PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JOAQUIN CARATAY ALIAS "JACK", ACCUSED-APPELLANT.

G.R. Nos. 119418, 119436-37. October 05, 1999

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

On appeal is the Decision dated December 29, 1994, promulgated by the Regional Trial Court of Tanauan, Batangas, Branch 6, in Criminal Cases Nos. 2374, 2375 and 2376, convicting appellant of three counts of rape. The decretal portion of the Decision reads:

> "WHEREFORE, Joaquin Caratay is hereby found guilty of having raped Lea Tayag on June 13, 1991 (Criminal Case No. 2374); on August 27, 1991 (Criminal Case No. 2375) and on December 23, 1991 (Criminal Case No. 2376) and sentenced to suffer three penalties of reclusion perpetua; and to indemnify Lea Tayag in the amount of P50,000.00, by way of moral damages.
>
> "SO ORDERED."[1]

The factual background of the present case, as culled from the records, is as follows:

Joaquin Caratay has a legitimate wife in Putuhan, Tanauan, Batangas. However, this did not prevent him from entering into a common-law relationship with Felicisima Medel, a younger sister of the mother of private complainant Lea Tayag. Joaquin and Felicisima lived together in the house of Lea's maternal grandmother in San Rafael, Sto. Tomas, Batangas. This house was just next door to the house where Lea lived. Notwithstanding the fact that Joaquin was not legally married to Felicisima, Lea called him "Tiyo" or uncle.[2]

Joaquin is a former military man. He was 36 years of age at the time of the alleged offense. The trial court described him as being about five feet nine inches, husky, and weighed between 180-190 pounds.[3]

Lea was only 13 years old when she was allegedly raped. A wisp of a girl, she stood around five feet four inches. The court below found her "very feminine looking."[4] She became pregnant and gave birth to a baby girl on April 30, 1992.

On August 6, 1992, the Provincial Prosecutor of Batangas filed three informations with the Regional Trial Court of Tanauan, Batangas, charging appellant with three separate incidents of rape committed against complainant. The informations were respectively docketed as Criminal Cases Nos. 2374, 2375, and 2376.

The information in Criminal Case No. 2374 alleges:

> "That on or about the 13th day of June 1991, at about 1:00 o'clock in the afternoon, at Barangay San Rafael, Municipality of Sto. Tomas, Province of Batangas, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a firearm, by means of force and intimidation, did then and there wilfully (sic), unlawfully and feloniously lie with and have carnal knowledge of the said Lea Tayag y Medel against her will and consent.

"CONTRARY TO LAW."[5]

In Criminal Case No. 2375, the accusatory portion of the information reads:

"That on or about the 27th day of August 1991, at about 11:00 o'clock in the morning, at Barangay San Rafael, Municipality of Sto. Tomas, Province of Batangas, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a firearm, by means of force and intimidation, did then and there wilfully (sic), unlawfully and feloniously lie with and have carnal knowledge of the said Lea Tayag y Medel against her will and consent.

"CONTRARY TO LAW."[6]

For Criminal Case No. 2376, the information states:

"That on or about the 23rd day of December 1991, at about 11:00 o'clock in the morning, at Barangay San Rafael, Municipality of Sto. Tomas, Province of Batangas, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a firearm, by means of force and intimidation, did then and there wilfully (sic), unlawfully and feloniously lie with and have carnal knowledge of the said Lea Tayag y Medel against her will and consent.

"CONTRARY TO LAW."[7]

Appellant pleaded not guilty when arraigned. Thereafter, the cases were consolidated. Trial on the merits ensued.

