

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. DANTE MANANSALA Y MANALANSANG, ACCUSED-APPELLANT.

G.R. Nos. 110974-81. June 17, 1997

Ponente: MENDOZA, J.

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MENDOZA, J.:

This is an appeal from the decision of the Regional Trial Court of Manila, Branch 9, finding the accused-appellant Dante Manansala y Manalansang guilty of rape against his fourteen-year old daughter, Jennifer Manansala, and sentencing him to reclusion perpetua with all the accessory penalties of the law and to pay the offended party P40,000, plus costs.

The facts are as follows:

Accused-appellant Dante Manansala y Manalansang is the father of herein complainant Jennifer Manansala. He was a “taho” vendor. He lived in the “taho” factory located at 1223 Asuncion Street, Tondo, Manila, after separating from Jennifer’s mother with whom he had lived in common law relation.

On November 17, 1991 Jennifer, accompanied by her mother, Teresita Espinocilla, complained to the Western Police District Command at UN Avenue, Manila, that she had been raped several times by her father from November 1, 1991 up to November 8, 1991. In a sworn statement she narrated:[1]

Noong pong grade V ako sa Almario Elementary School, Tondo, Manila, tinawag ako ng tatay ko si RODANTE MANANSALA Y LUMIBAO, 44 years old, at binigyan niya ako ng pera ng bente pesos (P20.00) at ako ay kanyang isinama sa pabrika ng taho kung saan siya kumukuha ng panindang taho, dahil nagtitinda po siya ng taho, ng isang tanghali, at pagdating doon sa pabrika, dinala niya ako sa itaas ng pabrika at pagkatapos hinubaran niya ako ng damit, at nang ako ay hubad na inihiga niya ako at ako ay kanyang ginahasa. Pagkatapos pinauwi na niya ako. Simula noon maraming beses na ako niyang ginalaw, at nagsumbong na ako sa Nanay ko, hanggang sa mahuli siya ng Mobile Patrol ng Western Police District, at dinala na kami dito sa himpilang ito.

A medical examination conducted on November 17, 1991 by Dr. Marcial Ceñido, medico-legal officer of the WPD, disclosed that Jennifer was no longer a virgin. A medical certificate (Exh. A) issued by Dr. Ceñido stated:[2]

(1) Breasts are fairly developing, hemispherical in shape and with brownish nipples and areolae. (2) Abdomen is flat, soft and without trace of pregnancy. (3) Hymen is relatively thin, circular in shape, narrow and with deep old healed laceration at 3 and 9 o’clock position, gaping and extending to the base. (4) Introduced vagina admits two (2) examining fingers with firmness, while vault is dry. (5) Last menstruation period - November 9, 1991 for 4 days.

Opinion:

The above finding is consistent with a girl who is no longer a virgin.

Two days later, eight (8) criminal cases for rape were commenced against accused-appellant, upon complaint of Jennifer, in the RTC of Manila. Dante Manansala pleaded not guilty to all the charges.

The prosecution's version is quite vague. Its principal witness, private complainant Jennifer Manansala, declared during her direct examination that, on November 1, 1991, her father called for her through a niece named Josephine. When Jennifer came, she was taken by her father to the "taho" factory in Tondo, where she was ordered to proceed to a room on the upper floor of the factory. Accused-appellant undressed himself, spat at her vagina, took out his penis and put it inside her private part and then proceeded to do the sexual act. As Jennifer described the incident, "Dinuraan po niya ang harap ko at pinilit niya pong ipasok ang kanya sa akin. Minumura niya ako." [3]

Jennifer stated that she felt pain as her father inserted half of his penis into her private part. [4] She told the court that she saw a white sticky substance coming out of her father's sexual organ as the latter pulled it from her vagina. [5] After her ordeal, she said she was sent home. [6]

