

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. CHRISTIAN GONZALES Y CAYUBIT, APPELLANT.

G.R. No. 141599. June 29, 2004

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PER CURIAM:

Before us for automatic review is the Decision[1] dated December 27, 1999 of the Regional Trial Court, Branch 259, Parañaque City, in Criminal Case No. 98-371, convicting Christian Gonzales y Cayubit, herein appellant, of rape perpetrated against his own teenage daughter, Mary Grace Gonzales, and imposing upon him the supreme penalty of death. The trial court also ordered him to pay her P50,000.00 as civil indemnity and P50,000.00 as exemplary damages.

The Information filed against appellant charges him as follows:

“That on or about and sometime in August 1997, in the Municipality of Parañaque, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge with his 15-year old daughter Mary Grace Gonzales against her will and consent.

CONTRARY TO LAW.”

Upon arraignment, appellant, assisted by his counsel de oficio, entered a plea of not guilty to the crime charged. Pre-trial proceedings having been terminated, trial on the merits ensued.

During the pre-trial, the parties stipulated that appellant and Lydia Gonzales were married on June 21, 1981 as shown by their Marriage Certificate.[2] They have four (4) children, including Mary Grace Gonzales, who was born on January 26, 1983.[3] They all reside in the two-storey house of Lydia Gonzales’ mother located at No. 6080 Dimatimbangan St., Don Galo, Parañaque City.[4]

Mary Grace testified that in 1992, when she was nine (9) years old and a Grade III pupil, appellant abused her for the first time inside their room at home. At that time, she asked appellant to help her with her school assignments as her mother and some neighbors were holding a prayer session (padasal) downstairs. While appellant was teaching her, he suddenly placed his hands around her shoulders, held her hand tightly and commanded her to remove her clothes. He ordered her not to resist. Terrified and hurt by his fingernails pressed deep into her skin, she unwillingly took off her clothes. (At this juncture, she was crying while narrating). He then touched her private parts but stopped when he noticed that the prayer session was about to end.[5]

In 1994, when Mary Grace was in Grade V, appellant had sexual intercourse with her by force.[6] It happened in the same room where she was doing her school assignment. This time, she did not ask him anymore to help her in her assignment due to her previous terrifying experience. Suddenly, he entered and locked the door. He approached her and showed her a fan knife, telling her to keep quiet. He then held her tightly, ordered her to undress, and laid her on bed. Thereupon, he forcibly inserted his penis into her vagina. She felt pain but he ordered her not to shout.[7]

Thereafter, appellant sexually assaulted Mary Grace several times. The last time was in August 1997 when she was a high school sophomore,[8] now the subject of the instant case. After doing her school assignment that afternoon, she laid on her bed to rest. Suddenly, she sensed someone closed the door quietly. It was appellant. He approached her, laid beside her, and ordered her to be quiet. He held her legs tightly and removed her shorts and underwear. After that, he removed his pants, kissed her, touched her private parts, and forcibly inserted his penis into her vagina. She was hurt as he was making a push-and-pull movement. After satisfying his lust, he left the room. She was crying in fear and kept mum about the incident.[9]

On March 24, 1998, Mary Grace finally confided to Bryan Esteban, her best friend and suitor, the sexual abuses she suffered in the hands of appellant. Immediately, Bryan reported the incident to his uncle, a police officer. With his assistance, a complaint for rape was filed against appellant, resulting in his arrest. It was only then that her mother learned of the rape incidents.

Subsequently, Dr. Valentin Bernales, Medico-Legal Officer of the National Bureau of Investigation (NBI) examined her. The Medico-Legal Certificate[10] he issued and confirmed before the trial court shows the following findings:

“GENITAL EXAMINATION:

Pubic hair, fully grown, abundant. Labia majora, gaping and minora, coaptated, hypertrophied. Fourchette, lax. Vestibular mucosa, pinkish. Hymen, tall, thick with an old-healed complete laceration at 6:00 o’clock position, corresponding to a face of a watch; edges rounded and non-coaptable. Hymenal orifice admits a tube of 2.5 cms. in diameter with marked resistance. Vaginal walls, tight and rugosities, prominent.

