

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. FEDERICO ULGASAN Y SALEM, ACCUSED-APPELLANT.

G.R. Nos. 131824-26. July 11, 2000

Ponente: PUNO, J.

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PUNO, J.:

This is an appeal from the Decision[1] of the Regional Trial Court of Negros Occidental, finding the accused-appellant Federico Ulgasan guilty of three (3) counts of rape and sentencing him to suffer RECLUSION PERPETUA in each of the three (3) cases and the accessory penalties provided by law. The accused-appellant is also ordered to indemnify victim Noella Garolacan the amount of P50,000.00 for each of the three cases, or a total of P150,000.00 and to pay her P25,000.00 for each case or the sum of P75,000.00 as exemplary damages.

The three criminal complaints filed by Noella, assisted by her mother Ma. Elena Elichicon, read as follows:

Criminal Case No. 18509:

"That on or about the 15th day of February, 1997, in the City of Bacolod, Philippines, and within the jurisdiction of this Honorable Court, the herein accused, by means of force, violence and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge of the herein complainant, NOELLA GAROLACAN y ELICHICON, 11 years of age, against the latter's will.

Acts contrary to law.

Bacolod City, Philippines, July 10, 1997."[2]

Criminal Case No. 18508:

"That on or about the 6th day of March, 1997, in the city of Bacolod, Philippines, and within the jurisdiction of this Honorable Court, the herein accused, by means of force, violence and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge of the herein complainant, NOELLA GAROLACAN y ELICHICON, 11 years of age, against the latter's will.

Acts contrary to law.

Bacolod City, Philippines, July 10, 1997."[3]

Criminal Case No. 18326:

"That on or about the 6th day of April, 1997, in the city of Bacolod, Philippines, and within the jurisdiction of this Honorable Court, the herein accused, by means of force, violence and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge of the herein complainant, NOELLA GAROLACAN y ELICHICON, 11 years of age, against the latter's will.

Acts contrary to law.

Bacolod City, Philippines, April 11, 1997."[4]

Accused-appellant pleaded "not guilty" to all three (3) charges upon arraignment.[5] Having waived his right to

pre-trial, trial proceeded thereafter on various dates.

The factual findings of the trial court which are borne by the records of the case run thus:

"It has been indubitably established from the unadulterated testimony of sixth grader Noella Garolacan, who was born on June 25, 1985 (or exactly eleven years, nine months and nineteen days old on the third and last rape on April 6, 1997), that at about 9:00 o'clock in the evening of February 15, 1997 when she went out of their house at Barangay Magsungay, Bacolod City to buy Coke for her elder sister, she saw and was invited by accused Federico Ulgasan, a neighbor, to go strolling with him on a bike. Easily induced by such an offer as her young and playful mind cannot resist, Noella accepted and thus riding the bicycle driven by accused, they roamed around after having been told by Ulgasan to buy two sticks of cigarettes which they smoked. After having some rounds in the area, accused drove his bike to a vacant lot at Kahirup Village, also of Magsungay and there, he embraced the young girl after alighting, removed her panty and let her lie in (sic) the grass, as he unzipped his pants, exposed his penis and laid on top of Noella. He then forced his way into the young girl by inserting his penis on (sic) her vagina and made a push and pull movement. Noella cried and complained of pain but she was able to bear it. Moments later, the victim felt fluid coming out into her genitals after Ulgasan made pumping motions on top of her. Telling the girl not to tell her family of what happened, accused withdrew himself from her and soon after wiped his penis and the girl's organ. Ulgasan ordered her to go home for her brother might be looking for her. She complied but not without first dropping by the house of accused and telling his mother what he did to her, but the mother merely apologized saying her son was just inebriated. Noella then went home, washed herself and went to bed without saying a word to her mother, brother and sisters. The despicable incident was repeated on March 6, 1997 when, at about 9:00 P.M., Noella went out of their house to watch TV in a neighboring house. She was seen and again lured for a ride on his bicycle by accused Ulgasan. After making some rounds on his bike, he again brought her to the same place at Kahirup Village where he embraced her anew after descending from his bicycle, put off (sic) her underwear, let the girl lie down in (sic) the grass, unzipped his pants and put out his organ, laid atop the girl and inserted his male organ into hers and made a push and pull movement. She still felt pain, complaining 'Ric, it's painful' but he did not mind her. After she felt fluid coming out into her genitals, he withdrew from her. This time, after wiping dry both their sexual organs, accused warned his young victim once more against telling anybody of what happened, specially the police, or he would kill Noella's mother. Again, she obeyed, for upon reaching home she kept the matter to herself despite (sic) she found her family still awake since she was threatened by Ulgasan. She saw him with a weapon before. The wandering around late at night by accused with a young girl on his bike on February 15 and March 6 was witnessed by Maura Padilla and her husband who happened to be on the road at Kahirup Village on their way to Villa Mercedes, Singcang Airport, from Magsungay. The third odious rape transpired between 8:00 to 9:00 P.M. of April 6, 1997 when, earlier, Noella was asked by her elder sister to purchase barbecue for viand. Going out as told, she met accused Ulgasan at the jeepney terminal who once more enticed the girl into riding his bicycle and wandering around. Again, she agreed. At the barbecue stand, he gave her ten pesos; she first declined to accept but eventually received the amount when threatened to be killed the following day. Thereafter, Noella went home and took her dinner with her mother, brother and sisters, but after the meal, she furtively left the house and joined accused Ulgasan at Purok Talaba as previously told. When at the jeepney terminal she was handed P2.00 by Ulgasan to buy three sticks of "More" cigarettes. They smoked as they were strolling on his bike and then proceeded to Purok Sigay, also at Magsungay. While going around on Ulgasan's bike, the two were seen by the girl's half-brother Michael Decolongon who was told by their mother to look for Noella after they discovered that the youngster quietly left the house after supper. Unable to overtake the bike just by (sic) foot, the equally young Michael went back to Purok 2 to look for a companion and found Joselito Castro. Michael and Joselito set by foot and retraced the route taken by accused and complainant towards Purok Sigay. Meanwhile, upon arrival at Purok Sigay, accused Ulgasan alighted and let the girl descend and again hugged her, let her lie in (sic) the grass, unzipped his pants, put off (sic) the girl's shorts, mounted her, introduced his penis into her sexual organ and commenced pumping motions as he assuage her cry in (sic) pain by telling her to endure the ache. After a while, he withdrew from her and taught her how to suck his penis, which she did after she had put on her shorts.

Accused's zipper was still not shut as he was teaching the girl oral sex when Michael Decolongon and Joselito Castro suddenly appeared. Scandalized at what he saw, the lad Michael admonished his younger sister to go home, whereupon, the rapes were unveiled by Noella to her mother who lost no time in reporting and asking advice from the Lupon. The following morning, both the mother and daughter reported the sexual assaults to the Women's Desk. The girl was also subjected to a medical examination for which she was found to have suffered 'healed laceration noted at the posterior fourchette of perineum' and 'healed hymenal lacerations noted at the 3 o'clock, 5 o'clock and 9 o'clock positions.'"[6]

Accused-appellant interposed the defenses of denial and alibi. Appellant denied having had any carnal knowledge with the complainant on any of the dates mentioned, to wit: February 15, March 6 and April 6, all in the year 1997. On February 15, 1997, he claimed that he was at home watching TV when Ma. Fe Estocado[7] arrived at about 8:30 in the evening to settle an account with the appellant's mother. He gave her a bottle of beer and conversed with her.[8] The appellant admitted that at around 9:00 o'clock in that same evening, he went out to go to the house of his common law wife.[9] Defense witness Ma. Fe testified that she saw the appellant at the latter's house when she went there at around 8:00 or 8:30 and stayed up to 11:00 o'clock in the evening of February 15, 1997. During that entire time, the appellant left only to go to the comfort room.[10]

Appellant further testified that he was at home in the whole evening of March 6, 1997,[11] the subsequent incident of rape. His alibi was corroborated by one Liza Semiller who allegedly saw the appellant when she visited his sister Maricel at their house at around 8:00 o'clock in the evening of that day. According to Liza, she did not see the appellant leave the house when she was there until 10:00 o'clock in the evening.[12]

On November 11, 1997, the trial court rendered its decision, the dispositive portion of which runs thus:

"WHEREFORE, finding accused Federico Ulgasan y Salem GUILTY beyond reasonable doubt of Rape under Article 335 of the Revised Penal Code, as amended by Republic Act No. 7659 in Criminal Cases Nos. 97-18326, 97-18508, and 97-18509, judgment is hereby rendered condemning him to suffer RECLUSION PERPETUA in each of these three (3) cases, and also the accessory penalty provided by law. He is also ordered to indemnify victim Noella Garolacan the amount of P50,000.00 for each of the herein three cases, or a total of P150,000.00; and further to pay her P25,000.00 for each case or the sum of P75,000.00, as exemplary damages. Costs against the accused.

x x x x x x x x

SO ORDERED."[13]

In his appeal from the trial court's decision, the appellant assigns the following errors:

"I. THE COURT BELOW SERIOUSLY ERRED IN UPHOLDING THE FABRICATED AND CLEARLY UNNATURAL TESTIMONY OF THE PRIVATE COMPLAINANT, HENCE, COMMITTED GRAVE ABUSE OF DISCRETION;

II. THE COURT BELOW COMMITTED GRAVE ERROR IN NOT GIVEN (SIC) DUE CONSIDERATION AND WEIGHT TO THE CLEAR AND PRECISE EVIDENCE PRESENTED BY THE DEFENSE; AND

III. THE COURT BELOW FAILED TO OBSERVE THE ESTABLISHED JURISPRUDENCE ON THE MATTER."[14]

After a thorough review of the evidence in these cases, we find the appellant guilty beyond reasonable doubt in each count of statutory rape.

Since the focal point of the instant appeal is the issue of the complainant's credibility, it is worth reiterating the parameters for scrutinizing the credibility of witnesses which this Court had clearly laid down in numerous

cases,[15] to wit:

"First, the appellate court will not disturb the factual findings of the lower court unless there is a showing that it had overlooked, misunderstood, or misapplied some facts or circumstances of weight and substance that would have affected the result of the case;

Second, the findings of the trial court pertaining to the credibility of witnesses are entitled to great respect since it had the opportunity to examine their demeanor as they testified on the witness stand; and

Third, a witness who testified in a categorical, straightforward, spontaneous and frank manner and remained consistent on cross-examination is a credible witness."[16] (emphasis ours)

In the case at bench, we find the trial court's assessment of the credibility of the complainant as well as the other witnesses proper and untainted with arbitrariness. As keenly observed by the trial court, the complainant's "unwavering account of how she was subjected to the heinous crimes of rape on February 15, March 6 and April 6, 1997 was simply amazing for a less than 12-year old girl, as it was categorical, straightforward, spontaneous and frank.[17] Noella was only eleven years old when raped on three occasions, yet her narration of her misfortune was substantially detailed that it could only have come from one who actually experienced such ordeals. She withstood probing, penetrating, even misleading, questions of the defense."[18]

The alleged inconsistencies, contradictions and improbabilities in the complainant's testimony raised by the appellant in his appeal are more apparent than real. Appellant contends that contrary to the testimony of Noella that she was raped by him on three (3) different dates, the March 6, 1997 incident of rape was neither recorded in the police blotter nor stated in the medical certificate.[19] Such omission however is not fatal to the complainant's cause. It is worthy to note that Noella went to the police station to have the rape incidents blotted at around 9:00 o'clock in the morning of April 7, 1997.[20] She was physically examined on the same day.[21] Both the police blotter and the medical certificate were made a day after Noella told her mother about the harrowing experiences she suffered in the hands of the appellant. Recounting the revolting details alone of what the appellant did to her on more than one occasion and going from the police station to the clinic were both emotionally and physically draining especially for an eleven year-old girl like Noella. At that time, she cannot be expected to make a complete and detailed narration of what happened much less remember the dates thereof.

The Court has ruled that the absence of any entry in the blotter of the police station of a particular locality regarding any report or complaint of rape or of any other crime involving sexual abuse on a particular date is not conclusive proof that no such incident occurred in the locality on that date.[22] Entries in a police blotter, though regularly done in the course of the performance of official duty, are not conclusive proof of the truth of such entries and should not be given undue significance or probative value for they are usually incomplete and inaccurate.[23] Sometimes they are taken from other partial suggestions or for want of suggestions or inquiries, without the aid of which the witness may be unable to recall the connected collateral circumstances necessary for the correction of the first suggestion to his memory and for his accurate recollection of all that pertains to the subject.[24] At any rate, the Investigation Report[25] dated May 30, 1997 prepared by PO3 Azucena Morales who also made the entries in the police blotter, categorically stated that Noella was sexually molested by the appellant on three (3) occasions, namely, February 15, March 6 and April 6, 1997. The testimony of the complainant herself is positive on this regard:

"Q

Can you recall, Noella, how many times you were raped by Federico Ulgasan?[26]

A

Yes, ma'am.

