PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROLLY CANARES Y ALMANARES, ACCUSED-APPELLANT.

G.R. No. 174065. February 18, 2009

Ponente: BRION, J.

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BRION, J.:

We review in this petition for review on certiorari[1] the decision (dated May 31, 2006)[2] of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 01263 that affirmed with modification the decision (dated March 17, 2003)[3] of the Regional Trial Court (RTC), Branch 18, Tagaytay City in Criminal Case No. TG-3255-99. The RTC found the accused-appellant, Rolly Canares y Almanares (Canares), guilty beyond reasonable doubt of statutory rape.

Canares was charged in two separate Informations for rape and attempted rape in relation with Republic Act No. 7610 (the Child Abuse Law). These Informations respectively state:

> Criminal Case No. TG-3255-99
>
> That sometimes (sic) between the year 1992 to 1995 at Barangay Sabutan, Municipality of Silang, Province of Cavite, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs, by means of force, violence and intimidation and taking advantage of his superior strength over the person of the victim who was then nine (9) years old, did, then and there, willfully (sic), unlawfully and feloniously, have carnal knowledge of one AAA[4], against her will and consent, to her damage and prejudice.
>
> CONTRARY TO LAW.[5]
>
> Criminal Case No. SC-3261-00
>
> That on or about the 25[th] day of March, 1999, at Brgy. Sabutan, Municipality of Silang, Province of Cavite, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs by means of force, violence and intimidation and taking advantage of his superior strength over the person of the victim who was sixteen (16) years old, did, then and there, willfully, unlawfully and feloniously attempt to have carnal knowledge of one AAA, against her will and consent, the above-named accused, having thus commenced the commission of the crime of Rape directly by overt acts but which nevertheless did not produce it by reason of causes other than accused own spontaneous desistance, that is, by reason of the timely arrival of BBB who hit the head of herein accused with a base (sic) thereby preventing him from further consummating the crime, to the damage and prejudice of said AAA.
>
> CONTRARY TO LAW.[6]

Canares, with the assistance of counsel de oficio, pleaded not guilty to both charges.[7] The trial court ordered a joint trial since the same parties and similar subject matters and antecedent events were involved. At pre-trial, the parties made no admission or stipulation of facts.[8] The prosecution marked its documentary evidence with the reservation to present additional evidence in the course of the trial.[9] The defense did not mark any documentary evidence.

At the trial proper, the prosecution presented the following as witnesses: AAA (the alleged victim), BBB (the victim's aunt), and Dr. Bernadette Madrid (the Director of the Philippine General Hospital [PGH] Child Protection Unit). The defense relied on the sole testimony of Canares who simply denied any sexual intercourse with AAA.

The Background Facts & Developments

AAA was born on September 8, 1982 and was only about 9 or 10 years old when Canares, a helper in AAA's grandmother's house at Barangay Sabutan, Silang, Cavite, allegedly first sexually abused her. Living with AAA and her grandmother in the house were her uncle and 7 younger cousins. The sexual intercourse took place at around midnight sometime in 1992; AAA could no longer recall the exact date. AAA and her cousins were then the only occupants in their grandmother's house and were in bed sleeping. AAA awoke and found Canares lying beside them. Canares undressed her, removed her shorts and panty, and then had sexual intercourse with her by inserting his penis into her genital organ. AAA felt pain and bled but kept the incident to herself because Canares threatened to kill her.[10]

Canares allegedly repeated the sexual abuse more than ten times between the first incident in 1992 and 1995. He stopped from 1996-1999.[11] AAA attributed the gap to the lack of opportunity on Canares' part; her uncle was then always at home.[12] Canares also began working as a tricycle driver and subsequently went to the province where he temporarily stayed.[13] Except for the sexual abuse in 1992, AAA could no longer remember the details of the other incidents. She was certain, however, that there was penile penetration in every incident.[14]

