

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. SALVADOR C. DACO ACCUSED-APPELLANT.*G.R. No. 168166. October 10, 2008*

Ponente: LEONARDO-DE CASTRO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-168166/>**LEONARDO-DE CASTRO, J.:**

Under automatic review is the decision[1] dated April 5, 2005 of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 00621 which affirmed, with modifications, an earlier joint decision[2] of the Regional Trial Court (RTC) of San Jose, Camarines Sur, Branch 30, in Criminal Case Nos. T-2150 to T-2156, which found herein accused-appellant guilty beyond reasonable doubt of seven (7) counts of qualified Rape against his own daughter and sentenced him to suffer the extreme penalty of death on each count, to pay the amount of P75,000.00 as civil indemnity, P50,000.00 as moral damages, and the cost of the suit. However, the CA modified the penalties imposed by the RTC by increasing the award of moral damages from P50,000.00 to P75,000.00 and including the award of P25,000.00 as exemplary damages.

Consistent with our decision in *People v. Cabalquinto*, [3] the real name of the rape victim in this case is withheld. Instead, fictitious initials are used to represent her. Also, the personal circumstances of the victim or any other information tending to establish or compromise her identity, as well as those of her immediate family or household members, is not disclosed in this decision.[4] In this regard, the rape victim is herein referred to as AAA; her mother, BBB; her sister, CCC; and the latter's husband, DDD.

In seven (7) separate informations, accused-appellant was charged with seven (7) counts of rape allegedly committed against his daughter AAA on October 7, 1999; and sometime in November 1999, December 1999, January 2000, February 2000, March 2000 and April 2000. Except as to the aforesaid different dates of the commission of the crimes, the Informations are similarly worded. The information in Criminal Case No. T-2150 reads:

That on or about October 7, 1999 at around 2:00 o'clock in the early morning, at Barangay Himanag, Municipality of Lagonoy, Province of Camarines Sur, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, being the father of [AAA], who was then only 13 years old, did then and there willfully, unlawfully and feloniously have sexual intercourse with her against her will, to her damage and prejudice.

Acts contrary to law.

On January 12, 2001,[5] accused-appellant, duly assisted by counsel, entered a plea of not guilty in each of the seven (7) cases. Thereafter, the cases were tried jointly. The prosecution presented the oral testimonies of victim AAA; Dr. Ma. Geraldine Joy Belmonte, a physician at the Bicol Medical Center, Naga City, where AAA was brought for physical examination; Social Welfare Officers Shiela Marie Galicia, who conducted a case study and prepared a report on AAA; and Jessica Rodriguez, who accompanied the victim during the trial.

The prosecution also offered documentary evidence consisting of the medical certificate issued by Dr. Belmonte,

the case study report, and the Certificate of Live Birth of AAA showing that she was born on April 11, 1986 to accused-appellant and his spouse, BBB.

The defense presented, as its main witness, the accused-appellant himself, who vehemently denied committing the crimes imputed to him and claimed that the charges were merely fabricated by AAA. His wife, BBB, also testified to corroborate his testimony.

On February 21, 2003, the trial court rendered its joint Decision finding the accused-appellant guilty of seven (7) counts of qualified rape and imposed the penalties mentioned above.

The records of these cases were forwarded to this Court for automatic review, in view of the death penalty imposed.

In our Resolution[6] of October 21, 2003, We accepted the appeal and directed Atty. Teresita G. Dimaisip, Chief, Judicial Records Office, to send notices to the parties to file their respective briefs and to the Director of the Bureau of Corrections, to confirm the detention of the accused at the National Penitentiary. Accused-appellant filed his Appellant's Brief[7] on April 12, 2004, while the People, thru the Office of the Solicitor General, filed its Appellee's Brief[8] on August 13, 2004.

Pursuant to our pronouncement in *People v. Mateo*,[9] modifying the pertinent provisions of the Revised Rules on Criminal Procedure insofar as they provide for direct appeals from the RTC to this Court in cases in which the penalty imposed by the trial court is death, reclusion perpetua or life imprisonment, and also modifying the Resolution dated September 19, 1995, the cases were transferred, for appropriate action and disposition, to the CA where they were docketed as CA-G.R. CR-H.C. No. 00621.

