

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. SIMEON SUYAT Y JOSE, ACCUSED-APPELLANT.

G.R. NO. 173484. March 20, 2007

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

For review is the Decision[1] of the Court of Appeals in CA-G.R. CR No. 00997, which affirmed the Decision[2] of the Regional Trial Court (RTC) of Urdaneta City, Branch 46, in Criminal Case No. U-12563 entitled, "People of the Philippines v. Simeon Suyat y Jose."

The prosecution charged accused-appellant with the crime of rape in an Information the accusatory portion of which reads:

The undersigned accuses SIMEON J. SUYAT of the crime of RAPE, committed as follows:

That on or about 7:00 o'clock in the evening of May 7, 2003 at Brgy. Baro, Pangasinan and within the jurisdiction of this Honorable Court, the above-named accused, by means of force, violence and intimidation, with the use of a knife, did then and there willfully, unlawfully and feloniously have sexual intercourse with AAA,[3] against her will and without her consent, to her damage and prejudice.

CONTRARY to Art. 266-A, par. 1, in rel. to Art. 266-B, 1st par., as amended by R.A. 8353.[4]

Accused-appellant, duly assisted by counsel, pleaded not guilty to the charge.[5]

The People's version of the incident that precipitated this case is concisely presented by the Office of the Solicitor General in its Brief for the Appellee in this wise:

On May 7, 2003, twenty-eight (28) year old AAA, widow with two children, was alone in her house at Barangay Baro, Asingan, Pangasinan, preparing to go to bed for the night. Her children were with her mother who settled in a house close by. Because AAA's house had no electrical facilities, she made use of a kerosene lamp for illumination. At about 7:00 that evening, while lying on her bamboo bed, appellant, Simeon Suyat, entered the house and turned out the lamp. In an instant, appellant poked a knife on the victim's side, clamped shut her mouth with the palm of his left hand, and then threatened her not to speak.

AAA immediately recognized sixty (60) year old appellant who is her mother's live-in partner. Withdrawing his hand from her mouth, appellant reached down, raised the victim's skirt, grabbed and pulled her under garment all the way down her legs, then got on top of her. Appellant parted her legs with his own. He loosened his short pants and guided his penis to the victim's organ. AAA felt appellant's penis penetrate her vagina. Appellant made push and pull movements. After a while, the knife eased off from her side.

Finding an opportunity to escape, AAA courageously shoved appellant off on top of her, ran outside, and shouted for help. Her mother, BBB, chanced upon her outside the house and asked what happened. AAA, distressed, told her mother the harrowing incident she experienced at the hands of the appellant. Her mother - anxious of embarrassment - told her to keep the "scandalous" matter a secret between themselves. Committed

to obtain justice though, AAA reported the incident to the police authorities the morning after.

SPO4 Fausto Casilang Marza initially attended to the victim who was advised to settle the matter with the Baranggay. Not finding the Baranggay captain at his house, AAA went back to the police the afternoon of that same day and told the policeman that she decided to file a rape case against the appellant. SPO4 Marzan took her statements under oath. On her way home, she heard appellant screaming "Vulva (sic) of your mother. Where is that AAA. Maybe she reported to the police station again." The victim ran back to the police and requested that they escort her home. SPO2 Rodrigo Estacio, SPO4 Marzan, and a certain SPO3 Ponseca accompanied AAA back to her home. At her house, the policemen arrested the appellant when they saw (him) screaming (Urayno agipulong ka dita police, saanac nga mabuteng, kayat mo ta ulyenca manen.)(6]

On May 9, 2003, the victim went to the Asingan Medicare Community Hospital to have herself examined, but was told that they did not have the necessary equipment to handle her case. Per advise of the physician in charge of the community hospital, the victim went the next day to Region I, Medical Center in Dagupan City, where she was examined by Dr. May Gwendolyn Luna. Dr. Luna noted some reddish discoloration at the "posterolateral area of the labia minora which is secondary to scratch or friction(:) xxx healed and old superficial lacerations at 4:00 and 9:00 o'clock at the vaginal canal and healed deep lacerations at 5:00 o'clock and 7:00 o'clock also at the vaginal canal (:) xxx (and that the same) admitted 2 fingers with ease which is but natural as AAA had already given birth.[7]

On the other hand, accused-appellant's defense depended on the following testimonies:

Accused-appellant claimed that at around 7:00 o'clock in the evening of 7 May 2003, he was watching television in the house of BBB. He was there together with BBB and AAA's children.[8] Suddenly, AAA went inside BBB's house and said, "I want to have sex tonight." [9] Thinking that the remark was directed at him, he replied, "(y)ou go because that is what you are doing." [10] AAA allegedly retorted, "maniakis ka nga lakay." [11] Not wanting to let AAA have the last word in their exchange, he told AAA, "(y)ou are a sex maniac because you are not contended (sic) with only one penis." [12] After this, BBB held him and led him out to the gate and he went to his own house located about 100 meters away. He returned later in the evening and slept beside BBB.[13]

When asked what made him think that AAA's incendiary statement was directed at him, accused-appellant surmised that AAA must have heard him relay to a certain Mr. Gascon, who was having a drinking spree with other men inside BBB's compound, the alleged amorous relationship AAA had with his younger brother Felipe Suyat.[14]

To bolster accused-appellant's version of the story, the defense presented the testimonies of BBB and of Genaro Pascual (Pascual), a barangay kagawad, of Barangay Baro, Asingan, Pangasinan.

BBB is AAA's mother and accused-appellant's live-in partner. When she initially took the witness stand on 16 September 2003, she claimed that on the night of the alleged rape, accused-appellant left her house at around 7:10 o'clock in the evening and she even accompanied him to the gate of her house. When asked of the whereabouts of AAA at that time, BBB stated that AAA was in her house and that she just heard the latter call for her minor children later in the evening.[15] At this juncture, the defense counsel moved for a continuance of the hearing as BBB was supposedly not feeling well.[16]

When BBB's testimony was resumed on 23 September 2003, she belied AAA's claim that she was raped by accused-appellant and that she shouted for help after she managed to free herself from accused-appellant's clutches. BBB also maintained that when she accompanied accused-appellant outside, AAA told him that she would engage in sex that night. Accused-appellant allegedly told AAA to go ahead with her plan as she was used to engaging in sexual activities anyway.[17] After this brief exchange of words which was witnessed by BBB's other daughter CCC, accused-appellant went home. Afterwards, accused-appellant went to the nipa hut where the

two of them used to sleep and they stayed together until the following morning.[18]

Pascual declared on the witness stand that on 8 May 2003, he and Barangay Captain Antonio Gaspar were in front of a store owned by a certain Lorenzo Laurencio. While at that place, AAA allegedly walked up to them and told them that she wanted to file a complaint against accused-appellant for shouting at her the previous night.[19] They then instructed AAA to go back to her house and they would meet her there later to discuss the matter. When they reached AAA's house, however, she no longer wanted to talk to them.[20]

In its Decision dated 17 November 2004, the trial court declared accused-appellant guilty as charged, thus:

WHEREFORE, finding the accused, SIMEON SUYAT, GUILTY beyond reasonable doubt of the crime of RAPE, he is hereby sentence to suffer the penalty of RECLUSION PERPETUA, and to pay the victim, AAA, P50,000.00 as civil indemnity and P50,000.00 as moral damages, and to pay the costs.[21]

Accused-appellant seasonably filed a Notice of Appeal.[22]

On 24 May 2006, the Court of Appeals promulgated the present assailed decision affirming in toto the ruling of the trial court. The dispositive portion of the appellate court's decision states:

WHEREFORE, in consideration of the foregoing disquisitions, the instant appeal is perforce dismissed. Accordingly, the assailed decision dated 17 November 2004 is hereby affirmed in toto.[23]

On 6 June 2006, accused-appellant filed a Notice of Appeal before the Court of Appeals.[24] In our Resolution of 6 September 2006, we required the parties to submit their respective supplemental briefs, if they so desire.[25] Both the Office of the Solicitor General and the Public Attorney's Office manifested that they were no longer filing their respective supplemental briefs.[26]

Accused-appellant makes the following lone assignment of error:

THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF RAPE.[27]

In resolving rape cases, we are guided by the following principles: (1) an accusation of rape can be made with facility; it is difficult to prove but more difficult for the person 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.[28]