The last incident that immediately gave rise to the present charges occurred on March 25, 1999. AAA met Canares at the stairs of her grandmother's house as Canares was on his way to the bodega of the house which he used as his sleeping quarters. He told AAA that he had something to tell her and pulled her towards the bodega. Inside, Canares embraced her and pulled down her shorts. AAA resisted and pushed against Canares as she also shouted for help. BBB - AAA's aunt - came to her rescue and hit Canares on the head with a flower vase.[15] Triggered by this incident, AAA disclosed to her mother and relatives the sexual abuse she had long suffered in the hands of Canares.[16]

On March 26, 2000, AAA went to the PGH Child Protection Unit for medical examination. The findings showed that she had a healed laceration at the 6:00 position of her hymen indicating previous penetration.[17] On March 27, 2000, AAA and BBB executed their respective Sinumpaang Salaysay about Canares' sexual abuses before the police authorities. After the Joint Preliminary Examination conducted before the Municipal Circuit Trial Court of Silang-Amadeo, Cavite on April 26, 1999, AAA lodged a formal complaint for rape and attempted rape against Canares.[18]

Canares denied the accusations against him.[19] He claimed that the charges were filed against him at the instance of AAA's grandmother and uncle because of the nonpayment of his salary as a farm hand and as a tricycle driver. AAA's uncle also allegedly failed to pay him a previous loan of P10,000.[20] He also claimed that it was impossible for him to rape AAA because she came to live at her grandmother's house only in 1997.[21] He argued that the rape could not have possibly occurred considering the number of people staying in the house; a shout from someone being assaulted could easily be heard in the house.[22]

The RTC gave greater credence to the prosecution's evidence, particularly, the testimony of AAA which it found to be straightforward, truthful, and convincing.[23] The trial court observed that AAA's young age and gender rendered it unlikely that she would concoct a story of defloration that would subject her to public trial and ridicule.[24] At the same time, the RTC rejected Canares' unsubstantiated denial and held that it cannot prevail over credible positive testimony.[25] The dispositive portion of the RTC decision reads:

> WHEREFORE, finding the guilt of the accused ROLLY CANARES Y ALMARANES to be beyond

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> reasonable doubt, the Court hereby sentences him to suffer imprisonment of RECLUSION PERPETUA. Accused is also ordered to indemnify
> the victim Catherine Amodente the sum of Php100,000.00 as moral damages. Costs against the accused.
>
> SO ORDERED.[26]

The RTC acquitted Canares of the crime of attempted rape for the prosecution's failure to establish his guilt beyond reasonable doubt:

> ...From the preponderance of evidence presented, the prosecution failed to prove the guilt of the accused in this case beyond reasonable doubt. The court therefore ACQUITS the accused Rolly Canares of the crime of "Attempted Rape" and the case against him is DISMISSED.[27]

The CA affirmed with modification Canares' rape conviction, ruling as follows:[28]

> WHEREFORE, the assailed Decision dated March 17, 2003 of the RTC, Branch 18, Tagaytay City, in Criminal Case No. TG-3255-99, is AFFIRMED with MODIFICATION, by reducing the award of moral damages from Php 100,000.00 to Php 50,000.00, and ordering the accused-appellant to pay AAA the amount of Php 50,000.00 as civil indemnity, in addition to moral damages.
>
> SO ORDERED.[29]

In his Appeal Brief,[30] Canares raises the lone issue:

> THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY OF THE CRIME OF RAPE DESPITE THE INSUFFICIENCY OF EVIDENCE FOR THE PROSECUTION.

Canares contends that he should not have been convicted of rape because the Information was defective: it failed to specify with certainty when the alleged rape was committed. He argues that the allegation that the rape was committed "sometime between the year 1992 to 1995" is very broad, considering particularly AAA's testimony that she was raped more than 10 times. He posits that since the specific incident of rape for which he was convicted is uncertain, the doubt should be resolved in favor of his acquittal.

In their Brief,[31] the People maintain that Canares' rape conviction is backed by the evidence on record. The argument that the Information was defective should also fail because the allegation of the exact date and time of the rape is not a material point in charging the accused of rape. In any case, this alleged defect was cured when AAA testified that Canares raped her "in one evening of 1992."[32]

The Court's Ruling

We find no reason to overturn the conviction of Canares and hereby confirm his guilt for the crime of statutory rape committed against AAA sometime in 1992.

