

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JIMMY CONTE, ACCUSED-APPELLANT.

G.R. Nos. 113513-14. August 23, 1995

Ponente: DAVIDE, JR., J.

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DAVIDE, JR., J.:

A snake! That is how people call a person who bites the hand that feeds him or who commits a grievous wrong against another to whom he owes a debt of gratitude. That is probably how Bernardo Crisostomo would call his farm helper, accused-appellant Jimmy Conte, who allegedly raped the wife and kidnapped and illegally detained the two children of the former.

Jimmy Conte was charged with serious illegal detention with rape in an information[1] in Criminal Case No. 9006 and with kidnapping with serious illegal detention in an information[2] in Criminal Case No. 9007 which were filed on 3 October 1990 with the Regional Trial Court (RTC) of Palawan in Puerto Princesa City. However, upon prior leave of court,[3] the information in Criminal Case No. 9006 was replaced by a complaint[4] only for rape, which was signed by the offended party, Gloria Crisostomo, and was filed on 15 February 1991. The accusatory portion of the complaint reads as follows:

That on or about the 17th day of September, 1990, in the evening, at Barangay Jolo, Municipality of Roxas, Province of Palawan, Philippines, and within the jurisdiction of this Honorable Court, the said accused by means of force, threat and intimidation and with lewd design, did then and there wilfully, unlawfully and feloniously have carnal knowledge for several times with one GLORIA CRISOSTOMO, against her will and consent, to her damage and prejudice.

CONTRARY TO LAW.

On the other hand, the following is the accusatory portion of the information in Criminal Case No. 9007:

That on or about the 17th day of September 1990, in the evening, at Barangay Jolo, Municipality of Roxas, Province of Palawan, Philippines, and within the jurisdiction of this Honorable Court, the said accused, by means of force, threat and intimidation, did then and there wilfully, unlawfully and feloniously kidnap and detain MACRIS CRISOSTOMO and SARA CRISOSTOMO, both minor children, by bringing them to Barangay San Pedro, Puerto Princesa City and later transferred to a house at Baltan Street, Puerto Princesa City for more than five (5) days thereby depriving them of their liberty until they were retrieved by police authorities last September 24, 1990 at Baltan Street, Puerto Princesa City.

The cases were assigned to Branch 52 of the court below.

The evidence for the prosecution consisting mainly of the testimonies of Bernardo, Gloria, and Macris Crisostomo discloses that appellant Jimmy Conte was a prisoner committed to the Muntinglupa and later transferred to the Iwahig Prison and Penal Farms in Palawan. Sometime after he was set free, or in July 1990, he went to see

Bernardo Crisostomo in New Buncag, Puerto Princesa City, and pleaded that he be given some employment. Then and there, Bernardo hired him as a helper in the former's coconut plantation in Barangay Jolo, Roxas, Palawan. He started working in the plantation the following day, gathering coconuts and processing them into copra. He was made to stay together with the other workers in a structure serving as a copra drier located about twenty meters away from the house of the Crisostomos.[5]

Most of the time, Bernardo was in New Buncag, as he was constructing a house there. Only his wife, Gloria, and two of their seven children — 7-year old Macris and 5-year old Sarah — -were left in their residence in Jolo.[6]

On 17 September 1990 at around 11:00 p.m., Jimmy went to the house of the Crisostomos, sneaked into the room where Gloria and her children were sleeping, and poked a home-made gun close to Gloria's mouth. He then forcibly stripped off Gloria's dress and panty causing them to be torn. He pushed Gloria to the floor, threatened to shoot her if she would make any outcry, and laid on top of her. Enveloped with fear, Gloria could do nothing but cry. Jimmy then removed his brief and forcibly inserted his penis into her genitalia. After consummating his lustful desires, he got up, sat down beside Gloria, and kept watch over her and the two children. Macris was then awake, while Sarah was still asleep. Upon seeing and hearing Macris cry loudly, Jimmy slapped him and threatened to kill him should he make any noise.[7]

Jimmy repeated his savage act against Gloria at about 1:00 a.m. and at 4:00 a.m. the next day, 18 September 1990.[8]

Later on that same day, Jimmy declared that somebody whom he had earlier contacted would come to buy the carabao of the Crisostomos. He remained in the house from morning till afternoon waiting for the purported buyer. The latter arrived at 4:00 p.m., paid the former the sum of P5,000.00, and took the carabao. All the while, Gloria just kept on crying. At around 9:00 p.m., a cargo truck arrived. Jimmy took Sarah and threatened to kill her should Gloria refuse to go with him. He then forced her and Macris to board the vehicle. With Sarah in his arms, he seated himself beside the driver and made Gloria and Macris sit also in the front seat of the truck.[9]

