

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ANTONIO PENA, JR., ACCUSED-APPELLANT.

G.R. No. 72354. June 30, 1987

Ponente: PARAS, J.

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PARAS, J.:

We begin with this serious indictment: A person inflamed with lust who dares ravish angelic innocence is not a human being. He is a jungle creature of Satan born.

This is an appeal from a decision of the trial court finding accused guilty of the crime charged allegedly committed as follows:

"That on or about 4:00 o'clock more or less, in the morning of April 15, 1984, in the City of Cotabato, Philippines, and within the jurisdiction of this Honorable Court, the said accused armed with a sharp-pointed instrument, by means of violence and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of the complainant Nancy Tejas, against her will and in her own place of business where she sleeps.

"Contrary to law, with the aggravating circumstance that the said offense was committed in the dwelling of the offended party, the latter not having given provocation for the offense, specifically under Article 335 of the Revised Penal Code." (p. 15, Rollo)

Evidence for the prosecution consisted in the testimonies in open court of the complainant Nancy Tejas, Romeo Angeles, Sgt. Alberto Anora, Maj. Antonio Garado, Dr. Danda Juanday, Junar de Guzman, and Elena Tejas while evidence for the defense consisted of the testimonies of Ernesto Balan, Maria Teresita, Pena and accused-appellant Antonio Pena, Jr.

After an exhaustive study of the evidence presented, the trial court rendered a decision,^[1] its dispositive portion reading as follows:

"WHEREFORE, premises considered, the GUILT of the accused ANTONIO PENA having been proved beyond the shadow of reasonable doubt for having committed the offense of RAPE as defined in Article 335 of the Revised Penal Code in relation to Article 27, of the same code, hereby sentences the accused ANTONIO PENA to suffer an imprisonment of THIRTY (30) years of reclusion perpetua, and to pay the sum of TWENTY THOUSAND (P20,000.00) PESOS unto the complaining witness Nancy Tejas as moral damages with subsidiary imprisonment in case of insolvency and to pay the costs of this suit.

"The accused shall be credited with the full period of his detention.

"SO ORDERED.

"Cotabato City, Philippines, September 6, 1985." (p. 38, Rollo)

Hence, this appeal, accused interposing a lone assignment of error, to wit:

"The court a quo gravely erred in finding the accused guilty beyond reasonable doubt of the crime of rape defined and penalized under Art. 335 of the Revised Penal Code despite the existence of evidence warranting his acquittal." (p. 63, Rollo)

In seeking the reversal of the trial court, appellant questions the credibility of complainant raising several arguments viz: 1) If it were true that accused was already outside armed with a pointed weapon waiting for the complainant, he could not have known that the latter will be going out, unless there was a previous understanding between them; 2) If complainant was really raped at the main door as testi-fied to by her, the fact that she did not seek the help of the male employees sleeping inside the pubhouse near the main door, who could have been easily awakened by her cries and who could have discovered the alleged dastardly acts of accused, cast doubts on her claim against accused; 3) It is impossible for accused to satisfy his lust on the complainant within so short a time (four to five minutes) especially with his maong pants on although zipped open in front unless done with the cooperation and consent of the alleged victim.

To have a better grasp of the issues at bar, repro-duced herein is the Statement of Facts, presented by appel-lant in his brief:

"Romeo Angeles, the first witness for the prosecution testified, among others, that Nancy Tejas is his sweetheart and they are engaged to be married after she finishes her studies. In April 1984 at about 5:00 o'clock in the afternoon he was suddenly visited by her at his place in Davao City. She was then crying with swollen eyes. She informed him that Antonio Pena raped her. They decided that she file a complaint in Cotabato City but they have to report the matter first to her mother. He identified in open court the person of Anto-nio Pena whom he had known in the month of February 1984 after having met him at the Ellen's Folk House. When asked how he met the accused, he answered that he was as-signed at the MIRRICO and he had known the accused as a singer at the Ellen's Folk House. He further testified that he was the sweetheart of the victim for the past two years having met her at the restaurant of the victim's mother.

