

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. CCC, APPELLANT.

G.R. No. 228822. June 19, 2019

Ponente: CARPIO, J.

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CARPIO, J.:

The Case

On appeal is the 22 June 2016 Decision[2] of the Court of Appeals (CA) in CA-G.R. CR-HC No. 06686 which affirmed with modification the 20 August 2013 Consolidated Decision[3] of Branch 81 of the Regional Trial Court (RTC) of Romblon, Romblon, in Criminal Case Nos. 2566, 2567, 2568 and 2569, finding appellant CCC guilty beyond reasonable doubt of four (4) counts of rape.

The Facts

CCC was charged with the crime of rape in four Informations, as follows:

Criminal Case No. 2566

That on or about the 7[th] day of January 2004, at around 10:00 o'clock in the evening, in x x x, province of Romblon, Philippines and within the jurisdiction of this Honorable Court, the said accused, by means of force and intimidation, did then and there willfully, unlawfully and feloniously had [sic] carnal knowledge of her [sic] own daughter, AAA, being then 12 years of age at the time of the rape incident, without her consent and against her will.

That the aggravating/qualifying circumstance that the above-named accused is the ascendant or the father of the victim, AAA, is attendant to this crime of rape.

Contrary to law.[4]

Criminal Case No. 2567

That on or about the 9[th] day of January 2004, at around 10:00 o'clock in the evening, in x x x, province of Romblon, Philippines and within the jurisdiction of this Honorable Court, the said accused, by means of force and intimidation, did then and there willfully, unlawfully and feloniously had [sic] carnal knowledge of her [sic] own daughter, AAA, being then 12 years of age at the time of the rape incident, without her consent and against her will.

That the aggravating circumstance that the above-named accused is the ascendant or the father of the victim, AAA, is attendant to this crime of rape.

[Contrary to law].[5]

Criminal Case No. 2568

That on or about the 27[th] day of January 2004, at around 11:00 o'clock in the evening, in x x x, province of Romblon, Philippines and within the jurisdiction of this Honorable Court, the said accused, by means of force and intimidation, did then and there willfully, unlawfully and feloniously had [sic] carnal knowledge of her

[sic] own daughter, AAA, being then 12 years of age at the time of the rape incident, without her consent and against her will.

That the aggravating circumstance that the above-named accused is the ascendant or the father of the victim, AAA, is attendant to this crime of rape.

[Contrary to law].[6]

Criminal Case No. 2569

That on or about the 3[rd] day of February 2004, at around 10:00 o'clock in the evening, in x x x, province of Romblon, Philippines and within the jurisdiction of this Honorable Court, the said accused, by means of force and intimidation, did then and there willfully, unlawfully and feloniously had [sic] carnal knowledge of her [sic] own daughter, AAA, being then 12 years of age at the time of the rape incident, without her consent and against her will.

That the aggravating circumstance that the above-named accused is the ascendant or the father of the victim, AAA, is attendant to this crime of rape.

[Contrary to law].[7]

The prosecution presented as its first witness the Municipal Health Officer of Rural Health Unit of Romblon, Dr. Rowena R. Dianco (Dr. Dianco), who testified that on 19 March 2004 she conducted a physical and genital examination on AAA and observed that AAA's hymen was no longer intact and that it had been ruptured but healed. Dr. Dianco opined that the possible penetration had happened about a month prior. She also identified the Medico-Legal Certification dated 19 March 2004.

On 13 June 2006, the prosecution presented its second witness BBB, the mother of AAA. BBB claimed that CCC was the father of AAA. BBB explained that AAA used the maiden name of BBB because at the time when BBB gave birth to AAA, she and CCC were not yet married. BBB and CCC married only on 17 June 2002. BBB identified AAA's Certificate of Live Birth in open court which stated that AAA was born on 13 May 1991. AAA was only twelve (12) years old when the alleged incidents happened.

Sometime after the alleged incidents of rape, BBB noticed that AAA had a sudden change in attitude, who became very quiet and aloof, and also in a periodic state of shock. BBB also noticed a sudden change in the behavior of CCC who could no longer stay at home.

