

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RODOLFO VILLARAZA Y PANIS, ACCUSED-APPELLANT.

G.R. Nos. 131848-50. September 05, 2000

Ponente: VITUG, J.

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VITUG, J.:

For automatic review by the Court is the decision rendered by the Regional Trial Court, Branch 28, of Naga City, in Criminal Cases No. 97-6670, No. 97-6671 and No. 97-6672, finding the accused therein, RODOLFO VILLARAZA y PANIS, guilty of three (3) counts of rape and imposing upon him in each of the cases the penalty of death.

The conviction of the accused stemmed from three separate informations that read:

"CRIMINAL CASE NO. 97-6670

"The undersigned Prosecutor, based upon a complaint of herein offended party Jennifer Garcia, which is attached and marked "Annex A", accuses RODOLFO VILLARAZA y PANIS of the crime of RAPE defined and penalized under Article 335 of the Revised Penal Code, as amended by R.A. No. 7659, committed as follows:

"That on or about the 1st day of March 1997, in Barangay Bell, Municipality of Magarao, Province of Camarines Sur, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, stepfather of herein complainant, by means of violence and intimidation, did then and there willfully, unlawfully, and feloniously have carnal knowledge of complainant JENNIFER GARCIA y DANABAR, an eleven-year old minor, against her will.

"CONTRARY TO LAW."[1]

"CRIMINAL CASE NO. 97-6671

"The undersigned Prosecutor, based upon a complaint of herein offended party Jennifer Garcia, which is attached and marked "Annex A", accuses RODOLFO VILLARAZA y PANIS of the crime of RAPE defined and penalized under Article 335 of the Revised Penal Code, as amended by R.A. No. 7659, committed as follows:

"That on or about the 26th day of February 1997, in Barangay Bell, Municipality of Magarao, Province of Camarines Sur, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, stepfather of herein complainant, by means of violence and intimidation, did then and there willfully, unlawfully, and feloniously have carnal knowledge of complainant JENNIFER GARCIA y DANABAR, an eleven-year old minor, against her will.

"CONTRARY TO LAW."[2]

"CRIMINAL CASE NO. 97-6672

"The undersigned Prosecutor, based upon a complaint of herein offended party Jennifer Garcia, which is attached and marked "Annex A" accuses RODOLFO VILLARAZA y PANIS of the crime of RAPE defined and penalized under Article 335 of the Revised Penal Code, as amended by R.A. No. 7659, committed as follows:

"That on or about the 21st day of February, 1997 in Barangay Bell, Municipality of Magarao, Province of Camarines Sur, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, stepfather of herein complainant, by means of violence and intimidation, did then and there willfully, unlawfully, and feloniously have carnal knowledge of complainant JENNIFER GARCIA y DANABAR, an eleven-year old minor, against her will.

"CONTRARY TO LAW."[3]

At his arraignment, the accused entered a plea of "not guilty." On motion of the prosecution and without opposition on the part of the accused, the three (3) cases were then jointly heard.

On 13 October 1997, the trial court rendered its decision convicting the accused; the court adjudged:

"WHEREFORE, in view of all the foregoing findings that the prosecution was able to prove beyond reasonable doubt the guilt of the accused Rodolfo Villaraza y Panis of the crime of rape in Crim. Case No. RTC 97-6670, 6671, and 6672 of which he is presently charged, judgment is hereby rendered whereby said accused is hereby sentenced in Crim. Case No. RTC 97-6670 to suffer the penalty of death and to pay the complainant moral damages in the amount of Fifty Thousand (P50,000.00) Pesos. The accused in Crim. Case No. RTC 97-6671 is hereby sentenced to suffer the penalty of death and to pay the complainant moral damages in the amount of Fifty Thousand (P50,000.00) Pesos. The accused in Crim. Case No. RTC 97-6672 is hereby sentenced to suffer the penalty of death and to pay the complainant moral damages in the amount of Fifty Thousand (P50,000.00) Pesos. With costs de officio.