"Nancy Tejas the complainant herself testified that she is 18 years old, single, student and residing at Rosario Heights, Cotabato City. She testified that at about 4:00 o'clock in the morning of April 15, 1984 at Ellen's Folk House, she went out from her room to urinate and while she was out, Antonio Pena suddenly covered her mouth with his left hand, while his right hand was holding a bladed weapon pointed at her neck threatening to kill her and her family as she attempted to shout for an assistance. Scared, she remained silent. The accused then drag her to the main door and upon reaching it she was pushed and caused to stumble (sic) on the cemented floor. Then accused placed his body on top of her and, threatening with a pointed weapon, he began removing her short pants and underwear with his left hand, while his right hand is still pointing the bladed weapon to her neck. She resisted but everytime she tried to move, accused will press the pointed wea-pon on her neck; that she was nearly wounded and sensing the accused's determination to kill her, she did not do anything and was forced to submit herself. And accused was able to sexually abuse her. After the accused finished his evil satis-faction, he went out while she went straight to her room and cried. She further testified that she did not know where the accused slept in the evening of April 14, 1984. Prior to the incident, she saw the accused drinking with a certain Januar, Boy and Dennis occupying table No. 5 inside the Ellen's Folk House. They usually closed their store at 11:30 o'clock in the evening and during that night she saw the accused drinking inside the store and before she went to sleep she still saw the accused drinking with some friends. She testified that she was outside of her room when she was dragged by the accused who suddenly covered her mouth with his left hand. She affirmed her statement that a pointed weapon was placed on her neck and had been threatened to be killed. She identified the weapon used by accused Antonio Pena which had been marked as Exhibit "A" for the pro-secution. She also testified that there were lights near the comfort room and outside their room and that she was able to recognize Antonio Pena. She further testified that she was examined and was issued a medical certificate by Dr. Danda Juanday. After she was raped, she felt a burning sensation in her vagina and she allowed herself to be examined by reason thereof. After examination, she

suspected of having a contracted venereal disease from accused Antonio Pena. She testified further that after the incident she did not have any sexual intercourse with any other man or with the accused himself.

"Sgt. Alberto Anora, another witness for the prosecution testified that he is a peace officer member of the Philippine Constabulary assigned with the 480 PC Coy, stationed at PC Hill Cotabato City. That he arrested a person by the name of Antonio Pena on April 18, 1984 at 8:00 o'clock in the evening on the complaint of Elena Tejas because her daughter was raped by Antonio Pena. He testified that the accused was brought to the PC Headquarter at PC Hill Cotabato City and was investigated. He asked Antonio Pena why he raped Nancy Tejas and the latter answered him that Nancy Tejas did not like him. He also testified that there was no search warrant issued for the arrest of the accused.

"Mayor Antonio Garado testified in substance that he investigated accused Antonio Pena on the alleged complaint of Nancy Tejas. During the investigation he searched the body of Antonio Pena and found the scissors in his pocket which had been recognized by the complainant Nancy Tejas to be the weapon used by the accused during the commission of the crime.

"Dr. Danda Juanday testified in substance that she examined (sic) Nancy Tejas on April 18, 1984 at around 11:00 o'clock in the evening and as a result of the examination she issued a medical certificate which had been marked as Exhibit "C" for the prosecution. She declared that Nancy Tejas was complaining about painful urination with foul discharge. Her findings reveal that there was sexual contact a few days earlier and venereal disease can not be ruled out and in fact suggested that there should be the smear examination and medication. There is no spermatozoa found in the vagina although she was positive for gonorrhea.

"Junar de Guzman testified that on April 14, 1984 around 11:00 o'clock in the morning he was at the restaurant known as Ellen's Folk House drinking together with another waiter named Boy. Thereafter, Dennis and Toto joined them. He testified that Antonio Pena, Toto and Dennis drank red horse beer up to 2:30 o'clock in the following morning. That Nancy Tejas and a certain Sonia slept in a room at Ellen's Folk House and he himself slept at the table which is around 3 meters away from the room where Nancy Tejas and Sonia were sleeping. His companion, Dennis, slept on the sofa while Boy went home. He testified that accused Antonio Pena slept in another table which was around 7 meters away from the table where he was sleeping. He further testified that he almost drank 3 and a half bottles of beer and was very drunk that he felt dizziness. He does not know of anything that happened that evening because he was so drunk and woke up only around 7:00 o'clock in the morning.