It was about 1:00 a.m. of 19 September 1990 when the truck reached Barangay San Pedro, Puerto Princesa City. Upon Jimmy's order, Gloria and Macris alighted from the truck. Jimmy, who was carrying Sarah, brought the Crisostomos to a place called Garcellano Picnic Ground. After negotiating with the person on duty therein, he took the three to a cottage inside the compound. There, he sexually ravished Gloria once in the early morning, and again, in the evening of that day.[10]

At dusk of 20 September 1990, Jimmy brought the Crisostomos to a house in Baltan Street, Puerto Princesa City. During their three-day stay there, he had carnal knowledge with Gloria once in the evening and once at dawn of each day.[11]

For the whole period that they were in the hands of Jimmy, the Crisostomos were served with meals ordered by him.[12] On 21 September 1990, Gloria managed to have the boy who had delivered the food bring to a certain Sgt. Pilapil a letter[13] informing him of their situation and pleading for their rescue. She instructed the boy to send it to the CAFGU Detachment in Roxas, Palawan, through a passenger jeepney going to that place.[14]

In the early morning of 23 September 1990, Sgt. Pilapil went to see Bernardo in his house in New Buncag, Puerto Princesa City, and gave to the latter the aforesaid letter. After reading the same, Bernardo proceeded to the City Police Station. A certain Sgt. Crisanto Pantallano volunteered to help him look for his wife and children. Together, the two went to Baltan Street, which was the address written in the letter. At about 12:00 noon, Bernardo caught sight of Jimmy sitting at the stairs of a house at No. 40 Baltan Street. Sgt. Pantallano forthwith arrested Jimmy and asked him where the Crisostomos were. Upon being told that the three were in a room at the

upper story of the house, he went to the room and found the Crisostomos there.[15]

Appellant Jimmy Conte presented an entirely different version. He declared that he and Gloria were lovers and that the latter planned their elopement. According to him, sometime after he was released from the Iwahig Prison and Penal Farm, he worked as a helper in the coconut plantation of Bernardo Crisostomo at Roxas, Palawan. He and the other workers stayed in the copra drier near the Crisostomo's house. Gloria visited him many times in the copra drier. At first, he did not give any malicious meaning to those visits. One day, she sent away the three other helpers from the copra drier. In the next instant, she approached him, undressed herself before him, and embraced him. This culminated in carnal congress. They had since been doing it thrice each night for eight months. In the later part of that period, they did it in the residence of the Crisostomos in the same bed where Gloria's two children were sleeping, for then Gloria had already been abandoned by her husband. Sometime thereafter, Gloria told him that she was pregnant and invited him to elope, as she was afraid of her husband. They then eloped bringing along with them her two children. While waiting for a boat bound for Luzon, they stayed in the meantime at the Garcellano Picnic Ground at San Pedro, Puerto Princesa, and later transferred to Baltan Street. They continued having sexual intercourse in those places. Later, however, he was arrested by a certain Bong Amorao and his companions, and he was then brought to the police station of Puerto Princesa.[16] While he was detained in jail, Gloria visited him. She even wrote him a letter,[17] which was handed to him in jail by the daughter of the owner of the house in Baltan Street where they had stayed. Since he did not know how to read, he let the jail warden read the letter for him,[18] the full text of which is as follows:

Dear Jimmy Conte,

Iniibig kita Jimmy kahit kailan man hindi kita hihiwalayan. Ikaw lang ang aking mahal pinabayaan kasi ako ng asawa ko kaya nakagawa ako ng hindi maganda talagang gusto kong sumama sa iyo. Sana mahalin mo rin ako tulad ng pagmamahal ko sa iyo, hindi ka kaya magsisisi sa katandaan kong ito? Mahal na mahal kita Jimmy balikan mo ako dito sa Jolo Roxas talagang disidido na akong sumama sa iyo Jimmy dahil lang sa asawa kong walanghiya pinabayaan kami.

Hanggang dito na lang Jimmy, I love you!

