

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. REGINO TORMIS, ACCUSED-APPELLANT.

G.R. No. 183456. December 18, 2008

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

For review is the Decision[1] dated 30 August 2007 of the Court of Appeals in CA-G.R. CR-H.C. No. 00011, which affirmed with modification the Joint Decision[2] dated 17 September 2002 of the Regional Trial Court (RTC) of Negros Oriental, 7th Judicial Region, Branch 30, Dumaguete City, in Criminal Case Nos. 14019-14020, finding herein appellant Regino Tormis guilty beyond reasonable doubt of two counts of statutory rape committed against his own daughter AAA.[3] In lieu of the death penalty imposed for each count of rape, the appellant was sentenced to suffer the penalty of reclusion perpetua for each count pursuant to Republic Act No. 9346.[4]

Appellant Regino Tormis was charged in two separate Informations both dated 11 May 1999 with the crime of rape committed against his own daughter, AAA, on 20 September 1997 and 25 December 1997, respectively. The two Informations stated:

CRIMINAL CASE NO. 14019[5]

That on [20 September 1997] at Sitio XXX, Barangay XXX, [Municipality of] XXX, [Province of] XXX, Philippines, and within the jurisdiction of this Honorable Court, the above-named [appellant] with force and intimidation willfully, unlawfully, and feloniously did lie and succeeded in having carnal knowledge with his eleven (11) year old daughter, AAA against the latter's will.[6]

CRIMINAL CASE NO. 14020[7]

That on [25 December 1997] at Sitio XXX, Barangay XXX, [Municipality of] XXX, [Province of] XXX, Philippines, and within the jurisdiction of this Honorable Court the above-named [appellant] with force and intimidation willfully, unlawfully, and feloniously did lie and succeeded in having carnal knowledge with his own eleven (11) year old daughter AAA against the latter's will.[8]

Upon arraignment, the appellant, assisted by counsel de officio, pleaded NOT GUILTY to both charges.

At the pre-trial, the prosecution and the defense entered into the following stipulation of facts, to wit: (1) the identity of the appellant as the person charged and arraigned in court in the above-entitled cases was admitted; (2) the appellant is the father of AAA; and (3) a joint hearing would be conducted in the above-entitled cases.[9] Thereafter, a joint trial on the merits ensued.

The prosecution presented the testimonies of the following witnesses: AAA, the private offended party; Dr. Mitylene Besario-Tan (Dr. Besario-Tan), the Municipal Health Officer of Siaton, Negros Oriental, who examined AAA; Elvie Libarnes, a medical technologist at Negros Oriental Provincial Hospital; and BBB, the grandmother of AAA as a rebuttal witness.

The prosecution's version of the facts of this case based on the testimonies of the aforesaid witnesses is as follows:

AAA was born on 17 February 1986 as evidenced by her Certificate of Live Birth.[10] She was already 13 years old when she testified before the court a quo against the appellant. She affirmed that the appellant is her own father.[11] She was only 11 years old when the appellant raped her. The first rape incident happened on 20 September 1997, while the second occurred on 25 December 1997.

On the morning of 20 September 1997, AAA and the appellant were at their house located in Barangay XXX, Municipality of XXX, Province of XXX. AAA's mother, CCC, was then working in Dumaguete City. While inside their house, the appellant tied AAA's hands behind her back using a piece of rope. The appellant made her lie down on the floor, spread her legs, tied each of her legs to the floor,[12] took off her underwear and raised her skirt.[13] Thereafter, the appellant placed himself on top of AAA and inserted his penis into AAA's vagina. She felt pain.[14] She failed to shout because the appellant covered her mouth.[15] The appellant stayed on top of her for about five minutes. After satisfying his bestial desire, the appellant threatened AAA not to tell anybody about what happened; otherwise, he would kill her. The appellant untied her and ordered her to cook. AAA noticed that her vagina had a lot of blood after she was sexually abused by the appellant.[16]

On 25 December 1997, AAA's harrowing experience in the hands of the appellant was repeated. On that day, AAA and the appellant were in a wooded area, a short distance downhill from their house, gathering firewood. The appellant tied AAA's hands behind her back and made her lie down. The appellant removed her panty and placed himself on top of her. He subsequently inserted his penis into AAA's vagina. Again, AAA felt pain. Thereafter, the appellant untied AAA. He similarly threatened AAA that he would kill her if she would tell anybody about the incident. Afraid, AAA just kept quiet. The appellant then ordered her to go ahead of him to their house.[17]

