

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. AVELINO RELOX, APPELLANT.*G.R. No. 149395. April 28, 2004*

Ponente: AZCUNA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-149395/>**AZCUNA, J.:**

This is an appeal from the Decision[1] of Regional Trial Court of Romblon[2] finding appellant Avelino Relox (Avelino) guilty of the crime of rape committed against his own daughter Adela B. Relox (Adela). The trial court sentenced him to suffer the penalty of reclusion perpetua and to pay P50,000 as civil indemnity, P50,000 as moral damages, without subsidiary imprisonment in case of insolvency, plus costs of the suit.

The prosecution's first witness was the complainant.[3] At the time of the alleged rape Adela was 33 years old, while her father was 60 years old. Adela testified that in the evening of June 8, 2000, she was in her parents' house with her two children, Andrean and Jonadel. Also present in the house were appellant and three of Adela's younger siblings. As the house only had one room with no beds, everyone slept side by side on the floor. Adela's mother, Natividad, did not sleep with them that night because Avelino ejected her from the house earlier that same evening after an argument.

Adela said that she was awakened when she felt somebody touching her body. When she opened her eyes she saw Avelino sitting beside her, holding and touching her thighs and breast. Adela complained by saying "No tatay. Why me?" but Avelino answered "Your nanay is not around so it will be the two of us." Then Avelino pinned both of Adela's hands over her head with his left hand and used his right hand to pull down Adela's shorts and panty. After that Avelino stood up to remove his shorts. He then pinned Adela's thighs with his feet, laid down on top of her and inserted his penis into her vagina.

Adela told Avelino "Tatay, stop it. Have pity on me," but the latter paid no attention and continued having sexual intercourse with Adela for about half an hour until Avelino was able to satisfy himself.

The following morning, Adela met her mother at the Municipal Hall and submitted herself to a medical examination. She later executed an Affidavit-Complaint for rape against her father, Avelino.

The prosecution's second witness was Natividad Relox, mother of the complainant and wife of Avelino.[4] She merely testified that Avelino is sexually active, despite his age, and that they used to have sex twice a week. She also said that on the night of the alleged rape, Avelino ejected her from the house because they had a fight.

The last witness for the prosecution was Dr. Victoriano F. Benedicto, who conducted the medical examination on Adela.[5] He testified that, in the course of his examination, he noted two areas in the complainant's vagina that were "raw surfaces." These meant that the mucous membranes have been slightly skinned out and were a little bit red, which translates to possible sexual intercourse. However, there were negative findings for spermatozoa. As a result, the doctor could not definitely state that Adela had recent sexual intercourse.

The defense presented Avelino as its only witness.[6] In his testimony, Avelino claimed that he could not recall

any of the events relating to the alleged rape and had nothing further to state. He was very uncooperative and did not even want to answer the questions of his own counsel and the trial court. He kept reasoning that those things are all in the past, which he had already forgotten.

After trial, appellant was found guilty under the aforestated decision. Hence, the present appeal.

The Court has three guiding principles in reviewing rape cases: 1) an accusation for rape can be made with facility, as it is difficult to prove but more difficult for the accused, though innocent, to disprove; 2) in view of the intrinsic nature of the crime where only two persons are usually involved, the testimony of the complainant must be scrutinized with extreme caution; 3) the evidence for the prosecution must stand or fall on its own merit, and cannot be allowed to draw strength from the weakness of the evidence of the defense.[7]

As in most rape cases, appellant's conviction was chiefly due to the testimony of the complainant and the result of this appeal will naturally depend on the credibility of such testimony. The consistency on material points, or lack of it, can sustain or negate a conviction. Correspondingly, the scrutiny of the account of the complainant becomes even more stringent where a conviction could forfeit the life or the life-long liberty of an accused.[8]

The relevant text of Adela's testimony,[9] including her cross-examination, is reproduced below, as follows:

Q

-

On June 8, 2000, who were in your parents' house?

A

-

Only us. My two (2) children and my three (3) younger siblings.

Q

-

How about your father?

A

-

He was there.

Q

-

How about your mother?

A

-

Not there.

Q

-

Where was your mother then?

A

-

In Cajimos.

Q

-

What municipality?

A

-

Bgy. Cajimos.

Q

-

Is Cajimos located in San Agustin?

A

-

Not there, only here.

Q

-

What is the municipality here?

A

-

Municipality of Romblon.

Q

-

What time did you sleep that night?

A

-

About 9:00 o'clock, sir.