"Elena Tejas the last witness for the prosecution testified that in the evening of April 14, 1984, she was at Ellen Folk House and Restaurant supervising her men who were coming from their Tagalog turo-turo restaurant nearby. That she instructed her daughter to sleep there that evening while she will sleep at the Tagalog restaurant because on the following day she will go to the market. Before she left that evening she talked with the accused, Antonio Pena, and the latter asked her permission to allow him to sleep at the Folk House since there was no more ride for him to go home. On April 18, 1984 she met her daughter crying who told her of the incident of April 15, 1984 wherein she was forcibly dragged from her bedroom where the boys were soundly sleeping. Her daughter Nancy told her that she is filing a complaint for rape against Antonio Pena, Jr. She testified that the accused was arrested while he was singing at the Folk House and during the course of her testimony identified the scissors which was earlier presented."

Evidence for the Defense:

"Ernesto Balan, the first witness presented by the defense, testified that he knows accused Antonio Pena and complainant Nancy Tejas because they go and sing together at Ellen's Folk House. He testified that his brother Anthony Cang was singing at Ellen's Folk House before he was replaced by Antonio Pena and that is when he came to know the two. He further declared that he had been going with Antonio Pena for one month before he was invited by the PC.

“Maria Teresita Pena another witness testified that on April 8, 1984 at around 10:30 o'clock in the morning three persons arrived at their house to attend the birth-day party of her grandchild. While she was preparing the table she saw these three persons bringing with them a cassette tape recorder. She heard that Ernesto Balan asked his son Antonio Pena whether he had broken his relationship with Nancy Tejas and the accused asked why Ernesto Balan explained that while they were taping at JB de luxe Nancy Tejas asked him if the accused really loves her and he countered whether the accused is her sweetheart. She testified that her son Antonio Pena was not treated with any disease. She denied that the accused raped Nancy Tejas because if indeed her son raped Nancy Tejas why did it take four days for the authorities to apprehend his son when in fact he had been staying at Ellen's Folk House.

"Antonio Pena the accused-appellant him-self testified that he is a singer by profes-sion. Before he was arrested, he was working at Ellen's Folk House and was first employed thereat on February 19, 1984. He stated that he first met Nancy Tejas in February 1984 and that he stopped working when he was arrested on April 19, 1984 because he was charged with rape by Mrs. Elena Tejas and Nancy Tejas. He claimed that he was at Ellen's Folk House in the evening of March 26, 1984 with Nancy Tejas talking with him. That he and Nancy Tejas were eating together. They were talking about his work including his salary. He further testified that on March 26, 1984 he slept in their house in Notre Dame Village. That he was at Ellen's Folk House at 9:00 o'clock in the morning although he would start singing at 6:00 o'clock in the evening. He stayed at Ellen's Folk House until the evening of March 27, 1984. He slept at Ellen's Folk House because he was told by Nancy to sleep thereat because it was already very late for him to go home. He testified that the following day March 28, 1984 at 2:00 o'clock in the morning he had intimate relationship with Nancy Tejas and had sex for the first time with her. He testified that he also courted Nancy Tejas in the month of February 1984 and she accepted him as her sweetheart. After March 28, 1984 he had several sexual act with complaining witness Nancy Tejas although he could not determine the num-ber of times. He denied having raped Nancy Tejas. He stated that what happened is their mutual consent. On April 15, 1984 he reported to work up to April 18, 1984. He affirmed that he was arrested in the evening of April 18, 1984 while he was singing. He denied that he was the owner of the scissor but admitted to have seen it in the possession of Nancy Tejas. He admitted that the scissor was taken from his pocket because he got the same from the counter of Ellen's Folk House having been left there by Nancy Tejas at the top of the counter. The scissor was used for cutting colored papers which is to be placed on the stage. He denied that he was suffering from gonorrhea because he had himself examined."

The counter statement of facts presented by the prosecution in its brief is as follows:

"Romeo Angeles was surprised when his sweetheart of two (2) years Nancy Tejas visited him unexpectedly at their place in Davao City at 5:00 o'clock in the afternoon on April 15, 1984. Upon seeking him, Nancy sobbed uncontrollably. Her eyes were swollen (tsn., pp. 4-6, 10, 13?14, 20-21, June 4, 1984). Bits of information fell into place as Nancy related to Romeo Angeles in sobs the 4 to 5 minutes ordeal in the hands of appellant Antonio Pena, Jr. She informed Romeo that she intended to formally complain against appel-lant for rape to the authorities. She requested him to accompany her to Cotabato City to report the incident to her mother (tsn, pp. 6 & 14, Ibid.).

