

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RICARDO MUÑOZ, ACCUSED-APPELLANT.

G.R. No. 61152. July 29, 1988

Ponente: SARMIENTO, J.

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SARMIENTO, J.:

Ironically, a Valentine's day brought not love but tragedy to the life of Erlinda M. Ferrer.

In a Complaint dated October 4, 1978, the accused Ricardo Muñoz was charged as follows:

That on or about February 14, 1978, in the City of Manila, Philippines, the said accused did then and there wilfully, unlawfully and feloniously, by means of force, violence and intimidation, to wit: by then and there boxing the under-signed complainant several times on the different parts of her body, particularly on the head, thighs and stomach until she weakened, then pushing her to the floor of the jeep and further boxing her thighs as she was pressing them together, then tearing off her panty at the same time pointing a knife on her neck, have sexual intercourse with said undersigned complainant, against her will.[*]

Upon arraignment, the accused pleaded "not guilty" to the crime charged.

After hearing on the merits, the then Court of First Instance of Manila, Sixth Judicial District, Branch XXIV, rendered its decision on September 17, 1981, sentencing Ricardo Muñoz to suffer the penalty of reclusion perpetua for the crime of rape as defined and penalized under Article 335 of the Revised Penal Code. The accused was also ordered to indemnify the offended party in the amount of FIFTY THOUSAND (P50,000.00) PESOS as moral damages and for the costs of the suit.[1] The accused-appellant comes now to this Court for a reversal of the lower court's decision.

According to the prosecution, the complainant, Erlinda M. Ferrer, at the time of her sexual assault, was 21 years old, married, and residing at MCU Kalaanan Market, Caloocan City.[2] During her cross-examination, however, she admitted that she was already 29 years old.[3]

The complainant was a laundrywoman at the time of the commission of the crime.[4] The accused was personally known to her as he used to eat in the small carinderia at her and her husband's residence; furthermore, he was a "provincemate" and a friend of her husband.[5]

Erlinda M. Ferrer testified that on February 14, 1978, at around 9:00 o'clock in the evening, she was waiting for a ride at the corner of Jose Abad Santos Street, near the corner of Hermosa Street, Tondo, in Manila. She had come from the house of Patrolman Damaso Reyes, her husband's cousin, situated at Pilar Street, inside the Manuguit Subdivision, also in Manila, where she worked as a laundress. After about thirty minutes, a passenger jeepney stopped in front of her, and she recognized the person behind the wheels as Ricardo Muñoz, the accused. There were no passengers in the jeepney, Muñoz asked her where she was going, and she said she was bound for home. He offered her a ride, saying he was headed in the same direction. Since she was acquainted with the accused, Erlinda Ferrer accepted the offer. Besides, it was getting late, and she did not know when a regular passenger

jeepney would turn up. She boarded the vehicle and sat beside the accused in the front seat.[6] Not for a single moment did she doubt the good intention of the accused. But, unknowingly, Erlinda had placed her life and well-being in the hands of a man who had, as the following narration of events will show, evil in his heart.

Erlinda thought there was nothing wrong when the accused turned right, towards a gasoline station. She assumed the accused would stop the jeep for some gasoline. But the accused did not stop the vehicle, however; instead, he drove on, with a great sense of hurry, towards Rizal Avenue. When Erlinda noticed that the accused was proceeding in the wrong direction, she exclaimed that he had taken the wrong route. But he did not seem to listen to her; nor did he stop his vehicle. Erlinda was seized by an instinctive fear. Something was terribly wrong here, she thought. She protested, and insisted that she be dropped off right there and then. The accused had now gotten angry; he drew a knife from nowhere and pressed it to her left side, and warned her that he would kill her if she as much as attempted to get off the jeepney. The accused then drove to the corner of Rizal Avenue, turned to Pampanga Street, and then suddenly stopped in a dark spot where he would perform the perfidious act of rape, which is the ultimate expression of contempt for women.[7]

