

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROGELIO ARSAYO Y LAVAQUIZ, ACCUSED-APPELLANT.

G.R. NO. 166546. September 26, 2006

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

A child of tender years should be reared under the guidance of her parents with the latter shielding her from any danger that may befall her. Thus, it is very nauseating to see a father tasked to protect her daughter, defile her instead. In the instant case, appellant Rogelio Lavaquiz[1] Arsayo ravished the victim -his stepdaughter - in order to gratify his sexual desire.

For review is the Decision[2] of the Court of Appeals in CA-G.R. CR No. 00046 which affirmed with modification the Decision[3] of the Regional Trial Court (RTC) of Caloocan City, Branch 128, finding accused-appellant Rogelio L. Arsayo guilty of raping his thirteen-year old stepdaughter, AAA[4] and sentencing him to suffer the penalty of reclusion perpetua.

Appellant was charged with rape in relation to Republic Act No. 7610,[5] committed as follows:

That on or about the 6[th] day of November 1997 in Caloocan City, M.M. and within the jurisdiction of this Honorable Court, the above-named accused, being then the stepfather of the complainant/victim, with lewd design and with undue influence which accused Rogelio Arsayo y Lavaquiz employed upon AAA, a minor of 13 years old, did then and there willfully, unlawfully and feloniously lie and have sexual intercourse with said complainant against her will and without her consent.[6]

When arraigned on 11 March 1999, appellant, with the assistance of a counsel de oficio, pleaded not guilty to the offense charged.[7] Thereafter, trial ensued.

The antecedents are as follows:

Private complainant AAA[8] was born on 15 August 1984.[9] She is the stepdaughter of appellant Rogelio L. Arsayo. Her mother, BBB, married appellant on 6 June 1986[10] after AAA's biological father, CCC,[11] left them sometime in 1984. Appellant has a daughter with BBB named DDD.

At around 5:15 in the afternoon of 6 November 1997, private complainant AAA was at home reading. She was with her stepfather, appellant Arsayo. Her mother was then at the Day Care Center working. While reading, appellant, who was only wearing short pants, approached her and forced her to lie down. Appellant removed her clothes and licked her breast. He mounted her and removed his short pants. Appellant then succeeded in inserting his penis into her vagina causing AAA to experience severe pain. AAA was crying while she tried to stop appellant by pushing him away but to no avail. Her ordeal lasted a few minutes. After consummating the dastardly act, he threatened her not to report the incident; otherwise, he would kill her and her mother. AAA put her clothes back on, stood up, and went to sleep. After thirty minutes, she woke up and did household chores. Fearful of her stepfather, she did not disclose to her mother her harrowing experience when the latter arrived home from

work.[12]

On 12 December 1997, more than a month after her stepfather ravished her, AAA informed her mother of what transpired between her and her stepfather. With said revelation, mother and child went to the Barangay to report the incident. Barangay Captain Nestor Foronda accompanied them to the Caloocan Police Station where a complaint for rape was lodged against appellant.[13] SPO2 Vivencio C. Gamboa conducted the investigation and took the statements of AAA and her witnesses. In the evening of 13 December 1997, appellant was apprehended by barangay tanods and was brought to the Caloocan Police Station.[14]

After conducting the investigation, SPO2 Gamboa referred AAA to the Medico-Legal Office of the Philippine National Police (PNP) Crime Laboratory for medical examination. AAA submitted herself to medical examination. Dr. Dennis G. Bellin issued Medico-Legal Report No. M-3875-97[15] with the following findings and conclusion:

FINDINGS:

GENERAL AND EXTRAGENITAL:

Fairly developed, fairly nourished and coherent female subject. Breasts are conical with the light brown areola and nipples from which no secretion could be pressed out. Abdomen is flat and soft.

GENITAL:

There is scanty growth of pubic hair. Labia majora are full, convex and coaptated with the pinkish brown labia minora presenting in between. On separating the same disclosed an elastic, fleshy-type hymen with shallow healed lacerations at 4 and 8 o'clock positions. External vaginal orifice offers moderate resistance to the introduction of the examining index finger. Vaginal canal is narrow with prominent rugosities. Cervix is firm and closed.