“Nancy Tejas is a third year nursing student at Notre Dame University. She was a consistent honor student (tsn, pp. 6--7, January 9, 1985). Upon the instruction of her mother Helena Tejas, Nancy Tejas helped manage and supervise Ellen's Folk House and Restaurant. She first set foot at their business establishment on March 30, 1984 where she met appellant who was employed there as a singer (tsn., p. 7, August 2, 1984; tsn., pp. 10-11, January 9, 1985).

“On April 15, 1984, at about 4:00 o'clock in the morning, Nancy Tejas went out of her room at Ellen's Folk House and Restaurant to answer nature's call. Ellen's Folk House is situated at Makakua Street, Cotabato City. Waiting outside her room was appellant. He immediately covered her mouth with his left hand. Nancy tried to resist but when felt the cold blade of steel touch her neck, she froze with fear. Appel-lant threatened to kill her if she shouted for assistance. Nancy was scared stiff. Fear benumbed her whole being. Appel-lant forcibly

dragged her to the main door and then roughly pushed her down the cemented floor. Placing his body on top of her and threatening her with a sharp pointed weapon, appellant began re-moving his short pants and underwear with his left hand. His right hand still clutched the weapon pointed menacingly on Nancy's neck. Nancy resisted. But each attempt was frustrated by appellant, who pointed the sharp weapon at her neck. Nancy was almost wounded. Appellant was determined to possess her. Fear rose across Nancy's nerves. Appellant feasted on the young body of Nancy for 4 to 5 minutes. After-wards, he hurriedly left her. Nancy went back to her room. She realized, she was raped and cried (tsn, pp. 26-27, 30-31, Ibid.).

"Two (2) days after the rape incident, Nancy felt burning sensation in her vagina. She had herself medically examined by Dr. Danda Juanday at Cotabato Regional Hospital on April 18, 1984. She complained to him of painful urination with foul discharges. His findings summarized in Exhibit "C" state: 'External Genetalia, well formed. Folliculi-ties noted at the mons pubis. Admit 2 fingers with ease. Cervic close, firm tender. Uterus-tender, small, contracted. Remarks: Sexual contact a few days ago. Venereal disease cannot be ruled out. Suggest smear and medications.' The results of the labora-tory test were: '(1) Positive for intracellu-lar and extracellular gram negative diplococci resulting N. Gonorrhea, (2) No spermatozoa found.' (tsn, pp. 37-42, 44, June 4, 1984; tsn, pp. 4-11, July 13, 1984).

"Helena Tejas met her daughter Nancy at Davao City on April 18, 1984. Nancy was crying. She reported to her what hap-pened at their folk house restaurant at about 4:00 on April 15, 1984 where appellant sexually assaulted her. Nancy was deter-mined to file a complaint for rape against appellant. She consented. On the same date (April 18, 1984), they reported the incident to the COMDISCOM in Cotabato City. Appellant was arrested by Sgt. Alberto Amora while singing at the folkhouse. He was taken to the PC, headquarters for investigation. Found in his possession was a pair of scissors admitted to be the weapon used in intimidating Nancy Tejas (Exhibit "A", tsn, pp. 17-19, June 4, 1984; tsn, pp. 3-4, 7-8, 12-14, July 5, 1984; tsn, pp. 8-10, 17, August 2, 1984).

"A sample of appellant's urine was taken by Dr. Faisal Samanodi and subjected to laboratory test. Per the medical cer-tificate of Dr. Samanodi dated April 23, 1984 (Exhibit "D"), the physical findings state: '1. Conscious, coherent and posi-tive for alcoholic breath. 2. Essential negative findings' while the 'LABORATORY FINDINGS: 1. Gram stainings: - Positive for extracellular and intra-cellular gram negative diplococci resembling N. Gonorrhea.' (tsn, pp. 4-7, November 28, 1984; tsn, p. 12, January 9, 1985)."

Briefly it is appellant's contention that the sexual intercourse between himself and Nancy Tejas in the early morning of April 15, 1984 was mutually and voluntarily agreed upon by them since they are sweethearts and that no force was employed to intimidate the latter to perform the act with him. Appellant contends further that what prodded complainant to file the rape complaint was her belief that one of the male employees woke up and noticed what they were doing although the accused believed otherwise.