"SO ORDERED."[4]

In its ponencia, the court summed up the evidence that led it to the judgment of conviction; thus:

"The evidence adduced by the prosecution in these three (3) cases consisted of the testimonies of Wenifreda Garcia, Jennifer Garcia, and Dr. Ana Dominica M. Perol. Wenifreda Garcia testified that she is married to Benjamin Garcia with whom she has three (3) children, namely: Jerry, Jennifer, and Jennilyn. She and her husband separated sometime in 1990. In 1993, she lived with the accused with whom she has a child by the name of Rowena. In 1994, Wenifreda Garcia left the accused. In 1995, she and the accused lived together again with her children in Bell, Magarao, Camarines Sur. They separated again but on January 1, 1997, the accused was able to find her in Magarao, Camarines Sur. On January 2, 1997, her daughter Jennifer was brought to her by her half-brother from Pio Duran where she was studying. From January 1, 1997, she started living x x x again with the accused who promised her that he would change for the better. On January 15, 1997, she and her children, together with the accused, transferred to a house in the middle of the rice field at Magarao, Camarines Sur.

"On February 21, 1997, Wenifreda Garcia noticed that her daughter Jennifer, herein complainant, was weak. She asked Jennifer why she was weak, but Jennifer did not tell her anything. In the afternoon of March 1, 1997, she and her daughter Jennifer went together to catch snails, and during that time, she noticed the unusual behavior of Jennifer. She told Jennifer not to go with the accused and after telling her Jennifer stared at her and cried. When she asked her daughter what happened, Jennifer told her that she was raped by the accused. Jennifer told her mother that the accuse pulled down her panty and then he inserted his penis inside her private part, causing it to bleed and causing her pain also.

"Jennifer confided to her mother that she was raped by the accused on February 21, 1997, February 26, 1997, and on March 1, 1997. The first two times that she was raped happened at the place where there are banana

plants and the third time was right in their house in the middle of the rice land. Upon being informed by Jennifer of what happened to her, she told her daughter to just keep quiet as they will do something to place the accused in jail. After learning of what happened to her daughter she sought the help of a municipal kagawad of Magarao and she had Jennifer be examined by the Municipal Health Officer of Magarao, Camarines Sur as shown by the Medical Certificate issued by Dr. Ana Dominica Perol, Municipal Health Officer of Magarao, Camarines Sur.

"Jennifer Garcia testified that the accused whom she calls 'uncle' was living with her family in their house at Bell, Magarao, Camarines Sur. On February 21, 1997, in the afternoon, she and the accused went to a place at a distance of about thirty (30) meters from their house near an irrigation canal where there were banana plants. They went there because according to the accused they would get banana blossoms. When they reached the place where there were many banana plants near the irrigation canal, the accused who was holding a bolo made Jennifer Garcia lie down. After lying down on her back, the accused removed her panty and then removed his clothes also. After removing his clothes, the accused placed himself on top of her while she was lying down on her back and then he inserted his penis into her private part, causing it to bleed and also causing her pain. Afterwards, the accused told Jennifer Garcia that she should not report to her mother of what happened, otherwise he would kill them.

"Jennifer Garcia declared that on February 26, 1997, she went with the accused again in the same place where she was raped on February 21, 1997, near the irrigation canal where there are banana plants. When they reached the place, the accused made her lie down and he removed her clothes. After removing her clothes, he removed also his clothes and then he inserted his penis into her private part. She knew that his penis entered her private part because of the pain which made her cry and that her private part also bled. Afterwards, the accused told her again not to report to her mother what happened, or else he would kill them.

"Jennifer Garcia further testified that on March 1, 1997, while she and the accused were in their house, he told her to let her sister go to sleep. After she was able to let her sister go to sleep, the accused made her lie down and then he removed her clothes. After removing her panty, he also removed her clothes and then he inserted his penis into her private part. And because of the pain, she cried. Afterwards, the accused reminded her again not to tell her mother, who was then in Calabanga, Camarines Sur, of what happened and he repeated his threat that he would kill them if she would report to her mother.

"Dr. Ana Dominica M. Perol, the Rural Health Physician of Magarao, Camarines Sur, testified that she physically examined Jennifer Garcia and that in connection with the same, she issued a medical certificate dated March 10, 1997 (Exhs. B and B-1). Dr. Perol declared that during her examination she found that there were hymenal lacerations which were already healed at 10:00 o'clock, 1:00 o'clock, and 3:00 o'clock positions. These lacerations could have been caused by penetration of the male organ, cycling, horse riding, and other factors. Her second finding was that there was no difficulty in inserting her finger into the private part of the complainant. This shows that there is already laxity of the hymen, and this could have been caused also by the penetration of the sex organ by biking, cycling, and other factors. She declared that when she examined the complainant, she did not find any vaginal smear for spermatozoa. Dr. Perol testified that the laceration which is found in the vagina of the complainant could have happened may be more than one (1) year, or more than one (1) month, or maybe even ten (10) days before she examined her on March 10, 1997. With respect also to the finding that when vaginal smear was taken and examined, there was no spermatozoa, she declared that the life span of spermatozoa may last from two (2) to three (3) days, but there is no definite medical finding that she knows of with regard to the actual life span of spermatozoa."^[5]

In his plea before this Court, accused-appellant bewails the credibility of complainant, contending that her account of the three incidents of sexual assault is so identical that it can only lead one to question its veracity.

