

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. WILFREDO SOMODIO, ACCUSED-APPELLANT.

G.R. Nos. 134139-40. February 15, 2002

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

On appeal is the consolidated decision[1] dated June 25, 1998, of the Regional Trial Court of Angeles City, Pampanga, Branch 59. Appellant Wilfredo Somodio was acquitted of the charge of rape in Criminal Case No. 98-287, but was found guilty of statutory rape in Criminal Case No. 98-286.

On April 14, 1998, two criminal complaints were filed against Wilfredo Somodio, as follows:

Criminal Case No. 98-286

That sometime in the month of March, 1995, in the City of Angeles, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design and taking advantage of the innocence and tender age of the victim, did then and there willfully, unlawfully and feloniously have carnal knowledge with one MAYLENE V. CO, then 11 years old, by means of force and against her will and consent.

CONTRARY TO LAW.[2]

Criminal Case No. 98-287

That sometime in the month of September, 1997, in the City of Angeles, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design and taking advantage of the innocence and tender age of the victim, did then and there willfully, unlawfully and feloniously have carnal knowledge with one MAYLENE V. CO, then 14 years old, by means of force and against her will and consent.

CONTRARY TO LAW.[3]

The cases were jointly tried. The facts, as presented by the prosecution, are as follows:

Maylene Co was born on May 11, 1983 (Exhibit A, p. 130 Record). Sometime toward the end of February 1995, Maylene was tending their store when appellant, a neighbor whose house was only 20 meters away from theirs, bought a cigarette from her. Appellant told her to go to his house at 5:00 the following morning so that he could tell her something important. At exactly 5:00 a.m. of the following morning, after her parents left for the market to buy vegetables that they can vend, Maylene went to the house of appellant. Appellant greeted her in front of his house and invited her to enter so that he could tell her what he wanted to tell her. Appellant dragged Maylene inside the house and into his room. He laid her on his bed and removed her T-shirt, shorts, panty and sando-bra. Appellant lowered his pants and brief down to his knees. He kissed her vagina and sucked her breast. Then he inserted his penis into her private part. Maylene felt something warm coming out from his penis. Maylene cried excruciating in pain as appellant ravished her. Appellant told her to dress-up and not to tell anyone what had happened. Maylene went home and helped her parents in their store (pp. 16-18, tsn, May 20, 1998, testimony of Maylene V. Co).

A week after the incident and at around 7:00 in the evening, Maylene was about to return her cousin's notebook, when she saw appellant in an alley. He approached her and told her to meet him again in his house the following morning at 5:00 in the morning. She went to his house. Appellant asked her if she had told anyone what he did to her and warned her that she would be embarrassed and there would be trouble if her father would know about the matter. Appellant told her to leave. When Maylene was on her way home, Aurora, her mother saw her in the alley. Aurora asked her where she had been. Instead of answering, she just remained quiet and started crying. Aurora asked again and this time she recounted to her mother what appellant had done to her.

Aurora brought Maylene to Angeles City General Hospital where she was medically examined by Dr. Roland Tanglao. Dr. Tanglao issued a medical certificate which stated in part:

Genitalia: (-) gross marks on external examination; (+) 3° and 9° partial lacerations completely healed; (-) blood seen on examination; (-) discharge.

Sperm smear and gram staining requested revealed negative results. (Exhibit "B", p. 131, Record)

Maylene begged Aurora not to tell anyone especially her father, considering his volatile temper to avoid their embarrassment. Aurora just cried and agreed with her (pp. 19-20, tsn, *ibid*).[4]

For sometime thereafter, Maylene[5] and her mother did not see appellant, until the latter reappeared in 1997. It was then that appellant allegedly lured Maylene to have sex at least three more times, once in September, 1997 and on October 17 and 20, 1997. Each time, appellant would order Maylene to go to his house at 5:00 in the morning, with the warning that if she did not do so, appellant would tell her father everything that had happened between them. She obliged and appellant had his way with her every time. The prosecution continued:

On October 20, 1997, Elsie Valiente, aunt of Maylene asked her where Maylene had been, whom she saw coming from the house of appellant. Maylene confessed to Elsie what appellant had repeatedly done to her. Elsie confided to Maylene's father her revelations. In turn, the father asked Aurora to talk to her. The father and Elsie brought her to the Angeles City General Hospital where she was examined by Dr. Edwin Manzon. On October 13, 1997, Maylene was accompanied by her parents to the Women's Center where her statement was taken. A complaint for rape was accordingly filed with the Office of the City Prosecutor against appellant (pp. 20-26, tsn, *ibid*).

At around 2:00 p.m., of December 17, 1997, Gary Valiente went to Republic Central College and invited Maylene outside to have refreshment. Gary asked her to board a waiting jeepney where she saw, among others, appellant and Teresita Labausa, sister of appellant inside said vehicle. Maylene boarded the jeep and they went to the office of Atty. Cesar Maniti. Atty. Maniti asked her if she was the complainant. Maylene was asked to sign a document. They hurried to the office of Prosecutor Antonio. She was then brought to a house in Don Bonifacio Subdivision, where she was left in the company of the appellant and her cousin Gary Valiente. Teresita Labausa came back and brought her to the barangay hall where she was fetched by her parents (pp. 26-28, tsn, *ibid*).[6]

Appellant denies the charges against him. He testified[7] that he knew Maylene Co since February of 1995. She often passed their alley. Appellant denied that he had a relationship with Maylene. He said that Maylene had made it known then that she had a relationship with a Randy Alvarez for eight months beginning January of 1995, after which she again went steady with a certain Lito. It was only two years thereafter, or in March 1997 when he courted Maylene upon learning that the girl had a crush on him. Appellant recalled that one early morning of March 1997, he was awakened by someone knocking on the door. When he went out, Maylene was standing outside, wanting to talk to him. Though uninvited, Maylene nevertheless followed him inside his room. Once inside the room, Maylene suddenly embraced and kissed him. He kissed her back and it lasted for two minutes after which, he asked Maylene to go home and the latter did. His relationship with Maylene lasted only for about a month. Appellant points to Maylene's voluntary retraction of her story in her "Pagbawi ng Salaysay".

Teresita Labausa,[8] a witness, testified that Gary Valiente, Maylene's cousin and a friend of the appellant, went to their house on December 11, 1997 and volunteered to intervene in the dispute. Gary told her that Maylene wanted to withdraw her complaints saying that she only filed them upon her parents' insistence. The following day, December 12, 1997, according to Teresita,[9] with companions Vic Dizon and Gary, she went to Maylene's school. Maylene told her that the former was willing to withdraw her complaints. They brought Maylene to Atty. Maniti who asked Maylene if she was indeed withdrawing her complaints. He prepared the "Pagbawi ng Salaysay" which Maylene signed. The affidavit was presented to Prosecutor Rufino Antonio. Maylene allegedly told them that she no longer wanted to go home. They brought Maylene to a house in Don Bonifacio and later to the Barangay Hall of Balibago, Angeles City, where her parents fetched her.

In its decision in Criminal Case No. 98-287, the trial court found[10] that when Maylene was already 14 years old, she and the appellant had engaged in sexual intercourse, but they were sweethearts, hence the act was consensual. It found that there was no force nor intimidation upon Maylene when she had sex with appellant. Thus, appellant was acquitted in Criminal Case No. 98-287.

However, in Criminal Case No. 98-286, the trial court found that sometime in March of 1995, when Maylene was then only 11 years old, she and the appellant had their first sexual intercourse. Hence, the trial court found appellant guilty of statutory rape under Article 335 of the Revised Penal Code, providing that rape is committed by having carnal knowledge of a woman under twelve (12) years old. Under this provision, it is not necessary to prove that neither force nor intimidation was employed. The trial court concluded[11] that although the two were sweethearts, sex with Maylene when she was below 12 years old, constituted statutory rape.