She was again summoned by her father and repeatedly subjected to the same sexual torture on November 2 and 3, 1991 in the "taho" factory. [7] On November 4, 1991, she was again called by her father and brought to the factory where she was ordered to undress. She was repeatedly hit in the body with a belt when she refused to give in to his demand. Thereafter, the accused-appellant inserted his private part into her vagina. [8] Nothing happened the following day. [9] But the next day, November 6, her father called for her again and brought her to the "taho" factory where she was again undressed and allegedly raped. [10] Her father repeated the same act the following day [11] and finally, in the afternoon of November 8, 1991, her father for the last time, brought her to the "taho" factory where she was again violated. Her father fondled her private parts and forced his penis into her vagina. She was later ordered to dress and go home. She made an observation that her father would withdraw his penis whenever a white sticky substance would come out from the same. [12] She told the court that she reported the incident to her mother several times but was told that she was taking time before taking action against him. [13]

On cross examination, Jennifer changed her statement that the rapes were committed in the "taho" factory in Tondo. She told the court that only the first one was committed there and that was on November 1, but the rest were committed in Tarlac, from November 2, 1991 to November 8, 1991, but when next queried by the defense counsel where she had been raped - whether in Tarlac or at the "taho" factory in Manila - she said at the "taho" factory. [14] So messy was her account of the place where she had allegedly been raped that in the next hearing on March 20, 1992 she was again asked, this time by the court, where she had been raped on November 3, 1991 and she said, without limiting herself to November 3, that "what actually happened is that [she] was raped at Tarlac." She explained that the reason why she claimed she had been raped at the "taho" factory in Manila was because she was afraid her complaints might be dismissed for improper venue. [15]

In the course of her cross examination she mentioned that her father gave her money everytime they had sexual intercourse. [16] She also stated that it was only on November 16, 1991 that she first saw her mother after arriving from Tarlac with her father. [17]

The prosecution also presented Jennifer's mother, Teresita, as witness. She testified on direct examination that she and the accused-appellant Dante Manansala had three (3) children, including complainant Jennifer; [18] that in the beginning she and accused-appellant lived with the latter's parents in Tondo, Manila; [19] that they later separated from her parents-in-law but accused-appellant, a "mama's boy," returned to his parents' house after only six months; [20] that she no longer lived with said accused-appellant; that Jennifer informed her about the rape incidents only on November 14, 1991; that she immediately filed a complaint with the NBI and had her daughter examined by a medico-legal officer who informed her that Jennifer was no longer a virgin; and that the

accused was arrested on November 15, 1991 (actually only on November 17, 1991, according to the record).[21]

On cross examination, the same witness told the court that she and accused-appellant separated in 1986, after one of their children died of measles and accused-appellant blamed her for what had happened;[22] that she was having an affair with a certain Orlando because accused-appellant neglected their family and refused to give them support;[23] that she missed Jennifer in their house from November 1, 1991 up to November 13, 1991, when Jennifer arrived from Tarlac;[24] that she was informed by a neighbor, Perla, that Jennifer had gone to Tarlac with her father;[25] and that Jennifer later told her that she had been raped in Tarlac.[26] Fourteen days later, during the continuation of her cross examination, Teresita said that, contrary to what she had said earlier, she had been told by Jennifer that the sexual assaults happened not only in Tarlac but also at the “taho” factory in Manila[27] and that she had been raped four times.[28]

WPD medico-legal officer Marcial Ceñido also testified. He said that Jennifer was no longer a virgin at the time of the examination and that it was possible for her to have been raped from November 1, 1991 up to November 9, 1991.[29]

Accused-appellant Dante Manansala denied the accusations against him. Under examination by his counsel, he said that he had three (3) children by Teresita Espinocilla;[30] that they were no longer living together;[31] that he was not giving Teresita financial support;[32] that he was in Tarlac from October 31, 1991 up to November 14, 1991, having gone there for All Saint’s Day;[33] that Jennifer was with him in Tarlac on those dates;[34] that he did not do any of the acts alleged in the complaints;[35] and that the reason the complaints were filed against him was because his wife Teresita was angry at him for his refusal to give her money.[36] Accused-appellant said that Teresita was a very violent person and that she beat Jennifer whenever she was angry. On several occasions, Jennifer showed him the scratches and marks caused by her mother. He said at one time even he had been chased by his wife with a knife.[37]