COURT:

Q

-

What date?

PROS. BENEDICTO:

June 8, 2000.

PROS. BENEDICTO continuing:

Q

-

What time did your father sleep if you know?

A

-

I don't know if he was already asleep.

Q

-

Do you know what time your children and your siblings sle[pt] that night?

A

-

They slept early.

Q

-

How many rooms were there in the house of your parents [sic]?

A

-

We slept together.

Q

-

You did not answer my question.

A

-

We do not have rooms, sir.

Q

-

Do you have beds?

A

-

None, sir.

Q

-

Where does you father usually sle[ep], which part of your house?

A

-

Near the door, sir.

Q

-

How about your mother?

A

-

Also somewhere [in] that place, sir.

Q

-

How about your children, which part of the house?

A

-

Somewhere in the inside part.

Q

-

Around how far from the place where you father usually sleep[s]?

A

-

Near. Because we just sleep side by side.

Q

-

Can you estimate the distance from where you are sitting now? The distance from where you were sleeping to where your father usually sleep[s]?

A

-

Only from here to there (witness pointing to a distance of 70 centimeters [sic]).

Q

-

From you or from your children?

A

-

From me, sir.

Q

-

If you know, is your father still sexually active?

A

-

Yes, sir.

Q

-

Tell us why you came to this conclusion?

A

-

Because he is still strong.

Q

-

How about your mother, is she still sexually active?

A

-

I don't know.

Q

-

So you said you slept in the evening of June 8, 2000, what happened after you slept?

ATTY. GERONIMO:

Translate the first testimony of the witness, Your Honor.

A

-

That is it. He raped me ...

ATTY. GERONIMO:

No. Eyot [can] be considered as sexual intercourse but not rape. There was no showing that the man used force in sexually ...

COURT:

What is the translation?

INTERPRETER:

He raped me. The word, Your Honor, is that ineyot niya ako [sic] that is not nag-eyot kami which was different because both parties have consent but in this time ...

ATTY. GERONIMO:

But still there was no showing that there was force employed.

COURT:

He sexually penetrated me.

ATTY. GERONIMO:

Yes, Your Honor.

He sexually penetrated me. And I asked him, "Tatay, why me?" and he answered, "Anyway, your mother is not here so we will just do it."

PROS. BENEDICTO continuing:

Q

-

What were you wearing that night when you slept?

A

-

Wearing short and duster.

Q

-

Was there a bra?

A

-

I have a bra.

Q

-

The fourth paragraph of Exh. A said you felt somebody touched all over your body, which parts of your body were you touched?

A

-

On my thighs up to here (witness pointing to her left breast).

Q

-

What else?

A

-

Breast.

Q

-

What else?

A

-

None.

Q

-

You stated further that when you opened your eyes, you saw your father Avelino Relox already sitting beside you still holding and touching the different parts of your body, what were the different parts of your body [that] your father was holding when you were already awakened and while he was sitting beside you?

A

-

Here (witness pointing to her stomach).

Q

-

Did you have stomach ache that night?

A

-

Yes, sir.

Q

-

You said in paragraph 5, at this juncture I tried to resist, what did you resist when you said you try to resist?

COURT:

Do not blame the Court if your father is acquitted. On second thought you can blame anybody. But my request is before you blame anybody, you blame yourself first.

PROS. BENEDICTO continuing:

Q

-

So can we have your answer again, what did you resist at that juncture?

A

-

I told him, no tatay, because I was afraid of him but he told me, your nanay is not around so it will be the two of us.

Q

-

What was your father wearing when you saw him sitting beside you?

A

-

Wearing shorts only.

Q

-

You said in paragraph 5, that your father held both of your arms, immediately lay you down and simultaneously pull down your shortpants together with your panty, what hands did he use in pulling your shorts and panty simultaneously?

A

-

This hand (witness motioning her right hand).

Q

-

What was his left hand doing while his right hand was pulling your shorts and panty?

A

-

He was holding me here (witness pointing to her upper arm). And then he held me this way, (witness now using her left hand used by her father in holding her [and] her right hand to demonstrate the hand that was used by her father in pulling down the shorts and panty).

Q

-

When you sle[pt] that night, to which direction were your children and siblings sleeping relative to you, to your right or your left?

A

-

Both sides sir.

Q

-

Who was lying down immediately on your left side?

A

-

My son.

Q

-

Name?

A

-

Andrean.

Q

-

Was anybody lying down after Andrean?