In addition, the trial court found that Maylene's "Pagbawi ng Salaysay" was executed under duress, hence, of no probative value. The court admonished appellant's counsel for his participation in its execution.[12]

In its dispositive portion referring to Criminal Case No. 98-286, the appealed decision of the trial court pertinently states:

WHEREFORE, premises considered, judgment is hereby rendered as follows:

x x x

- In Criminal Case No. 98-286, the accused is found GUILTY beyond reasonable doubt of the crime of statutory rape and is hereby sentenced to suffer the penalty of Reclusion Perpetua.

- Accused is further ordered to indemnify the victim Maylene Co in Criminal Case No. 98-286 the sum of P50,000.00.

x x x

SO ORDERED.[13]

In his appeal, appellant assigns the following errors allegedly committed by the trial court in Criminal Case No. 98-286:

I.

THE TRIAL COURT ERRED IN HOLDING THERE WAS SEXUAL INTERCOURSE BETWEEN MAYLENE AND WILFREDO SOMODIO (ACCUSED) ON MARCH 1, 1995 AND ERRED IN GIVING CREDIBILITY TO MAYLENE AND TO HER MOTHER (SALVE CO) DESPITE THEIR UNBELIEVABLE AND INCREDIBLE TESTIMONIES; AND

II.

THE TRIAL COURT ERRED IN NOT GIVING CREDENCE TO TESTIMONIES OF FISCAL ANTONIO, ATTY. MANITI, THE ACCUSED WILFREDO SOMODIO, AND TERESITA LABAUSA ABOUT THE “PAGBAWI NG SALAYSAY” OF MAYLENE.[14]

The issue before us concerns the credibility of the witnesses for the prosecution and the defense, as well as the sufficiency of the evidence to convict appellant.

While complainant Maylene V. Co asserts positively that sexual intercourse between her and appellant Wilfredo Somodio, did happen in March 1995, appellant vigorously denies that it did. The trial court was left to evaluate the word of one against that of the other.

On this score, it bears reiteration that the evaluation of testimonial evidence by the trial court is accorded great respect precisely because it is the tribunal that had the opportunity to closely observe first-hand the conduct and demeanor of the witnesses, a matter which is vital in assessing whether the testimony of a witness before the court may be taken as true or false, reliable or unreliable, credible or unbelievable. Absent any showing that certain facts of substance and significance have been plainly overlooked or that the trial court’s findings are clearly arbitrary,[15] the conclusions reached by the trial court on this point must be respected, and the judgment rendered affirmed.[16]

In a rape case, courts are guided by three principles: (a) an accusation of rape can be made with facility and while the accusation is difficult to prove, it is even more difficult for the person accused though innocent to disprove the charge; (b) considering the intrinsic nature of the crime, where only two persons are usually involved in the crime of rape, the testimony of the complainant should be scrutinized with the greatest caution; and (c) the evidence for the prosecution must stand or fall on its own merit, and cannot be allowed to draw strength from the weakness of the evidence for the defense.[17]

A rape charge is a serious matter with pernicious consequences both for the appellant and the complainant,[18] hence utmost care must be taken in the review of a decision involving conviction for rape. In this case, however, a careful perusal of the records shows no cause to disturb the lower court’s findings.

Appellant stresses that private complainant filed her complaint only after 2 years and 7 months from the date of the alleged commission of the first rape in March 1995. Notwithstanding the 1995 medical certificate, no complaint for rape was made nor was the incident reported to the police by either the victim or her mother, Aurora. Appellant avers that, being neighbors, it was quite unbelievable that Aurora never confronted appellant about what he had allegedly done to her daughter, Maylene. Moreover, he avers, it was incredible that Maylene, at such a young age, would be affected by shame that she would plead with her mother to conceal the incident. Appellant considers the testimonies of both Maylene and her mother as incredible and contrary to the normal course of human experience.