BBB testified that AAA ran away from home, leaving behind a handwritten letter. BBB identified the handwritten letter of AAA in open court, which she left when she ran away from home. The undated letter of AAA reads:

Front Page MAHAL KONG MAGULANG SANA MAUNAWAAN NINYO AKO KUNG ANo ang aking
NARARAMDAMAN NAIS KO SANANG MALAMAN NINYO ANG SiNASABi KUNg MANYAK. YUN
AY WALA NG iBA KUNDI x x x AY ANG WALA KUNG KWENT HIYANG AMA.

Back Page

GINAWA NYA YON SA AKIN AY NG UMALIS KAYO Ni ONYOT 7 Bises NiYA iYON GINAWA SA
Akin SIMULA NG NAMATAY SI LOLA.

Hang[g]ang dito nalang an[g] sulat kamay kung pangit: Good By[e]! MAMA I LOVE [YOU].[8]

When BBB found AAA, she confronted her daughter as to why she ran away from home. AAA revealed that she had been raped by CCC seven (7) times, the first incident happening during the wake of BBB's mother. AAA also revealed to BBB that CCC tied a piece of cloth around her mouth to prevent her from shouting and that he also

threatened and overpowered her. BBB asked AAA if she wanted to file a criminal case against CCC. When AAA expressed her willingness to do so, they went to the police station and went to see Dr. Dianco.

On the same day that BBB's testimony was terminated, the prosecution presented its last witness, the complainant AAA. For lack of material time, she was not able to testify. The following hearing was cancelled due to inclement weather, but was noted in the return by SPO2 Pacifico A. Caleja, Jr. that AAA and BBB refused to sign the subpoena because they were uncertain whether they could attend the scheduled hearing due to financial problem. On 22 November 2006, AAA was able to testify under the same oath. However, for lack of material time, her testimony was again suspended. AAA and BBB were not duly notified of the 18 April 2007 hearing because the notice of hearing remained unclaimed. On 17 July 2008 and 19 February 2009 the hearings were cancelled at the instance of CCC while on 17 June 2009, the hearing was cancelled because AAA was not duly notified. On 20 August 2009, the subpoena reached BBB but not AAA because BBB refused to sign as AAA was out of the locality. Nonetheless, the hearing was cancelled at the instance of CCC. On 23 October 2009, BBB again refused to sign the subpoena as AAA was out of the locality. On 19 January 2010, the similar thing happened except that CCC's counsel, who only filed motions for postponement, was terminated and CCC's defense was turned over to the Public Attorney's Office. The hearing was cancelled at the instance of the government prosecutor for the unavailability of the witness. On 16 March 2010, BBB again refused to sign the subpoena because AAA was out of the locality. The hearing on that day was nonetheless cancelled due to a provincial holiday. On 21 September 2010 and 15 February 2011, BBB continued to refuse to sign the subpoena; and thus, the RTC gave the prosecution one last chance to present its evidence.

On 24 June 2011, the RTC issued an Order directing BBB to explain in writing why she should not be cited for contempt of court for her failure to accept and acknowledge the receipt of the subpoena. On 15 August 2011, the RTC Judge was unavailable, but BBB still refused to sign the subpoena. The same happened on 14 November 2011 and 19 January 2012. On 22 June 2012, the Court issued an order for the issuance of a subpoena to AAA and BBB through the Department of Social Welfare and Development Office of Magdiwang, requesting the latter to provide financial assistance for their expenses in coming to court and back to their place of origin. However, AAA and BBB refused to sign the subpoena for the hearing on 24 August 2012, and also, the Municipal Social Welfare Officer was out of the locality. For the hearing on 18 October 2012, the Municipal Social Welfare Officer refused to sign the subpoena while AAA and BBB were outside of the locality.

The case was reset to 22 January 2013 where the prosecution made its formal offer of evidence. Ultimately, AAA's testimony was expunged from the records due to the lack of cross-examination.

On 22 January 2013, the prosecution offered the following exhibits through a verbal formal offer of evidence: (1) certified "xerox" copy of the Medico-Legal Certification dated 19 March 2004, issued by Dr. Dianco; (2) Certificate of Live Birth of AAA; and (3) the handwritten letter of AAA.

On the other hand, CCC manifested through his counsel that he was waiving his right to present evidence.