On cross examination, Dante admitted that he had been previously jailed for gambling and that he was a member of the “Sputnik” gang.[38] He told the court, however, that he was never convicted of any crime and that he had been incarcerated for less than a day.[39] On redirect examination, he said that Jennifer loved him more than she did her mother and that she begged him to take her along when he went to Tarlac on November 1, 1991. He insisted that Jennifer had been instigated by her mother to file the cases against him.[40] Dante’s testimony that he did not rape Jennifer and that he and Jennifer were both in Tarlac from October 31, 1991 up to November 14, 1991 was corroborated by the testimonies of the accused-appellant’s mother, Adriana Manansala[41] and his aunt Rebecca M. Bautista.[42]

Recalled to the witness stand to rebut Manansala’s testimony, Jennifer said:[43]

“What he declared sir is not true, he committed the acts I complained of against me why will I complain if he did not commit the acts.”

On August 27, 1992, the trial court found accused-appellant guilty of having raped his daughter in the “taho” factory in Tondo, Manila on November 1, 1991. However, although finding that accused-appellant had also raped his daughter from November 2, 1991 to November 8, 1991, the trial court found that he committed the rest of the crimes in Tarlac, beyond its jurisdiction. Accordingly, it held accused-appellant Dante Manansala guilty of rape committed in Manila on November 1, 1991, as charged in Criminal Case No. 91-100766, but dismissed the complaints in Criminal Case Nos. 100767 to 100773, with respect to rapes committed from November 2, 1991 to November 8, 1991. The dispositive portion of its decision reads:[44]

WHEREFORE, this Court finds accused DANTE MANANSALA y MANALANSANG GUILTY beyond reasonable doubt of the crime of rape as principal in Criminal Case No. 91-100766 and hereby sentences him

to RECLUSION PERPETUA with all the accessories of the law, to pay the offended party P40,000.00 and to pay the cost. He shall be credited with the full period of his preventive imprisonment as provided for and mandated in Batas Pambansa Blg. 85.

Criminal Cases Nos. 91-100767 to 100773 are all DISMISSED for lack of jurisdiction.

Accused-appellant assigns the following errors against the decision:[45]

(1) THE LOWER COURT ERRED IN FINDING THAT THE APPELLANT HAD SEXUAL INTERCOURSE WITH THE PRIVATE OFFENDED PARTY ON NOVEMBER 1, 1991 AT THE TAHO FACTORY IN TONDO, MANILA.

(2) THE LOWER COURT ERRED IN NOT ACQUITTING THE APPELLANT OF THE CRIME CHARGED IN THE INFORMATION.

He contends that:[46]

1. As testified by the appellant, he was in San Miguel, Tarlac from October 31 to November 14, 1991;
2. Private offended party [did] not get pregnant despite her allegations that she was raped from November 1, 1991 to November 8, 1991 and the fact that her menstruation was on November 9, 1991, Jennifer Manansala did not get pregnant;
3. There were only two (2) lacerations [in the hymen] which are old. It should also be noted that despite the alleged repeated sexual assault on her from November 1 to 8, 1991, the medical examination showed only two (2) lacerations;
4. Jennifer Manansala's testimony suffers from several serious inconsistencies and lies;
5. Her conduct is not that of a victim who was truly raped.

The appeal is meritorious.

