

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ITO PINIC, ACCUSED-APPELLANT.

G.R. No. 186395. June 08, 2011

Ponente: PEREZ, J.

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PEREZ, J.:

Before this Court for final review is the conviction [1] of appellant Ito Pinic for the rape of AAA, [2] a seven (7) year old lass.

The Facts

In three (3) separate Informations [3] all dated 12 December 2001 filed with the Regional Trial Court and docketed as Criminal Case Nos. 730-T to 732-T, appellant was accused of the crime of RAPE allegedly committed as follows:

That on or about the month of April[,] 2001, in the municipality of xxx, province of xxx, and within the jurisdiction of this Honorable Court, [Ito Pinic], did then and there wilfully, unlawfully, and feloniously [had] carnal knowledge of one [AAA], a seven (7) year old girl, by means of force and against the latter's will and consent. [4]

It was only on 27 January 2003 that appellant was apprehended and committed [5] to the Bureau of Jail Management and Penology by virtue of an Alias Warrant of Arrest [6] issued by the trial court.

On arraignment, appellant entered a plea of not guilty. [7] During pre-trial, [8] the parties stipulated, among others, that AAA was only seven (7) years old during the incident of April 2001; and that Ito Pinic and Lito Pinic are one and the same person.

On trial, AAA testified that sometime in April 2001, she, together with playmates JJJ and a certain MJR, played bahay-bahayan outside the house of Victorio Pinic a.k.a. Balulang. [9] On that same day, her neighbor appellant, who was armed with a bolo/knife, [10] summoned her to the house of Balulang. [11] Inside the house, he threatened to cut her ears with his bolo. [12] He undressed her and removed her panty. [13] Thereafter, he took off his own pants [14] and inserted his penis into her vagina. [15] She felt pain. [16] He withdrew his penis after about ten (10) seconds but inserted it again after ten (10) seconds. After five (5) seconds, he withdrew it again but inserted it once more after five (5) seconds. He also inserted his finger and licked her vagina. [17] After consummating the act, appellant sent her home and warned her not to tell anyone of the incident. [18]

Sometime in the same month of April 2001, AAA complained to her father FFF that her anus was painful. [19] When her mother MMM examined her, she confided that she was raped by appellant. [20] It was then that MMM recalled of one morning when she could not find her daughter. She and her relatives looked for her from 9:00 o'clock in the morning until she arrived home at 12:00 o'clock noon. AAA refused to have her lunch and was "quiet and fearful" for a long time. She would not say why. [21]

AAA submitted herself to a physical examination and was issued a Medico-Legal Certificate [22] showing that

she has old hymenal lacerations at 10:00 o'clock and 2:00 o'clock positions. Dr. Jomelyn Bolompo, her attending physician, later testified in court that the lacerations could have been caused by "any object bigger than the hymenal opening" like a penis or a finger. [23]

On the other hand, appellant denied the accusations against him. He claimed that nobody could enter the house of Balulang where the alleged rape was committed. His brother Luis, the caretaker of the house, padlocks the windows and the doors whenever he leaves. [24] Luis gave the same version on the witness stand and added that he is the only one who has the keys to the house. [25]

JJJ, one of the playmates of AAA who stayed at the house of the Pinics on a one-month vacation, testified that her mother and the appellant are siblings; [26] that while playing with AAA and MJR on the date of the alleged commission of the crime, she did not see the appellant nor AAA enter the house of Balulang; [27] that she did not notice AAA cry or shout; [28] and that during her whole stay at the Pinics where the appellant supposedly stayed, she never saw him in the house. [29]

On 22 December 2006, the regional trial court convicted the appellant of the crime of rape in Criminal Case No. 730-T but acquitted him in Criminal Case Nos. 731-T and 732-T. [30] The dispositive portion of the decision reads:

WHEREFORE, IN VIEW OF THE FOREGOING CONSIDERATION, this Court finds the accused ITO PINIC guilty beyond reasonable doubt of the crime of rape in Criminal Case No. 730-T defined and penalized under Article 266-A and 266-B of the Revised Penal Code and shall suffer the penalty of reclusion perpetua and hereby further ordered to pay the victim [AAA] the amount of Fifty Thousand (Php50,000.00) Pesos as civil indemnity and Fifty Thousand (Php50,000.00) Pesos as moral damages.

xxx. [A]side from the moral damages and civil indemnity the latter which is automatically granted in rape cases, the accused should likewise be made to pay exemplary damages in the amount of Twenty Five (Php25,000.00) Pesos.