The Ruling of the RTC

In a Consolidated Decision dated 20 August 2013, the RTC found CCC guilty beyond reasonable doubt in all four counts of rape. The RTC found the testimony of BBB to be reliable and credible - in fact, BBB's testimony was never challenged or questioned by the defense. The RTC found the testimony of BBB which was within her knowledge, such as what AAA confided to her that she was raped by her own father, and her observations as to the demeanor of AAA and CCC after the alleged incidents, to be convincing. Together with the testimony of Dr. Dianco finding that the hymen of AAA to be no longer intact which indicated possible penetration, and the undated letter of AAA which was positively identified by BBB in open court, the RTC found the evidence to be

adequate and convincing to find CCC guilty. This was despite the fact that the RTC did not rely on AAA's testimony, which was expunged from the records due to the lack of cross-examination.

The RTC found that the failure of AAA to appear in court to continue her testimony - despite the issuance of several subpoenas - was because of lack of finances or poverty. The RTC stated that regrettably, in Romblon, a litigant must have at least One Thousand Three Hundred Pesos (P1,300.00), which includes the fare for the boat, meals and lodging, and such amount is burdensome for AAA and her mother considering their capacity to earn a living and the fact that AAA has eight other siblings that BBB has to support. Thus, the RTC found CCC guilty, and the dispositive portion of the Consolidated Decision reads:

IN CRIMINAL CASE NO. 2566

WHEREFORE, in view of the foregoing[,] the Court finds CCC, GUILTY beyond reasonable doubt of RAPE qualified by the special qualifying aggravating circumstance that the victim is under eighteen (18) years of age and the offender is her own father, and is sentenced to suffer the supreme penalty of DEATH, however, by operation of Republic Act No. 9346 that took effect on June 24, 2006, the same is hereby commuted or reduced to Reclusion Perpetua, without eligibility for parole and to pay the victim, AAA[,] the amount of P[h]p50,000.00 as civil indemnity, P[h]p75,000.00 as moral damages and P[h]p35,000.00 as exemplary damages.

SO ORDERED.

IN CRIMINAL CASE NO. 2567

WHEREFORE, in view of the foregoing[,] the Court finds CCC, GUILTY beyond reasonable doubt of RAPE qualified by the special qualifying aggravating circumstance that the victim is under eighteen (18) years of age and the offender is her own father, and is sentenced to suffer the supreme penalty of DEATH, however, by operation of Republic Act No. 9346 that took effect on June 24, 2006, the same is hereby commuted or reduced to Reclusion Perpetua, without eligibility for parole and to pay the victim, AAA[,] the amount of P[h]p50,000.00 as civil indemnity, P[h]p75,000.00 as moral damages and P[h]p35,000.00 as exemplary damages.

SO ORDERED.

IN CRIMINAL CASE NO. 2568

WHEREFORE, in view of the foregoing[,] the Court finds CCC, GUILTY beyond reasonable doubt of RAPE qualified by the special qualifying aggravating circumstance that the victim is under eighteen (18) years of age and the offender is her own father, and is sentenced to suffer the supreme penalty of DEATH, however, by operation of Republic Act No. 9346 that took effect on June 24, 2006, the same is hereby commuted or reduced to Reclusion Perpetua, without eligibility for parole and to pay the victim, AAA[,] the amount of P[h]p50,000.00 as civil indemnity, P[h]p75,000.00 as moral damages and P[h]p35,000.00 as exemplary damages.

SO ORDERED.

IN CRIMINAL CASE NO. 2569

WHEREFORE, in view of the foregoing[,] the Court finds CCC, GUILTY beyond reasonable doubt of RAPE qualified by the special qualifying aggravating circumstance that the victim is under eighteen (18) years of age and the offender is her own father, and is sentenced to suffer the supreme penalty of DEATH, however, by operation of Republic Act No. 9346 that took effect on June 24, 2006, the same is hereby commuted or reduced to Reclusion Perpetua, without eligibility for parole and to pay the victim, AAA[,] the amount of P[h]p50,000.00 as civil indemnity, P[h]p75,000.00 as moral damages and P[h]p35,000.00 as exemplary

damages.

