

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MELECIO DE LOS SANTOS, JR., ACCUSED-APPELLANT.

G.R. No. 186499. March 21, 2012

Ponente: LEONARDO-DE CASTRO, J.

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LEONARDO-DE CASTRO, J.:

In this appeal, the accused-appellant Melecio de los Santos, Jr. seeks the reversal of the Decision[1] of the Court of Appeals dated August 31, 2007 in CA-G.R. CEB CR.-H.C. No. 00394, which affirmed the Decision[2] dated March 3, 2005 of the Regional Trial Court (RTC) of Cebu City, Branch 7, in Criminal Case Nos. CBU-51855 and CBU-51856. The trial court imposed the penalty of reclusion perpetua upon the accused-appellant after finding him guilty of one count of rape.

The accused-appellant was charged with two (2) counts of statutory rape committed against AAA[3] in two informations, the accusatory portions of which provide:

CRIMINAL CASE NO. CBU-51855

The undersigned accuses MELECIO DELOS SANTOS alias "NOYNOY" of the crime of Statutory Rape, committed as follows:

That on or about the 14th day of February 1995 at around 1:30 o'clock in the afternoon, more or less, at [XXX], Philippines and within the jurisdiction of this Honorable Court, the above-named accused, younger brother of the mother of the victim [AAA], a minor, ELEVEN (11) years old at the time of the commission of the offense, with abuse of confidence, taking advantage of the absence of the parents of the victim who at the time of the commission of the offense were working and while the victim was alone, with the use of a deadly knife for use in slicing fish commonly known as "INIGPAKAS", through force, intimidation and threats, did then and there willfully, unlawfully and feloniously engage and have carnal knowledge with the victim against her will, to the damage and prejudice of the said victim.[4]

CRIMINAL CASE NO. CBU-51856

That sometime in September 1995 at [XXX], Philippines and within the jurisdiction of this Honorable Court, the above-named accused, younger brother of the mother of the victim [AAA], a minor, Eleven (11) years old at the time of the commission of the offense, with abuse of confidence, through force, intimidation and threats, did then and there willfully, unlawfully and feloniously engage and have sexual intercourse with the said victim against her will, to the damage and prejudice of the victim.[5]

During the accused-appellant's arraignment on April 18, 2000, he entered a plea of not guilty to the above charges.[6] On July 25, 2000, the pre-trial conference of the cases was terminated with the parties stipulating on the following facts:

- That accused and the mother of the complainant are brother and sister;
- That the defense of the accused is denial; [and]

- That the accused is facing two crimes of Statutory Rape which are jointly heard in this pre-trial conference.[7]

The joint trial of the cases, thereafter, commenced.

The testimony of the private complainant, AAA, was first presented by the prosecution. AAA testified that she was born on November 4, 1984 at XXX.⁸ She had two brothers and three sisters.[9] She said that the accused-appellant was the younger brother of her mother but he had a different surname because he was adopted by another couple when he was still young.[10] She narrated that on February 14, 1995, the accused-appellant first arrived from Negros to stay in their house at XXX. At about 1:30 p.m. on the said date, AAA and her younger sister, BBB, were sitting on the stairs of their house while the accused-appellant was at the window. Their mother soon arrived and called BBB to help in the former's place of work. BBB went with their mother. AAA said that her mother told her to wash the dishes and clean the house. Thereafter, she went to their room to lie down because she had a stomachache. The accused-appellant then closed the windows and the door. He got a knife from the kitchen and pointed the same at her. He told her to undress but she refused so he tore off her dress. He went on top of her and he was naked. She said that his penis penetrated her organ. He was still holding the knife when he placed himself on top of her. He told her that if she will reveal the incident to anyone he will kill her family. After that, he left her. She did not tell her parents about the abuse she suffered because she was afraid.[11]