The Procedural Issue

The argument that the Information in Criminal Case No. TG-3255-99 is defective for the prosecution's failure to allege the date and time of the rape is far from novel. We have repeatedly met and debunked this line of argument in rape cases.

An information, under Section 6, Rule 110 of the 2000 Revised Rules on Criminal Procedure, is deemed sufficient if it states the name of the accused; the designation of the offense given by the statute; the acts or omissions complained of as constituting the offense; the name of the offended party; the approximate date of the commission of the offense; and the place where the offense was committed. Section 11 of the same Rule also provides that it is not necessary to state in the complaint or information the precise date the offense was

committed except when the date of commission is a material element of the offense. The offense may thus be alleged to have been committed on a date as near as possible to the actual date of its commission. At the minimum, an indictment must contain all the essential elements of the offense charged to enable the accused to properly meet the charge and duly prepare for his defense.[33]

Following these principles, we held in People v. Bugayong[34] that when the time given in the information is not the essence of the offense, such time does not need to be proven as alleged; the complaint will be sustained if the proof shows that the offense was committed at any time within the period of the statute of limitations and before the commencement of the action. We again emphasized this doctrine in the case of People v. Rafon,[35] when we held it unnecessary to state in the information the precise date when the offense was committed, except when it is an essential element of the offense.

People v. Lizada, [36] specifically involving the charge of rape, followed the above general principle; we stated that an information for rape is not rendered defective for failure to specify the exact date when the rape was committed. The reason for this is plain: the precise date of the commission
of the rape is not an essential element of the crime.[37] The gravamen of the crime of rape is carnal knowledge of the woman under any of the circumstances provided by law.[38]

Thus, we have ruled that allegations of rape in the information committed, "sometime in the year 1991 and the days thereafter,"[39] "on or about and sometime in the year 1988,"[40] or "from November 1990 up to July 21, 1994,"[41] "sometime in the year 1982 and dates subsequent thereto," and "sometime in the year 1995 and subsequent thereto,"[42] all constitute sufficient compliance with Section 11 of Rule 110. In People v. Salalima, we also ruled that the allegation that the sexual assaults were committed, "sometime during the month of March 1996 or thereabout," or "sometime during the month of April 1996 or thereabout," and also, "sometime during the month of May 1996 or thereabout" substantially informed the accused of the crimes charged since all the elements of rape were stated in the informations. [43]

The situation in the present case can be directly compared with People v. Bugayong[44] where the information charged that the accused committed multiple rapes "before and until October 15, 1994." We found this allegation sufficient to convict the accused of rape committed in 1993 on account of the categorical statement in the private complainant's sworn affidavit of the year when the rape was committed. The Court found that this allegation substantially cured the perceived vagueness in the criminal charge and ruled that the accused has been sufficiently informed under the circumstances.[45]

In this regard, AAA unequivocally and repeatedly stated that the first sexual intercourse Canares had with her occurred sometime in 1992.[46] Following Bugayong, this statement removes from Canares any reason to complain that he was not adequately informed of the charge against him before he was arraigned. The Information referred to a rape that started in 1992 and this first incident was sufficiently narrated in AAA's statements before and after arraignment. Canares never raised this argument in any motion filed with the trial court before his arraignment. He likewise fully participated in the trial on the merits without raising this argument; he cross-examined the prosecution witnesses and formally objected to the prosecution's offer of evidence. Raised for the first time in this appeal, we can only label the argument as a desperation move that is too late in the day for the defense to make.[47]

We add that while AAA testified that Canares had raped her more than 10 times, Canares was not charged for all ten rapes. The Information only sought to hold him liable for a single count of rape committed "sometime between 1992 to 1995." The Information is very specific, too, that the victim was then nine (9) years old so that the rape referred to was the incident on or about 1992, given that AAA was born in September 1982. In her

