

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. FRANCISCO NAVIDA, ACCUSED -APPELLANT.

G.R. Nos. 132239-40. December 04, 2000

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-132239-40/>

PER CURIAM:

Before us for automatic review is the consolidated decision[1] of the Regional Trial Court, Branch 103, Quezon City, in Criminal Cases Nos. Q-96-67996 and Q-96-67997, promulgated on 24 October 1997, which declared accused-appellant Francisco Navida (hereafter FRANCISCO) guilty beyond reasonable doubt of the crime of rape and sentenced him to suffer in each case the penalty of death and to indemnify the victim, his daughter Glenda V. Navida (hereafter GLENDA) in the amount of P50,000 and to pay the costs of suit.

In her Sinumpaang Salaysay[2] dated 25 May 1996, GLENDA narrated the sexual depravity of FRANCISCO. The assaults on her virtue allegedly began sometime in September 1994 and ended only on 6 January 1996. However, the sad and horrible sexual experience she had with FRANCISCO on the 24th and 25th of December 1994 were those she remembered very well.

On 19 June 1996, GLENDA submitted herself to a medico-legal examination by Dr. Jesusa N. Vergara, Chief of the Medico-Legal Division of the Crime Laboratory of the National Headquarters of the Philippine National Police (PNP), Camp Crame, Quezon City. The results of the examination were embodied in Medico-Legal Report No. M-942-96-A.[3]

On 4 October 1996, after appropriate proceedings, criminal complaints docketed as Criminal Cases Nos. Q-96-67996 and Q-96-67997 were filed by GLENDA with the Regional Trial Court of Quezon City. The complaint in Criminal Case No. Q-96-67996 reads verbatim as follows:

The undersigned accuses FRANCISCO NAVIDA of the crime of rape, committed as follows:

That on or about the 24[th] day of December 1994 in Quezon City, Philippines, the said accused by means of force and intimidation, to wit: by then and there wilfully, unlawfully and feloniously at knife point told her to undress and thereafter placed himself on top of GLENDA V. NAVIDA, 15 years of age, a minor, and thereafter have carnal knowledge with the undersigned complainant against her will and without her consent.

CONTRARY TO LAW.[4]

The complaint[5] in Criminal Case No. Q-96-67997 is similarly worded, except as to the date the alleged rape was committed, i.e., 25 December 1994.

FRANCISCO entered a plea of not guilty at his arraignment on 23 January 1997.[6] Immediately thereafter, trial on the merits ensued.

The prosecution presented as its witnesses GLENDA, Nelda Navida and Dr. Anthony Joselito Llamas, a medico-legal officer. Upon the other hand, the defense relied mainly on the testimony of FRANCISCO.

GLENDA, who was born on 21 January 1979, testified that sometime in December 1994 in their residence in San

Juan, Agno, Pangasinan she was entreated by her father FRANCISCO to celebrate Christmas at her Lola Ising's house in Fairview, Quezon City. Since she has never been in "Manila" GLENDA consented. On the morning of the 24th day of December 1994 they took a bus for Manila. They alighted in Quezon Boulevard in Manila and then rode on a jeepney bound for Quezon City Memorial Circle where they got off. It was more or less 8:00 p.m.[7] FRANCISCO told GLENDA that they would spend the night at the place of her brother Sonny at the Department of Agriculture, Visayas Avenue, Quezon City. They proceeded to that place; but as they walked along the grassy compound of the Department of Agriculture, FRANCISCO told GLENDA that they stop to rest. Fearing the dark, she disagreed and suggested that they go straight to Sonny's place. FRANCISCO, however, told GLENDA that he wanted to have sexual intercourse with her. GLENDA refused but FRANCISCO told her that he will have himself intoxicated and that he will thereafter return to kill her. FRANCISCO left while GLENDA, apparently scared of the threat of FRANCISCO, stayed behind. Upon his return, FRANCISCO poked a knife to her and ordered her to disrobe. Knowing fully well the temperament of FRANCISCO, GLENDA obliged to take off her clothes. Thereafter, FRANCISCO took off his pants and ordered her to lie down on the ground. Then he mounted on top of her and inserted his penis into her vagina. She felt pain in her private parts. After awhile FRANCISCO withdrew his penis and GLENDA noticed that "something came out of his penis and he wipe(d) it with his handkerchief." FRANCISCO ordered GLENDA to dress up and warned her not tell Sonny of the incident, for if she did, he will kill both of them. FRANCISCO and GLENDA proceeded to Sonny's place. FRANCISCO told Sonny that they came to spend the Christmas holiday with Lola Ising. Sonny acceded to the plan. GLENDA could not tell Sonny about her ordeal since she was afraid of the warnings of FRANCISCO.[8]

