PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MAURO SUBA Y MUSNGI, ACCUSED-APPELLANT.

G.R. Nos. 119350-51. November 29, 1999

Ponente: KAPUNAN, J.

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KAPUNAN, J.:

Herein accused-appellant Mauro M. Suba was charged with two counts of rape before the Regional Trial Court, Branch 43, Third Judicial Region, San Fernando, Pampanga and docketed as Criminal Case Nos. 7025 and 7026, the informations read as follows:

> Criminal Case No. 7025
>
> That on or about the 24[th] day of January 1993, in Barangay Lourdes, Municipality of Candaba, Province of Pampanga, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, MAURO SUBA y MUSNGI with lewd design, by means of force and intimidation, by then and there pointing a fanknife at Annabelle R. Gavino, did then and there wilfully, unlawfully, feloniously and maliciously have carnal knowledge with the said Annabelle R. Gavino without the latter's consent and against her will.
>
> Contrary to law.[1] Criminal Case No. 7026
>
> That on or about the 9[th] day of November 1992, in Barangay Lourdes, Municipality of Candaba, Province of Pampanga, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, MAURO SUBA y MUSNGI, with lewd design, by means of force and intimidation, by then and there pointing a fanknife at Annabelle R. Gavino, did then and there wilfully, unlawfully, feloniously and maliciously have carnal knowledge with the said Annabelle R. Gavino against the latter's will and without her consent.
>
> Contrary to law.[2]

Upon arraignment, accused-appellant pleaded "not guilty" to both charges.[3] Trial ensued, and, thereafter, the court a quo rendered its decision on January 23, 1995, finding the accused-appellant guilty as charged and sentencing him as follows:

> WHEREFORE, the Court finds accused Mauro Suba y Musngi guilty beyond reasonable doubt of the crime of rape in two (2) instances: That one committed on November 9, 1992 and the other on January 24, 1993, and hereby sentences him to suffer the penalty of reclusion perpetua in each case and to indemnify the private complainant in the amount of P120,000.00 in both cases and to pay the costs of suit.
>
> The Provincial Warden is hereby ordered to commit the accused to the National Penitentiary within ten (10) days from the promulgation of this Decision and thereafter to make his report unto this Court regarding the said commitment.
>
> SO ORDERED.[4]

The facts as established by the prosecution follows.

Between 9:00 and 10:00 a.m. on November 9, 1992, private complainant Annabelle R. Gavino (hereinafter "Annabelle"), then fourteen (14) years old, was busy cleaning their house in Barangay Lourdes, Candaba, Pampanga. She heard someone calling from downstairs. It was accused-appellant, a cousin of her father, who asked to borrow matches. Annabelle answered that she did not have any. She thought that accused-appellant had left. To her surprise, he had gone upstairs. Without a word, he approached her and poked a balisong (fanknife) at her neck.[5]

With the knife menacingly pointed at Annabelle's neck, appellant proceeded to undress her. She started to cry.[6] After undressing her, accused-appellant pushed her down to the floor. As she lay on her back, appellant went on top of her and had sexual intercourse with her. All the while the fanknife was pointed at her neck. After violating Annabelle, accused-appellant left with the threat that if she reported the incident to anyone he would kill her family.[7]

A similar incident occurred on January 24, 1993. At mid-morning, appellant called Annabelle from downstairs and asked this time if he could borrow a tambayok (a straight flattened bamboo used on the shoulders to carry two loads on both ends). She told him that she had none and again she thought that he left thereafter. But, he went upstairs and threatened her with a balisong pointed at her neck. Appellant asked Annabelle if she reported what had happened before to anyone to which she answered in the negative.[8]

Accused-appellant again proceeded to rape Annabelle poking his knife at her neck the whole time.[9] In the middle of it all, Annabelle's older brother, Arnold arrived and saw his sister being ravaged by accused-appellant. Alarmed at Arnold's arrival, accused-appellant quickly put on his short pants and ran away. Arnold consoled his sister who was crying. He reported what had happened to his parents as well as the parents of the accused-appellant.[10] That same day, the Gavino family reported the incident to the barangay authorities.[11]

The next day, January 25, 1993, Annabelle was brought to Lingad Hospital, where Dr. Marissa P. Morales examined her. Said examination yielded the following results:

> x x x
>
> LABIA MAJORA:
>
> LABIA MINORA: coaptated
>
> HYMEN: (+) healed laceration at 3 o'clock & 9 o'clock position
>
> PELVIC EXAM:
>
> I.E. THE FINDINGS: introitus admit 1 finger with ease, ex soft, closed, uterus small, adnexae (-), (-) bleeding
>
> LABORATORY REQUEST:
>
> Pregnancy test - negative Smear for Spermatoza - negative[12]

Accused-appellants defense consists merely of denials and alibi.