The trial court synthesized the complainant's and prosecution's version of the incidents as follows:

Criminal Case No. 2374:

"[O]n June 13, 1991 at about one o'clock in the afternoon, the accused called her and she went to the house of Felicisima. The accused gave her 'lugaw' and 'he must have placed something in the porridge' because she felt dizzy after eating it. Caratay then told her to go the bedroom. There, he removed her clothes and had a (sic) carnal knowledge of her ("Isinuot po iyong kanyang tete sa aking puke"). She tried to extricate herself from him but failed because he was stronger and at that time, she "was still small,' fourteen years old and dizzy from that something in the porridge. When she woke up, Caratay was beside her and she was naked. She felt pain in her private part, which was bleeding. She did not report the incident because, according to her, "we will be put to shame in our barrio and if my mother knows what happened the barrio people will know also."[8]

Criminal Case No. 2375:

"On August 27, 1991, she went next door in (sic) the house of her grandmother because she wanted to talk to her and thinking that Caratay went home to his legal wife at barrio Putuhan and that only her grandmother was there. But when she entered the house, nobody was there except the accused who poked a gun at her side and told her to remove her clothes, threatening her that he would kill her parents if she refused to do so but it was Caratay himself who removed her clothes and ordered her to lie down. She cried and wanted to shout and open the door but nobody would hear her because their house was separated by a high side wall. Again, he inserted his penis in her vagina and "after he finished" she told him to leave but when he did not leave, she put on her clothes and went home. The accused threatened to kill her if she told anyone about what happened. She could not tell her mother because the latter had a 'heart ailment'. After that incident, the accused went home to his house at Putuhan where his wife lives."[9]

Criminal Case No. 2376:

"On December 23, 1991 at about eleven o'clock in the morning, her aunt, Felicisima and the accused were quarrelling. Caratay ordered Felicisima to call her. Once inside the house, Caratay took hold of her, told her not to shout, and pulled her to the room. He undressed her and again succeeded in having carnal knowledge of

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> her, despite her efforts to push him off but she could not do anything 'because he was heavy.' All the while her aunt Felicisima was in the sala crying 'because she does not like what Caratay was doing to her but what she wanted is that Caratay will not leave her or be separated from her."[10]

In all three cases, appellant admitted having had sex with private complainant. However, he vigorously denied having raped her. As found by the trial court, he contended that:

> "[S]he voluntarily consented to their sexual contacts (kusang loob). In fact...she initiated the ilicit (sic) affair by sitting on his lap, embracing him watching him while he took a bath and pressed his private part. He often told her to stop because he might be tempted. They finally had sexual contact in the later part of the year 1990. Felicisima, his common-law wife and the aunt of Lea, knew of their relationship but without sexual contact. When he told her (Felicisima) that he would leave her because of Lea's continuing relationship with him, Fely cried. Fely herself gave him Lea's letters..."[11]

For his defense, he submitted an undated love letter (Exhibit "1"),[12] allegedly written by complainant to him. He claimed that there were other letters but he had destroyed them since his lawful spouse might see them.

During her rebuttal testimony, complainant denied writing Exhibit "1". She declared that the handwriting in the letter was Felicisima's. For comparison purposes, she wrote her name and copied a portion of Exhibit "1" in a separate sheet of paper, Exhibit "D."[13]

The trial court did not lend credence to appellant's "sweetheart theory". He was convicted on all three counts.

On February 16, 1995, appellant filed his notice of appeal.[14] Because of the penalty, reclusion perpetua, the case is now before us.

Appellant raises the following errors:

I

THE TRIAL COURT GRAVELY ERRED IN GIVING FULL CREDENCE TO THE TESTIMONY OF THE COMPLAINANT WHICH IS INCREDIBLE, UNRELIABLE, THEREFORE NOT SUFFICIENT TO SUSTAIN A CONVICTION BEYOND REASONABLE DOUBT.

II

THE TRIAL COURT GRAVELY ERRED IN NOT ACQUITTING ACCUSED-APPELLANT WHEN THE EVIDENCE ADDUCED BY THE PROSECUTION FAILED TO OVERCOME THE PRESUMPTION OF INNOCENCE IN THEIR (sic) FAVOR BY CLEAR AND CONVINCING EVIDENCE OF GUILT BEYOND REASONABLE DOUBT.[15]

Simply stated, the issues on appeal are: (1) Whether the offended party's testimony was credible and convincing; and (2) Whether or not the prosecution had overcome the presumption of innocence of the accused and proved his guilt beyond reasonable doubt.