CONCLUSION:

Subject is in non-virgin state physically.

There are no external signs of application of any form of violence.

For his defense, appellant took the witness stand. He vehemently denied raping private complainant. He said it was he who supports the family and that he has lived happily with his wife. The only reason he could think of why AAA would file a rape case against him despite his treating her as his own child, allowing her to carry his family name, and sending her to school, is because he once scolded her for having friends in school who are addicts. He added that the reason why his wife assisted in the filing of the case and testified against him is because she is having an affair with another man.[16]

On 21 January 2002, the trial court rendered its decision as follows:

WHEREFORE, in view of all the foregoing premises, the accused Rogelio Arsayo is found guilty beyond reasonable doubt for (sic) the crime of rape and he is hereby sentenced to suffer imprisonment of Reclusion Perpetua and all the accessory penalties attached thereto. He is further adjudged to pay the victim the sum of P50,000.00 as civil indemnity and the amount of P75,000.00 as (sic) for moral damages with no subsidiary imprisonment in case of insolvency.

The City Warden of Caloocan City is hereby ordered to bring the accused to the National Penitentiary in Muntinlupa City to serve his sentence crediting to his favor his service under preventive imprisonment.

The City Warden is further ordered to file a manifestation of compliance of the order to bring the accused to Muntinlupa City.[17]

In convicting appellant, the trial court did not accord credence to appellant's denial. It, however, did not impose the capital punishment on appellant because of the supposed failure of the information to contain the allegation that appellant is the stepfather of the victim.

With a Notice of Appeal[18] filed by appellant, the trial court forwarded the entire records of the case to this Court.[19] However, pursuant to our ruling in *People v. Mateo*,[20] the case was remanded to the Court of Appeals for appropriate action and disposition.

After reviewing the case, the Court of Appeals affirmed appellant's conviction but modified the penalty increasing it to death with the explanation that the relationship (i.e., stepfather) of the appellant to the victim has been sufficiently alleged in the information. The decretal portion of the decision reads:

WHEREFORE, in the light of the foregoing premises, the decision appealed from is hereby recommended to be MODIFIED in that the penalty is increased from reclusion perpetua to death.

In accordance with Section 13, Rule 124 of the Rules of Court, this case is hereby certified, and let the records thereof be elevated, to the Supreme Court.[21]

In our Resolution[22] dated 12 April 2005, the parties were required to submit their respective supplemental briefs, if they so desire, within thirty (30) days from notice. Appellant manifested that he adopts the appellant's brief and reply brief that he had previously filed as his supplemental brief. On the part of the Office of the Solicitor General, despite notice, it did not file any supplemental brief.

Appellant cites as errors the following:

I.

THE COURT A QUO ERRED IN GIVING WEIGHT AND CREDENCE TO THE HIGHLY INCREDIBLE TESTIMONY OF THE PRIVATE COMPLAINANT.

II.

THE COURT A QUO ERRED IN FINDING ACCUSED-APPELLANT GUILTY OF THE CRIME CHARGED DESPITE FAILURE OF THE PROSECUTION TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.

To determine the innocence or guilt of the accused in rape cases, the courts are guided by three well-entrenched principles: (1) an accusation of rape can be made with facility and while the accusation is difficult to prove, it is even more difficult for the accused, though innocent, to disprove; (2) considering that in the nature of things, only two persons are usually involved in the crime of rape, the testimony of the complainant should be scrutinized with great caution; and (3) the evidence for the prosecution must stand or fall on its own merits and cannot be allowed to draw strength from the weakness of the evidence for the defense.[23]

Appellant maintains that the trial court erred in giving weight and credence to the highly incredible testimony of the private complainant. He asserts that it was peculiar for AAA to have acted the way she did having remained so calm and composed after the alleged rape, and that she managed to sleep and do her usual household chores thereafter are not consistent with the deportment of a rape victim.

We are not persuaded.