The accused is hereby acquitted in [Criminal Case Nos.] 731-T and 732-T, his guilt not proved beyond reasonable doubt. [31]

Appellant elevated the case to the Court of Appeals on 31 January 2007. [32] On 6 May 2008, the Court of Appeals promulgated its decision [33] in CA-G.R. CR HC No. 02673 dismissing the appeal. Thus:

In fine, this Court finds no reason to disturb the findings of the trial court which took extreme caution to scrutinize [AAA's] testimony.

WHEREFORE, the instant appeal is DISMISSED for lack of merit. [34]

Appealed to this Court, we required the parties to simultaneously file their respective supplemental briefs. [35] Both manifested that they will no longer file supplemental pleadings. [36]

Our Ruling

We uphold the conviction of appellant in Criminal Case No. 730-T.

A man commits rape by having carnal knowledge of a child under twelve (12) years of age even in the absence of any of the following circumstances: (a) through force, threat or intimidation; (b) when the offended party is deprived of reason or otherwise unconscious; or (c) by means of fraudulent machination or grave abuse of authority. [37]

In the determination of the innocence or guilt of the accused, we are guided by the following principles:

(1) an accusation for rape can be made with facility; it is difficult to prove but more difficult for the accused, though innocent, to disprove; (2) in view of the intrinsic nature of the crime of rape in which only two persons are usually involved, the testimony of the complainant must be scrutinized with extreme caution; and (3) the evidence for the prosecution must stand or fall on its own merits, and cannot be allowed to draw strength from the weakness of the evidence for the defense. [38]

Owing to the manner of the commission of rape, the sole testimony of the victim may be sufficient to convict the accused so long as the court finds the testimony "credible, natural, convincing and consistent with human nature and the normal course of things." [39] More so, when the testimony is supported by the medico-legal findings of the examining physician. [40]

I

Invoking the three (3) well-entrenched principles that guide the court in the determination of the guilt of an accused, appellant maintains that the sole testimony of AAA should not be made the basis for his conviction.

We are not convinced.

The points raised by appellant had been squarely addressed by the trial court and the Court of Appeals.

The trial court explained:

xxx In her testimony, the inconsistency whether the rape happened in the morning or afternoon becomes clear, when she averred that she entered the house of Balulang when she was playing alone and after she went home she again returned to the house of Balulang and played with [MJR] and [JJJ] outside. This [c]ourt entertains the conclusion that the sexual assault happened in the morning before she returned to the house of Balulang and played with her playmates. Besides, the time of the alleged rape is not an element of the crime of rape. [41]

In his brief, counsel for the accused, attempts to discredit [AAA] by pointing out alleged inconsistencies in her testimony. These so called inconsistencies e.g., the time of day when the alleged rape happened, whether morning or afternoon, whether the rape [was] on a bed - and that these inconsistencies belie the accusation of rape. [42]

A careful review of the transcript of the testimony of the private complainant shows that these supposed inconsistencies bear [on] relatively minor points, and even taken as a whole, fail to debunk the gravamen of the accusation; that the accused had carnal knowledge of the complainant against the latter's will. [43]

An impeccable recollection cannot reasonably be expected from the victim of a horrendous crime, such that minor contradiction in a witness' testimony [is] perceived to enhance, rather than detract from the credibility of said witness. [44]

The Court of Appeals added that the Office of the Solicitor General [45] correctly argued that the young age of AAA at the time she was defiled did not lessen her credibility inasmuch as she was able to relate her ordeal clearly and consistently. [46]

On cross examination, AAA vividly testified: [47]

Q

You testified [AAA] that Ito Pinic inserted his penis into your vagina, do you still remember that?

A

I can remember, ma'am.

Q

How many times did Ito Pinic insert his penis?

A

Three (3) times, ma'am.

x x x x

ATTY. FORTUNA:

Q

How long did Ito Pinic insert his penis?

A

Short, ma'am.

Q

How short it was?

ATTY. DAVIS:

Your Honor, the witness cannot understand the word short.

WITNESS:

A

For a bit longer time, ma'am.

Q

[AAA], do you know how to count?

A

I know, ma'am.