Q

Can you please tell us how many times?

A

Yes, ma'am, three (3) times.

Q

Can you still recall, Noella, when did the first rape took place?

A

Yes, ma'am.

Q

Can you please tell us what was the date when the first rape was committed?

A

February 15, 1997.[27]

x x x x x x x x

Q

Noella, earlier you stated that you were raped thrice by Federico Ulgasan. Can you recall when was the second rape committed?

A

March 6, 1997.[28]

x x x x x x x x

Q

Noella, you stated that you were raped thrice by Federico Ulgasan, when was the third rape committed?

A

April 6, 1997."[29]

On the other hand, a medical examination is not indispensable to the prosecution of rape as long as the evidence on hand convinces the court that a conviction for rape is proper.[30] A medical certificate is not necessary to prove the commission of rape. It merely corroborates the testimony of the victim.[31] The testimony of the victim alone, if credible, is sufficient to convict the accused of the crime.[32] In rape cases, the medical certificate is presented merely to corroborate the victim's declaration that she was sexually molested. In fact, what is more

telling in the medical findings proffered in evidence by the prosecution is the presence of hymenal lacerations in different positions in the victim's genitalia which is the best physical evidence of her forcible defloration.[33]

The appellant casts doubt on the veracity of the complainant's testimony that he raped her on February 15, 1997. Noella told only the appellant's mother that she was raped by the accused but not her mother, brother or sisters who were still awake when she returned to their house.[34] Noella's failure to disclose to her mother and siblings her defloration does not destroy her credibility. Silence of the offended party in a case of rape, or her failure to disclose her defilement without loss of time to persons close to her, does not perforce warrant the conclusion that she was not sexually molested and that her charges against the accused are all baseless, untrue and fabricated.[35] The excruciating ordeal coupled with the appellant's threats on her and her mother's life[36] were enough reasons for her to be cowed into silence. The fact that Noella told the mother of the appellant of the sexual abuse on her is understandable. Noella knew the appellant's family since they were her family's neighbors. At her age, she has every reason to believe that the accused's mother has greater moral ascendancy over him above anyone else and will admonish the appellant for his dastardly acts.

The appellant falsely asserts that he could not possibly have raped Noella if the latter's testimony that he tied her legs and covered her mouth with cloth[37] when he raped her in the evening of February 15, 1997 is to be believed. We disagree. There is no showing as to how complainant's legs were tied that would entirely negate rape. To consummate rape, perfect or complete penetration of the complainant's private organ is not essential. Even the slightest penetration by the male organ of the lips of the female organ, or labia of the pudendum, is sufficient.[38] Be that as it may, we give credence to the complainant's unequivocal testimony that the appellant inserted his penis into her vagina.[39]

In his appeal, the appellant harps on the seeming contradiction between Noella's testimony that it was while the appellant was teaching her how to suck his penis when her brother Michael, together with his companion Joselito, arrived. The testimony of Michael never mentioned anything about such fact. The testimony of Noella however is clear on this point. She testified that it was after the appellant had taught her how to suck his penis when her brother Michael arrived.[40]

The testimonies of Ma. Fe Estocado and Liza Semiller on the alibi of the accused do not deserve consideration at all. First, where accused was positively identified by the victim of the rape herself who harbored no ill motive against the accused, the defense of alibi must fail.[41]

Second, for the defense of alibi to prosper, it is not enough that the accused can prove his being at another place at the time of its commission; it is likewise essential that he can show physical impossibility for him to be at the locus delicti.[42] Appellant claims that he was at their house on the time and day when the sexual assaults on Noella occurred on February 15 and March 6, 1997. Appellant, however, admitted that at around 9:00 o'clock in the evening of February 15, 1997, he went to the house of his common law wife at Purok I which is only a few distance across the road that he can traverse within three (3) minutes.[43] Crucial is the fact that Kahirup Village where the rape took place is in the same barangay[44] where the appellant's house is located and within walking or biking distance therefrom. It is therefore possible for appellant to have left their house unnoticed and be present at the scene of the crime.

