

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. VIRGILIO RODAVIA Y TOXON, APPELLANT.*G.R. Nos. 133008-24. February 06, 2002*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-133008-24/>**PER CURIAM:**

This is an automatic review of the Joint Decision[1] of the Regional Trial Court of Lipa City (Branch 13) penned by Judge Jane Aurora C. Lantion in Criminal Cases Nos. 449-95 to 452-95, 439-95 to 444-95, 428-95, 430-95, 431-95, 532-95, 434-95, 436-95 and 437-95 finding Virgilio Rodavia guilty beyond reasonable doubt of 17 counts of qualified rape and imposing on him the supreme penalty of death for each act of rape.

During his arraignment on February 6, 1995, appellant, with the assistance of his counsel de oficio, Atty. Luis Ilagan, Jr., pleaded not guilty to the rape charges.[2] In forty-three (43) separate criminal complaints,[3] appellant was accused of raping his minor daughter Michelle Rodavia on various occasions from April 13 to May 31 of 1995. After joint trial of all the criminal complaints, Criminal Case Nos. 464-95 to 470-95 were dismissed for lack of jurisdiction. Criminal Case Nos. 457-95 to 463-95, 445-95 to 448-95, 329-95, 433-95, 435-95 and 408-95 were dismissed for insufficiency of evidence. Nonetheless, the trial court convicted appellant in Criminal Case Nos. 452, 451, 450, 449, 444, 443, 442, 441, 440, 439, 437, 436, 434, 432, 431, 430 and 428-95 which, except for the date and place of the commission of the offense, uniformly charged as follows:

“That on or about the 31st day of May, 1995, at about 10:00 o’clock in the evening at Barangay San Salvador, Lipa City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused armed with a kitchen knife, by means of threats and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge of the undersigned complainant, daughter of the said accused, and a minor of 14 years of age, against her will and consent, and at their house located in the said barangay.”[4]

After trial, the Court rendered its appealed Decision and disposed thus:

“WHEREFORE, premises considered, accused Virgilio Rodavia y Toxon is hereby found GUILTY beyond reasonable doubt of seventeen (17) counts of the crime of Rape (Criminal Cases Nos. 449-95 to 452-95, 439-95 to 444-95, 428-95, 430-95, 431-95, 432-95, 434-95, 436-95 and 437-95) and is hereby imposed the penalty of DEATH for each act of Rape. He is further ordered to indemnify Michelle Rodavia in the amount of P50,000.00 for each act or P850,000.00 In addition, accused is ordered to pay Michelle Rodavia the amount of P10,000.00 as moral damages and P5,000.00 as exemplary damages for each count of rape or the total amount P255,000.00.”[5]

The Office of the Solicitor General, in its Brief, narrates how the 17 acts of rape were committed by appellant against his own daughter in a methodical and almost routinary manner thusly:

“The Rodavia family lived at Caramoan, Camarines Sur, Bicol until April 20, 1995 when accused-appellant Virgilio Rodavio, his daughter-victim Michel[l]e Rodavia and two (2) sons, Leon Rodavia, age 10 years old, and Joel Rodavia, age 8 years old, leaving behind his (appellant’s) wife Elvira Castillo in Caramoan, Camarines Sur, left for San Salvador, Lipa City, Batangas where they stayed with one uncle Romy for a week. Thereafter, Virgilio, Michelle, Leon and Joel transferred to the house owned by Virgilio’s employer, also in

San Salvador, Lipa City, Batangas.

“On May 1, 1995, after taking their supper at about seven o’clock in the evening, Virgilio called Michelle to his room and told her to undress. Michelle refused to follow his orders, thus, Virgilio himself removed her shorts and panty. He forced her to lie down, went on top of her and forced his penis into her vagina. She cried as he made pumping movements and kissed her. After which, he stood up, wiped his penis and left her. She herself stood up, and went to the other room where her two brothers were already sleeping at the time of the incident.

“On May 2, 1995, at about 7 o’clock in the evening, Virgilio again called Michelle to his room and told her to give him a massage. Despite the May 1, 1995 Incident, she went to his room out of fear that he would hurt her since he kept a knife inside his room. Upon entering his room, he told (her) to undress and as she was about to go out of the room, he pulled her back. While she was standing, he undressed her by removing her shorts and panty. He pushed her to a lying position, undressed himself, went on top of her, and had sexual intercourse with her. She tried to push him away but to no avail. She could only cry. After satisfying his lust, he stood up, wiped his penis and left. Michelle then went to the other room. x x x.

