

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. CESAR GLORIOSO LAGRONIO PADILLA, A.K.A. ERICK PADILLA, APPELLANT.

G.R. No. 142899. March 31, 2004

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PER CURIAM:

Before us on automatic review is the Decision[1] dated March 9, 2000 of the Regional Trial Court, Branch 81, Romblon, Romblon, in Criminal Case No. 2156 finding Cesar Glorioso Lagronio Padilla (a.k.a. “Erick Padilla”), appellant, guilty of rape and sentencing him to suffer the supreme penalty of death and to pay the victim P75,000.00 “as actual or compensatory.”

The Amended Information[2] filed against appellant reads:

“The undersigned (prosecutor) accuses CESAR GLORIOSO LAGRONIO PADILLA, a.k.a. Erick Padilla, of the crime of rape as penalized under Republic Act No. 7659, in relation to Republic Act No. 8353, committed as follows:

“That on or about the 18[th] day of April 1999, in barangay Palje, municipality of Romblon, province of Romblon, Philippines, and within the jurisdiction of this Honorable Court, the said accused, being the live-in partner of her mother, did then and there willfully, unlawfully and feloniously have carnal knowledge of one LAIZA MALLORCA-SALVADOR, an 8 year-old girl, and against her will.

“Contrary to law.”

Upon arraignment, appellant, duly assisted by counsel de oficio, Atty. Cesar M. Madrona of the Public Defender’s Office, pleaded “not guilty” to the charge.[3]

During the pre-trial, the parties entered into a stipulation of facts, among which are the following: (1) Laiza Mallorca-Salvador, the victim was born out of wedlock to Larry Salvador and Elisa Mallorca at Barangay Agbaluto, Romblon, Romblon; (2) in 1993, Larry and Elisa separated; (3) in August 1996, Elisa and appellant started living together as common-law husband and wife at barangay Palje, Romblon, Romblon continuously until April 18, 1999 when the instant crime was committed; and (4) during the live-in relationship of Elisa and appellant, Laiza was under their care and custody.[4]

Upon termination of the pre-trial proceedings, trial ensued.

The evidence for the prosecution reveals that in the morning of April 18, 1999, Laiza, a 9-year old Grade 3 pupil, was left alone with appellant in their house at barangay Palje, Romblon, Romblon. At that time, her mother Elisa was away looking for coconut to be used for making bukayo.[5] Laiza. was then washing the plates in the kitchen located outside their house when appellant commanded her to go inside. She did not readily obey him because she was scared that he would rape her again just what he did to her several times when she was in Grades 1 and 2.[6] He reacted violently, drawing his balisong as he repeated his command. This time she nervously went inside the house.[7] He followed her. Once inside, he ordered her to lie down. He then removed her underwear.[8] When he held her vagina, she felt pain and struggled to free herself, but again, he drew his balisong. He went on top of her

and inserted his penis into her vagina. She shouted for help as she felt excruciating pain.[9] But no one heard her desperate cries since they have no neighbors. Feeling helpless, she just cried. After sometime, he stood and she noticed a sticky substance coming out of his penis. Before he left, he threatened to kill her and her clan if she would reveal the incident to anyone. She just sat down crying as she noticed her vagina bleeding. Then she put on her underwear.[10]

Due to extreme pain of her vagina, Laiza mustered enough courage to report this harrowing incident to her mother. Without delay, they went to the police and filed a complaint against appellant. Laiza also submitted herself to a medical examination.[11] During the trial, she positively identified appellant as the one who raped her on April 18, 1999.[12] She declared that he is a wicked person, a rapist,[13] and that he should be punished with death.

On April 20, 1999, Dr. Victorino F. Benedicto, Municipal Health Officer of Romblon, examined Laiza[14] and issued a Medico-Legal Certificate[15] stating that her hymen was already ruptured with a healed laceration at 2:00 o'clock position. The laceration may have been caused by the penetration of an erect penis.[16] He noticed that the laceration was not fresh. He could not determine with certainty the exact date the laceration was inflicted.