SO ORDERED.[9]

Aggrieved by the decision of the RTC, CCC filed a Motion for Reconsideration on 26 November 2013 which was denied in a Consolidated Order dated 18 February 2014. CCC then appealed to the CA on 19 February 2014.

The Ruling of the CA

In a Decision dated 22 June 2016, the CA affirmed, with modification as to the penalty, the Consolidated Decision of the RTC. The dispositive portion of the Decision of the CA reads:

WHEREFORE, premises considered, the instant Appeal filed by accused-appellant CCC is DENIED. The assailed Consolidated Decision dated August 20, 2013 of Branch 81, Regional Trial Court of Romblon, Romblon in Criminal Cases Nos. 2566, 2567, 2568 and 2569 entitled "People of the Philippines vs. CCC" finding accused-appellant CCC GUILTY beyond reasonable doubt of four (4) counts of qualified rape and sentencing him to suffer the penalty of reclusion perpetua for each count, without eligibility for parole, is AFFIRMED with MODIFICATION in that accused-appellant CCC is ordered to pay private complainant AAA the following amounts: (1) One Hundred Thousand Pesos (PhP100,000.00) as civil indemnity; (2) One Hundred Thousand Pesos (PhP100,000.00) as moral damages; and (3) One Hundred Thousand Pesos (PhP100,000.00) as exemplary damages for each count of qualified rape. Finally, interest at the legal rate of six percent (6%) per annum is imposed on all these damages from date of finality of this Decision until said amounts shall have been fully paid. Costs against accused-appellant CCC.

SO ORDERED.[10]

While the CA did not appreciate the details divulged by AAA to BBB for being mere hearsay evidence, it still found CCC guilty of the crimes charged, based on personal knowledge of BBB, more specifically on her knowledge on the handwritten letter of AAA. The CA held that BBB was sufficiently familiar with her own daughter's penmanship, and she was able to identify the letter in open court. The letter clearly indicated that AAA was raped by her father even if the word "rape" was not used. Accusing her own father of being a "MANYAK" and "WALA KUNG [sic] KUWENT HIYANG AMA" clearly indicates that she had been raped - "7 Bises NiYA iYON GINAWA SA Akin SIMULA NG NAMATAY SI LOLA." Moreover, BBB's observation as to her daughter's and husband's change in behavior was still within her personal knowledge which she could testify on competently. Together with the testimony of Dr. Dianco finding healed injuries in AAA's vagina, the CA found that the totality of the evidence incontrovertibly proved the guilt of CCC in all counts of rape charged against him. While the incident happened seven times, he was only charged with four counts of rape. Finding that the qualifying circumstances - the relationship of AAA with CCC and the age of AAA - were sufficiently proven, the CA upheld the conviction for four counts of rape.

CCC filed his Notice of Appeal dated 7 July 2016 with the CA.[11]

The Issue

The issue to be resolved in this appeal is whether or not the CA gravely erred in finding CCC guilty beyond reasonable doubt of the crime of rape.

The Ruling of the Court

The appeal is meritorious.

Articles 266-A and 266-B of the Revised Penal Code, as amended by the Anti-Rape Law of 1997,[12] provide:

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

1) By a man who shall have carnal knowledge of a woman under any of the following circumstances:

a) Through force, threat, or intimidation;

b) When the offended party is deprived of reason or otherwise unconscious;

c) By means of fraudulent machination or grave abuse of authority; and

d) When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.

x x x x

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

x x x x

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

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

x x x x (Emphasis supplied)

The elements of qualified rape are as follows: (1) sexual congress; (2) with a woman; (3) done by force, threat, or intimidation and without consent; (4) the victim is under eighteen years of age at the time of the rape; and (5) the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree of the victim, or the common-law spouse of the parent of the victim.[13] The actual force, threat, or intimidation that is an element of rape under Article 266-A, paragraph (1) (a) is no longer required to be present because the moral and physical dominion of the father is sufficient to cow the victim into submission to his beastly desires.[14]

In this case, we find that the prosecution was not able to sufficiently prove all the elements of qualified rape.

The age of AAA was proven by the Certificate of Live Birth, which was identified by AAA's mother BBB in open court. According to her Certificate of Live Birth, AAA was born on 13 May 1991. Thus, when the first alleged incident happened in January of 2004, AAA was only twelve (12) years and seven (7) months old.