Sinumpaang Salaysay that became the basis for the Information,[48] AAA clearly stated that Canares raped her when she was 9 years old, but did not report it to her parents because she was scared.[49] (AAA would have been 9 years old if the rape occurred before September 8, 1992.) At the trial, on the other hand, AAA was firm and categorical about the fact of rape and of Canares' identity as the perpetrator.[50] Thus, AAA clearly referred to the first incident of rape that happened around midnight in 1992.[51] Following People v. Gianan[52] that the Office of the Solicitor General cited, her testimony substantially cured any defect posed by the date stated in the Information.[53] In Gianan, we held:

> In any event, even if the information failed to allege with certainty the time of the commission of the rapes, the defect, if any, was cured by the evidence presented during the trial and any objection based on this ground must be deemed waived as a result of accused-appellant's failure to object before arraignment.[54]

Substantive Issue

Statutory rape is committed by sexual intercourse with a woman below 12 years of age regardless of her consent to the act or lack of it.[55] Proof of force, intimidation or consent is unnecessary; force is not an element of statutory rape and the absence of free consent is conclusively presumed when the complainant is below the age of twelve.[56] The law presumes that a woman below this age does not possess discernment and is incapable of giving intelligent consent to the sexual act.[57]

To convict an accused of the crime of statutory rape, the prosecution must prove: first, the age of the complainant; second, the identity of the accused; and last but not the least, the carnal knowledge between the accused and the complainant.[58]

The first and second elements have been established by the presentation of a Certification from the Office of the Municipal Civil Registrar of Silang, Cavite dated April 21, 1999 stating that AAA was born on September 8, 1982.[59] Hence, she was only 9, or at most 10, years old when the rape was committed in 1992. In and out of court, she consistently identified Canares as her rapist.[60]

Carnal knowledge is proven by proof of the entry or introduction of the male organ into the female organ; the "touching" or "entry" of the penis into the labia majora or the labia minora of the pudendum of the victim's genitalia constitutes consummated rape.[61] The prosecution proved this element when AAA narrated during the trial the details of her rape, committed sometime in 1992, as follows:

> Q:
>
> What did he do exactly to you?
>
> A:
>
> He touched my breasts and he inserted his private organ into mine, sir.
>
> Q:
>
> Was he able to insert his organ into yours?
>
> A:
>
> Yes, sir.
>
> FISCAL VELASCO, JR.:
>
> Q:
>
> Considering, as you said, that (sic) was the first time, how did you feel?

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WITNESS:

A:

It was painful, sir.[62]

x x x

x x x

COURT:

...

Q:

How many times were you abused on that evening?

WITNESS:

A:

Once, your Honor.

Q:

Was he able to penetrate your private organ on that first night?

A:

Yes, sir.

Q:

You mean he was able to insert his penis into your vagina?

A:

Yes, sir.[63]

Parenthetically, the pain that AAA said she suffered is, in itself, an indicator of the commission of rape. We so held in People v. Tampos[64] and People v. Borromeo.[65] There is the added element, too, that AAA's testimony is supported by physical and supporting testimonial evidence. There was the healed laceration found in her hymen which is remarkably compatible with her claim of sexual molestation. Dr. Madrid, in testifying on the healed laceration, stated that it could have been caused by a penis.[66]

Both the RTC and CA found the above testimony straightforward, truthful and convincing.[67] AAA's identification of Canares as the culprit was positive, categorical and consistent and devoid of any showing of ill-motive on her part.[68] We find no reason to disturb these findings. Courts usually give greater weight to the testimony of a female victim of sexual assault, especially a minor, because no woman would willingly undergo a public trial and put up with the shame, humiliation and dishonor of exposing her own degradation except to condemn the injustice done and to secure the offender's apprehension and punishment.[69] Testimonies of youthful rape victims are, as a general rule, given full faith and credit, considering that when a girl says she has been raped, she says in effect all that is necessary to show that rape was indeed committed.[70] In this case, she could not have come up with a detailed narration of what she suffered if the rape, in fact, did not really happen.

Canares mainly interposed the defense of denial, an inherently weak defense that must be buttressed by strong

evidence of non-culpability to merit credibility.[71] As negative evidence, it pales in comparison with a positive testimony that asserts the commission of a crime and the identification of the accused as its culprit. We find that the facts in this case do not present any exceptional circumstance warranting a deviation from these established rules.