The accused stopped his jeepney behind a parked truck that was out of order. He told Erlinda to alight from the vehicle, but she refused. So he poked his knife at her and bodily dragged her to the rear portion of the jeepney. She shouted for help, but the accused boxed her on the left ear. Erlinda felt dizzy from the blow, nevertheless she still tried to put up resistance against her attacker. This time, the accused boxed her on the head and on both thighs even as she pleaded with him not to touch her for the sake of her children. Dazed by the blows inflicted by the accused, Erlinda fell to the jeepney floor. He fell on top of her and with sheer force pinned her arm against the floor. Realizing that she could not possibly get up and free herself on account of the superior strength and position of the accused, she pressed her thighs tightly together in order to foil his attempt at having sexual intercourse with her. The day's hard work and the blows she received from the accused took their toll; her own strength waned, and she lay helpless on the floor. With a knife pressed at his hapless victim's neck, the accused succeeded in raising her skirt, pulling down and tearing her panty, and finally in having sexual intercourse with her. His lust satisfied, the accused stood up and told Erlinda to leave the place and warned her that harm would be brought on her and her family if she reported the incident to the police authorities. The distraught Erlinda proceeded to Quiapo, Manila, to the house of her aunt, Piran Malisido, to whom she confessed the tragedy that had befallen her. The aunt later brought Erlinda to her (Erlinda's) home in Caloocan City.[8]

On February 16, 1978, two days after the incident, Erlinda, accompanied by her sister-in-law, Mrs. Macaraeg, reported the crime to the Western Police District, North Bay Boulevard, Tondo, Manila. Her statement was taken down by Police Investigator Jose Ranjo, who noted the bruises on her thighs, arms, and face, and proceeded to the scene of the crime, an isolated place in front of a building at No. 1825 Pampanga, Tondo, Manila, at the back of the residence of former Councilor Lucero. He advised Erlinda to go to the National Bureau of Investigation for a medical examination.[9] Erlinda promptly did that, and was physically examined by the NBI Medico Legal Officer, Dr. Remigio Bertulfo, who found contusions on her head, left arm, and both thighs. The doctor concluded that the injuries had been sustained on the alleged date of infliction. An examination of Erlinda's hymen further revealed that she could have had sexual intercourse with a man on or about the alleged date of the commission of the crime.[10] Shortly after the NBI examination, Erlinda M. Ferrer filed a complaint for rape against Ricardo Muñoz.[11]

At the trial, the accused was hard put to exculpate himself, and presented for his defense, alibi and his having a love affair with the complainant. He related on the witness stand that in the evening of February 14, 1978, at around 9:00 o'clock, he was at his home in Macabebes, Pampanga. It was his day off from his driving duty. He testified that the day previous, on February 13, he had gone home and stayed with his family up to February 15,

the day he was scheduled to report back to work as a jeepney driver in Caloocan City. He claimed further that he and Erlinda were lovers who had had several trysts in different motels; because of their relationship, the accused declared that a complaint for rape against him by her would be a big lie. According to the accused, he had known Erlinda since 1976 when he began taking his meals at her small eatery at the Calaanan Market. In the course of time, the accused and complainant became close, and they often discussed Erlinda's marital problems. She had confided that her husband was not giving her money, so she was forced to do other people's laundry. In tears, she told him that her husband was having an illicit affair with another woman. As the days passed by they became even closer; the accused would even take his daily bath in the bathroom of Erlinda's restaurant, with Erlinda personally preparing the bathroom facilities. She also started gifting him with polo shirts, undershirts, briefs, and toiletries. Eventually, they became intimate lovers frequenting different motels. The accused, however, testified that their intimacies had been limited to kissing and embracing and that they did not have sexual intercourse.[12]