The Court has gone over the testimony of young Jennifer, and it finds itself equally convinced, like the court below, that not only did Jennifer testify straightforwardly and candidly on how she has been ravished by

accused-appellant repeatedly but that, also, her narration of the incidents accords with human experience and the normal course of events of this nature.

Quoted below is her testimony before the trial court:

"PROS. LEAÑO

"Q.

On February 21, 1997 in the afternoon where did you go together with your uncle?

"A.

We went to the place where there were banana plants.

"Q.

And where is that place?

"A.

It is near the irrigation canal.

"Q.

Were you able to reach that place where there were many banana plants?

"A.

Yes, sir.

"Q.

Did your uncle tell you what was your purpose in going there?

"A.

Yes, sir.

"Q.

Why did you go to the banana plants?

"A.

Because according to my uncle we will get banana blossoms.

"Q.

When you reached that place where there were many banana plants near the irrigation canal, what did your uncle do, if any?

"A.

He made me lie down.

"Q.

When you were lying down, what did he do?

"A.

He removed my clothes and he also removed his clothes.

"Q.

What clothes did he remove from you?

"A.

My panty.

"Q.

When you were without panty and he was also naked what did he do to you?

"A.

He let his penis enter my vagina, sir.

"Q.

Was he able to force his penis in your vagina?

"A

Yes, sir.

"Q.

Why did you say that he entered his penis to your vagina?

"A.

Because my vagina bled, sir.

"Q.

When his private part was inside your female organ, what did you feel?

"A.

I felt pain, sir.

"Q.

Afterwards what did he tell you, if any?

"A.

He told me not to report to my mother as he would kill us.

"Q.

Was he carrying anything when he said that to you?

"ATTY. OCAMPO:

There is no basis yet, Your Honor.

"PROS. LEANO:

That is why if he observed the accused if he was holding anything, I think that is not leading.

"COURT:

Witness may answer.

"A.

He was holding a bolo, sir.

"Q.

On Feb. 26 ...

"COURT:

Before that, are you through in so far as the 21st incident is concerned? I will ask some clarificatory questions.

"Q.

That incident on February 21, you just testified that in the afternoon of February 21 you, together with your uncle went to that place where there were banana plants near the irrigation canal, where did you and your uncle come from before going to that place?

"A.

In our house, sir.

"Q.

When you left your house, besides you and your uncle, who was with you in your house?

"A.

My sister.

"Q.

Who is older?

"A.

My sister.

"Q.

You mentioned about your uncle holding a bolo when the incident happened, was he already holding the bolo when you left your house?

"A.

Yes, sir.

"Q.

How far is this place where there were banana plants near the irrigation canal from your house?

"A.

About thirty (30) meters.

"Q.

You said that after your clothes were removed and he also removed his clothes when he inserted his penis to your private part, what is your position?

"A.

I was on a lying position.

"Q.

On what position on your back or what?

"A.

I was lying face-up.

"Q.

How about the accused when he inserted his penis to your female organ?

"A.

He was on top of me.

"Q.

Now, on February 26, 1997, Jennifer was your uncle with you in your house in Bell, Magarao?

"A.

Yes, sir.

"Q.

In the afternoon of said date, did you go somewhere with your uncle?

"COURT:

Before that.

"Q.

This incident on February 21 after it happened, did you inform your mother what happened to you?

"A.

No, sir.

"Q.

Why not?

"A.

(No answer from the witness).

"COURT:

Proceed from there.

"PROS. LEANO:

"Q.

You said that you were sexually assaulted by your uncle, did you tell your mother or did you report this to your mother?

"ATTY. OCAMPO:

That was already asked.

"COURT:

And answer was given.

"Q.

Did your mother know this incident?

"A.

Yes, sir.

"Q.

How did she come to know of this incident?

"A.

I told her, sir.

"Q.

