

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ALFREDO REYES ALIAS "BOY REYES"; ACCUSED-APPELLANT.

G.R. No. 207946. September 27, 2017

Ponente: MARTIRES, J.

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MARTIRES, J.:

This is a Petition[1] taken pursuant to Section (Sec.) 2, Rule 125 in relation to Sec. 3, Rule 56 of the Rules of Court from the Decision[2] of the Court of Appeals (CA), Twenty-Second Division, Cagayan de Oro City, in CA-G.R. CR-HC No. 00779-MIN affirming, although with modification as to the award of damages, the 28 October 2009 Decision[3] of the Regional Trial Court (RTC), Branch 26, Surallah, South Cotabato, finding Alfredo Reyes, alias "Boy Reyes" (Reyes), guilty of Rape with Homicide.

THE FACTS

Reyes was charged before the RTC of Surallah, South Cotabato, with rape with homicide committed as follows:

That on or about the 13th day of February 1998, at about 4:00 o'clock in the morning thereof, at Zone V, Barangay Poblacion, Municipality of Surallah, Province of South Cotabato, Philippines and within the jurisdiction of the Honorable Court, the above-named accused after having entered the house of LERMA LEONORA, by the use of force upon things, with lewd design, did then and there wilfully, unlawfully and feloniously, with a piece of stone, strike and hit said Lerma Leonora on the forehead knocking her unconscious and thereafter in pursuance of his lewd design or motive and to satisfy his lust, did then and there wilfully, unlawfully and feloniously have carnal knowledge with the unconscious Lerma Leonora who died thereafter because of the injuries she sustained on her forehead.[4]

Reyes pleaded not guilty when the Information, docketed as Crim. Case No. 2146-S and raffled to the RTC, Branch 26, was read to him; thus, trial proceeded. The prosecution presented Dr. Rolando Arrojo (Dr. Arrojo), SPO2 Pablo L. Lapiad (Lapiad), and Charmaine Leonora (Charmaine), as its witnesses.

The Version of the Prosecution

Dr. Arrojo, the Health Officer of Surallah, South Cotabato, stated that he conducted a post-mortem examination on 13 February 1998, at 10:30 a.m., on the victim, Lerma Leonora (Lerma), a 28-year old, single female.[5] His post-mortem examination report contained the following findings:

- IV. FINDINGS: Body is in stage of Primary Flaccidity.
- Contusion, Forehead, right lateral portion with fracture of underlying skull.
 - Hematoma right eye.
 - Fresh Blood oozing from left Ear.
 - Hymen: Multiple Fresh lacerations at 6:00. 3:00 & 9:00 with bleeding.

V. CONCLUSION: POSSIBLE CAUSE OF DEATH - Massive Intracranial Hemorrhage resulting to shock then Cardiac Arrest due to Traumatic Injury in the Head.[6]

Dr. Arrojo explained that a hard blunt object could have possibly caused the contusion on the forehead and the fracture on the underlying skull of Lerma. The hematoma on the right eye and the fresh blood oozing from the ear could have been due to the wound inflicted on the forehead. The fresh lacerations on the hymen could have been caused by the penetration of a penis or any hard object, or forceful sexual intercourse. On the possible cause of death of Lerma, he explained that the traumatic injury on her head resulted in hemorrhage and shock that led to cardiac arrest. The sperm analysis[7] by the laboratory of the South Cotabato Provincial Hospital confirmed as spermatozoa the substance taken inside Lerma's vagina.[8]

Lapiad, a police officer, testified that the police station received on 13 February 1998 an incident report from the family of Lerma. Shortly, he and the other police officers proceeded to the house of the Leonora family where they found inside one of the rooms scattered bed sheets, pillows, a jacket, a pair of pants, and a stone. A photographer took pictures[9] of these articles. Lapiad was able to interview the eight-year old child named Charmaine who identified the suspect as a certain Boy Reyes. But he no longer wrote down his interview because she was trembling with fear. He was also able to interview Susan Leonora (Susan)[10] and Angelina Leonora (Angelina),[11] the sister and mother, respectively, of Lerma.[12]

Charmaine, who was already fifteen years old at the time she was called to the witness stand, testified that she was only eight years old and a grade one student at the time of the incident. She knew Reyes, whom she called "Lolo Boy" out of respect, because his house was just across hers at Purok Sison, Surallah, South Cotabato. She claimed that Lerma was her aunt, being the sister of her father.[13]