He averred that their last tryst was on February 11, 1978 -- three days before the commission of the crime -- at the Apollo Hotel at BBB, Valenzuela, Bulacan where Erlinda entered her name and residence certificate number in the hotel register before they took a room. When they were inside the room, she proposed that they elope. He refused and told her that he would have to study the matter. They left the hotel and the accused accompanied Erlinda home. Upon reaching her home, Erlinda's husband woke up and he saw that she had brought home some clothes. When asked where she had come from, Erlinda told her husband that she had eloped with the accused. Enraged by her reply, her husband hit her on different parts of her body. This explained, according to the accused, the contusions and bruises of the complainant. Witnessing the beating of Erlinda, the accused, Ricardo Muñoz, left the place unnoticed and went home to Macabebe, Pampanga. There he told his wife that Erlinda's husband was suspecting that he was having relations with Erlinda. He stayed home for three days and returned to Caloocan on February 15, 1978. He further averred that he was charged with rape by Erlinda through a vengeful husband.[13]

The accused assailed the CFI decision. In his brief he assigned the following errors, to wit:

- THE TRIAL COURT GRAVELY ERRED IN EMPHASIZING AND CONSIDERING GREATLY THE WEAKNESS OF THE EVIDENCE FOR THE DEFENSE RATHER THAN THE MERITS OF THE EVIDENCE FOR THE PROSECUTION ESPECIALLY THE CREDIBILITY OF COM-PLAINANT'S TESTIMONY.
- THE TRIAL COURT GRAVELY ERRED BY NOT EXAMINING WITH GREATEST CARE THE COMPLAINANT'S STORY AND BY NOT SUBJECTING IT TO A THOROUGH SCRUTINY TO DETERMINE ITS VERACITY IN THE LIGHT OF HUMAN NATURE AND EXPERIENCE.
- THE TRIAL COURT GRAVELY ERRED IN CONCLUDING THAT THE INCONSISTENCIES AND DISCREPANCIES IN THE TESTIMONY OF THE COMPLAINANT REFER ONLY TO MINOR DETAILS AND THAT FACT DOES NOT OFFSET HER CREDIBILITY.
- THE TRIAL COURT GRAVELY ERRED IN GIVING CREDIT TO THE TESTIMONY OF THE COMPLAINANT ERLINDA FERRER.
- THE TRIAL COURT GRAVELY ERRED IN GIVING CREDIT TO THE TESTIMONY OF COMPLAINANT'S AUNT, PIRAN MALICIDO.
- THE TRIAL COURT GRAVELY ERRED IN GIVING CREDIT TO THE TESTIMONY OF CORPORAL JOSE L. RANJO.
- THE FINDINGS OF THE TRIAL COURT THAT THE COMPLAINANT SHOUTED FOR HELP AND THAT DURING HER TESTIMONY, HER DECLARATION WAS PUNCTUATED BY FREQUENT

SOBBINGS ARE NOT SUPPORTED BY THE EVIDENCE APPEARING IN THE TRANSCRIPTS OF THE STENOGRAPHIC NOTES TAKEN DURING THE HEARING OF THE CASE.

- THE TRIAL COURT GRAVELY ERRED IN CONCLUDING THAT THE ACCUSED-APPELLANT IS GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF RAPE WHICH DID NOT EXIST.

- THE TRIAL COURT GRAVELY ERRED BY NOT GIVING CREDENCE TO THE DEFENSE RAISED BY THE ACCUSED.[14]

The arguments of the accused are not impressed with merit.

Anent the first four assigned errors, the accused generally argues that the trial court gravely erred in emphasizing and placing more weight on the weakness of the evidence for the defense, rather than on the merits of the evidence for the prosecution, especially with respect to the credibility of the complainant's testimony.[15]

We do not agree.

Contrary to the claims of the accused, the trial court did not convict the accused merely on the weakness of his own defense as alleged, but principally on the basis of the strength of the prosecution's evidence. At the witness stand, complainant Erlinda M. Ferrer narrated vividly her ordeal.