Further, appellant suggests that Maylene, at the age of eleven, could not have narrated what happened in detail. Appellant says it was unnatural for a young girl to feel the “in and out” movement of a penis[19] and feel something warm come out from appellant’s penis. Further, he states that at age eleven, Maylene “had no nipples to be sucked” and that it was improbable that appellant kissed her vagina, since “the foul odor of a young girl’s vagina” would have turned him off and would have effectively put a stop to his lustful intentions.[20] Appellant contends that, granting for the sake of argument that the sexual encounter detailed by Maylene was true, it could only refer to the sexual intercourse between them in 1997 when she was already 14 years old. At age 11, appellant claims, she would have been too young to even notice or feel the things she said she felt. Moreover, he suggests the trial court failed to note that at age 11, Maylene could not yet fall in love hence, it was error for the court to believe that he and Maylene were already sweethearts in March of 1995. In addition, appellant avers that it was

only in 1997 that he courted Maylene.

On the matter of delay in reporting the alleged rapes committed in 1995, the Office of the Solicitor General, cites Maylene's testimony:

Q:

What did your mother do when you told your mother that something happened to your (sic) and the accused?

A:

Dinala niya po ako sa Ospital Ning Angeles. (Literally: "She brought me to the Hospital in Angeles.")

Q:

What time did she bring you to the Ospital Ning Angeles?

A:

Mga umaga po. (Literally: "About morning time, sir.")

Q:

What happened at the Ospital Ning Angeles?

A:

Mga alas-singko po ng hapon, iniksamin po ako ni Dr. Tanglao.

(Literally: "About 5 o'clock p.m., I was examined by Dr. Tanglao.")

Q:

After that [what] happened or what did you do if any after the examination?

A:

Sabi ko po sa nanay ko huwag na kaming magdemanda dahil nahihya po ako. Dahil baka malaman po ng tatay ko baka masaktan niya si Wilfredo.[21] (underscoring supplied) (Literally: "I told my mother that we should not sue anymore because I am ashamed. Because my father might also hurt Wilfredo should he find out.");

The OSG stresses that mother and daughter chose to keep the incident in 1995 between them at the time, out of a sense of shame and fear of complainant's father. When appellant resurfaced, however, and the sexual encounters between him and Maylene resumed and Maylene's father learned of it, there was no longer any reason for Maylene and her mother to still conceal what happened in March 1995.

We have long held that delay in making a criminal accusation does not impair the credibility of witnesses if such delay is satisfactorily explained.[22] The failure of the victim to immediately report a case is not an indication of a fabricated charge.[23] We are convinced that Maylene and her mother were being truthful about their decision not to disclose Maylene's experience at the time. It is consistent with behavior of ordinary Filipinos in a small

community where everybody knows everyone else. We find their testimony on this point believable, especially since Maylene was only 11 years old then. It is not incredible that her family would prefer to keep secret what she had undergone rather than subject their entire family to a scandal.

Based on the record, we find the complaining witness and her mother have been consistent from the very start that there had already been sexual intercourse between Maylene and appellant as early as March of 1995. The testimony of Aurora is candid and forthright, and we are persuaded, like the trial court, that the charge of rape was not a mere fabrication. It is unnatural for a parent, more so a mother, to use her offspring as a tool of malice especially if it will subject her child to the humiliation, disgrace and stigma attendant to a prosecution for rape, if she were not motivated solely by the desire to incarcerate the person responsible for her child's defilement.[24]

Whether or not Maylene passively submitted to the sexual advances of the appellant in 1995 is not in issue, for she was then below 12 years old. As provided for in the Revised Penal Code,[25] sexual intercourse with a girl below 12 years old is statutory rape. What is material is the fact that indeed the sexual act took place when she was only eleven years old. That Maylene was only 11 years old in March of 1995 is undisputed. Such fact is shown by her birth certificate,[26] and her age was admitted and stipulated as correct during the pre-trial.[27] Her testimony on the sexual intercourse between her and appellant is clear, unweaving and straightforward, leaving us no reason to doubt its veracity.

