

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. EDUARDO “EDWIN” TATON, ACCUSED-APPELLANT.

G.R. Nos. 122757-61. November 28, 1997

Ponente: PUNO, J.

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PUNO, J.:

Accused-appellant EDUARDO "Edwin" TATON appealed from the Decision of the Regional Trial Court of Iloilo City finding him guilty beyond reasonable doubt of five (5) counts of rape.

Except as to the date of commission of the crime, the five (5) Complaints[1] for rape filed by 13-year old MA. LOURDES PADIN against accused-appellant, were similarly worded as follows:

"That on or about January 19, 1992 (January 26, February 9, February 23, and March 1, all of 1992) in the Municipality of Tubungan, Province of Iloilo, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a knife, with deliberate intent, by means of force and intimidation, did then and there wilfully and feloniously have carnal knowledge of Ma. Lourdes Padin, 13 years old, against her will and consent."

"CONTRARY TO LAW."

Five (5) witnesses testified for the prosecution, viz: the rape victim MA. LOURDES PADIN, her mother TERESITA PADIN, her uncle ANTONIO TACAISAN, her aunt CONSORCIA TACAISAN, and DR. EDGAR JALAGO, Rural Health physician of Tubungan, Iloilo.

The records show that complainant MA. LOURDES PADIN has been suffering from skin lesions on her left foot, knee and thigh since she was five (5) years old. TERESITA PADIN, Lourdes' mother, has brought her to dermatologists and quack doctors, all with no positive result.[2] In 1991, ANTONIO TACAISAN, Lourdes' uncle, advised her to consult another quack doctor, accused EDUARDO "Edwin" TATON, for her skin lesions.[3]

During schooldays, Lourdes stayed in a boarding house in the poblacion and returned to her house in Barangay Bagonanay on Friday afternoons, after her class.[4]

On December 15, 1991, at about 6:00 p.m., Lourdes met accused in her uncle's house in Barangay Tagpu-an, Tubungan, Iloilo. Accused examined her skin lesions and prescribed some medicine. He advised her to see him again on January 19, 1992 (a Sunday) for follow-up treatment.[5]

As scheduled, on January 19, at about 6:00 p.m., Lourdes returned to her uncle's house to meet with accused. The treatment was conducted inside the bathroom, located outside her uncle's house and about five (5) feet away from the kitchen. The entrance to the bathroom was covered by a sack cloth. During the treatment, only accused and Lourdes were present. Accused burned some twigs and palm leaves in a coconut shell and directed Lourdes to inhale the smoke coming from the pile. This lasted for about thirty (30) minutes. Afterwards, accused started to remove Lourdes' undies. Puzzled and surprised, Lourdes asked accused what he was doing but got no reply. Instead, accused pointed a knife at her and ordered her to sit on a stool and lean on the wall. Lourdes had no

choice but to obey. Accused then raised Lourdes' left foot and tried to insert his organ into hers but in vain. Accused's organ merely touched the outer portion of Lourdes' private part. The sexual molestation lasted for about two (2) minutes. Accused then warned Lourdes not to tell anyone about the incident, otherwise, he would kill her and her family.[6]

Lourdes spent that night in her uncle's house. She slept in the room of Cherry Ann, her uncle's ten-year old daughter. Lourdes kept mum about the incident for fear of accused's threats to kill them. She was also afraid that accused, being a quack doctor, would cast a spell on them.[7] Early morning the next day, Lourdes left her uncle's house to attend her classes in the poblacion.[8] Afterwards, she returned to her boarding house in the poblacion.