Appellant's contentions hold no water.

The undisputable findings of facts made by the lower court reveal that the claim of appellant that Nancy Tejas was his sweetheart is without basis and is not proven by evidence. The lower court found thus:

"First, according to the accused Antonio Pena, he courted Nancy Tejas in February and was accepted as her sweetheart. But could they be sweethearts in so short a period of time when Nancy Tejas was a nursing student at the Notre Dame University and he was studying at the Notre Dame Village High School during daytime, and the distance between the two schools are greatly faraway from each other. Or even granting that Nancy Tejas was going to Ellen's Folk House in the afternoons, so that they could possibly converse with each other, but accused Antonio Pena starts singing at 5:30 every afternoon in the month of Feb-ruary until 11:30 o'clock in the evenings. And in that month, accused was not sleep-ing in the evenings at Ellen's Folk House. Certainly, there was not so much a time for two persons to become lovers when they rarely meet within a certain period.

"More so, Nancy Tejas was in the month of February, 1984 the current sweetheart of Romeo Angeles, a fact known to the accused Antonio Pena. Unless complain-ing witness Nancy Tejas is woman of sexual aberrations, probably to have two sweet-hearts at the same time and have sex with both of them would be justified. The evidence however show otherwise.

"But Nancy Tejas as shown by evidence is a second year nursing student when she was raped; she was a third honor student, and a student of a prestigious local univer-sity. And if she was at Ellen's Folk House she was to assist only her mother during her off-classes hours.

"Again could the complaining witness Nancy Tejas and accused Antonio Pena in the month of March, 1984 be sweethearts and succeeded in having sexual intercourse for several times? The Court cannot give so much weight in such testimony. First, we find under ordinary course of events that accused Antonio Pena could not have been sweethearts with Nancy Tejas in Feb-ruary, 1984 as shown above. Added to this is the fact that Nancy Tejas in the month of March was still studying and testified that it is only during her free time when she has no duty at the hospital that she will assist her mother. The Court there-fore gives credence to the testimony that she came to know the accused only on March 30, 1984, after the closing of schools for summer vacation. This fact was not disputed by the counsel for the accused during his cross-examination of Nancy Tejas. She have known the accused for almost 15 days only. Nowhere in the testimony of the accused Pena did he cite specific dates that they were together between February and March, 1984. All accused could say is that they meet at the Ellen's Folk House on a certain period. This is so because there was really no time for them to meet for so long a time because of their studies. Certainly, they could not 'intimate relations between April 1 to April 15, 1984, much more sexual relations with-in such a period' time.

"Accused Antonio Pena claimed that they have sexual intercourse for the first time on March 28, 1984 at 2:00 o'clock in the morning. March 28, 1984 is a Thursday, still a school day and Nancy Tejas testified that she had still "classes at the NDU during the previous days prior to March 30, 1984" (p. 3, T.S.N. rebuttal testimony of Nancy Tejas). And this was towards the end of the school year.

"Again accused Pena testified that he had sex with Nancy Tejas on March 28, 1984 for several times. Yet when asked by the Fiscal how many times whether 5, 10 or 15 times, he said he could not remem-ber. And to think that this was his first time to have sexual intercourse with Nancy Tejas, he could not now remember how many times did he have sex with her. Again, against human reason, accused now conve-niently forgets the number of sexual acts, when such an event could rarely escape a man's mind it being a bestial instinct in every human being. And if it is true that he had several sexual intercourse with Nancy Tejas that night, certainly other people sleeping at Ellen's Folk House could have known it unless they were only the two left that night which the evidence did not show.

"But a reversal of his testimony was again made. He testified that he had sex with Nancy Tejas at 2:00 o'clock in the morning of March 28, and another at 4:00 o'clock same morning, and confirmed later that they have sex only twice and not several times. He even testified that he had sex with Nancy Tejas several days after but could no longer remember the dates, but he can vividly remember two days when they had such an intercourse - March 28 and April 15, 1984 (pp. 11 to 16 T.S.N., testimony of Antonio Pena taken Nov. 4, 1984). One need not to have great knowledge of psychology, to conclude that the statements of accused Antonio Pena was a litany of lies.

