

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. NILO ARDON, ACCUSED-APPELLANT.

G.R. Nos. 137753-56. March 16, 2001

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PER CURIAM:

Before us for automatic review is the joint decision[1] of 25 November 1998 of the Regional Trial Court of Polomolok, South Cotabato, Branch 39, in Criminal Cases Nos. 316, 317, 318 and 319, finding accused-appellant Nilo Ardon (hereafter NILO) guilty beyond reasonable doubt of four (4) counts of rape committed against his daughter Jennilyn B. Ardon (hereafter JENNILYN) and sentencing him to suffer the penalty of reclusion perpetua for one count of rape and death for each of the remaining three counts.

These criminal cases stemmed from four separate informations filed against NILO. For the rape committed sometime in 1988 when JENNILYN was then 6 years old, NILO was charged with the crime of rape under Article 335 of the Revised Penal Code and was docketed as Criminal Case No. 316.[2] The information reads:

That sometime in 1988, at Sitio Salul, Barangay Palkan, Municipality of Polomolok, Province of South Cotabato, Philippines, and within the jurisdiction of this Honorable Court, the said accused did then and there, by means of force and intimidation, willfully, unlawfully and feloniously have carnal knowledge of her daughter JENNILYN B. ARDON, then 6 years old.

For the two acts of rape committed on 11 October 1994 and the rape committed on 12 October 1994, when JENNILYN was 12 years old, Nilo was charged in three separate informations with qualified rape under Art. 335 of the Revised Penal Code as amended by R.A. 7659 and were docketed as Criminal Cases Nos. 317, 318 and 319, respectively.[3] Except as to the dates of the commission of the crime, the informations commonly alleged as follows:

That on or about -----, at Sitio Salul, Barangay Palkan, Municipality of Polomolok, Province of South Cotabato, Philippines, and within the jurisdiction of this Honorable Court, the said accused did then and there, by means of force and intimidation, willfully, unlawfully and feloniously have carnal knowledge of her daughter JENNILYN B. ARDON, a 12 year old girl.

On 8 December 1994, NILO, duly assisted by counsel de oficio, entered a plea of not guilty in each of the four cases.[4] Thereafter, joint trial of the cases proceeded.

The prosecution presented JENNILYN her mother, Jane Ardon; her uncle, Daniel Jordan; and the examining physician, Dr. Porferio Pasuelo, Jr.

As summarized by the trial court, the version for the prosecution is as follows:

The evidence for the prosecution can be summarized by the testimony of the complainant Jennilyn Ardon who testified during direct examination on November 4, 1997, as follows: that she was born on May 13, 1982 at Barangay Palkan, Polomolok, South Cotabato, and when she was six(6) years old, she lived with her parents at Barangay Solon, Palkan, Polomolok, South Cotabato; that sometimes in 1988, at the age of six (6) her father, the accused in this case, abused her by kissing her neck and inserted one of his fingers to her vagina; that in the

same year, her father again abused her by inserting his penis and able to penetrate the same successfully to her vagina; that she was not able to report these incidents immediately to her mother who was selling vegetables at General Santos City most of the time; that later of the same year she was able to bring to the attention of her mother the abuses done to her by her father but her mother would not believe her; that her father abused her every time her mother would not sleep in their house as she was busy selling vegetables in General Santos City; that she was sexually abused by her father since she was six (6) years old until she filed a case in court, that was from 1988 to October 12, 1994; that she was sexually abused twice-at about 7:00 and 8:00 o'clock in the evening of October 11, 1994 and the third one at 3:00 o'clock in the morning of October 12, 1994; that after she was sexually abused three times of the previous nights, she went to her grandfather to hide herself from her father; that when her uncle Daniel Jordan found her, she told everything about what had happened to her, and after which the same was relayed to her grandmother who called her parents; that when her parent appeared before her grandmother, they discussed what is the best for her father to put him on jail or not, but the decision reached was to put him on jail; and that because of such decision, she filed a complaint against her father and such complaint was duly recognized when it was presented to her which was subsequently marked as Exhibit "B" for the prosecution.