Ang nagmamahal,

Gloria

Jimmy hindi ko sukat akalain na mahuhuli tayo sa ganong araw ngunit huwag kang mag-alala wala kang kasalanan sa mga pangyayaring ito na naganap, dahil ito ay kagustuhan kong lahat ang nangyari sa ating dalawa. Hindi naman kagustuhan mo ang pangyayari na ito kong di ako ang may kasalanan. Nagawa ko ito dahil pinabayaan na kami ng aking asawa. Ano man ang mangyari ako ang bahalang managot sa batas at sa mata ng maykapal.

same

P.S.

Kong tungkol naman sa kalabaw na binibintang sa iyo na ikaw ang nagpabili ay hindi totoo yon, hindi naman ikaw ang nagbinta eh. Ako naman ang nagbinta ng kalabaw namin hindi naman ikaw. Ako ang bahalang managot ng kalabaw na bininta ko total amin naman yon. At sa tutoo lang hindi mo alam iyon.

same

To boost his theory, Jimmy presented Ruben Ladines, the owner of the house at Baltan Street where he and Gloria and her two children had stayed; Rolly Nicanor, a detainee at the provincial jail of Palawan and a former resident of Jolo, Roxas, Palawan; and Cipriano Sumagaysay, the jail warden.

Ruben Ladines testified that sometime in September 1990, a woman, who had introduced herself as Mrs. Gloria Conte, came to his house and asked for a room to rent. With her then were her two children and a man by the name of Jimmy Conte. Upon being told that there was a vacant room at the upper story of his house, she offered to rent it and paid a half-month advance rental. The family stayed there for about ten days. During that period, he observed Jimmy and Gloria to be affectionate to each other.[19]

Rolly Nicanor declared that prior to his arrest in Puerto Princesa on 18 March 1991, he was residing at a house about ten to twenty meters away from that of the Crisostomos in Jolo, Roxas, Palawan. Sometime in 1986, he accidentally killed a barriomate. After that incident, he went into hiding. But, for several times, he returned to Jolo, and during those times he was there he could see Jimmy and Gloria going together to the coconut plantation, embracing and kissing each other. This they did from 1987 to 1989. He also saw them elope at about 4:00 p.m. of 17 September 1990.[20]

Cipriano Sumagaysay testified that on 27 September 1990, when he arrived at the Puerto Princesa Jail, he saw an old woman who was just about to leave the jail. He then asked Jimmy who that woman was, and the latter replied that she was his visitor, Gloria Crisostomo. About thirty minutes thereafter, a young lady came and gave Jimmy a letter. Upon the latter's request, the jail warden read the letter and kept it so that it could be used as evidence.[21]

After the conclusion of the joint trial of the two cases, the trial court rendered a joint decision convicting the appellant in Criminal Case No. 9006 of the crime of rape on eleven counts and sentencing him to reclusion perpetua for each crime and to pay the complainant an indemnity in the amount of P50,000.00, but acquitting him of the charge of kidnapping with serious illegal detention in Criminal Case No. 9007 on the ground that "the acts of taking and holding the children hostage only form part of the threat and intimidation which the accused employed to insure realization of his carnal designs against their mother." [22]

In this appeal, the appellant faults the trial court for (1) giving weight and credence to the testimony of the private complainant that she was forcibly raped several times by him and (2) finding him guilty beyond reasonable doubt of the crime of rape.

It is doctrinally entrenched that the trial court's evaluation of the testimony of witnesses is generally viewed as correct and is accorded great weight on appeal, for that court had the advantage of observing the demeanor and behavior of the witnesses while testifying.[23] In the present case, we find no compelling reason to depart from this rule, for our own assessment of the testimony of the complainant, Gloria Crisostomo, discloses no fact of substance and value which the trial court overlooked, misunderstood, or misapplied which, if considered, might affect the result of this case.

The appellant contends that the guilty verdict cannot be sustained because there is no clear and convincing proof that he forced the complainant to have sexual intercourse with him for several times. He further claims that the threat or intimidation that he would kill the complainant and her two children was not sufficient to prevent the complainant from putting up some resistance or struggle against his acts or from shouting in order to get the attention of her neighbors.

We are not persuaded. Under Article 335(1) of the Revised Penal Code, rape is committed by having carnal knowledge of a woman by using force or intimidation. The appellant's acts of poking a gun at the complainant, ripping off her dress and underwear, and pushing her to the floor constitute force. These acts were followed by an intimidation that he would shoot the complainant should she make any noise. Thus:

Q

And when you saw that Jimmy Conte was inside your room, what did you do?

A

He poke a homemade gun on me, sir.

Q

In what particular portion of your body was [sic] he poke the gun?