This Court has held that if the woman is under twelve (12) years of age, proof of force and consent becomes immaterial, not only because force is not an element of statutory rape but the absence of free consent is presumed when the woman is below 12 years old. The two elements of statutory rape are: (1) that the accused had carnal knowledge of a woman; and (2) that the woman is below 12 years of age.[28] Sexual congress with a girl under 12 years old is always rape.[29]

In addition, Dr. Roland Tanglao's medical findings, presented to the court during trial as Exhibit "B," corroborated Maylene's claim that she had sex prior to the medical examination conducted on her. Her positive assertion that it was because of the sexual intercourse with appellant that she sustained hymenal lacerations, deserves greater weight than the mere denial of the appellant concerning the first rape and his contention that the lacerations in her genitalia could have been caused by activities other than sex. When the testimony of a rape victim is consistent with the medical findings, sufficient basis exists to warrant a conclusion that essential requisites of carnal knowledge has thereby been established.[30]

Utterly without merit, in our view, is the contention of appellant that, considering the age of the victim when the first sexual intercourse occurred, her narration of actions and emotional reactions that took place between them were incredible, unworthy of belief. The fact that the offended party is a minor does not mean that she is incapable of perceiving and of making her perception known.[31] Children of sound mind are likely to be more observant of incidents which take place within their view than older persons, and their testimonies are likely more correct in detail than that of older persons.

The trial court believed her version of the events at issue. Since the trial judge had the direct and singular opportunity to observe the facial expression, gesture and tone of voice of the complaining witness while testifying, it was fully competent and in the best position to assess whether the witness was telling the truth.[32] On appeal, we are not prepared to contradict the conclusion of the trial court.

Appellant also assails the findings of the trial court regarding the "Pagbawi ng Salaysay," finding said retraction to have been executed under duress. Appellant avers that the trial court erred in disregarding the fact that her first cousin Gary Valiente was among those who were with Maylene when she executed the affidavit. Moreover, they heavily rely on the presumption of regularity in the conduct of public officers like Atty. Maniti and Prosecutor

Antonio. Again, the credibility of Maylene is put in issue.

However, for the appellee, the Office of the Solicitor General points out that the circumstances surrounding the execution of the affidavit casts doubt on the voluntariness of its execution. First, Maylene was in the company of at least four persons, one of whom was appellant[33] and the other, his sister. Their presence had obvious effects on a minor like Maylene. Nothing on record shows that the public prosecutor talked to Maylene without the group present, to ascertain the voluntariness of her statement. Besides, Maylene later on denounced her affidavit of desistance, saying that its contents were not read by her nor explained to her before she affixed her signature.

The following excerpts from Maylene's testimony are relevant:

ATTY. MANITI:

x x x

Q:

Hindi ko tinanong kung bakit nandito ka sa opisina ko?

A:

Wala kayong tinanong sa akin.

Q:

Iyong papel na sinasabi mo, anong papel iyon?

A:

Hindi ko po alam. Basta pina pirma ako.

Q:

Iyong papel, tinayp ko?

A:

Naka ready na, po.

x x x

Q:

Binasa mo iyong papel o hindi?

A:

Hindi ko na po nabasa.

Q:

Pero binigay ba sa iyo ni Atty. Maniti iyong papel bago mo pinirmahan?

A:

Nilagay po ninyo sa mesa iyong papel at binigyan ako ng ballpen.

Q:

Hindi ko ba pinabasa?

A:

Hindi, po.

Q:

Bago mo pinirmahan hindi mo binasa?

A:

Hindi, po. Dahil nakatingin sina Teresita Labausa at si Vic Dizon.

Q:

Habang pinipirmahan mo, hindi mo binabasa?

A:

Basta pinapirma mo sa akin.

x x x

Q:

Bakit mo pinirmahan?

A:

Dahil pinapirma mo sa akin.

Q:

Ibig mong sabihin basta mo nalang pinirmahan?

A:

Pinapirma po ninyo sa akin at saka sina Teresita Labausa.