Q

Do you know how to count up to ten?

A

I know, ma'am.

Q

How about up to twenty?

A

I know, ma'am.

Q

Will you count one to five? Was it also the time Ito Pinic inserted his penis or up to ten?

COURT:

The complainant is allowed to count on her fingers.

INTERPRETER:

Witness is counting her fingers.

ATTY. DAVIS:

May we stipulate for 5 seconds, Your Honor, based on her count from 1 to 5.

WITNESS:

It is even longer, ma'am. (Emphasis supplied.)

ATTY. FORTUNA:

Q

Was it up to 10?

A

Yes, ma'am..

Q

[AAA] when you count 1 to 10 that is also the time that Ito Pinic inserted his penis for the first time, am I correct?

A

Yes, ma'am.

Q

How about the second time that Ito Pinic inserted his panis, can you count again how long it was?

A

For a short period, ma'am.

Q

[AAA], can you count again to tell us how short it was?

COURT:

After the complainant counted her fingers from 1 to 5.

ATTY. FORTUNA:

Q

How about the third time?

INTERPRETER:

The witness counted 1,2,3,4,5.

Q

How about the first insertion to the second insertion, can you tell us how long?

ATTY. DAVIS:

That is leading, Your Honor. May we know what is the point of counsel, Your Honor.

COURT:

You are asking the duration between the first and the second insertion?

ATTY. FORTUNA:

Yes, the time in between, Your Honor.

COURT:

Witness may answer.

INTERPRETER:

The witness counted her fingers from 1 to 10 as the duration or representing 10 seconds for the duration between the first and second insertion.

Q

How about the duration between the second and third insertion?

INTERPRETER:

Witness is counting her fingers from 1 to 5 as the duration between the second and the third insertion.

Q

Aside from inserting his penis, did Ito Pinic do something else to you?

A

Ito Pinic inserted his finger and licked my vagina, ma'am.

Q

When Ito Pinic raped you, what were you wearing at that time?

ATTY. DAVIS:

It is misleading because the question calls at that time that she was raped, may we know if was it before the rape or during the rape?

ATTY. FORTUNA:

At the time that she was raped, Your Honor.

A

A dress, ma'am.

Q

Were you wearing panty at that time?

A

Yes, ma'am.

Q

How about Ito Pinic what was he wearing at that time?

A

Pants, ma'am.

Q

Pants only?

A

Pants only, ma'am.

Q

Did he remove your dress when you were raped?

A

Yes, ma'am.

Q

How about your panty, did he remove it?

A

Yes, ma'am.

Q

How about Ito Pinic, did he remove his pants?

A

Yes, ma'am.

Q

When you were raped, what did you feel?

A

Painful, ma'am.

Q

Did you laugh after you were raped?

A

No, ma'am.

Q

Did you shout?

A

Yes, ma'am.

Q

After Ito Pinic raped you, did you find any blood on your panty?

A

Yes, ma'am.

Q

After you were raped did you go home after?

A

Yes, ma'am.

Q

You said that it was painful, which part of your body was painful?

A

My vagina, ma'am.

Agreeably, there were several inconsistencies in the testimony of AAA with respect to matters other than the aforequoted testimony. However, the appellate court correctly applied *Boromeo*, [48] where this Court declared:

Inconsistencies in a rape victim's testimony do not impair her credibility, especially if the inconsistencies refer to trivial matters that do not alter the essential fact of the commission of rape. x x x [49]

In *Rellota*, [50] this Court reiterated:

It is established jurisprudence that testimony must be considered and calibrated in its entirety inclusive and not by truncated or isolated passages thereof. Due consideration must be accorded to all the questions propounded to the witness and her answers thereto. The whole impression or effect of what had been said or done must be considered and not individual words or phrases alone. Moreover, rape xxx causes deep psychological wounds, often forcing the victim's conscience or subconscious to forget the traumatic experience xxx. A rape victim cannot thus be expected to keep an accurate account and remember every ugly detail of the appalling and horrifying outrage perpetrated on her especially since she might in fact have been trying not to remember them. xxx Error-free testimony cannot be expected most especially when a young victim of rape is recounting details of a harrowing experience, one which even an adult would like to bury in oblivion deep in the recesses of her mind xxx. Moreover, a rape victim testifying in the presence of strangers, face to face with her tormentor and being cross-examined by his hostile and intimidating lawyer would be benumbed with tension and nervousness and this can affect the accuracy of her testimony. xxx [A]mple margin of error and understanding should be accorded to a young victim of a vicious crime like rape. [51]