AAA further testified that the accused-appellant came back to their house sometime in September 1995. At a certain day in the said month when her parents and siblings were not in their house, the accused-appellant undressed her again and pointed a knife at her. AAA stated that the accused-appellant raped her by inserting his penis into her organ. Thereafter, the accused-appellant left because AAA's father, CCC, requested him to accompany the latter in his work. After that, the accused-appellant went back to Negros. AAA added that she did not tell her parents about the second incident of rape as she was still afraid of the accused-appellant's threat that he will kill her family.[12]

AAA said that she decided to reveal the incidents of rape to the members of her family when she was about 14 or 15 years old. She first related the incidents to her aunt but the latter did not believe her. She next informed her parents. When her mother found out about the sexual abuse, the latter also did not believe her and she was even slapped. On the other hand, her father, CCC, got mad. He brought her to the Vicente Sotto Memorial Medical Center (VSMMC) and she was examined by a physician.

Her father also brought her to the police station at Talisay where they prepared an affidavit.¹³

CCC, the father of AAA, was next called to the witness stand. He testified that on February 14, 1995, the accused-appellant temporarily stayed at their house. The latter again visited their house on September 19, 1995. It was in the year 1999 that AAA first told him about the incidents of rape that occurred in February and September 1995. When he asked her why she did not tell him about the rape incidents at the time they occurred, she answered that she was threatened by the accused-appellant. She told him that the incidents took place at their house and she was threatened every time she was raped. It was only after several years that AAA got the courage to tell him of the sexual abuse.[14]

CCC further stated that in 1995, AAA was only 11 years old. When he found out that his daughter was raped, he "got wild and even destroyed [his] own house." He was able to confront the accused-appellant when the latter was still in prison. The accused-appellant asked for his forgiveness but CCC told him that he could not do anything because the victim was his daughter. AAA was examined by a physician and the result of the examination was that it was possible that she was sexually molested.[15]

The testimony of Dr. Paulette Chelo M. Plaza,[16] one of the physicians who examined AAA, was also presented

by the prosecution. She testified that, as a standard operating procedure, she would initially interview a patient regarding the circumstances of the crime committed against the latter and, afterwards, a physical examination of the patient would be conducted.

She said that she could not recall the results of her interview with AAA but since the medical report indicated that AAA was sexually abused, the said fact must have been related to her by AAA.[17] The conclusions stated in the medical certificate were as follows:

- 1.) Disclosure of sexual abuse.
- 2.) Deep, hymenal notches at 3 O'clock and 9 O'clock positions are suspicious for sexual abuse.[18]

Based on the medical record, Dr. Plaza confirmed that she and Dr. Celso S. Pacana, Jr. examined AAA. As to the injuries sustained by AAA, she explained the meaning of the deep notches 3 o'clock and 9 o'clock position. She stated that a deep notch was like an excavation or a cut in the hymenal tissue and that the presence of notches indicated that there was a penetration in the vagina. The notches could have been caused by sexual intercourse or any object that might have been inserted in the victim's organ. She reiterated that, based on her findings and that of Dr. Pacana, she concluded that it was possible that AAA was sexually abused.[19]

Police Officer 1 (PO1) Rea N. Taladua also testified for the prosecution. She stated that on July 19, 1999, she was assigned at the Talisay Police Station and her duties therein were to entertain cases concerning women and children. In connection therewith, she issued a certification in relation to the rape case of AAA.[20]

Finally, the prosecution presented the testimony of BBB, the younger sister of AAA. BBB testified that on February 14, 1995, she was 8 years old, while AAA was 11 years old. At about 1:00 p.m. on the said date, she was at their house with AAA and the accused-appellant. She and AAA were talking with each other while sitting at the stairway of their house. The accused-appellant was by the window of the house about five meters away. He then approached them and told them to go upstairs. Only AAA went up the house and he suddenly closed the door. BBB said that she did not go upstairs because she was afraid of the way the accused-appellant looked at them. BBB immediately clarified that when the accused-appellant told them to go upstairs, they tried to run away. AAA was not able to get away, however, because her dress was caught in the stairs. The accused-appellant grabbed AAA and dragged her inside the house. AAA tried to free herself but the accused-appellant poked a knife at her neck. The accused-appellant took AAA inside the house and closed the door.[21]