A

-

None, sir.

Q

-

On your [right] side,[10] who was lying down or sleeping if any?

A

-

Jonadel.

Q

-

Brother or son?

A

-

Also my child.

Q

-

After Jonadel, was there anybody lying down sleeping?

A

-

Michael?

Q

-

Who is Michael?

A

-

My younger brother.

Q

-

Age?

A

-

Five (5) years.

Q

-

After Michael, was there anybody lying down sleeping?

A

-

None, sir.

Q

-

So, there were three (3) sleeping on your left and right side?

A

-

Yes, sir.

Q

-

On which side did your father Avelino Rolex sit or sat [sic] when you were awakened that evening?

A

-

Here on the left side somewhere (witness referring to her left side).

Q

-

Immediately after you or far from you?

A

-

Next to my child because he moved aside my child.

Q

-

You said that after pulling down your shorts and panty he finally inserted his private part into my [sic] vagina penetrating it and so you felt pain. What happened to the short pants of your father?

A

-

He removed it.

Q

-

When or at what point?

A

-

He removed his shorts and then he sexually penetrated me.

x x x

Q

-

Where did he place your short pants and panty after pulling it down?

A

-

There on the side.

Q

-

On your left side or your right side?

A

-

Somewhere here (Witness is referring to her lower left side).

Q

-

Did he stand up when he took off his short pants?

A

-

He stood up, sir.

Q

-

And what did you see after he took off his shorts, what did you see in front of him?

A

-

I saw his penis (witness laughing)

Q

-

Was there a light that night when you woke up?

A

-

We have that lamp that we used overnight.

Q

-

And that is the reason wh[y] you saw your father's penis?

A

-

That is why I saw him because we have light.

Q

-

How long is that penis that you saw?

INTERPRETER:

Witness referring to the length ten (10) centimeters. Witness laughing.

PROS. BENEDICTO continuing:

Q

-

When you saw the penis of your father when he took off his pants when he was standing, was the penis horizontal to the ground facing upward or was it downward?

A

-

Horizontal.

Q

-

What happened to your left and right thigh before your father penetrated you?

A

-

He pinned them down.

Q

-

What did your father use in pinning your left and right thighs?

A

-

He used his paa (now witness pointing to her knees).

Q

-

Just before your father penetrated you, what were the position of your left and right hands while you were lying down?

A

-

Like this (witness now raising both her left and right arms to her shoulder level) because he held my hands.

Q

-

Did he kiss your lips before he penetrated you?

A

-

On my face.

Q

-

How about your breast, did he kiss your breast?

A

-

No, sir.

Q

-

How many thrust[s] did it take your father to consummate or to penetrate you?

A

-

Three (3) times.

Q

-

In paragraph 6 of your complaint affidavit, you stated that the said sexual or evil acts committed by your father [were] against your will, what do you mean by this?

A

-

What I mean[t] with that is that he must be punished for what he did to me.

Q

-

Specifically, what did you mean when you said against my will?

A

-

I really did not like what he did to me but he really forced and insisted.

Q

-

Immediately before and during the alleged sexual intercourse, did you shout in loud voice, “I don’t like it, stop, I don’t like it”?

A

-

I told him to stop it.

COURT:

Q

-

No, you did not answer the question, answer the question?

A

-

I told him, “tatay, stop it have pity on me” but he continued.

PROS. BENEDICTO continuing:

Q

-

I heard you say at first guinsingit ko then you changed guinhambay ko, does it mean that you said it in a soft voice and not in a shouting voice?

A

-

I told him in a soft voice because even if I shout[ed] nobody would hear us and nobody would come to help me.

Q

-

How far is the nearest house from the house of your parents?

A

-

One (1) kilometer. We are far. We don't have neighbors.

Q

-

Is the land where your house is erected yours?

A

-

No, Your Honor. We are just staying there.

Q

-

But you shouted to your child to wake up and help you?

A

-

I shouted but the children were not awaken[ed].

Q

-

Did you submit to medical examination?

A

-

Yes, sir.

Q

-

Was there a document or a medico legal certificate issued?

A

-

There was.

Q

-

Have you seen that medical certificate?

A

-

Yes, sir.

Q

-

Showing to you Exh. B, is this your medical certificate you are referring to?

A

-

Yes sir, this is it, sir.

Q

-

How long did your father take to satisfy himself?

A

-

About half an hour.

Q

-

Did semen come out of his penis if you know?

A

-

Yes, sir.