The fact that private complainant acted as if nothing horrible happened to her does not warrant appellant's exoneration. How the victim comported herself after the incident was not significant as it had nothing to do with the elements of the crime of rape.[24] Not all victims can be expected to act conformably to the usual expectations

of everyone. Different and varying degrees of behavioral responses are expected in the proximity of, or in confronting, an aberrant episode. It is 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.[25] The workings of the human mind when placed under emotional stress are unpredictable.[26] This Court, in *People v. Luzorata*,[27] held:

This Court indeed has not laid down any rule on how a rape victim should behave immediately after she has been abused. This experience is relative and may be dealt with in any way by the victim depending on the circumstances, but her credibility should not be tainted with any modicum of doubt x x x.

After a review of the testimony of the victim, who was thirteen (13) years old when the rape occurred in the year 1997, we find no reason to reverse the findings of the trial court, as affirmed by the Court of Appeals. In a clear and straightforward manner that is worthy of belief, the victim narrated her ordeal as follows:

Q In this case, you are charging your stepfather with alleged rape, how did that happen?

A I was in our house then with my stepfather. I was reading when he came near me, sir.

Q What happened when he came near you?

A He forced me to lie down and then, he removed my clothings, sir.

Q He forced you to lie down, what happened after that?

A He licked my breasts and then, he went on top of me, sir.

Q Then, what happened?

A He was not wearing T-shirt then, he removed his shorts and then, he started to rape me.

Q How did he rape you?

A That was what I am saying, sir.

Q How did this take place?

A He inserted his penis into my vagina, sir.

Q Then, what did he do after that?

A He wore his clothes already, sir.

Q How long did he stay on top of you when you said he inserted his penis into your vagina?

A For minutes, sir.

Q What did you feel then?

A It was painful, sir.

x x x x

Q During that time he was on top of you, what did you do?

A I was crying, sir.

Q How many times did he do that to you in the afternoon of November 6, 1997?

A Only once, sir.

x x x x

Q After that, what happened?

A I stood up, sir.

x x x x

Q And then after you stood up. What did you do next?

A I slept sir.

Q During that time, he was raping you as you said, did he say anything?

A No, sir.

Q Did this intercourse he had with you with your consent?

A No, sir.

x x x x

Q You said earlier that you were crying while he was on top of you and his penis was inside your vagina, aside from that, what were you doing, if any?

A I was trying to stop him, sir.

Q How did you try to stop him?

A I was pushing him, sir.[28]

When it comes to credibility, the trial court's assessment deserves great weight, and is even conclusive and binding, if not tainted with arbitrariness or oversight of some fact or circumstance of weight and influence. The reason is obvious. Having the full opportunity to observe directly the witnesses' deportment and manner of testifying, the trial court is in a better position than the appellate court to evaluate properly testimonial evidence.[29] In the case at bar, there being overwhelming evidence showing that appellant had carnal knowledge of private complainant by means of force, we have no reason not to apply the rule and to apply the exception.

Appellant's defense of denial must likewise fail. Mere denial, if unsubstantiated by clear and convincing evidence, has no weight in law and cannot be given greater evidentiary value than the positive testimony of a rape victim.[30] Denial is intrinsically weak, being a negative and self-serving assertion.[31]

Appellant attempted to discredit the prosecution by imputing ill motives, not only on the victim, but also on her mother. Appellant claims that the victim accused him of raping her because he once scolded her for having for friends in school who are addicts.

This claim was never substantiated. Even assuming arguendo that the victim resented appellant for having allegedly scolded her, such a reason is too flimsy to be believed by this Court. This Court has held time and again that testimonies of rape victims who are young and immature deserve full credence, considering that no young woman, especially of tender age, would concoct a story of defloration, allow an examination of her private parts, and thereafter pervert herself by being subject to a public trial, if she was not motivated solely by the desire to obtain justice for the wrong committed against her.[32] 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.[33] Youth and immaturity are generally badges of truth.[34] Indeed, AAA's testimony deserves full weight and credit. Having just entered her teen years, it is very unlikely for her to accuse her stepfather - the person who treated her as his own child, gave her his name, and sent her to school - of so heinous a crime if it were not true.