Manuela R. Musa, Assistant Registration Officer of the Municipal Registrar of Romblon, presented to the trial court Laiza's Certificate of Live Birth[17] showing that she was born to Elisa Mallorca and Larry Salvador on February 23, 1990 at barangay Agbaluto, Romblon, Romblon.[18]

Appellant, on the other hand, had a different story to tell. According to him, when he woke up in the morning of April 18, 1999, he was watching Elisa, his common-law wife, while washing clothes. Beside him was Laiza playing with her toys. Suddenly, Laiza climbed on his back with her right thigh on his right shoulder and her left thigh on his left shoulder. She was holding his head. When he stood, she lost her balance, but he quickly caught her with his hand which accidentally hit her vagina. This caused injury to her sex organ. Elisa immediately approached them and checked Laiza's condition. She removed Laiza's underwear and bathed her despite his objection since the injury in her vagina might get infected. Two days after, or on April 20, 1999, Laiza had fever due to infection. Thus, he instructed Elisa to bring Laiza to a doctor. Dr. Victorino F. Benedicto attended to Laiza.[19]

Appellant further testified that on April 23, 1999, while working at the construction site, he was arrested by the police on account of Laiza's complaint that he raped her[20] which he denied.[21] He claimed that Elisa and Laiza had ill-motive in filing the rape charge because she (Elisa) found that he was courting a lady in their place.[22]

The defense also presented Dr. Victorio F. Benedicto as its witness to prove that Laiza had infection on her vagina when he examined her on April 20, 1999. Dr. Benedicto, however, testified that on such date, Laiza and a companion went to his clinic for consultation because of her (Laiza's) complaint that she was raped and not because her vagina got infected. He was not even informed that Laiza was accidentally injured. When he examined Laiza, he did not notice any infection in her vagina.[23]

On March 9, 2000, the trial court rendered its Decision convicting the appellant of rape, thus:

"WHEREFORE, this Court finds the accused CESAR GLORIOSO LAGRONIO PADILLA, a.k.a. "ERICK PADILLA," GUILTY beyond reasonable doubt of the crime of rape and sentences him to suffer the extreme penalty of death, as well as to pay the victim Laiza M. Salvador the sum of P75,000.00 as actual or compensatory, not moral, damages.

xxx

“SO ORDERED.”[24]

Appellant, in his Brief, assails the Decision of the court a quo, contending that:

“THE LOWER COURT GRAVELY ERRED IN CONVICTING THE ACCUSED DESPITE THE FAILURE OF THE PROSECUTION TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.”[25]

The Amended Information alleges that the crime was committed on April 18, 1999. Thus, the law applicable to the case at bar is Republic Act No. 8353 (otherwise known as “The Anti-Rape Law of 1997”), Section 2 of which provides:

“Sec. 2. Rape as a Crime Against Persons. - The crime of rape shall hereafter be classified as a Crime Against Persons under Title Eight of Act No. 3815, as amended, otherwise known as the Revised Penal Code. Accordingly, there shall be incorporated into Title Eight of the same Code a new chapter to be known as Chapter Three on Rape, to read as follows: “Art. 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 following circumstances: a) Through force, threat or intimidation;
- b) When the offended party is deprived of reason or otherwise unconscious;
- c) By means of fraudulent machination 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.

xxx

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

Whenever the rape is committed with the use of a deadly weapon or by two or more persons, the penalty shall be reclusion perpetua to death.

xxx

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;

x x x.” (Underscoring supplied)

The elements of rape under the above-quoted provisions are: (1) the offender is a man who had carnal knowledge of a woman; and (2) such act was accomplished through force or intimidation; or when the victim is deprived of reason or otherwise unconscious; or by means of fraudulent machination or grave abuse of authority; or when the victim is under twelve (12) years of age or is demented.

The same provisions likewise categorized rape as either simple or qualified. It is qualified only when any of the qualifying/aggravating circumstances which attended the commission of the crime is alleged in the Information and proven during trial, as for instance the victim is below 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.[26]

Appellant's lone assignment of error is anchored on Dr. Benedicto's testimony that when he examined Laiza on April 20, 1999, or two days after the incident, he found that the laceration in her hymen was not fresh, and that he could not determine with certainty the exact date it was inflicted. According to appellant, "the prosecution failed to indubitably prove" that Laiza was raped on April 18, 1999, and that he was the author of the crime.[27]

The Solicitor General, in his Brief, counters that appellant's contention is devoid of merit since the absence of fresh hymenal laceration is not indispensable in the prosecution for rape. It is Laiza's testimony that she was sexually molested by appellant that is essential.[28]

We agree with the Solicitor General.

In determining the guilt or innocence of the accused in cases of rape, the victim's testimony is crucial in view of the intrinsic nature of the crime in which only two persons are normally involved. He may be convicted on the basis of her lone, uncorroborated testimony provided it is clear, positive, convincing, and consistent with human nature.[29] Thus, her testimony must be scrutinized with extreme caution.[30]

We have assiduously reviewed the records and found that Laiza categorically and positively identified the appellant as the one who had carnal knowledge of her by using force and intimidation on April 18, 1999. An extract from Laiza's testimony, quoted hereunder, indubitably shows such fact:

"PROSECUTOR BENEDICTO:

x x x

Q

You are testifying in a case of rape today, do you know that?