On 25 December 1994, GLENDA and FRANCISCO went to Lola Ising's place at Fairview, Quezon City and thereat celebrated the Christmas day. After the celebration, sometime late in the evening, FRANCISCO told GLENDA that they go back to Sonny's place. She obeyed him and they took a jeepney bound for Quezon City Memorial Circle. They alighted at the Visayas Avenue and walked along the grassy area of the Department of Agriculture. Once again FRANCISCO, driven by his bestial instinct, told GLENDA that he wanted to have sexual intercourse with her and ordered her to undress. GLENDA protested but FRANCISCO threatened her with a knife. Afraid of earning FRANCISCO's ire, GLENDA undressed herself. He then placed himself on top of her and inserted his penis into her vagina. After he satisfied his bestial desires, he put on his clothes. GLENDA put on her dress. They then proceeded to Sonny's place. Like before, GLENDA was warned by FRANCISCO not to tell her brother Sonny about the incident.[9] The next day, the two went home to Pangasinan.[10]

On 6 January 1996, GLENDA was again sexually molested by FRANCISCO in their house in Pangasinan. This time, GLENDA mustered enough courage to end the indignity she experienced in the hands of her own father. She decided to escape to Manila with the help of her brother Ernesto. On the way, GLENDA passed by Alaminos, Pangasinan, to meet her mother Nelda. The latter accompanied GLENDA to Manila while Ernesto was left behind.[11]

On 7 January 1996, FRANCISCO followed GLENDA in Quezon City. There, he made another indecent proposal to GLENDA, but she rejected it. Her refusal was met with a violent reaction from FRANCISCO who forthwith plunged a knife to her hitting her "left side just above her waistline and another one below her left nipple." [12] Luckily for GLENDA, she survived the attack and was confined at the East Avenue Hospital where a "certain Ilocana from Fairview" visited and assisted her in finding a lawyer.[13]

Finally, GLENDA testified that she felt pain in her vagina and in her whole body each time FRANCISCO sexually molested her.[14]

Nelda Navida, GLENDA's mother and FRANCISCO's wife, testified that on 24 December 1994, GLENDA and her husband FRANCISCO went to Manila to celebrate Christmas. She believed the story of GLENDA since she

had witnessed FRANCISCO having sexual intercourse with GLENDA in their own conjugal dwelling in Agno, Pangasinan. Nelda concluded her testimony by saying that FRANCISCO deserves a death sentence for the crime he committed against GLENDA.[15]

Dr. Anthony Joselito Llamas,[16] a medico-legal officer of the PNP National Headquarters in Camp Crame, testified that on 19 June 1996, he had personally assisted Dr. Jesusa Vergara, then Chief of the Medico- Legal Division of the PNP National Headquarters Crime Laboratory, who conducted a medical examination on GLENDA. In the course thereof, Dr. Llamas noticed that GLENDA has a scar indicating a "previous history of injury." An examination of GLENDA's hymen revealed that her vagina have a "deep healed lacerations at 3, 6, 9 o'clock position(s)." He opined that there was a "penetration of the hymen by [a] hard blunt object most probably [by an] erect penis." He added that GLENDA is no longer a virgin and must have experienced sexual intercourse for more than three times as evidenced by a finding that her "vaginal orifice offers slight resistance to the introduction of the examining index finger and the virgin-sized vaginal speculum." [17]

For his defense, FRANCISCO denied the allegations and instead imputed ill-motive on the part of his wife Nelda Navida as justification for the filing of the charges against him. He asserted that his wife Nelda induced GLENDA to concoct the horrible lie so that Nelda and her paramour could carry on their immoral trysts.[18]

The trial court was fully convinced of the criminal culpability of FRANCISCO. It observed that the story of GLENDA, a young, simple-minded and innocent barrio lass, is "laden with the mine of truth." It refused to give weight and substance to FRANCISCO's imputation of an evil motive. Consequently, in its decision of 24 October 1994, the trial court decreed as follows:

ACCORDINGLY, judgment is hereby rendered finding the herein accused Francisco Navida, GUILTY beyond reasonable doubt in these two (2) cases of the crime of RAPE as sole principal and he is hereby sentenced to suffer the extreme penalty of DEATH in both Criminal Case No. Q-96-67996 and Criminal Case No. 96-67997.