We defer to the finding of the trial court as to the credibility of the testimony of AAA, to wit:

The testimonies of the private complainant [are] scrutinized by this [c]ourt with extreme caution. These testimonies from direct, cross, re-direct and re-cross examination were given on different dates. They were given after the lapse of days or months in intervals. But it can be clearly seen that they are consistent save for the minor inconsistencies xxx. [52]

This should not be unnecessarily disturbed absent a showing that material facts, which might affect the results of the case, had been overlooked. [53] We found none in the instant case.

Appellant likewise argues that the prosecution failed to prove his guilt beyond reasonable doubt inasmuch as the attending physician testified that the hymenal lacerations found in the vagina of AAA could have also been caused by strenuous activities. [54] He added that the medico-legal findings did not show that he was the one who perpetrated the crime. [55]

Settled is the rule, however, that when the testimony of the victim is supported by the physician's finding of penetration, there is sufficient foundation to conclude that the requisites of carnal knowledge existed. [56] Moreover, AAA positively identified appellant as her assailant. [57]

The bare denial of the appellant cannot prevail over the positive identification and credible testimony of AAA as we have consistently ruled that a categorical testimony generally prevails over a bare denial. [58]

Alibi and denial must be strongly supported by corroborative evidence in order to merit credibility. [59] But the trial court correctly disregarded the testimonies of the defense's corroborating witnesses. JJJ allegedly did not hear AAA shout because, apparently, the rape was committed when she and MJR were not around. [60] Appellant's brother Luis later admitted that he could not say whether or not a person had entered or could enter the house. [61] Further, Luis' testimony is tainted with bias because he is the older brother of the appellant. He is necessarily interested in the latter's acquittal. [62]

All considered, we are convinced that the guilt of appellant has been sufficiently established with moral certainty with respect to Criminal Case No. 730-T. On the other hand, the acquittal of the appellant in Criminal Case Nos. 731-T and 732-T was also in order. The aforequoted testimony of AAA [63] shows that although the penis was thrice inserted in her private organ, the same constituted one (1) count of rape.

II

In the determination of the imposable penalty, we note that the appellant used a deadly weapon to threaten AAA. [64] This would have the effect of increasing the penalty from reclusion perpetua to reclusion perpetua to death pursuant to Article 266-B of the Revised Penal Code, which provides that reclusion perpetua to death should be the penalty for rape committed with the use of a deadly weapon. [65] While Republic Act 9346 [66] prohibits the imposition of death penalty, such qualifying circumstance would still produce two (2) effects: (1) the imposable penalty of reclusion perpetua without eligibility for parole should be imposed; [67] and (2) the award of moral damages and civil indemnity should be increased each from Fifty Thousand Pesos (P50,000.00) to Seventy-Five Thousand Pesos (P75,000.00) under prevailing jurisprudence. [68]

It is a requisite, however, that the use of a deadly weapon be alleged in the information because such circumstance is also in the nature of a qualifying circumstance that increases the range of the penalty to include death. [69] Otherwise, it cannot be appreciated as a qualifying circumstance even if the prosecution proves the same. [70]

Unfortunately, the use of a deadly weapon was not specifically alleged in the Information. Appellant cannot, therefore, be convicted of the crime of qualified rape and meted the penalty of death. [71] Consequently, appellant shall be eligible for parole and the damages to which the victim is entitled to shall correspond to that for simple rape.

Accordingly, the trial court correctly imposed the penalty of reclusion perpetua. The award of damages to the victim in the amount of Fifty Thousand Pesos (P50,000.00) each as civil indemnity and moral damages is likewise in order. Pursuant to prevailing jurisprudence, however, the amount of exemplary damages has already been

increased from Twenty-Five Thousand Pesos (P25,000.00) to Thirty Thousand Pesos (P30,000.00). [72]

WHEREFORE, the Decision dated 6 May 2008 of the Court of Appeals in CA-G.R. CR HC No. 02673 DISMISSING the appeal of appellant Lito Pinic a.k.a. Ito Pinic is hereby AFFIRMED.