“In the evening of May 3, 1995, after taking their supper, Virgilio called Michelle thrice to his room but she did not go, so he pulled her to his room. At that time, he was only wearing briefs and he told her to undress. She tried to go out of the room but he slapped her on her right cheek. She cried and sat down on the floor near the wall. He held her by her dress and force her to lie down, went on top of her, undressed her and had sexual intercourse with her. He inserted his penis into her vagina where she felt pain. She allowed Virgilio to have sex with her because he threatened to kill her if she refused. He had threatened her similarly on May 1, 1995 and May 2, 1995. The following morning, he warned her not to tell anybody of the incident, otherwise, he would also kill her mother.

“On May 4, 1995, he called her to his room and again forced her to lie down. He removed his shorts and briefs and started to undress her. She beg him not to do it again to her because ‘kaawaawa naman ako pag nagbuntis ako.’ Nonetheless, he went on top of her, kissed her, made pumping motions and inserted his penis Into her vagina. She felt pain in her stomach and vagina due to the force he was exerting on her. After the sexual act, he wiped off sticky substance from his penis. She also wiped off sticky substance from her vagina.

x x x x x x x x

“On the night of May 15, 1995, while Michelle and her two brothers were sleeping in their rooms, Virgilio pulled Michelle to his room and told her to undress. Since she refused to do his bidding, he forcibly undressed her, removed her shorts and panty, forced her to lie down, went on top of her and inserted his penis into her vagina. She did not resist because of his threat that if she shouted he would hurt her. After the sexual act, she noticed a white-colored and sticky substance emitting from his penis. He wiped off the substance and she also did the same to her vagina. He put on his pants and lay down. She then went to sleep.

“On May 16, 1995, after taking their supper, Virgilio again called Michelle to his room and told her to give him a massage. She told him that one of her brothers would give him the massage but he refused and insisted that Michelle do it. When inside Virgilio’s room, he held a knife and told her to lie down and when she refused, he pushed her down. He held her on the neck and forced her to lie down. He then undressed her, took off his clothes and went on top of her. He inserted his penis into her vagina and made pumping movements. She could only cry. Virgilio’s knife had a wooden handle with a blade 5-6 inches long and 1 inch wide. While raping her, the knife was placed beside him. After the sexual act, he wiped his penis and she also wipe her vagina. She put on her shorts and went to the other room and slept beside her brothers. She could not sleep and prayed to God for help. Her brothers knew what was happening to her and Virgilio because everytime they quarreled, they would mention it to her. But they kept silent on the matter because of fear of their father.

“On the night of May 17, 1995, Virgilio called her to his room and asked how she was feeling. She answered

that she was 'nahihirapan' because of what he was doing to her. She was not made to study and her mother did not know what was happening to her. He was angry with her answers and said that it was useless for her to study and added that he will not allow her mother to come to Lipa City. He asked her to undress and said that no one can stop him from doing what he was doing to her. He pushed her to a lying position, went on top of her, inserted his penis into her vagina and made pumping movements on her. He also kissed her. After this, he wiped his organ.

"On May 18, 1995, Virgilio called her to his room. He pulled her by her dress, pushed her to make her lie down, undressed himself and Michelle, went on top of her and inserted his penis into her vagina. She cried and tried to push him away but failed in this. He said that she should just bear what he was doing to her ('tiisin na lang').

"On May 19, 1995, while Michelle was sleeping beside her two brothers in their room, he undressed her. He went on top of her, inserted his penis into her vagina and made pumping movements. She was not aware whether her brothers were awakened by the incident because she kept her eyes closed. After satisfying his bestial desire, he left her. She did not bother to awaken her brothers because they could not do anything.

"On May 20, 1995, while Michelle and her brothers were sleeping, Virgilio entered their room and undressed her and when she woke up, she was already naked waist down. He went on top of her laughing. He Inserted his penis into her vagina. She thought he was an addict because he kept on laughing while having sex with her. He smelled of gin in his breath. She felt pain on her abdomen, stomach and vagina, as if she was being pinched ('parang kinukurot').

x x x x x x x x

"On May 22, 1995, Virgilio went to the room where Michelle was sleeping. He undressed Michelle and took off her clothes. She stood up and tried to put on her shorts but he became angry and slapped her on the left cheek. She cried and sat down near the wall. He pushed her down, went on top of her, kissed her, inserted his penis into her vagina and made pumping movements. She could only cry silently as she was being raped. Her two brothers were already asleep at that time. He threatened to hit her if she cried out.