While she and Lerma were sleeping inside their house at early dawn on 13 February 1998, she was awakened when Reyes entered the room. She saw Lerma grapple with Reyes who struck Lerma's head with a stone causing the latter to lose consciousness. When Reyes dragged Lerma to the kitchen, she followed them and hid beside the refrigerator. Reyes removed Lerma's shorts, took off his jacket and pants, and thereafter mounted Lerma making push and pull movements. When Reyes caught sight of her, he warned her not to tell anyone, otherwise, he would kill her and her parents. He ordered her to go back to sleep. When a truck passed by, Reyes, who was then only in his briefs, ran outside, leaving his jacket and pants behind.[14]

When Charmaine woke up, she went to her Lola Nena, Lerma's mother, and reported that Lerma's nose and ears were bleeding. She did not tell her Lola Nena that it was Reyes who caused Lerma's nose and ears to bleed because she was afraid that Reyes would make good on his promise to kill her and her parents.[15]

On 6 May 1999, she executed her sworn statement[16] before the Provincial Prosecutor.[17]

The Version of the Accused

To prove his innocence, Reyes took the witness stand. He said that he knew Susan, whose house in Surallah was about fifteen meters away from his house, but claimed he did not know who Lerma was even while he was testifying.[18]

He was asleep in his house on the night of 12 February 1998 with his son Alfredo Reyes III, whom he calls Boboy (Boboy). He woke up the following day at about 8:00 a.m. and found his wallet and all its contents scattered around the house. That morning, Jun Sison (Jun), his friend, came to his house to inform him that an unfortunate event happened at the house of the Leonoras and that among the evidence found were a green jacket and a pair of pants. It was at that instance that he realized that his house had been robbed the night before and that his pants and his son's green jacket were missing.[19]

That same day, he and his son went to the police station to report[20] the missing pants and jacket. He then proceeded to his sister's house where a few minutes later a policeman came to invite him to the police station. He obliged, thinking that the invitation was in relation to his earlier report about the missing jacket and pants. At the police station, however, he was detained inside a room. He admitted that he knew Charmaine when she was still a child but claimed he didn't see her on the 12th and 13th of February 1998.[21]

The Ruling of the RTC

On 28 October 2009, the RTC[22] resolved the case as follows:

WHEREFORE, premises all considered, the court finds the evidence of the prosecution sufficient to establish the guilt of the accused beyond reasonable doubt.

Consequently, accused Alfredo Reyes alias "Boy Reyes" is hereby found guilty of the crime of Rape with Homicide as he is charged in this case beyond reasonable doubt.

Accordingly, he is hereby sentenced to undergo the penalty of imprisonment of reclusion perpetua. He is further ordered to pay the heirs of his deceased victim, Lerma Leonora, the amount of P75,000.00 as indemnity for her death and the amount of P30,000.00 as reasonable expenses for her wake and burial.[23]

The Ruling of the CA

Aggrieved with the decision of the RTC, Reyes appealed to the CA, Cagayan de Oro City, raising the sole issue on whether he was appropriately convicted of rape with homicide.[24]

The CA, through its Twenty-Second Division, accorded respect to the findings of fact of the trial court in the absence of clear and convincing evidence that the latter ignored facts and circumstances which, if considered on appeal, would have reversed or modified the outcome of the case. It ruled that, although Charmaine was only a child, the determination of her competence and capability as a witness rested primarily with the trial judge. On the other hand, it found that the defense proffered by Reyes that his house was robbed was but a make-believe scenario to deny his responsibility for the crime done to Lerma. Thus, the appeal of Reyes was resolved[25] as follows:

FOR THESE REASONS, the appeal is DENIED. The 28 October 2009 Decision in Criminal Case No. 2146-S is MODIFIED insofar as the penalty and the award of damages are concerned. Accordingly, accused Alfredo Reyes alias "Boy Reyes" is sentenced to an imprisonment of reclusion perpetua without eligibility for parole. Further, he is ordered to pay the heirs of the victim, Lerma Leonora, the amount of P100,000.00 as civil indemnity, P25,000.00 as temperate damages, and P75,000.00 as moral damages.[26]

THE RULING OF THE COURT

The petition has no merit.