Appellant's allegation that it was his wife who influenced the victim to file a complaint against him because she is having an affair with another man, is incredible and unfounded. Appellant testified that he saw his wife twice in the company of another man in a public place but never bothered to ask her about it. If he really suspected that his wife was having an affair, the natural thing for him to do was to ask her who the man she was with is. This, he did not do, and he just let his alleged discovery pass. What made this alleged discovery, which is appellant's ground for saying that his wife is having an affair, harder to believe is that same allegedly happened a good ten years prior to the occurrence of the rape. No mother would subject her own daughter, a child of tender years, to the rigors and the humiliation of a public trial for rape if she was not driven by an honest desire to have her daughter's transgressor punished accordingly.[35]

Appellant's contention that it is impossible to consummate the rape without the occupants of the lower portion of the house to become aware of its commission, considering that the house is made of wood, is untenable.

It has been oft said that lust is no respecter of time or place. Neither the crampedness of the room, nor the presence of other people therein, nor the high risk of being caught, has been held sufficient and effective obstacles to deter the commission of rape.[36] There have been too many instances when rape was committed under circumstances as indiscreet and audacious as a room full of family members sleeping side by side.[37] There is no rule that a woman can only be raped in seclusion.[38] In the case at bar, inasmuch as the house where private complainant and appellant lived had an upper and a lower portion, the partition separating these portions made it easier for appellant to perpetrate and to conceal the salacious act.

Appellant further contends that private complainant's failure to immediately report the alleged incident to her mother and the lapse of five weeks created doubt on her charge of rape. In support thereof, he cites the cases of *People v. Pimentel*[39] and *People v. Castro*.^[40]

We are not convinced. It is not uncommon for young girls to conceal for some time the assault against their virtue.^[41] Delay in revealing the commission of rape is not an indication of a fabricated charge.^[42] It has been repeatedly held that the delay in reporting a rape incident due to death threats cannot be taken against the victim.^[43] The charge of rape is rendered doubtful only if the delay was unreasonable and unexplained. In this case, private complainant, who is barely in her teens, satisfactorily explained why she did not immediately inform her mother of her ordeal. According to her, she is afraid of her stepfather and that the latter threatened to kill her and her family if she would divulge the sexual attack on her.^[44] Appellant, being her stepfather, exercises moral ascendancy and influence over her. Thus, her reluctance that caused the delay should not be taken against her. Neither can it be used to diminish her credibility nor undermine the charge of rape.

The rulings in the *Pimentel* and *Castro* cases do not apply to the case at bar. In said cases, the delay consisted of 39 days and 5 months, respectively. The accused therein were acquitted because other circumstances, not merely the fact of the delay in the reporting of the rape, were taken into account in determining the veracity of the accusations and the credibility of the accuser. The fact of delay does not necessarily lead to an acquittal. In several cases we have decided,^[45] the delay lasted for two years or more, nevertheless, the victims were found to be credible. In *People v. Hortillano*,^[46] we ruled that other relevant facts and circumstances must be likewise considered to determine the veracity of the accusations. These circumstances are not present in the case under review. As above-mentioned, We found the delay to be reasonable and sufficiently explained. The testimony of

the victim herself has convinced the Court that her accusation has a ring of truth sufficient to justify the conviction of appellant.

As regards the medical certificate offered by the prosecution, the defense argues that the trial court should not have given it weight because the doctor who examined the victim and issued the same was not presented in court. It contends that the physician who testified on the contents of the medical certificate was not competent to do so.

Medico-Legal Report No. M-3875-97 indicated that the victim had an elastic, fleshy-type hymen with shallow healed lacerations at 4 and 8 o'clock positions, and that she is no longer a virgin. The finding that the victim had healed lacerations on her hymen substantiates her claim that appellant had sexual intercourse with her. Even assuming *arguendo* that we do not consider the medical report, the case against appellant will still prosper.

In *People v. Bohol*,^[47] this Court explained the treatment of medical evidence as non-vital in proving the cases of rape as follows:

There is no gainsaying that medical evidence is merely corroborative, and is even dispensable, in proving the crime of rape. 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.