Incestuous rape is admittedly one of the heinous crimes. This Court has never hesitated to affirm convictions in cases where, after reviewing the whole evidence, it is satisfied that the accused were guilty beyond reasonable doubt of this grievous offense. Only today we have affirmed one such conviction.[47] The Court is equally concerned, however, that the constitutional presumption of innocence is sedulously observed. For this purpose it has formulated a set of principles to guide it in the decision of cases of this nature. These principles are:[48]

- (1) An accusation for rape is easy to make, difficult to prove, and even more difficult to disprove;
- (2) In view of the intrinsic nature of the crime, where only two persons are usually involved, the testimony of the complainant must be scrutinized with utmost caution;
- (3) The evidence for the prosecution must stand or fall on its own merits and cannot draw strength from the weakness of the evidence for the defense.

With these principles in mind, the Court is constrained to reverse the conviction of the accused-appellant Dante Manansala y Manalansang on the ground of reasonable doubt.

The trial court dismissed for lack of jurisdiction charges of rape allegedly committed from November 2, 1991 up to November 8, 1991, after finding that accused-appellant could not have committed the rapes in Manila because he was in Tarlac on those dates. But it found that accused-appellant was guilty of raping his daughter on November 1, 1991 in Manila, within its territorial jurisdiction. Its finding was based solely on the testimony of the complainant which the court thought was clear and straightforward because of details given concerning the place

where she was raped on November 1, 1991, the people who allegedly greeted her and the activities of her father on that particular day.[49] The trial court said:[50]

In the court's opinion, this witness would not remember and call to mind these exchanges of greetings and verbal communication with his father's co-workers if the sexual intercourse that November first did not take place. If it were merely a product of the complainant's imagination as the accused would want us to believe, the court cannot understand how she could possibly connect and vividly recall these ordinary and matter-of-fact happenings that occurred on that day.

In so doing the trial court disregarded the contradictory testimony of Jennifer's own mother, Teresita, who stated on cross examination that Jennifer was with accused-appellant in Tarlac from November 1, 1991 up to November 13, 1991 and that Jennifer told her the sexual assaults took place in Tarlac.[51] Accused-appellant could not therefore have raped his daughter in Manila on November 1, 1991.

We have in many instances sustained the conviction of an accused on the basis of the lone testimony of the victim, especially because the crime is generally committed with only the accused and the victim present. But in order to justify the conviction of the accused, the testimony must be credible, natural, convincing and consistent with human nature.[52] In the case at bar, we think that the trial court erred in relying on the claim of complainant as basis for its finding that although seven rapes had been committed by accused-appellant against her in Tarlac on successive days from November 2 to 8, 1991, one was committed on November 1, 1991 in Manila, in view of inconsistencies in her statements as to the place of commission of the crime. To be sure, complainant later said that she had lied about the place where she had been raped and that the rapes, apparently referring to those allegedly committed from November 3 to 8, 1991, had after all, been committed in Tarlac and that the reason she lied was because she was afraid the prosecution of these crimes would be dismissed for lack of jurisdiction of the Manila court. But if, as she implied one rape — the one allegedly committed on November 1, 1991 — was committed in Manila, there would be no basis for her fear of total failure of prosecution in Manila.

The truth is that complainant ran into a series of contradictions because her mother, on February 11, 1992, had told the court that complainant was in Tarlac with accused-appellant from November 1-13, 1991. Complainant could not therefore have been raped in Manila as she had claimed before. So, in the words of accused-appellant's counsel, complainant "undulated and wavered" between two contradictory claims until obviously she was coached to say that the rapes from November 3 to 8 were all committed in Tarlac but those committed on November 1 and 2 were committed in Manila. Hence her testimony that on those days she wanted to tell her mother what had befallen her but her mother did not come home.[53] The pertinent portion of the transcript of stenographic notes graphically portrays how complainant got enmeshed in trying to save her direct testimony that she had been sexually molested by accused-appellant from November 1 to 8 in Manila and the testimony of her mother that complainant was in Tarlac on those dates. On March 5, 1992, complainant testified under cross examination:[54]

COURT

....

Q I thought you said, you went to Tarlac?

A Yes, Your Honor.

Q So you were raped in Tarlac on November 2, 1991?