Q

-

After the sexual intercourse, what happened?

A

-

He stood up.

Q

-

How about you?

A

-

I did not sleep anymore.

Q

-

Your father [slept] afterwards?

A

-

He did not sleep.

Q

-

Did your mother arrive the next day?

A

-

Only there in the munisipyo.

Q

-

After the intercourse, when was the first time you met your mother?

A

-

On that morning the 9th of June.

Q

-

What time did your mother arrive?

A

-

She arrived at the munisipyo at about 9:00 o'clock.

Q

-

How about you, what did you do next morning?

A

-

I returned home.

Q

-

Where did you meet your mother for the first time?

A

-

At the munisipyo already.

Q

-

Why was your mother in the municipal building?

A

-

Because my mother reported ahead because he had her ejected (pinalayas).

Q

-

Where were you when your father was ejecting your mother?

A

-

In the house.

Q

-

Why did your father eject your mother?

A

-

Because my mother has a man according to him.

Q

-

What do you say to that charge of your father to your mother?

A

-

My mother do[es]n't have a man.

Q

-

Was your mother able to enter your house the following morning?

A

-

She was able to enter when my father was already in the munisipyo. My mother was able to enter our house.

Q

-

That following morning, did you see your mother and she saw you?

A

-

It was me who saw my mother.

Q

-

Did you utter anything when you saw your mother?

A

-

I told something to my mother.

Q

-

What was that?

A

-

That I was sexually penetrated by tatay.

Q

-

What did your mother say, if any?

A

-

My mother said that he should be [i]ncarcerated.

Q

-

Did your mother confront your father regarding what you told her?

A

-

No.

On cross-examination:[11]

Q

-

According to par. 5 of your affidavit [sic] you tried to resist but failed because both your arms were held by your father, is that correct?

A

-

Yes, sir.

Q

-

Is it correct that your father pulled down your short pants together with your panty while he is holding your hands, is that correct?

A

-

Yes, sir.

Q

-

Am I correct to say that both of the hands of your father [are] also holding both of your hands, is that correct?

A

-

Yes, sir.

Q

-

And despite of that you did not resist vigorously?

A

-

I already-

COURT:

You know what, if this Court will convict the accused and there will be an appeal, the Honorable Supreme Court may acquit the accused because it might say that it is impossible for the accused to be holding both your arms and at the same time pulling your shorts and panty, which is really correct? It is possible but there is a problem there. In that statement, there is a problem in that conclusion. Please translate what the court said to the witness. Proceed.

ATTY. GERONIMO continuing:

Q

-

You mean to say that by resisting vigorously you are moving your buttocks left and right or up and down?

A

-

I was evading him.

Q

-

And despite this evasion he was able to penetrate your vagina on the third thrust, is that correct?

A

-

He was firmly holding me and he was even threatening me that he would kill all of us.

Q

-

By the way, how old is your younger brother Ms. Witness?

A

-

Five (5) years old.

Q

-

And the other one?

A

-

Seventeen (17).

Q

-

And that seventeen (17) year old younger brother of yours was there at that time?

A

-

They were already asleep.

Q

-

What was the distance of that seventeen (17) year old brother of yours from you on that particular day, 2:00 o'clock in the early morning of June 9, 2000?

A

-

It is quite far. From here to that corner (witness pointing to the side of the reelings [sic] of the rostrum from the witness stand which when measured appears to be 3.80 meters).

x x x

Q

-

You did not try to awake your brother while your father was trying to take advantage of you?

A

-

I could not reach for him because I was being held by my Tatay.

x x x

Q

-

Is this the man whom you are accusing now Ms. Witness?

A

-

Yes, sir (counsel approached somebody inside the courtroom wearing a white t-shirt).

COURT:

The Court observed that the accused could hardly walk, could hardly stand, could hardly move.

ATTY. GERONIMO continuing:

Q

-

You know that he is more than sixty (60) years old now?

A

-

I know that already, sir.

Q

-

And you are thirty three (33) years old?

A

-

Yes, sir.

Q

-

And you can see that you are healthier than your father, is that correct?

A

-

Yes, sir.

COURT:

Q

-

And despite this physical appearance which this Court observed you are telling us that this accused was able to do what he did to you according to you?

A

-

Yes sir, because he was strong by then.

One of the rules observed in examining the testimony of a complainant in rape cases is that it must not only proceed from the mouth of a credible witness but must be credible in itself such as the common experience and observation of mankind can approve under the circumstances. Whatever is repugnant to these standards becomes incredible and lies outside judicial cognizance.[12]

The Court, after an exacting review of Adela's testimony, concludes that the crime of rape had not been duly proven.