"On May 23, 1995 while Michelle was sleeping in their room, Virgilio awakened her. He ordered her to undress but she refused. He scolded her telling her that she was 'hardheaded.' He pulled down her shorts and undressed her. He went on top of her, inserted his penis into her vagina, kissed her and made pumping movements. After the sexual act, he wiped his penis and went to sleep. She also wiped off the sticky substance in her vagina.

x x x x x x x x

"On May 25, 1995, Virgilio called Michelle to his room and told to bring a glass of water. He did not drink the water. He told her to lie down beside her. When she was still standing he pulled her dress and removed her shorts and panty. He pushed her down, went on top of her, kissed her, inserted his penis into her vagina and made pumping movements. She felt pain in her abdomen. He continued kissing her but she avoided him. He had bad breath because he smelled of gin. She did not ask help from her brothers since they could not help her anyway. x x x

"On May 27, 1995, when Michelle was sleeping in her room, Virgilio went near her and awakened her. He held her hand, pulled down her shorts and panty. He went on top of her, Inserted his penis into her vagina and made pumping movements. He was perspiring. A white substance came out his penis and into her vagina.

"On May 28, 1995, between 9:00 and 10:00 o'clock in the evening, he entered Michelle and her brothers' room and went near her holding a knife and started to undress her. She let him undress her because he warned her that if she refused, he would stab her with the knife. After undressing her, he went on top of her, and inserted his penis into her vagina.

“On May 29, 1995, when Michelle and her brothers were already sleeping in their room, Virgilio again went to Michelle’s room and awakened her, inserted his penis into her vagina and made pumping movements. She tried to push him away but to no avail. She cried in silence, afraid that Virgilio would slap her if he heard her cry. He also threatened to kick her. After the sexual act, he warned her that he would kill her and her mother if she refused to be raped. x x x

“On May 31, 1995, Virgilio went to Michelle’s room and put off the light. He pulled down her shorts and panty. He went on top of her, inserted his penis into her vagina, kissed her and made pumping movements. When he was done, he wiped off the sticky substance from his penis. She also wiped off the white and sticky substance from her vagina.”[6] (Emphasis supplied)

The victim’s painful and rigorous ritual of sexual abuses at the hands of her father was discovered sometime before June 15, 1995, when Merlinda Castillo Redito, the victim’s aunt, came over to their house to inquire about appellant’s plan to bring the victim to Manila. It was only then that Michelle was able to tell anyone of her woeful tale of defloration and the continuous desecration of her dignity by her very own father. Immediately thereafter, the victim, accompanied by Merlinda, reported the rape incidents to the Barangay Tanod, which eventually led to the filing of the appropriate criminal complaint. The Solicitor General detailed this as follows:

“Sometime before June 15, 1995, Merlinda Castillo Redito, the elder sister of Michelle’s mother, received a letter from Virgilio stating that he will leave his two sons, Leon and Joel, under her care because he and Michelle will go to work in Manila. After reading the letter, she showed it to her father, Ladislao Castillo. Her father told her to go and ask Virgilio what kind of work they will be doing in Manila. Thus, on the same day, she went to see Michelle in their house in San Salvador, Lipa City. When Merlinda arrived in Michelle’s house, Michelle welcomed her and said ‘Salamat naman sa Diyos at may dumating na magtatakas sa akin.’ (thank the Lord, somebody came to rescue me). Merlinda asked her why she made such comment. She said that it was very difficult to live with her father. Michelle told Merlinda that Virgilio had been raping her for a long time. Michelle looked sickly, very thin and pale. Merlinda told Michelle that if she really wanted to escape from her father, they would have to go to the Barangay Tanod to relate the rape incidents. They met Barangay Tanod Danilo Torres who asked her questions about the rape incidents. After hearing Michelle’s story, Danilo and Merlinda went to the house of Michelle’s maternal grandmother Trinidad Villanueva and explained the situation to her.

“The following morning, Merlinda and Michelle went to the police headquarters at the old City Hall in the Poblacion of Lipa City. At the police headquarters, Michelle related and reduced into writing all the rape incidents.

“On June 15, 1995, Merlinda brought Michelle to the Lipa City District Hospital at Granja, Lipa City for medical examination where she was examined by Dr. Eden B. Zuno, Medico-legal Officer/Surgeon, Resident Physician on duty. The medical examination revealed the following:

I.E. -- admit two fingers with ease.
-- with healed laceration - hymenal area
-- no present laceration.

x x x x x x x x x x x x x x x x x x x x x x x x

Dr. Zuno concluded that Michelle was no longer a virgin at sixteen (16) years old.

