

## PEOPLE OF THE PHILIPPINES, APPELLEE, VS. SANTIAGO AGSAOAY, JR. Y ALVENDIA, APPELLANT.

*G.R. Nos. 132125-26. June 03, 2004*

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-132125-26/>

---

### PER CURIAM:

For automatic review is the Decision[2] dated November 28, 1997 of the Regional Trial Court, Branch 46, Urdaneta, Pangasinan in Criminal Cases Nos. U-9332 and U-9333, convicting Santiago Agsaoay, Jr. y Alvendia, appellant, of two counts of rape (qualified by relationship and minority) and sentencing him to suffer the supreme penalty of death in each count. He was also ordered to pay the victim, his very own daughter Josephine Ferrer Agsaoay, P50,000.00 as moral damages and P20,000.00 as exemplary damages in each count.

The two Informations charging appellant with rape read:

Criminal Case No. U-9333 –

“That on or about July 15, 1997, at Barangay Malokiat, municipality of Pozorrubio, province of Pangasinan, and within the jurisdiction of this Honorable Court, the above-named accused by means of force and intimidation, did then and there willfully, unlawfully and feloniously have sexual intercourse with JOSEPHINE FERRER AGSAOAY, a minor age 17 years old and accused’s own daughter, against her will and without her consent, to the damage and prejudice of said JOSEPHINE FERRER AGSAOAY.

“Contrary to Art. 335, Revised Penal Code, as amended by R.A. 7659.”[3]

Criminal Case No. U-9332 –

“That on or about July 17, 1997, at Barangay Malokiat, municipality of Pozorrubio, province of Pangasinan, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a bolo with intent to have sexual intercourse with his own daughter, Josephine Ferrer Agsaoay, by means of force and intimidation, did then and there willfully, unlawfully and feloniously have sexual intercourse with JOSEPHINE AGSAOAY, a 17 years old minor and accused’s own daughter, against her will and without her consent, to the damage and prejudice of said Josephine F. Agsaoay.

“Contrary to Art. 335, Revised Penal Code, as amended by R.A. 7659.”[4]

Upon arraignment, appellant, assisted by counsel, entered a plea of not guilty to the crimes charged. Thereafter, a joint trial on the merits followed.

The evidence for the prosecution shows that Josephine Ferrer Agsaoay[5] is the eldest child of appellant and Corazon Ferrer-Agsaoay. The couple are both farmers. Josephine was born on January 15, 1980 as shown by her Certificate of Live Birth.[6] She was 17 years old when the crimes were committed. The couple’s five other children are Analyn (16), Winnie (14),[7] Gemma (11), Jiovani (6) and Jonalyn (2). They all reside at barangay Malokiat, Pozorrubio, Pangasinan.[8]

Very early in the morning of July 15, 1997, Corazon left their house and went to the field to uproot palay seedlings. Josephine and her sister Winnie were then sleeping on the second floor of their house,[9] while the

other members of the family were at the ground floor. Around 3:30 o'clock that morning, Josephine was awakened when appellant suddenly kissed her lips.[10] Instinctively, she pushed him away but to no avail as she was too weak and sick.[11] He threatened to kill her and her entire family should she report the matter to her mother. She was so terrified and was not able to shout and resist him "because he might kill me as he killed my Uncle Jose" (her mother's brother).[12] While he continued kissing her, she tried to awaken Winnie, her younger sister, about 1½ meters away from her, but the latter was fast asleep.[13] Appellant then undressed her, spread her legs, held her hands, and inserted his penis into her vagina and made a push and pull movement. It was painful. Minutes later, a hot fluid came out from his penis. After his bestial act, he put on his brief and shorts and went downstairs. For her part, she cried until she fell asleep.[14] When she woke up the following morning, she saw blood on her underwear. Meanwhile, appellant went to the farm.