A

Near my mouth, sir.

Q

When he poke that gun on your mouth, what did he do next?

A

He pulled my dress and it was torn, sir.

Q

What were you wearing, by the way, that evening?

A

A duster, sir.

Q

When he pulled your duster and the same was torn, what did you do next?

A

He pulled also my panty and it was torn, sir.

Q

How about you, what did you do when he destroyed your gown and panty?

A

I just cried and cried, sir.

x x x

Q

You said that this Jimmy Conte pulled your gown and pulled down your panty and it was also destroyed, what did you do next, after that?

A

He pushed me and I fell down, sir.

Q

You fell down where?

A

On the floor, sir.

Q

And when you were down on the floor, what did you do next?

A

He took off his brief and then he lay on top of me, sir.

Q

And when he went on top of you, what did you do?

A

He held his penis and placed inside my vagina, sir.

Q

What did you do when he did that?

A

I just cried because the gun was beside him and he said if I make noise, he will shoot me, sir.[24]

From the aforequoted testimony, there is no shred of doubt that the appellant did rape the private complainant in the evening of 17 September 1990.

But was the trial court correct in convicting the appellant of eleven counts of rape?

Notably, the single complaint filed by Gloria Crisostomo charges the appellant with several crimes of rape,[25] in violation of Section 13, Rule 110 of the Rules of Court, which provides that a complaint or information must charge but one offense. Under Sections 1 and 3(e) of Rule 117, the appellant, before entering his plea, should have moved to quash the complaint for being duplicitous. For his failure to do so, he is deemed to have waived the defect.[26] Hence, pursuant to Section 3 of Rule 120, the court could convict him of as many offenses as are charged and proved, and impose on him the penalty for each and every one of them.

After examining the complainant's testimony in its entirety, our minds are at rest on the culpability of the appellant for eleven counts of rape. On all the ten other occasions that he had carnal knowledge of the complainant, there was admittedly neither physical force employed by the former nor resistance or struggle on the part of the latter. But, the absence of resistance did not make voluntary the complainant's submission to the criminal acts of the appellant.[27]

It must be recalled that at the outset, or in the first sexual assault, the appellant intimidated or threatened with death the complainant, which necessarily produced reasonable fear in her and deprived her of will and freedom. The intimidation was a continuing one as shown by his possession of a gun and the threat to kill the children. Thus, the complainant could not bring herself to scream or resist his sexual assaults. During the succeeding days, he kept her and her children like virtual prisoners and effectively implanted fear in the complainant's mind by continually carrying her youngest child, Sarah, thereby sending the message that if the complainant would escape or make any outcry he would kill Sarah even as he was prepared to kill the complainant and Macris. This message was made louder and clearer when he told the complainant that he had killed a whole family in his place in Pangasinan, which led to his conviction and service of his sentence at the Iwahig Prison and Penal Farm. These circumstances were enough to engender a well-founded belief that the appellant was capable of making good his threats. Her fear was not imagined.

In *People vs. Pamor*,^[28] this Court made this disquisition:

Intimidation in rape cases is not calibrated or governed by hard and fast rules. Since it is addressed to the mind of the victim and is therefore subjective, it must be viewed in the light of the victim's perception and judgment at the time of the commission of the crime. It is enough that it produces fear — fear that if the victim does not yield to the bestial demands of the accused, something would happen to her at that moment. It includes the moral kind such as the fear caused by threatening the victim with a knife or pistol. Where such intimidation exists and the victim is cowed into submission as a result thereof, thereby rendering resistance futile, it would be extremely unreasonable, to say the least, to expect the victim to resist with all her might and strength. If resistance would nevertheless be futile because of a continuing intimidation, then offering none at all would not mean consent to the assault as to make the victim's participation in the sexual act voluntary.

The appellant also capitalizes on the admission of the private complainant during her cross-examination that she could have escaped had she wanted to but she dared not. He then quotes the following testimony:

Q

You mean to say that the truck only pass by your house and Jimmy Conte ask you to board the truck?

A

Yes, sir.

Q

And without any protest again you went with Jimmy Conte to board the truck?

A

I did not complain anymore because he was carrying my younger child, sir.

Q

But while Jimmy Conte was holding your child, you have all the chances to run away if you like?

A

Yes. I have a chance to ask for help but what I was thinking was that my child that he was holding, sir.

Q

So, what you mean, you have all the chances to leave only you were afraid that Jimmy Conte might kill your child?