A

Yes, sir.

Q

And the accused is Cesar Glorioso Lagronio Padilla alias Erick Padilla, do you know that?

A

Yes, sir.

Q

If he is in the courtroom, will you stand and point to us the accused?

A

Yes, sir.

Q

Will you go down from the witness stand and point to us the accused?

INTERPRETER:

Witness was asked to step down from the witness stand and asked to point the accused inside the courtroom and she pointed to the accused in the courtroom, and when asked his name answered 'Erick Padilla.'

x x x

Q

Do you remember where you were on April 18, 1999?

A

Inside the house.

Q

In what barangay?

A

Palje.

Q

Where was your mother on April 18, 1999 while you were in your house at Palje?

A

Looking for coconut to be used for making bukayo.

Q

How about the accused Erick?

A

In the house.

Q

In whose house?

A

Our house.

Q

What were you doing at that time?

ATTY. MADRONA

May we know what time, what is the time?

PROSECUTOR BENEDICTO:

Q

Morning of April 18, 1999?

A

Yes, sir.

Q

What?

A

Washing dishes.

Q

What happened while you were washing dishes?

A

He called me and told me to get inside.

Q

Who called you?

A

Erick.

Q

Is Erick the husband of your mother?

A

Yes, sir.

Q

How about Larry?

A

They separated.

Q

Separated with your mother?

A

Yes, sir.

Q

Erick asked you to get inside where?

A

Inside the house.[31]

x x x

Q

While you were washing dishes and when Erick told you to go inside the house, did you immediately go inside?

A

No, sir.

Q

Why?

A

Because I know that he will rape me again.

Q

So, what did Erick do when you did not follow his instruction?

A

He drew his balisong.

x x x

Q

Can you remember how long was that balisong x x x?

A

(Witness putting her right hand on the graduation of six (6) inches.)

Q

So, what did you do, if any, when Erick brought out or drew his balisong?

A

I obeyed and entered the house.[32]

x x x

Q

After entering the house, what happened?

A

He also entered the house.

Q

Does the house in Palje have bedroom?

A

We were only sleeping on the floor.

Q

What happened when you were inside the house and Erick also got inside the house?

A

He told me to lie down.

Q

What did you do when he told you to lie down?

A

I laid down.

Q

What happened after you laid down xxx?

A

He removed my panty

Q

Aside from the panty, what were you wearing at that time?

A

Shirt.

Q

After removing your panty, what happened next?

A

He held my vagina.

Q

What did he use in holding your vagina?

A

His hand.

Q

What did you do when he held your vagina with his hand?

A

I struggled (nagkayupog).

Q

What did you feel when the accused held your vagina with his hand?

A

Painful.

Q

After struggling, what happened next?

A

He held his penis and inserted it into my vagina.

Q

Did you see his penis?

A

Yes, sir.

Q

What did you feel when he inserted his penis into your vagina?

A

Painful.

Q

What did you do when he inserted his penis into your vagina?

A

I shouted.

Q

For what?

A

I shouted. I said, 'help'! (Nagsinggit ako. Naghambay, 'tabang'!)

Q

How many times did you shout for help?

A

Once.

Q

Was there any help that came to you?

A

None.

Q

Why, if you know?

A

Because we don't have neighbors, sir.

Q

So, what happened to you after that?

A

I cried.

x x x

Q

Did you notice anything from the penis of Erick?

A

Yes, sir.

Q

What?

A

Something sticky (ang malapot).

Q

After noticing something sticky, what happened next?

A

I cried.

Q

What was the position of Erick while he inserted his penis through your vagina?

A

Doing like this (witness demonstrating by stooping forward and extending her both hands) and said he was laughing [ngilit]).

Q

While Erick is in that position when you demonstrated, where were you?

A

Lying (gahigda).

Q

While you were lying, where was Erick?

A

On top of me (gatumbaw sa akon).

Q

How long was Erick on top of you?

A

Quite long.

Q

And after sometime that Erick was on top of you, what did he do next?

A

He stood up.

Q

How about you?

A

I sat down.

Q

What happened to your panty, did you wear it again?

A

Yes, sir.

Q

Before putting on your panty, did you notice anything in your vagina?