CONCLUSIONS:

- No evident signs of extragenital physical injuries noted on the body of the subject at the time of examination.
- Old-healed complete laceration, present.”

Dr. Bernales testified that complainant was no longer a virgin when she examined her; and that the “old-healed complete laceration at 6:00 o’clock position” was caused by sexual intercourse.[11]

Appellant denied the charge and raised the defense of alibi. He claimed that his work at the Towing and Impounding Division of the Metropolitan Manila Development Authority (MMDA) requires him to stay at their office in Pasig City during weekdays. He only goes home every Saturday evening then leaves Monday morning. Thus, it was impossible for him to have sexually abused his daughter at home after her classes. Sometime in March 27, 1998, he scolded her for coming home late from an excursion and for entertaining her suitors. These are the reasons why she charged him.[12]

On December 27, 1999, the trial court rendered the assailed Decision, the dispositive portion of which reads:

“WHEREFORE, PREMISES CONSIDERED, finding accused Christian Gonzales GUILTY beyond reasonable doubt for the crime of Rape as defined and penalized under Art. 335 of RPC, as amended by RA 7659, and considering the qualifying circumstance of father-daughter relationship as alleged in the information and duly established in the course of the proceedings, this Court sentences accused Gonzales to the supreme penalty of DEATH by lethal injection and to suffer the accessory penalties provided by law, specifically Art. 40 of the RPC, and to indemnify private complainant Mary Grace Gonzales P50,000.00 in line with existing jurisprudence, and P50,000.00 as exemplary damages.

The Clerk of Court is also directed to prepare the Mittimus for the immediate transfer of the accused from Parañaque City Jail to the Bureau of Correction in Muntinlupa City and finally to forward all the records of the case to the Supreme Court for automatic review in accordance with Sec. 9, Rule 122 of the Rules of Court and

Art. 47 of the Revised Penal Code, as amended by RA 7659.

SO ORDERED.”[13]

Appellant now seeks the reversal of the above Decision, ascribing to the trial court the following errors:

“I

THE COURT A QUO GRAVELY ERRED IN FINDING THE ACCUSED GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF RAPE ON THE BASIS OF THE UNCORROBORATED TESTIMONY OF THE ALLEGED VICTIM.

“II

THE TRIAL COURT ERRED IN NOT GIVING CREDENCE TO THE TESTIMONIAL EVIDENCE FOR THE DEFENSE.”[14]

The Solicitor General, in his appellee’s brief,[15] asserts that the evidence for the prosecution has adequately proved appellant’s guilt for qualified rape. He thus prayed that the appealed Decision be affirmed.

The law governing the instant case is Article 335 of the Revised Penal Code, as amended by Republic Act No. 7659,[16] which provides:

“ART. 335. When and how rape is committed. – Rape is committed by having carnal knowledge of a woman under any of the following circumstances.

- By using force or intimidation;
- When the woman is deprived of reason or otherwise unconscious; and
- When the woman is under twelve years of age or is demented.

The crime of rape shall be punished by reclusion perpetua.

x x x

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

- 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.

x x x.” (Underscoring ours)

In the review of rape cases, we are guided by certain precepts: (a) an accusation of rape can be made with facility, but more difficult for the accused, though innocent, to disprove it; (b) the complainant’s testimony must be scrutinized with extreme caution since, by the very nature of the crime, only two (2) persons are normally involved; and (c) if the complainant’s testimony is convincingly credible, the accused may be convicted of the crime.[17]

Thus, in a prosecution for rape, the complainant’s credibility becomes the single most important issue.[18]

Here, Mary Grace’s testimony clearly shows that appellant, her very own father, had carnal knowledge of her by force and intimidation, thus:

“Q: You claimed madam witness that you were sexually ravished by your father. When did this start?

A: Noong Grade III po ako.

Q: How old were you then?

A: Nine (9) years old sir.

Q: Where did this happen, madam witness?