X X X X X X X X

Fiscal:

Q. What did you do when the accused was raising your dress and taking off your panty?

A. I was holding my panty but he forced it.

Q. You said that your panty was taken off from you, what else did the accused do when he taken off (sic) your panty?

A. I was resisting by putting my thighs tightly together to prevent him, but he boxed me on my thighs and when I could no longer resist, he was able to get my womanhood.

Q. How many times did the accused get your womanhood?

A. Once.

Q. How long did the accused commit those acts of taking your woman-hood?

A. More or less 15 minutes.[16]

x x x x x x x x

In the cross-examination, in an effort to establish a love affair between the accused and Erlinda, the counsel for the accused tried to elicit unsuccessfully give-away answers from her.

x x x x x x x x

Q. Now, is it not a fact that he use (sic) to take a bath in your bathroom?

A.

Yes, sir. He use (sic) to take a bath in our bathroom and he use (sic) to ask permission from my husband and my husband is also there.[17]

x x x x x x x x

Q. And during those times, you know that he had to take a bath in your bathroom, is it not?

A. Yes, sir.

Q. And sometimes, you also prepare the bathroom whenever he is going to take a bath, is it not?

Q. No, sir.

A. You don't even give him a soap for the purpose?

A. No, sir.

Q. You don't even give him "camiseta" or undershirt?

A. I did not give him those things. Because he is not my husband.

x x x x x x x x

Q. Kindly go over this brief and tell us if this is not the brief or wearing apparel that you have also given him before?

A. No, sir.[18]

X X X X X X X X

Erlinda's narration of the events leading to the violation of her honor-from the time she was forcibly brought to a dark spot on Pampanga Street to the time she was actually raped by the accused -- was consistent and unimpaired under direct examination and cross-examination. She cited how a knife was poked at her left side by the accused, how she was boxed in different parts of her body, and the threats to her life by the accused before and after the commission of the crime.[19]

Piran Malisido, aunt of Erlinda to whom she fled for moral and emotional succor immediately after her sexual assault, was called by the defense as an adverse (hostile) witness. She stated that Erlinda came to her house in Quiapo, on February 14, 1978 at about 10:30 p.m. in the evening. Erlinda was crying, her hair dishevelled, and her dress crumpled and soiled. She further testified that her niece had contusions in her body and that her panty was torn.[20] As Erlinda had earlier stated, the said aunt accompanied her in going home.[21]

The accused takes issue against the trial court for giving credit to the testimony of the complainant's aunt, Piran Malisido.

The contention is sorely devoid of merit. Piran Malisido appeared before the trial court as hostile (adverse) witness for the defense. It was on the initiative of the defense that she testified. Ironically, rather than strengthening the theory of the defense, she bolstered the prosecution's version as earlier cited.[22]

Strengthening Erlinda's case further was the medical finding of the NBI Medico Legal Officer which documented the contusions on the complainant's body as having been inflicted on the alleged date of commission of the crime and the possibility of sexual intercourse on the same day.[23]

The sixth error allegedly committed by the trial court is so insubstantial as to merit extended discussion. Suffice it to say that the testimony of Corporal Jose L. Ranjo is on Erlinda's reporting at the police station her ravishment by the accused-appellant, his taking down of her testimony, and his instruction that she proceed to the NBI Medico Legal Officer for a physical examination.[24]

Contrary to the seventh assignment of error, the record clearly shows that the complainant indeed shouted for help.[25]

The last two assignments of error emphasize the accused-appellant's summation that his guilt of the crime of rape has not been proven beyond reasonable doubt and that the trial court gravely erred in not giving credence to the two defenses he interposed -- alibi and love affair.

