PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. AVELINO SUBESA Y MOSCARDON, ACCUSED-APPELLANT.

G.R. No. 193660. November 16, 2011

Ponente: MENDOZA, J.

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MENDOZA, J.:

> The perpetuation by a father of his lecherous passion on his four (4) guileless daughters can be considered the most perverted form of sexual felony a man can commit. In committing incestuous rape, man reduces himself into a creature lower than the lowliest beast.[1]

For final review is the October 19, 2009 Decision[2] and the April 14, 2010 Resolution[3] of the Court of Appeals (CA) in CA-G.R. CR H.C. No. 03406, affirming with modification the April 30, 2008 Joint Decision[4] of the Regional Trial Court, Angeles City, Pampanga, Branch 60 (RTC), which found accused Avelino Subesa y Moscardon (Subesa) guilty beyond reasonable doubt of having committed dastardly perversions against his four (4) daughters: AAA, BBB, CCC, and DDD.[5]

On April 10, 2001, five (5) separate informations were filed against Subesa with the RTC. The Informations read:

> CRIMINAL CASE NO. 01-246:
> (Acts of Lasciviousness in Relation to R.A. No. 7610)
>
> That on several occasions in the year 1999, in the City of Angeles, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs and by means of force and intimidation did then and there willfully, unlawfully and feloniously commit acts of lasciviousness upon the person of AAA, an 8-year old minor, by touching the private organs of the said complainant and by inserting his finger into the vagina of the complainant, AAA, by means of force and against the will of the said complainant. That accused is the father of the complainant.
>
> ALL CONTRARY TO LAW.
>
> CRIMINAL CASE NO. 01-247:
> (Rape in Relation to R.A. No. 7610)
>
> That sometime in the year 1996, in the City of Angeles, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs and taking advantage of the innocence and tender age of the victim, did, then and there willfully, unlawfully and feloniously by means of threats and intimidation have carnal knowledge with one BBB, being then 9 years old, by inserting his penis into the vagina of the complainant BBB, against her will and consent. That accused is the father of the complainant.
>
> ALL CONTRARY TO LAW.
>
> CRIMINAL CASE NO. 01-248:
> (Acts of Lasciviousness in Relation to R.A. No. 7610)
>
> That sometime in the year 1995, in the City of Angeles, Philippines, and within the jurisdiction of this

> Honorable Court, the above-named accused, with lewd designs and by means of force and intimidation did then and there willfully, unlawfully and feloniously commits acts of lasciviousness upon the person of BBB, a (sic) 8 year old minor, by touching the private parts of the complainant BBB, by means of force and against the will of the said complainant. That accused is the father of the complainant.
>
> ALL CONTRARY TO LAW.
>
> CRIMINAL CASE NO. 01-249:
> (Rape in Relation to R.A. No. 7610)
>
> That sometime in the year 1993, in the City of Angeles, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs and taking advantage of the innocence and tender age of the victim, did, then and there willfully, unlawfully and feloniously by means of threats and intimidation have carnal knowledge with one CCC, being then 11 years old, by inserting his penis into the vagina of the complainant CCC, against her will and consent. That accused is the father of the complainant.
>
> ALL CONTRARY TO LAW.
>
> CRIMINAL CASE NO. 01-250:
> (Rape in Relation to R.A. No. 7610)
> That on or about the 4th day of October, 1998, in the City of Angeles, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs and taking advantage of the innocence and tender age of the victim, did, then and there willfully, unlawfully and feloniously by means of threats and intimidation have carnal knowledge with one DDD, a girl of 9 years of age, by inserting his penis into the vagina of the complainant DDD, against her will and consent. That accused is the father of the complainant.
>
> ALL CONTRARY TO LAW.

Upon arraignment, Subesa, assisted by counsel, pleaded not guilty to all the charges. The criminal actions were then jointly tried. In the course of the trial, the prosecution presented the testimonies of the private complainants AAA, BBB, CCC, DDD, their mother, EEE, and Dr. Josiah Joma Espanta. For its part, the defense presented the sole testimony of Subesa.