A: Inside our house, sir.

x x x

Q: Sabihin mo nga sa Hukumang ito kung paano nangyari iyong unang pang-aabuso sa iyo ng iyong ama?

A:

Bandang hapon po iyon, nagpapaturo po kasi ako sa tatay ko sa paggawa ng assignment sa Math at saka sa English kasi po iyong mama ko po noon ay nasa baba dahil may padasal po kasi noon.

x x x

Q: Sinabi mo sa daddy mo na magpapaturo ka ng assignment?

A: Opo.

Q: Pagkatapos nun', anong sumunod na nangyari?

A:

Noong tinuturuan na po niya ako, bigla po niya ako'ng inakbayan, tapos sabi niya huwag daw po akong kakalag. At iyon, doon na po nagsimula iyong ano, bale pinatanggal niya po sa akin iyong suot-suot ko. (Witness is crying).

Q: Sabi mo pinatanggal niya sa iyo iyong damit mo o siya mismo ang nagtanggal sa damit mo?

A: Siya po ang nagpatanggal.

Q: At tinanggal mo naman, ganun' ba?

A: Opo kasi po, natatakot po ako sa kanya.

Q: Bakit ka natatakot?

A: Kasi po hinahawakan niya po ako ng mahigpit na may kasamang mga kuko, paganun' po.

Q: So bumabaon ang mga kuko niya sa kamay mo, ganun' ba?

A: Opo.

Q: At nasasaktan ka?

A: Opo.

Q: Pagkatapos nun', ano na ang sumunod na nangyari?

A: :Tinanggal ko na po iyong suot kong damit.

Q: At ano ang ginawa niya pagkatapos mong tanggalin iyong damit mo?

A: Hinawakan niya po ang maselang bahagi ng katawan ko.

Q: At pagkatapos, ano pa ang pinagagawa niya sa iyo?

A: Sinimulan niya na po akong halayin.

Q: Iyong unang pagkakataon na iyon, nagtagumpay ba siya na kunin ang iyong pagkababae o hindi?

A: Hindi po.

Q: Bakit hindi siya nagtagumpay sa gusto niyang mangyari?

A:

Kasi po parang naaninagan niya po na matatapos na iyong padasal, siguro kinabahan na po siya kaya inisip niya na ihinto na lang.

Q: So hindi niya nakuha ang iyong pagkababae sa attempt na iyon?

A: Opo.

Q: Marami bang beses na naulit iyon noong ikaw ay Grade III?

A: Opo sir.

Q: Mga ilan sa tingin mo?

A: Hindi ko na po matandaan, pero sumunod po iyon mga Grade IV po, tapos Grade V, Grade VI.

Q: Kailan niya nagawa iyong gusto niyang mangyari sa iyo, ibig sabihin iyong nakuha niya ang iyong pagkababae?

A: Noong Grade V po ako.

Q: So that was already in 1994?

A: Siguro po.

Q: So paano nangyari iyon, noong una niyang makuha ang iyong pagkababae?

A:

Sa kuwarto din po namin, ganun' din po, halos magkapareho din po. Bale gumagawa na naman po ulit ako ng assignment ko pero hindi na po ako nagpaturo sa kanya. Tapos isinara niya po iyong kuwarto na hindi ko po namalayan. At doon po nagsimula.

Q: Siya ba'y may gamit na panaksak nang makuha niya sa unang pagkakataon ang iyong pagkababae?

A: May napansin po akong balisong.

Q: Ito ba'y binuksan niya o hindi?

A: Ipinakita lang po niya sa akin.

x x x

Q: Hinubaran ka o inutusan ka niyang maghubad?

A: Inutusan niya po akong maghubad.

Q: At paano'ng ginawa niya para makuha niya ang iyong pagkababae?

A: Inihiga po niya ako sa kama.

Q: At pagkatapos?

A: Habang hawak-hawak niya po ako ng masakit, sinimulan niya na po.

Q: Ano'ng ginawa niya, paano niya nagawa iyong gusto niya?