Josephine did not tell Corazon, her mother, about the incident because of her father's threat.[15] It was only the following day (July 16, 1997) that she finally mustered enough courage and revealed to her mother what happened. Corazon was shocked but could not report the matter immediately to the authorities. She was scared of him because on August 22, 1990, he killed her younger brother, but he was not imprisoned since "he settled the case." [16]

On July 17, 1997, appellant ravished Josephine for the second time. As usual, Corazon left the house early to work in the rice field. Josephine and Winnie were still sleeping. About 4:00 o'clock that same morning, Josephine was roused from her sleep when appellant forcibly undressed her. She begged him not to molest her again. Instead, he got a bolo, placed it beside her and said, "Do you want me to cut your neck?" Immediately, he removed his brief, inserted his penis into her vagina and made a push and pull movement. After satisfying his lust, he went downstairs. She could only cry.

When Corazon arrived home in the afternoon of that same day, she saw her daughter crying. Josephine told her mother that appellant sexually molested her again. Despite her plea, her mother refused to report the incidents to the police authorities for fear he might kill all of them.[17] Later, however, Corazon and her five children finally went to the Philippine National Police (PNP) station at Pozorrubio[18] where Josephine reported the harrowing experiences she suffered in the hands of appellant.

During the hearing and upon being asked by the trial judge, Josephine declared that she is well aware that if convicted of the charges, appellant would be sentenced to die by lethal injection.[19]

On August 1, 1997, Dr. Joseph S. Gomez, Medical Officer of the Pozorrubio Community Hospital, examined Josephine and issued a Medico-Legal Report.[20] On the witness stand, he confirmed his report that she has "healed hymenal lacerations at 3:00 and 8 o'clock positions;" that her "vaginal canal admits one finger with ease;"[21] and that the lacerations could have been caused by a hard and blunt instrument such as an erect penis which "could have occurred as early as the 15[th] of July, 1997, or even closer to the day of examination (August 1, 1997)."[22]

Appellant vehemently denied the charges. He testified that around 3:00 o'clock in the morning of July 15, 1997, he was sleeping at the ground floor of their house when he heard someone asking his wife to go to the field to uproot palay seedlings. Then his wife went upstairs. Later, his daughter Winnie accompanied him to the field to pasture their animals. When they returned home, he got his fish net and proceeded to the river to catch fish. He was home three hours after.[23]

On July 17, 1997, appellant was also at home. He woke up in the morning and saw his wife and two children still sleeping on the bamboo bed at the ground floor of their house. Afterwards, he went to the field to pasture animals.[24]

In the early afternoon of July 31, 1997, appellant arrived home from the farm and found their house in disarray. When his wife arrived, he got angry and told her to stop gambling. He then cooked their food and ate with his children. Then he returned to the farm. He arrived home about 6:00 o'clock in the evening and saw his daughter Josephine and a man on their bamboo bed holding hands. He slapped Josephine and the man left. Moments later, his nephew arrived and invited him to join him in his (nephew's house) because he slaughtered a pig. When appellant asked permission from his wife to join his nephew, she scolded him resulting in a heated argument. Josephine intervened, but he slapped her and his wife, prompting them to leave. He followed them but he could not find them. So he went home and sleep. About 12:00 o'clock midnight, he was awakened by policemen who invited him to their station at Pozorrubio. There he was detained after having been informed that Josephine filed complaints for rape against him.[25]

According to appellant, he "always inflicts physical violence on Josephine for going around with different men,"[26] the reason why she charged him with rape. There were times he saw her "with another man, so I punished her." [27] He also claimed that his wife was sore at him when he told her that he will separate from her as he could not stop her from gambling.[28]

Appellant's daughter Winnie also testified. Considering that she was only 1½ meters away from Josephine, appellant maintains that he could not have committed the crimes. Winnie declared that on July 15, 1997, around 3:15 o'clock in the morning, she and Josephine were sleeping at the second floor of their house. Their mother woke her up and asked her to accompany her to the rice field to uproot palay seedlings. She refused because she had to study her lessons for her school examination that day. At 5:00 o'clock that morning, however, she accompanied her father to the field and helped him pasture their carabao and goats. An hour later, she went to school at Don Benito National High School.[29]

Winnie further testified that on July 17, 1997, she woke up at 5:30 in the morning to prepare breakfast. Josephine was still asleep. Her mother was sleeping downstairs, while her father was preparing the things to be brought to the farm. After breakfast, she went to school. She learned at the Pozorrubio Police Station that Josephine filed two complaints for rape against their father.[30]