Appellant contends that the complainant's testimony is not credible on crucial points because:

> (1) In Criminal Case No. 2374, she testified that she felt dizzy and unconscious because appellant must have "placed something in the porridge."[16] Nonetheless, she was still able to recall and narrate the details of their sexual intercourse in court. There is also no showing that she resisted or protested the sexual advances of appellant or sought her aunt's assistance in preventing the alleged rape. To support his contention, appellant relies on complainant's testimony under cross-examination, to wit:

"Q: Is it right that you (sic) auntie was at the back of your house and washing clothes?

A: Yes, sir.

Q: In your statement you said that and I quote: 'At wala itong si tiya at si Joaquin doon sa cuarto at ng ako ay lumabas ay nakita kong nakaupo silang dalawa sa salas at nagtatawanan, at sinabi nitong si Joaquin at ni tiya na huwag na huwag akong magsusumbong sa aking ina o kanino man...' which is correct now?

A: They were laughing at a different matter and my uncle told me not to report the matter.

Court: Was this the first time or another time because the first time you said when you went out of the room your auntie was washing clothes?

A: During the first time she was washing for a short time.

ATTY MERCADO:

Q: But you said that when you went out of the room your auntie was washing clothes, which is correct?

A: Both are correct because my auntie washed for a short time and she was called by my uncle Jack and when I went out of the room they were in (the) sala. They were talking and laughing and that was the time when Caratay told me not to report."[17]

(2) In Criminal Case No. 2375, the conduct of complainant in going back to the appellant's residence after she had allegedly been raped there on June 13, 1991 is not in accord with human behavior, logic, and common sense. She did not act like a woman robbed of her honor by returning to her place of ravishment. Appellant argues that if complainant was really raped on June 13, 1991, she would have taken the necessary precautions in order to prevent him from repeating the same. Common sense would also dictate that she would avoid her grandmother's house, knowing fully well that appellant was living there. Complainant's explanation that she thought her aunt would help her report the rapes to the authorities is devoid of merit, as she had testified that her aunt had something to do with what had happened to her.[18]

(3) In Criminal Case No. 2376, complainant's testimony shows that she was on her way to Alabang, Muntinlupa City when she was called by her aunt and prevented from going to Alabang. She was then brought inside her grandmother's house where she was raped for the third time. However, her testimony also showed her mother was inside their house cooking but she did not tell her mother that she was being prevented from going to Alabang. Although she knew that appellant was in her grandmother's house at that time, she still went inside. Such behavior is inconsistent with her allegedly having been raped twice in that same house.

(4) In all three cases, complainant's failure to immediately notify the authorities or, at the very least, her mother about her harrowing experience seriously affects the veracity of her narration. There is no reason why it took her all of 14 months to file the cases for rape when appellant never threatened her or the lives of her family. She had many opportunities to tell her mother about her ordeal. While she testified that she was raped at gunpoint in Criminal Case No. 2375, her life was in no danger after appellant went home to his legal wife in Putuhan, Tanauan, Batangas and thus had all the opportunity to confide in her mother.

Appellant contends that all of the above clearly shows that the rape charges against him were fabricated.

Appellant's arguments fail to persuade this Court.

Respecting the first issue, with the exception of the actual participants in the sexual act, usually no one can give first-hand account as to what might have really transpired.[19] The testimony of the offended party is therefore vital. Undoubtedly, it must be received with great caution[20] because the conviction or acquittal of the accused in rape could depend on complainant's testimony. However, if found credible, the lone testimony of the offended party has been held sufficient to sustain a conviction.[21] In the appeal, the issue boils down, almost invariably, to

the credibility of the complaining witness. As a rule, the appellate court is constrained to rely upon the findings and observations of the trial judge who occupies the vantage position in the reception of testimony.[22]

After a thorough review of the records of this case, we find no reason to depart from the settled rule that the Court will not alter the findings of the trial court on the credibility of witnesses,[23] unless there are circumstances which have been overlooked that could change the findings or alter the conclusions. The testimony of the offended party regarding the sexual assaults on her was clear, positive, and convincing.

