

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. CRISTINO CAÑADA, ACCUSED-APPELLANT.

G.R. No. 175317. October 02, 2009

Ponente: BRION, J.

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BRION, J.:

We review in this appeal the May 22, 2006 decision[1] of the Court of Appeals (CA) in CA G.R. CR-HC No. 00145, affirming in toto the May 2, 2001 decision of the Regional Trial Court (RTC), Branch 2, Isabela, Basilan. The RTC decision found appellant Cristino Cañada (appellant) guilty beyond reasonable doubt of the crime of rape, and sentenced him to suffer the penalty of reclusion perpetua.

ANTECEDENT FACTS

The prosecution charged the appellant before the RTC with the crime of rape under an Information[2] that reads:

That on or about the 28[th] day of November, 1998, and within the jurisdiction of this Honorable Court, viz., at Km.19, Barangay Matarling, Municipality of Lantawan, Province of Basilan, Philippines, the above-named accused, armed with a scythe, entered the toilet where one [AAA],[3] a minor of 15 years old, was answering the call of nature, and by means of force and intimidation, willfully, unlawfully and feloniously grabbed her left wrist tightly and ordered her to keep quiet, removed her short pants and panty, pushed her down to the floor, mounted on top of her and tried to insert his penis into her vagina, thus penetrating the labia majora of her female organ, causing 2 cm. abrasion inferior aspect of (R) labia majora and 0.2 cm. laceration (L) inferior aspect of posterior fourchette, against her will.

Contrary to law.

The appellant pleaded not guilty to the charge.[4] The prosecution presented the following witnesses in the trial on the merits that followed: AAA; BBB; SPO2 Samuel Omoso (SPO2 Omoso); and Dr. Jesus Raniel Mon (Dr. Mon). The appellant and Guadalupe Cañada (Guadalupe) took the witness stand for the defense.

AAA testified that she is 15 years old and the eldest daughter of her mother (BBB) from her first marriage. She resides in a house located at Campo Daan, Lantawan, Isabela, Basilan together with her six (6) siblings, BBB, and the appellant. The appellant is the second husband of BBB.[5] At around 6:00 a.m. of November 28, 1998, she went to the comfort room - about 10 meters from their house - to answer the call of nature. After relieving herself, the appellant went inside the comfort room, pushed her, pointed a scythe at her neck, and threatened to kill her if she made a noise. The appellant then removed her short pants and panty, and then had sexual intercourse with her.[6] After satisfying his lust, the appellant ordered AAA to go out of the toilet.[7]

AAA recalled that while the appellant was raping her, BBB called her name. AAA did not respond because the appellant had a scythe to her neck. After raping her, the appellant threatened to kill her and BBB if she reported the incident to anyone. The appellant then allowed her to leave the comfort room.[8] AAA told BBB about the incident only on December 4, 1998, because she was afraid that the appellant might kill her and BBB.[9] On the

same day, BBB brought her to Dr. Mon for a medical examination. AAA further narrated that she did not anymore attend her classes after the rape.[10]

On cross examination, AAA stated that the house of the appellant's mother is located 20 meters from their (her and BBB's) house. The toilet where the rape happened was made of sawali; it had no door and bowl.[11] She narrated that when the appellant entered the toilet, he immediately grabbed her left wrist and pushed her with his left hand, which caused her to fall on the floor. The appellant then pointed a scythe to her neck, and threatened to kill her.[12] The appellant then spread her legs, lowered her shorts and panty, and then inserted his penis into her vagina.[13] She felt pain when blood came out of her vagina. Afterwards, the appellant told her not to reveal the incident to anyone, and then ordered her out of the toilet.[14] BBB was still calling her when she went out of the toilet; BBB was then near the window of their house. BBB noticed her crying when she went inside the house, but did not tell her that the appellant had raped her because she was afraid that the appellant would kill them. She only told BBB during the school camping on December 4, 1998 that the appellant had raped her.[15] BBB brought her to a doctor for a medical examination. Afterwards, they went to the police to report the incident.[16]