To be sure, alibi is one of the weakest defenses an accused can invoke. Easily lending itself to concoction and "embroidery," it must invariably be viewed with suspicion and may be considered only when established by positive, clear, and satisfactory evidence.[26] To be given credence, it must not only appear that the accused interposing the same was at some other place but also that it was physically impossible for him to be at the scene of the crime at the time of its commission.[27] But an alibi cannot prevail over the positive testimony of a witness identifying the accused as the author of the offense charged, especially where, as in the case at bar, no motive has been shown for such witness to testify falsely against the accused.[28] Where nothing supports the alibi except the testimony of relatives, it deserves but scant consideration.[29]

Given the foregoing established doctrines, the defense of alibi of the accused miserably fails. The accused was positively identified by complainant Erlinda Ferrer who knows him well because he used to take his meals at her eatery.[30] Besides the accused was a friend of and "provincemate" of her husband.[31] His declaration that on

the night of the crime, February 14, 1978, he was in Macabebe, Pampanga does not convince us that he could not have been at the site of the crime in Caloocan City at 9:00 o'clock that evening, considering that the distance between the two places could be negotiated in a couple of hours by means of a motor vehicle. It was therefore not physically impossible for him to be at the scene of the crime. To sustain this alibi, the accused presented his wife, Adelaida Garcia Muñoz and his cousin, Virgilio Muñoz. Mrs. Muñoz's testimony only accounted for her husband's arrival in Macabebe on February 13 and his return to Manila on February 15.[32] She never accounted for her husband's whereabouts on the night of February 14. On the other hand, the cousin of the accused-appellant, Virgilio Muñoz, accounted for his (Virgilio's) own whereabouts on February 14, between 6:00 and 9:00 in the evening during which time he was the alternate driver of the accused.[33] Nor did he account for the whereabouts of the accused on the said night. Based on the foregoing, it appears very clear that only the uncorroborated self-serving testimony of the accused remains to support his claim of absence from the scene of the crime. We do not believe him.

Now as to the love angle. The accused wanted to establish that Erlinda was his mistress. We rule out the element of illicit romance in this case.

The accused testified that as a gesture of love Erlinda had given him among other things two polo shirts made by a tailor named Alex Yanga who was known, according to Ferrer, to the complainant.[34] To prove this point the accused presented said Alex Yanga who, ironically again, testified that neither the accused nor Erlinda had been his customers and that he had never made a polo shirt for the accused.[35]

The accused also testified that he and Erlinda had been having trysts in several hotels, the last one being at Apollo Hotel, BBB, Valezuela, Bulacan on February 11, 1978 at 4:00 in the morning. Under oath, he declared, to wit:

x x x x x x x x

Q. Now you said when you entered the Apollo Hotel on that February 11, 1978, it was Erlinda who registered in the Apollo Hotel register book, is that correct?

A. Yes, sir.

Q. How far were you when Erlinda was registering in that hotel?

A. I was beside her.

x x x x x x x x

Q. So what was written was Mr. and Mrs. Erlinda Ferrer Muñoz and company?

A. Yes, sir.

X X X X X X X X

Q. But you were beside her when Erlinda was writing in the registry book, is it not?

A. Yes, sir.

Q. And you were looking at what she was writing or when Erlinda was writing at the registry book?

A. Yes, sir.[36]

X X X X X X X X

Again, on the initiative of the defense, the manager of Apollo Hotel was summoned, to testify and to bring with him the hotel register for February 11, 1978. William Lim, son of the manager, appeared and brought with him the required hotel register. An examination of the register revealed that no entry had been made of the names of Mr. and Mrs. Erlinda Ferrer Muñoz on the alleged date.[37]