As stated at the threshold hereof, the CA, in its decision of April 5, 2005 in CA-G.R. CR-H.C. No. 00621, affirmed with modification the judgment of conviction pronounced by the trial court by ordering accused-appellant to pay AAA moral damages in the increased amount of P75,000.00 in addition to P25,000.00 exemplary damages in each case. We quote the fallo of the CA decision:

WHEREFORE, premises considered, the Joint Decision dated February 21, 2003 of the Regional Trial Court of San Jose, Camarines Sur, Branch 30, in Criminal Case Nos. T-2150 to 2156 finding accused-appellant guilty beyond reasonable doubt of the crime of rape and sentencing him to suffer the supreme penalty of DEATH in each case, is hereby AFFIRMED with MODIFICATIONS in that he is ordered to pay private complainant the amount of P75,000.00 as moral damages in each case and P25,000.00 as exemplary damages also in each case.

With costs against the accused-appellant.

Pursuant to Section 13, Rule 124 (A.M. No. 00-5-03-SC in re: Amendments to the Revised Rules of Criminal Procedure to Govern Death Penalty Cases) let the entire records of this case be forwarded to the Honorable Supreme Court for review.

SO ORDERED.

The records of the aforesaid CA case were forwarded to this Court pursuant to Section 13, Rule 124 (A.M. No. 00-5-03-SC in re: Amendments to the Revised Rules of Criminal Procedure to Govern Death Penalty Cases).

In our Resolution of July 12, 2005, We required the parties to simultaneously submit their respective supplemental briefs within thirty (30) days from notice, if they so desired.

In their separate manifestations dated October 10, 2005 and October 12, 2005, the parties waived the filing of supplemental briefs and instead opted to stand by their respective briefs filed before the CA.

In his Brief before the CA, accused-appellant raised the following assignment of errors:

I

THE LOWER COURT ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIMES CHARGED DESPITE THE PATENT WEAKNESS OF THE PROSECUTION EVIDENCE.

II

THE LOWER COURT ERRED IN NOT GIVING EXCULPATORY WEIGHT TO THE DEFENSE INTERPOSED BY THE ACCUSED-APPELLANT.

The instant appeal was anchored on the catch-all argument that accused-appellant's guilt was not proven beyond reasonable doubt. The following is the CA's summary of the evidence for the plaintiff:

The evidence for the prosecution shows that private complainant [AAA] was born to spouses [accused-appellant], and [BBB] on April 11, 1986 as shown in her Certificate of Live birth. On October 6, 1999, when [AAA] was already thirteen (13) years old, she went to a dance party together with her friends. After the party she went home with her friend, Charry Pitallano, and slept at the latter's house. The following day, or on October 7, 1999, at around 2:00 o'clock in the morning, [AAA] was fetched by accused-appellant and told her that they were going to search for his brother who was allegedly missing. However, instead of searching for her brother, accused-appellant brought [AAA] to the mezzanine of a copra kiln drier located in Barangay Himanag, Lagonoy, Camarines Sur and started to make sexual advances upon her. [AAA] resisted and kicked accused-appellant on the stomach. Incensed, accused-appellant took his 18 inch bolo and threatened [AAA] with it. Thereafter, accused-appellant took off his pants and brief then inserted his penis into [AAA's] vagina for two (2) minutes. [AAA] felt an excruciating pain. When accused-appellant was finally able to satisfy his lust, he warned [AAA] not to tell anyone of what happened.

The incident was repeated sometime in November 1999. On said date, accused-appellant arrived home and found [AAA] inside their house also in Barangay Himanag, Lagonoy, Camarines Sur. Nobody was there except [AAA]. Her brothers and sisters as well as her mother were working at the mountain at that time. Shortly, thereafter, accused-appellant approached [AAA] and forcibly undressed her. Accused-appellant removed his pants and brief then inserted his penis into [AAA's] vagina. This went on for three (3) minutes. Again, [AAA] felt extreme pain while accused-appellant was doing this. When accused-appellant was already satiated, he again warned [AAA] not to report the incident to anyone or else he would kill her.

[AAA] was again raped by accused-appellant sometime in December 1999. On said date, accused-appellant came home drunk. He again found [AAA] alone in the house. When [AAA] saw him, she became very afraid knowing that accused-appellant might again sexually abuse her. And true enough, accused-appellant approached her and forcibly removed her shorts. After undressing her, accused-appellant also took off his clothes. Thereafter, he pushed [AAA] on the floor and threatened her with his bolo. He then mounted her and inserted his penis into her vagina. As accused-appellant was doing this, [AAA] again felt severe pain. When accused-appellant dismounted her, she noticed a sticky fluid coming out of her vagina. After satisfying his lust, accused-appellant put his clothes on and once again warned [AAA] not to report the incident to anyone including her mother or else he would kill all of them. Afraid that accused-appellant might make good his threat, she never told anyone of her harrowing experience.