The respective versions of the prosecution and the defense, as summarized by the CA in its assailed Decision read:

> CCC was seventeen (17) years old and in first year college at the time she testified. She narrated that in 1993, she was then eleven (11) years old and living with his father, mother, sisters and brothers. They are nine (9) in the family, four (4) boys and five (5) girls including herself. When their mother was out working as a laundrywoman, she was left with her younger sisters while her brothers were in school. Sometime in 1993, she was outside when her father, accused-appellant Avelino Subesa, called her inside the room. He closed the door and took off his pants. She got scared but did not do anything because she was still young then. She was standing when her father removed her shorts and panty. He went on top of her. He threatened to kill her mother if she told anybody about him raping her. She could not remember whether it was during that time when he was able to insert his penis or on the subsequent incidents. Her father did it to her every time he had a chance, especially when her brothers and mother were out of the house. He either embraced or raped her. She felt pain when his penis touched her vagina. She could not remember if her vagina bled during the first time. She did not tell her mother because of fear that her mother, who was always being mauled by her father, would be killed.
>
> In the year 2000, she found out that her father was also raping her three (3) sisters, DDD, BBB and AAA. That was the time she decided to tell her mother what her father was doing to her. One time, her father did not know that she saw him call her younger sister to the bedroom. She went to her older sister and told her what their

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father was doing to them. When she was in Grade VI, she stayed outside and ran away whenever he called her. Their father inflicted injuries on them whenever they commit even slight mistakes. She was examined by a doctor and was issued a medical certificate. She executed a Sinumpaang Salaysay dated December 13, 2000.

AAA was already eleven (11) years old and in Grade V when she testified on July 31, 2002. In 1999, while she was inside her sister's room, accused-appellant lay down beside her on the bed. Her sister DDD was also there but she was already asleep. She recounted how her father embraced her and touched her vagina with his hand. She was lying on her right side and her father embraced her from behind. At the time, she was wearing t-shirt, shorts and panty. He slid his left hand inside her shorts until he touched her vagina. She did not feel his finger enter her vagina but only the hand touching it and in a moving and caressing manner. It did not take long as he stopped voluntarily and he went out of the room. AAA went back to sleep.

In another occasion, she was alone in her old room playing with her doll when accused-appellant went inside and sat beside her. She was told to stand up and he pulled her shorts and panty down to her knees. He was standing behind slightly bent forward when he placed his hand on her private part and inserted his finger into her vagina. She felt pain but she did not tell her father because he would get angry. He said he would kill them all if she told anyone of what he did to her. When someone knocked on the door, her father stopped and told her to put on her shorts and left the room. She saw her brother but they did not say anything to each other.

One day, she was alone in the room of her sister CCC playing with her doll. Accused-appellant entered and told her to stop playing. He also told her to remove her shorts and panty. While her father was seated on a wooden bed, he inserted his finger (right hand) into her vagina. Her father did not say anything. She felt the pain but did not tell her father because she was afraid that he would get mad at her. When her brother knocked at the door, her father stopped and told her to put on her shorts back. There were also times when her father beat her using his belt whenever he called them and they did not immediately approach him. They were afraid of their father because he also beat up their mother by kicking and slapping her. She was examined by a doctor who submitted a medical certificate indicating that there were lacerations of her hymen. She also executed Sinumpaang Salaysay which she identified in open court.

BBB was already sixteen (16) years old when she testified. The first time she was touched by accused-appellant was in 1993 when she was in Grade III but she could not recall where. In 1995, she was eight (8) years old when her father touched her again for the second time. She was in the bedroom with CCC when he touched her private parts. She could not recall how many times she was touched but she remembered that he went inside their bedroom when her mother was working. They were lying down while their father was seated between them with his clothes on. In 1996, he was in the bathroom naked and he removed her clothes. He then inserted his penis into her vagina. The bathroom was closed and she did not shout because her father threatened to kill them. On October 16, 1996, when she was in first year in high school, her father raped her inside their store. She told DDD to call their mother. When her mother came, he left the store. BBB claimed that she was molested by her father in 1993, 1995 and 1996. She was examined by a doctor who issued a Medical Certificate indicating therein that there were healed lacerations on her hymen. BBB also executed a sworn statement which she identified in open court.