The Decision dated 22 December 2006 of the trial court in Criminal Case Nos. 730-T to 732-T is hereby MODIFIED in the following manner:

1. Appellant is found GUILTY beyond reasonable doubt of the crime of rape committed against AAA in Criminal Case No. 730-T. He is hereby sentenced to suffer the penalty of reclusion perpetua and to pay AAA the amount of Fifty Thousand Pesos (P50,000.00) as civil indemnity, Fifty Thousand Pesos (P50,000.00) as moral damages, and Thirty Thousand Pesos (P30,000.00) as exemplary damages; and
2. With respect to Criminal Case Nos. 731-T and 732-T, the appellant is hereby ACQUITTED for failure of the prosecution to prove his guilt beyond reasonable doubt.

SO ORDERED.

Corona, C.J., (Chairperson), Velasco, Jr., Leonardo-De Castro, and Del Castillo, JJ., concur.

[1] Records, pp. 192-217. Decision dated 22 December 2006 of the Regional Trial Court penned by Judge Melanio C. Rojas, Jr.; CA rollo pp. 126-136. Decision dated 6 May 2008 penned by Associate Justice Magdangal M. de Leon, with Associate Justices Josefina Guevara-Salonga and Normandie B. Pizarro concurring.

[2] The real name and personal circumstances of the victim, and any other information tending to establish or compromise her identity, including those of her immediate family or household members are withheld. This is consistent with the application in *People v. Cabalquinto* (G.R. No. 167693, 19 September 2006, 502 SCRA 419) of the following: (1) the provisions of Republic Act No. 7610 (Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act) and its implementing rules; (2) Republic Act No. 9262 (Anti-Violence Against Women and their Children Act of 2004) and its implementing rules; and (3) this Court's Resolution dated 19 October 2004 in A.M. No. 04-10-11-SC (Rule on Violence Against Women and their Children) on maintaining the confidentiality of information on child abuse cases.

[3] Records, p.1; copies of the Informations in Criminal Case Nos. 731-T and 732-T are not attached to the records that were forwarded to this Court; however, succeeding pleadings and court issuances, including the decision of the trial court, consistently referred to Criminal Case Nos. 730-T to 732-T.

[4] Id.

[5] Id. at 16. Letter dated 27 January 2003 of the trial court to the Bureau of Jail Management and Penology.

[6] Id. at 15. Alias Warrant of Arrest dated 26 December 2002.

[7] Id. at 19-20. Order dated 12 March 2003.

[8] Id at 26-28. Pre-Trial Order dated 23 April 2003.

[9] TSN, 15 October 2003, pp. 4-6.

[10] TSN, 8 September 2004, p. 4; knife and bolo were interchangeably used during AAA's entire testimony.

[11] TSN, 30 August 2004, p. 9.

- [12] TSN, 29 September 2003, pp. 4-5.
- [13] TSN, 30 August 2004, p. 13.
- [14] Id.
- [15] TSN, 29 September 2003, p. 5.
- [16] TSN, 30 August 2004, p. 13.
- [17] Id. at 11-12.
- [18] TSN, 29 September 2003, p. 5.
- [19] TSN, 16 June 2003, p. 4.
- [20] Id. at 5.
- [21] TSN, 11 August 2003, pp. 10-12.
- [22] Records, p. 171. Medico-Legal Certificate dated 8 May 2001.
- [23] TSN, 1 December 2003, pp. 5-6.
- [24] TSN, 29 May 2006, pp. 4-5.
- [25] TSN, 14 November 2005, p. 4.
- [26] TSN, 25 May 2005, p. 6.
- [27] Id. at 5.
- [28] Id.
- [29] Id. at 13.
- [30] Records, p. 216. Decision dated 22 December 2006 of the trial court.
- [31] Id.
- [32] Id. at 218. Notice of Appeal dated 31 January 2007 filed by appellant with the trial court.
- [33] CA Rollo, p. 125. Notice of Judgment dated 6 May 2008 of the Division Clerk of Court, Court of Appeals.
- [34] Id. at 135. Decision dated 6 May 2008 of the Court of Appeals.
- [35] Rollo, p. 18. Resolution dated 30 March 2009, Second Division, Supreme Court.
- [36] Id. at 22-23. Manifestation (In Lieu of Supplemental Brief) dated 21 May 2009 of the Appellant; Id. at 26. Manifestation and Motion dated 11 June 2009 of the Office of the Solicitor General.
- [37] *People v. Jacinto*, G.R. No. 182239, 16 March 2011 citing Art. 266-A paragraph 1(d), Revised Penal Code, as amended by Sec. 2 of The Anti-Rape Law of 1997.
- [38] *People v. Dalisay*, G.R. No. 188106, 25 November 2009, 605 SCRA 807, 814 citing *People v. Glivano*, G.R. No. 177565, January 28, 2008, 542 SCRA 656, 662 further citing *People v. Malones*, 425 SCRA 318, 329 (2004).
- [39] *People v. Cadap*, G. R. No. 190633, 5 July 2010, 623 SCRA 655, 660-661, citing *People v. Corpuz*, G.R. No. 168101, 13 February 2006, 482 SCRA 435, 444.