On November 28, 1997, the court a quo rendered its Decision, the dispositive portion of which reads:

"WHEREFORE, finding accused SANTIAGO AGSAOAY, JR., guilty beyond reasonable doubt of the crime of rape aggravated by relationship and age, the court sentences said Santiago Agsaoay, Jr., the following:

- In CRIMINAL CASE No. U-9332, to suffer the penalty of death, to be implemented in the manner provided by law. Accused is likewise ordered to pay Josephine Agsaoay the amount of P50,000.00 as moral damages, and further sum of P20,000.00 as exemplary damages;

- In CRIMINAL CASE No. U-9333, to suffer the penalty of death, to be implemented in the manner provided by law. Accused is likewise ordered to pay Josephine Agsaoay the amount of P50,000.00 as moral damages, and further sum of P20,000.00 as exemplary damages.

"SO ORDERED."

Appellant now seeks the reversal of the trial court's Decision on the following grounds:

"I

THE TRIAL COURT GRAVELY ERRED IN GIVING FAITH AND CREDENCE TO THE TESTIMONY OF JOSEPHINE AGSAOAY.

"II

THE TRIAL COURT LIKEWISE ERRED IN FINDING ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIMES OF RAPE.”[31]

For his part, the Solicitor General, in his Appellee’s Brief, disputed appellant’s claim and prayed that the assailed Decision be affirmed.

In his Reply Brief, appellant prayed that “should this Honorable Court find him guilty, he should only be convicted of SIMPLE RAPE and be given the penalty of reclusion perpetua.”[32]

The two crimes of rape, as alleged in the Informations, were committed on July 15 and 17, 1997. Hence, the law applicable to the cases at bar is Article 335 of the Revised Penal Code, as amended by Republic Act No. 7659,[33] which provides:

“Article 335. When and how rape is committed. – Rape is committed by having carnal knowledge of a woman under any of the following circumstances:

- By using force or intimidation;
- When the woman is deprived of reason or otherwise unconscious; and
- When the woman is under twelve years of age or is demented.

The crime of rape shall be punished by reclusion perpetua.

x x x

The death penalty shall also be imposed if the crime of rape is committed with any of the following attendant circumstances:

- When the victim 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.

x x x.” (Underscoring ours)

The above provisions of the amendatory law classify rape as either simple or qualified. It is qualified when any of the qualifying/aggravating circumstances which attended the commission of the crime – as when the victim is below 18 years of age and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree – is alleged in the Information and proven during trial.[34] A finding of qualified rape raises the penalty to death.

The gravamen of the offense of rape is sexual intercourse with a woman against her will or without her consent.[35] Consequently, for the charge of rape to prosper, the prosecution must prove that (1) the offender had carnal knowledge of a woman and (2) he accomplished such act through force or intimidation, or when she is deprived of reason or otherwise unconscious, or when she is under 12 years of age or is demented.[36]

The sole important issue in a rape case is the credibility of the victim’s testimony, in view of its nature in which only two persons are normally involved.[37] Hence, in adjudicating such issue, jurisprudence has established the following guidelines: (1) the victim’s testimony must be scrutinized with extreme caution since an accusation of rape can be made with facility, but difficult for the accused to disprove it; and (2) when her testimony meets the test of credibility, the accused may be convicted solely on the basis thereof.[38]

In the case at bar, we find Josephine’s account of her ordeal in the hands of appellant forthright and credible. She testified that on two occasions, he had carnal knowledge of her through force or intimidation:

- First rape committed by appellant on July 15, 1997 –

**“PROSECUTOR MANAOIS:**

x x x

Q

x x x where were you in the early dawn of July 15, 1997?

A

I was in our house, sir.

Q

You are referring to your house at Malokiat Pozorrubio, Pangasinan?

A

Yes, sir.

Q

At around 3:30 o'clock in the early morning of July 15, 1997, do you recall if there was any incident that took place?

A

Yes, sir, there was.

Q

What was that?

A

My father, sir.

Q

What happened to your father?

A

He abused me, sir.