BBB said that she just sat at the stairs crying. She heard AAA ask for help, as well as the sounds of struggling inside the house. She pleaded for the accused-appellant not to harm AAA. Later, the accused-appellant opened the door and went out of the house. He told her not to tell her mother about the incident otherwise he will kill them all. She then went inside and saw AAA lying unconscious near the door. She dragged AAA towards the room to change the latter's clothes. In the evening, the accused-appellant came back to their house when her parents were already there. She did not tell her parents about the incident because she was afraid that the accused-appellant would kill them. When her parents looked for AAA, she told them that the latter went to bed early as she was not feeling well.[22]

After the conclusion of the presentation of its testimonial evidence, the prosecution formally offered in evidence the following documents: (1) the Birth Certificate of AAA (Exhibit A);[23] (2) the Sworn Statement of AAA (Exhibit B);[24] (3) the Medical Certificate of AAA issued by the VSMMC (Exhibit F);[25] (4) the Certification of the entry of AAA's complaint in the Talisay Police Station blotter (Exhibit D);[26] and (5) the letter of Sidney R. Segales, a Records Officer at the VSMMC, stating that AAA was admitted in the said hospital for a medical examination (Exhibit E).[27]

On the other hand, the defense presented the lone testimony of the accused-appellant to negate the prosecution's

version of facts.

The accused-appellant testified that he met CCC, the father of AAA, when he first visited Talisay on December 19, 1993. He likewise did not know the mother of AAA before that time as he was only three months old when he was adopted by another couple from Escalante, Negros Occidental. On his first visit to the house of AAA, he stayed for a week. He visited them again on October 20, 1994. He also stayed there for a week. On the afternoon of February 14, 1995, the accused-appellant claimed that he was at their house in Escalante, Negros attending to his sick adoptive father, Melecio de los Santos, Sr. In fact, he said that his father died on February 20, 1995. He denied that he was in XXX on the day that the first incident of rape allegedly occurred. He also said that he did not go to XXX for the entire month of September 1995. According to him, the travel time from Escalante to XXX was more or less four hours.[28] He further stated that he did not go back to XXX in the year 1995. The last time he went back to the house of AAA was on September 2, 1997 when he informed them that he was about to get married. He stayed there for only a day. He said that he in fact got married on September 10, 1997.

The accused-appellant contended that he only learned about the case against him on January 27, 2000. At that time, he was working as a tricycle driver in Escalante. He found out about the case when he was approached by a certain Senior Police Officer 3 (SPO3) Mateo Cabus, who told him that there was a warrant for his arrest in Cebu and that he should go with the said police officer to the police station for an investigation. The warrant of arrest was not shown to him. He was brought to the municipal jail in Escalante. When the police officer asked him about the case, he told them that he knew nothing about the same.[29] He related that, at the time he was investigated in the municipal jail in Escalante, he was neither assisted by counsel, nor informed of his right to be assisted by counsel. On February 1, 2000, he was brought to the Talisay Jail where he was also subjected to an investigation. He said that he could not give the police officers any answer because he did not know anything about the complaint against him. He also said that he was neither assisted by counsel nor informed of his right to be assisted by counsel when he was being investigated upon.[30]

The accused-appellant recounted that at around 3:00 p.m. in the afternoon of January 27, 2000, his wife came for a visit and told him that the private complainant in the rape case against him was AAA. He said that he was shocked upon learning of the said fact and he told his wife to plead with AAA's parents because the accusations against him were not true. His wife told him that it was CCC and AAA who wanted to pursue the case. The accused-appellant added that while he was detained at the Talisay Jail, CCC allegedly came to visit him. He pleaded for the latter's mercy, telling him that the charges were untrue. CCC, however, told him that he should plead guilty so that life sentence and not the death penalty would be prayed for. The accused-appellant said that he refused to do so and insisted that he did not do anything to AAA. CCC allegedly threatened him that if he did not admit the charges, he would be mauled inside the detention cell. After that, he was indeed mauled by his fellow prisoners but he no longer reported the incident to the jail management. He was detained at the Talisay Jail for one month and three days and, on May 3, 2000, he was transferred to the Cebu Provincial Detention and Rehabilitation Center.[31]