During the cross-examination, the private complainant testified in this manner: that when she was fingered for the first time her mother was harvesting coffee and when she arrived home, she did not tell what had happened to her as she was threatened with death by her father if she would report the same to her mother; that after she was raped by her father in 1988 she had already reported the matter to her mother who would not believe her as she wants evidences; that her father usually had sexual intercourse with her when she was gathering firewood or while weeding their vegetable garden; that sometimes she would pretend to have stomachache so that she can refuse to go with him whenever she will be invited to go somewhere else; that her father boxed her on her stomach and manhandled her many times whenever she refused to go with him; that it was to her uncle Junior to whom she reported the matter on October 12.

The private complainant further testified during the cross-examination that she was six (6) years old when her father started raping her and the last time she was sexually abused was when she was already twelve (12) years old; that she got married three (3) years after her father sexually abused her; that her main reason in filing the case against her father was because she was being manhandled and sexually abused by him; that her mother decided to have her father arrested after her grandmother had talked to her, and that was the time when her mother believed in her; that before the 1988 incident, her father was already cruel not only to her but also to her brothers and sisters and even to her mother where he would sometimes place a bolo on her neck; and that because of the physical harassment and cruelty of her father, she hated him so much and even aspired that he will be sent to death as she was very sure that she was really sexually abused from 1988 to 1994.

On redirect examination the private complainant explained to the Court that what she meant of the word abuse is that her father kissed her breast, inserted his fingers and later on his penis to her vagina and afterwards has a sexual intercourse with her. She testified that her father had a sexual intercourse with her twice on October 11, 1994 and another on October 12, 1994. She also testified that when her father raped her in 1988, she reported the matter to her mother as well how she was raped by her own father.

On January 6, 1998, the prosecution presented another witness in the person of Jane Ardon, 36 years old, housekeeper and a resident of Barangay Palkan, Polomolok, South Cotabato, who took the witness stand and testified as follows: that she was the mother of the complaining witness Jennilyn Ardon and the legal wife of the accused in this case; that she had seven (7) children with the accused and the complainant is the eldest, that she was the one who assisted Jennilyn in filing the aforesaid criminal cases against her own father; that when Jennilyn Ardon reported to her that she was being raped by her father sometime in 1988, she was hesitant to confront her husband because she was afraid that her husband might hack her with a bolo as the latter usually have it with him while sleeping; that there was an occasion she was being manhandled and even tried to be hacked with a bolo by her husband; that these cases were filed against her husband by her daughter with her

assistance because her daughter ran away and would not come home as she was being raped by her own father.

On cross-examination by the opposing counsel, witness Jane Ardon gave the following testimony: that the caused why she was allegedly hacked by her husband in 1994 was because her husband got mad at her when she reprimanded him for mauling their daughter Jennilyn; that she did not believe her daughter immediately when she reported that she was sexually abused by her own father as she had not seen any evidence; that she was convinced that her daughter is telling the truth when she saw her panty with blood stain under their bed and considering that she was not yet menstruating at that time; that as the breadwinner of the family, she slept with her mother at the barrio that evening her daughter was manhandled by her husband; that it was only her children and their father who were sleeping inside their house; that her husband kept on mauling and manhandled their daughter because she was always going out; that at first she did not entertain what her daughter told her, but she was convinced later on when she knew that her daughter would stowaway everytime she would go to General Santos City; and that her husband was no longer communicating with her except through letters.

During the redirect examination of the aforesaid witness, she said that she once visited her husband at the Provincial Jail and she was threatened that he would escape from prison and kill all of them. She also made mention that the contents of the letter sent to her by her husband.

Likewise, on recross-examination same witness testified that one of the contents of the letter is that her husband was asking for forgiveness and telling her why she sided in favor of her daughter who is sinful. In said examination she promised to bring to court the letter on the next scheduled hearing of the cases.

On January 13, 1998, the mother of the complainant who is also a witness in this case was recalled in the witness stand for the sake of identifying the birth certificate of Jennilyn Ardon, her daughter, who was born on May 13, 1982, and after identifying the same it was marked as Exhibit "C" for the prosecution.