Charmaine was a credible witness with a credible testimony.

Reyes primarily assailed the credibility of Charmaine on the following grounds: (a) she revealed her knowledge of the incident only a year after it had happened;[27] (b) her testimony was replete with serious improbabilities which cast doubts on the veracity of her allegations;[28] (c) she was not questioned by police officers and relatives as to her knowledge of the incident considering that she was with Lerma at the time the incident transpired;[29] (d) granting that he was the author of the crime, it was impossible that he would still allow her to remain where she was after having witnessed the fatal incident;[30] (e) she was not sure where the incident happened;[31] and (f) she gave opposing testimony on the mental and physical condition of Lerma during the

incident.[32]

In *People v. Pareja*,[33] the Court reiterated the guidelines that have over time been established in jurisprudence, and which have been observed when the issue pertains to the credibility of witnesses, viz:

First, the Court gives the highest respect to the RTC's evaluation of the testimony of the witnesses, considering its unique position in directly observing the demeanor of a witness on the stand. From its vantage point, the trial court is in the best position to determine the truthfulness of witnesses.

Second, absent any substantial reason which would justify the reversal of the RTCs assessments and conclusions, the reviewing court is generally bound by the lower court's findings, particularly when no significant facts and circumstances, affecting the outcome of the case, are shown to have been overlooked or disregarded.

And third, the rule is even more stringently applied if the CA concurred with the RTC.

The recognized rule in this jurisdiction is 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." x x x

The Court sees no valid reason to depart from these guidelines in this case.

Charmaine was only eight years of age at the time Reyes entered her and Lerma's room at dawn of 13 February 1998. She saw how Lerma grappled with Reyes, and how Reyes eventually hit Lerma on the head with the use of a stone ten inches in diameter. She saw Reyes drag the unconscious Lerma to the kitchen, remove Lerma's shorts, take off his pants and jacket, and ride on top of Lerma making push and pull movements. When Reyes saw she was witness to the scene, he threatened that he would kill her and her parents once she told somebody what she saw.

Charmaine positively identified Reyes when she gave her sworn statement before the Provincial Prosecutor and during the trial. She could not have been mistaken as to the identity of Reyes since she knew Reyes, whom she called Lolo Boy, because his house was just across the street from hers. The fluorescent light outside the room where she and Lerma were sleeping was on; thus, she was able to clearly see that it was Reyes who entered the room and grappled with Lerma. Moreover, Reyes confronted her after he saw her hiding beside the refrigerator.

Charmaine's delay in reporting what had happened to Lerma is insignificant and does not affect the veracity of the charge against Reyes. At Charmaine's tender age and having witnessed the sordid incident on 13 February 1998, it is expected that she would believe that Reyes had the capability to make good his threat to kill her and her parents. Charmaine credibly explained that she executed her sworn statement only after a year from the time of the incident because she was still in shock and fearful of Reyes' threat.[34] She even had to stop going to school[35] and was brought by her parents to Bukidnon in order that she may forget what happened on that day in February 1998.[36]

Reyes denigrated the testimony of Charmaine by claiming that there were improbabilities in her testimony. He asserted that Charmaine appeared not to have been distressed that he had entered their room and struck Lerma on the head; that she even followed when he dragged Lerma to the kitchen; that she did not seek help from relatives; and that she stayed inside her room even after he had left.[37]

Credible witness and credible testimony are the two essential elements for the determination of the weight of a particular testimony.[38] "Verily, the issue of credibility, when it is decisive of the guilt or innocence of the accused, is determined by the conformity of the conflicting claims and recollections of the witnesses to common

experience and to the observation of mankind as probable under the circumstances. It has been appropriately emphasized that '[w]e have no test of the truth of human testimony, except its conformity to our knowledge, observation, and experience. Whatever is repugnant to these belongs to the miraculous and is outside of judicial cognizance'." [39]