Thereafter, the defense formally offered the following evidence: (1) the Death Certificate of Melecio de los Santos, Sr., stating that the said person in fact died on February 20, 1995 (Exhibit 1);[32] and (2) the Marriage Certificate between the accused-appellant and a certain Vicenta Sevillana, stating that the said the individuals were married on September 10, 1997 (Exhibit 2).[33]

On March 3, 2005, the RTC rendered judgment pronouncing the guilt of the accused-appellant as follows:

Wherefore, in view of the foregoing considerations, in Criminal Case No. CBU-51856, by reason of the failure of the prosecution to prove his guilt beyond reasonable doubt, the Court acquits Melecio de los Santos, Jr.

In Criminal Case No. CBU-51855, however, the Court finds accused Melecio de los Santos, Jr., guilty beyond reasonable doubt as principal of the crime of Rape, penalized under Art. 355 of the Revised Penal Code, and sentences accused Melecio de los Santos, Jr., to reclusion perpetua, with all the accessory penalties attached by law.

The accused shall be credited in the service of his sentence with the full time during which he has undergone preventive imprisonment, under the conditions set out in Article 29 of the Revised Penal Code.

The Court directs the accused to indemnify the private offended party civil indemnity in the amount of P50,000.00 moral damages in the amount of P50,000.00, and exemplary damages in the amount of P25,000.00 and to pay the costs.[34]

The trial court ruled that the evidence for the prosecution duly established the guilt of the accused-appellant with respect to Criminal Case No. CBU-51855, which pertained to the first incident of rape that was alleged to have been committed on February 14, 1995. The trial court held that the testimony of AAA that the accused-appellant had sexual intercourse with her was supported by the medical certificate issued by and testified to by Dr. Plaza. The certificate of birth of AAA established that she was below 12 years of age at the time of the commission of the rape on February 14, 1995. Furthermore, the trial court deemed insignificant the variance in the testimonies of AAA and BBB with respect to the whereabouts of BBB when the first incident of rape occurred. Upon the other hand, the trial court was not convinced of the defense of denial proffered by the accused-appellant in view of the paucity of the supporting evidence therefor. With regard to Criminal Case No. CBU-51856, which refers to the second incident of rape allegedly committed in September 1995, the trial court acquitted the accused-appellant as it found insufficient and lacking in detail the testimony of AAA thereon.

The accused-appellant interposed an appeal of the above judgment before the Court of Appeals.

On August 31, 2007, the Court of Appeals issued the assailed decision in CA-G.R. CEB CR.-H.C. No. 00394, disposing of the case as follows:

WHEREFORE, premises considered, the assailed decision is AFFIRMED in toto[36]

The appellate court upheld the judgment of the RTC that the guilt of the accused-appellant was proven beyond reasonable doubt in Criminal Case No. CBU-51855. The appellate court explained that the trial court correctly appreciated the credibility of the prosecution witnesses. The discrepancy in the testimonies of AAA and BBB was not found to be fatal to the prosecution's case since it was "understandable, even anticipated, that there would be minor lapses and inaccuracies when a young woman is made to recount detail by detail, her frightful ordeal." [37] The Court of Appeals further ruled that the accused-appellant failed to properly object to the presentation of AAA's birth certificate during the trial. As such, the accused-appellant was deemed to have admitted that the person mentioned in the birth certificate was in fact AAA. The appellate court also rejected the accused-appellant's denial as he failed to provide any corroborative evidence to prove the same. The accused-appellant likewise did not impute any improper motive on the part of AAA that would have impelled the latter to falsely testify against him.[38]

The accused-appellant seasonably filed a notice of appeal,[39] which was given due course by the Court of Appeals.⁴⁰ In a Resolution[41] dated June 29, 2009, the Court accepted the appeal and required the parties to file their supplemental briefs, if any, within thirty days from notice. The prosecution and the defense both manifested that they will no longer file any supplemental brief, adopting instead the respective briefs[42] they filed before the Court of Appeals.