Accused-appellant argues that the testimony of AAA as to how she was raped was replete with incredible allegations which are "contrary to human nature and which raised doubts on the truthfulness of her account as to what really happened on that fateful day." Particularly, accused-appellant harps on the physical impossibility of accused-appellant being able to do three things simultaneously - poke a knife on AAA's side, cover her mouth with his other hand, and lower her panty.[29] Accused-appellant goes on to argue that while it is well-recognized that conclusions and findings of facts of the trial court are binding on this court, still, the rule accepts of an exception, which is, when the trial court ignored and overlooked facts and circumstance that could alter the result.[30]

Also, accused-appellant faults the trial court and the Court of Appeals in not considering Pascual's testimony that AAA did not mention anything about her being raped by accused-appellant on 7 May 2003; instead, AAA merely complained about being yelled at by accused-appellant.[31]

Finally, accused-appellant argues that the findings of the medico-legal officer failed to corroborate AAA's claim that she was indeed raped a few days before she was subjected to physical examination.[32]

Accused-appellant's contentions fail to persuade.

It is doctrinally settled that findings of the trial court as regards the credibility of witnesses will not be disturbed on appeal the rationale being that the trial court enjoys the singular privilege of observing firsthand the demeanor of the witnesses as they are subjected to intense examinations by lawyers and even the court. Thus, unless it is shown that the trial court overlooked, misunderstood, or misapplied some facts or circumstances, weight and substance which could have affected the outcome of the case, we are bound to affirm their findings.[33]

In rape cases specifically, the credibility of the complainant is of paramount importance as oftentimes her testimony, when it satisfies the test of credibility, may be the sole basis for an accused's conviction.[34] In *People v. Tismo*,[35] we reiterated the rule that -

x x x the culpability of the offender almost invariably hinges on the story of the complainant. In the light of the presumption of innocence that the accused enjoys, the complainant's testimony must perforce be carefully scrutinized and examined to satisfy the judicial conscience that the accused did in fact commit the crime. Her testimony should not be received with precipitate credulity, especially when the conviction depends at any vital point upon her uncorroborated testimony, it should not be accepted unless her sincerity and candor are free from suspicion. Such testimony must be impeccable and ring true throughout, or credible and positive. Clearly, therefore, as in other criminal cases, the evidence for the prosecution in rape cases must stand or fall on its own merits; it cannot be allowed to draw strength from the weakness of the evidence for the defense.[36]

We have scrutinized the records of this case and found nothing that could convince us to overturn accused-appellant's conviction. On the contrary, we agree in the trial court's observation that AAA's retelling of her harrowing experience in the hands of accused-appellant was "positive, straightforward, spontaneous, and unadorned"[37] thus:

ATTY. IGNACIO: DIRECT EXAMINATION:

Q. Madam witness, do you know Simeon Suyat?

WITNESS:

A. Yes sir.

Q. Why do you know him?

A. Because he is the live-in partner of my mother, sir.

Q. What is the name of your mother?

A. BBB sir.

Q. What else, why do you know Simeon Suyat?

A. Because he raped me sir.

Q. If Simeon Suyat is in court, will you please point to him?

A. Witness pointing to a person sitted inside the courtroom, and when asked his name, answered, Simeon Suyat.

Q. You said that Simeon Suyat raped you, when?

A. May 7, 2003 sir.

Q. Where did he rape you?

A. In our house sir.

Q. Where is that house where Simeon Suyat raped you?

A. At Brgy. Baro, Asingan, Pangasinan, sir.

Q. How did it happen why Simeon Suyat rape you?

A. He forced me sir.

Q. Before he forced you, where did this Simeon Suyat come from?

A. He came from their yard, sir.

Q. Whose yard was that where Simeon Suyat came from?

A. Simeon Suyat sir.

Q. Where did he rape you specifically?

A. In our yard sir.

Q. Not inside your house?

A. Inside my house sir.

Q. How did Simeon Suyat enter your house?

A. When he entered the house, I told him "why are you coming," and then he poked the knife to my leftside and closed my mouth with his palm, and told me not to talk, sir.

Q. Will you please describe to the Honorable Court your house look like, is it two (2) storey house or single house?

A. My house has only one room, sir.

Q. Where did Simeon Suyat enter your house?

A In our door sir.

Q. How come he was able to enter your door?

A. The door was opened because my two (2) children went to the other house to view television, sir.

Q. How far is that house where your children viewed television?

A. Little bit far, sir.

Q. Can you point a distance?

A. From here to the gate is about 70 to 80 meters, sir.

ATTY. VELASCO:

About 40 to 50 meters.