Out of fear, AAA just kept to herself what the appellant had done to her. In March, 1999, however, AAA took the courage to disclose to her mother what the appellant had done to her. Unfortunately, her own mother did not believe her, so she went to her cousin, DDD, who was residing in Siaton, Negros Oriental, and told the latter that the appellant had raped her twice. During that time, appellant was already in jail for sexually abusing AAA's five-year-old cousin, who was under the care and custody of the appellant and AAA's mother.[18]

After AAA told DDD that the appellant had also raped her, DDD brought her to the office of the Department of Social Welfare and Development (DSWD) near their place in the Municipality of XXX, where they reported the rape incidents. AAA was eventually examined by Dr. Besario-Tan on 24 March 1999,[19] as evidenced by a Medical Certificate, marked as Exhibit "A,"[20] at the Municipal Health Office in Siaton, where she worked as a Municipal Health officer. Upon her examination of AAA, she found three healed lacerated wounds at the 3 o'clock, 9 o'clock and 11 o'clock positions on AAA's vagina. She stated that the said lacerated wounds found in the perineal area (opening) of AAA's vagina could have been caused by a penis and could be several months or years old already. She also disclosed that AAA's hymen was no longer intact.[21] Subsequently, a complaint against the appellant was filed before the Criminal Investigation and Detection Group (CIDG), Taclobo.[22]

for its part, the defense presented the testimony of the appellant himself; Jovito Macabanig (Jovito), appellant's neighbor; and CCC, appellant's wife and AAA's mother, as hostile witness.

The evidence for the defense tends to establish that:

Sometime in May or June 1997, the appellant went to his brother, Mateo Tormis, in Manila on board a Super Ferry.[23] His neighbor, Jovito Macabanig was with him during the said trip.[24] The appellant worked as a construction worker in Manila and he only returned to their province on 25 February 1998.[25] On the dates the alleged rape incidents happened, the appellant was still in Manila.[26]

Appellant's relationship with his daughter, AAA, was not good because AAA was naughty. There was a time that he even whipped AAA for stealing money from him.[27] The appellant claimed that his daughter's allegations against him were not true as she was just coached by his mother-in-law, BBB, with whom he had a strained relationship.[28] While in jail, the appellant maintained that his wife and children visited him.[29] The appellant stated that AAA also visited him, and she even told him not to worry about his case because she would just withdraw it, as she was only forced by her grandmother, BBB, to file the same.[30]

After trial, a Joint Decision was rendered by the court a quo on 17 September 2002 finding the appellant guilty beyond reasonable doubt of two counts of statutory rape. The trial court gave credence to the plain and straightforward testimony of AAA on how she was ravished by her own father on 20 September 1997 and 25 December 1997, as well as AAA's positive identification of the appellant as her assailant, thus, overturning the defense of alibi and denial proffered by the appellant. The trial court thus decreed:

WHEREFORE, finding the [appellant] Regino y Villasan guilty beyond reasonable doubt for: 1) the crime of statutory rape in Criminal Case Nos. (sic) 14019 penalized under Article 335 of the Revised Penal Code, now Section 11 of Republic Act No. 7659; and 2) the crime of statutory rape in Criminal Case No. 14020, penalized under Article 335 of the Revised Penal Code, now Article 266-B of Republic Act No. 8353, hereby sentences the aforementioned [appellant] to suffer the supreme penalty of death in each case.

Regino Tormis y Villasan is ordered to pay AAA the sum of P150,000.00 by way of civil indemnity and P100,000.00 by way of moral damages for the two counts of statutory rape.[31]

The records of this case were originally transmitted before this Court on automatic review. Pursuant to *People v. Mateo*,[32] the records were remanded to the Court of Appeals for appropriate action and disposition.

In his brief, the appellant's lone assignment of error was: the court a quo gravely erred in convicting the [appellant] of the crime charged despite the fact that his guilt was not proven beyond reasonable doubt.[33]

On 30 August 2007, the Court of Appeals rendered a Decision affirming the 17 September 2002 Joint Decision of the trial court with the modification that the death penalty imposed on each count of rape committed by the appellant be reduced to reclusion perpetua in view of the abolition of the death penalty.[34] The appellate court found the defense of alibi offered by the appellant to be bereft of merit, thus, it upheld the credibility of AAA's testimony.