The next witness presented by the prosecution was Daniel Jordan, 45 years old, married, farmer, a resident of Barangay Palkan, Polomolok, South Cotabato. The tenor of his testimony was that her niece, Jennilyn Ardon, told him that she was sexually abused by her father and was asking that justice would be afforded to her. Thereafter, she brought her niece to the Lupon Tagapamayapa where her mother, uncle and grandfather were summoned by Nilda Española, a Lupon Member. After which it has been agreed upon that Nilo Ardon be arrested by the police, while he, together with her niece and her mother, went to the police station to file a complaint and to have her niece underwent a medical examination.

When he was confronted during the cross-examination, he testified in this manner: that accused Nilo Ardon and Jean Ardon, before they got married, they eloped and were accepted only by their parents after they returned; that he had no bad feeling with the accused ever since except at present; that he was accustomed in helping his barriomates in bringing cases to the police and even to the court without receiving any compensation; and that he has ten (10) children and as harvester, tuba gatherer and farmer was his means of livelihood.

As early as July 14, 1997, Dr. Porferio Pasuelo Jr., married, Municipal Health Officer of Polomolok, South Cotabato, was presented by the prosecution who testified on the medical examination conducted by him on Jennilyn Ardon last October 27, 1994 in connection with these cases filed against the accused Nilo Ardon. The medical certificate or medical examination of Jennilyn Ardon was ordered marked as Exhibit "A" for the prosecution.

In the above-stated medical certificate of Jennilyn Ardon, Dr. Proferio Pasuelo, Jr. explained his findings, to wit: (1) Healed Laceration 3 o'clock and 9 o'clock; (2) Easily admits the physician's forefinger. He said that in his first findings it means that there was a forced penetration on the vaginal opening of the child, while on his second findings he testified that there were repeated insertion on the vaginal opening of the child.[5]

On his part, NILO relied solely on his testimony, offering bare denials to the inculpatory testimonies of the victim and the prosecution witnesses. He alleged that JENNILYN only concocted the charges because he whipped her for failure to obey his order not to go to the house of her maternal grandparents. He also imputed ill motive on the part of his parents-in-law who from the very beginning were against him. He claimed that his parents-in-law convinced JENNILYN to file these cases. In fact, both his wife and JENNILYN visited him in jail for several times and even promised him that they will withdraw the complaint against him. However, the promise was not fulfilled because his wife was already living with another man. NILO also presented the three letters he received from his wife while he was in jail.

The trial court giving full faith and credence to the testimony of JENNILYN convicted NILO of four counts of rape in its decision dated 25 November 1998. It characterized JENNILYN's narration of facts as "unbridled and unadulterated" and that she testified "in a forthright manner without the least hesitation." It ruled that the spontaneity of JENNILYN's testimony could not be discredited by NILO's mere denials. It rejected NILO's imputation of ill-motive on the part of JENNILYN, his wife and his parents-in-law. The dispositive portion of the decision[6] reads as follows:

Accordingly, on the foregoing considerations and in the light of the present law in force, this Court finds the accused Nilo Ardon guilty beyond reasonable doubt of four counts of rape, one rape committed sometime in 1988, two rapes committed in October 11, 1994 and another one rape in October 12, 1994. The rape committed sometime in 1988 is considered as statutory rape as the offended party was still six years old at the time the crime charged has been committed, and in view of the abolition of death penalty in the 1987 Constitution, the accused Nilo Ardon is hereby sentenced to suffer the penalty of reclusion perpetua in Criminal Case No. 316. For the three counts of rape under Criminal Cases Nos. 317, 318 and 319, said accused is hereby sentenced with the supreme penalty of DEATH for each of the three cases pursuant to Sec. 11 of R.A. 7659 which provides that where the victim of the crime of rape is under eighteen (18) years of age and the offender is, inter alia, the parent of the victim, the death penalty shall be imposed.

The aforesaid accused is further ordered to indemnify the offended party, Jennilyn Ardon, the amount of P50,000.00 as moral damages and P25,000.00 as exemplary damages in each cases filed against him and to pay the cost.