On re-direct examination, AAA testified that the appellant always carries a scythe because he is a tuba-gatherer.[17] On re-cross, AAA confirmed that the appellant is her stepfather;[18] and that after the incident, the appellant constantly warned her not to tell the incident to anybody.[19]

BBB declared on the witness stand that AAA is her daughter, and the appellant is her second husband.[20] At around 6:00 a.m. of November 28, 1998, the appellant went out of their house to gather tuba. AAA, meanwhile, asked permission to go to the toilet which is located a few meters outside their house.[21] AAA went out of the comfort room after 30 minutes; she was crying. BBB asked AAA why she was crying, but AAA refused to answer.[22] During the Girl Scouts camping on December 4, 1998, AAA told her that she had been raped by the appellant. BBB brought AAA to the Basilan Provincial Hospital where she was examined by Dr. Mon.[23]

On cross examination, BBB recalled that she saw the appellant block the way of her daughter while the latter was on her way to the comfort room. She suspected that the appellant might do something to AAA,[24] so she called her name. AAA did not answer.[25] She then saw the appellant push her daughter towards the wall of the comfort room.[26] She did not see what happened next, as she felt nervous and returned inside the house to drink water. Thereafter, AAA went inside their house crying. BBB inquired what the appellant did to her, but AAA refused to talk.[27] At around 9:00 a.m. of the next day, BBB confronted the appellant, but he denied abusing AAA.[28]

SPO2 Omoso, the police investigator of the Lantawan Police Station, testified that AAA and BBB came to the police station on December 4, 1998 to report that AAA had been raped by the appellant. He identified himself as the one who investigated the complaint filed by AAA against the appellant.[29]

Dr. Mon, the Medico-Legal Officer of the Basilan Provincial Hospital, testified that he conducted a medical examination of AAA on December 4, 1998,[30] and made the following findings:

MEDICO-LEGAL REPORT

x x x

PHYSICAL FINDINGS:

- 2 cm. abrasion inferior aspect of (R) labia majora
- 0.2 cm. laceration (L) inferior aspect of posterior fourchette[31]

Dr. Mon stated that these lacerations and abrasions could have been caused by a hard object like a penis.[32]

The defense presented a different version of the events.

The appellant declared on the witness stand that he is the husband of BBB, but forgot the year they were married. They reside in Barangay Matarling, Lantawan together with the children of BBB from her previous marriage.[33] They have no neighbors except his mother, whose house is more or less 10 meters from their house.[34] He works as a copra processor at the coconut plantation of Tony Macario (Tony) located about three (3) kilometers from their house.[35]

He testified that at around 6:00 a.m. of November 28, 1998, he was on his way to work when his stomach ached. He ran to the comfort room outside their house to defecate, but somebody was inside.[36] He knocked and immediately went inside and saw AAA there, raising her pants. The appellant was in a hurry to relieve himself, so he pushed AAA with his left hand and told her to go out of the toilet.[37] The appellant went to work after defecating.[38]

On cross examination, the appellant recalled that he and BBB got married in 1987.[39] He has been working in the plantation of Tony for three years; and always brings his "kinabasi" to work.[40] According to him, his upset stomach started on the evening of November 27, 1998; he suspected that it was caused by the young coconut he ate.[41] He further added that AAA, who calls him "papa," showed high respect for him as her stepfather.[42]

Guadalupe confirmed that she is the appellant's mother, while AAA is the appellant's stepdaughter. She stated that her house is 15 meters away from the house of BBB.[43] She woke up early on November 28, 1998 to tend to her chickens and pigs. At around 6:00 a.m., she saw the appellant running towards the toilet while holding his stomach. The appellant told her that he had a stomachache when she inquired what was wrong.[44] The appellant at that time was carrying a bolo.[45] After defecating, the appellant passed by her house; she offered him a cup of coffee. The appellant obliged, and then left for work after drinking coffee.[46] Guadalupe recalled that she saw AAA leaving the toilet before the appellant entered it.[47]

On cross examination, Guadalupe narrated that she learned that the appellant was being accused of rape when he (appellant) was already detained in jail.[48] She maintained that the appellant did not rape AAA.[49]

The RTC convicted the appellant of rape in its decision of May 2, 2001 under the following terms:

WHEREFORE, in light of the foregoing, the court finding accused Cristino Cañada guilty as principal beyond reasonable doubt of the crime of Rape, defined and penalized under Article 266-A in relation to Article 266-B paragraph 2, of R.A. 8353, otherwise known as "The Anti-Rape Law" hereby sentences him to suffer the penalty of RECLUSION PERPETUA, with the accessory penalties of the law.