In Criminal Case No. 2374, she testified thus:

> "PROSECUTOR:
>
> "Q: You said that this Jack put something in the porridge. Did you actually see him placing something in the porridge.
>
> A: No, sir.
>
> COURT:
>
> Q: And your only basis that something was place(d) there is because you lost consciousness?
>
> A: Yes, Your Honor, because that was the only day when I became like that after eating lugaw.
>
> PROSECUTOR:
>
> Q: You said that after you ate this lugaw you were directed to go to the room of Caratay. In what part of the room did you go?
>
> A: In the room of Caratay and my auntie, sir.
>
> Q: And after you went there what did Caratay do?
>
> A: That is it, sir. Jack Caratay undressed me.
>
> Q: And you were lying at that when he undressed you or were you standing?
>
> A: Yes, sir.
>
> Q: And who told you to lie down?
>
> A: He (did), sir.
>
> Q: And you voluntarily lay down on the bed?
>
> A: Maybe because of that something he let me eat, sir.
>
> Q: And you said after you lay down he undressed you and after he undressed you what did he do?
>
> A: He inserted his penis in my vagina, sir.
>
> Q: And what was he wearing at that time when he undressed you?
>
> A: He was naked, sir.
>
> Q: But before he entered that room or before you were ordered to enter that room what was he wearing?
>
> A: He was still wearing shorts.
>
> Q: And he removed his shorts in your presence?

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A: Yes, sir.

Q: How about his underwear?

A: He also removed his underwear, sir.

Q: And before that date have you experienced any sexual intercourse?

A: None yet, sir, because I was still young and I was still a high school student during that time."[24]

Appellant contends that complainant's testimony is suspect since she had also testified that she had lost consciousness and thus could not have recalled such details. A careful perusal of complainant's testimony, however, shows that she lost consciousness after the phallic intrusion into her maidenhood and not before, to wit:

"Prosecutor:

Q: And after he entered his penis in your vagina what else did he do?

A: I cannot recall anymore because as I have already stated I lost consciousness.

Q: But when he entered his private part to (sic) your private part you were still conscious?

A: Yes, sir."[25]

In Criminal Case No. 2375, complainant testified:

"PROSECUTOR:

Q: You said that you were there and came to know that Jack was also there. Do you know what happened in that house in the morning of August 27 at about 11:00 in the morning?

A: Yes, sir.

Q: And what was that unusual incident?

A: He raped me, sir.

Q: By the way, you said that you entered that house and according to you, you were raped. How did he rape you?

A: What he did for the first time that was also what he did for the second time.

Q: You were also asked to eat porridge?

A: No, sir. He poked a gun at me in order for me to enter the room of the house.[26]

x x x

Q: And you said on August 27, 1991 he poked a gun at you. Can you demonstrate to this Honorable Court how did Caratay poke a gun at you?

A: At my side, sir.

COURT: The witness pointed with her hand at her right side below her chest.

PROSECUTOR:

Q: And what kind of gun was that if you know?

A: I don't know what caliber is that gun.

COURT:

Q: Can you say if it was a short or long firearm?

A: Short, Your Honor.

PROSECUTOR:

Q: And when he poked that gun at your side what did he tell you if any?

A: He told me that he will kill my parents if I will not undress.

Q: And after that what happened next?

A: He removed my clothes, sir.[27]

x x x

Q: You said that you were undressed by Caratay. After he undressed you and you were then lying on the bed what did you do if any?

A: I just cried, sir.

Q: And you said you were raped also on that date. How did he rape you?

A: He also inserted his penis in my vagina.

Q: And when was that when he removed his pants? At what point in time?

A: After he entered the room, sir.

Q: Which is first, the removing of your clothes or his pants?

A: The removing of my clothes came first.[28]

x x x

Q: You said that after he removed his pants he raped you. What did you fell (sic) at that time when he was according to you raping you?

A: I don’t feel anything. I was just lying at that time.

Q: You said that he inserted his penis in your private part. At that time when his penis was in your private part where was his firearm?

