

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JOHN PAUL LOPEZ Y MAYAO, ACCUSED-APPELLANT.

G.R. No. 234157. July 15, 2020

Ponente: GAERLAN, J.

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GAERLAN, J.:

This is an appeal from the Decision[1] dated March 30, 2017 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 07114 which affirmed with modification the Decision[2] dated September 24, 2014 of the Regional Trial Court (RTC) of Marikina City, Branch 192, in Criminal Case Nos. 2011-13349-MK to 2011-13355-MK, finding accused-appellant John Paul "Apple" Lopez y Mayao (Lopez) guilty beyond reasonable doubt for two counts of qualified trafficking in persons under Section 4(e) in relation to Section 6(a) of Republic Act (R.A.) No. 9208.[3]

Antecedents

On October 4, 2011, seven Informations were filed charging Lopez with seven counts of qualified trafficking in persons against minor children AAA and BBB.[4] The accusatory portions of the Informations read:

CRIMINAL CASE NO. 2011-13349-MK

That on or about the 11[th] day of September 2011 in the City of Marikina, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously, maintain or hire for a fee, AAA, a 14-year old minor, to engage in prostitution and/or sexual exploitation by taking advantage of her vulnerability and thereupon facilitating her to have sexual intercourse with a male customer in exchange for money, in violation of the abovementioned law.

CONTRARY TO LAW.

CRIMINAL CASE NO. 2011-13350-MK

That on or about the 3[rd] day of September 2011 in the City of Marikina, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously, maintain or hire for a fee, AAA, a 14-year old minor, to engage in prostitution and/or sexual exploitation by taking advantage of her vulnerability and thereupon facilitating her to have sexual intercourse with a male customer in exchange for money, in violation of the abovementioned law.

CONTRARY TO LAW.

CRIMINAL CASE NO. 2011-13351-MK

That on or about the 8[th] day of August 2011 in the City of Marikina, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously, maintain or hire for a fee, AAA, a 14-year old minor, to engage in prostitution and/or sexual exploitation by taking advantage of her vulnerability and thereupon facilitating her to have sexual intercourse with a male customer in exchange for money, in violation of the abovementioned law.

CONTRARY TO LAW.

CRIMINAL CASE NO. 2011-13352-MK

That on or about the 3[rd] day of August 2011 in the City of Marikina, Philippines and within the jurisdiction of this Honorable Court, the above-named, accused, did then and there willfully, unlawfully and feloniously, maintain or hire for a fee, AAA, a 14-year old minor, to engage in prostitution and/or sexual exploitation by taking advantage of her vulnerability and thereupon facilitating her to have sexual intercourse with a male customer in exchange for money, in violation of the abovementioned law.

CONTRARY TO LAW.

CRIMINAL CASE NO. 2011-13353-MK

That on or about the 8[th] day of June 2011 in the City of Marikina, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously, maintain or hire for a fee, AAA, a 14-year old minor, to engage in prostitution and/or sexual exploitation by taking advantage of her vulnerability and thereupon facilitating her to have sexual intercourse with a male customer in exchange for money, in violation of the abovementioned law.

CONTRARY TO LAW.

CRIMINAL CASE NO. 2011-13354-MK

That on or about the 9[th] day of September 2011 in the City of Marikina, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously, maintain or hire for a fee, BBB, a 13-year old minor, to engage in prostitution and/or sexual exploitation by taking advantage of her vulnerability and thereupon facilitating her to have sexual intercourse with a male customer in exchange for money, in violation of the abovementioned law.

CONTRARY TO LAW.

CRIMINAL CASE NO. 2011-13355-MK

That on or about the 30[th] day of August 2011 in the City of Marikina, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously, maintain or hire for a fee, BBB, a 13-year old minor, to engage in prostitution and/or sexual exploitation by taking advantage of her vulnerability and thereupon facilitating her to have sexual intercourse with a male customer in exchange for money, in violation of the abovementioned law.