Testifying for his own defense, accused-appellant vehemently denied having had carnal knowledge of Annabelle. In open court accused-appellant narrated that on 24 January 1993, the day of the alleged second rape, he was instructed by his mother to borrow matches from Aling Pacing whose house'was at the back of the complainant's home. He thus passed by the house of Annabelle.[13] He was in the dark as to the allegations of Arnold Gavino that the latter saw him having sexual intercourse with Annabelle.[14] He, however, remembered that on his way back from Aling Pacing, he had bumped into Arnold in front oi the Gavino household. He then tried to borrow Arnold's bicycle as he had to go to the Batasan. Arnold, however, refused to lend him the bicycle.[15] Also in the

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Gavino household at that time was Annabelle's Aunt Emy.[16] Emy even told accused-appellant that it was good that Arnold did not lend him the bicycle as he might just destroy it. That same day Emy recounted to her husband, Benny, accused-appellant's visit to the Gavino household. Accused-appellant surmised that Emy must have told Benny that accused-appellant was fooling Arnold and had cursed her,[17] because on his way home from the Batasan. Benny accosted him and hit him with a club.[18] Fearing that Benny might do him more harm, he went to Zaragoza, Kueva Ecija where he stayed for three months.

As to the alleged rape on 9 November 1992, the accused-appellant simply remembered seeing Annabelle Gavino with her sisters and friends on the road to their bamo that day.[19]

To support his claim, accused-appellant presented his mother Lolita Musngi. She testified that on 24 January 1993, at around 9:00 in the morning, she was doing the laundry at home. Arnold Gavino approached her and asked for the whereabouts of the accused. When she asked him why, Arnold replied that "It seems that Mauro was doing something untoward to my sister." When she asked Arnold if he had actually witnessed what he was talking about, he answered in the negative. After her encounter with Arnold, she proceeded to the Gavino household and saw Annabelle by the table crying. She then asked Annabelle what Mauro did to her saying: "Kinana ka ba? (Did he have sexual intercourse with you?), to which-the young lass replied "No," shaking her head and still crying. Annabelle then explained that the reason why she was crying was because her brother Arnold had boxed her. At the lime of her conversation with Annabelle, her son Mauro was at Baxangay Batasan, San Miguel, Bulacan. However, earlier that day, she had asked Mauro to borrow matches from Aling Pacing.[20]

As mentioned earlier, accused-appellant was convicted of the offenses charged against him. In brief, accused-appellant raise the following errors allegedly committed by the trial court:

> I
>
> THE TRIAL COURT ERRED GIVING (sic) CREDENCE TO THE TESTIMONY OF THE COMPLAINANT, ANNABELLE GAVINO THE WAY SHE WAS SUPPOSEDLY RAPED.
>
> II
>
> THAT THE TRIAL COURT ERRED IN GIVING WEIGHT TO THE TESTIMONY OF ARNOLD GAVINO.
>
> III
>
> THAT THE TRIAL COURT ERRED IN NOT GIVING PROPER CONCLUSION ON THE MEDICAL FINDINGS.[21]

The first two assignment of errors refer to the credibility of the witnesses, hence, will be discussed jointly.

In the futile attempt to assail the credibility of Annabelle, accused-appellant points the portions of her testimony which weaken her allegation that she was raped. He claims that Annabelle could not have possibly been intimidated since, when he allegedly threatened her with a knife, Annabelle was upstairs while appellant was downstairs:[22]

> Court:
>
> Q - Were you upstairs when Mauro Suba showed you the knife?
>
> Witness:

A - Yes, sir.

Atty. Neri:

Q- And Mauro Suba was downstairs?

Witness:

A- Yes, sir.

x x x

Atty. Neri:

Q- Also. Miss Witness, when Mauro Suba showed the knife to you and told you these words "do not tell anybody or else I will kill your brother and sister" is that correct.

Witness:

A- Yes, sir.

Atty. Neri:

Q- Where was Mauro Suba when he told you "Eka susumbong ...."