Where did you tell her about this incident?

"A.

In the field, sir.

"Q.

What did your mother do when you told her that you were sexually assaulted by your uncle?

"A.

She told me to keep quite because she will take charge.

"Q.

On February 26, do you remember if your uncle . . .

"COURT:

Before that.

"Q.

When did you tell your mother of this incident on February 21 ?

"A.

(No answer from the witness).

"COURT:

Proceed.

"PROS. LEANO:

"Q.

On February 26, 1997 was your uncle in your house also?

"ATTY. OCAMPO:

Already answered.

"Q.

Did you go also on that day together with your uncle?

"A.

Yes, sir.

"Q.

Where did you go?

"A.

To the place where there were banana plants.

"Q.

Are you referring to the same place where you went on February 21 ?

"A.

Yes, sir.

"Q.

When you reached that place on February 26, what did your uncle tell you, if there is any?

“A

(No answer from the witness).

“Q.

What did your uncle do to you?

“A.

He let me lie down, sir.

“Q.

Did you comply?

“A.

Yes, sir.

“Q.

What did he do to you?

“A.

He removed my clothes while he remove his clothes also.

“Q.

When you were both naked, what did he do to you?

“A.

He let his penis enter my vagina, sir.

“Q.

Was he able to force his private part to your female organ?

“A.

Yes, sir.

“Q.

Why do you say that he was able to do that?

“A.

Because of the bleeding of my vagina.

“Q.

And when his private part was inside your vagina, what did you feel?

“A.

I felt pain, sir.

"Q.

Because it was painful, what did you do?

“A.

I kept crying sir.

"Q.

And after that, what did he do?

“A.

He told me not to report to my mother as he would kill us, sir.

"Q.

Did you get afraid because of that?

“A.

Yes, sir.

"Q.

On March 1, 1997, do you remember if your uncle was with you also on that date in your house?

"A.

Yes, sir.

"Q.

While you and your uncle were in your house on that date, what did he tell you?

"A.

He told me to let my sister go to sleep, sir.

"Q.

Were you able to let your sister sleep?

"A.

Yes, sir.

"Q.

After that, what did your uncle do to you?

"A.

He let me lie down.

"Q.

Inside your house?

"A.

Yes, sir:

"Q.

While you were lying down, what happened?

"A.

He removed my clothing:

"Q.

What clothing did he remove?

"A.

My panty.

"Q.

What did he do with his clothing also, if any?

"A.

He also removed his clothes, sir.

"Q.

After removing your panty and his clothings, what did he do?

"A.

He let his penis enter my vagina.

"Q.

Was it able to enter your vagina?

"A.

Yes, sir.

"Q.

Why do you say that it was able to enter your vagina?

"A.

Because my vagina bled, sir.

"Q.

And while his penis was inside your vagina, what did you feel?

"A.

I felt pain, sir.

"Q.

Because it was painful what did you do?

"A.

I kept on crying.

"Q.

When you were crying, what did he do?

"A.

He told me not to tell my mother about it.

"Q.

Why, where was your mother on that point in time?

"A.

She was in Calabanga.

"Q.

These incidents on February 21, 26 and March 1st did your mother come to know of these incidents where your uncle sexually abused you?

"A.

Yes, sir.

"Q.

And when she came to know of it, what did she tell you?

"ATTY. OCAMPO:

Already answered, she told her to keep quiet.

"PROS LEANO:

I am asking February 21, 26 and March 1 incidents.

"Q.

What did your Mama do when she came to know of it?

"A.

She told me just to keep quiet because she will take care of it.

"Q.

Do you remember whether you have an occasion when your mother and you went to the police station of Magarao?

"A.

Yes, sir.

"Q.

Did the policeman take your statement there?

"A.

Yes, sir.

"Q.

Did you sign or thumbmark a question and answer or affidavit there?

"ATTY. OCAMPO:

There is no basis, Your Honor.

"PROS. LEANO:

I am asking whether she signed an affidavit there because I am going to mark that affidavit as part of her testimony.

"Q.

So you went to the police station?

"A.

Yes, sir.

"Q.

Were you also brought to a doctor by your mother?

"A.

Yes, sir.

"Q.

Were you examined by a doctor?

"A.

Yes, sir.