That weekend, when Lourdes arrived at her house in Barrio Bagonanay, her mother, Teresita, asked whether she was able to see accused that Sunday for treatment of her skin lesions. Lourdes curtly replied in the affirmative. Teresita then instructed Lourdes to continue her consultation with accused every other Sunday. Lourdes started to cry and refused to go back. Teresita thought that Lourdes was merely throwing a tantrum. Unaware that something untoward happened to her daughter during the treatment session, Teresita admonished Lourdes not to cry and urged her to pursue the treatment so her skin lesions would finally be cured. Helpless, Lourdes did not further remonstrate.[9]

On January 26, 1992 (a Sunday), upon her mother's prodding, Lourdes returned to her uncle's house for the third follow-up treatment by accused. She suffered the same ordeal. After accused burned the twigs and palm leaves, he started sexually molesting her. Accused removed her undies. He took off his pants and laid it on the bathroom floor. He poked a knife at Lourdes, ordered her to lie on his pants and mounted her. This time, accused succeeded in penetrating Lourdes' organ. Lourdes felt intense pain. After a couple of minutes, accused got up and threatened Lourdes not to tell anyone about the incident. Lourdes did as she was told. She again spent the night in her uncle's house and left the following morning for school.[10]

After her repeated molestation in the hands of accused, Lourdes hesitated to return to accused for further treatment. However, each time Lourdes vacillated, her mother, Teresita, would scold her and force her to go back for further treatment.[11] As expected, Lourdes was molested the fourth and fifth times she was treated by accused on February 9 and 23, 1992. After the 30-minute treatment, accused would rape her at knifepoint.[12]

March 1, 1992 was the last time accused raped Lourdes. It happened in the same place and under similar circumstances. Again, Lourdes was not able to resist for accused's knife was pointed at her. Neither was she able to shout for help as accused threatened to hack her should she do so. This time, however, accused was not able to fully penetrate her.[13]

Teresita did not notice any improvement in the condition of Lourdes despite her series of treatment. Instead, Lourdes started experiencing severe pain in her ear and her skin lesion on the foot made it difficult for her to walk. Lourdes' abdomen started to swell and she would vomit occasionally.[14]

On May 5, 1992, Teresita brought Lourdes to DR. EDGAR JALAGO, rural health physician of Tubungan, Iloilo, for consultation. Seeing Lourdes' enlarged abdomen, Dr. Jalago suspected that she could be pregnant. However, he did not articulate his suspicion as Lourdes was of such tender age to be pregnant and a suggestion of pregnancy might offend her mother. Dr. Jalago did not order any examination to confirm his suspicion. He merely prescribed medicine for Lourdes' ear and skin lesions.[15]

The next month, June 1992, Lourdes and Teresita returned to Dr. Jalago for follow-up treatment of Lourdes' ear and foot. Dr. Jalago still did not confide to Teresita about his suspicion that Lourdes might be pregnant nor did he conduct tests to confirm his suspicion. He again prescribed medicine for Lourdes' skin lesions.[16]

All the while, the young Lourdes was unaware that she was carrying a child in her womb. Neither did her parents and relatives suspect that she was pregnant. They noticed that Lourdes' abdomen was getting bigger but they did not pay much attention to it. They thought that Lourdes was merely gaining weight.[17]

The last time Lourdes met accused was in August 1992 at Barangay Danao, Tigbauan, Iloilo. Her grandmother, Consolacion Tacaisan, wanted to consult accused for an ailment. Teresita asked Lourdes to accompany them to accused's house.

In accused's house, Consolacion was treated by accused. Thereafter, they casually mentioned to accused that they had gone to Dr. Jalago to consult him about Lourdes' swollen abdomen and skin lesions. Accused's face became flushed. He nervously asked them about Dr. Jalago's findings. They replied that the doctor merely prescribed some medicine. Consolacion then sought accused's opinion as to why Lourdes' stomach was swollen. Instead of answering Consolacion, accused turned to Teresita and said: "Your daughter has a tumor and it will develop into cancer and soon she will die." Then, accused gave Lourdes 50 pieces of tablets for her stomach tumor. He directed Teresita to make sure Lourdes take the medicine thrice a day.[18]

When they reached home, Teresita took from Lourdes the medicine given by accused. She read the label on the medicine bottle and saw that it was for external use only. She then forbid Lourdes to take the tablets.[19]