Rape is a crime that is committed by having carnal knowledge against or without the consent of the victim.[13] While it may be said that tenacious resistance from the victim is not a requirement for the crime of rape, the lack of evidence signifying an obstinate resistance to submit to the intercourse, naturally expected from an unwilling victim, could likewise indicate that no rape has occurred.[14] In this case, the manner by which Adela had claimed she resisted her attacker does not fit with what is naturally expected given the situation she was placed in.

First, it is incredible that Adela could not put up more resistance against appellant who was already old and

unarmed the entire time. The force and intimidation alleged to have been employed are not of such character as to render Adela a helpless victim. As the trial court observed eight months after the alleged rape, the 60-year-old appellant “could hardly walk, could hardly stand, could hardly move.” Thus, it is hard to understand why Adela was unable to free her two arms from appellant who was using only one hand to hold them down.

Second, assuming that her body was pinned down, there was nothing to prevent Adela from screaming in order to wake up the children or dissuade her father from continuing his intention. There was no testimony that her father had gagged her mouth or used a weapon to threaten her with bodily harm should she make noise. When asked if she pleaded with her father to stop, she said she did but only in a soft voice because, according to her, even if she shouted, nobody would hear and come to help. However, after being reminded that there were children inside the house who could have heard her, she said that she did shout but the children did not wake up.

The Court finds Adela’s story to be implausible. During that whole thirty-minute ordeal, there was nothing to stop Adela from screaming as loudly as she could. Hence, if Adela had really made a serious effort to shout for help, it is very unlikely that not one of the five children, the oldest being already 17 years old, would wake up. Also, Adela was particularly asked if she tried to wake up her 17-year-old brother. She claimed that she tried to reach for him but her hands were being held down by appellant. Again, the Court cannot understand why Adela only tried to reach for her brother when she could have attempted to wake him up by screaming.

Third, even if the Court would give Adela the benefit of the doubt that she was unable to free herself from the one-handed clutch of her father or to wake up the other people in the room, the fact that Adela failed to flee at a moment when she was let go by appellant remains unexplained. According to her testimony, after pulling down her shorts and panty, appellant stood up to remove his shorts. During this interval, Adela did not flee or make another attempt to rouse the children from their sleep. Instead, Adela testified that all she did at the moment was look at her father’s penis. Appellant even described how long it was, while laughing at the same time.

It is indeed strange that Adela could only show scant resistance against the alleged assault against her honor. While the law does not impose on the rape victim the burden of proving resistance where force was used on her, Adela’s narration of the incident is open to serious doubts, which results in the failure by the prosecution to discharge the requisite quantum of evidence that is necessary to overcome the constitutional presumption of innocence.

There have been a number of convictions sustained by the Court on the basis of the lone testimony of the complainant. Such testimonies, however, have been found to meet the test of credibility, which means that the testimony should not only come from the mouth of a credible witness but should likewise be credible and reasonable in itself, candid, straightforward and in accord with human experience.[15] These qualities are not present in this case.

In convicting appellant, the trial court applied the doctrinal rule that as between a father and his daughter in incestuous sexual assault, the former’s moral ascendancy and influence over the latter sufficiently substitutes force and intimidation. First enunciated in *People v. Erardo*,[16] the pronouncement was reiterated in a number of cases and recently affirmed in *People v. Servado*. [17] As lucidly explained by the Court in one case:[18]

In a rape committed by a father against his own daughter, the former’s moral ascendancy and influence over the latter substitute for violence and intimidation. That ascendancy or influence necessarily flows from the father’s parental authority, which the Constitution and the laws recognize, support and enhance, as well as from the children’s duty to obey and observe reverence and respect towards their parents. Such reverence and respect are deeply ingrained in the minds of Filipino children and are recognized by law. Abuse of both by a father can subjugate his daughter’s will, thereby forcing her to do whatever he wants.

The reliance upon this doctrine is misplaced.

At the time of the alleged rape, Adela was 33 years old, with children of her own, and no longer under the parental authority of her father. Moreover, being a mother herself, she should already be aware of how immoral and appalling it is to have sexual intercourse with her father so that, no matter how obedient she was when she was a child, she would not have succumbed to her father's advances without a fight.