Aggrieved, the appellant filed a Notice of Appeal.[35] In view thereof, the appellate court forwarded to this Court the records of this case.

This Court required the parties to simultaneously submit their respective supplemental briefs. Both the Office of the Solicitor General (OSG) and the appellant manifested that they were adopting their respective briefs filed before the Court of Appeals as their supplemental briefs.

Essentially, the appellant assails the credibility of the victim, as he asserts that his guilt for the crime of rape was not proven beyond reasonable doubt.

The appellant argues that AAA is not a credible witness because the doctor did not find any scar on her body which would show that her hands and feet had been tied during the commission of the crime. Similarly, AAA stated in her Affidavit that her hands and feet were tied by the appellant during the rape incident on 25 December 1997. But when AAA testified in court, she stated that when she was raped on 25 December 1997, only her hands were tied. Moreover, AAA failed to immediately inform her mother about the incidents of rape; thus, her credibility is in doubt.

To exonerate himself, the appellant invokes the defense of alibi and claims that he was in Manila at the time the rape incidents happened. He maintains that he could not be found guilty of rape as the complaints filed against him were instigated by BBB, appellant's mother-in-law and AAA's grandmother, who had an ill motive for charging him with the crime of rape. Lastly, appellant asserts that AAA's frequent visits to him in jail and her assurance that she would withdraw the case against him, as she was just forced by her grandmother to file the same, were not the acts of a person who had been raped.

The appellant's contentions fail to persuade.

In reviewing rape cases, the Court has always been guided by three well-entrenched principles: (a) that 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; (b) that in view of the intrinsic nature of the crime which usually involves two persons, the complainant's testimony must be scrutinized with extreme caution; and (c) that 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. Accordingly, the primordial consideration in a determination concerning the crime of rape is the credibility of the complainant's testimony.[36]

In the case at bar, the trial court gave full faith and credit to AAA's testimony. It characterized the testimony as plain and straightforward. AAA categorically declared in open court the details of the hideous experiences suffered by her on 20 September 1997 and 25 December 1997 in the hands of her own father. In her narration on the manner of how the appellant took advantage of her, she never wavered in her testimonies. In fact, she even exemplified the details of the incident without flourish and innuendo.

The unbroken line of jurisprudence is that this Court will not disturb the findings of the trial court as to the credibility of witnesses, considering that it is in a better position to observe their candor and behavior on the witness stand. Evaluation of the credibility of witnesses and their testimonies is a matter best undertaken by the trial court, because of its unique opportunity to observe the witnesses and their demeanor, conduct, and attitude, especially under cross-examination. Its assessment is respected unless certain facts of substance and value were overlooked which, if considered, might affect the result of the case.[37]

There is nothing in the records of this case that would impel this Court to deviate from the aforesaid findings and conclusion of the trial court, which findings were also affirmed by the Court of Appeals. Indeed, this Court finds that AAA testified in a categorical, straightforward and consistent manner. Moreover, it is settled that when a woman, more so if she is a minor, says she has been raped, she says, in effect, all that is necessary to prove that rape was committed[38] and if her testimony meets the test of credibility, that is sufficient to convict the accused.[39]

In addition, AAA's testimony was corroborated by the medical findings of Dr. Besario-Tan, the Municipal Health Officer who conducted the medical examination on her. Dr. Besario-Tan declared she found healed hymenal lacerations at the 3, 9, and 11 o'clock notches on the private part of AAA, which could have been caused by the penetration of a man's penis. The said healed hymenal lacerations could have been several months or years old already, and the same coincided with the dates of the rape incidents, i.e., 20 September 1997 and 25 December 1997. Dr. Besario-Tan also disclosed that AAA's hymen was no longer intact. It has been said that when the testimony of a rape victim is consistent with the medical findings, sufficient basis exists to warrant a conclusion that the essential requisite of carnal knowledge has thereby been established.[40] Hence, such testimony of Dr. Besario-Tan strengthens even more the claim of rape by AAA against herein appellant.