Different people react differently to a given stimulus or type of situation, and there is no standard form of behavioural response that can be expected from those who are confronted with a strange, startling or frightening experience.[40] Charmaine was a reluctant witness to a crime that transpired on that fateful day. Contrary to the claim of Reyes, Charmaine admitted that she was both surprised and afraid when he entered her and Lerma's room.[41] Despite her fear,[42] Charmaine, at her young age, could have been inquisitive on what would eventually happen to Lerma after she was rendered unconscious by Reyes; thus, was undaunted to follow them to the kitchen. Charmaine explained that she did not run outside the house after Reyes had pulled Lerma to the kitchen because she was afraid that Reyes might have a companion waiting outside.[43] To her mind, it was improbable for her to go out of the house and seek help from her relatives. Indeed, Charmaine could not be expected to act and to react to what had happened like an adult would.[44]

Reyes averred that the police officers and Charmaine's relatives failed to question her about the incident.[45] Contrary to the averment of Reyes, Lapiad testified that he was able to interview Charmaine when he and the other police officers were summoned by the family of Lerma to the scene of the crime. During the interview, Charmaine admitted to him that it was a certain Boy Reyes who was the culprit. He was not able to write down his interview with Charmaine because she was trembling with fear.[46]

To stress, Charmaine was only eight years old at the time the incident happened. It can be reasonably expected that her relatives firmly believed that Charmaine was still in shock and in fear after having observed the gory details that led to Lerma's death. It is safe to conclude that Charmaine's relatives did not want to add to her suffering being, unfortunately, in the company of Lerma that dreadful day; thus, they were constrained not to question her anymore about the incident or to make her recount the harrowing specifics of Lerma's tragedy.

Moreover, it would appear from the sworn statement of Susan,[47] taken a day after the incident happened, that she already knew the cause of Lerma's death and who could be the probable suspect. It must be stressed that on 13 February 1998, a post-mortem examination was conducted by Dr. Arrojo on Lerma's body and that "multiple fresh lacerations on the hymen at 6:00, 3:00 and 9:00 with bleeding" and "traumatic injury in the head" were among his findings. According to Susan, a jacket which was green on one side and violet, red, and white on the other side, and a pair of grey pants with red, green, blue, and brown stripes were also found at the scene of the crime. Susan knew that the jacket was owned by Reyes because she would see him wearing it whenever he bought cigarettes from her store. She saw Reyes wearing the jacket two days before the incident.

On the one hand, Susan's mother Angelina admitted in her sworn statement[48] that after having been informed by Charmaine that Lerma's nose and mouth were bleeding, she went to her son's house and found Lerma with "blood coming out of her nose, mouth, and ears with contusion on the right portion of her forehead and her panty and skirt already removed from her with bloodstain, and the position of her hands were up and her both legs were spreading." She also saw a jacket and a pair of pants which she later came to know were owned by Reyes after the latter claimed their ownership.

With the information given by Lerma's relatives, i.e., that she was raped and that the possible culprit was Reyes, they deemed it unnecessary to make Charmaine undergo her traumatic experience again by asking her to narrate to them what she had witnessed.

Reyes asserted it was improbable that, if he were the author of the crime, he would still allow Charmaine to

remain where she was after witnessing the fatal incident.[49]

The catena of cases brought before this Court will confirm that not in all instances would the perpetrator of the crime have the temerity to kill his victim or the witness to his crime. The Court has observed that even in rape cases, the perpetrators, in most situations, would simply threaten their victims, especially if they are minors, that they or their loved ones would be killed once they told anyone of what happened. This case is no different. Indeed, Reyes' threat was effective considering that it took Charmaine almost a year to finally gather strength to execute her sworn statement detailing the crime she had witnessed.

As opposed to Reyes' claim, Charmaine was certain that the incident happened at the house of her parents.[50] Her subsequent confirmation that she was at Lerma's house was not totally incorrect considering that Lerma likewise stayed with Charmaine's parents. Notwithstanding the alleged inconsistencies, if these may be considered as such, the Court must stress that the place of the commission of rape with homicide is not an element of the crime.

The contention of Reyes that Charmaine gave conflicting testimony as to whether Lerma had struggled with Reyes,[51] fails to convince. Certainly, struggling against a rapist is neither an element of rape with homicide nor is it required for the successful prosecution of this crime.

More significantly, the alleged discrepancies raised by Reyes refer only to minor details and collateral matters, not to the central fact of the crime, that do not affect the veracity or detract from the essential credibility of the witness' declarations. It must be stressed that for a discrepancy or inconsistency in the testimony of a witness to serve as a basis for acquittal, it must establish beyond doubt the innocence of the appellant for the crime charged.[52]

Charmaine had no motive in pointing to Reyes as the perpetrator of the crime.