The bare denials and refusal to answer questions of his counsel and the trial court certainly do not help appellant and present a weak defense. Nevertheless, the prosecution's evidence must stand or fall on its own merit and cannot be allowed to draw strength from the weakness of the evidence of the defense.[19] And while there may have been an affidavit presented by the prosecution, wherein appellant admitted having raped Adela, such was repudiated by appellant who said that he was just asked to sign the affidavit without knowing its contents.

The Court has one last point to make. Upon the defense counsel's failure to elicit from appellant facts necessary for his defense, the trial court attempted to convince appellant to be more cooperative for his own sake. The following is a portion of that exchange between the trial court and appellant:

COURT:

The possible penalty here is death. Mr. Witness, you have been saying you forgot[.] [Y]ou forgot [that if] the offense charged against you i[s] proven you can be killed[]?

A

-

I have forgotten that already, Your Honor.

Q

-

You have forgotten the penalty of death?

A

-

I [have] forgotten already.

Q

-

What have you forgotten already?

A

-

That.

Q

-

You are referring to the paper?

A

-

Yes, Your Honor.

Q

-

How about that incident where allegedly you raped your daughter, what can you say about that?

A

-

“Ya na da adto” meaning, “That is no more already.”

Q

-

What do you mean no more already?

A

-

That is a past thing already.

Q

-

Of course it was past happened in the past? [sic]

A

-

I cannot say anything further about that, Your Honor.

Q

-

So even if you are killed you cannot say anything about that? They might kill you there in the Muntinlupa?

A

-

I really don't have anything more, Your Honor.

Q

-

The Court is telling you that a poisonous substance will be injected to you until you die if you are found guilty. This is simple rape punishable of a reclusion perpetua not death. There is no allegation as to the age of Adela here.

PROS. BENEDICTO:

33.

COURT:

Even [so] whatever her age there is no basis here. There is only [an] allegation here [of] relationship with the accused and the alleged victim daughter but there is another one needed. You Mr. Avelino Relox, may not be sentenced to death; it may be [sic] the sentence to you if you are found guilty [is] reclusion perpetua [which] grossly translated [i]s life imprisonment, what can you say about that[?] [I]t may be not death but life imprisonment, what can you say about that?

A

-

Nothing, Your Honor.

COURT:

Q

-

You might die there in Muntinlupa and be buried with nobody [to] see[] you there [or] any of your relatives.

A

-

I don't have any[thing more] to comment about that.

COURT:

Q

-

But this is your chance. This is practically your last chance.

A

-

I really don't have anything more to say, Your Honor.

Appellant appears to be a broken man resigned to his fate. In situations like these, the Court must even be more vigilant in protecting the rights of the accused. For while the accused may give up all hope in his trial, the Court, as the last bastion where justice is expected to be dispensed, must remain steadfast in seeing that all men, even those who refuse to help themselves, are given a fair and just judgment.

WHEREFORE, the assailed decision of the Regional Trial Court of Romblon, in Criminal Case No. 2243 is hereby REVERSED and SET ASIDE. Appellant, Avelino Relox, is ACQUITTED and ordered RELEASED from custody unless he is being lawfully held for another lawful cause. The director of the Bureau of Corrections is ordered to report to this Court the action taken hereon within five days from receipt hereof. Costs de oficio.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Panganiban, Ynares-Santiago and Carpio, JJ., concur.

[1] Rollo, pp. 13-18.

[2] Branch 81.

[3] TSN, February 21, 2001, pp. 3-17.

[4] TSN, February 23, 2001, pp. 3-6.

[5] TSN, April 4, 2001, pp. 2-7.

[6] Id., pp. 12-19.

[7] *People v. Cantila*, 394 SCRA 393 (2002).

[8] *People v. Eliarda*, G.R. Nos. 148394-96, April 30, 2003.

[9] TSN Supra, Note 3, pp. 6-17.

[10] The “left side” in the TSN is obviously a typographical error.

[11] TSN, February 22, 2001, pp. 2-5.

[12] *People v. Cantila, Jr.*, Supra, Note 7.

[13] *People v. Dulya*, 385 SCRA 155 (2002).

[14] *People v. Eliarda*, Supra, Note 8.

[15] *People v. Torion*, 307 SCRA 169 (1999).

[16] 127 SCRA 250 (1984).

[17] G.R. Nos. 143002-03, July 17, 2003.

[18] *People v. Pagdayawan*, 351 SCRA 643 (2001).

[19] *People v. Castillo*, 377 SCRA 99 (2002).

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.