In praying for his acquittal, the accused-appellant invoked the following assignment of errors:

I

THE TRIAL COURT GRAVELY ERRED IN CONVICTING ACCUSED-APPELLANT OF THE CRIME CHARGED BEYOND REASONABLE DOUBT.

II

THE TRIAL COURT GRAVELY ERRED IN GIVING FULL CREDENCE TO THE EVIDENCE OF THE PROSECUTION AND [DISREGARDING] THE EVIDENCE OF THE ACCUSED-APPELLANT.[43]

The accused-appellant stresses that, in a criminal case, the elements of a crime must be proven beyond reasonable doubt and the credibility of the testimonies must be firmly established. Though his defense of denial is weak, the accused-appellant asserts that the prosecution is not thereby absolved of the burden of proving his guilt with the requisite quantum of evidence.

We deny the appeal.

As the accused-appellant was convicted of the crime of rape that was charged to have been committed on February 14, 1995, the applicable provision of law in this case is Article 335[44] of the Revised Penal Code.[45] The said provision reads:

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. (Emphasis ours.)

We held in *People v. Valenzuela*[46] that:

Rape under paragraph 3 of [the above] article is termed statutory rape as it departs from the usual modes of committing rape. What the law punishes in statutory rape is carnal knowledge of a woman below twelve (12) years old. Thus, force, intimidation, and physical evidence of injury are immaterial; the only subject of inquiry is the age of the woman and whether carnal knowledge took place. The law presumes that the victim does not and cannot have a will of her own on account of her tender years; the child's consent is immaterial because of her presumed incapacity to discern evil from good. (Emphasis ours.)

After a meticulous review of the records of the instant case, the Court holds that the totality of the evidence adduced by the prosecution proved the guilt of the accused-appellant beyond reasonable doubt.

We also find no reason to disturb the trial court's appreciation of the credibility of the prosecution witnesses' testimonies. *Vidar v. People*[48] declares that "the assessment of the credibility of witnesses is a domain best left to the trial court judge because of his unique opportunity to observe their deportment and demeanor on the witness stand; a vantage point denied appellate courts - and when his findings have been affirmed by the Court of Appeals, these are generally binding and conclusive upon this Court." [49]

In the instant case, the Court finds trustworthy the straightforward testimony of AAA that it was the accused-appellant who forcibly had carnal knowledge of her on that fateful afternoon of February 14, 1995. AAA detailed with sufficient clarity how she was sexually abused by the accused-appellant. We keep in mind the well-entrenched doctrine that the testimonies of child victims are given full weight and credit, for when a woman or a girl-child says that she has been raped, she says in effect all that is necessary to show that rape was indeed committed. Youth and immaturity are generally badges of truth and sincerity.[50] The testimony of AAA was further bolstered by the medical findings of Dr. Plaza who attested to the presence of "deep, hymenal notches at 3

o'clock and 9 o'clock positions" in AAA's organ, which led the physician to conclude that it was indeed possible that AAA was sexually abused. BBB, the younger sister of AAA, likewise pointed to the accused-appellant as the perpetrator of the dastardly act against AAA.[51]