A That is true, Your Honor, because I was actually raped in Tarlac on November 2 to 8, it was only on the 14th my father brought me home because my mother was already furious.

Q So you were only raped at the tajo factory on November 1st?

A Yes, Your Honor.

Q All other rapes as you claimed were committed in Tarlac?

A Yes, Your Honor.

COURT

Proceed.

ATTY. PUGUON

Q On November 2, will you tell us again where were you raped, was it in Tarlac or at the tajo factory?

A At the tajo factory, sir.

COURT

When was that?

ATTY. PUGUON

November 2, Your Honor.

Q Are you very sure that it was at the tajo factory when your father raped you on November 2?

A Yes, sir.

However, at the continuation of her cross-examination on March 20, 1992, complainant testified that she was raped by her father on November 1, 2 and 3, 1991 in Manila, prompting the court to ask which one was correct, that she had been raped on November 3, 1991 in Tarlac or that she had been raped on that day in Manila? It was then that she tried to clear up the contradictions. She said:[55]

ATTY. PUGUON:

Q Madam Witness, you testified that you were raped on November 1, 1991. Is that correct?

A Yes, sir.

Q And you also testified that on November 2, 1991 at around 5:00 o'clock in the afternoon you were again called by your father, Is [sic] that correct?

A Yes, sir.

Q And Madam Witness at the time your father called you, he was four (4) houses away from you?

A Yes, sir.

ATTY. PUGUON:

Q And at the time your father called you on November 2, 1991 at 5:00 o'clock P.M. you were inside your house. Is that correct?

A Yes, sir.

Q And when you heard your father's call, you went at the corner of Kagitingan St. and Tuazon St., is that correct?

A Yes, sir.

...

ATTY. PUGUON:

Q On November 3, 1991, were you raped again?

A Yes, sir.

Q And Madam Witness, where did you say you were raped on November 3, 1991?

A At the Taho Factory, sir.

Q Are you sure? It was at the factory?

A Yes, sir.

Q You said in your earlier testimony that you were raped in Tarlac on November 3, 1991, is that correct?

A Yes, sir.

COURT:

Q Which is now correct, you were raped in Tarlac or in the factory on November 3, 1991?

A You see, Your Honor, the reason why I claimed that at the Taho factory is because I was afraid that my complaint against my father might not pursue, what actually happened is that I was raped at Tarlac.

Although the question of the trial court concerned the rape on November 3, 1991, complainant's answer that she had been raped in Tarlac appears to refer to all the rapes allegedly committed against her. This is clear from the context of her answer and from the fact that if at least one rape — the one allegedly committed on November 1, 1991 — was committed in Manila, she did not have to fear that her cases would be dismissed for improper venue. That she had such apprehension could only be because all the alleged rapes against her, from November 1 to 8, had been committed in Tarlac.

Private complainant also gave contradictory statements as to how she had been lured by her father to go to the "taho" factory where he was staying on November 1, 1991. On direct examination, she told the court that her father had summoned her through a niece, Josephine.[56] On cross examination, however, she testified that on November 1, 1991, her father passed by her mother's house in Tondo at around 5:00 o'clock in the afternoon; that her father proceeded to go to his parents' house, which is around four (4) houses away from her mother's place; that her father came back and signalled to her ("sssit-sssit") to follow him; that she did as bidden and went to the upper floor of the factory with him and there she was abused by her father.[57] After she had been raped, she went home and found her four aunties but they did not notice her because they were talking to each other; that she took a bath and went to sleep; that she did not see her mother after she was allegedly raped.[58]

Complainant also gave conflicting statements as to when she allegedly told her mother that she had been raped. In her direct testimony she claimed she immediately reported the incident to her mother, who later reported the matter to the CAPCOM on November 17, 1991.[59] But on cross examination she testified that she first reported the rape committed on November 1 to her mother the following day, on November 2, 1991.[60] Fifteen (15) days after giving this testimony, she told the trial court that she arrived in Manila from Tarlac on November 14, 1991 and told her mother what happened to her on November 16, 1991. She testified:[61]

Q You said that you returned to Manila on November 14, is that correct?