On October 7, 1992, at about 3 a.m., Lourdes woke up her mother, pleading: "Ma, please light a lamp. It seems I would be moving my bowel." Teresita lit a lamp and assisted her daughter. At the urinal, Lourdes complained of stomach pains. Teresita gave her medicine but Lourdes was not relieved. After a while, Lourdes again said she would move her bowel. Teresita accompanied her to the toilet and noticed there was blood in the urinal. She comforted Lourdes by telling her that her tumor might be coming out and she would be relieved. Teresita then rushed to her mother's house and informed her about Lourdes' stomach ache. They returned to where Lourdes was but they were not able to bring her to the hospital as there was no one else to assist them in carrying Lourdes out of the house. Teresita then called her neighbor, Margarita Tabuga, to massage Lourdes' stomach to ease her pain.[20]

Margarita came and started massaging Lourdes' stomach. She then felt a baby inside Lourdes' womb. She whispered to Teresita that her daughter was pregnant. Teresita refused to believe her and admonished Margarita to refrain from making jokes. At about 8 a.m., while Margarita was massaging Lourdes' stomach, a baby boy came out. Due to immense shock, Teresita cried and fainted. After regaining consciousness, Teresita asked Lourdes about the baby's father. Lourdes did not respond. When Teresita shed tears, Lourdes revealed that the baby was the result of the repeated sexual abuses she suffered in the hands of accused while undergoing treatment in her uncle's house. She explained that she kept silent about her misfortune for fear that accused would kill her and her family.[21]

ANTONIO TACAISAN, Lourdes' uncle, confirmed that accused had treated her niece in his house. He himself has previously gone to accused for treatment of his feet. Accused was able to cure him with the use of a Chinese ointment and he recommended accused to Lourdes for treatment of her skin problems.[22]

Accused treated Lourdes inside the bathroom, which was located outside their house. Accused told them it was necessary to conduct the treatment in the bathroom so Lourdes could inhale the smoke from the burning twigs and leaves. During the treatment, Antonio and his wife would be upstairs, in their house, preparing accused's supper. After every treatment session, accused would go up to their house and have supper with them.[23]

Antonio confirmed that Lourdes never complained to him about accused's sexual molestation. Neither did they suspect that anything untoward has been happening to Lourdes during the treatment sessions. They only learned

about the sexual abuses when Lourdes gave birth to a baby boy in October 1992. Earlier, he came to know that Lourdes' stomach was getting bigger but it was rumored that it was due to a tumor.[24]

Accused, for his part, hoisted the defenses of denial and alibi. He claimed he was nowhere near Antonio Tacaisan's house during the five (5) nights he allegedly raped complainant. He declared that the only time he treated Lourdes was in December 1991 and it was in the presence of her uncle.

On January 19, 1992, when complainant allegedly met him at Antonio Tacaisan's house in Tubungan, he was treating Doroteo Carpio in the latter's house in Igbaras, Iloilo, about 10 kms. from Tubungan.

DOROTEO CARPIO corroborated accused's alibi. He testified that on January 15, 1992, he suffered from loose bowel movement. He sought the medical assistance of Dr. Arthur Valera and requested him to drop by his house as he was then bedridden. Dr. Valera visited him and prescribed some medicine. However, his stomach started to bloat. He decided to consult accused and requested the latter to come to his house.[25]

On January 17, 1992, at about 10:00 a.m., accused arrived at his house. Accused applied Danles ointment and holy oil on his stomach. Accused also placed some banana leaves on his stomach and gave him B Propolis and Royal B tablets. Accused stayed in his house for four (4) days, i.e., from January 17-20, 1992, while he was treating him. Thus, accused was not in Tubungan, Iloilo, on January 19, 1992, as alleged by complainant and her witnesses.[26]

Defense witness JOHNNY TACUBAN sought to establish accused's whereabouts on January 26, 1992, the second time accused raped Lourdes. Tacuban declared that on said date, at about 9:00 a.m., he and his aunt were in accused's house in barangay Danao, Tigbauan, Iloilo, for a massage. Accused massaged his aunt for about 30 minutes. Thereafter, he and his aunt stayed in accused's house until about 4:00 or 5:00 p.m. as her aunt talked with the other members of accused's family. He affirmed that from 9:00 a.m. to 5:00 p.m. of January 26, 1992, accused was in his house and that he even butchered a pig for the barrio fiesta the next day.[27]