As to the relationship of AAA and CCC, BBB testified that CCC was indeed the father of AAA, and that AAA was using her maiden name because she gave birth to AAA before she married CCC. During the preliminary conference, CCC admitted that he is the father of AAA.

However, CCC argues that the prosecution failed to prove beyond reasonable doubt that there was sexual intercourse between him and AAA because AAA's testimony was expunged from the records; and thus, there was no basis to find him guilty of the crime of rape.

We agree.

We find that the CA was correct in not appreciating the testimony of BBB in relation to what AAA allegedly told her about the instances of rape by CCC. The Revised Rules on Evidence provide:

Section 36. Testimony generally confined to personal knowledge; hearsay excluded. - A witness can testify

only to those facts which he knows of his personal knowledge; that is, which are derived from his own perception, except as otherwise provided in these rules.

A witness may not testify on what she merely learned, read, or heard from others because such testimony is considered hearsay and may not be received as proof of the truth of what she has learned, read, or heard.[15] Thus, her testimony as to what AAA told her has no probative value for being merely hearsay.

The CA mainly relied on the handwritten letter of AAA, which was identified by her mother BBB in open court, to find that CCC is guilty of the crimes of rape. BBB was familiar with her daughter's handwriting; and thus, she was able to identify the penmanship of her daughter. Under the Rules of Court, BBB's opinion is admissible in evidence:

Rule 130, Section 50. Opinion of ordinary witnesses. - The opinion of a witness for which proper basis is given, may be received in evidence regarding -

- (a) the identity of a person about whom he has adequate knowledge;
- (b) a handwriting with which he has sufficient familiarity; and
- (c) the mental sanity of a person with whom he is sufficiently acquainted.

The witness may also testify on his impressions of the emotion, behavior, condition or appearance of a person.[16]

The letter was left by AAA when she ran away from home sometime after the alleged incidents, which began on the wake of BBB's mother as referred to by AAA in the letter. BBB herself testified that she noticed a change in behavior in AAA:

Q- Before she ran away, did you notice of [sic] any extraordinary behavior or change of behavior?

A- Yes, I noticed the change of behaviour [sic].

Q- What is that?

A- When I talk to her she is not answering me.

Q- What usually did you try to talk to her about?

A- Because she was studying that time a [sic] second high school and when I asked things to her, it takes time before she could answer.

Q- And what other changes, if any?

A- And she could not look straight to me, she was looking some where [sic] else as if she is not in her own sanity.[17]

However, even if we admit and appreciate the testimony of BBB regarding AAA's change in behavior, it does not by itself prove the guilt of CCC. Likewise, the handwritten letter of AAA does not prove that CCC indeed raped his daughter. In the handwritten letter, AAA accuses her own father of being a "MANYAK" and that "7 Bises NIYA iYON GINAWA SA AKIN SIMULA NG NAMATAY SI LOLA." However, AAA never explained what her father did to her. Characterizing her father as a "manyak" does not automatically mean that he raped her, as it may pertain to other acts which are lascivious that do not necessarily constitute rape. Without proving the very acts that CCC did to AAA, we cannot uphold the conviction of CCC.

To be convicted of rape under Article 266-A, paragraph (1) of the Revised Penal Code (RPC), it must be proven that CCC had carnal knowledge of AAA, and that it had been done by force, threat, or intimidation. While it can be argued that the moral ascendancy of CCC over AAA can sufficiently substitute for force, threat, or intimidation, the prosecution still failed to prove the sexual intercourse between AAA and CCC as an element of

qualified rape.

Judicial depiction of consummated rape under Article 266-A has not been confined to the oft-quoted "touching of the female organ," but has also progressed into being described as "the introduction of the male organ into the labia of the pudendum." [18] Thus, there has to be at least the introduction of the male organ into the labia majora of the pudendum to be sufficient to consummate rape under Article 266-A, paragraph 1 of the RPC. Even under Article 266-A, paragraph 2 of the RPC, the "sexual assault" must be committed by CCC "by inserting his penis into another person's mouth or anal orifice, or any instrument or object, into the genital or anal orifice of another person." Unfortunately, due to the absence of the testimony of AAA, the prosecution failed to prove that CCC had carnal knowledge of AAA or that CCC committed "sexual assault" on AAA.