A: Pilit niya pong ipinasok ang sex organ niya, kaya lang nasaktan po ako.

Q: Sumigaw ka ba habang ginagawa niya iyon?

A: Sabi po niya huwag daw akong sisigaw.

Q: Nang sabihin niya sa iyo iyon, meron ba siyang hawak na sandata, may kutsilyo ba siya?

A:

Binitawan niya po iyong balisong niya. Bale ang panakot niya na lang po sa akin ay iyong mga salita niya at saka iyong paghawak niya po sa akin ng masakit.

x x x

Q: So, sa madaling sabi, naipasok niya iyong ari niya sa iyong ari, ganun' ba?

A: Opo.

x x x

Q: Ilang beses naulit iyon na siya'y nagtagumpay na ipasok ang kanyang ari sa iyong ari ng sapilitan?

A: Hindi ko na po matandaan.

Q: Maraming beses ba iyon?

A: Opo.

x x x

Q: Kailan iyong huli na panggagahasa niya sa iyo?

A: Noong August 1997 po.

Q: Paano nangyari ito, saan nangyari na naman ito?

A:

High school na po ako noon. Palagi niya pong tinatantiya na gumagawa ako ng assignment. At naglalaro siya noon ng dart.

Q: Saan siya naglalaro ng dart noon?

A: Sa kapitbahay po namin.

x x x

Q: Hindi mo ba matandaan kung unang linggo, pangalawang linggo, o pangatlong linggo?

A:

Hindi ko po matantiya kung anong linggo iyon. Basta weekdays po siya kasi po may pasok po kasi ako noon. Pagkagaling ko po sa school, gumawa na po ako ng assignment. At pagkatapos ko pong gumawa ng assignment, naisipan ko pong matulog kasi inaantok po ako noon. At nang nakahiga na po ako sa kama, hindi

ko po namalayan na pumapanhik na pala iyong papa ko.

x x x

Q: At paano mo nalaman or namalayan na may nangyayari na sa loob?

A:

Kasi napansin ko po iyong pagkasara ng pinto ng marahan at pagkatapos nun' ay tumabi na po siya sa akin at ayun na po.

Q:

Ano'ng ayun na, sabihin mo nga sa Hukumang ito kung ano'ng ginawa niya sa iyo noong August 1997? Pagkatabi niya sa iyo at ikaw ay nakahiga dun' sa kama, ano ang sumunod na ginawa niya sa iyo?

A: Hinawakan po ako ng mahigpit sa binti ko tapos siya na po ang naghubad sa akin.

Q: Lahat ba ng damit mo, pang-itaas at pang-ibaba, tinanggal niya?

A: Pang-ibaba lang po.

Q: At ano'ng suot mo nang tinanggal niya ang pang-ibaba mo?

A: Naka-short lang po.

Q: So ibig sabihin, pati iyong panty ay tinanggal niya?

A: Opo.

Q: At pagkatapos niyang tanggalin iyong suot mong pang-ibaba, ano'ng sumunod na ginawa ng tatay mo?

A: Sinimulan na naman po niya akong halayin.

Q: Ibig sabihin, naghubad din siya?

A: Opo.

x x x

Q: Anong ibig mong sabihing 'sinimulan ka na niyang halayin'? x x x?

A: Una po iyong halik, pangalawa po iyong paghahawak niya sa maselang bahagi ng katawan ko.

Q:

At habang hinahalikan ka at hinahawakan sa maseselang bahagi, ikaw ba ay kinakausap ng tatay mo o hindi, habang ginagawa niya iyon?

A: Sabi po niya huwag daw po akong maingay at saka huwag daw papalag sa kanya.

x x x

Q:

So hinalikan ka at hinawakan ka sa maseselang bahagi at pinagsabihan ka o tinatakot ka na huwag kang maingay at huwag ka raw papalag, pagkatapos nun', ano na ang ginawa niya sa iyo?

A: Tinangka na po niyang ipasok ang sex organ niya sa akin.

Q: At naipasok niya ba?

A: Hindi po gaano.

Q: Ano'ng ibig mong sabihing hindi gaano?