A

Yes, sir.^[29]

It is clear from the complainant's testimony that while she had the chance of running away, she did not grab it because had she done so her daughter, who was then being carried by the appellant in his arms, could be killed. She must have been caught in the twin horns of a wild dilemma. For, equally strong with, or even stronger than her desire to escape and to protect herself and her honor was her love for or her inflexible sense of duty to protect her child. She, like most mothers, was liable to put her child before everything else in the end. Hence, she chose not to escape.

The theory of the appellant that the numerous occasions he had carnal knowledge of the complainant were

impelled by the electricity of mutual love and desire does not inspire belief. As the trial court observed:

The accused is an unlettered former inmate of the Iwahig Prison and Penal Farms. He is a helper in the processing of copra in the coconut plantation of Bernardo Crisostomo and the complainant in the latter's coconut plantation in barangay Jolo, Roxas, Palawan. He has not appeared to the court to be possessed of the physical attributes and charms which could make women swoon and attracted to him in expectation of ecstasy in romance. It would therefore seem rather farfetched that the complainant would be drawn to him in the manner he had vainly sought to show by evidence for the defense.

The complainant, on the other hand, is a 43-year old mother of seven (7), and the lawfully-wedded wife of Bernardo Crisostomo. For 30 years of her married life she had been living with her family in their coconut plantation in barangay Jolo, Roxas, Palawan. On the basis of her age, the number of children she had brought up and is still bringing up; the rural environment which, for all those years, must have shaped her norm of conduct in life, all but make the court skeptical about the trustworthiness of the characterizations by the accused of the morality of the complainant. Such characterization run counter to the generally accepted trait of the common Filipino wife and mother.

It was because of a letter surreptitiously sent by the complainant to the CAGFU Detachment Commander that the police and her husband subsequently rescued her and her two children from the accused. If it were true that the complainant had indeed chosen to forsake her marriage, her children and the man she had been married to and lived for 30 years, she would not have thwarted the realization of her fantasies by writing that letter thru which, he sought the assistance of the CAGFU in rescuing her and her children from the accused.

Furthermore, the testimonies of the accused himself and that of Ruben Ladines with respect to the other incidents of the case could hardly contribute to the probative worth of the evidence for the defense. The accused declared that before they eloped to Puerto Princesa City he had been having sexual conversation with the complainant three times nightly, for eight (8) months. Aside from the improbability of his capacity for sexual performance with such frequency he could not have done so for that length of time as he had been in Jolo, Roxas, Palawan, as helper of the Crisostomos, for only about two months before they supposedly eloped to Puerto Princesa City.

For his part Ruben Ladines declared, among others, that the accused and Gloria Crisostomo and her children stayed in the former's house in Baltan Street for almost two weeks. During that period the couple were said to have comported themselves as husband and wife, and were observed to have been affectionate to one another. The truth of what this witness asserted, though, is belied by the impressive and convincing evidence that the complainant and her children were held hostage in that boarding house for only three (3) days.[30]

If it were true that the complainant loved the appellant and had illicit sexual relations with him while her husband was away, then she would not have exerted any effort to contact Sgt. Pilapil in order to be rescued. Neither would she execute an affidavit pointing to the appellant as her rapist nor would she file a complaint for rape and thereafter undergo the expense, trouble, inconvenience, and scandal of a public trial for rape. On the contrary, she would have preserved the illicit union by whatever means to ensure endless gratification of her biological needs. In exposing the evil deeds of the appellant and in facing the ordeal of a public trial, the complainant showed an honest desire to seek justice.

The alleged letter of the complainant[31] purportedly sent to the appellant while he was detained in jail does not save the day for him. The trial court "was not impressed by the integrity and trustworthiness"[32] thereof. Neither are we. Our own examination of the signature "GLORIA" appearing therein readily discloses that it is conspicuously different from the signature of complainant Gloria Crisostomo in her complaint and sworn statement.[33] That letter was not even properly identified. Then too, the circumstances under which it was

purportedly delivered to the appellant do not at all inspire credence. According to witness Cipriano Sumagaysay, warden of the City Jail of Puerto Princesa City, the letter was delivered by a 14-year old girl some thirty minutes after an old lady, who was claimed by the appellant to be the complainant, had visited the appellant. If indeed the old lady was Gloria Crisostomo, we find neither reason nor rhyme why she would still send a letter to the appellant a few minutes after she left. Moreover, Gloria who was then only, 43 years of age cannot be said to be an "old lady." Finally, if Sumagaysay actually saw the "old lady," he could have, while on the witness stand, pointed to the complainant as the "old lady" whom he had seen visiting the appellant. Sumagaysay's testimony was not even corroborated by the visitor's logbook of the city jail.