Reyes failed to attribute any improper motive to Charmaine to falsely testify against him for so grave a charge if it were not true. Record is bereft of any showing that Charmaine had harboured any ill will against him enough for her to concoct falsehood before the trial court. Charmaine was a child when the crime transpired in her presence on 13 February 1998, and was still a minor when she was called to the witness stand. Before the incident, she even called Reyes "Lolo Boy" to show him respect. At her tender age, it was beyond her mental capacity to fabricate the details as to how Lerma was raped and killed. Clearly, in the absence of proof to the contrary, the presumption is that the witness was not moved by any ill will and was untainted by bias, and thus worthy of belief and credence.[53]

The alibi and denial of Reyes are inherently weak defenses.

The defenses of alibi and denial offered by Reyes did not convince the RTC and the CA; neither does the Court find any cogent reason to think otherwise.

Well-settled is the rule that alibi and denial are inherently weak defenses and must be brushed aside when the prosecution has sufficiently and positively ascertained the identity of the accused. It is axiomatic that positive testimony prevails over negative testimony.[54] The Court laid down the following ruling relative to alibi, viz:

For alibi to prosper, the accused must prove (a) that he was present at another place at the time of the perpetration of the crime, and (b) that it was physically impossible for him to be at the crime scene during its commission. Physical impossibility refers to distance and the facility of access between the scene of the crime and the location of the accused when the crime was committed. In other words, the accused must demonstrate that he was so far away and could not have been physically present at the scene of the crime and its immediate vicinity when the crime was committed.[55]

Only the road separated the house of Reyes from that of the Leonoras;^[56] thus, it was not improbable for him to be at the crime scene during its commission. Moreover, Reyes did not present anyone to fortify his alibi, not even Boboy, who he claimed to be with him at his house on the night of 12 February 1998 till morning of the following day.

In an apparent attempt to justify the recovery of his pair of pants and his son's jacket at the scene of the crime, Reyes proffered the feeble defense that his house was robbed.

It strains credulity why a robber would take only a pair of pants and a jacket from Reyes' house and thereafter leave them after committing rape with homicide. The hopelessness of his defense becomes even more obvious with the fact that no one substantiated his claim that robbery took place in his house. True, he had a police blotter^[57] showing that his house was allegedly robbed on the night of 12 February 1998 but as he himself testified, he reported the incident only after he was told by Jun that a pair of pants and a jacket were found at the scene of the crime. It was clear that his act of reporting that a robbery took place at his house was his last-ditch effort to escape liability for the crime he had committed. It is well-settled that denial, if unsubstantiated by clear and convincing evidence, is a self-serving assertion that deserves no weight in law.^[58] In contrast to Reyes' defense, the Court finds more convincing the testimony of Charmaine on why the pair of pants and jacket were found at the Leonoras' house, i.e., Reyes, then wearing only his briefs after committing his bestial acts, ran outside the house after he heard a truck pass by.

Reyes was positively identified by Charmaine in her straightforward testimony despite the lengthy and rigid cross-examination. Significantly, her credible testimony finds support in the post-mortem examination findings of Dr. Arrojo and the objects found at the scene of the crime.

The evidence on record proved the guilt of Reyes beyond reasonable doubt.

The felony of rape with homicide is a special complex crime, that is, two or more crimes that the law treats as a single, indivisible and unique offense for being the product of a single criminal impulse.^[59] The Revised Penal Code pertinently provides:

Art. 266-A. Rape, When and How Committed. - Rape is committed -

- By a man who shall have carnal knowledge of a woman under any of the following circumstances:
- Through force, threat or intimidation;
- When the offended party is deprived of reason or is otherwise unconscious;
- By means of fraudulent machination or grave abuse of authority;

x x x x

In the special complex crime of rape with homicide, the following elements must concur: (1) the appellant had carnal knowledge of a woman; (2) carnal knowledge of a woman was achieved by means of force, threat or intimidation; and (3) by reason or on occasion of such carnal knowledge by means of force, threat or intimidation, the appellant killed a woman.^[60] On the one hand, Rule 133, Section 2 of the Revised Rules on Evidence specifies the requisite quantum of evidence in criminal cases:

Section 2. Proof beyond reasonable doubt. — In a criminal case, the accused is entitled to an acquittal, unless his guilt is shown beyond reasonable doubt. Proof beyond reasonable doubt does not mean such a degree of proof, excluding possibility of error, produces absolute certainty. Moral certainty only is required, or that degree of proof which produces conviction in an unprejudiced mind.