CONTRARY TO LAW.[5]

Lopez pleaded not guilty to the offenses charged during his arraignment on October 11, 2011. The case proceeded to pre-trial and, thereafter, to joint trial on the merits.[6]

During trial, AAA's direct testimony was stricken off the record[7] for her repeated failure to appear for cross-examination despite due notice. The RTC, in its Decision, therefore dismissed the cases involving AAA (Criminal Case Nos. 2011-13349-MK to 13353-MK), leaving only the cases of BBB (Criminal Cases Nos. 2011-13354-MK to 13355-MK) as the subject of the instant appeal.

Evidence for the Prosecution

The prosecution presented the testimonies of AAA, BBB, CCC (BBB's mother), Police Officer 3 Mark Dennis Sanchez (PO3 Sanchez), and Dr. Bonnie Chua (Dr. Chua), the EPD Crime Laboratory Medico-Legal Officer.

BBB testified that she was born on February 25, 1998. She was introduced to Lopez by her distant cousin, Ate

Rose. She and AAA "stowed away" from home at the time and stayed at Lopez' house in Calumpang, Marikina City, upon the latter's invitation.[8]

On the evening of August 30, 2011, Lopez brought BBB to the McDonald's restaurant beside the Marikina Sports Center. BBB saw Lopez approach a man and speak with him. After their conversation, the man called a taxi. Lopez told BBB to board it and go with the man.[9]

The taxi brought BBB and the man to the Grand Polo Motel in Masinag, Antipolo City. When they were inside the motel room, BBB was surprised when the man told her they were going to have sex. She initially resisted but the man told her that he had already given her payment to Lopez. Eventually, they had sex and, thereafter, left the motel and went their separate ways. When BBB arrived at Lopez' house, he handed her P1,000.00 without saying anything, and then hurriedly left.[10]

On September 9, 2011, Lopez and BBB were again at the same McDonald's restaurant. Lopez told BBB that she would again have sex with another man. BBB told him that she did not want to do it anymore, but he said that it would be a wasted opportunity to make money (sayang daw po iyon). BBB saw Lopez meet with another man who handed him some money. BBB eventually agreed to what Lopez wanted her to do and boarded a taxi with the man to the Grand Polo Motel and had sex. After parting ways, BBB returned to Lopez' house and where he, again, gave her P1,000.00.[11]

BBB was eventually found by her mother, CCC, in a bar at Fernando Avenue, Barangay Calumpang, Marikina City. After CCC came to know of the sexual incidents after talking to BBB, she promptly reported it to the Barangay Office; AAA was also present at the time. BBB's mother was summoned to the barangay office to discuss the incidents.[12]

PO3 Sanchez, an officer from the Police Community Precinct in Calumpang, Marikina City, testified that at around 3:00 a.m. on September 12, 2011, he received a phone call from the Women's Desk regarding a complaint for trafficking or pambubugaw against Lopez. He and his fellow police officer, PO1 Jayson Mones, as well as some barangay tanods, accompanied AAA, BBB, and their parents to Lopez' residence. When they arrived, AAA and BBB positively identified Lopez and the latter was arrested.[13]

Dr. Chua testified that he received a Request for Genital Examination, dated September 12, 2011, from the Marikina City Police Station. He conducted the examination of AAA and BBB and prepared the Initial Medico-Legal Report and Final Medico Legal Report No. R-092-11E for BBB which both resulted in the following conclusion – clear evidence of penetrative trauma/force to the hymen.[14]

Evidence for the Defense

The defense presented Lopez testimony as its sole evidence. He denied all the allegations against him.

Lopez alleged that he had just transferred to his residence in Calumpang, Marikina City, around the month of August 2011. He resided in a boarding house with his boyfriend, his boyfriend's older brother Kuya Marlon, and the latter's girlfriend. He worked as a waiter, earning between P500.00 to P1,000.00 a day depending on customers' tips. He also earned extra income of P150.00 to P300.00 per month as a make-up artist. His boyfriend, Aris Aguila (Aris), worked in a family-owned welding shop.[15]

Lopez admitted that he knew BBB because they used to be neighbors at Barangay Sto. Niño, Marikina City. He also admitted that he knew AAA because their mothers were friends. However, he denied that the girls stayed in his house in Calumpang, Marikina City, on August 30, 2011.[16]