A

Yes, sir.

Q

What?

A

It's a little bit bleeding.

Q

How about the sticky substance, where did you see it?

A

On his penis.

Q

After standing up, what did Erick do?

A

Went out.

x x x

Q

How may times did Erick Padilla went on top of you, no reference as to time, and inserted his penis into your vagina?

A

Many (madamo).

Q

When you were Grade 1, did he do the same to you?

A

Yes, sir.

Q

How many times?

A

Many times.

Q

Where was your mother when he did this to you many times while you were in Grade 1?

A

Looking for coconut.

Q

When Erick did this to you while you were in Grade 1, did you tell your mother?

A

No, sir.

Q

Why?

A

Because he threatened me.”[33]

During cross-examination, Laiza remained steadfast in her testimony, thus:

“ATTY. MADRONA:

Q

Can you tell us how long or how short then the penetration go?

A

Just a little bit of it, may be.

Q

May be it did not actually enter your vagina?

A

He inserted it.

Q

But was it able to enter?

A

Yes, sir.

x x x

Q

And this has been done by the accused even when you were in Grade 1?

A

Yes, sir.

Q

When you were in Grade 1, how many times did he do this to you?

A

Many times.

x x x

Q

And this was done to you by the accused when you were in Grade 2?

A

Yes, sir.

Q

Now, when you were in Grade 1, you said that this was done to you twice or thrice a week, why did you not complain to your mother?

A

Because he was threatening me.

Q

How did he threaten you?

A

He said, if I would tell my mother about it he is going to kill all of us.

Q

When he did that to you, it was the first time?

A

Yes, sir.

Q

How about the second time, were you also threatened?

A

Yes, sir.

x x x

Q

So, what you are sure is, everytime he rapes you he threatens you?

A

Yes, sir.

x x x

Q

Now, everytime it happened in Grade 1, there was a bleeding?

A

Yes, sir.

Q

Also when it happened in Grade 2?

A

Yes, sir.

x x x

Q

Now, we go to the Grade 3. Now, in Grade 3, how many times he did this to you?

PROS. BENEDICTO:

Your Honor, he was only Grade 3 since June.

ATTY. MADRONA Continuing:

Q

So, when you were in Grade 3, this was not done to you anymore?

A

No more

Q

But when this was done to you on April 18, 1999 this year, that was the only time that you complained to your mother?

A

Yes, sir.

Q

This time you were no longer threatened?

A

I was still threatened.

Q

Why did you complain to your mother when you were threatened this time?

A

Because it was more painful.

x x x

Q

So, this time there is a little bit of bleeding?

A

Yes, sir.

Q

While you were in Grade 3 when this was done to you by the accused, there was no bleeding, was there?

A

There was.

x x x

Q

Do you realize that if the accused is convicted in this case he may be sentenced to die?

A

Yes, sir.

Q

Do you want the accused to die?

A

Yes, sir.

Q

Why do you want him to die?

A

Because he is a wicked person (malain na tao).

Q

Why do you say that he is a wicked person?

A

Because he is a rapist.

Q

Who told you that a rapist is a wicked person?

A

Nobody.

Q

So, you realized that what the accused did to you all these years were wrong?

A

Yes, sir.”[34]

Laiza’s foregoing testimony bears the hallmark of truth. She testified in a straightforward, candid and convincing manner, leaving no room for doubt that, on the day in question, she was indeed ravished by appellant, her mother’s live-in partner or common-law husband. Not even the information given her by appellant’s counsel that appellant could be meted the penalty of death because of her testimony, could change her account. At a tender age of 9, living in a remote barrio and absolutely inexperienced in the ways of the world, she could not have narrated in a spontaneous manner the sordid details of her horrifying ordeal in the hands of appellant had it not really happened to her. Appellant, by wielding his balisong and threatening her with death just before and after he deflowered her, clearly employed force and intimidation in consummating his bestial act.

It is settled jurisprudence that the testimony of a child-victim is given full weight and credence,[35] considering that when a woman, specially a minor, says that she has been raped, she says in effect all that is necessary to show that rape was committed.[36] Youth and immaturity are generally badges of truth and sincerity.[37]

We find unmeritorious appellant’s contention that the prosecution failed to indubitably establish that he raped Laiza on April 18, 1999, simply because Dr. Benedicto, when he examined her two days after, had found healed/old (not fresh) laceration in the victim’s hymen and he could not determine the date when such laceration was inflicted.