Q:

Ang papel na ito ay dinala kay Fiscal Rufino Antonio, di ba?

A:

Opo.

Q:

Tinanong ka ba ni Fiscal Antonio tungkol sa papel?

A:

Hindi, po.

Q:

Hindi tinanong ang pangalan mo kung ikaw ang nakapirma doon?

A:

Hindi, po.

Q:

Hindi pinataas ang kamay mo noong pirmahan niya iyon?

A:

Hindi, po. (underscoring supplied) [34]

We agree with the OSG and the trial court that no probative value can be given to the affidavit of desistance. Under grueling cross-examination, Maylene refuted the defense's claim that she voluntarily executed the "Pagbawi ng Salaysay". Maylene's categorical, spontaneous and frank denunciation thereof in open court is an earmark of her credibility as a witness.

We have held that affidavits taken ex-parte are generally considered inferior to the testimony given in open court, and affidavits of recantation have been invariably regarded as exceedingly unreliable, since they can easily be secured from poor and ignorant witnesses,[35] for monetary consideration or through intimidation[36] and are most likely to be repudiated afterwards.[37]

A repudiation did occur in this case. Even if both officers of the court regularly performed their duties, Maylene's execution of the affidavit still remains suspect in view of the probability that intimidation was present when she signed the document. She was constantly under the watchful eyes of Teresita, the appellant and their other companion. Though she was with an older cousin, it was not shown that Gary Valiente's presence boosted Maylene's morale.

Considering the complainant's minority, we agree with the trial court that it would have been more prudent for defense counsel to have contacted complainant's parents or at least her counsel, if indeed Maylene was firm in her resolve to withdraw her complaint. At the very least, Maylene should have been provided an environment

which would allow her to think clearly and make her own decision, thus ensuring that her free will was not impaired. The evidence on record fails to persuade us regarding the voluntariness of her retraction of the complaint. Hence, the adverse finding of the trial court on this point should be upheld.

With regard to the amount of damages awarded by the trial court, modification is called for. Aside from the P50,000 civil indemnity awarded to the private complainant, another P50,000 should be awarded as moral damages, pursuant to existing jurisprudence.[38]

WHEREFORE, the appealed decision of the trial court in Criminal Case No. 98-286 sentencing Wilfredo Somodio to reclusion perpetua for the statutory rape of Maylene V. Co is AFFIRMED with MODIFICATION as to damages. An award of P50,000 as moral damages is hereby given in favor of private complainant, in addition to the P50,000 awarded to her by the trial court as civil indemnity.

SO ORDERED.

Bellosillo, (Chairman), Mendoza, Buena and De Leon, Jr., JJ., concur.

[1] Rollo, pp. 16-26.

[2] Id. at 4.

[3] Id. at 7.

[4] Id. at 103-105.

[5] Sometimes spelled as “Maylin” and “Mylene” in some parts of the records.

[6] Rollo, pp. 105-106.

[7] TSN, May 29, 1998, pp.7-20.

[8] TSN, May 26, 1998, pp. 2-42.

[9] Teresita testified that only the three of them met with and accompanied Maylene. But see *supra*, note 33.

[10] *Supra*, note 1 at 22-23.

[11] Id. at 23-24.

[12] Id. at 24-25.

[13] Id. at 25-26.

[14] Id. at 47.

[15] *People vs. Reñola*, G.R. Nos. 122909-12, 308 SCRA 145, 153 (1999).

[16] *People vs. Ramos*, G.R. No. 120280, 330 SCRA 453, 458 (2000).

[17] *People vs. Tipay*, G.R. No. 131472, 329 SCRA 52, 59 (2000), citing *People vs. Guamos*, G.R. No. 109662, 241 SCRA 528, 531 (1995); *People vs. Ramirez*, G.R. No. 97920, 266 SCRA 336, 347 (1997); *People vs. Corea*, G.R. No. 114383, 269 SCRA 76, 88 (1997); *People vs. Perez*, G.R. No. 118332, 270 SCRA 526, 531 (1997); *People vs. Pizzaro*, G.R. No. 49282, 211 SCRA 325, 333 (1992); *People vs. Dela Cruz*, G.R. No. 92442-43, 207 SCRA 449, 457 (1992).