The damage indemnity of P50,000.00 in each case is hereby awarded to Glenda V. Navida, private offended party. Cost against the accused.

SO ORDERED.[19]

In his Appellant's Brief, FRANCISCO seeks the reversal of the judgment of the trial court because it erred in:

I

...FINDING [HIM] GUILTY OF TWO (2) COUNTS OF RAPE NOTWITHSTANDING THAT THE TESTIMONY OF THE ALLEGED VICTIM, GLENDA NAVIDA, ON WHICH THE PROSECUTION ANCHORED ITS CASE, LACK [sic] CREDIBILITY BEING HIGHLY IMPROBABLE AND PREGNANT WITH INCONSISTENCIES.

II

...SENTENCING [HIM] TO DEATH DESPITE THE FACT IT NEVER MENTIONED IN ITS JOINT DECISION ANY QUALIFYING CIRCUMSTANCE CONTEMPLATED IN SEC. 11, R.A. NO. 7659 WHICH WOULD QUALIFY THE CRIMES CHARGED TO MERIT THE IMPOSITION OF THE DEATH PENALTY, NOR DID IT CITE IN ITS FINDINGS THAT THE EVIDENCE ON RECORD SUPPORTS THE ATTENDANCE OF ANY OF THE SAME IN THE COMMISSION OF THE FELONIES.

The first assigned error is anchored on the trustworthiness of GLENDA's testimony. FRANCISCO contends that GLENDA's behavior before and after the alleged ravishment was unreliable and doubtful. She failed to solicit the help of her relatives despite the opportunity to do so; she did not ran away from her alleged molester in order to prevent the happening of the incident; and she was guilty of delay in reporting her defilement to the authorities.

Finally, FRANCISCO ascribes evil motive to his wife Nelda who allegedly wanted to get rid of him so that she may continue her illicit affair with another man.

As regards the second assigned error, FRANCISCO argues that the criminal complaints in these cases do not state the essential facts necessary to make out a case of qualified rape to justify the application of Section 11, of R.A. No. 7659. Moreover, the joint decision of the trial court makes no findings on the presence of the qualifying circumstances. Consequently, his conviction for qualified rape denied him of due process of law.

FRANCISCO further argues that assuming that the prosecution was able to establish that he committed the sexual assault with the use of a knife, then pursuant to Article 335, as amended by R.A. No. 7659, the prescribed penalty therefor is reclusion perpetua to death only. Since the commission of the alleged rapes was unattended by any generic aggravating circumstance, he can be convicted of simple rape only and sentenced to a lesser penalty of reclusion perpetua.

In the Appellee's Brief, the Office of the Solicitor General (OSG), prays for the affirmance of the trial court's decision. It maintains that the People has proved the criminal responsibility of FRANCISCO through the honest, forthright and candid testimony of GLENDA. Considering her tender age and relationship with FRANCISCO, who is no less than her father, it is most unlikely that she would fabricate such a serious charge against him if she had not truly been aggrieved. The testimony of GLENDA has the earmarks of truth and candor and is enough to convict FRANCISCO on the basis thereof.

As to the alleged delay in the reporting of the crime, the OSG also argues that considering the seriousness of the threats foisted upon GLENDA by FRANCISCO and the inevitable fact that he exercises moral ascendancy over her, the delay in reporting the rape to the authorities was fully justified.

Anent the imputation of an ulterior motive, the OSG submits that it is inconceivable that GLENDA would allow the examination of her private parts and undergo the humiliation and hardship of a trial if her allegations were untrue; and it is equally inconceivable for a mother, like GLENDA's mother, to expose her daughter to public ridicule unless she was moved by a genuine concern to have the culprit punished. Besides, the results of the medical examination confirmed GLENDA's claim that she was indeed raped.

Anent the second assigned error, the OSG asserts that there is no legal impediment in the imposition of the death penalty. The minority of the victim was particularly alleged in the information and the fact of relationship was established during trial and undenied by FRANCISCO.

Finally, the OSG agrees with the award of P50,000 in each case as damage indemnity but recommends that moral damages of P50,000 in each case should also be awarded.