A Yes, sir.

Q What time did you arrive in Manila on November 14?

A About 10:00 o'clock in the evening, sir.

Q You are very sure it was 10:00 o'clock of November 14 when you arrived from Tarlac?

A Yes, sir.

COURT:

ATTY. PUGUON:

Q You were with your father?

A Yes, Your Honor.

....

Q When did you see your mother after you arrived from Tarlac?

A November 16, sir.

....

ATTY. PUGUON:

Q You first reported the incident to your mother on November 16, is that correct?

A Yes, sir.

Q Madame Witness, you were saying that you claimed that you were raped on November 2 up to November 8, you reported the matter on November 16, is that correct?

A Yes, sir.

Q You never reported that earlier to your mother?

A No, sir because my mother is not at home.

Q You did not report it to your mother on November 1?

A No, sir because my mother is not at home.

Q You also did not report the alleged rape on November 2?

A No, sir my mother did not go home.

Q And you did not report also the incident from November 3 to November 8?

WITNESS:

A I could not possibly [have] reported the matter because I was in Tarlac, sir.

ATTY. PUGUON:

Q But you had testified earlier in your direct testimony that you reported the matter to your mother on November 1, after the incident. Which is correct?

A The truth is that I reported the matter on November 16, sir.

Q So you were telling a lie when you reported to your mother on November 1 the alleged rape?

A Yes, sir.

Q And you are also telling a lie when you reported the incident of November 2 to your mother? Is that correct?

A That is true, sir.

These inconsistencies cannot be dismissed as trivial. They call into question the credibility of complainant. It was error for the trial court to rely on complainant's testimony for evidence that accused-appellant had raped her on November 1, 1991 in Manila. Trial courts must keep in mind that the prosecution must be able to overcome the constitutional presumption of innocence beyond a reasonable doubt to justify the conviction of the accused. The prosecution must stand or fall on its own evidence; it cannot draw strength from the weakness of the evidence for the defense. As we have said:[62]

Rape is a very emotional word, and the natural human reactions to it are categorical: admiration and sympathy for the courageous female publicly seeking retribution for her outrageous violation, and condemnation of the rapist. However, being interpreters of the law and dispensers of justice, judges must look at a rape charge without those proclivities, and deal with it with extreme caution and circumspection. Judges must free

themselves of the natural tendency to be overprotective of every woman decrying her having been sexually abused, and demanding punishment for the abuser. While they ought to be cognizant of the anguish and humiliation the rape victim goes through as she demands justice, judges should equally bear in mind that their responsibility is to render justice based on the law.

The prosecution's evidence is not only shot through with inconsistencies and contradictions, it is also improbable. If complainant had been raped on November 1, 1991, the Court cannot understand why she went with her father to Tarlac on November 2 and stayed there with him until November 14, 1991. She was supposed to have gone through a harrowing experience at the hands of her father but the following day and for thirteen more days after that she stayed with him. It is true the medico-legal examination conducted on November 17, 1991 showed that she was no longer a virgin and that she had had recent sexual intercourse. But the fact that she had voluntarily gone with her father to Tarlac suggests that the crime was not rape but, quite possibly qualified seduction, considering the age of complainant (14 at the time of the crime). This is especially true because she said she had been given money by her father everytime they had an intercourse.

The fact that she could describe the lurid details of the sexual act shows that it was not an ordeal that she went through but a consensual act. One subjected to sexual torture can hardly be expected to see what was being done to her. What is clear from complainant's testimony is that although accused-appellant had had sexual intercourse with her, it was not done by force or intimidation. Nor was the rape made possible because of accused-appellant's moral ascendancy over her, for the fact is that accused-appellant was not living with them, having separated from complainant's mother in 1986.