DDD was already twelve (12) years old when she testified. On October 4, 1998, at around 5:00 pm., her father, who was only wearing shorts, called her inside the bathroom. He removed his shorts and placed them on the cabinet. He also pulled down her shorts. She was nervous and did not say anything because he would always hurt them. Sometimes he would kick them and bumped their bodies against the wall. Accused-appellant removed her panty. He was sitting on the toilet bowl totally naked. He asked her to sit on top of him and facing him with open legs. He inserted his penis inside her vagina. At first he had difficulty in inserting his organ because she was crying as it was painful. Her father got angry and withdrew his penis. She went to her mother and told her what happened. They went home together but their father was not around when they got home. When he continued to abuse them, they finally had the courage to tell the police. DDD executed a statement on December 14, 2000 which she identified in open court.

> The mother of the victims testified that the first time she was informed of the rape was on October 4, 1998 when her daughter CCC fetched her from work. At home, she talked to DDD, who told her what happened as she was crying. On December 13, 200[1], she saw CCC crying and telling her that accused-appellant was calling her to the comfort room. The witness was beaten and kicked by the accused-appellant. He left and when he returned ten (10) minutes later, he was very drunk and started hurting her again. CCC went with her mother to the barangay to ask for help. She learned that all her daughters were raped by accused-appellant. They filed cases against him.
>
> Dr. Josiah Joma Espanta testified that on December 13, 1999, he was at the Ospital Ning Angeles, Angeles City, as he was the resident physician on duty. He examined the four (4) complainants and required them to submit to urine analysis and cervical smear. He issued medical certificates for all the complainants.
>
> For his part, accused Avelino Subesa testified that prior to the filing of the cases, he was a security guard from the years 1998 to 2000. He has nine (9) children. He has a son living in Sta. Rita, Olongapo City, while another child is in another country. Their other children were living with them. A couple also lived with them and were left in the house when he was on duty. His wife was also left in the house while he was on his job. His house had two (2) rooms, one (1) used by his children and the other one (1) by the couple. Every time he went home, his wife was not around and there was no food on the table. He further testified that sometime in 1996, he noticed that his daughter CCC was missing. A friend told him that he saw CCC talking to a male person. When CCC arrived after 5:00 pm., she was in a state of shock and went directly to her room. They wanted to talk to her but the room was locked. He told his wife to bring CCC to the police station but his wife refused. He denied the rape charges against him. Sometime in 1999 or 2000, his wife woke him up at 1:15 am. warning him that something will happen to his life. When he asked why, she accused him of having a relationship with her sister. This was the reason why he quarrelled with his wife. After their last quarrel, he was picked up by the police because of his wife's complaint for physical injuries. He only learned about the complaints of abuse filed by his daughters when he was incarcerated.

After the trial, the RTC found the testimonies of the private complainants to be straightforward as they lacked any ill motive to testify against their very own father.[6] Taking into consideration the aggravating circumstances of relationship and minority without any mitigating circumstance, the trial court disposed of the cases against Subesa in the following manner:

> WHEREFORE, finding the guilt of the accused Avelino Subesa to have been proved beyond reasonable doubt and there being aggravating circumstances of relationship (accused being the father of the victims) and minority without the presence of any mitigating circumstance to offset the same, the Court hereby sentences said accused:
>
> 1. In Crim. Case No. 01-246 for Acts of Lasciviousness in relation to RA 7610, to a penalty of reclusion temporal in its medium period.
>
> 2. In Crim. Case No. 01-247 for Rape (Violation of Art. 334, RPC, as amended by RA 7659 in relation to RA 7610) to a penalty of reclusion perpetua.
>
> 3. In Crim. Case No. 01-248 for Acts of Lasciviousness in relation to RA 7610 to a penalty of reclusion temporal in its medium period.
>
> 4. In Crim. Case No. 01-249 for Rape (Violation of Art. 334, RPC, as amended by RA 7659 in relation to RA 7610) to a penalty of reclusion perpetua.
>
> 5. In Crim. Case No. 01-250 for Rape (Violation of Art. 334, RPC, as amended by RA 7659 in relation to RA 7610) to a penalty of reclusion perpetua.
>
> Accused is ordered to indemnify each victim in each case the amount of P75,000.00 and moral damages in the

amount of P75,000.00.

SO ORDERED.