By reason of the imposition of the extreme penalty of death in Criminal Cases Nos. 317, 318 and 319, the cases are now before us for automatic review. The judgment in Criminal Case No. 316, where the penalty imposed is reclusion perpetua, will be considered to have been appealed to us despite absence of notice of appeal which was necessary pursuant to Section 3(c) of Rule 122 of the Rules of Court, considering that only one decision was rendered in these four consolidated cases.[7]

In the Appellant's Brief NILO interposes as his lone assignment of error that the trial court erred in convicting him of three counts of rape in Criminal Cases Nos. 317, 318 and 319 despite the absence of force and intimidation. He claims that the prosecution failed to prove resistance on the part of the victim or the use of force or intimidation on his part when the alleged three rapes were committed.

In the Appellee's Brief, the Office of the Solicitor General recommends that, except for the award of damages which must be increased, the decision of the trial court convicting NILO of four counts of rape be affirmed, the same being supported by the evidence and consistent with law.

We affirm NILO's conviction.

The Court has repeatedly held that it will not interfere with the trial court's determination of the credibility of witnesses, unless there appears on record some fact or circumstance of weight and influence which had been

overlooked or the significance of which has been misinterpreted.[8] The reason for this is that the trial court is in a better position to do so because it heard the witnesses testify before it and had every opportunity to observe their demeanor and deportment on the witness stand.[9]

We have carefully gone through the records of this case and we find no reason to depart from the judgment of conviction of the trial court. The prosecution has satisfactorily discharged its onus of proving that NILO committed the four (4) counts of rape alleged in the informations against his daughter. During the direct examination, JENNILYN was able to give a thorough account of her father's sexual assaults, thus:

Q Sometime in 1988 do you remember if there was something that happened to you?

A Yes.

Q What was that?

A I was abused by my father.

Q How did he abuse you?

A He kissed me on the neck.

COURT QUESTION:

Q How old were you when you were first abused?

A 6.

PROS. MADURAMENTE:

Q Aside from kissing your neck what else did he do to you?

A He fingered me.

Q What part of your body did he finger?

A My vagina.

Q How many times did he finger you?

A Twice.

Q Is that on the same day or different day?

A Two (2) days.

COURT QUESTION:

Q That was when you were 6 years old?

A Yes, sir.

PROS. MADURAMENTE:

Q After fingering you that was about 1988 what else did he do to you?

A He again abused me.

Q How did he abuse you?

A He inserted his penis to my vagina.

Q

Was he able to penetrate your vagina?

A Yes, sir.

Q Did you bleed?

A Yes.[10]

xxx

Q When your mother was not sleeping in your house what happened to you?

A My father abused me.

Q How many times do you think that your father able to abused you?

A Since I was 6 years old until I reported here in court?

Q

About how often was your father doing this abuses on you? I will withdraw the question your Honor. Was your father doing these things on you weekly, monthly or what?

A If he would bring me to gather some firewood.

COURT QUESTION:

Q In 1988 how many times were you abused by your father?

A Many times.

Q More than 5 times in 1988?

A I cannot remember anymore.

Q How about in 1989 were you still abused by your father?

A Yes.

Q About how many times in the year 1989?

A I cannot remember anymore.

Q How about in the year 1990?

A Yes, sir.

Q About how many times?

A I cannot count anymore.

Q Until what year that your father kept abusing you?

A Up to 1994.

Q When was the last time that your father sexually abused you?

A October 11, 1994.

- Proceed Fiscal.

PROS. MADURAMENTE:

Q On October 11, 1994 you were already 12 years old?

A Yes.

Q Was there anything unusual that happened to you?

A Yes.

Q What was that incident about?

A He again abused me.

Q How did he abuse you?

A He again kiss me on my neck and he inserted his penis to my vagina.

Q How many times did he abuse you in October 11, 1994?

A 3 times

Q And that was in one evening?

A Yes.

Q Now, of these three sexual assault that he did to you the third sexual assault what part of the evening did he do?

A 3:00 o'clock early morning.

Q On October 11, 1994 when did he first abuse you?

A About 7:00.

Q In the evening?

A Yes.

Q How about the second time that he abused you?

A 8:00 p.m.

Q And the third is about 3:00 o'clock in the morning of the following day?