Witness:

A- Downstairs, sir.[23]

Annabelle, however, had repeatedly declared in her testimony that she was threatened by appellant after he went upstairs and approached her. He poked his knife at her neck not only while she was being undressed but also while he was raping her. In recounting the November 9, 1992 incident, Annabelle testified as follows:

Pros. Razon:

When he tried to borrow match (sic) from you while he was downstairs inside your house and you were upstairs did you talk to him?

Witness:

Yes, sir.

Pros. Razon:

What did you tell him when (sic)

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Witness:

I told him we have no match, sir. and I thought he was leaving but he went upstairs.

When he went upstairs, what happened next? He showed me his balisong (knife) sir.

After showing you the balisong, what did he do, if any?

He pointed or poked the knife to (sic) me, sir.[24]

x x x

At the time accused Mauro Suba was undressing your short first, will you tell the Honorable Court what was he doing, if any with the balisong? It was poked at my neck, sir.[25]

x x x

At the time Mauro Suba was on top of you and he inserted his penis to your vagina, did you notice where the knife was?

He was still holding it, sir.

With the same right hand?

Yes, sir.

When Mauro Suba was on top of you and inserted his penis to your vagina, what where (sic) you doing, it any?

None, sir.

Why did you not do anything?

I was afraid because he was holding that sir.[26]

Similarly, in the second rape on January 24, 1993, the victim testified that accused-appellant, after he went upstairs, made use of a knife to threaten her:

x x x

Pros. Razon:

What did you tell him, if any, when he was borrowing "tambayok or pingga"?

Witness:

I told him none and I thought he laready (sic) left but he went upstairs, sir.

What did he do, if any?

He showed me his balisong, sir.

Is this the same balisong that he showed you on November 9, 1992?

Yes, sir.

After he showed you his balisong or knife, what did he do, if any, with it?

He poked it to (sic) me, sir.

What part of your body did he poke it?

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Here, sir, at the middle portion of my neck.[27]

Further, Annabelle testified that the accused-appellant never let go of the knife, thus instilling fear in her, ensuring the success of his lewd designs:

x x x

Pros. Razon:

You said he undressed you, what did he remove?

Witness:

My sando was lifted, sir.

How about your short pants and panty, did he remove them?

Yes, sir.

You were then standing?

Yes, sir.

At the time he was removing your short pants and panty did you notice the balisong?

Yes, sir.

Where was it then?

It was in his possession, sir.

You mean to say, he was holding it?

Yes, sir.

After he was able to remove your short pants and panty and lifted your sando, what did he do next?

Atty. Neri: Your Honor, may we request that the witness answer loudly.

Court: Please answer loudly.

Witness: He also removed his pants, sir.

Did he remove his underwear?

Yes, sir.

After that what did he do next, after he removed his pants and underwear?

That was the time he raped [me], sir.[28]

It is clear from the above testimony, that Annabelle's life was being seriously threatened and she was paralyzed with fear. Hence, accused-appellant's allegation that "she did not resent the undressing" and that "there was no reaction on her part while being allegedly raped" is totally unfounded. She did not do anything as she was afraid because he was holding that balisong.[29]

Taking into account the following factors: that a knife was poked at Annabelle's neck; that accused-appellant was an ascendant, being a cousin of her father; and that accused-appellant was reputedly a notorious person who was "much feared in our place;" and known to have even "mauled his brothers;"[30] it was not abnormal for Annabelle to have reacted as she did.

Likewise, accused-appellant's claim that Annabelle was raped while standing deserves scant consideration, as she narrated that she was sexually abused after being forced to lie down, thus:

Pros. Razon:

In other words, will you tell the Honorable Court when he inserted his penis to your vagina, you were still standing?

Witness:

He made me lie down, sir.

After he removed your shorts and panty and he raped you and when he inserted his penis to your vagina you were already lying down, in what particular part of the second floor of your house were you lying down?

Inside the room, sir.

Will you tell the Honorable Court the reason after Mauro Suba removed your shorts and panty why you lied down-after he undressed you?

Atty. Neri: The question is vague, Your Honor. The testimony of the witness is that ehil (sic) she was being undressed she was standing and she was raped while still standing.

Court:

Witness may answer.

I did not lie voluntarily, he made me lie down, sir.

In what manner did he made you lie down?

He pushed me with his hands, sir.

How many times did he insert his penis to your vagina ?

For about one minute, sir.

How many times did Mauro Suba inserted his penis to your vagina?

Mauro Suba inserted his penis, sir, once.

At the time Mauro Suba was on top of you and he inserted has penis to your vagina, did you notice where the knife was?

He was still holding it, sir.