The Court sustains the finding of the RTC that the guilt of the accused was established beyond reasonable doubt. Charmaine had testified that she vividly saw Reyes entering her and Lerma's room at dawn on 13 February 1998; that Lerma struggled with Reyes who, with the use of a stone, hit Lerma on her head rendering her unconscious; that Reyes dragged Lerma to the kitchen; that Reyes removed the shorts of Lerma and his own pants and jacket; that Reyes rode on Lerma using push and pull movements; and that Dr. Arrojo declared that Lerma's hymen had "fresh lacerations at 6:00, 3:00 & 9:00 with bleeding"; that the substance taken inside Lerma's vagina was confirmed as spermatozoa; and that the cause of her death was "massive intracranial hemorrhage resulting to shock then cardiac arrest due to traumatic injury in the head."

The damages to be awarded to the heirs of Lerma must be modified to conform to existing jurisprudence.

Article 266-B[61] of the RFC reads:

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

x x x x

When by reason or on the occasion of the rape, homicide is committed, the penalty shall be death. (emphasis supplied)

With the passage of Republic Act (R.A.) No. 9346,[62] the death penalty can no longer be imposed. The pertinent provisions of the Act read:

Section 2. In lieu of the death penalty, the following shall be imposed.

(a) the penalty of reclusion perpetua, when the law violated makes use of the nomenclature of the penalties of the Revised Penal Code; or

(b) the penalty of life imprisonment, when the law violated does not make use of the nomenclature of the penalties of the Revised Penal Code.

Section 3. Person convicted of offenses punished with reclusion perpetua, or whose sentences will be reduced to reclusion perpetua, by reason of this Act, shall not be eligible for parole under Act No. 4180, otherwise known as the Indeterminate Sentence Law, as amended, (emphasis supplied)

Existing jurisprudence[63] imparts that the damages to be awarded to the heirs of a victim of the special complex crime of rape with homicide where the penalty to be imposed upon the accused is death, but reduced to reclusion perpetua upon enactment of R.A. No. 9346, shall be as follows: civil indemnity - P100,000.00; moral damages - P100,000.00; exemplary damages - P100,000.00; and P50,000.00 as temperate damages. In addition, the civil indemnity, moral damages, exemplary damages, and temperate damages payable by the appellant are subject to interest at the rate of six percent (6%) per annum from the finality of this decision until fully paid.[64] Accordingly, the Court applies this in modifying the damages to be awarded to the heirs of Lerma.

WHEREFORE, premises considered, the Decision of the Court of Appeals in CA G.R. CR.-H.C. No. 00779-MIN finding Alfredo Reyes alias "Boy Reyes" guilty of Rape with Homicide is hereby AFFIRMED with MODIFICATIONS. Alfredo Reyes alias "Boy Reyes" is sentenced to suffer the penalty of imprisonment of reclusion perpetua without eligibility for parole, and is ordered to pay the heirs of Lerma Leonora P100,000.00 for civil indemnity, P100,000.00 as moral damages, P100,000.00 as exemplary damages, and P50,000.00 as temperate damages. The award of monetary damages shall be subject to interest at the rate of six percent (6%) per annum from the date of finality of this decision until fully paid.

SO ORDERED.

Velasco, Jr., (Chairperson), Bersamin, Leonen, and Gesmundo, JJ., concur.

October 19, 2017

NOTICE OF JUDGMENT

Sirs / Mesdames:

Please take notice that on September 27, 2017 a Decision, copy attached hereto, was rendered by the Supreme Court in the above-entitled case, the original of which was received by this Office on October 19, 2017 at 10:05 a.m.

Very truly yours,

(SGD)

WILFREDO V. LAPITAN

Division Clerk of Court

[1] CA rollo, pp. 79-82. Notice of Appeal was filed by the Public Attorney's Office.

[2] Id. at 65-78.