COURT INTERPRETER:

That was already measured, 70 to 80 meters, your Honor.

ATTY. IGNACIO:

Q. Going back where Simeon Suyat enter press on your side a knife, what happened next?

WITNESS:

A. When he poked the knife on my side and closed my mouth with his palm, then raise my shirt and then lowered my panty, sir.

Q. The forcing in lowering your panty, what happened next?

A. He went on top of me and then he press my two legs, sir.

Q. What happened next?

A. And then he removed his shortpant and he removed his brief, sir.

Q. After removing those shortpant and brief, what happened next?

A. He placed his organ to my vagina, sir.

Q. What about the knife?

A. The knife was still poked on my side, sir.

Q. Was his penis able to penetrate your vagina?

A. Yes sir.

Q. What did you do when he was able to penetrate?

A. I pushed him sir.

Q. What did you feel?

A. Painful sir.

Q. Then what did you do when he executed a push and pull?

A. When I felt that the knife was loosen, then I pushed him away, sir.

Q. Were you able to push him away?

A. Yes sir.

Q. What did you do after pushing him away?

A. After pushing him, I went out from the house, sir.

Q. By the way, does your house with electricity?

A. None sir.

Q. What are you then using as lighting facility?

A. Kerosene sir.

Q. At that night, you have kerosene?

A. Yes sir.

Q. Was that kerosene lighted when he was raping you?

A. Yes sir.

Q. After getting out from your house, what did you do?

A. I called for help sir.

Q. Did somebody come to help you?

A. Yes sir.

Q. Who came and helped you if any?

A. My mother sir.

Q. You mean to say the living partner himself?

A. Yes sir.

Q. BBB is your mother?

A. Yes sir.

Q. What did BBB do when she came out to response for help?

A. She asked what happened and I told her, Simeon Suyat raped me, and my mother told me not to talk, we will settle the matter.[38]

Similarly unavailing is accused-appellant's argument that it was physically impossible for him to have raped AAA in the manner that she described in her direct testimony. It must be pointed out that AAA's testimony did not end with her direct testimony. When she underwent cross-examination by accused-appellant's counsel, she was able to narrate in an even more detailed manner how she was raped -

ATTY. VELASCO:

Q. The three (3) simultaneous acts that you have just demonstrated was before the actual penetration. Then you stated in your sworn statement as well as you claimed in the direct examination conducted on you that while Simeon Suyat doing all these three (3) acts simultaneously you stated that he raised your skirt and then removed your panty. Do you remember that?

WITNESS:

A. Yes sir.

Q. Now, I will ask again and demonstrate before the Honorable Court how Simeon Suyat do (sic) this considering the fact that the right hand already holding the knife poking on your side and the other hand covering your mouth and your two (2) legs were pressed by the two (2) legs of the accused, according to you. Will you please demonstrate now how he removed your skirt and removed your panty?

A. When he removed the hand that closed my mouth that was the time and used in raising my skirt and lowering my panty, sir.

Q. It was only hand that used to cover your mouth that used in raising your skirt and removing your panty?

A. Yes sir.

Q. Did he encounter difficulty in removing your panty?

A. He did sir, because what I'm wearing at that time was a duster.

Q. When he was able to remove and lower your panty, what did he do next?

A. He inserted his penis to my vagina, sir.

Q. Before he inserted his organ to your vagina, did he not place again his hand to cover your mouth?

A. Yes sir.

Q. And when you said that thereafter lowering your panty, he inserted his sexual organ to your vagina. Did he use his hand in inserting his organ to your organ?

A. Yes sir. Witness demonstrating that the accused holding his penis.

Q. Will you please demonstrate what hands in holding his penis in inserting to your organ?

A. It is the right hand holding the knife while the left hand guiding in inserting the penis to my vagina, sir.

Q. To your recollection, did you help in anyway in the inserting of the penis to your vagina?

A. No sir.

Q. But did he encounter again difficulty in inserting his organ to your organ?

A. Yes sir.

Q. Are you telling the Honorable Court that you exerted some effort in order that his penis could not enter to your reproduction organ?