Third, Ma. Fe and Liza who corroborated the alibi of the appellant were biased witnesses. A witness is said to be biased when his relation to the cause or to the parties is such that he has an incentive to exaggerate or give false color to his statements, or to suppress or to pervert the truth, or to state what is false.[45] Ma. Fe would naturally testify in favor of the appellant since she is very close to the appellant's family, having known them since 1979.[46] The same can be said with respect to Liza who is a very close friend of the appellant's sisters.[47]

Fourth, the testimonies of Ma. Fe and Liza were convincingly rebutted by prosecution witness Maura Padilla who testified that she saw the appellant riding on a bicycle with the complainant on February 15, 1997 and sometime on the first week of March both at past 8:00 o'clock in the evening.[48] Maura is a disinterested witness who had no ill feelings against the appellant that would prompt her to testify against him.

Joselito Castro is another biased witness for the defense. He testified that when he and Michael reached Purok Sigay on April 6, 1997, he saw the appellant alight from the bicycle and sat on the grass massaging his legs. Noella was standing and holding the bicycle. When he and Michael approached them, Michael pulled Noella, told her to go home and to tell their mother that she was raped by the appellant.[49] We note that Joselito is a jobless[50] man who was asked by the family of the appellant to testify in this case.[51] The appellant's family paid for his fare in going to court and gave him money for the help he extended to them.[52] Joselito's testimony should therefore be taken with a grain of salt. His testimony in fact crumbled during cross-examination when he acknowledged that Michael told Noella to cry rape in the presence of the appellant who just kept quiet and did not say anything.[53] Indeed, it is highly incredible that a person who is directly being accused of a grave crime opted to remain silent and not vehemently deny the charge.

Appellant admitted that he does not know of any reason as to why the complainant and her mother filed the cases against him.[54] Desperate, however, to find ways and means to exculpate himself, appellant tried in vain to connect the accusation to the incident that allegedly happened in the morning of April 6, 1997. He alleged that when he refused to lend his bicycle to Michael that morning, the latter said "beware". The trial court however rejected such defense theory and rationalized in this wise:

"First, no proof was proffered, or corroboration made, as to this "beware" incident, except the bare and unsubstantiated words of accused. Second, even if true, the bike-borrowing is too minor an event for Michael to think of exacting revenge. Third, Michael is too young to ever think of the refusal as a ground for fabricating complicated stories of three, repeat, three rapes on three different dates. Fourth, it was not amply shown that Michael was able to convince their mother to take hook, line and sinker fabricated stories of rape, for it was Noella herself who disclosed the crimes committed on her honor after the discovery of the third rape. She may have been prodded by Michael to tell the truth, but such was not a concoction and neither was it a revenge. And fifth, Michael is not the complainant in these cases, and neither did he assist his sister in the filing of the rape cases against the accused."[55]

The brother of a rape victim would not be so callous as to instigate his sister for too shallow a reason to concoct a charge so humiliating, thus exposing herself and her family to public ridicule had she not been truly a victim of sexual abuse.

We affirm the trial court's ruling in awarding the victim the amount of P50,000.00 for each case as civil indemnity. However, the Solicitor General has correctly pointed out in the Brief for the Appellee that the appellant should likewise be ordered to pay P50,000.00 for each case as moral damages consistent with a long line of jurisprudence.[56] Moral damages are automatically granted in rape cases without need of proof for it is assumed that the victim has suffered moral injuries entitling her to such an award.[57] The award of P25,000.00 for each case as exemplary damages is hereby deleted for lack of legal basis,[58] it appearing that the crimes were committed without any aggravating circumstance.[59]

WHEREFORE, premises considered, the decision of the Regional Trial Court is AFFIRMED subject to the MODIFICATION that accused-appellant is ordered to pay the victim moral damages in the amount of P50,000.00 for each count, in addition to the civil indemnity of P50,000.00 for each case awarded to her by the trial court. The award of exemplary damages in the amount of P25,000.00 for each case is hereby ordered DELETED.

SO ORDERED.