Similarly, the testimony of Dr. Dianco does not prove that CCC raped his daughter. We have consistently held that a medico-legal, who did not witness the actual incident, cannot testify on what had happened to the victim because such testimony would not be based on personal knowledge or derived from his own perception. [19] At most, such findings are corroborative and the testimony of the medico-legal can only suggest what most likely happened but does not establish facts. [20] While Dr. Dianco examined the physical state of AAA, she did not witness CCC raping his daughter. Thus, the findings of Dr. Dianco still are insufficient to hold CCC guilty of the crimes charged.

A conviction in a criminal case must be supported by proof beyond reasonable doubt that the accused is indeed guilty of the crime charged. [21] The prosecution has the primordial duty to present a detailed account of every alleged crime as it is given ample resources of the government to present a logical and realistic account of every alleged crime. [22] To repeat, in criminal litigation, the evidence of the prosecution must stand or fall on its own merits and cannot draw strength from the weakness of the defense. [23] In this case, we are constrained to reverse the RTC and the CA rulings because the prosecution failed to prove the guilt of CCC beyond reasonable doubt. While the prosecution was given ample time and opportunity to present the testimony of AAA, it failed to do so, partly because of AAA's and BBB's refusal to attend the hearings. While unfortunate, we cannot uphold the conviction of CCC as there were no admissible testimonies or evidence to prove that CCC committed the crimes charged against him. The circumstantial evidence in this case - the change in behavior of AAA and CCC, the handwritten letter of AAA, and the medico-legal report - are insufficient to prove the guilt of CCC beyond reasonable doubt.

WHEREFORE, the appeal is GRANTED. The 22 June 2016 Decision of the Court of Appeals in CA-G.R. CR-HC No. 06686, affirming with modification the 20 August 2013 Consolidated Decision of Branch 81 of the Regional Trial Court of Romblon, Romblon in Criminal Case Nos. 2566, 2567, 2568 and 2569, is REVERSED and SET ASIDE. Appellant CCC is ACQUITTED due to reasonable doubt.

His immediate RELEASE is hereby ORDERED unless he is being lawfully held for another cause.

Let a copy of this Decision be furnished the Superintendent of the New Bilibid Prison, Bureau of Corrections in Muntinlupa City for immediate implementation, who is then directed to report to this Court the action he has taken within five days from receipt hereof.

SO ORDERED.

Perlas-Bernabe, Caguioa, J. Reyes, Jr., and Lazaro-Javier, JJ., concur.

[1] In accordance with Amended Administrative Circular No. 83-2015, the identities of the parties, records and

court proceedings are kept confidential by replacing their names and other personal circumstances with fictitious initials, and by blotting out the specific geographical location that may disclose the identities of the victims.

[2] Rollo, pp. 2-23. Penned by Associate Justice Maria Elisa Sempio Diy, with Associate Justices Ramon M. Bato, Jr. and Manuel M. Barrios concurring.

[3] CA rollo, pp. 18-29. Penned by Judge Designate Jose M. Madrid.

[4] Id. at 11-12.

[5] Id. at 18.

[6] Id. at 18-19.

[7] Id. at 19.

[8] Id. at 25-26.

[9] Id. at 27-29.

[10] Rollo, p. 22.

[11] Id. at 24.

[12] Republic Act No. 8353.

[13] *People v. Palanay*, 805 Phil. 116 (2017).

[14] *People v. Pacayra*, G.R. No. 216987, 5 June 2017, 825 SCRA 633, citing *People v. Dalan*, 736 Phil. 298 (2014).

[15] *People v. Cataytay*, 746 Phil. 185 (2014).

[16] Revised Rules on Evidence.

[17] CA rollo, p.182, citing TSN, 13 June 2006, pp. 11-12.

[18] *People v. Campuhan*, 385 Phil. 912, 922 (2000).

[19] *People v. Amarela and Racho*, G.R. Nos. 225642-43, 17 January 2018.

[20] Id.

[21] Id.

[22] Id.

[23] *People v. Tionloc*, 805 Phil. 907 (2017).

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