Q

In what particular place in your house on that early morning of July 15, 1997 x x x?

A

I was upstairs, sir.

Q

In what room x x x?

A

I was at the floor x x x as there is no room, sir.

Q

What were you doing x x x in that floor?

A

I was sleeping, sir.

Q

What happened around 3:30 o'clock dawn of July 15, 1997?

A

My father x x x undressed me, sir.[39]

x x x

Q

What was the very first thing that your father did?

A

He kissed me on my lips.

Q

When he kissed you on your lips, what did you do or say?

A

I was pushing him away.

x x x

Q

While you were pushing him, what did he do?

A

On that night I had a flu, and when I pushed him strongly I felt something painful on my right side, so I lost my strength.[40]

x x x

Q

x x x, will you tell us what do you mean by that word 'undress'?

A

x x x he removed my panty and pajama, and then inserted his organ, sir.

Q

At the time your father x x x removed your pajama and underwear, what did you do?

A

I asked my father why he was doing that to me, and he said, 'If you will report this to your mother, I will kill you all.

Q

What happened after your father told you that?

A

On July 16, 1997 I reported to my mother, sir.

COURT:

Q

What did you report to your mother on July 16, 1997?

A

I reported to my mother that my father abused me

(ginalaw).

PROSECUTOR MANAOIS:

Q

Let us go back to that incident, your father x x x removed your pajama, as well as your underwear, and then you said to him, 'Father, why are you doing this to me?,' and he answered, 'Do not report this to your mother, or else I will kill you all. What did your father do next?

A

He inserted his organ to my organ, sir.

Q

When he inserted his organ to your organ, what did you do?

A

I could not move because I was nervous as he warned me that he will kill us, sir.

x x x

Q

What was the position of your father when he inserted his organ to your organ?

A

He spread my legs and held my two hands, and then he made the push and pull up, and it was painful, sir.[41]  
(Underscoring ours)

x x x

Q

x x x, how long did you feel that pain?

A

Up to the time he finished.

COURT:

Q

Was that the first time that happened to you?

A

Yes, sir.

x x x.[42] (Underscoring ours)

Q

After that, what else did your father do, if any?

A

There was something hot that came out from him. After that my father stood and went downstairs. He warned me that if I will report this to my mother, he will kill us all, sir.

x x x

Q

What part of his body did the hot fluid come from?

A

From his penis, sir.

x x x

Q

Did you bleed as a result?

A

Yes, sir.

PROSECUTOR MANAOIS:

Q

How did you know that your organ bled?

A

I saw it in my panty, sir.

Q

After your father went downstairs, what did you do?

A

I cried, sir.

Q

At the time your father abused you in the early morning of July 15, 1997 x x x, where was your mother?

A

She was uprooting rice seedlings in the field, sir.

x x x

COURT:

Q

What time did she leave?

A

About 3:30 in the morning, sir.”[43] (Underscoring ours)

2. Second rape committed by appellant on July 17, 1997

“PROSECUTOR MANAOIS:

Q

After 12:00 o’clock, which was already July 17, 1997, do you recall if you were awakened?

A

About 4:00 o’clock dawn because my father undressed me.

x x x

Q

When your father undressed you, what did you do or say, if any?

A

I told my father, ‘You cannot do what you have done to me previously.

Q

What did your father do?

A

My father instead got a bolo hanging on the wall and said, ‘Do you want that I will cut your neck?’ That is why I was frightened.

Q

After saying that, what did he do next?

A

He placed the bolo near me, and then he undressed me.

Q

After undressing you, what did he do next?

A

After removing my panty, he also removed his brief, and then he inserted his penis into my vagina.

Q

When he was inserting his penis to your vagina, what did you do next?

A

I cannot fight because he has with him the bolo.

Q

Why were you afraid to fight?

A

I was afraid to fight because he might kill me as he killed my Uncle Jose.

Q

After your father inserted his penis into your vagina, what happened next?

A

He made the push and pull movement, up and down.

Q

After making that push and pull movement, what happened next?

A

I felt a hot thing coming from him.

Q

x x x, what happened next?

A

He stood and put on his brief and short pants, got the bolo, and went downstairs.