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

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- [1] Penned by Judge Edgar G. Garvilles, RTC of Negros Occidental-Branch 47; Rollo, pp. 22-47.
- [2] Original Records of Criminal Case No. 97- 18509, p. 1.
- [3] Original Records of Criminal Case No. 97- 18508, p. 1.
- [4] Original Records of Criminal Case No. 97- 18326, p. 1.
- [5] OR, p. 30-32.
- [6] RTC Decision, pp. 14-16; Rollo, pp. 35-37.
- [7] She testified on October 8, 1997 as a witness for the defense.
- [8] TSN, October 14, 1997, p.8.
- [9] Ibid., p. 10.
- [10] TSN, October 8, 1997, p. 10.
- [11] TSN, October 14, 1997, p. 12.
- [12] TSN, October 8, 1997, pp. 24-25.
- [13] RTC Decision, pp. 25-26 ; Rollo, p. 47.
- [14] Brief for Accused-appellant, pp. 1-2; Rollo, pp. 69-70.
- [15] People vs. Bañago, 309 SCRA 417 (1999); People vs. Galimba, 253 SCRA 722 (1996); People vs. Gasper, 225 SCRA 189(1993); People vs. Clores, 184 SCRA 638 (1990).
- [16] Ibid.
- [17] RTC Decision, p. 17; Rollo, p. 38.
- [18] Ibid., p. 20; Rollo, p. 41.
- [19] Brief for the accused-appellant, p. 12; Rollo, p. 80.
- [20] TSN, September 25, 1997, p. 69.
- [21] TSN, September 17, 1997, p. 21.
- [22] Naval vs. Panday, 275 SCRA 654 (1997).
- [23] People vs. Paragua, 257 SCRA 118 (1996).
- [24] People vs. Prado, 251 SCRA 690 (1995).
- [25] Exh. "H" for the Prosecution; OR for Criminal Case No. 18326, pp. 52-55.
- [26] Propounded by Atty. Christine Nessia-Bugador, Private Prosecutor.
- [27] TSN, September 17, 1997, pp. 95-96.

[28] Ibid., p. 109.

[29] Ibid., p. 124.

[30] People vs. Rebose, 308 SCRA 499 (1999); People vs. Devilleres, 269 SCRA 716 (1997).

[31] People vs. Gapasan, 243 SCRA 53 (1995).

[32] People vs. Limon, 306 SCRA 367 (1999).

[33] People vs. Obejas, 229 SCRA 549 (1994).

[34] Brief for the Accused-Appellant, pp. 13-14; Rollo, pp. 81-82.

[35] People vs. Montefalcon, 243 SCRA 617 (1995); People vs. Abendaño, 242 SCRA 531 (1995).

[36] TSN, September 17, 1997, pp. 118, 123-124.

[37] TSN, September 18, 1997, pp. 13-14.

[38] People vs. Castromero, 280 SCRA 421 (1997).

[39] TSN, September 18, 1997, pp. 15-16.

[40] TSN, September 17, 1997, p. 133.

[41] People vs. Cañada, 253 SCRA 277 (1996).

[42] People vs. De Vera, Sr., 308 SCRA 75 (1999).

[43] TSN, October 14, 1997, p. 23.

[44] Magsungay.

[45] People vs. Dones, 254 SCRA 696 (1996).

[46] TSN, October 8, 1997, pp. 11-12.

[47] Ibid., pp. 23, 31-32.

[48] TSN, October 21, 1997, pp. 9-11, 13-16.

[49] TSN, October 7, 1997, pp. 11-13.

[50] Ibid., p. 3.

[51] Ibid., p. 17.

[52] Ibid., p. 18.

[53] Ibid., pp. 21-22, 24-25.

[54] TSN, October 14, 1997, pp. 17-18.

[55] RTC Decision, pp. 19-20; Rollo, pp. 40-41.

[56] That rape victims can also recover moral damages in the amount of P50,000.00 pursuant to Art. 2219(3), in relation to Art. 2217 of the Civil Code is discussed in the cases of People vs. Alitagtag, 309 SCRA 325 (1999); People vs. Silvano, 309 SCRA 362 (1999); People vs. Dizon, 309 SCRA 669 (1999); People vs. Prades, 293 SCRA 411 (1998); People vs. Miranda, 235 SCRA 202 (1994).

[57] *People vs. Alba*, 305 SCRA 811 (1999); also *People vs. Bolatete*, 303 SCRA 709 (1999).

[58] *People vs. Maglente*, 306 SCRA 546 (1999); *People vs. Mengote*, 305 SCRA 380 (1999); *People vs. Alba*, *supra*.

[59] Art. 2230, New Civil Code.

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