As the RTC did, the CA[7] found Subesa guilty of sexually abusing his daughters. With respect to Criminal Case No. 01-246, however, the CA stated that the crime committed by the accused was "Rape through Sexual Assault" under Article 266-A (2) of the Revised Penal Code (RPC) when he inserted his finger into AAA's vagina. According to the CA, it is of no moment that the designation of the offense was "Acts of Lasciviousness in Relation to R.A. No. 7610," since the recital of facts in the Information sufficiently apprised Subesa of the nature of the charge against him. The CA also modified the penalty imposed by the RTC on Subesa in the said case. Thus, affirming with modification the Joint Decision of the RTC, the CA disposed:

> WHEREFORE, the Joint Decision of the Regional Trial Court of Angeles City, Pampanga, Branch 60, dated April 30, 2008 and promulgated on May 21, 2008 is hereby AFFIRMED with MODIFICATIONS as follows: 1) In Criminal Case No. 01-246, accused-appellant is found guilty beyond reasonable doubt of Rape through Sexual Assault under paragraph 2 of Article 266-A of the Revised Penal Code, as amended, and he is hereby sentenced to suffer the indeterminate penalty of twelve (12) years of prision mayor, as minimum, to twenty (20) years of reclusion temporal, as maximum; and 2) In Criminal Case No. 01-248, accused-appellant is hereby sentenced to suffer the indeterminate penalty of twelve (12) years and one (1) day of reclusion temporal minimum, as minimum, to seventeen (17) years of reclusion temporal medium, as maximum.

In its Resolution[8] dated November 17, 2010, the Court required the parties to file their respective supplemental briefs within thirty (30) days from notice, if they so desired. Both the prosecution[9] and the defense,[10] however, manifested that they would no longer file any brief and they would just stand by their respective briefs filed before the CA.

After carefully going over the records of the case, the Court sustains the assailed Decision of the CA, albeit with modification as to the penalties imposed.

In almost all cases of sexual abuse, the credibility of the victim's testimony is crucial in view of the intrinsic nature of the crime where only the persons involved can testify as to its occurrence. In this case, the Court finds no reason to disturb the findings of the RTC, as affirmed by the CA. Time and again, the Court has emphasized that the manner of assigning values to declarations of witnesses at the witness stand is best and most competently performed by the trial judge who has the unique and unmatched opportunity to observe the demeanor of witnesses and assess their credibility. In essence, when the question arises as to which of the conflicting versions of the prosecution and the defense is worthy of belief, the assessment of the trial court is generally given the highest degree of respect, if not finality. The assessment made by the trial court is even more enhanced when the CA affirms the same, as in this case.[11]

The Court finds that the prosecution successfully proved beyond reasonable doubt the charges of rape and acts of lasciviousness against Subesa. All his four children positively identified him as their molester. In rape cases, the accused may be convicted solely on the testimony of the victim, provided it is credible, convincing, and consistent with human nature and the normal course of things.[12] Its examination of the records shows no indication that the Court should view the testimony of the private complainants in a suspicious light.

The defense of denial interposed by Subesa cannot prevail over the positive testimony of his children. Denial is one of the weakest of all defenses because it is easy to concoct and fabricate.[13] To be believed, denial must be supported by a strong evidence of innocence; otherwise, it is regarded as purely self-serving. In this regard, the Court notes the ratiocination by the trial court. Thus:

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> Accused did not refute these charges by any independent evidence other than his mere denial. Other than his assertion in reference to what happened to his children CCC and DDD where he wanted to show that something may have happened to them and his verbal denial of the charges, accused failed to show any convincing proofs that he did not commit these acts charged against him by his own daughters. Though he asserted that something may have happened to CCC sometime in 1996, he did not categorically state what particularly happened to her. He declared that he allegedly told his wife to report the matter to the police or for her daughter to submit to the doctor for examination, but he did not state what his suspicions were which would require the attention or help of the police or doctor. He did not make any move to actually bring his daughter CCC to a doctor on his suspicion that something may have happened to her. To the mind of the Court, this is just a weak attempt on his part to exculpate himself from the charges filed against him by his daughters. He wanted to project himself as a caring and protective father who almost always quarrelled with his wife as the latter did not take care of their children. Yet, in this instance, he did not do anything except to tell his wife to talk with their daughter CCC on why she was missing on that one morning and arriving at home late in the afternoon and as if in a state of shock. He also admitted inflicting physical injuries against his wife allegedly in defense of his children who had no food on the table prepared by his wife. He declared that his suggestions were not heeded or followed by his wife who allegedly just told him to just "concentrate" on their work. All these are mere attempts of the accused to evade answering the charges filed against him by his daughter.
>
> Accused failed to refute the charges of sexual molestations filed against him by his four (4) daughters. He failed to state any ill motive on the part of their daughters which made them file these cases. On the contrary, his children even kept to themselves the sexual abuses committed against them by their father for fear that he would carry out his threat to kill them once they told their mother or anybody about his vicious acts. In fact, CCC was willing to keep to herself the harrowing experience she had with her father until she learned that she was not the only one being abused by her father. It was only when CCC saw h[er] sister DDD entering the room, upon being summoned by the accused, that her suspicion was confirmed that her other sister was also being sexually abused by the accused. It was also during that fateful day of confrontation when CCC and her mother came to know that DDD, BBB and AAA were also victims of sexual abuses by their very own father. xxx