With the same right hand?

Yes, sir.

When Mauro Suba was on top of you and inserted his penis to your vagina, what where you doing, if any?

None, sir.[31]

x x x

Pros. Razon: After Mauro Suba removed your shorts and your panty, you said he raped you, how did he rape you?

Witness:

He laid me down, sir.

At the time he laid you down, will you tell the Court where was the knife of Mauro Suba?

He was holding it, sir.

How did he make you lie down?

He pushed me, sir.

Court:

After he pushed you, what happened to you?

I lied down, sir.

Court:

You said you were in a standing position before he pushed you, how was your body positioned when he pushed you?

A -

I lied down. sir.

Court:

You said you lied down, did you lie down voluntarily?

A -

No, sir.

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Court:

Then why did you lie down?

A -

He pushed me with his hands, sir.

Atty. Neri: Your Honor, may we request that the witness be advised to answer loudly, I cannot hear her, Your Honor.

Court:

You speak louder so that counsel will hear you.

A -

Yes, sir.

Pros. Razon: When you were already lying down after you were pushed by Mauro Suba, what did he do next, if any?

Witness:

He removed his pants, sir.

Pros. Razon: After he removed his pants what did he do?

Witness:

That was the time he raped me, sir.[32]

x x x

Court:

While his penis was inserted in your vagina where was the accused in relation to your body?

A -

Infron (sic) of me, sir.

Court:

When he inserted his penis in your vagina what position were you in?

A -

We were lying down, sir.

x x x

Court:

Were you lying on your side when the accused inserted his penis in your vagina?

A -

No, sir.

Court:

What was your position or what was the position of your body?

A -

I was facing upward, sir.

Court:

Where was the accused at that tune when he inserted his penis in your vagina?

A -

He was lying on top of me, sir.[33]

The victim's brother Arnold, likewise affirmed that Annabelle was raped while lying down:

Court:

Q-

When you reached your house is there anything that you saw or that happened?

Witness:

A-

Yes. sir.

Court:

Q-

What was that?

A-

Mauro Suba was on top.

Q-

On top of what?

A-

He was on top of my sister.

Q-

What was he doing while on top of your sister?

A-

They were having sexual intercourse?[34]

x x x

Court:

No, apparently you do not understand the question.You listen and try to understand the question.

Q-

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You said that they become aware of your presence because Mauro Suba saw you do you remember having said that?

Witness:

A-

Yes, sir.

Court:

Q-

Where was Mauro Suba when he saw you for the first time?

Witness:

A-

He was still on top of my sister.

Court:

Q-

What was he doing while on top of your sister?

Witness:

A-

While he was on top of my sister when he saw me he left. [35]

Accused-appellant further posits that if it were true that Annabelle was a virgin, it was unusual that appellant was able to insert his organ "that easy and no reaction on her part."[36] Again, said insinuations are baseless in light of Annabelle's testimony that she felt pain when appellant inserted his. penis into her vagina, thus:

Court:

When the accused inserted his penis into your vagina, what did you feel?

Witness:

It was painful, sir.[37]

Appellant also alleges that if Annabelle's two brother? were present at the time she claims to have been raped, how then could the rape have been consummated.[38] However, Annabelle had clearly explained that the kitchen, where her younger brothers stayed, was downstairs while she was raped upstairs.[39] But more importantly, she stated that when appellant threatened her with a knife her brothers had "already left . . . and they were at the house of my grandmother."[40]

Accused-appellant further tries to cast a doubt on the victim's story by arguing that if it were true that, as stated by Annabelle, appellant was holding the "balisong" with "his right hand when he poked the said balisong," the knife should have been "directed at the left portion of her neck not on her eight side of the neck."

Overwhelming evidence on record shows that accused-appellant poked his knife at the middle portion of Annabelle's neck, not on the right side thereof.[41] Hence, no inconsistency exists as to which hand accused-appellant used in holding his knife and which part of the neck the knife was pointed.