Accused-appellant raped [AAA] for the fourth time sometime in January 2000. Just like the previous incident, accused-appellant came home drunk. With nobody home except the two (2) of them, accused-appellant was again able to carry out his sinister deed. He forcibly undressed [AAA] and inserted his penis into her vagina. Overcome by fear, [AAA] could do nothing but give in to the bestial desire of accused-appellant. When his libido had been satisfied, accused-appellant left but not without first reminding [AAA] not to tell anyone about

what happened or else he would kill her as well as her mother and siblings. [AAA] kept mum about the incident and just cried.

The fifth rape occurred sometime in February 2000. Accused-appellant threatened [AAA] with his bolo and stated that he would kill her if she refused to have sexual intercourse with her. This time [AAA] fought back and kicked accused-appellant. However, the latter was too strong for her. Accused-appellant dragged her and pointed her bolo at her neck. Then, accused-appellant forcibly removed [AAA's] shorts. He likewise removed his shorts and thereafter inserted his penis into [AAA's] vagina. This lasted for three (3) minutes. Accused-appellant reiterated his threats. Hence, [AAA] decided to just keep the traumatic experience to herself.

[AAA] was again ravished by accused-appellant sometime in March 2000. Accused-appellant arrived home very drunk and started looking for [AAA] and found her inside the house. Holding a bolo, he ordered [AAA] to lie down on the floor. Petrified, she did as was told. Accused-appellant undressed [AAA] and, thereafter, himself. He then mounted [AAA] and inserted his penis into her vagina. Her ordeal lasted for three (3) minutes and she felt pain all throughout. Satisfied, accused-appellant left. [AAA] kept on crying as she again noticed a sticky fluid coming out of her vagina.

The last rape happened sometime in April 2000. On said date, accused-appellant fetched [AAA] from the house of his elder daughter, [CCC], in Sipaco. They rode a banca and disembarked at Barangay Loktob. From there, they started to walk towards the direction of their house. However, while they were passing by a dry culvert, accused-appellant suddenly pulled her inside the culvert. She resisted but accused-appellant placed his bolo against her neck and warned her not to report the incident to her mother, brothers and sisters or else he will kill all of them. He then removed her shorts and panty. Thereafter, accused-appellant took off his pants and brief then inserted his penis into her vagina. [AAA] felt water coming out of her vagina and cried in great pain. When accused-appellant had already satisfied his libido, he put his clothes on and left [AAA] in the culvert. [AAA] dressed up and walked home. However, when she arrived at their house, she did not tell anyone about the incident for fear that accused-appellant might make good his threat.

But sometime in May 2000 she mustered enough strength and confided her ordeal to her elder sister, CCC, who thereafter, accompanied her, to a barangay kagawad to report the matter. She was then advised to proceed to the police station and give her sworn statement which she did on May 16, 2000. On May 19, 2000, she signed seven (7) criminal complaints charging accused-appellant for the crime of rape.

Earlier, or on May 18, 2000, the Philippine National Police (PNP) of Lagonoy, Camarines Sur endorsed [AAA] to Dr. Ma. Geraldine Joy Belmonte of the Bicol Medical Center for physical examination. Dr. Belmonte issued a medical certificate relative thereto with the following findings, to wit:

PPE:

Superficial hymenal lacerations at 2 and 8 o'clock

Position

(+) deep hymenal lacerations at 6 o'clock position.

When Dr. Belmonte was called on the witness stand, she explained that the lacerations could have been caused by the insertion of a male penis into the vagina of private complainant.

The defense evidence consisted of the testimonies of the accused-appellant and his wife. As culled from the same decision of the appellate court, the gist of the defense evidence is as follows:

Accused-appellant, for his part, vehemently denied the charges leveled against him. He stated that [AAA] merely fabricated the said charges because she was angry with him. According to accused-appellant, he scolded [AAA] and struck her with a cooked cassava sometime in April 2000 after his wife, [BBB] told him

that AAA was having an illicit affair with [DDD] who happened to be the common-law husband of his daughter [CCC].

To corroborate his testimony, accused-appellant even presented his wife as witness. On the witness stand, [BBB] testified that he told his husband that her daughter [AAA] and his son-in-law [DDD] were frequently watching betamax together and that they would go home at around 10:00 o'clock in the evening. According to her, his husband got angry upon learning this. She stated that she has no knowledge that [AAA] was raped but insisted that the charges leveled against her husband were not true and that perhaps it was another person who raped [AAA].