And, in line with recent jurisprudence, accused is likewise condemned to indemnify the victim in the amount of P30,000.00 as civil indemnity and P50,000.00 as moral damages.

SO ORDERED.[50]

The records of this case were originally transmitted to this Court on appeal. Pursuant to our ruling in *People v. Mateo*,[51] we endorsed the case and the records to the CA for appropriate action and disposition.

The CA, in its decision[52] dated May 22, 2006, affirmed the RTC decision in toto. The CA gave credence to AAA's testimony which it found credible. It ruled that it was not impossible for the appellant to have raped AAA in a small and dirty comfort room because lust is no respecter of time and place. It further held that AAA's six-day delay in reporting the rape did not affect her credibility, since it was shown that the appellant threatened to kill her (AAA) and BBB if she disclosed the incident to anyone.

In his brief,[53] the appellant argued that the RTC erred in convicting him of the crime charged despite the

prosecution's failure to prove his guilt beyond reasonable doubt. He maintains that the trial court failed to fully consider all the relevant facts and circumstances of the case.

THE COURT'S RULING

We resolve to deny the appeal for lack of merit, but we modify the awarded indemnities.

Sufficiency of Prosecution Evidence

The Revised Penal Code, as amended by Republic Act No. 8353,[54] defines and penalizes Rape under Article 266-A, paragraph 1, as follows:

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;

b) When the offended party is deprived of reason or otherwise unconscious;

c) By means of fraudulent machination or grave abuse of authority; and

d) When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.

x x x x

Thus, for the charge of rape to prosper, the prosecution must prove that (1) the offender had carnal knowledge of a woman, and (2) he accomplished the act through force, threat or intimidation, or when she was deprived of reason or otherwise unconscious, or when she was under 12 years of age or was demented.

In her testimony, AAA positively identified the appellant as her rapist; she never wavered in this identification. To directly quote from the records:

PROSECUTOR SALUSTIANO LEGASPI:

Q:

Do you know Cristino Cañada?

[AAA]:

A:

Yes, sir.

Q:

Why?

A:

Because he was the one who raped me.

x x x

Q:

You said a while ago that at six o'clock on November 28, 1998 you were in the comfort room about 10 meters

away from the house. What was your purpose in going there to the comfort room?

A:

I was to answer the call of nature.

x x x

-:

After you were through excreting your bowel, was there an unusual incident, if any, that happened?

A:

He went inside the toilet and pushed me.

Q:

You said that he went inside the comfort room and pushed you. To whom are you referring?

A:

Cristino Cañada.

Q:

What happened to you when he pushed you?

A:

He pushed me and then poked me with a scythe (witness is crying), and removed my short pants and panty and succeeded in having sexual intercourse with me.

Q:

You said that the accused not only pushed you but poked a scythe, commonly called "sanggot". To what part of your body did he poke the scythe?

A:

At my neck.

Q:

You said that at the time he pushed, what part of your body did he push you? [sic]

A:

Towards my back.

Q:

And, according to you, he poked this scythe to your neck. Which came ahead the pushing or the poking of the scythe at your neck?

A:

He poked me first with a scythe and then he raped me.

Q:

How did he manage to rape you?

A:

He removed my pants and then my panty and then poked me with a scythe and then raped me.

Q:

He was able to succeed in raping you?

A:

Yes, sir.

Q:

In what position did he consummate the rape?

A:

He was lying.

Q:

While he was raping you as you said while poking a scythe at your neck, what did you do?

A:

I wanted to stand but cannot do so because I was afraid because I was poked with a scythe.

Q:

When the accused entered inside the comfort room and poked the scythe on your neck, did you have any conversation with him?