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Also made an issue by accused-appellant is the alleged admission made by Annabelle to Lolita Musngi, accused-appellant's mother, who testified that when she asked Annabelle if her son had sexual intercourse with her, she answered in the negative. But as aptly pointed out by the trial court, assuming that what she testified to is true, such statement has little evidentiary value since a young lady like Anabelle would naturally make such a denial in an embacassing situation where, as in this case, the question was posed m the presence of many people. Also, it would seem pointless for Anabelle to tell the mother of her rapist the horrible experience with her son. A mother's instinct is always to defend her offspring. Illuminating are the following portions of appellant's mother's testimony:

> Pros. Razon: When you went to the house of the Gavinos, you saw Annabelle Gavino crying, you said that on direct, is that correct?
>
> Witness:
>
> Yes, sir, because we were many when we went in the house of Annabelle Gavino.
>
> Pros. Razon: Who were with you in going to the house of Annabelle?
>
> Witness:
>
> Many, sir, my neighbors.
>
> Pros. Razon: Can you tell the Hon. Court why you were with many neighbors in going to the house of Annabelle?
>
> Witness:
>
> Because when Arnold was looking for my son, Mauro.
>
> Pros. Razon: No[t] responsive, please answer the question.
>
> Witness:
>
> They were with me, sir, it was just coincidence that they were going there.
>
> Court:
>
> How many were your neighbors who went there when you were going in the house of Annabelle?
>
> Witness:
>
> More or less ten (10), sir.
>
> Court:
>
> How more or how less?
>
> Witness:
>
> Three (3) more than ten (10), sir. [42]
>
> x x x
>
> Pros. Razon: So when you were talking with Annabelle, you did that in the presence of your neighbors?
>
> Witness:
>
> Yes, sir.

Court:

You asked the question: Kinaiu ka ba ni Mauor?" (sic) because that was the report of Arnold Gavino to you, is it not?

Witness:

What Arnold told me, sir, it seems that Mauro was fooling her (sic) sister.

Pros. Razon: Do you know the meaning of "fooling my sister", as you were told by Arnold?

Witness:

That Mauro had sexual intercourse with Annabelle.

Pros. Razon: And that was the reason why upon seeing Annabelle you asked her "Kinana ka ba m Mauro?"

Witness:

Yes. sir.[43]

On the other hand, Annabelle readily admitted to her own mother that she was raped by accused-appellant:

Pros. Razon: When you reached home will you describe the condition of your daughter when you saw her in your house?

Witness:

She was crying, sir.

Pros. Razon: In what particular place of your house did you see your daughter crying?

Witness:

Downstairs, sir.

Court:

Did you ask her why she was crying?

Witness:

Yes, sir.

Court:

What did she tell you, if any?

Witness:

She told me that she was raped by her uncle Mauro Suba, sir.[44]

Appellant claims that there was contradiction between Arnold Gavino's statement that the "accused saw him (Arnold) while he was on top of his sister and having sexual intercourse" and his statement given dunng cross-examination that when accused Mauro Suba saw him, he was no longer having sexual intercourse with her sister. However, this inconsistency was explained later on upon clarificatory questions propounded by the trial court. Apparently. Arnold did not understand the questions earlier propounded, and upon elucidation, he gave a categoncal statement that he first saw Mauro Suba on top of his sister.[45]

All told, the first two issues raised by the accused-appellant boils down to the issue of credibility of witnesses. We have held, time and again, that the tnal court's assessment as to the credibility of witnesses is to be accorded great weight. This is so because it had the better opportunity to observe the witnesses firsthand and note their demeanor, conduct and attitude under grilling examination.[46] Illuminating are the following observations made by the trial court:

> Complainant Annabelle Gavino is a small girl of 16 years of age when she testified in Court on the ugly details of her alleged traumatic experience. She was dark-skinned, shy, timid, abash and a true picture of a barrio lass untouched and unaffected by the modem culture and ways of the present youth. She is a daughter of a marginal family in a remote barno in Lourdes, Candaba, Pampanga which, during the rainy season, is not accessible to the Provincial Capital where the Courts are situated thus, in the prosecution of these cases, as gathered by the Court during the ocular inspection of the house of the complainant, she, her mother and brother Arnold have to leave their residence a day before the date set for the hearine and spent the night in a friend's house along the way to be on time for the Court for the hearing the next day.
>
> In recounting the details of her defloration, and very obviously unaccustomed to the atmosphere of the courtroom, she broke down on several occasions. In all these occasions, however, and despite the Courfs insinuations of a deferment of the hearing because of her emotional deportment, she insisted on proceeding on with the trial. On several occasions, too, she has to be coaxed by the Court to speajc louder as her voice was barely audible. Despite, however, those encumbrances, she was straightforward, honest, and truthful in the narration of facts. She stood firm and steadfast on her assertions, weathering frank and sometimes rough questions too humiliating for a woman of her tender age. She narrated the facts in a most natural way that an impartial mind could be freed from the doubt or suspicion of embellishment, insincerity and untruthfulness.[47]

Not only is Annabelle's testimony free from doubt, or suspicion of embellishment, insincerity and un truthfulness, but the young girl had no reason to falsely incriminate accused-appellant. She has no motive to charge him with a heinous and loathsome offense except "her desire for justice and redress for a terrible wrong inflicted on her." Her testimony that she was raped by the accused-appellant sufficient to prove the guilt of the accused-appellant.