The absence of scars on AAA's body cannot be considered to diminish her credibility. As correctly pointed out by the OSG, the absence of scars on her hands and feet is not an indication that she had not been raped and that she

was lying about the rapes committed on 20 September 1997 and 25 December 1997. Absence of external signs or physical injuries does not negate the commission of rape, since proof of injuries is not an essential element of the crime.[41] It bears stressing that AAA was examined by Dr. Besario- Tan on 24 March 1999 or almost two years from the time the rapes were committed. Thus, it is not impossible that AAA's scars or injuries caused by the tying of her hands and feet with a rope, if she ever sustained any physical injury, must have already faded.

Contrary to the appellant's contention, the minor inconsistency between AAA's testimony and her Affidavit as regards the tying of her hands and feet when the appellant raped her on 25 December 1997 does not at all detract from her credibility as a witness, as such inconsistency refers only to trivial matters. The same does not bear on the very fact of rape and it even serves to strengthen the prosecution's cause, as it signifies that the witness was neither coached nor lying on the witness stand.[42] Further, AAA was given an opportunity to explain in open court the said inconsistency pointed out by the appellant. Thus:

Q:

In your Affidavit, you testified that on [25 December 1997], you were likewise sexually abused by your father by tying your two hands with a rope as well as your feet which were tied apart also with a rope. Now, in your testimony, in your cross- examination, you testified that only your two (2) hands were tied by your father on [25 December 1997] incident, will you please explain to us the discrepancy?

A:

The first I mistakenly said in stating some facts, but the truth is that my feet were not tied.[43]

It is doctrinally settled that discrepancies and/or inconsistencies between a witness' affidavit and testimony in open court do not impair credibility, as affidavits are taken ex parte and are often incomplete or inaccurate for lack of or absence of searching inquiries by the investigating officer.[44]

Neither the failure of AAA to immediately inform her mother about her ordeal nor her mother's alleged refusal to believe her stories of rape weakens the veracity of AAA's testimony.

The workings of a human mind are unpredictable; people react differently, and there is no standard form of behavior when one is confronted by a shocking incident.[45] Besides, the rule is that delay in reporting the offense of incestuous rape is not necessarily an indication that the charge is fabricated. It does not diminish the complainant's credibility or undermine the charges of rape when the delay can be attributed to the pattern of fear instilled by the threats of bodily harm, especially by one who exercises moral ascendancy over the victim.[46]

In the present case, it is noteworthy that on those two occasions that the appellant raped AAA, he threatened to kill her if ever she would tell anyone about what happened. AAA was only 11 years old at the time she was raped by the appellant. Obviously, such threat could easily intimidate her. Young as she was, such threat instilled tremendous fear in her mind. Appellant is her father and his presence in their household was more than enough to keep her silent. Indeed, when the appellant was already in jail for raping AAA's five-year-old cousin, AAA, knowing that her father could no longer harm her, took courage to tell her cousin, DDD, what the appellant did to her. She also reported to the authorities the bestial acts committed against her by the appellant. Further, the reaction of AAA's mother in not believing her stories of rape at once was neither strange nor unheard of. It is not a source of wonder that, to protect the husband, a wife might even turn against her own daughter.[47]

As compared with the evidence presented by the prosecution, the bare alibi offered by the appellant as a defense cannot hold water. It is settled in this jurisdiction that the defense of alibi, being inherently weak, cannot prevail over the clear and positive identification of the accused as the perpetrator of the crime.[48] Thus, plainly

prevailing over the infirm alibi of the appellant is the clear and positive identification made by AAA of the appellant as the person who inserted his penis into her vagina on 20 September 1997 and 25 December 1997.

Besides, the ill-motive imputed by the appellant to BBB, AAA's grandmother, as the person who instigated the rape charges against him, because BBB did not want him to be her son-in-law, is too shallow and too trite to be given any weight and credit. A grandmother who cares about her grandchild would not allow the latter to go through the trauma of physical examination and trial if it is not true that her grandchild has been raped.[49] As can be gleaned from the records, AAA's straightforward and candid narration of her traumatic experiences would show that she was impelled by no other motive than to bring to justice the appellant who had violated her.

Appellant's claim that AAA frequently visited him in jail and even assured him that she would withdraw the complaints against him serves no beneficial effect for him for being self-serving and unsubstantiated.

All told, the straightforward narration of AAA, as well as her categorical identification of the appellant as her assailant, overthrew the defense of alibi offered by the appellant.