A Yes.[11]

More importantly, JENNILYN's testimony of repeated carnal knowledge is supported by the medico legal evidence. The examining physician testified as follows:

Q

Will you explain to the court what is the meaning of this "healed laceration 3 o'clock and 9 o'clock Doctor?

A Well, if you look up the clock the laceration is 3 o'clock and 9 o'clock.

Q What does it mean Doctor?

A It means that there was a forced penetration on the vaginal opening of the child.

Q And in your second findings you stated easily admits the physician's forefinger?

A Yes, sir.

Q Now, what is the full notation of these findings?

A It means that there were repeated entering on the vaginal opening of the child.

Q If the physician's forefinger easily admits on the vagina of the girl, what does it mean Doctor?

A

It means that there were repeated insertions" on the vaginal opening.[12]

The alleged absence of resistance, which is the main contention of the defense, cannot alter the condemnatory verdict against NILO. The sexual molestation of JENNILYN started when she was just six (6) years old and lasted until she was twelve. Her father raped her not only four times, as alleged in the information, but repeatedly since she was six (6) years old. Her father continuously threatened to kill her if she will not yield to his bestial desires. Thus, it was then JENNILYN's tender age and NILO's custodial control and domination over her, that rendered her so meek and subservient to his needs and desires, and became an easy prey to NILO's lecherous advances. This psychological predicament, in the mind of the Court, explains why JENNILYN did not give any outcry or offer any resistance when she became inured to the outrage repeatedly committed over a period of time.[13]

It is a settled rule that in cases of rape by a father against his own daughter, the former's moral ascendancy and influence over the latter substitutes for violence and intimidation. By abusing the reverence and respect which children have for their parents, the rapist father can subjugate his daughter's will thereby forcing her to do whatever he wants.[14] Rape is committed when intimidation is used on the victim and this includes the moral kind of intimidation or coercion. Intimidation is a relative term, depending on the age, size and strength of the parties, and their relationship with each other. It can be addressed to the mind as well. For rape to exist it is not necessary that the force or intimidation employed be so great or of such character as could not be resisted. It is only necessary that the force or intimidation be sufficient to consummate the purpose which the accused had in mind. Intimidation must be viewed in the light of the victim's perception and judgment at the time of the rape and not by any hard and fast rule. It is therefore enough that it produces fear -- fear that if the victim does not yield to the bestial demands of the accused, something would happen to her at the moment or thereafter, as when she is threatened with death if she reports the incident. Intimidation would also explain why there are no traces of struggle which would indicate that the victim fought off her attacker.[15]

Likewise, the failure of JENNILYN to immediately report the rape incidents would not diminish her credibility nor undermine the charges of rape. It must be remembered that NILO continuously threatened to kill JENNILYN should she report the incidents. It was this fear instilled in JENNILYN by her father who exercised moral ascendancy over her that effectively silenced her and made her wary in disclosing to anybody what he had done to her. The silence of a victim of rape or her failure to disclose her misfortune without loss of time to the authorities does not prove that the charges are baseless and fabricated. The victim would rather bear the ignominy and pain in private than reveal her shame to the world or risk the rapist's making good the threat to hurt her.[16] It is a settled decisional rule that delay in reporting a rape case committed by a father against his daughter due to threats is justified.[17] JENNILYN, a young barrio lass and with a simple and unsophisticated mind cannot be expected to have the fortitude and courage of an adult, mature and experienced woman who may disregard the threat and, with promptitude, condemn in the open the shameful scandal wrought upon her by her very own father. It is not uncommon that young girls usually conceal for some time the assault upon their virtue because of the threats on their lives.[18]

In many instances, rape victims simply suffer in silence. With more reason would a girl ravished by her own father keep quiet about what befell her. Furthermore, it is unfair to judge the action of children who have undergone traumatic experiences by the norms of behavior expected of mature individuals under the same circumstances.[19]

Even NILO's insinuation of ill motive on the part of JENNILYN in the filing of the rape charges against him is too lame and flimsy. Parental punishment is not enough reason for a daughter to falsely accuse her father of rape. It takes depravity for a young girl to concoct a story which would put her own father on death row and drag herself and the rest of her family to a lifetime of shame.[20] Mere disciplinary chastisement is not strong enough to make daughters in a Filipino family invent a charge that would only bring shame and humiliation upon them and their own family and make them the object of gossip among their classmates and friends.[21]