Q

How about you, what did you do after your father went downstairs?

A

I cried severely and then I put on my panty and pajama.

x x x

Q

At the time, where was your mother?

A

She was in the field uprooting palay seedlings.”[44] (Underscoring ours)

Josephine’s woeful tale of her harrowing experience is impressively clear, definite, and convincing. There is no

indication whatsoever of a concocted recital. She was positive and firm in pointing to appellant, her very own father, as the person who ravished her twice in July of 1997. Her narration contains details only a real victim could remember and reveal.

The physical evidence likewise reinforced Josephine's testimony. The Medico-Legal Report of Dr. Joseph Gomez, who physically examined her on August 1, 1997, shows that her genital has healed hymenal lacerations at 3:00 and 8:00 o'clock positions, and that her vaginal canal admits one finger with ease. As noted by Dr. Gomez, the occurrence of the lacerations coincides with the dates the crimes were committed. Consequently, the lacerations and pain Josephine suffered in her genital could be the result of penile penetration showing that appellant had carnal knowledge of her.[45]

Appellant, however, contends that Josephine's version is "fabricated and lacks the elements of truthfulness." He faults the trial court for "failing to exercise greatest care in scrutinizing complainant's story." According to him, "it is highly strange" for him to rape Josephine on two occasions in a small room where her sister Winnie, then sleeping, was just 1½ meters away. Under such condition, Winnie could have been awakened while he was committing the crimes.[46]

It is not strange for appellant to have committed rape in a small room. In the many rape cases that have reached this Court, we observed that rape is not always committed in seclusion.[47] We never cease to be appalled at the extreme depravity of the rapists who are not deterred from committing their odious act even in unlikely places such as a cramped room where other family members also slept.[48] Rape may take only a short time to consummate, given the anxiety and high risk of being caught, especially when committed near sleeping persons oblivious to the goings-on.[49] Indeed, lust is no respecter of time or place.[50]

Josephine testified that when appellant sexually assaulted her twice, Winnie was fast asleep. In fact, during the first incident, she tried to awaken Winnie, who was 1½ meters away, by touching the latter with her (Josephine's) left foot.[51] But Winnie could not have been awakened because appellant perpetrated his bestial acts quietly. And because of his threat, she calmly succumbed to his sexual assaults.

We cannot accord credence to Winnie's testimony that she was already awake during those hours and that appellant could not have committed the crimes. For one, the familiar rule on evidence is that an affirmative testimony is far weightier than a negative one, especially when the former comes from a credible witness,[52] such as Josephine. For another, Winnie's testimony lacks credibility. She testified that during the first incident on July 15, 1997, around 3:15 o'clock in the morning, she and Josephine were sleeping at the second floor of their house and that their mother woke her up and requested her to accompany her to the rice field to uproot palay seedlings. But she refused because she had to study for her school examination that day. She contradicted herself, however, when she further stated that in that same morning, she accompanied her father to the field to pasture their carabao and goats and, thereafter, she went to school.[53] If, indeed, she had an examination that day, she could have stayed home and studied her lessons, instead of going with appellant to the field.

Winnie's inconsistent attitude is understandable. The appellant is her father. In cases where conflicting family interests are involved, it is "not uncommon" for any of the family members to choose "to remain neutral or stay in the background," "or vacillate," or take sides on a specific issue.[54] To our mind, it is exceedingly probable that appellant's moral ascendancy over Winnie swayed her to testify in his favor. As aptly stated by the trial court, Winnie "made up stories in order to save the neck of her father." [55]

With respect to appellant's defense of denial, the rule is that such defense is intrinsically weak, being a negative and self-serving assertion; it has no weight in law if unsubstantiated by clear, strong, and convincing evidence of non-culpability.[56] Sadly, appellant failed to buttress his denial by the required quantum of proof. Certainly, it

cannot overcome Josephine's affirmative, categorical, spontaneous, and convincing testimony.[57]