The arguments advanced by accused-appellant mainly revolve on the issue of credibility. In trying to cast doubt on the credibility of the victim, accused-appellant points out the following discrepancies between the former's sworn statement given during the preliminary investigation and her testimony in open court:

- AAA testified that on October 7, 1999, when accused-appellant fetched her from the house of her friend and brought her to the copra kiln, her niece was with them, but in her sworn declaration she made it appear that she was alone, as gleaned from her statement that she went back to her friend's house alone.
- AAA testified that during the November 1999 rape incident, only she and the accused-appellant were in their house as her mother was working in the mountain; and as to her siblings, she did not know where they were at that time. In her sworn declaration she stated that during the time that she was raped, her siblings were inside the house, sleeping.
- AAA testified that when she was raped by the accused-appellant sometime in December 1999, only the two of them were inside the house; however, in her sworn statement, she stated that her nephews and niece were inside house.
- During the January 2000 rape event, AAA testified that the incident happened during daytime, but in her sworn statement, AAA categorically declared that she was raped at around 9:00 o'clock p.m.
- Regarding the rape incident that took place in February 2000, AAA testified that they only had one (1) house and that all the members of the family including accused-appellant were sleeping in just one room. She also declared that she revealed her ordeal only to her elder sister. However, in her sworn declaration, she stated that accused-appellant was able to rape her in February 2000 because her mother and siblings were then staying in their other house, and that she was able to reveal said incident to her mother.
- As to the rape incident that took place in March 2000, she stated in her sworn statement that their house had two (2) rooms and that she slept in the other room not occupied by her parents. However, when she gave her testimony in court, she stated that their house had only one (1) room.
- Anent the last rape, accused-appellant contends that the victim's claim that there was total darkness inside the culvert where she was allegedly raped is unbelievable, considering that according to the victim the incident took place during daytime and the culvert was located just beside the road.

To begin with, inconsistencies between a witness' sworn declaration and her testimony in open court do not necessarily impair her credibility. In several cases we have held that discrepancies between the statements of the affiant in his affidavit and those made by him on the witness stand do not necessarily discredit her, since ex parte affidavits tend to be incomplete and inaccurate. Hence, affidavits are generally subordinated in importance to declarations made in open court.[10]

Considering the number of times AAA, a girl of tender age, was subjected to the pervert desire of her own father, the Court finds as minor details, which are not of great significance as to affect AAA's credibility as a witness, her testimony regarding her companion/s and the exact time when she was raped, the person/s to whom she revealed

her traumatic experience, the number of houses the family owned, the number of rooms in the house where she was raped, and the condition then prevailing inside the culvert where one of the rape incidents took place. It is settled that inconsistencies in the testimonies of witnesses, when referring only to minor details and collateral matters, do not affect the substance of their declarations, their veracity, or the weight of their testimonies, and do not impair the credibility of such witnesses where there is consistency in relating the principal occurrence and the positive identification of the assailant. In fact, honest inconsistencies on minor and trivial matters serve to strengthen rather than destroy the credibility of a witness to a crime, especially so when the crime is shocking to the conscience and numbing to the senses.[11] We have ruled in numerous cases that an errorless recollection of a harrowing incident cannot be expected of a witness, especially when she is recounting details of an experience so humiliating and so painful as rape.[12] This is especially true in this case, in which the victim was an innocent 13-year-old girl who has been sexually ravished within a span of seven (7) successive months. What is important is that the victim's declarations, both in her sworn statement and her testimony in court, are consistent on basic matters constituting the elements of the crime of rape and the positive identification of the accused-appellant by AAA.

Accused-appellant posits that the non-presentation of AAA's friend on the witness stand, to clarify whether he really fetched AAA and brought her to the copra kiln drier where the alleged sexual molestation transpired, casts doubt on the latter's credibility. We disagree. Discretion as to how the prosecution should present its case belongs to the prosecutor. Moreover, as a rule, appellate courts will not interfere with the judgment of the trial court in passing upon the credibility of a witness, unless there appears on the record some fact or circumstance of weight and influence which has been overlooked, or the significance of which has been misinterpreted or misapprehended.[13] The reason for this is that the assessment of the credibility of witnesses and their testimonies is a matter best undertaken by the trial court because of its unique opportunity to observe the witnesses firsthand and to note their demeanor, conduct, and attitude under grilling examination.[14] Thus, we find no cogent reason to overturn the trial court's findings, which was affirmed by the CA, that gave credence to the credibility of AAA, who was 13 years of old when she was sexually assaulted and 15 years of age when she testified in court. We quote with approval the CA on this score:

The foregoing testimony indubitably shows that appellant indeed had carnal knowledge of private complainant against the latter's will and through force and intimidation for seven (7) TIMES. Even after she was subjected to intense cross-examination by the defense, private complainant remained steadfast in her assertion that it was appellant who raped her. To Our mind, her testimony deserves full faith and credence as it is consistent on material points. Well-settled is the rule that when a rape victim's testimony is straightforward and candid, unshaken by rigid cross-examination, and unflawed by inconsistencies or contradiction in its material points, the same must be given full faith and credit. It is equally settled that when a woman, more so if she is a minor, says she has been raped, she says, in effect, all that is necessary to prove that rape was committed. Youth and immaturity are generally badges of truth. It is highly inconceivable for a daughter to publicly accused her father of rape if it were not true. Indeed, it is against human nature for a girl to fabricate a story that would expose herself as well as her father to a lifetime of dishonor, especially when her charge would mean death of her own father.[15]

Clearly, AAA categorically and unabashedly identified and pointed to her own father as her rapist and testified in a clear and straightforward manner on what accused-appellant did to her on October 7, 1999,[16] and in November 1999,[17] December 1999,[18] January 2000,[19] February 2000,[20] March 2000,[21] and April 2000.[22]

The testimony of AAA that accused-appellant raped her against her will and through force and intimidation was corroborated by the medico-legal findings. The findings of the medical examination conducted on the victim

indubitably show that she had indeed been subjected to repeated sexual intercourse. Dr. Belmonte testified that when she examined AAA, the latter's hymen was no longer intact because of lacerations at the 2:00 and 6:00 o'clock positions, which could have been caused by the insertion of a penis.

While recollecting in open court her extremely painful experience, AAA broke into tears.[23] The crying of AAA during her testimony was evidence of the truth of the rape charges. We had occasion to rule that the display of such emotion indicates the pain that the victim feels when she is asked to recount her traumatic experience.[24]

Accused-appellant claimed that his daughter charged him with rape out of resentment and a desire to exact revenge because in a fit of anger, he threw a cooked cassava which hit her at her head in the presence of his grandchildren. As we have ruled before, this is a lame and flimsy defense which is unworthy of belief. Parental punishment is not enough reason for a daughter to falsely accuse her father of rape. It takes depravity for a young girl to concoct a story which would put her own father on death row and drag herself and the rest of her family to a lifetime of shame. Mere disciplinary chastisement is not strong enough to make daughters in a Filipino family invent a charge that would only bring shame and humiliation upon them and their own family and make them the object of gossip in the community.[25] The victim's credible testimony is unshaken by accused-appellant's claim that his daughter was motivated by ill will in accusing her own father. In *People v. Cariñaga*,[26] we observed that not a few persons convicted of rape had attributed the charges against them to family feuds, resentment, or revenge. And in *People s. Viajedor*,[27] we held that family resentment, revenge or feud has never swayed the Court from giving full credence to the testimony of a complainant for rape, especially a minor who remained steadfast in her testimony, throughout the direct and cross-examinations, that she was sexually abused.

The guilt of the accused-appellant having been established beyond reasonable doubt, we discuss now the propriety of the imposition of the death penalty. Article 335 of the Revised Penal Code, as amended by RA 7659 and further amended by RA 8353, was renumbered to Articles 266-A and 266-B of the Revised Penal Code, the pertinent portions of which provide:

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;

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

xxx xxx 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;

In rape cases, the concurrence of the minority of the victim and her relationship with the offender is a special qualifying circumstance for which the law prescribes the penalty of death. In the present case, both the minority of AAA (who was thirteen years old at the time of the commission of the crime as evidenced by her birth certificate) and her relationship[28] with the accused-appellant were sufficiently alleged in the information and duly established by evidence during the trial.

The courts below imposed the death penalty upon appellants pursuant to R.A. No. 8353,[29] which imposes the

penalty of death whenever the victim is under eighteen (18) years of age and the offender is a parent.

In view, however, of the passage of R.A. No. 9346,[30] otherwise known as the Anti-Death Penalty Law, which prohibits the imposition of the death penalty, the penalty of reclusion perpetua without eligibility for parole should instead be imposed. Accordingly, appellants should be sentenced to reclusion perpetua without eligibility for parole in lieu of the penalty of death.