At the core of FRANCISCO's first assigned error is the assessment of the credibility of GLENDA. When credibility is in issue, settled is the rule that this Court generally defers to the findings of the trial court considering that it is in a better position to decide the question, having heard the witnesses themselves and observed their deportment during trial. There are exceptions to this rule, such as when the evaluation was reached arbitrarily or when the trial court overlooked, misunderstood or misapplied some facts or circumstances of weight and substance which if considered would affect the result of the case.[20] Unfortunately for FRANCISCO, none of these exceptions appears on the records of these cases. On the contrary, its own careful assessment of the testimony of GLENDA convinces the Court with moral certainty that FRANCISCO raped GLENDA as charged. GLENDA's candid and straightforward testimony seals the truth because she has remained firm and enduring in every phase of the probing direct examination and very trying cross-examination. It is doctrinally settled that the testimony of a rape victim alone, if found credible, would be competent to convict the accused.[21] This Court

has observed in many cases that when a victim says that she has been raped, she says in effect all that is necessary to show that rape has been committed.[22]

The medico-legal examination of GLENDA confirmed the commission of rape. She was found to have a "hymen with deep healed lacerations at 3, 6 and 9 o'clock positions"; and that her "external vaginal orifice offers slight resistance to the introduction of the examining index finger and the virgin-sized vaginal speculum."

That GLENDA could have prevented the rape by plotting an escape cannot be taken against her. Considering that she was only fifteen years old at the time of the incident, raised in a rural setting, and a newcomer in the city, she cannot have been reasonably expected to brave the dark night and flee from FRANCISCO.

The alleged withholding of her ordeal from her relatives was not without a valid reason. GLENDA constantly feared, and rightly so, the threats of FRANCISCO on her life and that of her brother Sonny. GLENDA's behavior is consistent with the Court's frequent observation that it is not uncommon for young girls to conceal for sometime the assault against their virtue because of the rapist's threats on their lives.[23]

Neither can the Court accept the proposition that Nelda, GLENDA's mother, pressured her to charge FRANCISCO so that once convicted Nelda can continue her illicit relationship with another man. No mother in her right mind -- and it has not been shown that Nelda was not -- would put to trial the honor of her own daughter and of the family if the charge were untrue. It is unthinkable that, solely to protect her mother's marital infidelity, a young daughter, like GLENDA, would admit the ignominy she had undergone, allow her private parts to be examined, expose herself to the trouble and inconvenience of a public trial and endure the embarrassments and humiliation which a public revelation of what ought to be kept secret would cause. These things a daughter would do only if she had in fact been raped and wanted nothing else than to obtain justice.[24]

As regards the penalty imposed, the trial court omitted to state the facts and the applicable provision of the law justifying or explaining its imposition of the death penalty. It failed to strictly comply with Article VIII, Section 14 of the 1987 Constitution and Rule 120, Section 2, of the Rules of Court which mandate that decisions must clearly and distinctly express the facts and the law on which they are based.

It appears to the Court that the trial court imposed the death penalty in each of the two cases because FRANCISCO is the father of GLENDA and the latter was then only fifteen years old. The trial court had in mind the first circumstance of the seventh paragraph of Article 335 of the Revised Penal Code, as amended by Section 11 of R.A. No. 7659,[25] which reads:

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 ...

It should be noted that in incestuous rape the minority (below 18) of the victim and the offender's relationship (father) to the former must be taken together and constitute only one special qualifying circumstance. Both must be alleged in the complaint or information and duly proved by the quantum of proof in criminal cases to justify the imposition of the mandatory death penalty.[26] It follows then that even if the victim is below eighteen years of age and the offender is her father, but these facts are not alleged in the information as a special qualifying circumstance, or that only one is so alleged, their proof as such by evidence offered during the trial cannot sanction the imposition of the death penalty. Otherwise, the accused would be deprived of his constitutional right to due process and to be informed of the nature and cause of the accusation.

The complaints in Criminal Cases Nos. Q-96-67996 and Q-96- 67997 failed to allege that FRANCISCO is the father of GLENDA; hence, FRANCISCO cannot be convicted of incestuous rape under paragraph 7, Article 335

of the Revised Penal Code, as amended by Section 11 of R.A. No. 7659.