A. I pushed him sir.

Q. When did you push him?

A. When the organ had already penetrated my vagina and he was about to ejaculate, I pushed him, sir.

Q. When you said the accused was able to penetrate, you mean his penis was already in your vagina?

A. Yes sir, his organ was able to penetrate my vagina.

Q. And when you said that he was about to ejaculate, what about you, did you produce any orgasm?

A. I felt pain in my vagina, sir.

Q. And so when he was on top of you and he was about to ejaculate, that was the time when you pushed him?

A. Yes sir.

Q. And you already shouted for help right after you pushed him?

A. Yes sir.[39]

It is clear from the foregoing that despite the determined cross-examination by the opposing counsel, AAA remained steadfast in her assertion that accused-appellant was able to have sexual intercourse with her against her will. Accused-appellant's abridged reading of AAA's testimony fails to overcome her positive and forthright candid recollection of the unfortunate incident that night. The rule is that when a rape victim's testimony is straightforward and candid, unshaken by rigid cross-examination and unflawed by inconsistencies or contradictions in its vital points, the same must be given full faith and credit.[40]

We likewise cannot give credence to accused-appellant's contention that Pascual's testimony should prevail over that of AAA's. While it may be true that AAA did not mention anything about the rape to Pascual and Barangay Captain Gaspar when they met in the morning of 8 May 2003, it did not necessarily mean that the rape did not take place the night before. This Court has taken judicial notice of the fact that people react differently to a given situation, and there is no standard form of behavioral response when one is confronted with a strange, startling or frightful experience.[41] It must be emphasized that when AAA called for help, BBB immediately went out of her house to offer her succor. But when AAA informed her of what had just transpired, BBB instructed the former not to tell anyone about the incident because of its scandalous nature; instead, she advised AAA that they just settle the matter among themselves. It cannot therefore be denied that AAA's actuations on the day after she was raped conveyed her state of bewilderment. A part of her wanted to keep the incident to herself and in the process heeded her mother's plea and still another part of her yearned for justice for the wrong inflicted upon her. That she opted for the latter with the full knowledge that it was against her mother's request solidifies her accusation against accused-appellant for she could not have sacrificed her relationship with her own mother had her version of the story not been true. Verily, a rape victim such as AAA would not publicly disclose that she was raped and undergo the trouble and humiliation of a trial if her motive was not to bring to justice the person who abused her.[42]

As for accused-appellant's claim that the charge of rape was not corroborated by the result of the physical examination conducted by Dr. Luna, suffice it to state here that for a conviction of rape, it is not necessary that the same be supported by medical findings of injuries as proof of injuries is not an essential element of the crime.[43] An accused can still be convicted of rape on the basis of the sole testimony of the private complainant.[44] In the present case, the prosecution was able to prove, through AAA's testimony, that accused-appellant had carnal knowledge of her against her will and consent. As we find her testimony to be free of material prevarication, we find the same sufficient to sustain accused-appellant's conviction.

We likewise find the defense's account of the events to be replete with inconsistencies. Foremost of these is the exact place where AAA allegedly uttered the remarks which triggered her verbal joust with accused-appellant. Accused-appellant categorically stated in his testimony that AAA walked into BBB's kitchen and there expressed her desire to engage in sexual activity that night.[45] On the other hand, BBB, who claimed to be with accused-appellant before the latter went home, stated that AAA was in front of her house when she said that statement.[46] More importantly, during her first turn at the witness stand, BBB failed to recall any happening as she accompanied accused-appellant to the gate of her house.[47] Similarly out of synchronization are accused-appellant's and BBB's accounts of who actually witnessed the exchange of words between accused-appellant and AAA. Accused-appellant categorically stated that Gascon was the only one who heard his argument with AAA while BBB stated that her other daughter, CCC, witnessed that same incident. These inconsistencies, to our mind, seriously undermine the veracity of accused-appellants' contention that he and AAA engaged in a verbal tussle that night which could have precipitated the filing of the rape charge against him.

We likewise affirm the penalties imposed by the trial court and the Court of Appeals on accused-appellant. Under Article 266-B of the Revised Penal Code, as amended by Republic Act No. 8353, "(w)henever rape is committed with the use of a deadly weapon or by two or more persons," the penalty to be imposed shall be reclusion perpetua to death. Article 63 of the same statute instructs us that in the event the law prescribes a penalty composed of two indivisible penalties and there are neither mitigating nor aggravating circumstances in the commission of the offense, the lesser penalty shall be applied.