A: I don’t know where he placed his firearm, sir.

Q: And after he inserted his private part on (sic) your private part, what was his movement?

COURT:

Not needed. Next question.

PROSECUTOR:

Q: How many minutes more or less did he stay on your top?

A: I don’t know, sir.

Q: And after he finished what did you do?

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A: I told him to leave me but he did not leave and I stood up, dressed up and went home."[29]

Respecting Criminal Case No. 2376, complainant's testimony reads:

"Q: On December 23, 1991 at about 11:00 o'clock in the morning, do you remember where were you?

A: My auntie called me again in order to go to their house because she and her husband quarrelled (sic).

x x x

Q: And did you go to their residence?

A: Yes, sir.

Q: And after you arrived there, what happened, what did she tell you?

A: My auntie pushed me to the room because according to her if I will not go there Caratay will leave her if she does not consent.

COURT:

Q: Did you consent?

A: No, Your Honor, because the reason why HE WAS ABLE TO DO THAT to me is his wife was present.

Q: Why did you not run away?

A: Because my auntie closed all the doors of the house, Your Honor.

Q: Why did you not shout at your aunt and say that you do not like?

A: Because I was being held by Jack in order not for me to shout.

Q: Did you not ask your auntie to pity you?

A: I asked her to pity me but she did not heed.[30]

x x x

PROSECUTOR:

Q: And according to you, you were pushed in that room. Who pushed you?

A: My auntie, sir. I have already got out (sic) but I was held by Caratay and pulled to the room.

Q: And inside the room what happened?

A: He again undressed me, sir. He removed my T-shirt, shorts and panty and bra and he again inserted his penis in my vagina.

COURT:

Q: Did you not try to struggle?

A: I cried, Your Honor, but considering that he is heavy I was not able to do anything.

Q: How did you try to struggle? In what manner?

A: I was pushing him, Your Honor.

COURT:

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> And the witness made a demonstration with her two hands pushing forward.
>
> Q: How about your feet? Did you not kick him?
>
> A: No, Your Honor.
>
> COURT:
>
> Continue.
>
> PROSECUTOR:
>
> Q: At that time when according to you, you were struggling with Caratay where was your auntie?
>
> A: She was in the sala crying, sir.
>
> Q: Do you know the reason why she was crying?
>
> A: Because she does not want what Jack Caratay was doing to me. My auntie does not want what really happened between Caratay and me because what she wanted is she should not be separated from Caratay."[31]

Under rigorous cross-examination, private complainant never wavered in her assertion that appellant had forced her to have sexual intercourse with him. On review, we find that her testimony bears the hallmarks of truth. It is consistent in material points. The rule is that when a rape victim's testimony is straightforward and candid, unshaken by rigid cross-examination and unflawed by inconsistencies or contradictions in its material points, the same must be given full faith and credit.[32]

Appellant failed to rebut the clear and positive testimony of the offended party in all three criminal cases. Young though she is, the doctrine still holds that when a woman testifies that she has been raped, she says in effect, all that is necessary to show that rape has been committed, for as long as her testimony meets the test of credibility.[33] Courts give credence to the testimony of a young girl who claims to be a victim of sexual assault, because ordinarily, no girl or woman of decent repute would undergo the humiliation of a public trial and testify on the details of her ordeal, unless motivated by a desire to have the offender apprehended and punished.[34]

In contrast, the "sweetheart defense" proffered by appellant is too worn-out to deserve serious consideration. The alleged "illicit love affair" angle appears a mere fabrication by appellant. As an affirmative defense, said "love affair" needs convincing proof.[35] "Having admitted to having had carnal knowledge of the complainant on the date(s) and time(s) in question, appellant bears the burden of proving his defense by substantial evidence."[36] Appellant provides but little evidence that such a romantic relationship existed. Other than his self-serving assertions and those of his biased former common-law spouse, there is no support to his claim that he and complainant were in love. Appellant submitted a letter (Exhibit "1") allegedly written by complainant, but she denied having written it. An objective comparison of said letter with a specimen of complainant's handwriting (Exhibit "D") shows that the letter was written by a different hand. Accordingly, we find that the trial court committed no error in disregarding the letter.