It has been repeatedly held that a young girl's revelation that she had been raped, coupled with her voluntary submission to a medical examination and willingness to undergo public trial where she could be compelled to give out the details of an assault on her dignity, cannot be so easily dismissed as mere concoction.[14] When a woman or a girl-child says that she was raped, she says in effect all that is necessary to show that rape has indeed been committed.[15]

In imposing the penalty of reclusion perpetua in Criminal Case Nos. 01-247, 01-249 and 01-250, however, the courts below failed to qualify that the penalty of reclusion perpetua is without eligibility for parole as held in the case of People v. Antonio Ortiz.[16] This should be rectified.

As regard Criminal Case No. 01-246, the Court agrees with the CA in its ruling that the crime committed was "Rape through Sexual Assault" under Article 266-A (2) of the RPC and not "Acts of Lasciviousness in relation to R.A. No. 7610." The very definition of Rape through Sexual Assault under Article 266-A (2) or the "Anti-Rape Law of 1997," specifically includes the insertion of any instrument into the genital orifice of another person. It has also been settled that the character of the crime is not determined by the caption or preamble of the information or by the specification of the provision of law alleged to have been violated, but by the recital of the ultimate facts and circumstances in the complaint or information.[17]

The Court, however, modifies the penalty imposed in Criminal Case No. 01-246. Under Article 266-B of the RPC, the penalty for rape by sexual assault is reclusion temporal. In Criminal Case No. 01-246, the aggravating/qualifying circumstances of minority and relationship are present, considering that the rape was

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committed by a parent against his minor child. The penalty of reclusion temporal ranges from twelve (12) years and one (1) day to twenty (20) years.

Applying the Indeterminate Sentence Law, the maximum term of the indeterminate penalty shall be that which could be properly imposed under the RPC. Other than the aggravating/qualifying circumstances of minority and relationship which have been taken into account to raise the penalty to reclusion temporal, no other aggravating circumstance was alleged and proven. Hence, the penalty shall be imposed in its medium period, or from fourteen (14) years, eight (8) months and one (1) day to seventeen (17) years and four (4) months. [18] On the other hand, the minimum term of the indeterminate sentence should be within the range of the penalty next lower in degree than that prescribed by the Code which is prision mayor or six (6) years and one (1) day to twelve (12) years. Thus, the Court modifies the penalty and deems as proper the indeterminate penalty of imprisonment ranging from ten (10) years of prision mayor, as minimum, to seventeen (17) years and four (4) months of reclusion temporal, as maximum.[19]

As for the civil liabilities imposed in the said case, Subesa must pay civil indemnity of P30,000.00, moral damages of P30,000.00 and exemplary damages of P30,000.00.

As for Criminal Case No. 01-248, the penalty imposed must likewise be modified. The appropriate imposable penalty should be that provided in Section 5 (b), Article III of Republic Act (R.A.) No. 7610, which is reclusion temporal in its medium period which is fourteen (14) years, eight (8) months and one (1) day to seventeen (17) years and four (4) months. As the crime was committed by the father of the offended party, the alternative circumstance of relationship should be appreciated. In crimes against chastity, such as Acts of Lasciviousness, relationship is always aggravating. Therefore, Subesa should be meted the indeterminate penalty of imprisonment ranging from thirteen (13) years, nine (9) months and eleven (11) days of reclusion temporal, as minimum, to sixteen (16) years and five (5) months and ten (10) days of reclusion temporal, as maximum.[20]

The same must be said with respect to the civil liabilities of the accused in the said case. For Acts of Lasciviousness in relation to R.A. 7610, jurisprudence[21] dictates that the following civil liabilities should be imposed: (1) a fine of P15,000.00; (2) civil indemnity of P20,000.00; (3) moral damages of P15,000.00; and (4) exemplary damages of P15,000.00.