A:

Yes, sir, that if I am going to shout, he will kill me.

x x x x

ATTY. ALVIN MANZANARIS:

Q:

So you just let him do what he wanted to do, is that correct?

[AAA]:

A:

Yes, sir, because I was afraid because I was poked with a scythe.

Q:

So when he was removing your short pants he was trying to molest you, he was trying to poke the scythe at you all the time, is that correct?

A:

Yes, sir.

x x x

Q:

Did he try to insert his penis in your genital?

A:

Yes, sir.

Q:

Was he able to insert your [sic] penis?

A:

Yes.

Q:

And how deep was the penetration?

A:

I did not anymore see how deep the penetration was because I was afraid.

x x x

Q:

You said he was able to insert his penis into your vagina. Did you feel any pain?

A:

Yes, I felt pain.

Q:

And did blood come out of your vagina?

A:

Yes, sir.

x x x[55] [Emphasis ours]

AAA's testimony strikes us to be clear, convincing and credible. It was furthermore corroborated by the medico-legal report and testimony of Dr. Mon. We note that at the initial phases of AAA's testimony, she broke down on the witness stand when the prosecution started to ask questions dealing directly with the incident. This, to our mind, is an eloquent and moving indicium of the truth of her allegations. We additionally do not see from the records any indication that AAA's testimony should be seen in a suspicious light. In fact, AAA testified that the appellant was good to her and treated her like a daughter. We have held, time and again, that testimonies of rape victims who are young and immature, as in this case, deserve full credence considering that no young woman, especially one of tender age, would concoct a story of defloration, allow an examination of her private parts, and thereafter testify about her ordeal in a public trial, if she had not been motivated by the desire to obtain justice for the wrong committed against her.[56]

The prosecution positively established the elements of rape required under Article 266-A. First, the appellant

succeeded in having carnal knowledge with the victim. AAA was steadfast in her assertion that the appellant raped her; that the appellant succeeded in inserting his penis into her private part, as a result of which "she felt pain." She further stated that blood came out of her vagina. As earlier stated, AAA's testimony was corroborated by the medical findings of the examining physician. In *People v. Oden*,^[57] we held:

In rape cases, the lone testimony of the victim, if credible and free from fatal and material inconsistencies and contradictions, can be the basis for the prosecution and conviction of an accused. The rule can no less be true than when a rape victim testifies against her own father; unquestionably, there would be reason to give it greater weight than usual. In any event, matters affecting credibility are best left to the trial court with its peculiar opportunity to observe the deportment of a witness on the stand as against the reliance by an appellate court on the mute pages of the records of the case. The spontaneity with which the victim has detailed the incidents of rape, the tears she has shed at the stand while recounting her experience, and her consistency almost throughout her account dispel any insinuation of a rehearsed testimony. The eloquent testimony of the victim, coupled with the medical findings attesting to her non-virgin state, should be enough to confirm the truth of her charges.

Second, the appellant employed threat, force and intimidation to satisfy his lust. As an element of rape, force, threat or intimidation need not be irresistible, but just enough to bring about the desired result. Further, it should be viewed from the perception and judgment of the victim at the time of the commission of the crime. What is vital is that the force or intimidation be of such degree as to cow the unprotected and vulnerable victim into submission. Force is sufficient if it produces fear in the victim, such as when the latter is threatened with death.^[58] In the present case, AAA categorically stated that the appellant pushed her, poked a scythe at her neck, and threatened to kill her if she made a noise. Undoubtedly, fear and helplessness gripped AAA. To our mind, the appellant's overt acts were sufficient to subdue and overpower the victim's resistance.

The Appellant's Defenses

In his defense, the appellant denied raping the victim, and insisted that he merely pushed AAA and ordered her to go out of the toilet.