A medical certificate is not necessary to prove the commission of rape and a medical examination of the victim is not indispensable in a prosecution for rape.^[48] Expert testimony is merely corroborative in character and not essential to conviction.^[49] An accused can still be convicted of rape on the basis of the sole testimony of the private complainant.^[50] In the instant case, the prosecution, through the testimony of the victim, has shown that appellant had carnal knowledge of her stepdaughter against her will and consent. We find her testimony to be worthy of credence, which by itself, is sufficient to convict accused-appellant.

For one to be convicted of qualified rape, at least one of the aggravating/qualifying circumstances mentioned in Article 266-B^[51] of the Revised Penal Code must be alleged in the information, or in this case the criminal complaint, and duly proved during the trial.^[52] In the instant case, since the special qualifying circumstances of the victim's minority and her relationship with the offender have been properly alleged in the criminal complaint and established during trial, the imposition of the penalty of death on appellant is justified.

With the effectivity,^[53] however, of Republic Act No. 9346 entitled, "An Act Prohibiting the Imposition of Death Penalty in the Philippines," the imposition of the supreme penalty of death has been prohibited. Pursuant to Section 2 thereof, the penalty to be meted on appellant shall be reclusion perpetua. Said section reads:

SECTION 2. In lieu of the death penalty, the following shall be imposed:

- (a) the penalty of reclusion perpetua, when the law violated makes use of the nomenclature of the penalties of the Revised Penal Code; or
- (b) the penalty of life imprisonment, when the law violated does not make use of the nomenclature of the penalties of the Revised Penal Code.

Notwithstanding the reduction of the penalty imposed on appellant, he is not eligible for parole following Section 3 of said law which provides:

SECTION 3. Persons convicted of offenses punished with reclusion perpetua, or whose sentences will be

reduced to reclusion perpetua, by reason of this Act, shall not be eligible for parole under Act No. 4103, otherwise known as the Indeterminate Sentence Law, as amended.

As regards the award of damages, the same must be modified. The P50,000.00 awarded by the trial court as civil indemnity must be increased to P75,000.00 which is the amount awarded if the crime is qualified by circumstances which warrant the imposition of the death penalty.[54] With respect to the award of moral damages, the trial court correctly awarded P75,000.00 without need of pleading or proof of basis thereof.[55] In addition, the amount of P25,000.00 should be awarded as exemplary damages due to the presence of the qualifying circumstances of minority and relationship.[56]

Finally, as regards the amount of civil indemnity to be awarded the victim of a heinous offense, the same remains at P75,000.00 despite the prohibition of the imposition of the death penalty because the penalty provided for by law for heinous offenses is still death.[57]

WHEREFORE, premises considered, the decision of the Court of Appeals dated 18 January 2005 finding appellant Rogelio Arsayo guilty beyond reasonable doubt of qualified rape is AFFIRMED with the MODIFICATION that the penalty of death imposed on appellant is reduced to reclusion perpetua without eligibility to parole pursuant to Republic Act No. 9346. He is also ordered to pay private complainant AAA the amount of P75,000.00 as civil indemnity, P75,000.00 as moral damages and P25,000.00 as exemplary damages. Costs against appellant.

SO ORDERED.

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

[1] Middle name is Lavapiz in Exhs. B and C; records, pp. 152-153.

[2] Penned by Associate Justice Bienvenido L. Reyes with Associate Justices Eugenio S. Labitoria and Rosalinda Asuncion-Vicente, concurring; rollo, pp. 102-109.

[3] Records, pp. 205-209.

[4] Pursuant to Republic Act No. 9262, otherwise known as the "Anti-Violence Against Women and Their Children Act of 2004" and its implementing rules, the real name of the victim, together with that of her immediate family members, is withheld and fictitious initials instead are used to represent her, both to protect her privacy. *People v. Cabalquinto*, G.R. No. 167693, 19 September 2006.

[5] Titled as "Social Protection of Children Against Child Abuse, Exploitation and Discrimination Act."

[6] Records, p. 2.

[7] *Id.* at 60.

[8] AAA-1 and AAA are one and the same person. The former name was the name given to AAA when she was born. Said name was changed to AAA when BBB married Rogelio L. Arsayo.

[9] Exh. "C"; records, p. 153.