"Again, accused Antonio Pena testified and vividly described that it was Nancy Tejas who proposed sex with on March 28, 1984. Accordingly, she asked that they keep the matter secret because her sweet-heart might know it.

"Reason dictates a Filipino woman would not propose sex especially it is the first time they will have the act. It is the man that proposes and asserts until the woman gives to this desire. Human exper-ience will dictate that even men have to propose sex with prostitutes with a pay. We find no derogatory character in the person of Nancy Tejas, nor evidence that she is a woman of ill-refute.

“Again, accused Antonio Pena testified that on his first sex with Nancy Tejas on March 28, 1984, that Nancy Tejas was not wearing any panty or underwear. Is this normal for a woman to be not wearing any underwear during her first sex with a particular man. Unthinkable, but Antonio insist on it. Definitely, this is a lie.

"The testimonies of Ernesto Balan and Maria Teresita Pena, mother of accused is bereft of proof. There was not in their testimony showing positively the relationship of sweethearts between Antonio Pena and Nancy Tejas. All were speculative, hearsay and not based on a solid existence of facts to show such relationship. (pp. 35-37; Rollo)

The trial court ruled that the testimony of the accused suffers from lack of credibility. Evidence to be worthy of credit, must not only proceed from a reliable source, but it must in addition, be credible itself. Stated otherwise, it must be natural, reasonable and probable as to make it easy to believe. In trying to prove his alleged relationship with complainant, appellant presented contradictory testimonies that betrayed his cause. Additionally, the trial court found that the testimony of accused is one of an instructed witness, it being admitted by the accused that he was instructed by his lawyer on what to say in the cross-examination.

Undoubtedly, Nancy Tejas was an unwilling victim. She was intimidated by fear to submit to the lustful desires of the appellant with the sharp weapon pointed at her neck. Accused-appellant knew beforehand that Nancy Tejas would be sleeping inside the pubhouse. He was aware of her habits in the morning and he saw the chance he had been waiting for. He purposely gave drinks to the other male employees who were sleeping inside the pubhouse. He made sure that they were all sound asleep and too dead drunk at that time of the night or early morning even to notice what was happening. He waited for Nancy that fateful morning to ravish her as an effect-ive way to inflict humiliation and degradation on her person because of the shabby treatment he imagined to have received from her. Appellant admitted that the complainant did not like him and that she was engaged to be married to someone else.

Nancy Tejas was only 18 years of age at the time the incident happened, a third year nursing student at a reput-able university and a consistent honor student, engaged to be married to Romeo Angeles. There is no evidence to show that she is a woman of ill-repute or of a flirtatious and wanton nature as to invite or provoke appellant, a mere em-ployee in her mother's pubhouse, to have sexual intercourse with her. Young, innocent and decent as she is, she was cowed by fear and shock because of the outrageous act of appellant on her person and honor. Consent obtained by fear of personal violence is no consent at all. Though a man puts no hand on a woman, yet if, by the use of mental and moral coercion the accused so overpowers her mind out of fear that as a result she dare not resist the dastardly act in-flicted on her person, accused is guilty of the crime imputed on him.

The incident so devastated and debilitated Nancy Tejas that she had to seek her fiancée to relate the heinous act inflicted on her by the appellant, knowing that she could trust her boyfriend, in the absence of her mother who was then in another town. If ever it took her three (3) days from April 15, 1984, to formally complain with the proper authorities, it was because of the fear of embarrassment. But she risked it all to seek justice for the affront and insult committed upon her person by the accused-appellant, transmitting to her a venereal disease in the process.

The guilt of appellant cannot be rebutted by his claim that he did not leave his place of employment, even after the alleged commission of rape. Appellant was confident that Nancy Tejas being an educated woman of good reputation would not denounce him without risk of her being humiliated publicly. He thought she would not have the courage to expose him. How wrong he was!

WHEREFORE, premises considered, the assailed decision is hereby **AFFIRMED**, with the modification that the portion about subsidiary imprisonment in case of insolvency, is hereby **DELETED**.

SO ORDERED.

Fernan, (Chairman), Gutierrez, Jr., Padilla, Bidin, and Cortes, JJ., concur.

[1] Penned by Hon. Judge Eduardo P. Singayao, RTC, Cotabato City.

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