"PROS. LEANO:

That will be all, Your Honor."[6]

The fact that the series of rape have been committed in almost the same manner is nothing extraordinary and does not necessarily render her testimony incredible.[7] In rape cases, the lone testimony of the offended party, if free from serious and material contradictions, is sufficient to sustain a verdict of conviction.[8] In this instance, considering the age and the need of the victim to yet be acquainted with the ways of the world, it would be too improbable to say that her narration is merely the product of a scheming and malicious mind. Nothing has been given to indicate any improper motive on the part of complainant that would have impelled her to fabricate the grave charges against accused-appellant.

Accused-appellant harps on the alleged inability of Jennifer to answer some questions posed by the trial court; viz:

"COURT:

Before that.

"Q

This incident on February 21, after it happened, did you inform your mother what happened to you?

"A

No, sir.

"Q

Why not?

"A

(No answer from the witness)

"XXX XXX XXX

"COURT:

Before that.

"Q

When did you tell your mother of this incident on February 21 ?

"A

(No answer from the witness).

"ATTY. OCAMPO

"Q

When you reached that place on February 26, what did your Uncle tell you, if there is any?

"A

(No answer from the witness)"

The failure of private complainant, an eleven-year old puerile country girl, to respond properly to some questions propounded to her does not thereby put to naught her reliability and sincerity. Nor can her silence be construed as being a manifestation of false accusation. Minor lapses in the memory of a rape victim can be expected even as it is an understandable human frailty not to be able to recount with facility all the details of a dreadful and harrowing experience.

The accused submits that the deportment of private complainant after the alleged sexual assaults is incongruent with the demeanor of one who has been supposedly molested. Nobody can exactly tell how a victim of sexual transgression is supposed to act or behave after her ordeal. Here, again, the Court has recognized the fact that different people act differently to a given type of situation, for there hardly can be cited any known standard form of behavioral response when one is confronted with a strange or startling experience.[9]

In a strained effort to seek an acquittal, accused-appellant would posit that the rape charge leveled against him has been triggered by the disagreement that eventuated between him and Wenifreda whom he earlier ordered to stop working as a laundry woman and to instead devote her time to taking care of the children. Wenifreda allegedly has shrugged off this idea, earning her bitterness in the process. This excuse is simply too frail to bear out resentment and ill will. Even when consumed with hatred and revenge, it takes nothing less than

psychological depravity for a mother to concoct a story too damaging to the welfare and well-being of her own daughter.

Accused-appellant contends that the medico-legal findings conducted upon the private complainant negate the sexual invasion that allegedly occurred on 01 March 1997. Citing Dr. Perol's testimony, he claims that the laceration could not have healed in less than ten (10) days. Accused-appellant forgets that twice before, in February of 1997, the victim has been subjected to his lust. It is the medical examination on 09 March 1997, relating to the last sexual assault, that has revealed healed lacerations. At all events, the absence of fresh lacerations does not work against the case for the prosecution;^[10] indeed, the physical examination of the victim is not indispensable in rape cases.^[11] While Dr. Perol has confirmed the absence of spermatozoa in the complainant's vaginal canal, this fact, however, does not necessarily imply that complainant has not actually been subjected to rape; rape is consummated, not by the ejection of spermatozoa in the female organ,^[12] but by the physical act of intercourse.

In his defense, accused-appellant, interposing alibi in all three (3) instances of rape, claimed that, on 21 February 1997, he was in their house in Bell, Magarao, and had not been at any time that day to the irrigation canal; that on 26 February 1997, he was cleaning the rice fields, approximately 90 feet from the irrigation canal; and that on 01 March 1997, he was busy preparing the rice seedlings to be planted in the farm of one Sesenando Cabel in San Felipe, Naga City. In order to successfully establish an alibi, however, it should be satisfactorily shown that the accused was at some other place during the commission of the crime and that it was physically impossible for him to have been then at the site thereof.^[13] It would not be enough to prove that the accused was elsewhere when the crime was committed; it should likewise be proven that it would have been physically impossible for him to be at the locus criminis or its immediate vicinity when the crime was perpetrated.^[14] In this, accused-appellant had miserably failed.

Alibi is almost always flawed not only by its inherent weakness but also by its implausibility. Easily susceptible of concoction and viewed invariably with suspicion, an alibi may be considered with favor only when established by positive, clear, and satisfactory evidence. Significantly, where no one corroborates the alibi of an accused, such defense becomes all the weaker for this deficiency.^[15] Neither can plain denial, a negative and self-serving evidence, stand against the positive identification and categorical testimony made by a victim of rape.^[16] A mere denial is seldom given greater evidentiary value than the testimony of a witness who creditably testifies on affirmative matters.^[17]

The Court, all told, finds no cogent reasons to ignore the findings of the trial court which has accorded to the complainant full faith and confidence in her testimony.