ALFREDO OBAL, a barangay councilman in Barangay Danao where accused resided, declared that at about 5:30 p.m., accused and five (5) other barangay officials constructed a stage near his house for the barangay fiesta the next day. They finished at about 6:30 p.m. They then went to accused's house for supper. They left at around 8:00 p.m. and, together with accused, proceeded to the dance hall. Upon reaching the hall, they each went their own way. Thus, from 5:30 p.m. to 8:00 p.m. of January 26, accused was with them and not in Tubungan treating Lourdes.[28]

On cross-examination, Obal testified that their barangay is just 5 kms. away from Barangay Tagpu-an where Lourdes claimed he was raped by accused. Obal admitted that accused is his friend and barriomate.[29]

Accused EDUARDO TATON, 32 years old and unmarried, testified in his defense. He confirmed that he was an agent of herbal medicines and distributor of food supplements since 1987. He has been treating skin lesions and selling herbal medicines for this ailment in various places.[30]

Accused denied the rape charges. He insisted he did not rape Lourdes on the five (5) dates in question for the only time he saw her was on December 15, 1991 and he merely prescribed medication for her ailment. From then on, Antonio Tacaisan, Lourdes' uncle, just bought medicine from him and applied the cream medication on Lourdes. Accused also pointed out that it would take about four (4) hours to reach the Tacaisan residence from his house.[31]

Accused claimed that he learned of the rape charges only when he was arrested on April 3, 1993. He, however, declared that he had no misunderstanding with Lourdes, Teresita Padin or Antonio Tacaisan.[32]

In September 1991, CONSORCIA TACAISAN, wife of ANTONIO TACAISAN, consulted him about her skin lesions. Accused gave her ointment and holy oil for her allergy. He also instructed her to burn incense and coconut leaves and raise her feet near the smoke. He said that this kind of treatment could be done in open spaces and need not be done in an enclosed area.[33]

In October 1991, accused conducted one of his treatment sessions in the house of PEDRO BERDEGAL, in Tubungan, Iloilo, about 2 kms. away from the house of the Tacaisans. It was on this occasion that Consorcia introduced to him ANTONIO TACAISAN, her husband and uncle of complainant Lourdes. Antonio also consulted him about some ailment. He prescribed some medicine to Antonio and was able to relieve him of his pain. Antonio then referred to him his niece, Lourdes Tacaisan, for treatment of her skin lesions. Accused suggested that Antonio bring Lourdes to him on December 15, 1991 so he could personally examine her.[34]

The first time accused met Lourdes in the house of Antonio was on December 15, 1991, at 11:30 a.m. Antonio's house in Tubungan, Iloilo, was about 2 kms. from the house of Pedro Berdegala where he usually conducts his treatment sessions. In the presence of Antonio, accused applied ointment and holy oil on Lourdes' skin lesions. He left at about 1:55 that afternoon. It was not true that he stayed in accused's house until nighttime for he had to leave before 2:00 p.m. as thereafter, there would no longer be any public transportation.[35]

Accused denied treating Lourdes on January 19, 1992, in her uncle's house in Tubungan. From January 17-20, 1992, he was allegedly in Igaras, Iloilo, in the house of his patient Doroteo Carpio, about 15-20 kms. away from the Tacaisan residence.[36] Neither did he meet Lourdes on January 26, 1992 for treatment. On said date, he was allegedly at home in barangay Danao preparing for the fiesta the next day. Thereafter, from February to April 1992, he was in Negros conducting his healing sessions.[37]

It was only in August 1992 when he returned to Tubungan. At that time, he met Teresita Padin, Lourdes' mother, while the latter was alighting from a jeepney. Teresita consulted him about her own skin problems. He prescribed powder for her body and Pollen-B tablets. During their conversation, Teresita never mentioned about Lourdes' pregnancy. Neither did she consult him further about Lourdes' ailment.[38]