Be that as it may, FRANCISCO still stands to be convicted for qualified rape and hence to suffer the penalty of death under the third paragraph of Article 335 of the Revised Penal Code, as amended, which provides that, "[w]henever rape is committed with the use of a deadly weapon or by two or more persons, the penalty shall be reclusion perpetua to death."

First, there is undisputed evidence to show that FRANCISCO committed the dastardly act with the use of a deadly weapon. GLENDA testified that FRANCISCO poked a knife at her in order to satisfy his bestial lust.[27] This circumstance was categorically alleged in the complaints. The allegation and proof of use of deadly weapon already qualified the rape[28] and removed it from the coverage of simple rape punishable by the single indivisible penalty of reclusion perpetua and becomes punishable by the indivisible penalties of reclusion perpetua to death.

Second, since the prescribed penalty of "reclusion perpetua to death" are composed of two indivisible penalties,[29] then for purposes of determining the imposable penalty Article 63 of the Revised Penal Code must be taken into account. It reads:

- When in the commission of the deed there is present only one aggravating circumstance, the greater penalty shall be applied.
- When there are neither mitigating nor aggravating circumstances in the commission of the deed, the lesser penalty shall be applied.
- When the commission of the act is attended by some mitigating circumstance and there is no aggravating circumstance, the lesser penalty shall be applied.
- When both mitigating and aggravating circumstances attended the commission of the act, the courts shall reasonably allow them to offset one another in consideration of their number and importance, for the purpose of applying the penalty in accordance with the preceding rules, according to the result of such compensation.

Thus, in the determination of whether the death penalty should be imposed on FRANCISCO, the presence of an aggravating circumstance in the commission of the crime is crucial.[30] In the cases at bar, the alternative circumstance of relationship under Article 15 of the Revised Penal Code[31] was duly proven and must be appreciated as an aggravating circumstance against FRANCISCO.[32] GLENDA is FRANCISCO's direct descendant, i.e., daughter.[33] Settled is the rule that relationship, as an alternative circumstance under Article 15 of the Revised Penal Code, is considered aggravating in the crimes of rape under Article 335 and acts of lasciviousness under Article 336 of the Revised Penal Code.[34] When a father rapes his own daughter relationship is aggravating.

Perforce, with the presence of one aggravating circumstance of relationship, there being no mitigating circumstance, the higher penalty of death should be imposed.[35]

Four Justices of the Court have continued to maintain the unconstitutionality of Republic Act No.7659 insofar as it prescribes the death penalty. Nevertheless, they submit to the ruling of the majority to the effect that the law is constitutional and that the death penalty can be lawfully imposed in the case at bar.

Finally, in line with prevailing jurisprudence, the amount of P50,000 as indemnity should be increased to P75,000 for each count of rape, since the offense is qualified by circumstances under which the penalty of death is authorized to be imposed by law.[36] In addition, the award of moral damages in the amount of P50,000 in each case is also in order. In rape cases, moral damages shall be awarded even in the absence of proof for it is presumed that the complainant has suffered the trauma of mental, physical and psychological suffering which

constitute the bases for moral damages. These are too obvious to still require the recital thereof at the trial by the victim since the court itself acknowledges the agony on her part as a gauge of her credibility.[37] Exemplary damages in the amount of P25,000 must also be awarded in the hope of deterring fathers with perverse tendencies and aberrant sexual behaviors from sexually abusing their daughters.[38]

WHEREFORE, the challenged decision of 24 October 1997 of the Regional Trial Court of Quezon City, Branch 103, in Criminal Cases Nos. Q-96-67996 and Q-96-67997 finding accused-appellant FRANCISCO NAVIDA guilty beyond reasonable doubt as principal of the crime of rape under Article 335 of the Revised Penal Code, as amended by R.A. No. 7659, and sentencing him to the penalty of death in each case is hereby AFFIRMED, with the MODIFICATIONS that said accused-appellant is hereby ordered to pay in each case the offended party, Glenda Navida, the amount of P75,000 as indemnity, P50,000 as moral damages and P25,000 as exemplary damages.

Upon finality of this decision, let certified true copy thereof, as well as the records of this case be forwarded without delay to the Office of the President for possible exercise of the pardoning power pursuant to Article 83 of the Revised Penal Code, as amended by Section 25 of Republic Act No. 7659.

Costs de oficio.

SO ORDERED.

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

[1] Per Judge Jaime N. Salazar, Original Record (OR), 116-120; Rollo, 18-22.