A:

Kasi parang nakikilatis ko po sa kanya na medyo natakot po siya kasi po umiiyak po ako, kaya bigla niya pong itinigil.

Q: Pero naibaon niya nang konti iyong ari niya sa iyo? Naipasok niya ng konti, ganun' ba?

A: Opo.

x x x

Q: Pero sa tingin mo or sa tantiya mo, gaano ang naipasok sa kanyang organ, kalahati o ano?

A: Hindi ko po matantiya.

Q: So basta naramdaman mong may pumasok sa ari mo ganun' ba?

A: Opo.

Q: Pumatong ba siya sa iyo?

A: Opo.

Q: Gaano katagal siyang pumatong sa iyo noon?

A: Hindi ko po matantiya kung gaano siya katagal na pumatong sa akin.

Q: Basta naramdaman mo na naipasok niya iyong kanya sa iyo pero hindi buong-buong naipasok, ganun' ba?

A: Opo.

Q:

Napansin mo ba kung siya ay nagkaroon ng galaw, kung gumagalaw-galaw iyong kanyang puwit. Parang nagpa-pumping?

A: Opo.

Q: So gaano katagal iyong pagpa-pumping niya sa iyo. Ilang minuto or ilang segundo?

A: Sa tantiya ko po mga tatlo hanggang apat na beses.

COURT:

Q:

At noong nagpa-pumping siya, nararamdaman mo ba kung nasa loob ng pag-aari mo iyong kanyang pag-aari, noong sinasabi mong mga tatlo o apat na beses siyang nagpa-pumping?

A: Opo.

Q: Sigurado ka na naramdaman mo iyon?

A: Opo.”[19]

The cautious questioning by the prosecutor and the trial Judge elicited from Mary Grace significant details only a real victim could recall and declare. She described in a positive, natural, sincere and spontaneous manner how she

was forcibly ravished by appellant sometime in August 1997. She could not have narrated her ordeal in the hands of appellant convincingly if it were not true. There being no earmarks of a contrived story in her testimony, we accord it full faith and credence.

Moreover, records show that Mary Grace cried during her direct examination. Such spontaneous emotional outburst strengthens her credibility. We held that the crying of the victim during her testimony is evidence of the credibility of the rape charge with the verity born out of human nature and experience.[20]

Significantly, the trial court, in its appealed Decision, stated that it has “painstakingly observed the demeanor” of Mary Grace and found her “to be truthful and straightforward in narrating her harrowing experience in the hands of her supposed protector.”[21] We are constrained to sustain the observations of the trial court for it has the advantage of determining her credibility, having actually heard and observed her demeanor during the trial.

The appellant, however, urges us to discredit Mary Grace’s testimony because it is “uncorroborated”. Such argument is absolutely bereft of merit. There is no rule requiring that a rape victim’s testimony, to be believed, must be corroborated. As stated earlier, the established rule is that where, as here, the testimony of a rape victim is convincingly credible and untainted with any serious inconsistency, such testimony alone may be relied upon to convict the accused of such crime.

Also, appellant casts doubt on Mary Grace’s credibility because she first disclosed the rape incident to Bryan Esteban, not to her mother. That is unnatural, he contends.

We disagree. As we stated in *People vs. Madia*,[22] not all rape victims can be expected to act conformably to the usual expectations of everyone. Different and varying degrees of behavioral responses is expected in the proximity of, or in confronting, an aberrant episode. It is well settled that “different people react differently to a given situation or type of situation and there is no standard form of human behavioral response when one is confronted with a strange, startling or frightful experience.”[23] Here, it is not really unnatural for Mary Grace to first reveal her ordeal to Bryan Esteban. He is her best friend. What she did was even a very normal behavior – confiding a very private matter to a best friend.