Considering the allegations in the complaint that the rape in this case was committed "by means of force, violence and intimidation," accused-appellant cannot possibly be convicted of qualified seduction without offense to the constitutional rights of the accused to due process and to be informed of the accusation against him. That charge does not include qualified seduction. Neither can qualified seduction include rape.[63]

WHEREFORE, the decision of the trial court is REVERSED and accused-appellant Dante Manansala Y Manalansang is ACQUITTED on the ground of reasonable doubt of the crime of rape.
SO ORDERED.

Regalado, (Chairman), Romero, Puno, and Torres, Jr., JJ., concur.

[1] Records, p. 65.

[2] Rollo, p. 30; Records, p. 64.

[3] TSN, p. 19, Jan. 21, 1992.

[4] Id., pp. 19-20.

[5] Id., pp. 23-24.

[6] Id., p. 20.

[7] Id., pp. 21-25.

[8] TSN, pp. 3-6, Feb. 11, 1992.

[9] Id., p. 7.

[10] Id., pp. 8-13.

- [11] Id., pp. 13-16.
- [12] Id., p. 19.
- [13] Ibid.
- [14] TSN, p. 10, March 5, 1992.
- [15] TSN, p. 4, March 20, 1992.
- [16] Id., p. 7.
- [17] Id., pp. 14-15.
- [18] TSN, p. 30, Feb. 11, 1992.
- [19] Id., p. 26.
- [20] Id., pp. 26-27.
- [21] Id., pp. 27 -28.
- [22] Id., p. 37.
- [23] Id., p. 38.
- [24] Id., pp. 41-42.
- [25] Id.,p. 43.
- [26] Ibid.
- [27] TSN, p. 14, Feb. 25, 1992.
- [28] Id., p. 15.
- [29] Id., p. 23.
- [30] TSN, p. 4, June 18, 1992.
- [31] Ibid.
- [32] Id., p. 5.
- [33] Id., pp. 5-6.
- [34] Id., p. 8.
- [35] Id., p. 7.
- [36] Id., p. 8.
- [37] Ibid.
- [38] Id., pp. 9-10.
- [39] Id., p. 10.
- [40] Id.,p. 12.
- [41] TSN, pp. 6-7, June 16, 1992.

[42] TSN, pp. 4-12, May 25, 1992.

[43] TSN, p. 14, June 18, 1992.

[44] Rollo, p. 37; Records, p. 124.

[45] Rollo, p. 51.

[46] Id., pp. 52-70.

[47] People v. Bugarin, G.R. Nos. 110817-22, June 13, 1997.

[48] People v. Godoy, 250 SCRA 676 (1995); People v. Sanchez, 250 SCRA 14 (1995); People v. Teves, 246 SCRA 236 (1995); People v. Tacipit, 242 SCRA 241 (1995).

[49] Rollo, p. 32.

[50] Id., p. 33.

[51] TSN, pp. 41-43, Feb. 11, 1992.

[52] E.g., People v. Dado, 244 SCRA 655, 666 (1995); People v. Alvarez, 213 SCRA 722 (1992).

[53] TSN, p. 20, March 20, 1992.

[54] TSN, pp. 10-11, March 5, 1992.

[55] TSN, pp. 2-4, March 20, 1992 (emphasis added).

[56] TSN, pp. 16-21, Jan. 21, 1992.

[57] TSN, pp. 3-6, March 5, 1992.

[58] Id., pp. 6-7.

[59] TSN, pp. 20-21, Jan. 21, 1992.

[60] TSN, p. 7, March 5, 1992.

[61] TSN, pp. 11-13, p. 14, pp. 20-21, March 20, 1992 (emphasis added).

[62] People v. Godoy, 250 SCRA 676, 711-712 (1995), citing People v. Herrick, 187 SCRA 364 (1990).

[63] People v. Ramirez, 69 SCRA 144 (1976); People v. Castro, 58 SCRA 473 (1974).

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