Anent the alleged inconsistencies in the testimonies of AAA and BBB, the Court is not swayed. To recall, AAA testified that at about 1:30 p.m. on February 14, 1995, AAA and BBB were sitting on the stairs of their house while the accused-appellant was at the window. Thereafter, their mother arrived and summoned BBB to help in the former's place of work. BBB left with their mother, thus, leaving AAA alone with the accused-appellant. On the other hand, BBB testified that at around 1:00 p.m., she was at their house with AAA and the accused-appellant. BBB stated that she in fact witnessed how the accused-appellant grabbed AAA and dragged her inside the house. On this matter, we agree with the findings of the RTC and the Court of Appeals that the same merely pertained to insignificant details and not the gravamen of the offense charged. Indeed, the Court already had the occasion to rule in *People v. Suarez* that:

Discrepancies referring only to minor details and collateral matters — not to the central fact of the crime — do not affect the veracity or detract from the essential credibility of witnesses' declarations, as long as these are coherent and intrinsically believable on the whole. The Court has recognized that even the most candid of witnesses make erroneous, confused or inconsistent statements, especially when they are young and easily overwhelmed by the atmosphere in the courtroom. It would be too much to expect a 14-year-old to remember each detail of her harrowing experience.[53]

The defense of denial on the part of the accused-appellant cannot likewise exculpate him in the case at bar. The accused-appellant testified that on the afternoon of February 14, 1995, the accused-appellant claimed that he was at their house in Escalante, Negros attending to his sick father Melecio de los Santos, Sr. He even alleged that his father died on February 20, 1995. He further stated that he did not go back to XXX in the year 1995. He contended that the last time he went to the house of AAA was on September 2, 1997 when he informed them of his impending marriage. He stated that he indeed got married on September 10, 1997. The Court notes that the above testimony of the accused-appellant was without any substantial corroboration. The death certificate of Melecio de los Santos, Sr. and the marriage certificate of the accused-appellant, which were offered in evidence to support the accused-appellant's claims, were not squarely in point. The said certificates evidenced only the fact of death of Melecio de los Santos, Sr. and the fact of marriage of the accused-appellant, respectively, and in no way proved with certainty the whereabouts of the accused-appellant on the date the incident of rape was committed. In *People v. Nieto*,^[54] we stressed that "[i]t is an established jurisprudential rule that a mere denial, without any strong evidence to support it, can scarcely overcome the positive declaration by the victim of the identity and involvement of appellant in the crimes attributed to him."^[55] The accused-appellant likewise failed to impute any ill motive on the part of the prosecution witnesses that would have impelled them to prevaricate and charge him falsely.

With respect to minority as an element of statutory rape, the age of AAA was proven by the certificate of birth duly presented in trial by AAA. In the said certificate, the date of birth of AAA was November 4, 1984. Thus, AAA was below 12 years of age, or specifically, only ten (10) years, three (3) months and ten (10) days old, when the accused-appellant sexually abused her on February 14, 1995. Although the defense objected^[56] to the presentation of the said certificate in view of the difference in the spelling of the name of the person referred to therein and the name of AAA, the same was already explained by the latter when she testified that she also went by the name stated in the certificate of birth and that she was the same person named therein.

The Court affirms the RTC and the Court of Appeals' award of civil indemnity and moral damages in favor of AAA. However, the award of exemplary damages is increased to P30,000.00 in accordance with current

jurisprudence.[57]

WHEREFORE, the appeal is DENIED. The Decision dated August 31, 2007 of the Court of Appeals in CA-G.R. CEB CR.-H.C. No. 00394 is AFFIRMED WITH MODIFICATION that the award of exemplary damages is increased to P30,000.00. The accused is ordered to pay legal interest on all damages awarded at the legal rate of 6% from the date of finality of this Decision. No costs.

Corona, C.J., (Chairperson), Bersamin, Villarama, Jr., and Perlas- Bernabe,[*] JJ., concur.

[*] Per Special Order No. 1207 dated February 23, 2012.

[1] Rollo, pp. 2-11; penned by Associate Justice Agustin S. Dizon with Associate Justices Isaias P. Dicdican and Pampio A. Abarintos, concurring.