[10] Exh. "B"; records, p. 152.

[11] Sometimes spelled as CCC-1.

- [12] TSN, 18 November 1999, pp. 4-14, 20, 22-23.
- [13] Id. at 15-16.
- [14] TSN, 17 February 2000, p. 9; 3 February 2000, p. 5.
- [15] Exh. "H"; records, p. 158.
- [16] TSN, 18 June 2001, pp. 6-12, 18-23.
- [17] Records, p. 209.
- [18] Id. at 211.
- [19] Id. at 212.
- [20] G.R. Nos. 147678-87, 7 July 2004, 433 SCRA 640.
- [21] Rollo, p. 108.
- [22] Id. at 11.
- [23] People v. Arango, G.R. No. 168442, 30 August 2006.
- [24] People v. Binaraao, G.R. Nos. 134573-75, 23 October 2003, 414 SCRA 117, 129-130.
- [25] People v. Salome, G.R. No. 169077, 31 August 2006.
- [26] People v. Sagun, 363 Phil. 1, 16 (1999).
- [27] 350 Phil. 129,134 (1998).
- [28] TSN, 18 November 1999, pp. 4-8.
- [29] People v. Escultor, G.R. Nos. 149366-67, 27 May 2004, 429 SCRA 651, 661.
- [30] People v. Esperas, G.R. No. 128109, 19 November 2003, 416 SCRA 216, 225-226.
- [31] People v. Aagsaoay, Jr., G.R. Nos. 132125-26, 3 June 2004, 430 SCRA 450, 466.
- [32] People v. Villafuerte, G.R. No. 154917, 18 May 2004, 428 SCRA 427, 433.
- [33] People v. Andales, G.R. Nos. 152624-25, 5 February 2004, 422 SCRA 253, 265.
- [34] People v. Espinosa, G.R. No. 138742, 15 June 2004, 432 SCRA 86, 99.
- [35] People v. Gopio, G.R. No. 133925, 29 November 2000, 346 SCRA 408, 427.
- [36] People v. Layugan, G.R. Nos. 130493-98, 28 April 2004, 428 SCRA 98, 114.
- [37] People v. Manahan, G.R. No. 138924, 5 August 2003, 408 SCRA 255, 265.
- [38] People v. Tonyacao G.R. Nos. 134531-32, 7 July 2004, 433 SCRA 513, 530.
- [39] 204 Phil. 327(1982).
- [40] 157 Phil. 456(1974).
- [41] People v. Watiwat, G.R. No. 139400, 3 September 2003, 410 SCRA 324, 334.
- [42] People v. Romero, 435 Phil. 182, 194 (2002).

[43] *People v. Lucas*, G.R. No. 80102, 22 January 1990, 181 SCRA 316, 325.

[44] TSN, 18 November 1999, p. 23.

[45] *People v. Dimaano*, G.R. No. 168168, 14 September 2005, 469 SCRA 647, 663; *People v. Salvador*, 444 Phil. 325, 332 (2003).

[46] G.R. No. 71116, 19 September 1989, 177 SCRA 729.

[47] 415 Phil. 749, 760-761 (2001).

[48] *People v. Balbarona*, G.R. No. 146854, 28 April 2004, 428 SCRA 127, 142.

[49] *People v. Sinoro*, 449 Phil. 370, 391 (2003).

[50] *People v. Cabalse*, G.R. No. 146274, 17 August 2004, 436 SCRA 629, 635-636.

[51] Art. 266-B. Penalties. -

x x x x

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 x

[52] *People v. Caliso*, 439 Phil. 492, 507-508 (2002).

[53] Republic Act No. 9346 took effect immediately after its publication in two newspapers of general circulation, namely *Malaya* and *Manila Times* on 29 June 2006 in accordance with Section 5 thereof.

[54] *People v. Barcena*, G.R. No. 168737, 16 February 2006, 482 SCRA 543, 561.

[55] *People v. Alfaro*, G.R. Nos. 136742-43, 30 September 2003, 412 SCRA 293, 309.

[56] *People v. Quiachon*, G.R. No. 170236, 31 August 2006.

[57] *People v. Salome*, supra note 24.

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