All told, the trial court correctly found the appellant guilty beyond reasonable doubt of the crime of rape on eleven counts and correctly sentenced him to eleven times of reclusion perpetua. The service of the said penalties shall not, however, exceed forty years pursuant to Article 70 of the Revised Penal Code, as amended by C.A. No. 217.[34]

In view of such convictions, the appellant should, as well, be ordered to pay civil indemnity in each case, and not just a single indemnity of P50,000.00 in all the cases. We hold that, consistent with the current policy of the Court, the appellant should be ordered to indemnify the complainant in the sum of P40,000.00 in each of the eleven counts of rape.

Whether the trial court correctly acquitted the appellant in Criminal Case No. 9007 is an entirely different matter which is already beyond our reviewing authority, since a judgment of acquittal becomes final immediately after promulgation.[35]

WHEREFORE, subject to the above modification on the award of civil indemnity, the appealed decision of Branch 52 of the Regional Trial Court of Palawan (Puerto Princesa City) in Criminal Case No. 9006 is hereby AFFIRMED with costs against appellant Jimmy Conte.

SO ORDERED.

Padilla, (Chairman), Bellosillo, Kapunan, and Hermosisima, Jr., JJ., concur.

[1] Original Records (OR), 1; Rollo, 5.

[2] Id., 55; Id., 21.

[3] OR, 18.

[4] Exhibit "A"; OR, 7.

[5] TSN, 6 June 1991, 11-13; TSN, 28 August 1991, 2-A to 3.

[6] Id., 12; Id., 2-A; TSN, 13 June 1991, 9-10.

[7] TSN, 6 June 1991, 3-6; TSN, 13 June 1991, 4-5, 10-11.

[8] TSN, 6 June 1991, 6; TSN, 13, June 1991, 5.

[9] Id., 7-8; Id., 6.

[10] Id., 8, 26-29; Id., 6, 12.

- [11] Id., 8-10, 32-34; Id., 7.
- [12] TSN, 6 June 1991, 29-30.
- [13] Exhibit "B"; OR, 36.
- [14] TSN, 6 June 1991, 9, 11, 34-35.
- [15] TSN, 28 August 1991, 3-5.
- [16] TSN, 29 August 1991, 3-12.
- [17] Exhibit "1"; OR, 42.
- [18] TSN, 29 August 1991, 9-10.
- [19] TSN, 28 August 1991, 11-14.
- [20] TSN, 4 September 1991 (p.m.), 3-16.
- [21] Id. (a.m.), 4-8.
- [22] OR, 48-66; Rollo, 14-32. Per Judge Filomeno A. Vergara.
- [23] People vs. Garcia, 235 SCRA 371 [1994]; People vs. Tranca, 235 SCRA 455 [1994]; People vs. Comia, 236 SCRA 185 [1994].
- [24] TSN, 6 June 1991, 3-5.
- [25] It states in part "that the said accused ... did then and there wilfully, unlawfully and feloniously have carnal knowledge for several times with...." (emphasis supplied).
- [26] Section 8, Rule 117, Rules of Court; People vs. Dulay, 217 SCRA 132 [1993]; People vs. Basay, 219 SCRA 404 [1993]; People vs. Ducay, 225 SCRA 1 [1993].
- [27] People vs. Corpuz, 222 SCRA 842 [1992]; People vs. Antonio, 233 SCRA 283 [1994]; People vs. Pamor, 237 SCRA 462 [1994].
- [28] Supra note 27.
- [29] TSN, 6 June 1991, 25.
- [30] Decision of the trial court, 14-15; Rollo, 27-28.
- [31] Exhibit "1"; OR, 42.
- [32] Id., 60; Rollo, 26.

[33] OR, 3-4.

- [34] People vs. Baysa, 92 Phil. 1008 [1953]; People vs. Cadacio, 9 SCRA 292 [1963]; People vs. Odencio, 88 SCRA 1 [1979].
- [35] FLORENZ D. REGALADO, Remedial Law Compendium, vol. 2, 372 [1989]; MANUEL R. PAMARAN, Comments on the 1985 Rules of Criminal Procedure, 409 [1985]; both citing People vs. Sison, 105 Phil. 1249 [1959].

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