In this case, the information does not allege any attending circumstance in the execution of the crime of rape. We, therefore, sustain the penalty of reclusion perpetua that was imposed by the trial court and the Court of Appeals.

Similarly proper is the award of P50,000.00 as civil indemnity and another P50,000.00 as moral damages given by the court a quo and the Court of Appeals for it is settled that, that these two are distinct from one another. As we explained in *People v. Caratay*[48]:

With regard to his civil liability, however, the trial court's award of damages should be modified. Under the present law, an award of P50,000.00 as civil indemnity is mandatory upon the finding of the fact of rape. This is exclusive of the award of moral damages of P50,000.00, without need of further proof. The victim's injury is now recognized as inherently concomitant with and necessarily proceeds from the appalling crime of rape which per se warrants an award of moral damages.

WHEREFORE, premises considered, the Decision dated 24 May 2006 of the Court of Appeals in CA-G.R. CR No. 00997, affirming, in toto, the Decision of the Regional Trial Court of Urdaneta City, Branch 46 is hereby AFFIRMED. No costs.

SO ORDERED.

Ynares-Santiago, (Chairperson), and Austria-Martinez, JJ., concur.

Callejo, Sr., J., on leave.

Nachura, J., no part.

[1] Penned by Associate Justice Bienvenido L. Reyes with Associate Justices Amelita G. Tolentino and Mariflor P. Punzalan Castillo, concurring; rollo, pp. 2-13.

[2] Records, pp. 134-145.

[3] Consistent with the policy of the State to value the dignity of women and children and to afford full respect to their human rights as enunciated in Republic Act No. 9262 or the "Anti-Violence Against Women and Their Children Act of 2004," the real name of the victim, together with that of of her immediate family members, is withheld and fictitious initials instead are used to represent her, in order to protect her privacy.

[4] Also known as "The Anti-Rape Law of 1997." This statute reclassified the crime of rape as a crime against persons. Records, p. 27.

[5] Id. at 38.

[6] "Even if you will report to the police, I am not afraid. Do you like, I will go on top of you again."

[7] Rollo, pp. 87-89.

[8] TSN, 28 July 2004, pp. 3-4.

[9] Id. at 8.

[10] Id. at 10

[11] "You are a sex maniac, you old man;" id. at 11.

[12] Id.

[13] Id. at 5-6.

[14] Id. at 8.

[15] TSN, 16 September 2003, pp. 13-14.

- [16] Id.
- [17] TSN, 23 September 2003, p. 4.
- [18] Id. at 10.
- [19] TSN, 4 November 2003, p. 7.
- [20] Id.
- [21] Records, p. 145.
- [22] Id. at 146.
- [23] Rollo, p. 13.
- [24] CA rollo, pp. 117-118.
- [25] Rollo, p. 14.
- [26] Id. at 15-17 and 20-22.
- [27] CA rollo, p. 32.
- [28] People v. Arango, G.R. No. 168442, 30 August 2006.
- [29] CA rollo, p. 39.
- [30] Id. at 40, citing People v. Ganan, Jr., 333 Phil. 84, 104 (1996).
- [31] Id. at 41.
- [32] Id.
- [33] People v. Sgt. Bayani, 331 Phil. 169, 191 (1996).
- [34] People v. Gabelinio, G.R. Nos. 132127-29, 31 March 2004, 426 SCRA 608, 619.
- [35] G.R. No. 44773, 4 December 1991, 204 SCRA 535, 553.
- [36] Id. at 553.
- [37] Records, p. 144.
- [38] TSN, 4 August 2003, pp. 3-8.
- [39] TSN, 11 August 2003, pp. 9-12.
- [40] People v. Caratay, 374 Phil. 590, 607 (1999).
- [41] People v. Melendres, 393 Phil. 878, 894 (2000).
- [42] People v. Domingo, G.R. No. 97921, 8 September 1993, 226 SCRA 156, 174.
- [43] People v. Bantisil, G.R. No. 116062, 18 October 1995, 249 SCRA 367, 377-378.
- [44] People v. Cabalse, G.R. No. 146274, 17 August 2004, 436 SCRA 629, 635-636.
- [45] TSN, 28 July 2004, p. 8.
- [46] TSN, 23 September 2003, p. 5.

[47] TSN, 16 September 2003, p. 10.

[48] Supra note 40 at 610-611 (1999).

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