[18] *People vs. Lamarroza*, G.R. No. 126121, 299 SCRA 116, 123 (1998), citing *People vs. Godoy*, G.R. Nos. 115908-09, 250 SCRA 676, 702 (1995).

[19] *Supra*, note 1 at 45.

[20] *Id.* at 141-143.

[21] TSN, May 20, 1998 (Morning Session), p. 20.

[22] *People vs. Tanail*, G.R. No. 125279, 323 SCRA 667, 675 (2000), citing *People vs. Narido*, G.R. No. 132058, 316 SCRA 131, 145 (1999).

[23] *Ibid.*, citing *People vs. Batoon*, G.R. No. 134194, 317 SCRA 545, 555 (1999).

[24] *People vs. Alvero*, G.R. Nos. 134536-38, 329 SCRA 737, 754 (2000), citing *People vs. Silvano*, G.R. No. 127356, 309 SCRA 362, 394 (1999); *People vs. Escobar*, G.R. Nos. 122980-81, 281 SCRA 498, 505 (1997).

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

- x x x

- x x x

- When the woman is under twelve years of age or is demented.

x x x

[26] Exhibit “A”, Records, p. 130.

[27] *Id.* at 49, Pre-trial Order Admission Nos. 2 & 3.

[28] *People vs. Bato*, G.R. No. 134939, 325 SCRA 671, 680 (2000), citing *People vs. Bolatete*, G.R. No. 127570, 303 SCRA 709, 718 (1999).

[29] *Ibid.*

[30] *People vs. Motos*, G.R. No. 130187, 317 SCRA 96, 115 (1999).

[31] *People vs. Alba*, G.R. Nos. 131858-59, 305 SCRA 811, 823 (1999).

[32] *People vs. Padilla*, G.R. No. 126124, 301 SCRA 265, 270-71 (1999).

[33] TSN, May 20, 1998, p. 27; TSN, May 28, 1998, p. 4.

[34] TSN, May 20, 1998, pp. 34-35. Translated thus,

ATTY. MANITI

x x x

Q:

I didn't ask why you were in my office?

A:

You didn't ask.

Q:

What paper were you referring to?

A:

I do not know. I just signed.

Q:

Did I type the paper?

A:

It was all ready.

x x x

Q:

Did you read the paper?

A:

I did not read it anymore.

Q:

Did Atty. Maniti give it to you before you signed it?

A:

You placed the paper on the table and you gave me a ballpen.

Q:

Did I not have it read?

A:

No, sir.

Q:

You did not read it before you signed it?

A:

No sir, Because Teresita Labausa and Vic Dizon were watching.

Q:

You did not read it while signing?

A:

I just signed it.

x x x

Q:

Why did you sign?

A:

You told me to.

Q:

You mean to say you just signed.

A:

You told me to sign and also Teresita Labausa.

Q:

This paper was brought to Fiscal Rufino Antonio, right?

A:

Yes.

Q:

Did Fiscal Antonio ask you about the paper?

A:

No, sir.

Q:

He did not ask if that was you who signed?

A:

No, sir.

Q:

He did not ask you to raise your hand when he signed it?

A:

No, sir

[35] *People vs. Agbayani*, G.R. No. 122770, 284 SCRA 315, 342 (1998).

[36] *People vs. Bermudez*, G.R. No. 129033, 309 SCRA 124, 137 (1999).

[37] *People vs. Bibat*, G.R. No. 124319, 290 SCRA 27, 39 (1998).

[38] *People vs. Lerio*, G.R. No. 116729, 324 SCRA 76, 84 (2000), citing *People vs. Prades*, G.R. No. 127569, 293 SCRA 411, 431 (1998).

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