[2] Exhibit "D"; OR, 58-60. It was subscribed and sworn to by the complainant only on 14 June 1996 before Notary Public Rosario Olivas-Gallo.

[3] Exhibit "C"; OR, 57.

[4] OR, 1-2; Rollo, 7-8.

[5] Id., 4-5; Id., 9-10.

[6] OR, 22.

[7] TSN, 21 February 1997, 6-8; TSN, 5 March 1997, 11.

[8] TSN, 21 February 1997, 9-15.

[9] Id., 16-22.

[10] TSN, 5 March 1997, 48.

[11] Id., 25-27.

[12] TSN, 21 February 1997, 28.

[13] TSN, 21 February 1997, 27-29; TSN, 5 March 1997, 26-38.

[14] Id., 30.

[15] TSN, 16 April 1997, 15-29.

[16] Per record, Dr. Llamas was merely assisting Dr. Jesusa Vergara, who was the then Chief of the Medico-Legal Division of the Crime Laboratory of the Philippine National Police, Camp Crame, at the time the complainant submitted herself to medico-legal examination. However, the defense has agreed to the introduction of Dr. Llamas as an expert witness.

[17] TSN, 29 April 1997, 5-15.

[18] TSN, 6 August 1997, 7-13.

[19] OR, 120; Rollo, 22.

[20] *People v. Teves*, 310 SCRA 788, 797 [1999]; *People v. Patriarca*, G.R. No. 132748, 24 November 1999; *People v. Jimmy Antolin a.k.a. James Alonzo*, G.R. No. 133880, 12 April 2000.

[21] *People v. Tismo*, 204 SCRA 535, 553 [1991]; *People v. Lascuna*, 225 SCRA 386, 399 [1993]; *People v. Antonio*, 233 SCRA 283, 299 [1994].

[22] *People v. Lao*, 249 SCRA 137, 145-146 [1995]; *People v. Cristobal*, 252 SCRA 507, 516 [1996]; *People v. Gagto*, 253 SCRA 455, 467 [1996].

[23] *People v. Raffles*, G.R. No. 133477, 21 January 2000; *People v. Dizon*, G.R. No. 128889, 20 August 1999.

[24] *People v. Tolentino*, 308 SCRA 485, 496 [1999]; *People v. Teves*, 310 SCRA 788, 804 [1999].

[25] This took effect on 31 December 1993 per *People v. Simon*, 234 SCRA 555 (1994).

[26] *People v. Ramos*, 296 SCRA 559, 575 [1998]; *People v. Sacapaño*, 313 SCRA 650, 665 [1999]; *People v. Ferolino*, G.R. Nos. 131730-31, 5 April 2000.

[27] TSN, 21 February 1997, 13-14; 19-20.

[28] *People v. Sabredo*, G.R. No. 126114, 11 May 2000, citing *People v. de Leon*, G.R. No. 128436, 10 December 1999.

[29] *People v. Parazo*, 272 SCRA 512 [1997].

[30] *Supra* 26, citing *People v. Bacule*, G.R. No. 127568, 28 January 2000.

[31] Art. 15. Their concept.- Alternative circumstances are those which must be taken into consideration as aggravating or mitigating according to the nature and effects of the crime and the other conditions attending its commission. They are the relationship, intoxication and the degree of instruction and education of the offender.

The alternative circumstance of relationship shall be taken into consideration when the offended party is the spouse, ascendant, descendant, legitimate, natural, or adopted brother or sister, or relative by affinity in the same degree of the offender. xxx.

[32] *People v. Perez*, 270 SCRA 526 [1997].

[33] *People v. Alimon*, 257 SCRA 658, 677-678 [1996].

[34] *People v. Fundano*, 291 SCRA 356 [1998]. See also *People v. Porras*, 58 Phil. 578 [1933]; *People v. Lucas*, 181 SCRA 316 [1990].

[35] *Supra* note 27, at 523-527; *People v. Alfeche*, 24 SCRA 352, 377-380 [1998].

[36] *People v. Magdato*, G.R. Nos. 134122-27, 7 February 2000.

[37] *People v. Prades*, 293 SCRA 411 [1998].

[38] *People v. Matrimonio*, 215 SCRA 137 [1995]; *People v. Lao*, 249 SCRA 137 [1995]; *People v. Alitagtag*, 309 SCRA 325 [1999].

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.