Evidence to be believed must not only come from a credible source but must also be credible in itself such as one that the common experience and observation of mankind can approve as probable under the circumstances.[37] The Court has taken judicial cognizance of the fact that in rural areas in this country, young ladies by custom and tradition act with circumspection and prudence, and that great caution is observed so that their reputation remains untainted.[38] But even assuming arguendo, that the offended party was a girl of loose morals, as claimed by appellant, it is settled that moral character is immaterial in the prosecution and conviction of the accused in a rape case. We have ruled that even prostitutes can be rape victims.[39]

Anent the second issue, it must be pointed out, however, that while all three informations charged the accused with having used a firearm in forcing complainant to give in to his carnal desires, the evidence clearly shows that appellant used a gun only during the rape incident of August 27, 1991 (Criminal Case No. 2375). The rape of June 13, 1991 (Criminal Case No. 2374) was accomplished by means of drugging complainant who became dizzy and semi-conscious. As to the sexual assault of December 23, 1991 (Criminal Case No. 2376), the same was accomplished by means of force, threats, and intimidation although no firearm was involved this time. Nonetheless, the fact that a gun was used was proven in only one of the three rape incidents complained of will not exonerate the accused in the other two cases.

The Revised Penal Code, prior to its amendment by R.A. No. 7659 and R.A. No. 8353 defined and penalized rape as follows:

> "ART. 335. When and how rape is committed. — Rape is committed by having carnal knowledge of a woman under any of the following circumstances:
>
> 1. By using force or intimidation
>
> 2. When the woman is deprived of reason or otherwise unconscious; and
>
> 3. When the woman is under twelve years of age or is demented.
>
> The crime of rape shall be punished by reclusion perpetua."

From the foregoing, it is clear that the essence of rape is carnal knowledge of a woman against her will or without her consent. In all three cases, appellant failed to show that the illicit sex he had with complainant was with the latter's consent. To the contrary, the evidence shows the carnal acts were against her will.

In Criminal Case No. 2374, a drug or substance was used to cause the victim to submit to the accused's sexual advances. We have ruled that if the ability to resist is taken away by administering a drug, even though the woman may be conscious, sexual intercourse with her will be rape.[40] In Criminal Case No. 2375, appellant's use of a firearm to threaten the victim and get her to submit to his lust has been established without doubt. In Criminal Case No. 2376, threats and intimidation, including moral intimidation or coercion, were used on the victim[41] to consummate the rape.

As well said by the trial court:

> "[T]hat accused Joaquin Caratay, taking advantage of their age difference of more than 20 years, his moral ascendancy over the victim, he then being in the position of common-law relationship as an uncle of her(s), and further by spicing her porridge the first time he sexually molested her in June 1991, by poking a gun at her in August 1991 and, through Felicisima, had her brought inside the house and once inside dragged her inside the room and threatened to kill her parents, had carnal knowledge of complainant Lea Tayag against her will and consent."[42]

The record amply supports these findings. Nor is there any issue of the offender's positive identification as the malefactor.[43] With respect to the delay in the filing of the complaints before the Prosecutor, it has been observed that young girls usually conceal for some time the fact of their ordeal, particularly when there are threats to their safety, in case they reveal the offense.[44] Hence, delay in reporting an incident of rape does not diminish the credibility of the complainant, nor can it be taken against her.[45] Hence, appellant's conviction must be affirmed.