Canares likewise claimed before the RTC that the rape as alleged did not take place since AAA was not living at her grandmother's house from 1992 up to 1995. We find this argument untenable. AAA refuted this claim during her direct examination when she stated that she was already living at her grandmother's house as early as 1991.[72] The defense utterly failed to disprove this testimony when AAA was cross-examined. Canares, for his part, made inconsistent statements about this claim during his own cross-examination. Under this evidentiary situation, we give weight to what AAA had declared.

A last defense was the imputation of ill motives on AAA by making it appear that the criminal cases were filed for monetary reasons. We find this argument contrary to human experience. We find it inconceivable that a child's future and a family's reputation would be placed at risk and exposed to possible humiliation and dishonor for the trifling reasons Canares gave. If Canares had not really been paid his salaries, then he, not AAA and her family, would have the motivation to carry a grudge. Furthermore, the imputation lacks corroboration as it is supported only by Canares' self-serving testimony. For these reasons, it does not merit any evidentiary value.

The Penalty

The Information for statutory rape immediately tells us that the crime
charged was committed prior to the passage of the law imposing death for rape cases[73] and the new rape law.[74] Article 335 of the Revised Penal Code, the law then in place, provided:

> Article 335. When and how rape is committed. â”€ Rape is committed by having carnal knowledge of a woman under any of the following circumstances:
>
> - By using force or intimidation;
>
> - When the woman is deprived of reason or otherwise unconscious;
>
> and
>
> - When the woman is under twelve years of age ...
>
> The crime of rape shall be punished by reclusion perpetua.
>
> x x x

Considering that AAA's minority was sufficiently alleged and proven during trial without objection on the part of the defense, both the RTC and CA correctly imposed the proper penalty of reclusion perpetua.

We affirm the awards of civil indemnity and moral damages the lower courts imposed. These awards are consistent with prevailing jurisprudence.[75]

Civil indemnity is awarded on the finding that rape was committed.[76] Similarly, moral damages are awarded to rape complainants without need of pleading or proof of their basis; it is assumed that a rape complainant actually suffered moral injuries entitling her to this award.[77]

In addition, we also award exemplary damages in the amount of P25,000. The award of exemplary damages is justified under Article 2229 of the Civil Code to set a public example and serve as deterrent against elders who abuse and corrupt the youth.[78] The commission of the crime in AAA's grandmother's dwelling, although not

alleged in the Information (as now required by Sections 8 and 9, Rule 110 of the 2000 Revised Rules of Criminal Procedure[79]), was duly proven and can also serve as basis for the award of exemplary damages under Article 2230 of the Civil Code as we ruled in People v. Blancaflor[80] and People v. Catubig.[81] We held in Catubig that the retroactive application of procedural rules cannot adversely affect the rights of the private offended party that have become vested prior to its effectivity.[82] We reiterated this doctrine in People v. Victor[83] and People v. Legaspi.[84]

WHEREFORE, premises considered, we hereby AFFIRM with MODIFICATION the decision dated May 31, 2006 of the Court of Appeals in CA-G.R. CR-H.C. No. 01263 finding Rolly Canares y Almanares GUILTY beyond reasonable doubt of the crime of statutory rape. In addition to the awards of civil indemnity and moral damages, he is further ordered to pay P25,000 as exemplary damages to AAA.

SO ORDERED.

Quisumbing, (Chairperson), Carpio Morales, TingaVelasco, Jr., and Brion, JJ., concur.

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[1] Under Rule 45 of the Rules of Court.

[2] Rollo, pp. 3-11; penned by Associate Justice Hakim S. Abdulwahid, with Associate Justice Remedios A. Salazar-Fernando and Associate Justice Vicente Q. Roxas, concurring.

[3] CA Rollo, pp. 17-27; penned by Hon. Alfonso S. Garcia.

[4] The real name of the victim as well as those of her immediate family members is withheld per Republic Act (R.A.) No. 7610 (An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, and for Other Purposes) and R.A. No. 9262 (An Act Defining Violence Against Women and Their Children, Providing for Protective Measures for Victims, Prescribing Penalties Therefore, and for Other Purposes).