He further claimed that BBB lied, having an ill motive against Lopez because she was the ex-girlfriend of Lopez'

current boyfriend, Aris. Lopez also denied bringing BBB to McDonald's on August 30, 2011 and September 9, 2011, and making her go with men to the Grand Polo Motel to have sex for a fee. Lopez denied giving BBB P1,000.00 or any money at all. He even said that it would not have been possible to communicate with her because he did not have a cellphone back then.[17]

The RTC Ruling

In its Decision,[18] dated September 24,2014, the RTC convicted Lopez for two counts of qualified trafficking in persons against BBB. The dispositive portion reads:

WHEREFORE, in Criminal Case No. 2011-13354-MK, the court finds the accused, JOHN PAUL LOPEZ y MAYAO a.k.a. "APPLE," GUILTY BEYOND REASONABLE DOUBT of Qualified Trafficking in Persons under Section 4(e) in relation to Section 6(a) of Republic Act [No.] 9208. The accused is hereby sentenced to suffer the penalty of LIFE IMPRISONMENT and PAY a FINE of Two Million Pesos (Php2,000,000.00). The accused is also ORDERED to [pay] moral damages in the amount of Five Hundred Thousand Pesos (Php500,000.00), and exemplary damages in the amount of One Hundred Thousand Pesos (Php100,000.00).

In Criminal Case NO. 2011-13355-MK, the court finds the accused, JOHN PAUL LOPEZ y MAYAO a.k.a. "APPLE," GUILTY BEYOND REASONABLE DOUBT of Qualified Trafficking in Persons under Section 4(e) in relation to Section 6(a) of Republic Act [No.] 9208. The accused is hereby sentenced to suffer the penalty of LIFE IMPRISONMENT and PAY a FINE of Two Million Pesos (Php2,000,000.00). The accused is also ORDERED to pay moral damages in the amount of Five Hundred Thousand Pesos (Php500,000.00), and exemplary damages in the amount of One Hundred Thousand Pesos (Php100,000.00).

In Criminal Cases Nos. 2011-13349-MK, 2011-13350-MK, 2011-13351-MK, 2011-13352-MK, 2011-13353-MK, the accused is hereby ACQUITTED, for insufficiency of evidence.

SO ORDERED. [19]

The RTC found BBB's testimony credible and convincing, being unmoved and unshaken by the rigid cross-examination of the prosecution. It held that apart from Lopez' bare claim that his boyfriend was BBB's former boyfriend, he failed to attribute or prove any ill motive on the part of BBB to testify falsely against him. Consequently, Lopez' inherently weak defense of denial could not prevail over BBB's affirmative testimony.

The CA Ruling

In its Decision[20] dated March 30, 2017, the CA affirmed the RTC Ruling with modification by imposing legal interest on the monetary award of damages:

WHEREFORE, premises considered, the instant appeal is DENIED. The assailed Decision dated September 24, 2014 of the Regional Trial Court, Branch 192, Marikina City, in Criminal Cases Nos. 2011-13354-MK and 2011-13355-MK, is AFFIRMED with modification in that a six percent (6%) per annum interest is imposed on the monetary awards for damages from finality of this Decision until full satisfaction thereof.

SO ORDERED.[21]

The CA affirmed that BBB clearly and credibly testified that Lopez gave her money to have sex with men on two occasions. It likewise disregarded Lopez' additional argument that BBB voluntarily boarded the taxi and went with the men because Section 3(a) of R.A. No. 9208 is explicit that the crime of trafficking in persons can exist even with the victim's consent or knowledge.

The Petition

Lopez timely filed a Notice of Appeal.[22] In a Resolution[23] dated November 27, 2017, the Court ordered the

elevation of the records and directed the parties to file supplemental briefs. Both parties, thereafter, manifested that they would no longer file supplemental briefs having exhaustively argued their issues in their respective appeal briefs.[24]

In his appeal, Lopez claims that: (1) the prosecution failed to prove his guilt beyond reasonable doubt; (2) the court gravely erred in giving foil credence to BBB's testimony who had an ill motive to testify; and (3) the prosecution failed to prove that BBB is a minor.[25]

Issue

Whether or not the CA erred in affirming the conviction of Lopez for two counts of qualified trafficking in persons.