With regard to his civil liability, however, the trial court's award of damages should be modified. Under present case law, an award of P50,000.00 as civil indemnity is mandatory upon the finding of the fact of rape.[46] This is

exclusive of the award of moral damages of P50,000.00, without need of further proof.[47] The victim's injury is now recognized as inherently concomitant with and necessarily proceeds from the appalling crime of rape which per se warrants an award for moral damages.[48]

Appellant, being a married man, cannot be ordered to acknowledge the offspring of the crime as his child. However, he could be and is now required to give support to the child amounting to P5,000.00 each month.[49]

WHEREFORE, the instant appeal is DENIED. The decision of the trial court sentencing appellant to reclusion perpetua for each one of the three counts of rape is hereby AFFIRMED, with the MODIFICATION that appellant shall pay complainant the amount of P50,000.00 as civil indemnity and P50,000.00 as moral damages for each count of rape. He shall also give support to his offspring by the complainant in the amount of P5,000.00 each month. Costs against appellant.

SO ORDERED.

Mendoza, and Buena, JJ., concur.

Bellosillo, (Chairman), J., on official leave.

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[1] Records, Criminal Case No. 2374, pp. 125-126.

[2] TSN, January 27, 1994, p. 5.

[3] Records, Criminal Case No. 2374, p. 114.

[4] Ibid.

[5] Id. at 11.

[6] Records, Criminal Case No. 2375, p. 8.

[7] Records, Criminal Case No. 2376, p. 5.

[8] Supra note 1, at 121.

[9] Id. at 121-122.

[10] Id. at 122.

[11] Id. at 123.

[12] Records, Criminal Case No. 2374, p. 100.

[13] Id. at 102.

[14] Id. at 129.

[15] Rollo, p. 50.

[16] TSN, January 24, 1994, p. 10.

[17] TSN, January 27, 1994, pp. 10-11.

[18] Ibid. at 8-9.

[19] People v. Sagun, G.R. No. 110554, February 19, 1999.

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[20] People v. Domogoy, G.R. No. 116738, March 22, 1999, p. 11.

[21] People v. Reñola, G.R. No. 122909-12, June 10, 1999, p. 8.

[22] People v. Lopez, G.R. No. 129397, February 8, 1999, p. 6.

[23] People v. Alvarez, 267 SCRA 266, 277 (1997).

[24] TSN, January 24, 1994, pp. 14-17.

[25] Id, at 17.

[26] Id., at 23.

[27] Id., at 24-25.

[28] Id., at 27-28.

[29] Id., at 29-30.

[30] Id., at 32-34.

[31] Id., at 35-37.

[32] People v. Bonghanoy, G.R. No. 124097, June 17, 1999, p. 6 citing People v. Perez, G.R. No. 122764, September 24, 1998.

[33] People v. Antido, 278 SCRA 425, 440 (1997).

[34] People v. Medina, G.R. No. 126575, December 11, 1998, pp. 7-8; People v. Pontilar, 275 SCRA 338 (1997).

[35] People v. Monfero, G.R. No. 126367, June 17, 1999, p. 17.

[36] People v. Palma, G.R. Nos. 130206-08, June 17, 1999, p. 15 citing People v. Bayani, 262 SCRA 660 (1996).

[37] Cosep v. People, 290 SCRA 378, 385 (1998).

[38] People v. Travero, 276 SCRA 301, 312 (1997).

[39] People v. Edualino, 271 SCRA 189, 199 (1997).

[40] People v. Isip, Jr., 188 SCRA 648, 656-657 (1990).

[41] People v. Garcia, 281 SCRA 463, 478 (1997).

[42] Records, Criminal Case No. 2374, p. 125.

[43] People v. Bernaldez, 294 SCRA 317, 328-329 (1998).

[44] People v. Escala, 292 SCRA 48, 60 (1998).

[45] People v. Montefalcon, G.R. Nos. 116741-43, March 25, 1999, p. 9.

[46] People v. Maglente, G.R. No. 124559-66, April 30, 1999, p. 36; People v. Gementiza, 285 SCRA 478 (1998).

[47] People v. Alba, G.R. Nos. 131858-59, April 14, 1999, p. 21; People v. Medina, supra; People v. Ramos, G.R. No. 129439, September 25, 1998, p. 20; People v. Prades, 293 SCRA 411 (1998).

[48] People v. Bolatete, G.R. No. 127570, February 25, 1999, p. 23.

[49] People v. Emocling, G.R. No. 119592, October 7, 1998, p. 12.

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