The supreme penalty of death, nevertheless, cannot be imposed upon the accused. The imposition of the death penalty becomes mandatory when the victim of rape is "under eighteen (18) years of age and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim."^[18] In order to warrant the imposition of that capital punishment, the victim's minority and her relationship to the offender, being considered special qualifying circumstances, should be both alleged and proved.^[19] While in all three (3) Informations, Jennifer has been specifically stated to be an eleven-year old minor when sexually abused, her relationship with accused-appellant Rodolfo Villaraza, has not been properly averred. Accused-appellant is not the stepfather of the complainant. The records indicate that her mother, Wenifreda, and accused-appellant have just been "live-in partners," the latter being, in fact, lawfully married to Benjamin Garcia, the complainant's father. Benjamin Garcia and Wenifreda Garcia have parted ways in 1990. A stepfather-stepdaughter relationship presupposes a legitimate relationship.^[20] A stepdaughter is a daughter of one's spouse by a previous marriage or the daughter of one of the

spouses by a former marriage.[21] The failure to accurately allege the relationship between appellant and his victim in the information bars his conviction of rape in its qualified form.[22] The accused, having been consistently referred to as the stepfather of the complainant in each information, is thus auspiciously spared from the supreme punishment by this technical flaw.

Consistent with present case law which treats the imposition of civil indemnity as being mandatory upon the finding of rape,[23] accused should likewise be ordered to pay the amount of P50,000.00 by way of civil indemnity for each count of rape or a total of P150,000.00. This civil indemnity is distinct from, and awarded in addition to, moral damages, the two being based on different jural foundations and assessed by the court in the exercise of sound discretion.[24]

WHEREFORE, the Court AFFIRMS with modification the appealed decision of the Regional Trial Court, Branch 28, of Naga City in Criminal Case No. 97-6670, No. 97-6671 and No. 97-6672 by finding accused-appellant Rodolfo Villaraza y Panis guilty beyond reasonable doubt of the three counts of rape and sentencing him to reclusion perpetua on each count, with all the accessory penalties of the law, and to pay the victim Jennifer Garcia the amounts of One Hundred Fifty Thousand Pesos (P150,000.00) as civil indemnity and One Hundred Fifty Thousand Pesos (P150,000.00) as moral damages. Cost against accused-appellant.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Kapunan, Mendoza, Panganiban, Quisumbing, Purisima, Pardo, Buena, Gonzaga-Reyes, and De Leon, Jr., JJ., concur.
Ynares-Santiago, J., on leave.

[1] Records of Crim. Case No. 97-6670, p. 1.

[2] Records of Crim. Case No. 97-6671, p. 1.

[3] Records of Crim. Case No. 97-6672, p. 1.

[4] Rollo, pp. 26-27.

[5] Rollo, pp. 20-23.

[6] TSN, 29 August 1997, pp. 4-13.

[7] *People vs. Pagupat*, 293 SCRA 513.

[8] *People vs. Arnan*, 224 SCRA 37; *People vs. Gementiza*, 285 SCRA 478.

[9] *People vs. Luzorata*, 286 SCRA 487.

[10] *People vs. Erardo*, 277 SCRA 643.

[11] *People vs. Saguban*, 231 SCRA 744.

[12] *People vs. Manuel*, 298 SCRA 184.

[13] *People vs. Jimenez, Jr.*, 206 SCRA 214.

[14] *People vs. Cabebe*, 290 SCRA 543.

[15] *People vs. Peralta*, 237 SCRA 218.

[16] People vs. Remoto, 244 SCRA 506.

[17] People vs. Paragua, 257 SCRA 118.

[18] People vs. Taneo, 284 SCRA 251.

[19] People vs. Manggasin, 306 SCRA 228.

[20] People vs. Tolentino, 308 SCRA 485.

[21] People vs. Dimapilis, 300 SCRA 279.

[22] People vs. Poñado, 311 SCRA 529.

[23] People vs. Apostol, G.R. No. 123267-68, 08 December 1999; People vs. Jerry Abalde, G.R. No. 123113, 31 March 2000.

[24] People vs. Ignacio, 294 SCRA 542.

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