“Merlinda wrote Elvira, Michele’s mother, to proceed to Batangas because of what happened to Michelle. Elvira arrived at Batangas and decided to leave the proper action be taken against Virgilio to her daughter. Elvira said that it was up to Michelle to decide what to do with her father. With Merlinda’s assistance, Michelle filed complaints for rape against Virgilio.”[7] (Citations omitted)

Appellant avers that the evidence presented by the prosecution was insufficient to establish that he had carnal knowledge of the victim 17 times by using a kitchen knife to threaten or intimidate the latter. He also claims that it was impossible for his two (2) sons to have kept silent about the alleged sexual acts considering that both were always in the house whenever the supposed rape incidents occurred. He adds that the trial court failed to consider his testimony that he and his daughter were lovers or “nag-iibigan” and that he was constantly being seduced by his daughter.

At the outset, it is worthy to note that appellant did not deny at all having sexual intercourse with his minor daughter. In fact, he admitted that in May of 1995, he had sex with her about nine times, more or less.[8] Neither did he contest her minority nor did he present any evidence to prove the contrary. Thus, he proceeds on the premise that his sexual relationship with her was consensual.

However, he asks the Court to reverse the trial court due to the following errors:

“I

THE COURT A QUO ERRED IN FINDING THE ACCUSED GUILTY BEYOND REASONABLE DOUBT OF THE SEVENTEEN (17) COUNTS OF RAPE.

“II

THE COURT A QUO FAILED TO CONSIDER CERTAIN FACTS AND CIRCUMSTANCES WHICH BECLOUDED THE CREDIBILITY OF THE TESTIMONY OF THE ALLEGED VICTIM.”[9]

The contentions of appellant are bereft of merit.

Far from being persuasive, the arguments proffered by him can no less be described as unreal and utterly repugnant to the sensibilities, of the human mind. Verily, appellant hinges his appeal on a perverted premise that he and his daughter were lovers engaged in consensual sex.

To be sure, in this automatic review no material issue was interposed that would provide any rational basis for the exoneration of his criminal liability. Nonetheless, we shall discuss the assigned errors raised by appellant to show the absurdity of these ascriptions.

Appellant harps on the supposed lack of evidence to support the allegation of the victim that he used a kitchen knife to threaten her into submission. However, the use of a knife or any other weapon for that matter is not an element of the crime of rape. As long as the evidence shows that force, violence or intimidation was used to have carnal knowledge of the victim, the requisite components of the crime are deemed satisfied.

It bears emphasizing that in a rape committed by a father against his own daughter, the former’s moral ascendancy and influence sufficiently takes the place of violence or intimidation.[10] Under the same circumstances, proof of force and violence is not even essential, because the moral and physical ascendancy of the father over his daughter is sufficient to cow her into submission to his bestial desires.[11]

The victim speaks of the harrowing experience of sexual abuse she underwent at the hands of her own father who not only took advantage of his moral ascendancy and influence but actually employed force and intimidation as well. She narrates one of so many incidents of sexual abuse perpetrated upon her by her father, as follows:

“Q

Now, in the evening of May 3, 1995, was there anything unusual that happened to you?

A

Yes, sir.

Q

And what was that?

A

He raped me again, sir.

Q

Cou[l]d you tell us one by one again what happened that evening, May 3, 1995?

x x x x x x x x

A

After eating supper he again called me in his room.

Q

And what did you do when he called you?

A

I did not go near him at once he called for me three (3) times and when I did not go with him, he at once pulled me (Hinatak).

Q

And after he pulled you, what did he do?

A

He was only on his briefs and he told me to undress again.

Q

Now, did you undress?

A

No, sir.

Q

What was your reaction to the want of your father that you undress while he was wearing his briefs only?

A

I was about to go outside the room when he slapped me.

Q

How many times were you slapped by your father?

A

Once, sir.

Q

What particular part of your face was slapped by your father?

A

Here, sir. (Witness pointing to her right cheek)

Q

Now, after being slapped by your father, what did you do?

A

I cried and I just sit down?

x x x x x x x x

Q

And while seated there on the floor, what did your father do if he did anything?

A

He held by my dress and he forced me to lie down (itinumba).

Q

Your father forced you down, where?

A

On the place where he used to sleep.

Q

And what was the place he used to sleep? Was it on a bed?

A

Floor, sir.

Q

And on the floor there was a mat?

A

Yes, sir.