WHEREFORE, the October 19, 2009 Decision of the Court of Appeals in CA-G.R. CR. H.C. No. 03406 is AFFIRMED WITH MODIFICATIONS. The accused, Avelino Subesa y Moscardon, is hereby found:

> 1) GUILTY of Rape in Criminal Case Nos. 01-247, 01-249 and 01-250. He is hereby sentenced, in each case, to suffer the penalty of reclusion perpetua without eligibility for parole and ordered to pay each victim civil indemnity of P75,000.00, moral damages of P75,000.00 and exemplary damages of P30,000.00.
>
> 2) GUILTY of Rape Through Sexual Assault in Criminal Case No. 01-246. He is hereby sentenced to suffer the indeterminate penalty of imprisonment ranging from ten (10) years prision mayor, as minimum, to seventeen (17) years, four (4) months of reclusion temporal, as maximum, and ordered to pay his victim civil indemnity of P30,000.00, moral damages of P30,000.00 and exemplary damages of P30,000.00.
>
> 3) GUILTY of Acts of Lasciviousness in relation to R.A. 7610 in Criminal Case No. 01-248. He is hereby sentenced to suffer the indeterminate penalty of imprisonment ranging from thirteen (13) years, nine (9) months and eleven (11) days of reclusion temporal, as minimum, to sixteen (16) years and five (5) months and ten (10) days of reclusion temporal, as maximum, and ordered to pay his victim a fine of P15,000.00, civil indemnity of P20,000.00, moral damages of P15,000.00, and exemplary damages of P15,000.00.

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SO ORDERED.

Velasco, Jr., (Chairperson), Bersamin,[*] Abad, and Perez,[**] JJ., concur.

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[*] Designated as additional member in lieu of Associate Justice Diosdado M. Peralta, per Raffle dated June 21, 2011.

[**] Designated as additional member in lieu of Associate Justice Estela M. Perlas-Bernabe, per Special Order No. 1152 dated November 11, 2011.

[1] See People v. Sangil, Sr., 342 Phil. 499, 502 (1997).

[2] Penned by Associate Justice Martin S. Villarama, Jr. (now an Associate Justice of the Court), with Associate Justice Magdangal M. De Leon and Associate Justice Ricardo R. Rosario, concurring; rollo, pp. 2-23.

[3] Rollo, p. 28.

[4] CA rollo, pp. 14-28.

[5] The Court shall use fictitious initials in lieu of the real names and circumstances of the victim and the latter's immediate family members other than accused-appellant. See People v. Gloria, G.R. No. 168476, September 27, 2006, 503 SCRA 742; citing Sec. 29 of Republic Act (R.A.) No. 7610, Sec. 44 of R.A. No. 9262, and Sec. 40 of the Rule on Violence Against Women and Their Children; and People v. Cabalquinto, G.R. No. 167693, September 19, 2006, 502 SCRA 419.

[6] CA rollo, p. 26.

[7] Supra, note 2.

[8] Rollo, p. 30.

[9] Id. at 33.

[10] Id. at 41-44.

[11] People v. Espino, Jr., G.R. No. 176742, June 17, 2008, 554 SCRA 682, 696-697.

[12] People v. Glivano, G.R. No. 177565, January 28, 2008, 542 SCRA 656.

[13] People v. Ayade, G.R. No. 188561, January 15, 2010, 610 SCRA 246.

[14] People v. Cabillan, 334 Phil. 912 (1997); People v. Gaban, 331 Phil. 87 (1996); People v. Derpo, 250 Phil. 447 (1988); and People v. Molas, 350 Phil. 333 (1998).

[15]People v. Diaz, 338 Phil. 219, 230 (1997).

[16] G.R. No. 179944, September 4, 2009, 598 SCRA 452.

[17] Flordeliz v. People, G.R. No. 186441, March 3, 2010, 614 SCRA 225.

[18] People v. Bonaagua, G.R. No. 188897, June 6, 2011.

[19] Id.

[20] Id.

[21] People v. Fragante, G.R. No. 182521, February 9, 2011.

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