The accused-appellant taxes anyone's credulity by foisting the tale that although he and Erlinda had been having trysts in different hotels, their intimacies had been limited to kissing and embracing without sexual intercourse as he had to study matters pertaining to their relationship first.[38] When asked on the necessity of going to motels, the accused offered a nonsensical answer, saying he did not want anybody to learn of or hear what they were talking about.[39] Both the accused and complainant were married persons at the time of the commission of the crime and were in the prime of their youth.[40] For lovers, as alleged by the accused-appellant, to behave like celibates in the privacy of a motel room is simply hogwash if not presumptive of the naivete of the trial court. In addition, the accused insists that the contusions and bruises sustained by Erlinda came about as a result of the beatings she had received from her irate husband after she confessed the proposed elopement. Against the positive testimony of complainant Erlinda as to how she sustained the bruises in the hands of the accused, the testimony of the NBI Medico-Legal Officer, Dr. Bertulfo, that the injuries had been sustained approximately on the alleged date of the commission of the crime, and the affirmative statements of Piran Malisido that on February 14, 1978 Erlinda had gone to her house crying, with contusions on her body, we cannot give credence to the version of the accused.[41]

There are, indeed, few discrepancies and inconsistencies in the testimonies of the witnesses for the prosecution. Nevertheless, they are not of a nature and magnitude that would impair the credibility of the said witnesses. The alleged inconsistencies refer to minor details and do not, in actuality, touch upon the basic aspects of the whys and wherefores of the crime committed.[42] Furthermore, it is hard to believe that a woman would undergo the expense, trouble, and inconvenience of a public trial, not to mention suffer the scandal, embarrassment, and humiliation such action inevitably invites, as well as allow an examination of her private parts, if her motive is not to bring to justice the person who had abused her.[43] A victim of rape will not come out in the open if her motive is not to obtain justice.[44] The motive ascribed to the complainant is too insignificant and trivial compared to the great cost of exposing herself to shame and the ridicule of the public.[45]

The Court hastens to add that rape victims like Erlinda Ferrer must be admired for their courage to bring their

attackers to the courts, at a great sacrifice to their own honor and that of their families. Societies generally are not kind to violated women, exposing them to ridicule and shame when they report their having been violated. Rape victims bear the responsibility of proving that they had been raped, that they had not invited seduction, or had not been unchaste. The process of bearing the burden of proof can cause deep, and in some cases, irreparable emotional damage on the victims and the people around their lives. On the other hand, the harsh hand of social injustice does not seem to apply to the rapists.

Violence committed against women need not come in the form of physical brutality alone. In societies where the men are still considered superior to the women, gender violation presents itself through the emotional and sexual exploitation of women who are vulnerable and weak. There must come a time when men should consider women with great respect and not trifle with their inferior strengths. In the same vein, there must come a time when societies should be made up of men and women who are equal in every level of existence, and who do not exploit the poor and powerless. Two women, Angela Phillips and Jill Rakusen, in the book *Our Bodies, Our Selves*,^[46] talk about the kinds of rape apart from that committed under great threat. They write: "Although most of us think of rape as a clear-cut, unjustifiable sexual act forced on a woman against her will, many people, especially men (but not only men) have misconceptions about what rape is and what it isn't. In their minds rape is rape when it happens in an alley, when it is committed by a stranger, or when there are bruises and signs of physical violence; but for them rape is not really rape when it happens in a bed, when it's committed by a friend or acquaintance, x x x or when a woman appears not to be physically harmed. Many of us women know that these later rapes are just as much 'real rape' as the former. More men need to understand this too."

WHEREFORE, the judgment appealed from is hereby **AFFIRMED** with regard to the penalty of reclusion perpetua and **MODIFIED** as to the indemnity to be paid to the offended party which is reduced to **TWENTY THOUSAND (P20,000.00) PESOS**. With costs against the accused-appellant.

SO ORDERED.

Melencio-Herrera, (Chairman), Paras, and Padilla, JJ., concur.

[*] Rollo, Decision, 8.

[1] Penned by Judge (now Justice of the Sandiganbayan) Augusto M. Amores, in Crim. Case No. 41180, Rollo, 193.

[2] T.s.n., session of January 9, 1979, 2.

[3] T.s.n., session of January 16, 1979, 3-4.