The prosecution presented CONSORCIA TACAISAN, wife of Antonio Tacaisan, to rebut the testimony of the defense witnesses. She declared that on five (5) occasions, from January 19 - March 1, 1992, accused treated Lourdes' foot allergy in their house in barangay Tagpu-an. Each session lasted for about 30 minutes and was conducted inside their bathroom. Accused did not allow any one else inside the bathroom for, according to accused, it would be more effective if he and the patient were the only ones present. She and her husband were completely unaware that accused had been molesting their niece. After the treatment, they would serve dinner to accused. Then, she and her husband would accompany accused to Barangay Bulwangan, Guimbal, Iloilo, where accused would spend the night in an aunt's house. Contrary to accused's testimony, accused held regular healing sessions in their barangay in Tagpu-an, Tubungan, Iloilo.[39]

ESPERANZA TABANDA testified as surrebuttal witness. She is a neighbor of Consorcia in barangay Tagpu-an. She was also a sales agent of herbal medicines and food supplement tablets which accused used in his healing sessions. From June to September 1991, accused regularly visited her house to treat her boils.[40] She was treated by accused in the sala by applying herbal medicine on her. Accused also instructed her to boil guava leaves. Other patients went to her house when accused held a healing session there. They were all treated by accused in her sala. Accused never brought any of his patients to the bathroom. Neither did the accused burn leaves and incense to treat their ailments. During the time accused treated her, accused left her house at 2:00 p.m. She was cured on December 15, 1991 and accused did not come back to barangay Tagpu-an.[41]

After the trial, a Decision[42] was rendered by Judge Tito G. Gustilo of the Regional Trial Court, of Iloilo City,

finding accused guilty of five (5) counts of rape. The dispositive portion reads:

"WHEREFORE, judgment is hereby rendered finding the accused Eduardo Taton GUILTY beyond reasonable doubt of FIVE (5) counts of RAPE, and hereby sentences him to suffer a penalty of imprisonment for each count of RECLUSION PERPETUA.

"The accused is further required to acknowledge complainant's offspring insofar as the latter's filiation is concerned and to support said child in accordance with Article 283 of the New Civil Code (People v. Norberto Errajo, G.R. No. 10207, January 4, 1994), and to indemnify complainant Ma. Lourdes Padin the sum of P30,000.00 by way of moral damages.

"SO ORDERED."

Hence, this appeal. Accused contends that the trial court erred:

"1. IN GIVING CREDENCE TO THE TESTIMONY OF THE COMPLAINANT AS IT IS IMPROBABLE AND CONTRARY TO HUMAN EXPERIENCE.

"2. IN CONCLUDING RAPE AS THERE WAS NO RESISTANCE."

We sustain appellant's conviction.

In his first assigned error, appellant attacks the credibility of Lourdes Padin. He claims that Lourdes' story is improbable and runs counter to normal human behavior. For one, appellant contends it is inconceivable that Lourdes would submit herself to further treatment by appellant after she was first raped on January 19, 1992. The fact that Lourdes returned to her uncle's house four (4) more times for follow-up consultations allegedly shows that she consented to have carnal knowledge with appellant. Secondly, appellant points out that during the trial, Lourdes gave a minute account of what transpired on the five (5) separate dates she was allegedly molested by appellant. She was able to describe the size of appellant's organ and the depth of his penetration into her. Again, this allegedly raised doubt as to whether Lourdes was an unwilling participant in the repeated sexual acts. Finally, appellant claims that Lourdes' demeanor after each alleged rape does not also prove that she was forced to engage in the sex acts. Lourdes admitted that after each treatment session, she would spend the night in her uncle's house, go to school early the next morning and act as if nothing unusual happened. Lourdes' demeanor was confirmed by her aunt and uncle who declared that they did not hear anything unusual going on inside the bathroom nor notice anything out of the ordinary in Lourdes' behavior as would have led them to suspect that something untoward happened to their niece.