The Ruling of the Court

The petition is denied. We affirm the CA ruling convicting Lopez of two counts of qualified trafficking in persons.

The crime of qualified trafficking in persons against a child is penalized under Section 4(e) in relation to Sections 3(b) and 6(a) of R.A. No. 9208:

Section 4. Acts of Trafficking in Persons. – It shall be unlawful for any person, natural or juridical, to commit any of the following acts:

x x x x

(e) To maintain or hire a person to engage in prostitution or pornography; x x x

Section 6. Qualified Trafficking in Persons. – The following are considered as qualified trafficking:

(a) When the trafficked person is a child;

Section 3. Definition of Terms. – As used in this Act:

x x x x

(b) Child – refers to a person below eighteen (18) years of age or one who is over eighteen (18) but is unable to fully take care of or protect himself/herself from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition.

Based on the foregoing, the elements of the crime of trafficking in persons are the following:

1. The act of "recruitment, transportation, transfer or harbouring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders";
2. The means used which may include "threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another"; and
3. The purpose of trafficking which includes "exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs.[26] (Underscoring supplied)

The crime is then qualified when the trafficked person is a child below 18 years of age or one over 18 but is unable to fully take care or protect himself/herself from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition.

In this case, We affirm the CA and RTC Decisions that all the elements of qualified trafficking in persons required under R.A. No. 9208 were established.

The testimony of BBB quoted below shows that Lopez was responsible for recruiting her and facilitating her transportation to engage in prostitution and sexual exploitation with the promise of financial gain:

PROS. SUBONG, JR.:

Q-

Okay, what did he tell you as to where you were supposed to go?

A-

None, sir, he just told me "aalis kami".

Q-

Okay, and when you were already at McDonald's, you said that you saw [Lopez] talking to somebody. Is that a male person or female?

A-

Male person, sir.

Q-

And what McDonald's are you referring to?

A-

McDonald's near the Sport's [sic] Center, sir.

Q-

Okay. So, after you saw [Lopez] talking to that man at McDonald's, what happened next?

A-

That guy called a taxi and made me board that taxi and brought me to Masinag, sir.

Q-

In what particular place in Masinag?

A-

Grand Polo, sir.

Q-

Okay, what place is that, Grand Polo?

A-

Motel, sir.

x x x x

Q-

So, after you reached Grand Polo, what happened?

A-

"Ano po, kinausap po ako ng lalaki. Nagulat po ako sa gagawin po namin. Ayaw ko po talaga kaya lang pinilit niya po ako. Sabi po noong lalake binigay na po iyong bayad kay Apple."

THE COURT:

Just quote the answer of the witness.

PROS. SUBONG, JR.:

Q-

Do you know who Apple was [sic]?

A-

That person, sir. (The witness at this juncture is pointing to a male person, who when asked to identify himself answered: John Paul Lopez)

Q-

Okay. So, what happened after that?

A-

Nag-ano po kami, nag-sex po.

Q-

And when you say you had sex, what happened? You can tell the Court what happened? What did you understand with the word had sex? What did you do?

A-

"Nag-ano po, nag-sex po. Iyon lang po ang ginawa namin."

THE COURT:

Okay, just quote the answer.

PROS. SUBONG, JR.:

Q-

Do you still remember how long you stayed in Grand Polo during that time?

A-

Sandali lang po. Pagkatapos po naming mag-ano umalis na po kami.

Q-

And then where did you go? After you left Grand Polo, where did you go?

A-

We went our separate ways, sir.

Q-

Where did you separate?

A-

When we went out, I went directly to his house. (Witness is pointing to [Lopez])

PROS. SUBONG, JR.:

I think the witness stated the name, [Lopez].

THE COURT:

Yes, she stated the name of John Paul.

PROS. SUBONG, JR.

Q-

Okay, were you able to reach the place of [Lopez]?

A-

Yes, sir.

Q-

And so, after you got there, what happened?