- [40] *People v. Jacinto*, supra note 36 citing *People v. Leonardo*, G.R. No. 181036, 6 July 2010; *People v. Alcazar*, G.R. No. 186494, 15 September 2010.
- [41] Records, p. 212. Decision dated 22 December 2006 of the trial court.
- [42] Id.
- [43] Id.
- [44] Id. citing *People v. Colisao*, G.R. No. 134526, 11 December 2001.
- [45] CA Rollo, p. 116. Brief for the Appellee dated 6 December 2007 citing *People v. San Juan*, 270 SCRA 693 (1997).
- [46] Id.
- [47] TSN, 30 August 2004, pp. 9-13.
- [48] G.R. No. 150501, 3 June 2004, 430 SCRA 533.
- [49] CA Rollo, p. 133. Decision dated 6 May 2008 of the Court of Appeals citing *People v. Boromeo*, id. at 547.
- [50] G.R. No. 168103, 3 August 2010, 626 SCRA 422, 437-438.
- [51] Id. at 437-438 citing *People v. Luna*, 443 Phil. 782, 800-801 further citing *People v. Abalde*, 329 SCRA 418 (2000); *Francisco*, *The Revised Rules of Court of the Philippines*, 1991 ed., Volume VII, Part II, p. 542; *People v. Rosario*, 246 SCRA 658 (1995); *People v. Cula*, 329 SCRA 101 (2000); *People v. Tamala*, 284 SCRA 436 (1998); *People v. Perez*, 270 SCRA 181 (1997); *People v. Arafiles*, 325 SCRA 181 (2000).
- [52] Records, p. 211. Decision dated 22 December 2006 of the trial court.
- [53] *People v. Saludo*, G.R. No. 178406, 6 April 2011.
- [54] CA Rollo, p. 70. Brief for the Accused-Appellant dated 2 August 2007.
- [55] Id.
- [56] *People v. Saludo*, supra note 52.
- [57] TSN, 29 September 2003, p. 3.
- [58] *People v. Miranda*, G.R. No. 176634, 5 April 2010, 617 SCRA 298, 309 citing *People v. Alvero*, 386 Phil. 181, 200 (2000)
- [59] *People v. Olimba*, G.R. No. 185008, 22 September 2010, 631 SCRA 223, 242 citing *People v. Jacob*, G.R. No. 177151, 22 August 2008, 563 SCRA 191, 203.
- [60] Records, p. 213. Decision dated 22 December 2006 of the trial court.
- [61] Id. at 215; TSN, 20 February 2006, pp. 3-4.
- [62] Id.
- [63] TSN, 30 August 2004, pp. 10-13.
- [64] TSN, 29 September 2003, pp. 4-5.
- [65] *People v. Alegre*, G.R. No. 184812, 6 July 2010, 624 SCRA 239, 246.

[66] An Act Prohibiting the Imposition of the Death Penalty in the Philippines, 24 June 2006.

[67] *People v. Alegre*, supra note 65.

[68] *Id.* at 247 citing *People v. Araojo*, G.R. No. 185203, 17 September 2009, 600 SCRA 295, 309.

[69] *People v. dela Peña*, G.R. No. 138358-59, 421 Phil. 262, 269 (2001).

[70] *Id.* citing *People v. Fraga*, 330 SCRA 699 [2000].

[71] *Id.*

[72] *People v. Rante*, G.R. No. 184809, 29 March 2010, 617 SCRA 115, 127 citing *People v. Dalisay*, supra note 37.

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