We find no merit in appellant's contentions. First, Lourdes clearly explained why she repeatedly returned to consult appellant for treatment after her first rape. To be sure, she said that she refused to return to her uncle's house for follow-up treatment after she was molested by appellant but her mother, unaware of the unfortunate fate she suffered, berated her and prodded her to continue her consultation with appellant.[43] Teresita, Lourdes' mother, confirmed that Lourdes would cry whenever she asked her to return to appellant for follow-up treatment. Teresita corroborated that it was she who urged and nagged Lourdes to go back to appellant for consultation not knowing that Lourdes had been sexually molested by appellant.[44]

We find nothing incredible in the testimony of Lourdes detailing her sexual encounters with appellant and even describing the size of appellant's organ and the depth of its penetration into her. These details strongly support the truth of her charges of sexual molestation. Lourdes' silence after her repeated sexual abuses does not also detract from her credibility. The fact that she went about her life as if nothing unusual happened does not prove that appellant did not ravage her on the alleged occasions. She had to put up this pretension as appellant threatened to kill her and her family should she confide to anyone that she was raped. Merely 13 years old, Lourdes also

entertained the idea that appellant, being a quack doctor, might cast an evil spell on her or her family should she disobey his warning to keep mum about the incident.[45]

In the alternative, appellant suggests that Lourdes consented to their intercourse. Appellant cites the cases of *People v. Cabading* and *People v. Lacuma* [46] where this Court held that to be effective, resistance must be manifest and tenacious. Mere attempt to resist is not the resistance required and expected of a woman defending her honor and chastity. In the case at bar, appellant claims that not a word was uttered nor a tear shed by Lourdes while she was allegedly being ravaged. If she shouted or resisted, her uncle and aunt would have discovered the assault as they were just nearby.

We are unpersuaded. In *People v. Lacuma*, [47] we found that no rape was committed and the sex act was done voluntarily for complainant therein did not offer any resistance or verbal protestation even while her alleged rapist was not armed with any deadly weapon. On the other hand, in *People v. Cabading*, [48] we found that complainant's version of the incident defied imagination. Complainant therein, a married woman, claimed that while accused was covering her mouth with his left hand and holding a knife with his right hand, accused went on top of her, raised her skirt and lowered her undies. With both hands occupied, we held that accused could not have consummated his lecherous designs had complainant offered even a meek resistance. However, the case at bar is different. The records clearly show that the 13-year old Lourdes was coerced to engage in intercourse with appellant who was poking a knife at her before, during and immediately after the coitus. With knife in hand, appellant undressed Lourdes and ordered her to lie on the floor. Although appellant did not cover Lourdes' mouth with his hand, Lourdes did not dare shout for help as appellant threatened to hack her should she do so.[49] Indeed, the use of a deadly weapon by a rapist is sufficient to cower and intimidate any woman, more so Lourdes, a mere 13-year old barrio girl.

Finally, appellant contends he could not have fathered Lourdes' son for the baby was delivered on October 7, 1992, less than nine (9) months from the time he allegedly raped her on January 1992.

We do not agree. Lourdes' son was born just a few weeks short of the normal nine (9) months gestation period, counting from the time appellant was able to fully penetrate Lourdes on January 26, 1992. The delivery, premature only by a few weeks, is certainly not an unusual medical occurrence as to disprove that appellant had molested Lourdes since January 1992.

Upon the other hand, appellant's defenses of denial and alibi could not exculpate him. The trial court held that the credibility of his witnesses paled compared to the prosecution witnesses. In the absence of any showing that the trial court's calibration of credibility was flawed, we are bound by its assessment. Moreover, appellant did not establish that it was physically impossible for him to be at the scene of the crime at the time of their commission. Neither did he impute any ill-motive to the complainant or her witnesses as would impel them to falsely accuse him of such a crime.

In sum, we find appellant's defenses of denial and alibi to be unavailing in the face of the positive and credible testimony of the prosecution witnesses. His guilt has been satisfactorily proved beyond reasonable doubt. In line with current jurisprudence, we increase the civil indemnity awarded by the trial court to complainant Lourdes Padin from P30,000.00 to P50,000.00 for each count of rape, or a total of P250,000.00.[50]

IN VIEW WHEREOF, the decision of the trial court convicting appellant EDUARDO TATON for five (5) counts of rape is AFFIRMED, with the modification that the civil indemnity awarded to complainant Lourdes Padin is increased to P50,000.00 for each count of rape, or a total of P250,000.00. Costs against appellant.