As regards the civil aspect in these cases, we note that the trial court awarded the amount of P75,000.00 as civil indemnity and P50,000.00 as moral damages in each of the seven cases. On appeal, the CA modified said decision by increasing the award of moral damages to P75,000.00 and, in addition thereto, awarded P25,000.00 as exemplary damages.

The trial court correctly awarded P75,000.00 for each count of rape as civil indemnity. This is in line with the ruling in *People v. Victor*,[31] in which we held that if the crime of rape is committed or effectively qualified by any of the circumstances under which the death penalty is authorized by the present amended law, the indemnity for the victim should be increased to an amount not less than P75,000.00. We likewise agree with the finding of the CA that in addition to the award of exemplary damages in the amount of P25,000.00 for each case, moral damages should be increased from P50,000.00 to P75,000.00, in accordance with the prevailing jurisprudence.[32]

WHEREFORE, the decision dated April 5, 2005 of the Court of Appeals is hereby AFFIRMED with the following MODIFICATIONS:

(1)

Accused-appellant is hereby sentenced to reclusion perpetua, conformably with R.A. No. 9346, without eligibility for parole; and

(2)

He is ordered to indemnify the victim AAA the following in each of the seven cases: (a) P75,000.00 as civil indemnity; (b) P75,000.00 as moral damages; and (c) P25,000.00 as exemplary damages.

Costs de officio.

SO ORDERED.

Puno, C.J., Quisumbing, Ynares-Santiago, Carpio, Austria-Martinez, Carpio Morales, Azcuna, Tinga, Chico-Nazario, Velasco, Jr., Nachura, Reyes, and Brion, JJ., concur.
Corona, J., on leave.

[1] Penned by Associate Justice Martin S. Villarama, Jr. with Associate Justice Regalado E. Maambong and Associate Justice Lucenito N. Tagle concurring; rollo, pp. 178-212.

[2] Penned by Judge Alfredo A. Cabral; rollo, pp. 34-59.

[3] G.R. No. 167693, September 19, 2006, 502 SCRA 419.

[4] *People v. Guillermo*, G.R. No. 173787, April 23, 2007, 521 SCRA 597, 599.

[5] RTC Record, p. 90.

[6] Rollo, p. 62.

- [7] Id. at 74-98.
- [8] Id. at 133-168.
- [9] G.R. Nos. 147678-87, July 7, 2004, 433 SCRA 640, 657-658.
- [10] *People v. Drew*, G.R. No. 127368, December 3, 2001, 371 SCRA 279, 288.
- [11] *People v. Patalin*, G.R. No. 125539, July 27, 1999, 311 SCRA 186, 205.
- [12] *People v. Calayca*, G.R. No. 121212, January 20, 1999, 301 SCRA 192, 200.
- [13] *Guiyab v. People*, G.R. No. 152527, October 20, 2005, 473 SCRA 533, 539.
- [14] *Supra* at note 12.
- [15] *Rollo*, p. 209
- [16] *TSN*, April 19, 2001, pp. 19-23.
- [17] *TSN*, May 18, 2001, pp. 6-8.
- [18] *TSN*, October 8, 2001, pp. 2-5.
- [19] *TSN*, January 18, 2002, pp. 4-6.
- [20] *TSN*, January 25, 2002, pp. 8-11.
- [21] *TSN*, February 28, 2002, pp. 4-5.
- [22] *TSN*, April 22, 2002, pp. 7-13.
- [23] *TSN*, dated January 18, 2002, p. 9.
- [24] *People v. Ancheta*, G.R. No. 142431, January 14, 2004, 419 SCRA 307, 314.
- [25] *People v. Ardon*, G.R. Nos. 137753-56, March 16, 2001, 354 SCRA 609, 624.
- [26] G.R. No. 146097-98, August 26, 2003, 409 SCRA 614.
- [27] G.R. No. 148138, April 11, 2003, 401 SCRA 312, 327.
- [28] During the pre-trial, accused-appellant admitted that the XXX is his daughter.
- [29] Otherwise known as the Anti-Rape Law of 1997.
- [30] Approved on June 24, 2006.
- [31] G.R. No. 127903, July 9, 1998, 292 SCRA 186, 200-201.
- [32] *People v. Jalbuena*, G.R. No. 171163, July 4, 2007, 526 SCRA 500, 513.

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