[4] T.s.n., session of January 9, 1979, 4.

[5] Id.; T.s.n., session of January 16, 1979, 5, 29, 39-40; t.s.n., session of January 22, 1979, 2.

[6] T.s.n., session of January 9, 1979, 4-6; t.s.n., session of January 16, 1979, 16-19, 38-39, 41.

[7] T.s.n., session of January 9, 1979, 7-8; t.s.n., session of January 16, 1979, 40; t.s.n., session of January 29, 1979, 21-22.

[8] T.s.n., session of January 9, 1979, 9-19; t.s.n., session of September 25, 1979, 4-8.

[9] T.s.n., session of November 20, 1978, 18-43.

[10] T.s.n., session of June 20, 1979, 2-11.

- [11] T.s.n., session of November 6, 1979, 1-2.
- [12] T.s.n., March 25, 1980, 3-13.
- [13] Id., 14-27.
- [14] Rollo, Brief for Accused-Appellant, 64-65.
- [15] Id., 74.
- [16] T.s.n., January 9, 1979, 13-14.
- [17] T.s.n., session of January 16, 1979, 7-8.
- [18] Id., 14.
- [19] T.s.n., session of January 9, 1979, 7-8, 9-18; t.s.n., session of January 29, 7-17.
- [20] T.s.n., session of December 19, 1979, 15-17.
- [21] T.s.n., session of January 9, 1979, 19.
- [22] T.s.n., session of December 19, 1979, 15-17.
- [23] T.s.n., session of June 20, 1979, 2-11.
- [24] T.s.n., November 20, 1978, 20-31, 43-44.
- [25] T.s.n., session of January 9, 1979, 9.
- [26] *People vs. Zapatero*, No. L-31960, August 15, 1974, 58 SCRA 450; *People vs. Dereje*, No. L-31155, April 22, 1974, 56 SCRA 554; *People vs. Mori*, Nos. L-23511 and L-23512, January 31, 1974.
- [27] *People vs. Cortez*, No. L-31106, May 31, 1974, 57 SCRA 308; *People vs. Turalpa*, No. L-29118, February 28, 1974, 55 SCRA 697; *People vs. Esmael*, No. L-28533, February 24, 1971, 37 SCRA 601.
- [28] *People vs. Rafanan, et al.*, G.R. No. L-13289, September 29, 1962.
- [29] *People vs. Maraijo*, G.R. No. L-4800, May 29, 1953; *People vs. Beniaga*, No. L-14905, January 28, 1961.
- [30] T.s.n., session of January 9, 1979, 4-6.
- [31] T.s.n., session of January 16, 1979, 39-40.
- [32] T.s.n., session of January 7, 1980, 3-4; t.s.n., session of February 11, 1980, 5.
- [33] T.s.n., session of August 11, 1980, 3-5.
- [34] T.s.n., session of March 25, 1980, 8-10.
- [35] T.s.n., session of September 30, 1980, 2-4.
- [36] T.s.n., session of April 22, 1980, 7-9.
- [37] T.s.n., November 10, 1980, 9-11.
- [38] T.s.n., session of April 14, 1980, 4-8, 18.
- [39] Id., 5.

[40] T.s.n., session of January 9, 1979, 2; t.s.n., session of March 25, 1980, 3.

[41] T.s.n., December 19, 1979, 15.

[42] *People vs. Cabeltes*, Nos. L-38145-48, June 29, 1979, 91 SCRA 208.

[43] *People vs. Detuya, et al.*, No. L-39300, September 30, 1987; *People vs. Tuando*, No. L-47720, May 20, 1987, citing: *People vs. Macatangay*, No. L-40726, June 29, 1982, 114 SCRA 743.

[44] *People vs. Ignacio*, No. L-35494, September 18, 1974, 60 SCRA 11.

[45] *People vs. Tuando*, *supra*.

[46] *Penguin Books, Ltd.*, 1987.

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