[3] Id. at 28-41.

[4] Id. at 28.

[5] TSN, 16 December 2003, pp. 11-12.

[6] Exhibit Folder, p. 1; Exh. "A."

[7] Id. at 2; Exh "B."

[8] TSN, 16 December 2003, pp. 22-24.

[9] Exhibit Folder, p. 4; Exhs. "D," "D-1," "D-2," "D-3," "E," "E-1," "F," "F-1," "F-2," and "G."

[10] Id. at 5-6; Exhs. "H" and "H-1."

[11] Id. at 7-8; Exhs. "I" and "I-1."

[12] TSN, 15 August 2005, pp. 17-18, 22-33, 37-42, and 54.

[13] TSN, 6 December 2005, pp. 8-12.

[14] Id. at 13-32; TSN, 27 February 2007, pp. 8-15.

[15] Id. at 32-35.

[16] Exhibit Folder, pp. 11-14; Exhs. "L" to "L-3."

- [17] TSN, 6 December 2005, pp. 36-37.
- [18] TSN, 8 January 2009, pp. 6-7.
- [19] Id. at 8-15.
- [20] Exhibit Folder, p. 1; Exh. "2."
- [21] TSN, 8 January 2009, pp. 18-26.
- [22] CA rollo, pp. 28-41; penned by Judge Roberto L. Ayco.
- [23] Id. at 41.
- [24] Id. at 14-27. The Brief for Reyes was filed by the Public Attorney's Office.
- [25] Rollo, pp. 3-16; penned by Associate Justice Edgardo A. Camello, and concurred in by Associate Justices Marilyn B. Lagura-Yap and Renato C. Francisco.
- [26] Id. at 15.
- [27] CA rollo, p. 19.
- [28] Id. at 21.
- [29] Id. at 21-22.
- [30] Id. at 22.
- [31] Rollo, pp. 30-32.
- [32] Id. at 32-35.
- [33] 724 Phil. 759, 773 (2014).
- [34] TSN, 26 February 2007, p. 23.
- [35] TSN, 11 September 2006, p. 6.
- [36] TSN, 27 February 2007, pp. 38-39.
- [37] CA rollo, p. 21.
- [38] *People v. Mangune*, 698 Phil. 759, 769 (2012).
- [39] *Medina v. People*, 724 Phil. 226, 238 (2014).
- [40] *People v. De Guzman*, 644 Phil. 229, 247 (2010).
- [41] TSN, 11 September 2006, p. 16.
- [42] Id. at 42.
- [43] Id. at 36, 39-41 and 46.
- [44] *People v. Esugon*, 761 Phil. 300, 312 (2015).
- [45] CA rollo, pp. 21-22.
- [46] TSN, 15 August 2005, p. 54.

[47] Exhibit Folder, pp. 5-6; Exhs. "H" and "H-1."

[48] Id. at 7-8; Exhs. "H" and "H-1."

[49] CA rollo, p. 22.

[50] TSN, 6 December 2005, p. 13, TSN 11 September 2006, pp. 9-10.

[51] Rollo, pp. 34-35.

[52] *People v. Antonio*, 739 Phil. 686, 700 (2014).

[53] *People v. Jalbonian*, 713 Phil. 93, 104 (2013).

[54] *People v. Sumagdon*, G.R. No. 210434, 5 December 2016.

[55] *People v. Lastrollo*, G.R. No. 212631, 7 November 2016.

[56] Exhibit Folder, p. 13; Exh. "L-1."

[57] Id. at 1; Exh. "2."

[58] *People v. Mangune*, supra note 38 at 771.

[59] *People v. Balisong*, G.R. No. 218086, 10 August 2016.

[60] Id.

[61] Pursuant to Republic Act No. 8353 entitled "An Act Expanding The Definition Of The Crime Of Rape, Reclassifying The Same As A Crime Against Persons, Amending For The Purpose Act No. 3815, As Amended, Otherwise Known As The Revised Penal Code, And For Other Purposes" dated 30 September 1997.

[62] Entitled "An Act Prohibiting The Imposition Of Death Penalty In The Philippines" dated 24 June 2006.

[63] *People v. Jugueta*, G.R. No. 202124, 5 April 2016, 788 SCRA 331, 372-373 and 380-381.

[64] Id. at 388.

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