In a last ditch effort to exonerate himself, accused-appellant claims that the absence of spermatozoa in Annabelle's organ when she was physically examined proves that there was no rape. He adds that inasmuch as there was ejaculation based on the testimonies that "the accused complete (sic) a sexual act on both occasion . . . (I)f it were so, then the doctor should have found seminal fluid."[48]

A careful examination of the transcript of records reveals that neither Annabelle nor Arnold testified that accused-appellant had an ejaculation during the sexual act. Besides, the absence of spermatozoa in the complainant's vagina does not necessarily negate the commission of rape. There may be a valid explanation for such absence, as when the semen may have been washed away or when the rapist failed to ejaculate.[49]

Per current case law. a rape victim is entitled to a civil indemnity of P50,000.00 per count.[50] Seeing no cogent reason why the amount of indemnity should be raised in this particular instance, we find the award of the trial court of P120,000.00 incorrect. We, however, award moral damages in the amount of P50,000.00. As ruled in the case of People v. Prades,[51] an additional award of P50,000.00 is due the rape victim notwithstanding the absence of proof of its award, in view of the fact that she has in fact suffered mental, physical and psychological trauma.

WHEREFORE, the decision convicting Mauro Suba y Musngi of two counts of rape and sentencing him to suffer the penalty of reclusion perpetua for each crime is hereby AFFIRMED, with the modification that he is ordered to pay the victim P100,000.00 as civil indemnity; and P50,000.00 as moral damages.

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SO ORDERED.

Davide, Jr., C. J., (Chairman), Puno, Pardo, and Ynares-Santiago, JJ., concur.

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[1] RTC Records, Folder I, p. 2.

[2] RTC Records, Folder No. II, p. 2.

[3] See note 1, at 26.

[4] Rollo, p. 26.

[5] TSN, August 26, 1993, pp. 5-9.

[6] Id., at 12-13.

[7] Id., at 17-20.

[8] Id., at 28-30.

[9] TSN, September 21, 1994, p. 24.

[10] TSN, November 29, 1993, p. 12.

[11] TSN, December 29-1993, p. 13.

[12] RTC Records, Folder III, p. 1.

[13] TSN, Mauro Suba, June 17, 1994, pp. 7-8.

[14] Id., at 10.

[15] Id., at 8.

[16] Id., at 11-12.

[17] Id., at 15-17.

[18] Id., at 19.

[19] Id., at 24-25.

[20] TSN, April 13, 1994, pp. 6-9.

[21] Rollo, pp. 46-47.

[22] Id., at 47.

[23] TSN, September 23, 1993 Anabelle Gavino, pp. 4-6.

[24] TSN, August 26, 1993, pp. 9-10.

[25] Id., at 14.

[26] Id., at 18-19.

[27] Id., at 28-29.

[28] Id., at 32-34.

[29] Id., at 19.

[30] TSN, September 28, 1993, p. 10.

[31] TSN, August 26, 1993, pp. 16-19 (Underlining ours).

[32] TSN, September 14, 1993, pp. 10-12.

[33] Id., at 14-15.

[34] TSN, November 29, 1993, pp. 6-7.

[35] Id., at 18.

[36] Rollo, p. 49.

[37] TSN, August 26, 1993, p. 25.

[38] See note 21.

[39] TSN, September 21, 1993, p. 8.

[40] Id., at 21.

[41] TSN, August 26, 1993, pp. 10, 29; TSN, September 28, 1993, p. 5, 13.

[42] TSN, April 13, 1994, pp. 12-13.

[43] Id., at 14-15.

[44] TSN, December 9, 1993, pp. 6-7.

[45] TSN, November 29, 1993, p. 18.

[46] People of the Philippines vs. Alfredo Bandares y Boton, G.R. No. 130092, July 26, 1999.

[47] Rollo, pp. 23-24.

[48] Id., at 54.

[49] People v. Salomon, 229 SCRA 403 (1994).

[50] People v. Amado Sandrias Javier, G.R. No. 126096, July 26, 1999.

[51] 293 SCRA 411.

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