Also, the defense endeavors to prove that Josephine is an unchaste young woman who habitually goes out with different men. Suffice it to state that such debasement of her character does not necessarily cast doubt on her credibility, nor does it negate the existence of rape. It is a well-established rule that in the prosecution and conviction of an accused for rape, the victim's moral character is immaterial, there being absolutely no nexus between it and the odious deed committed.[58] Even a prostitute or a woman of loose morals can be the victim of rape, for she can still refuse a man's lustful advances.[59]

In a last-ditch effort to exculpate himself from criminal liability, appellant tries to impute ill-motive to Josephine. We have consistently ruled that parental punishment is not a good reason for a daughter to falsely charge her father with rape.[60] For even when consumed with revenge, it takes a certain amount of psychological depravity for a young woman to fabricate a story which would put her own father for the most of his remaining life in jail and drag herself and the rest of her family to a lifetime of shame.[61]

We likewise reject appellant's claim that Corazon was furious after he told her that he would separate from her as he could not stop her gambling habit. His depiction of Corazon as an incorrigible gambler and irresponsible housewife finds no basis whatsoever from the records. On the contrary, Josephine, Winnie and appellant himself testified that Corazon habitually wakes up very early in the morning to work in the rice field and returns home in the afternoon – a clear portrayal of a hardworking and responsible mother.

It bears stressing that the determination of Josephine and Corazon in facing a public trial, unmindful of the resulting humiliation and shame, obviously demonstrates their genuine desire to condemn an injustice and to have the offender apprehended and punished.

The trial court, therefore, correctly found appellant guilty beyond reasonable doubt of two counts of qualified rape and in imposing the death penalty upon him. As shown by her Certificate of Live Birth, Josephine was born on January 15, 1980. Thus, she was only 17 years old when appellant, her own father, raped her on July 15 and 17, 1997. Both the qualifying circumstances of the victim's minority and her relationship with the offender were alleged in the two Informations and proved during the hearing.

However, with respect to the civil aspect of the crimes, the trial court erred in awarding only P50,000.00 as moral damages and P20,000.00 as exemplary damages in each case. Current jurisprudence requires that upon a finding of qualified rape, the award of civil indemnity in the sum of P75,000.00 is mandatory in each count.[62] Additionally, the victim is entitled to moral damages in the same amount, also in each count,[63] without need of pleading or proof of the basis thereof since the anguish and pain she endured are evident.[64]

We likewise award the victim exemplary damages of P25,000.00 in Criminal Case No. U-9332 only. Here, the use of a bolo, a deadly weapon, in the commission of the crime was alleged in the Information and proved during the trial. In *People vs. Ronie Gabelinio*,<sup>[65]</sup> citing *People vs. Joel Ayuda*,<sup>[66]</sup> we held:

“Likewise, the award of exemplary damages is justified. The circumstance of use of a deadly weapon was duly alleged in the information and proven at the trial. In *People vs. Edem* (G.R. No. 130970, February 27, 2002), we awarded exemplary damages in the amount of P25,000.00 in a case of rape committed with the use of a deadly weapon.”

Three members of this Court maintain that Republic Act No. 7659 is unconstitutional insofar as it prescribes the death penalty. Nevertheless, they submit to the ruling of the majority that the law is constitutional and that the death penalty can be lawfully imposed herein.

WHEREFORE, the appealed Decision dated November 28, 1997 of the Regional Trial Court, Branch 46,

Urdaneta Pangasinan, in Criminal Cases Nos. U-9332 and U-9333, finding appellant Santiago Agsaoay, Jr. guilty of the crimes of qualified rape and sentencing him to suffer the penalty of DEATH in each case, is hereby AFFIRMED with MODIFICATION in the sense that he is ordered to pay the amount of P75,000.00 as civil indemnity and P75,000.00 as moral damages in each case. Additionally, appellant is ordered to pay P25,000.00 as exemplary damages in Criminal Case No. U-9332.

In accordance with Section 25 of R.A. 7659, amending Article 83 of the Revised Penal Code, upon the finality of this Decision, let the records of this case be forwarded to the Office of the President of the Philippines for the possible exercise of her pardoning power.

Costs de officio.

**SO ORDERED.**

Davide, Jr., C.J., Puno, Vitug, Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Callejo, Sr., Azcuna, and Tinga, JJ., concur.