A-

Pagdating namin sa kanila. Wala na po. Kasi po umalis din po siya noon eh. (Witness is pointing to the accused) Naiwan lang po akong mag-isa.

Q-

Do you know why [Lopez]... I will withdraw. Do you know what participation [Lopez] had in connection with that incident when you had sex with this male person?

A-

I don't know, sir.

Q-

And in return for this sexual act, what did you receive, if any? Or what did you get in return?

A-

Money, sir.

Q-

And how much would that be?

A-

P1,000.00 pesos, sir.

Q-

Who gave you that money?

A-

[Lopez], sir.

x x x x

PROS. SUBONG, JR.:

Q-

What happened on September 9, 2011?

A-

Sinabi niya po uli't (sic) sa akin na ganun daw po uli ang gagawin. Sabi ko, ayaw ko po. Tapos sabi niya,

sayang daw po iyon. Eh, noong sinabi niya po sa akin iyon may kasama na po siyang lalake noon.

PROS. SUBONG, JR.:

May we just have it quoted, your Honor?

THE COURT:

Just quote the answer.

PROS. SUBONG, JR.:

Q-

Okay. What was it that you were supposed to do again?

A-

Makipag-sex po uli sa lalake.

Q-

And you said that the man was already there when you were talking?

A-

Yes, sir.

Q-

Where were you then?

A-

Sport's [sic] Center, sir.

Q-

Where in Sport's [sic] Center?

A-

In McDonald's near the Sport's [sic] Center again, sir.

Q-

Okay, and did you eventually agree to what [Lopez] wanted you to do?

A-

No, sir.

Q-

Okay, what was it that [Lopez] wanted you to do again?

A-

Makipag-sex po doon sa lalake, tapos babayaran daw po. Iyon po ang sabi niya sa akin.

THE COURT:

Just quote the answer.

PROS. SUBONG, JR.:

Q-

Did you actually have sex with that man?

A-

Yes, sir.

Q-

Okay, from McDonald's, where did you go?

A-

Masinag, Grand Polo.

Q-

How did you go there?

A-

We rode a taxi, sir.

Q-

How about John Paul?

A-

He was not there.

Q-

So he was left in McDonald's?

A-

Witness is nodding.

Q-

When you reached Grand Polo, what did you do there?

A-

Nag-sex po.

Q-

After you had sex with that man, what happened?

A-

We separated and I went home to his house, sir.

Q-

Whose house are you referring to?

A-

[Lopez], sir.

Q-

Okay, you said awhile ago that[,] that man paid money to [Lopez]. Do you know how much was paid by that man?

A-

Hindi po. Pangalawang beses din, Isang Libo (P1,000.00) din po ang ibinigay ni [Lopez].[27]

Based on the foregoing, the first element of qualified trafficking is established, that Lopez recruited BBB into prostitution and the sexual trade. Lopez facilitated BBB's involvement in the sexual incidents on August 30, 2011 and September 9, 2011. He brought her to McDonald's to meet the male clients on both dates and instructed her to board the taxi and to go with them to the Grand Polo Motel to have sex. Lopez himself negotiated with the male clients to finalize the deal and accepted their payments.[28]

The second element is also established, that the means used by Lopez involved taking advantage of BBB's vulnerability and enticing her with payments and benefits. In both the August 30, 2011 and September 9, 2011 incidents, Lopez took advantage of BBB's vulnerable state as a minor who had stowed away, and paid her P1,000.00 for each sexual incident.[29]

Notably, it was held in *People v. Villanueva*[30] that a conviction for qualified trafficking in persons may stand

even if it does not involve any of the means set forth in the first paragraph of Sec. 3(a) of R.A. No. 9208. If the person trafficked is a child, we may do away with discussions on whether or not the second element was actually proven. It has been recognized that even without the perpetrator's use of coercive, abusive, or deceptive means, a minor's consent is not given out of his or her own free will.[31]

The third element is present since the purpose of the trafficking was for BBB's prostitution and sexual exploitation. It was clear BBB went with the male client, upon Lopez' instruction, to the Grand Polo Motel to have sex.[32]

With all the elements established, the CA correctly affirmed Lopez' conviction for two counts of qualified trafficking in persons. This conviction stands based on the testimonies and positive identification by the victims of minor age. This is further corroborated by the testimonies of other prosecution witnesses and documentary evidence.

