v. Saban*, 319 SCRA 36, November 24, 1999.
- [18] *People v. Manayan*, GR Nos. 142741-43, October 25, 2001.
- [19] *People v. Galvez*, GR Nos. 136867-68, September 25, 2001; *People v. Makilang*, GR No. 139329, October 23, 2001.
- [20] *People v. Galvez*, *supra*; *People v. Segui*, 346 SCRA 178, November 28, 2000; *People v. Adora*, 275 SCRA 441, July 14, 1997; *People v. Junio*, 237 SCRA 826, October 28, 1994; *People v. Lagrosa Jr.*, 230 SCRA 298, February 23, 1994.
- [21] *People v. Pontilar Jr.*, 275 SCRA 338, July 11, 1997; *People v. Ramirez*, 266 SCRA 335, January 20, 1997.
- [22] *People v. Marino*, GR No. 132550, February 19, 2001; *People v. Balmoria*, 287 SCRA 687, March 20, 1998.
- [23] TSN, March 3, 1997, p. 3.
- [24] *People v. Dacara*, GR No. 135822, October 25, 2001; *People v. Segui*, *supra*.
- [25] *People v. Jose*, 324 SCRA 196, January 31, 2000, citing *People v. Villablanca*, 316 SCRA 13, October 1, 1999.
- [26] *People v. Banela*, 301 SCRA 84, January 18, 1999.
- [27] *People v. Namayan*, 246 SCRA 646, July 18, 1995.
- [28] *People v. Dogaojo*, GR No. 137834-40, December 3, 2001; *People v. Alvero*, 329 SCRA 737, April 5, 2000.
- [29] *People v. Marcellana*, GR Nos. 137401-03, February 6, 2002; *People v. Balas*, GR No. 138838, December 11, 2001; *People v. Degala*, GR Nos. 129292-93, June 20, 2001; *People v. Nuñez*, 310 SCRA 168, July 8, 1999.
- [30] TSN, November 19, 1996, pp. 3-4.
- [31] Appellee's Brief, p. 15; rollo, p. 93.
- [32] *People v. Asuncion*, GR No. 136779, September 7, 2001.
- [33] *Ibid.*
- [34] *Id.*, pp. 15-16 & 93-94.
- [35] 329 SCRA 270, March 30, 2000.
- [36] 337 SCRA 590, August 11, 2000.
- [37] 308 SCRA 485, June 17, 1999.
- [38] *People v. Jalosjos*, GR Nos. 132875-76, November 12, 2001; *People v. Villaruel*, GR Nos. 133741-42, October 26, 2001; *People v. Deacosta*, *supra*; *People v. Aguiluz*, GR No. 133480, March 15, 2001; *People v. Sandoval*, 348 SCRA 476, December 18, 2000.
- [39] *People v. Bautista*, GR No. 123557, February 4, 2002; *People v. Dy*, GR Nos. 115236-37, January 29, 2002; *People v. Gilbero*, GR No. 142005, January 23, 2002; *People v. Musa*, GR No. 143703, November 29, 2001; *People v. Basquez*, GR No. 144035, September 27, 2001.

[40] *People v. Cura*, 310 Phil. 237, 248, January 18, 1995.

[41] *People v. Bali-balita*, 340 SCRA 450, September 15, 2000; *People v. Campuhan*, supra; *People v. Clopino*, 290 SCRA 432, May 21, 1998.

[42] *People v. Makilang*, supra; *People v. Dawisan*, GR No. 122095, September 13, 2001; *People v. Aguiluz*, supra.

[43] *People v. Velasquez*, GR Nos. 142561-62, February 15, 2002; *People v. Tagaylo*, 345 SCRA 284, November 20, 2000; *People v. Dimapilis*, 300 SCRA 279, December 17, 1998.

[44] *People v. Velasquez*, supra; *People v. Bares*, GR Nos. 137762-65, March 27, 2001; *People v. Blazo*, GR No. 127111, February 19, 2001; *People v. Baltazar*, 329 SCRA 378, March 31, 2000.

[45] *People v. Velasquez*, supra; *People v. Dela Peña*, GR No. 128372, March 12, 2001.

[46] *People v. Bohol*, GR Nos. 141712-13, August 22, 2001, per Mendoza, J.

[47] Art. 266-B. Penalties.

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

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.

[48] *People v. Villaseñor*, GR No. 137648, March 30, 2001; *People v. Bayya*, 327 SCRA 771, March 10, 2000; *People v. Tundag*, 342 SCRA 704, October 12, 2000; *People v. Lasola*, 318 SCRA 241, November 17, 1999; *People v. Maglente*, 306 SCRA 546, April 30, 1999; *People v. Ilaos*, 296 SCRA 658, September 29, 1998; *People v. Ramos*, 296 SCRA 559, September 25, 1998.

[49] *People v. Musa*, supra; *People v. Dela Peña*, supra; *People v. Ferolino*, 329 SCRA 719, April 5, 2000.

[50] *Ibid.*

[51] *People v. Esureña*, GR No. 142727, January 23, 2002.

[52] *People v. Baniqued*, GR No. 139384, December 11, 2001; *People v. Virrey*, GR No. 133910, November 14, 2001; *People v. Rivera*, GR No. 13918, July 31, 2001; *People v. Liban*, 345 SCRA 453, November 22, 2000; *People v. Tabangay*, 334 SCRA 575, June 29, 2000.

[53] *People v. Alvarado*, GR No. 145730, March 19, 2002; *People v. Quezada*, GR Nos. 135557-58, January 30, 2002; *People v. Rodriguez*, GR No. 133984, January 30, 2002; *People v. Lorica*, GR No. 135863, November 22, 2001; *People v. Lalingjaman*, GR No. 132714, September 6, 2001.

[54] *People v. Tagud Sr.*, GR No. 140733, January 30, 2002.

[55] *Ibid.*; *People v. Agravante*, GR Nos. 137297 & 138547-48, December 11, 2001; *People v. Lor*, GR No. 133190, July 19, 2001.

[56] *People v. Agravante*, supra; *People v. Lor*, supra; *People v. Prades*, 293 SCRA 411, July 30, 1998.

[57] *People v. Rodriguez*, supra; *People v. Lorica*, supra; *People v. Docena*, 322 SCRA 820, January 20, 2000.

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