As to the penalty. The first rape incident happened on 20 September 1997. The applicable law then was Article 335 of the Revised Penal Code, as amended by Republic Act No. 7659, which was approved on 13 December 1993. Said article explicitly provides:

ART. 335. When and how rape is committed. - Rape is committed by having carnal knowledge of a woman under any of the following circumstances.

1. By using force or intimidation;
2. When the woman is deprived of reason or otherwise unconscious; and
3. When the woman is under twelve years of age or is demented.

The crime of rape shall be punished by reclusion perpetua.

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

When by reason or on the occasion of the rape, the victim has become insane, the penalty shall be death.

When the rape is attempted or frustrated and a homicide is committed by reason or on the occasion thereof, the penalty shall be reclusion perpetua to death.

When by reason or on the occasion of the rape, a homicide is committed, the penalty shall be death.

The death penalty shall also be imposed if the crime of rape is committed with any of the following attendant 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. (As amended by Section. 11, Republic Act No. 7659). (Emphasis supplied.)

With respect to the rape incident that happened on 25 December 1997, the applicable law is Article 266-A and B of the Revised Penal Code, as amended.[50] The said law provides:

ART. 266-A. Rape; When and How Committed. - Rape is committed:

x x x x.

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.

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

x x x x.

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

1) When the victim is under eighteen (18) years of age and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim;

In the present case, the two Informations charging the appellant with the crimes of rape clearly alleged that the appellant had carnal knowledge of his daughter, AAA, who was only 11 years old when the rapes were committed on 20 September 1997 and 25 December 1997. The prosecution's evidence clearly shows AAA's age and filiation to the appellant. The prosecution presented the Certificate of Live Birth of AAA showing that AAA was born on 17 February 1986 to spouses Regino Tormis and CCC. Moreover, during the pre-trial, as well as during the trial of this case, the appellant himself admitted that he is the father of AAA. In his testimony before the court a quo, he stated that he and CCC, AAA's mother, got married in 1985[51] and they begot 6 children, one of whom is AAA.[52]

The concurrence of the minority of AAA and her relationship to the appellant, having been alleged in the two Informations and duly proven with certainty and clarity as the crime itself during trial, constrains the Court to affirm the conviction of the appellant for two counts of qualified rape,[53] thus, justifying the imposition of the death penalty on the basis of the provisions of the afore-quoted laws. However, as the Court of Appeals stated in its 30 August 2007 Decision -- that in view of the enactment of Republic Act No. 9346, "An Act Prohibiting the Imposition of Death Penalty in the Philippines" — the penalty to be meted out to the appellant shall be reclusion perpetua for each count of qualified rape.

As to damages. This Court affirms the ruling of the trial court and the appellate court that the appellant should be made to pay as civil indemnity the amount of P150,000.00, or P75,000.00 for each of the two counts of qualified rape. This is in accordance with our previous rulings that if the crime of rape is qualified by circumstances which warrant the imposition of the death penalty by applicable amendatory laws, the complainant should be awarded P75,000.00 for each count of rape as civil indemnity.[54]

This Court, however, modifies the award of moral damages granted by the trial court and the appellate court. The award of exemplary damages is likewise in order. The trial court and the appellate court awarded to the offended party the sum of P100,000.00, or P50,000.00 as moral damages for each count of qualified rape. Both lower courts failed to award exemplary damages. In rape cases, moral damages are awarded without need of proof other than the fact of rape, because it is assumed that the victim has suffered moral injuries entitling her to such an award. Exemplary damages in the amount of P25,000.00 are also called for, by way of public example and to protect the young from sexual abuse. Following the ruling in *People v. Sambrano*,[55] this Court hereby orders the appellant to indemnify the victim, AAA, P75,000.00 as moral damages and P25,000.00 as exemplary damages in each of the cases.

WHEREFORE, premises considered, the Decision of the Court of Appeals in CA-G.R. CR-H.C. No. 00011,

finding herein appellant Regino Tormis guilty beyond reasonable doubt of two counts of qualified rape committed against his own daughter, AAA, is hereby AFFIRMED with the MODIFICATIONS that the award of moral damages is increased to P75,000.00 for each case, and the victim is also awarded exemplary damages of P25,000.00 in each of the cases.

SO ORDERED.

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

[1] Penned by Associate Justice Agustin S. Dizon with Associate Justices Francisco P. Acosta and Stephen C. Cruz, concurring; rollo, pp. 4-13.