---

[1] Appellant's surname is spelled as "Agsaway" in the Certificate of Live Birth (Exhibit "E") of his daughter Josephine Ferrer Agsaway, the victim in this case.

[2] Penned by Judge Modesto C. Juanson.

[3] RTC Records in Criminal Case No. U-9333 at 1.

[4] RTC Records in Criminal Case No. U-9332 at 56.

[5] Spelled as "Agsaway" in her Certificate of Live Birth.

[6] Exhibit "E", Folder of Original Exhibits; TSN, October 7, 1997 at 3-5.

[7] TSN, November 5, 1997 at 2.

[8] TSN, October 7, 1997 at 5-6.

[9] TSN, October 9, 1997 at 9-10; October 22, 1997 at 7.

[10] Id. at 7; TSN, October 9, 1997 at 3.

[11] Id. at 4.

[12] TSN, October 20, 1997 at 7.

[13] TSN, October 22, 1997 at 7.

[14] Id. at 6; October 9, 1997 at 5.

[15] TSN, October 9, 1997 at 7.

[16] TSN, October 6, 1997 at 20.

[17] TSN, October 9, 1997 at 8-11.

[18] Id. at 13-16.

[19] TSN, October 7, 1997 at 3.

[20] Exhibit “B,” Records at 8.

[21] TSN, September 16, 1997 at 5.

[22] Id. at 14.

[23] TSN, November 17, 1997 at 9-11; Appellant’s Brief, Rollo at 72.

[24] Id. at 13; Appellant’s Brief, Rollo at 72-73.

[25] Id. at 3-8; Appellant’s Brief, Rollo at 73.

[26] TSN, November 18, 1997 at 5.

[27] TSN, November 17, 1997 at 13-15.

[28] Id. at 15.

[29] TSN, November 5, 1997 at 3-5, 8-9; TSN, November 6, 1997 at 3; Appellant’s Brief, Rollo at 70-71.

[30] TSN, November 6, 1997 at 6-7.

[31] Rollo at 66.

[32] Reply Brief, Rollo at 128.

[33] “An Act To Impose The Death Penalty On Certain Heinous Crimes, Amending For That Purpose The Revised Penal Code, As Amended, Other Special Penal Laws, And For Other Purposes,” which took effect on December 31, 1993 (People vs. Simon, G.R. No. 93028, July 29, 1994, 234 SCRA 555, 569; People vs. Derilo, G.R. No. 117818, April 18, 1997, 271 SCRA 633, 661).

[34] People vs. Jose Santos y Ruiz, G.R. Nos. 137828-33, March 23, 2004, citing People vs. Pancho, G.R. Nos. 136592-93, November 24, 2003; People vs. Bartolome, 323 SCRA 836 (2000).

[35] People vs. Jason S. Navarro and Solomon S. Navarro, G.R. No. 137597, October 24, 2003, citing People vs. Awing, 352 SCRA 188, 199 (2001).

[36] Id.; Eduardo Limos y de Vera, G.R. Nos. 122114-17, January 20, 2004; People vs. Paraiso, G.R. No. 131823, January 17, 2001, 349 SCRA 335; People vs. Pillas, G.R. Nos. 138716-19, September 23, 2003.

[37] People vs. Antonio, G.R. No. 145726, March 26, 2003, 399 SCRA 585, 591, citing People vs. Dela Cruz, 276 SCRA 191 (1997).

[38] People vs. Ruben Dalisay, G.R. No. 133926, August 6, 2003; People vs. Estomaca, G.R. Nos. 134288-89, January 15, 2002, 373 SCRA 197; People vs. Agustin, G.R. Nos. 132524-25, September 24, 2001, 365 SCRA 667; People vs. Palero, G.R. No. 138235, May 10, 2001, 357 SCRA 724.

[39] TSN, October 7, 1997 at 6-7.

[40] TSN, October 9, 1997 at 3-5

[41] TSN, October 7, 1997 at 7-9.

[42] TSN, October 9, 1997 at 5-6.

[43] TSN, October 7, 1997 at 9-10.

[44] TSN, October 9, 1997 at 8-11.