Neither is Mary Grace’s credibility affected by her failure to recall the exact date of the commission of the offense. She could only remember “August 1997” as the last time he ravished her. Her inability to remember the complete date does not render her testimony incredible. We have consistently held that such lapse is a minor matter and can be expected when a witness is recounting the details of a painful, humiliating and horrifying experience. What is important is the fact of the commission of the crime[24] which, in this case, she was able to recount in a credible and convincing manner. In any event, date is not an essential element of the crime of rape, for the gravamen of the offense is the carnal knowledge of a woman.[25] Thus, the precise date of the commission of the crime need not be alleged in the Information.[26]

Appellant further asserts that it is highly improbable for him to have sexually abused his own daughter for his family members only live in one room. Our jurisprudence is replete with cases of incestuous rapes committed in the very same room where the members of the family live.[27] Thus, the oft-quoted statement that “lust is no respecter of time and place.”[28] Here, records show that appellant committed the crime at the time when Mary Grace was alone at home doing her homework.

Appellant’s defense of alibi is inherently weak and cannot prevail over the rape victim’s positive identification of her ravisher.[29] For alibi to prosper, he must establish by clear and convincing evidence (a) his presence at another place at the time of the perpetration of the offense and (b) the physical impossibility of his presence at the scene of the crime.[30] Appellant’s claim that he was in his place of work in Pasig City at the time the crime was

committed does not convince us. It was not physically impossible for him to return to his residence in Parañaque City and perpetrate the crime for his place of work is only a short distance away, as shown by the records.

Likewise, appellant's imputation of ill-motive to Mary Grace is puerile. It is highly unlikely for her to initiate the charge and expose herself in public that she was sexually molested by her own father unless she was telling the truth. For as we have repeatedly ruled, no young girl would concoct a sordid tale of so serious a crime as rape at the hands of her own father, undergo medical examination, then subject herself to the stigma and embarrassment of a public trial, if her motive were other than a fervent desire to seek justice.[31]

All told, we sustain the trial court's finding that the prosecution has proved by evidence beyond reasonable doubt that appellant is guilty of qualified rape.

In the imposition of the death penalty as mandated by the amendatory provisions R.A. No. 7659, quoted earlier, the qualifying circumstances of minority and relationship must be present. It is likewise required that both must be alleged in the Information and proven during the trial.[32]

These essential requirements have been satisfied in the case at bar. The Information alleges that Mary Grace was fifteen (15) years old at the time she was raped by appellant, her own father. The prosecution presented, as proof of her age, a certified true copy of her Certificate of Live Birth stating that she was born on January 26, 1983. That she is the daughter of appellant has been established by the Certificate of Marriage showing that he and Lydia Gonzales, Mary Grace parents, were married on June 21, 1981. Hence, the trial court correctly imposed the death penalty upon appellant.

However, we note that the trial court awarded complainant P50,000.00 as civil indemnity and another P50,000.00 as exemplary damages.

We modify such awards. In line with recent jurisprudence, an award of P75,000.00 as civil indemnity is mandatory upon a finding of qualified rape.[33] In addition, the victim is entitled to an award of P75,000.00 as moral damages without need of proof because it is assumed that the victim has suffered moral injuries by reason of such crime.[34] Considering the presence of the qualifying circumstances of minority and relationship, she is also entitled to exemplary damages in the amount of P25,000.00. As we held in *People vs. Catubig*,[35] "an aggravating circumstance, whether ordinary or qualifying, should entitle the offended party to an award of exemplary damages within the unbridled meaning of Article 2230 of the Civil Code."

Three members of this Court maintain that R.A. No. 7659 is unconstitutional insofar as it prescribes the death penalty. Nevertheless, they submit to the ruling of the majority that the law is constitutional and that the death penalty can be lawfully imposed herein.

WHEREFORE, the Decision dated December 27, 1999 of the Regional Trial Court, Branch 259, Parañaque City in Criminal Case No. 98-371, finding appellant Christian Gonzales guilty beyond reasonable doubt of qualified rape and sentencing him to suffer the DEATH penalty is hereby AFFIRMED with MODIFICATION in the sense that he is ordered to pay the victim, Mary Grace Gonzales, P75,000.00 as civil indemnity, P75,000.00 as moral damages, and P25,000.00 as exemplary damages.