[2] Penned by Judge Ramon M. Bato, Jr., CA rollo, pp. 17-32.

[3] This is pursuant to the ruling of this Court in *People of the Philippines v. Cabalquinto* (G.R. No. 167693, 19 September 2006, 502 SCRA 419), wherein this Court resolved to withhold the real name of the victims- survivors and to use fictitious initials instead to represent her in its decisions 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. The names of such victims, and of their immediate family members other than the accused, shall appear as "AAA," "BBB," "CCC," and so on. Addresses shall appear as "XXX" as in "No. XXX Street, XXX District, City of XXX."

The Supreme Court took note of the legal mandate on the utmost confidentiality of proceedings involving violence against women and children set forth in Sec. 29 of Republic Act No. 7610, otherwise known as Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act; Sec. 44 of Republic Act No. 9262, otherwise known as Anti-Violence Against Women and Their Children Act of 2004; and Sec. 40 of A.M. No. 04-10-11-SC, known as Rule on Violence Against Women and Their Children effective November 15, 2004.

[4] An Act Prohibiting the Imposition of Death Penalty in the Philippines. It was signed into law on 24 June 2006.

[5] CA rollo, p. 7

[6] Id.

[7] Id. at 8.

[8] Id.

[9] As evidenced by a Pre-trial Order dated 18 October 1999; records, pp. 46-47.

[10] Id. at 71.

[11] TSN, 19 January 2000, p. 3.

[12] Id. at 3-4.

[13] Id. at 27.

[14] Id. at 4.

[15] Id. at 15.

[16] Id. at 4-6.

- [17] Id. at 7-9.
- [18] Id. at 9-10.
- [19] Id. at 11.
- [20] Records, p. 70.
- [21] Testimony of Dr. Besario-Tan, TSN, 15 December 1999, pp. 2-3.
- [22] Testimony of BBB, AAA's grandmother, TSN, 21 August 2001, p. 6.
- [23] TSN, 3 May 2000, pp. 2-3.
- [24] Id. at 28.
- [25] Id. at 3.
- [26] Id. at 2.
- [27] Id. at 7.
- [28] Id. at 8.
- [29] Id. at 5.
- [30] Id. at 7.
- [31] CA rollo, pp. 31-32.
- [32] G.R. Nos. 147678-87, 7 July 2004, 433 SCRA 640.
- [33] CA rollo, p. 44.
- [34] Rollo, pp. 12-13.
- [35] Id. at 14-15.
- [36] *People v. Dizon*, 453 Phil. 858, 867 (2003).
- [37] Id. at 881.
- [38] *People v. Ancheta*, 464 Phil. 360, 371 (2004).
- [39] *People v. Luceriano*, 467 Phil. 91, 99 (2004).
- [40] *People v. Muros*, 467 Phil. 474, 490 (2004).
- [41] *People v. Managaytay*, 364 Phil. 800, 807-808 (1999).
- [42] *People v. Docena*, 379 Phil. 903, 916 (2000).
- [43] TSN, 19 January 2000, p. 25.
- [44] *People v. Layno*, 332 Phil. 612, 625 (1996).
- [45] *People v. Ranido*, 351 Phil. 610, 621 (1998).
- [46] *People v. Degala*, 411 Phil. 650, 663 (2001).
- [47] *People v. Albior*, 404 Phil. 638, 648 (2001).

[48] *People v. Cañete*, 350 Phil. 933, 946 (1998).

[49] *People v. Barrias*, 412 Phil. 578, 586 (2001).

[50] As amended by Republic Act No. 8353 otherwise known as the Anti-Rape Law of 1997, which was approved on 30 September 1997 and took effect on 22 October 1997.

[51] TSN, 3 May 2000, p. 18.

[52] *Id.* at 6.

[53] In the dispositive portion of the trial court's Decision, it found the appellant guilty of two counts of statutory rape and meted out to him the penalty of death because of the qualifying circumstances of minority and relationship. The said qualifying circumstances were alleged in the two Informations and duly proven during the trial of this case. In effect, the appellant was convicted of two counts of statutory rape qualified by the appellant's relationship to AAA; stated otherwise, the trial court found the appellant guilty beyond reasonable doubt of two counts of qualified rape.

[54] *People v. Sale*, 339 Phil. 219, 242 (2000).

[55] 446 Phil. 145, 161-162 (2003).

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