Q

Now, after being forced to lie down on the mat, what did your father do?

A

He undressed and went on top of me, sir.

x x x x x x x x

COURT:

Q

Was your father able to succeed on his desire (hanganin) on May 3, 1995?

A

Yes, ma'am.

Q

When you said he was able to do what he wanted he was able to force his penis into your vagina, is that what you mean?

A

Yes, ma'am.

Q

What did you feel when your father was doing that to you?

A

I was hurt ma'am.

Q

What did you do after feeling hurt?

A

I was pushing him.

Q

Why did you allow your father to do that to you?

A

He was threatening me that If I will not allow him to do that to me he will kill me.”[12]

Appellant likewise questions the credibility of the testimony of the victim, because the alleged rape incidents should have been known by her two (2) younger brothers. Notably, this argument is unavailing, considering that the victim did not at all deny that her brothers knew what their father was doing to her; in fact, she even admitted in her testimony that they were aware of the sexual abuses committed against her by their father. However, she knew that they could not do anything about it because of his constant threats.

Moreover, her two (2) brothers, who were aged only eight and ten years old, were also afraid of their father and could not be expected to defend their sister from his beastly desires. Thus, when queried by the trial court on the matter, the victim explained:

“Court:

Why did you seek the help of your relative?

A

It is far, m'am.

Fiscal:

Q

How about your kid brother?

A

My brother knew what happening to me but they were afraid of my father, sir.

Q

Why did you know that your brother knew everything but they can't do anything because they were afraid of your father?

A

Because whenever my brothers and I fight my brother told me about it.

Court:

How old is your brothers?

A

8 years old and 10 years old m'am."[13]

We will not belabor this line of argument. Suffice it to say that the nearby presence of people is no guarantee that rape will not and cannot be committed, lust being no respecter of time and place.[14] The Court has more than once observed that rape may even be committed in a room which the victim might be sharing with others.[15] Rightly so, the argument that rape cannot be committed in a house where other members of the family are present is a contention that has long been rejected by the Supreme Court.[16]

Finally, we dispute appellant's preposterous position that he and his daughter were in fact lovers or "nag-iibigan" and that the latter willingly submitted to his carnal desires. A review of the records of the case utterly fails to substantiate his whimsical claim. On the contrary, it reveals a vicious and brutal cycle of sexual molestations suffered by the victim who could not stave off the libidinous advances of her father despite her cries for help and pleas for mercy. Indeed, the severe and oppressive manner in which he forced himself upon her was in no way characteristic of consensual sexual relations. As can be gleaned from her testimony, she would always cower in fear because of his threat of physical harm and death. Pertinent portions of her testimony are quoted below:

"Q

After being awoken by your father what did you do?

A

He undressed me, sir.

Q

After undressing you what did he do?

A

He went on top of me, sir.

Q

After going on top of you what, did he do?

A

He inserted his penis to my vagina, sir.

Q

Was he able to insert it?

A

Yes, sir.

Q

After that what did he do?

A

He kept on pumping and kissing, me, sir.

Q

While doing those things to you, what did you do?

A

I was pushing him, sir.

Q

Aside from pushing him what else did you do?

A

Crying, sir.

Q

How loud was your cry?

A

I don't let him hear it, sir.

Q

Why did you not let your father hear you cry?

A

He told me not to cry because if I will cry he will slap me, sir.

Q

Why did you afraid with the warning that he will slap you?

A

Because he will not only slap but also he will kick me, sir.

Q

Aside from the fact that he warn you that he will slap you and kick you, did he caution you any other things?

A

Yes, sir.

Q

What was that?

A

He will kill me and my mother, sir.”[17]

Being an affirmative defense, the allegation of a love affair must be supported by convincing proof.[18] Moreover, when the supposed love affair is between a father and his daughter, the courts must even be more cautious and circumspect, if not totally adverse, in lending any credence thereto. Even assuming that such distorted, notion of father-daughter relationship exists, it does not and will never justify rape, for the beloved cannot be sexually violated against her will.