It should not surprise appellant that the laceration in Laiza’s hymen is no longer fresh. It could be explained by the fact that, as testified by her, he sexually assaulted her when she was in Grades 1 and 2, the last time of which was on April 18, 1999.

In any event, it bears stressing that the medical findings of injuries or hymenal lacerations in the victim’s genitalia are not essential elements of rape.[38] To be sure, even the absence of such injuries does not negate rape. What is indispensable is that there was penetration of the penis, however slight, into the labia or lips of the female organ.[39] In the case at bar, Laiza convincingly testified that appellant, through force and intimidation, inserted his penis into her vagina on April 18, 1999.

As against the positive and categorical testimony of Laiza, appellant could only proffer the defense of denial by narrating a totally different version of what actually happened in the morning of April 18, 1999 in their house. He merely speculated that Laiza’s hymen may have been ruptured not because he raped her but because it was accidentally hit by his hand when he tried to hold her while falling down.

Such defense burdens the imagination, to say the least. It is utterly preposterous, if not incredible. Dr. Benedicto, his own witness, contradicted appellant’s theory as he found no sign of infection on Laiza’s vagina. He even

declared that she submitted herself to a physical examination because she complained of being raped, not on account of any alleged accidental injury. We have consistently held that the defense of denial, as in the instant case, is inherently weak, and it becomes even weaker in the face of the positive identification by the victim of the appellant as the violator of her honor.[40]

Appellant, nonetheless, imputes ill-motive on Laiza and her mother Elisa in charging him with rape contending that the latter was jealous when she found that he was courting a woman in their place.

Again, appellant's excuse is simply too frail to cause resentment and ill will on the part of Laiza and her mother against him. Though one may be consumed with much hatred and revenge, it takes nothing less than psychological depravity for a mother to concoct a story too damaging to the welfare and well-being of her own daughter.[41] Certainly, no mother in her right mind would possibly wish to stamp her child with the stigma that follows a despicable crime of rape.[42] We are convinced that the victim and her mother boldly initiated the present case to seek justice for the abominable act committed by appellant.

In sum, the trial court correctly found that appellant committed the crime charged beyond reasonable doubt.

We likewise sustain the trial court's imposition of the death penalty upon appellant being in accordance with Article 266-B of the Revised Penal Code, as amended by R.A. 8353, quoted earlier. The qualifying circumstances of minority of the victim and her relationship to the appellant have been specifically alleged in the Amended Information and duly proved during trial with equal certainty as the crime itself.[43] Laiza's Certificate of Live Birth shows that she was born on February 23, 1990. She was thus nine years old when she was raped by appellant on April 18, 1999. Also, appellant himself admitted in open court that he is the live-in partner or common-law spouse of Laiza's mother, Elisa Mallorca.[44]

With respect to appellant's civil liability, the trial court erroneously awarded the victim "P75,000.00 as actual or compensatory damages x x x." No proof was introduced by the victim to justify such an award.[45] Article 2179 of the Civil Code provides: "Except as provided by law or by stipulation, one is entitled to an adequate compensation only for such pecuniary loss suffered by him as he has duly proven. Such compensation is referred to as actual or compensatory damages."

We have held that where, as here, the rape is perpetrated with any of the qualifying/aggravating circumstances that require the imposition of the death penalty, the victim shall be awarded the following: P75,000.00 as civil indemnity ex delicto - which is mandatory upon the finding of the fact of rape;[46] P75,000.00 as moral damages, even without need of proof since it is assumed that the victim has suffered moral injuries;[47] and P25,000.00 as exemplary damages to curb this disturbing trend of incestuous rape and to set as an example for the public good.[48]

Three (3) members of this Court, although maintaining their adherence to the separate opinions expressed in *People vs. Echegaray* that R.A. No. 7659, insofar as it prescribes the penalty of death is unconstitutional, nevertheless submit to the ruling of the majority that the law is constitutional and that the death penalty should accordingly be imposed.

WHEREFORE, the appealed Decision dated March 9, 2000 of the Regional Trial Court, Branch 81, Romblon, Romblon, in Criminal Case No. 2156, finding that appellant CESAR GLORIOSO LAGRONIO PADILLA, a.k.a. Erick Padilla guilty beyond reasonable doubt of the crime of rape and sentencing him to suffer the extreme penalty of DEATH is hereby AFFIRMED with MODIFICATION in the sense that he is ordered to pay the victim, Laiza Mallorca Salvador, P75,000.00 as civil indemnity ex delicto; P75,000.00 as moral damages; and P25,000.00 as exemplary damages.