The appellant's defense of denial must crumble in light of AAA's positive and specific testimony. We have consistently held that positive identification of the accused, when categorical and consistent and without any showing of ill motive on the part of the eyewitness testifying, should prevail over the alibi and denial of the appellant whose testimony is not substantiated by clear and convincing evidence. Such denial and alibi are negative and self-serving evidence undeserving of any weight in law.^[59]

Against the victim's positive declaration, all that the appellant has to offer is his self-serving claim that he did not rape the victim; that he merely pushed AAA and told her to go out of the comfort room. He presented Guadalupe to corroborate this claim. However, Guadalupe's testimony was not consistent with his story on material points; she even contradicted the appellant's claim that AAA was already inside the toilet when he (the appellant) entered. According to Guadalupe, AAA was already a few meters from the toilet and on her way home when the appellant entered the toilet. We thus give little weight to the appellant's denial. To be believed, denial must be supported by strong evidence of non-culpability; otherwise it is self-serving and unworthy of belief.

We also reject the appellant's claim that it was improbable for him to have raped AAA in a "small and obnoxious" comfort room situated merely 10 meters from their house.

The fact that the appellant chose to perpetrate his lustful act in a confined, cramped and filthy place that was also near the house of BBB, is not unbelievable. Time and again, the Court has ruled that lust is no respecter of time and place. Rape, in fact, can be committed even in places where people congregate, in parks along the roadsides,

in school premises, in a house where there are other occupants, in the same room where other members of the family are also sleeping, and even in places which to many would appear unlikely and high risk venues for its commission. Besides, there is no rule that rape can be committed only in seclusion.[60] Thus, we explained in *People v. Watimar*:^[61]

[F]or rape to be committed, it is not necessary for the place to be ideal, or the weather to be fine, for rapists bear no respect for locale and time when they carry out their evil deed. Rape may be committed even when the rapist and the victim are not alone, or while the rapist's spouse was asleep, or in a small room where other family members also slept, as in the instant case. The presence of people nearby does not deter rapists from committing their odious act. x x x

The court has time and again held that `the evil in man has no conscience. The beast in him bears no respect for time and place, driving him to commit rape anywhere - even in places where people congregate such as parks, along the road side, within school premises, and inside a house where there are other occupants. Rape does not necessarily have to be committed in an isolated place and can in fact be committed in places which to many would appear to be unlikely and high-risk venues for sexual advances. Indeed, no one would think that rape would happen in a public place like the comfort room of a movie house and in broad daylight.

The appellant further argues that the 6-day delay by AAA in reporting the rape to BBB impaired her credibility.

The initial reluctance of rape victims to publicly reveal the sexual assault they suffered is neither unknown nor uncommon. Understandably, a young girl will expectedly be hesitant or disinclined to come out in public and relate a painful and horrible experience of sexual violation.^[62] Due to this recognition, we have repeatedly ruled that delay in reporting an incident of rape is not necessarily an indication that the charge is fabricated,^[63] particularly when the delay can be attributed to fear instilled by threats from one who exercises ascendancy over the victim.

In *People v. Coloma*,^[64] we considered an eight-year delay in reporting the long history of rape by the victim's father as understandable and insufficient to render the complaint of a 13-year old daughter incredible. *People v. Santos*^[65] is likewise a noteworthy case on the present issue as we categorically ruled that a four-year delay in reporting a rape did not necessarily taint a victim's testimony when the reason for the delay was satisfactorily explained. In *People v. Dimaano*,^[66] we held that strong apprehensions brought about by fear, stress, or anxiety can leave the offended party doubtful, distrustful and unsure of the proper steps to take in responding to the sexual assault she suffered.

In the present case, the records reveal that AAA had been constantly warned by the appellant that he would kill her and BBB if she reported the incident to anybody. The threat was duly reinforced and made very real by the scythe poked at her neck at the time she was ravished. It was furthermore made by her stepfather who exercised ascendancy over her. Under these circumstances, we hold that a delay of six days in reporting the rape is justified.

The Proper Penalty

The applicable provisions of the Revised Penal Code, as amended by Republic Act No. 8353 (effective October 22, 1997), covering the crime of Rape are Articles 266-A and 266-B which provide:

Article 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;

x x x x

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

Whenever the rape is committed with the use of a deadly weapon or by two or more persons, the penalty shall be reclusion perpetua to death.

x x x x

The death penalty shall also be imposed if the crime of rape is committed with any of the following aggravating 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

The Information specifically alleged the use of a deadly weapon - a scythe - in the commission of the rape. The prosecution duly proved this allegation. Under Article 266-B quoted above, the use of a deadly weapon qualifies the rape so that the imposable penalty is reclusion perpetua to death. Since reclusion perpetua and death are two indivisible penalties, Article 63 of the Revised Penal Code applies; when there are neither mitigating nor aggravating circumstances in the commission of the deed, as in this case, the lesser penalty shall be applied.[67] The courts a quo were therefore correct in imposing the penalty of reclusion perpetua on the appellant.