An incestuous sexual assault is a psycho-social deviance that inflicts a stigma, not only on the victim but on the whole family as well.[19] Thus, when an alleged victim of rape, more so if she is a minor, testifies that she has been raped, she says in effect all that is necessary to show that rape has been inflicted on her. And as long as her testimony meets the test of credibility, the accused may be convicted on the basis thereof.[20]

Accordingly, where the victim’s testimony is plain and straightforward, to the point, and unflawed by any material or significant inconsistency, it deserves full faith and credence.[21] Such testimony is entitled to even greater weight when she accuses a close relative of having raped her, as in the case of a daughter against her father.[22]

Certainly, the victim who was only a teenager would not have filed a rape charge against her own father, if it were not true.[23] It is highly improbable for a young girl with no record of sexual perversity to fabricate against her own parent a story that may imperil his life or liberty.[24] More important, this Court finds no motive why the victim should testify falsely against her father or Implicate him falsely in the commission of such a dastardly act.[25]

Article 335 of the Revised Penal Code, as amended by RA 7659, clearly provides that the death penalty shall be

imposed if the crime of rape is attended by any of the following 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;”

The victim’s minority and her relationship with appellant were sufficiently alleged in the information and later on proved during trial upon the presentation in evidence of the victim’s birth certificate[26] which indicates that her birth date is December 3, 1978 and that appellant Virgilio Rodavia is her father. On the other hand, appellant did not present any evidence to refute the allegation of minority and relationship. Hence, the trial court properly appreciated these circumstances.

In sum, we affirm the Decision of the RTC in the subject criminal cases finding appellant guilty beyond reasonable doubt of 17 counts of qualified rape and in imposing the death penalty on him for each act of rape. Indubitably, when the victim is under 18 years of age and the offender is a parent, the court has no option but to apply the penalty of death.[27]

As regards the civil indemnity, however, we have ruled that if the crime of rape is committed or effectively qualified by any of the circumstances under which the death penalty is authorized by law, the indemnity for the victim shall be increased to P75,000.[28] We likewise increase the moral damages to P50,000 and the exemplary damages to P25,000, consistent with prevailing jurisprudence.

Four members of the Court maintain their position that RA 7659, insofar as it prescribes the death penalty, is unconstitutional; however, they submit to the ruling of the Court, by majority vote, that the law is constitutional and the death penalty should accordingly be imposed.

WHEREFORE, the joint decision of the Regional Trial Court of Lipa City (Branch 13) is AFFIRMED with the MODIFICATION that appellant shall pay the victim Michelle Rodavia the amounts of P75,000 as civil indemnity, P50,000 as moral damages and P25,000 as exemplary damages for each of the seventeen (17) acts of rape.

In accordance with Section 25 of Republic Act No. 7659, amending Section 83 of the Revised Penal Code, upon finality of this decision, let the records of this case be forthwith forwarded to the Office of the President for possible exercise of the pardoning power.

SO ORDERED.

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

Quisumbing, and Carpio, JJ., abroad on official business.

[1] Rollo, pp. 101-117; records, pp. 269-284.

[2] Records, at p. 102.

[3] Ibid., pp. 6-91; Ibid., pp. 1-48, 52-89.

[4] Rollo, p. 6; records, p. 89.

[5] Ibid., p. 117; Ibid., p. 269.

[6] Appellee’s Brief, pp. 4-16; Rollo, pp. 193-205.

- [7] Ibid., at pp. 205-208.
- [8] March 4, 1997, TSN, p. 8.
- [9] Appellant's Brief, p. 1; Ibid., p. 148.
- [10] People vs. Maglente, 306 SCRA 546 [1999].
- [11] People vs. Tabion, 317 SCRA 126 [1999].
- [12] November 27, 1995, TSN, pp. 27-31.
- [13] January 9, 1996, TSN, p. 11.
- [14] People vs. Losano, 310 SCRA 707 [1999].
- [15] People vs. Abella, 315 SCRA 36 [1999].
- [16] People vs. Poñado, 311 SCRA 529 [1999].
- [17] January 9, 1996, TSN, pp. 34-35.
- [18] People vs. Monfero, 308 SCRA 396 [1999].
- [19] People vs. Burce, 269 SCRA 293 [1997].
- [20] People vs. Carullo, 311 SCRA 680 [1999]; People vs. Bugarin, 273 SCRA 384 [1997].
- [21] People vs. Lopez, 302 SCRA 669 [1999]; People vs. Bea, Jr., 306 SCRA 653 [1999].
- [22] People vs. Sevilla, 320 SCRA 107 [1999].
- [23] People vs. Calayca, 301 SCRA 192 [1999].
- [24] People vs. Fuensalida, 281 SCRA 452 [1997].
- [25] People vs. Bation, 305 SCRA 253 [1999].
- [26] Exhibit "A", records, at p. 204.
- [27] People vs. Silvano, 309 SCRA 362 [1999].
- [28] People vs. Ambray, 303 SCRA 697 [1999]; People vs. Bolatete, 303 SCRA 709 [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.