[5] I Records, p. 1.

[6] II Records, p. 1.

[7] I Records, p. 30.

[8] I Records, pp. 33-34.

[9] Order dated May 15, 2000; Insofar as Criminal Case No. TG-3255-99: (1) Personal complaint filed by AAA (Exhibit "A"); (2) Provisional Medical Certificate (Exhibit "B"); (3) Birth Certificate (Exhibit "C"); (4) Sworn statement of BBB (Exhibit "D"); (5) Sworn statement of AAA (Exhibit "E"); (6) TSN on preliminary examination of AAA (Exhibit "F"); and (7) TSN on preliminary examination of AAA (Exhibit "G"). Meanwhile, in the trial proper, the prosecution marked the following exhibits for Criminal Case No. TG-3261-00, to wit: (1) Personal complaint of AAA (Exhibit "A"); (2) Sworn statement of AAA (Exhibit "B"); and (3) Sworn Statement of BBB (Exhibit "C"). It also manifested that it is adopting the other exhibits in Criminal Case No. TG-3255-99; II Records, pp. 22-23.

[10] I Records, pp. 7-8; TSN, July 3, 2002, pp. 5, 7, 9, 11-13 and 15.

[11] TSN, July 3, 2000, pp. 21-22.

[12] Sinumpaang Salaysay dated April 26, 1999 of AAA, p. 4; I Records, p. 18.

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[13] Ibid.

[14] TSN, July 3, 2000, p. 26.

[15] TSN, July 3, 2000, pp. 23-26; and TSN, August 28, 2001, pp. 8-9.

[16] TSN, July 3, 2000, p. 19.

[17] Provisional Medical Certificate; I Records, pp. 7-8.

[18] Conducted by Hon. Ma. Victoria N. Cupin-Tesorero, the presiding judge of the Second Municipal Circuit Trial Court of Silang-Amadeo, Cavite.

[19] TSN, January 22, 2002, pp. 11 and 19.

[20] Id. , p. 20.

[21] Id. , pp. 16-17.

[22] Id. , pp. 17-19.

[23] CA Rollo, p. 25.

[24] Id. , p. 26.

[25] Id. , pp. 26-27.

[26] Id. , p. 27.

[27] Id., p. 24.

[28] Previously, we transferred the initial review of the case to the CA via Resolution dated June 22, 2005, in view of the ruling in People v. Mateo, G.R. Nos. 147678-87, July 7, 2004, 433 SCRA 640.

[29] Rollo, p. 11.

[30] CA Rollo, pp. 54-65.

[31] Id., pp. 83-91.

[32] Id. , p. 92.

[33] Pamaran, The 1985 Rules of Criminal Procedure Annotated, 67 [2001 ed.].

[34] G.R. No. 126518, December 2, 1998, 299 SCRA 528, 537 citing U.S. v. Smith, 3 Phil 20 (1903).

[35] G.R. No. 169059, September 5, 2007, 532 SCRA 370, 379.

[36] G.R. Nos. 143468-71, January 24, 2003, 396 SCRA 62, 83.

[37] Ibid. See People v. Gianan, G.R. Nos. 135288-93, September 15, 2000, 340 SCRA 481, 486; People v. Salalima, G.R. Nos. 137969-71, August 15, 2001, 363 SCRA 192, 201; People v. Escaño, G.R. Nos. 140218-23, February 13, 2002, 376 SCRA 670, 686; People v. Rafon, supra note 35, pp. 380-381; and People v. Nazareno, G.R. No. 167756, April 9, 2008, 551 SCRA 16, 28.

[38] Article 335 of the Revised Penal Code before its amendment.

[39] People v. Magbanua, G.R. No. 128888, December 3, 1999, 319 SCRA 719, 730.

[40] People v. Santos, G.R. Nos. 131103 & 143472, June 29, 2000, 334 SCRA 655, 657-658.

[41] People v. Garcia, G.R. No. 120093, November 6, 1997, 281 SCRA 463, 467.