[2] Records, pp. 171-180; penned by Judge Simeon P. Dumdum, Jr.

[3] The real name or any other information tending to establish the identity of the private complainant and those of her immediate family or household members shall be withheld in accordance with R.A. No. 7610, An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, Providing Penalties for its Violation and for Other Purposes; R.A. No. 9262, An Act Defining Violence Against Women and Their Children, Providing for Protective Measures for Victims, Prescribing Penalties Therefor, and for other Purposes; Sec. 40 of A.M. No. 04-10-11-SC, known as "Rule on Violence Against Women and Their Children" effective November 15, 2004; and People v. Cabalquinto, G.R. No. 167693, September 19, 2006, 502 SCRA 419.

Thus, the private offended party shall be referred to as AAA. The initials BBB shall refer to the younger sister of the private offended party, whereas CCC shall stand for the name of the father of the private offended party. The initials XXX shall denote the place where the crime was allegedly committed.

[4] Records, p. 1.

[5] Id. at 172.

[6] Id. at 23.

[7] Id. at 37.

[8] During trial, the prosecution counsel marked as evidence a copy of the birth certificate of AAA. The counsel for the defense, however, manifested that there was a slight difference in the name of the person referred to in the birth certificate and the name of AAA. (TSN, September 12, 2000, p.5.)

[9] TSN, May 17, 2001, p. 7.

[10] TSN, October 12, 2000, pp. 4-5.

[11] TSN, May 17, 2001, pp. 9-15.

[12] Id. at 15-17.

[13] Id. at 17-18.

[14] TSN, August 28, 2001, pp. 6-10.

[15] Id. at 11-12.

- [16] TSN, January 10, 2002; also spelled in other parts of the records as Dr. Polychielo M. Plaza.
- [17] Id. at 14-15.
- [18] Records, p. 7.
- [19] TSN, January 10, 2002, pp. 17-20.
- [20] TSN, December 5, 2002, p. 3.
- [21] TSN, February 13, 2003, pp. 6-11.
- [22] Id. at 12-18.
- [23] Records, p. 62.
- [24] Id. at 4-6.
- [25] Id. at 7.
- [26] Id. at 8.
- [27] Id. at 74.
- [28] TSN, September 11, 2003, pp. 3-8.
- [29] TSN, January 5, 2004, pp. 4-8.
- [30] TSN, March 18, 2004, pp. 3-5.
- [31] Id. at 6-8.
- [32] Records, p. 151.
- [33] Id. at 152.
- [34] Id. at 179-180.
- [35] Id. at 182.
- [36] Rollo, p. 10.
- [37] Id. at 6.
- [38] Id. at 7-10.
- [39] CA rollo, p. 122.
- [40] Id. at 143.
- [41] rollo, p. 16.
- [42] Id. at 17-24.
- [43] CA rollo, p. 67.
- [44] The crime was committed before Article 335 of the Revised Penal Code, as amended, was repealed by Republic Act No. 8353 (the Anti- Rape Law of 1997), which took effect on October 22, 1997.
- [45] As amended by Republic Act No. 7659, entitled An Act to Impose the Death Penalty on Certain Heinous

Crimes Amending for that Purpose the Revised Penal Code, as Amended, Other Special Laws, and for Other Purposes. The said law took effect on December 31, 1993.

[46] G.R. No. 182057, February 6, 2009, 578 SCRA 157.

[47] Id. at 164-165.

[48] G.R. No. 177361, February 1, 2010, 611 SCRA 216.

[49] Id. at 230.

[50] *People v. Corpuz*, 517 Phil. 622, 636-637 (2006).

[51] TSN, February 13, 2003.

[52] 496 Phil. 231 (2005).

[53] Id. at 243.

[54] G.R. No. 177756, March 3, 2008, 547 SCRA 511.

[55] Id. at 527.

[56] Records, p. 120.

[57] *People v. Pacheco*, G.R. No. 187742, April 20, 2010, 618 SCRA 606, 618.

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