- [45] *People vs. Makilang*, G.R. No. 139329, October 23, 2001, 368 SCRA 155; *People vs. Pillas*, *supra*.
- [46] Appellant's Brief, Rollo at 76-77.
- [47] *People vs. Baybado*, G.R. No. 132136, July 14, 2000, 335 SCRA 712, citing *People vs. Silvano*, 309 SCRA 362 (1999); *People vs. Perez*, 296 SCRA 17 (1998).
- [48] *People vs. Baybado*, *id.*, citing *People vs. Bayona*, 327 SCRA 190 (2000); *People vs. Escala*, 292 SCRA 48 (1998); *People vs. Manuel*, 236 SCRA 545 (1994); and *People vs. Cervantes*, 222 SCRA 365 (1993); *People vs. Paraiso*, *supra*; *People vs. Bersabe*, G.R. No. 122768, April 27, 1998, 289 SCRA 685.
- [49] *People vs. Baybado*, *supra*; *People vs. Zabala*, G.R. Nos. 140034-35, August 14, 2003.
- [50] *People vs. San Juan*, G.R. No. 105556, April 4, 1997, 270 SCRA 693.
- [51] TSN, October 22, 1997 at 7.
- [52] *People vs. Quiñanola*, G.R. No. 126148, May 5, 1999, 306 SCRA 710, citing *People vs. Ramirez*, 334 Phil. 305 (1997).
- [53] TSN, November 5, 1997 at 3-5, 8-9; TSN, November 6, 1997 at 3; Appellant's Brief, Rollo at 70-71.
- [54] See *People vs. Hivela*, G.R. No. 132061, September 21, 1999, 314 SCRA 815.
- [55] RTC Decision dated November 28, 1997, Rollo at 91.
- [56] *People vs. Antonio*, *supra*, citing *People vs. Silvano*, *supra*.
- [57] *People vs. Baybado*, *supra*, citing *People vs. Aquino*, G.R. Nos. 145309-10, April 4, 2003.
- [58] *People vs. Jason S. Navarro and Solomon S. Navarro*, *supra*, citing *People vs. Dela Peña*, 354 SCRA 186, 193 (2001); *People vs. Anthony Sandig y Espanola*, G.R. No. 143124, July 25, 2003, citing *People vs. Javier*, 311 SCRA 122 (1999).
- [59] *People vs. Jason S. Navarro and Solomon S. Navarro*, *supra*, citing *People vs. Vidal*, 353 SCRA 194, 203 (2001); *People vs. Anthony Sandig y Espanola*, *supra*, citing *People vs. Igdanes*, 272 SCRA 113 (1997); *People vs. Manallo*, G.R. No. 143704, March 28, 2003, 400 SCRA 129.
- [60] *People vs. Baybado*, *supra*, citing *People vs. Cabanela*, 299 SCRA 153 (1998).
- [61] *Id.*, citing *People vs. Guiwan*, 331 SCRA 70 (2000).
- [62] *People vs. Escaño*, G.R. Nos. 140218-23, February 13, 2002, 376 SCRA 670; *People vs. Arizapa*, G.R. No. 131814, March 15, 2000, 328 SCRA 214.
- [63] *People vs. Soriano*, G.R. Nos. 142779-95, August 29, 2002, 388 SCRA 140; *People vs. Sambrano*, G.R. No. 143708, February 24, 2003, 398 SCRA 106.
- [64] *People vs. Jose Santos y Ruiz*, *supra*, citing *People vs. Pancho*, *supra*.
- [65] G.R. Nos. 132127-29, March 31, 2004.
- [66] G.R. No. 128882, October 2, 2003, citing *People vs. Sorongon*, 397 SCRA 264 (2003).

**ABOUT BATAS.ORG**

# Study smarter at BATAS.org

*The Philippine bar review and law-school companion built around how your brain actually remembers.*

**The complete Philippine law library - free for everyone.**

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

**Audio case-brief lectures.**

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

**Bar review built on the science of memory.**

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

**The full law-school curriculum.**

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

**Mock exams that tell you where you stand.**

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

**A study planner that keeps you on pace.**

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

**Start free at <https://batas.org>**

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.