Upon finality of this Decision, let the records of this case be forwarded to the Office of the President for the possible exercise of its pardoning power pursuant to Article 83 of the Revised Penal Code, as amended by Section 25 of RA 7659.

Costs de oficio.

SO ORDERED.

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

[1] Penned by Judge Placido C. Marquez; RTC Records at 90-103.

[2] Dated June 4, 1999; RTC Records at 10.

[3] RTC Records at 12.

[4] Pre-Trial Order dated October 7, 1999, RTC Records at 45-49.

[5] Transcript of Stenographic Notes (TSN), November 15, 1999 at 7.

[6] TSN, November 16, 1999 at 10-11.

[7] Id. at 3-6.

[8] TSN, November 15, 1999 at 9.

[9] Id. at 7-8, 10.

[10] Id. at 11.

[11] Id. at 13-14; TSN, November 16, 1999 at 14-15.

[12] TSN, November 15, 1999 at 5-6.

[13] TSN, November 16, 1999 at 16.

[14] TSN, November 17, 1999 at 15.

[15] Exhibit "D," RTC Records at 69.

[16] TSN, November 17, 1999 at 23.

[17] Exhibit "F," RTC Records at 71; TSN, November 22, 1999 at 2.

[18] TSN, November 18, 1999 at 3.

[19] TSN, November 23, 1999 at 4-7.

[20] Id. at 17.

[21] Id. at 11-12.

[22] Id. at 21.

[23] TSN, November 24, 1999 at 3-4.

[24] RTC Records at 103.

[25] Appellant's Brief, Rollo at 59.

[26] People vs. Pancho, G.R. Nos. 136592-93, November 27, 2003, citing People vs. Bartolome, 323 SCRA 836 (2000).

[27] Appellant's Brief, Rollo at 68.

[28] Appellee's Brief, Rollo at 110-111.

[29] People vs. Belga, 349 SCRA 678 (2001).

[30] People vs. Orquina, G.R. No. 143383, October 8, 2002, 390 SCRA 510; People vs. Carlito Marahay, G.R. Nos. 120625-29, January 28, 2003, citing People vs. Amante, G.R. Nos. 149414-15, November 18, 2002.

[31] TSN, November 15, 1999 at 5-8.

[32] TSN, November 16, 1999 at 5-6.

[33] TSN, November 15, 1999 at 8-13.

[34] TSN, November 16, 1999 at 9-14, 16.

[35] People vs. Rosario, G.R. No. 144428, August 6, 2003, citing People vs. Panganiban, 359 SCRA 509 (2001).

[36] Id. citing People vs. Marino, 352 SCRA 127 (2001).

[37] Id. citing People vs. Nardo, 353 SCRA 339 (2001).

[38] People vs. De Taza, G.R. Nos. 136286-89, September 11, 2003, citing People vs. Villadares, 354 SCRA 86 (2001).

[39] Id., citing People vs. Vidal, 353 SCRA 194 (2001); People vs. Libo-on, 358 SCRA 152 (2001); People vs. Osing, 349 SCRA 310 (2001); People vs. Sambrabo, G.R. No. 143708, February 24, 2003, 398 SCRA 106, citing People vs. Campuhan, G.R. No. 129433, March 30, 2000, 329 SCRA 270, 282.

[40] People vs. Losano, G.R. No. 127122, July 20, 1999, 310 SCRA 707.

[41] People vs. Salazar, 258 SCRA 55 (1996).

[42] People vs. Savelrina, 238 SCRA 492 (1994).

[43] People vs. Alfaro, G.R. Nos. 136742-43, September 30, 2003, citing People vs. Padilla, 355 SCRA 741 (2001).

[44] TSN, November 23, 1999 at 2-5.

[45] People vs. Ereno, 326 SCRA 157 (2000).

[46] People vs. Junas, G.R. Nos. 144972-73, September 12, 2003, citing People vs. Reyes, 386 SCRA 559 (2002); People vs. Rodavia, G.R. No. 133008, February 6, 2002, 376 SCRA 320.

[47] People vs. Soriano, G.R. Nos. 142779-95, August 29, 2002, 388 SCRA 140; People vs. Sambrano, *supra*; People vs. Santiago, 319 SCRA 653; People vs. Fuertes, 296 SCRA 602.

[48] People vs. Montemayor, G.R. No. 124474 and G.R. Nos. 139972-78, January 28, 2003; People vs. Belonghilot vs. RTC of Zamboanga City, G.R. No. 128512, April 30, 2003.

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