[42] People v. Espejon, G.R. No. 134767, February 20, 2002, 377 SCRA 412, 415.

[43] Supra note 37, p. 202.

[44] Supra note 34, p. 541.

[45] Ibid.

[46] Sinumpaang Salaysay, Preliminary Examination dated April 26, 1999 and TSN, July 3, 2000, p. 8.

[47] People v. Nazareno, supra note 37, p. 30.

[48] Dated March 27, 1999

[49] Records, p. 6.

[50] TSN, July 3, 2000, pp. 8, 14-15.

[51] Id., p. 9.

[52] Supra note 37.

[53] CA Rollo, p. 92.

[54] Supra note 52, p. 487.

[55] People v. Jalosjos, G.R. Nos. 132875-76, November 16, 2001, 369 SCRA 179, 219.

[56] People v. Escultor, G.R. Nos. 149366-67, May 27, 2004, 429 SCRA 651, 667.

[57] People v. Jalosjos, supra note 55, p. 219.

[58] People v. Mingming, G.R. No. 174195, December 10, 2008.

[59] I Records, p. 10.

[60] Sinumpaang Salaysay dated March 27, 1999; Joint Preliminary Examination dated April 26, 1999 and TSN, July 3, 2000, p. 8.

[61] People v. Aguiluz, G.R. No. 133480, March 15, 2001, 354 SCRA 465, 472.

[62] TSN, July 3, 2000, pp. 9 and 14-15.

[63] Id., p. 17 - TSN, July 3, 2000.

[64] G.R. No. 142740, August 6, 2003, 408 SCRA 403, 415.

[65] G.R. No. 150501 June 3, 2004, 430 SCRA 533, 542.

[66] TSN, February 27, 2001, p. 9.

[67] CA Rollo, pp. 25-26; and rollo, pp. 7-8.

[68] Id. p.10.

[69] People v. De Guzman, G.R. Nos. 140333-34, December 11, 2001, 372 SCRA 95, 109-110.

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[70] People v. Pacheco, G.R. No. 142887, March 2, 2004, 424 SCRA 164, 175.

[71] People v. Soriano, G.R. No. 135027, July 3, 2002, 383 SCRA 676.

[72] TSN, July 3, 2000, p. 6.

[73] Republic Act No. 7659 took effect on December 31, 1993.

[74] Republic Act No. 8353 or the Anti-Rape Law of 1997 took effect on October 22, 1997.

[75] People v. Codilan. G.R. No. 177144, July 23, 2008; People v. Custodio, G.R. No. 176062, July 4, 2008, People v. Moriño, G.R. No. 176265, April 30, 2008; People v. Suarez, G.R. Nos. 153573-76, April 15, 2005, 456 SCRA 333, 352; People v. Limos, G.R. Nos. 122114-17, January 20, 2004, 420 SCRA 183, 205.

[76] People v. Jalosjos, supra note 55, p. 220.

[77] People v. Dimaano, G.R. No. 168168, September 14, 2005, 469 SCRA 647, 670.

[78] People v. Pacheco, supra. note 70, p. 178.

[79] Sec. 8. Designation of the offense. - The complaint or information shall state the designation of the offense given by the statute, aver the acts or omissions constituting the offense, and specify its qualifying and aggravating circumstances. If there is no designation of the offense, reference shall be made to the section or subsection of the statute punishing it.

Sec. 9. Cause of the accusations. - The acts or omissions complained of as constituting the offense and the qualifying and aggravating circumstances must be stated in ordinary and concise language and not necessarily in the language used in the statute but in terms sufficient to enable a person of common understanding to know what offense is being charged as well as its qualifying and aggravating circumstances and for the court to pronounce judgment.

[80] G.R. No. 130586, January 29, 2004, 421 SCRA 354, 366.

[81] G.R. No. 137842, August 23, 2001, 363 SCRA 621.

[82] Id., p. 636.

[83] G.R. No. 127904, December 5, 2002, 393 SCRA 472, 483-484.

[84] G.R. No. 137283, February 17, 2003, 397 SCRA 531, 548.

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