Lopez' bare defense of denial was unsubstantiated by clear and convincing evidence and cannot prevail over the victims' categorical and consistently positive identification which is not accompanied by ill motive.[33] An affirmative testimony is stronger than a negative testimony especially when the former comes from a credible witness. The defenses of alibi and denial, if unsubstantiated by clear and convincing evidence, are inherently weak, self-serving, and undeserving of weight in law.[34]

This Court also cannot give credence to Lopez' defense that BBB's testimony was allegedly impelled by her ill motive against him. The assessment of the credibility of witnesses lies within the province and competence of trial courts. A trial court judge is in the best position to weigh the testimonies of witnesses in the light of the declarant's demeanor, conduct, and attitude during trial, and is therefore placed in a more competent position to discriminate between truth and falsehood.[35] Absent any such finding by the trial court or evidence to show that BBB was biased and actuated by improper motive, her testimony should be given full faith and credit.[36]

Thus, this Court finds no reason to overturn the judgment of conviction rendered by the RTC, and affirmed by the CA.

WHEREFORE, this Court ADOPTS and AFFIRMS the factual findings and conclusions of law in the Court of Appeals Decision, dated 30 March 2017 in CA-G.R. CR-HC No. 07114. Accused-appellant John Paul Lopez y Mayao is found GUILTY beyond reasonable doubt of two (2) counts of qualified trafficking in persons, punished under Section 4(e) in relation to Section 6(a) of Republic Act No. 9208 and, for each count, is sentenced to suffer the penalty of life imprisonment and pay a fine of P2,000,000.00. Furthermore, for each count, he is ORDERED to pay BBB moral damages in the amount of P500,000.00, and exemplary damages in the amount of P100,000.00.

All damages awarded shall earn interest at the rate of 6% per annum from the time of finality of this Decision until fully paid.

SO ORDERED.

Leonen (Chairperson), Gesmundo, Carandang, and Zalameda, JJ., concur.

[1] Rollo, pp. 2-20; penned by Associate Justice Victoria Isabel A. Paredes, with Associate Justices Fernanda Lampas Peralta and Jane Aurora C. Lantion, concurring.

[2] CA rollo, pp. 50-59; penned by Judge Geraldine C. Fiel-Macaraig.

[3] Anti-Trafficking in Persons Act of 2003.

- [4] Supreme Court Administrative Circular No. 83-15 dated September 15, 2017.
- [5] Id. at 50-52.
- [6] Id. at 52 .
- [7] Id.
- [8] Id. at 52-53.
- [9] Id. at 53.
- [10] Id.
- [11] Id.
- [12] Id. at 54.
- [13] Id.
- [14] Id. at 54-55.
- [15] Id. at 38.
- [16] Id.
- [17] Id.
- [18] CA rollo, pp. 50-59.
- [19] Id. at 59.
- [20] Rollo, pp. 2-20.
- [21] Id. at 19.
- [22] Id. at 21-22.
- [23] Id. at 26-27.
- [24] Id. at 31-32; id. at 36-37.
- [25] CA rollo, p. 39.
- [26] *People v. Hirang*, 803 Phil. 277, 289 (2017), citing *People v. Casio*, 749 Phil. 472-473 (2014).
- [27] Rollo, pp. 11-15.
- [28] Id. at 15.
- [29] Id.
- [30] 795 Phil. 349 (2016).
- [31] Id. at 360.
- [32] Rollo, pp. 11-15.
- [33] *People v. Bandojo, Jr.*, G.R. No. 234161, October 17, 2018, 884 SCRA 84, 103-104.
- [34] *People v. Baniega*, 427 Phil. 405, 418 (2002).

[35] *People v. Soriano*, 600 Phil. 668, 676 (2009); *People v. Escote*, 475 Phil. 268, 274-275 (2004).

[36] *People v. Baniega*, *supra*; *People v. Soriano*, *id.* at 676-677; *People v. Hiran*, *supra* note 26 at 290.

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