It bears noting that under Article 266-B, paragraph 1, the death penalty shall be imposed if the crime of rape is committed when the victim is under 18 years old and the offender is a "parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third degree, or the common law spouse of the parent of the victim." Minority and relationship constitute special qualifying circumstances which, when alleged in the Information and proved during trial, warrant the imposition of the death penalty on the malefactor.

AAA's Certificate of Live Birth clearly shows that she was born on January 29, 1984 and, therefore, was below 18 years old when the rape was committed on November 28, 1998. However, AAA's relationship with the appellant was not alleged in the Information; neither was it sufficiently proven during trial. In *People v. Alcoreza*[68] where we met the same situation present in this case, we said:

. . . Although the prosecution established that Mary Joy was the daughter of Melita, it failed to offer the marriage contract of the appellant and Melita which would establish that Mary Joy is the stepdaughter of the appellant. The testimony of Melita and even the admission of the appellant regarding their marriage do not meet the required standard of proof. The Court cannot rely on the disputable presumption that when a man and a woman live together as husband and wife, they are presumed to be married. Relationship as a qualifying circumstance in rape must not only be alleged clearly. It must also be proved beyond reasonable doubt, just as the crime itself. Neither can it be argued that without the marriage contract, a common-law relationship between the appellant and Melita was still proved and this should qualify the crime at bar. To be sure, what the Information alleged is that the appellant is the stepfather of Mary Joy. It made no mention of a common-law relationship between the appellant and Melita. Hence, to convict appellant with qualified rape on the basis of the common-law relationship is to violate his right to be properly informed of the accusation against him.

Thus, we cannot impose the death penalty on the appellant.

Proper Indemnity

The award of civil indemnity to the rape victim is mandatory upon the finding that rape took place. Moral damages, on the other hand, are awarded to rape victims without need of proof other than the fact of rape under

the assumption that the victim suffered moral injuries from the experience she underwent. Thus, this Court affirms the awards of P50,000.00 each as civil indemnity and moral damages, based on prevailing jurisprudence.[69]

In addition, we also award exemplary damages in the amount of P30,000.00.[70] 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.[71]

WHEREFORE, premises considered, we hereby AFFIRM the May 22, 2006 decision of the Court of Appeals in CA G.R. CR-HC No. 00145 with the MODIFICATION that the appellant is ordered to pay the victim the amount of P30,000.00 as exemplary damages.

Costs against appellant Cristino Cañada.

SO ORDERED.

Carpio-Morales[**], (Acting Chairperson), Ynares-Santiago[*], Del Castillo, and Abad, JJ., concur.

[*] Designated additional Member of the Second Division per Special Order No. 691 dated September 4, 2009.

[**] Designated Acting Chairperson of the Second Division per Special Order No. 690 dated September 4, 2009.

[1] Penned by Associate Justice Ramon B. Garcia and concurred in by Associate Justice Teresita Dy-Liacco Flores and Associate Justice Rodrigo F. Lim, Jr.; rollo, pp. 5-19.

[2] CA rollo, p. 9.

[3] The Court shall withhold the real name of the victim-survivor and shall use fictitious initials instead to represent her. Likewise, the personal circumstances of the victims-survivors or any other information tending to establish or compromise their identities, as well as those of their immediate family or household members, shall not be disclosed. (People v. Cabalquinto, G.R. No. 167693, September 19, 2006, 502 SCRA 419, 425-426, citing Sec. 40, Rule on Violence Against Women and their Children; Sec. 63, Rule XI, Rules and Regulations Implementing Republic Act No. 9262, otherwise known as the "Anti-Violence Against Women and their Children Act of 2004.")

[4] Records, pp. 25-26.