SO ORDERED.

Regalado, (Chairman), and Martinez, JJ., concur.

Mendoza, J., on official leave.

[1] Rollo, pp. 11-20.

[2] August 11, 1993 TSN, pp. 3-7.

[3] June 7, 1993 TSN, pp. 25-28; August 2, 1993 TSN, pp. 7-14; August 11, 1993 TSN, pp. 7-8.

[4] August 11, 1993 TSN, p. 8; November 15, 1993 TSN, p. 35.

[5] June 7, 1993 TSN, pp. 29-31; August 2, 1993 TSN, p. 26.

[6] June 7, 1993 TSN, pp. 32-40.

[7] August 2, 1993 TSN, pp. 42-47.

[8] June 7, 1993 TSN, pp. 40-41.

[9] August 11, 1993 TSN, pp. 11-12.

[10] June 7, 1993 TSN, pp. 41-47; August 2, 1993 TSN, pp. 48-50.

[11] August 11, 1993 TSN, pp. 13-14; September 13, 1993 TSN, pp. 12-14.

[12] June 7, 1993 TSN, pp. 47-54; August 2, 1993 TSN, pp. 51-53.

[13] June 7, 1993 TSN, pp. 56-59.

[14] Ibid, pp. 65-70.

[15] June 7, 1993 TSN, pp. 4-11, 16-20.

[16] August 11, 1993 TSN, pp. 17-18.

[17] August 2, 1993 TSN, p. 39; September 13, 1993, pp. 22-23, 27.

[18] June 7, 1993 TSN, pp. 66-70; August 2, 1993 TSN, p. 62; August 11, 1993 TSN, pp. 19-21.

[19] August 2, 1993 TSN, pp. 63-64; August 11, 1993, pp. 21-22.

[20] August 11, 1993 TSN, pp. 23-25.

[21] June 7, 1993 TSN, pp. 60-64; August 3, 1993 TSN, pp. 78, 80-81; August 11, 1993, pp. 25-27.

[22] November 15, 1993 TSN, pp. 4-6, 11, 19.

[23] Ibid, pp. 8-10.

[24] Ibid, pp. 25-30.

[25] February 22, 1994 TSN, pp. 2-5, 14, 19.

[26] Ibid, pp. 5-7.

[27] March 21, 1994 TSN, pp. 3-15.

[28] May 4, 1994 TSN, pp. 2-7.

[29] Ibid, pp. 8-11.

- [30] July 4, 1994 TSN, pp. 2-4.
- [31] Ibid, pp. 22-24.
- [32] Ibid, pp. 25 & 47.
- [33] Ibid, pp. 7-9.
- [34] Ibid, pp. 6-9.
- [35] Ibid, pp. 10-13.
- [36] Ibid, pp. 13-14.
- [37] Ibid, pp. 15, 17.
- [38] Ibid, pp. 19-20.
- [39] August 22, 1994 TSN, pp. 5-10, 18-22.
- [40] September 13, 1994 TSN, pp. 3-7.
- [41] Ibid, pp. 22-23.
- [42] Rollo, pp. 34-41.
- [43] August 3, 1993 TSN, p. 83.
- [44] August 11, 1993, pp. 11-15.
- [45] June 7, 1993 TSN, p. 40.
- [46] 174 SCRA 48 [1989] and 87 SCRA 362 [1978], respectively.
- [47] Supra.
- [48] Supra.
- [49] June 7, 1993 TSN, pp. 58-59.
- [50] *People v. Sanchez*, 250 SCRA 14 [1995]; *People v. Padre-e*, 249 SCRA 422 [1995], citing *People v. Conte*, 247 SCRA 583 [1995] and *People v. Magallanes*, 218 SCRA 109 [1993].

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