In accordance with Article 83 of the Revised Penal Code, as amended by Section 25 of R.A. No. 7659, upon finality of this Decision, let the records of this case be forwarded to the Office of the President for possible exercise of executive clemency.

SO ORDERED.

Davide, Jr., C.J., Puno, Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Corona, Carpio-Morales, Callejo, Sr., Azcuna, and Tinga, JJ., concur.

Vitug, J., on official leave.

Austria-Martinez, J., on leave.

[1] Penned by Judge Zosimo V. Escano.

[2] Exhibit “C”, RTC Records at 152.

[3] Exhibit “D” (Certificate of Live Birth), RTC Records at 153.

[4] Transcript of Stenographic Notes (TSN), February 1, 1999 at 72-77.

[5] Id. at 4, 6-8, 10-13.

[6] Id. at 84.

[7] Id. at 15-19.

[8] Id. at 90.

[9] Id. at 34, 98-102.

[10] RTC Records at 2.

[11] TSN, June 24, 1999 at 142.

[12] TSN, September 14, 1999 at 168-169, 175-176.

[13] Rollo at 18.

[14] Appellant’s Brief, id. at 31.

[15] Rollo at 56-76.

[16] “An Act To Impose The Death Penalty On Certain Heinous Crimes, Amending For That Purpose The Revised Penal Code, As Amended, Other Special Penal Laws, And For Other Purposes.”

[17] People vs. Aaron, G.R. Nos. 136300-02, September 24, 2002, 389 SCRA 526; People vs. Carlito Marahay, G.R. Nos. 120625-29, January 28, 2003.

[18] People vs. Baway, G.R. No. 130406, January 22, 2001, 350 SCRA 29.

[19] TSN, February 1, 1999 at 74-102.

[20] People vs. Agustin, G.R. Nos. 135524-25, September 24, 2001, 365 SCRA 667.

[21] RTC Decision, Rollo at 17.

[22] G.R. No. 130524, June 20, 2001, 359 SCRA 157, citing People vs. Silvano, 309 SCRA 362, 392 (1999).

[23] Id., citing People vs. Yabut, 311 SCRA 590, 598 (1999).

[24] People vs. Mauricio, G.R. No. 133695, February 28, 2001, 353 SCRA 114.

[25] Id., citing People vs. Bugayong, 299 SCRA 528 (1998); People vs. Narido, 316 SCRA 131 (1999).

[26] Section 11, Rule 110, of the Revised Rules on Criminal Procedure states:

“SEC. 11. Date of Commission of the Offense. — It is not necessary to state in the complaint or information the precise date the offense was committed except when it is a material ingredient of the offense. The offense may be alleged to have been committed on a date as near as possible to the actual date of its commission. (11a)”

[27] *People vs. Delos Reyes*, G.R. No. 133385, December 7, 2001, 371 SCRA 595.

[28] *People vs. Paraiso*, G.R. No. 131823, January 17, 2001, 349 SCRA 335.

[29] *People vs. Dacara*, G.R. No. 135822, October 25, 2001, 368 SCRA 278.

[30] *People vs. Del Ayre*, G.R. Nos. 139788 & 139 827, October 3, 2002, 390 SCRA 281.

[31] *People vs. Metin*, G.R. No. 140781, May 8, 2003; *People vs. Bernabe*, G.R. No. 141881, November 21, 2001, 370 SCRA 142.

[32] *People vs. Padilla*, G.R. No. 137648, March 30, 2001, 355 SCRA 741, 755; *People vs. Bataller*, G.R. Nos. 134540-41, July 18, 2001, 361 SCRA 302, 323; *People vs. Lomibao*, G.R. No. 135855, August 3, 2000, 337 SCRA 211, 225.

[33] *People vs. Escano*, G.R. Nos. 140218-23, February 13, 2002, 376 SCRA 670.

[34] *People vs. Soriano*, G.R. Nos. 142779-95, August 29, 2002, 388 SCRA 140.

[35] G.R. No. 137842, August 23, 2001, 363 SCRA 621.

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