[5] TSN, July 1, 1999, pp. 3-5.

[6] Id., pp. 5-7.

[7] Id., p. 8.

[8] Id., pp. 8-9.

[9] Id., p. 10.

[10] Id., pp. 11-12.

[11] TSN, August 4, 1999, pp. 4-6.

[12] Id., pp. 12-13.

[13] Id., pp. 13-14.

[14] Id., pp. 14-15.

- [15] Id., pp. 16-18.
- [16] Id., pp. 19-20.
- [17] Id., pp. 21-22.
- [18] Id., p. 24.
- [19] Id., p. 25.
- [20] Id., pp. 27-28.
- [21] Id., p. 29.
- [22] Id., pp. 32-33.
- [23] Id., pp. 33-35.
- [24] Id., pp. 39-40, 50.
- [25] Id., p. 42.
- [26] Id., pp. 43 and 52.
- [27] Id., p. 44.
- [28] Id., p. 45.
- [29] TSN, August 31, 1999, pp. 2-5.
- [30] TSN, November 3, 1999, pp. 3-4.
- [31] Records, p. 9.
- [32] TSN, November 3, 1999, pp. 5-6.
- [33] TSN, October 3, 200, pp. 3-5.
- [34] Id., p. 7.
- [35] Id., pp. 10-11.
- [36] Id., pp. 14, 17-18.
- [37] Id., p. 19.
- [38] Id., p. 20.
- [39] Id., p. 25.
- [40] Id., pp. 31-33.
- [41] Id., p. 37.
- [42] Id., p. 46.
- [43] TSN, January 29, 2001, pp. 4-6.
- [44] Id., pp. 7-8.
- [45] Id., p. 9.

- [46] Id., p. 10.
- [47] Id., p. 11.
- [48] Id., p. 16.
- [49] Id., p. 24.
- [50] CA rollo, p. 28.
- [51] G.R. Nos. 147678-87, July 7, 2004, 433 SCRA 640, 656.
- [52] Rollo, pp. 5-19.
- [53] CA rollo, pp. 64-80.
- [54] The Anti-Rape Law of 1997.
- [55] TSN, July 1, 1999, pp. 3-7; TSN, August 4, 1999, pp. 13-15.
- [56] *People v. Perez*, G.R. No. 182924, December 24, 2008, 575 SCRA 653.
- [57] G.R. Nos. 155511-22, April 14, 2004, 427 SCRA 634.
- [58] See *People v. Oliver*, G.R. No. 123099, February 11, 1999, 303 SCRA 72.
- [59] See *People v. Mingming*, G.R. No. 174195, December 10, 2008.
- [60] See *People v. Malones*, G.R. Nos. 124388-90, March 11, 2004, 425 SCRA 318.
- [61] G.R. Nos. 121651-52, August 16, 2000, 338 SCRA 173.
- [62] See *People v. Sinoro*, G.R. Nos. 138650-58, April 22, 2003, 401 SCRA 371.
- [63] See *People v. Velasquez*, G.R. Nos. 132635 and 143872-75, February 21, 2001, 352 SCRA 455.
- [64] G.R. No. 95755, May 18, 1993, 222 SCRA 255.
- [65] G.R. Nos. 135454-56, November 13, 2001, 368 SCRA 535.
- [66] G.R. No. 168168, September 14, 2005, 469 SCRA 647.
- [67] See *People v. Orilla*, G.R. Nos. 148939-40, February 13, 2004, 422 SCRA 620.
- [68] G.R. Nos. 135452-53, October 5, 2001, 366 SCRA 655; see also *People v. Aguilar*, G.R. No. 177749, December 17, 2007, 540 SCRA 509; *People v. Santos*, G.R. No. 145305, June 26, 2003, 405 SCRA 87.
- [69] See *People v. Jumawid*, G.R. No. 184756, June 5, 2009; *People v. Baldo*, G.R. No. 175238, February 24, 2009.
- [70] See *People v. Jumawid*, supra; see also *People v. Anguac*, G.R. No. 176744, June 5, 2009.
- [71] See *People v. Canares*, G.R. No. 174065, February 18, 2009.

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