Neither can we sustain NILO's allegation that JENNILYN was prompted by her grandparents, who did not like him as their son-in-law, to charge him with rape is not worthy of credit. This is not an uncommon defense, but such alleged motives as family feuds, resentment or revenge have never swayed the Court from lending full credence to the testimony of a complainant who remained steadfast throughout her direct and cross-examinations, especially a minor as in this case.[22] We cannot believe that the grandparents would expose their granddaughter, a young and innocent girl, to the humiliation and stigma of a rape trial just to stop the relationship between the father and the mother of the victim. No grandparent would expose his or her own granddaughter to the shame and scandal of having undergone such a debasing defilement of her chastity if the charge filed were not true.[23]

From the foregoing, the trial court did not err in finding NILO guilty of statutory rape for the rape committed sometime in 1988 when JENILYN was only six years old, and three counts of qualified rape committed when she was twelve. Thus, the lower court correctly imposed in Criminal Case No.316 the penalty of reclusion perpetua, the rape charged having been committed on January 26, 1992, before the effectivity of R.A. No.7659. However, in Criminal Cases Nos. 317, 318 and 319, with the concurrence of the special qualifying circumstances of relationship of accused-appellant NILO with the victim and the latter's minority, the death penalty was properly imposed.[24]

The testimony of JENNILYN disclosed that NILO actually committed more than four acts of rape. However, considering that NILO was charged only with four counts of rape, we can only affirm the trial court's judgment of conviction and its imposition of the appropriate penalty for each of the four counts of rape alleged and proved. This is in compliance with the constitutional right of the accused to be informed of the nature and cause of accusation against him.[25]

As regards the civil aspect in these cases, we note that the trial court did not award any indemnity ex delicto, which is mandatory upon the finding of the fact of rape. Thus, in line with prevailing jurisprudence, NILO has to pay the victim as civil indemnity the additional amount of P50,000 in Criminal Case No.316, where the penalty meted is reclusion perpetua and P75,000 in each count of rape in Criminal Cases Nos. 317, 318 and 319, where the imposition of death penalty is warranted.[26]

The trial court's award of P50,000 as moral damages for each count of rape is upheld, the said award being imposable in rape cases without need of proof. The award of exemplary damages of P25,000 in each case is likewise in order, to deter fathers with perverse tendencies and aberrant sexual behaviors, like NILO, from sexually abusing their daughters.[27]

Four members of the Court have continued to maintain the unconstitutionality of Republic Act No.7659 insofar as it prescribes the death penalty. However, they bow to the majority opinion that the said law is constitutional and thereunder, the imposition of the death penalty is proper.

WHEREFORE, the assailed Decision of the Regional Trial Court of Polomolok, South Cotabato, Branch 39, finding the accused-appellant, NILO ARDON, guilty beyond reasonable doubt of four (4) counts of rape and imposing upon him the penalty of reclusion perpetua in Criminal Case No. 316 and Death for each rape in Criminal Cases Nos. 317, 318 and 319, is AFFIRMED with the MODIFICATION that apart from the award of Fifty Thousand (P50,000.00) Pesos as moral damages and Twenty Five Thousand (P25,000) as exemplary damages in each case, accused-appellant NILO is sentenced to pay civil indemnity of Fifty Thousand (P50,000.00) Pesos in Criminal Case No. 316 and Seventy-five Thousand (P75,000.00) Pesos in each case in Criminal Cases Nos. 317, 318 and 319. Costs against the accused-appellant.

In accordance with Section 25 of Republic Act No.7659, amending Article 83 of the Revised Penal Code, upon the finality of this decision, let the records of the case be 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, Quisumbing, Pardo, Buena, Gonzaga-Reyes, Ynares-Santiago, De Leon, Jr., and Sandoval-Gutierrez, JJ., concur.

[1] Per Judge Eddie R. Rojas.

[2] Rollo, 6.

[3] Id., 8-13.

[4] Original Record (OR), 35-36.

[5] Rollo, 20-24.

[6] Rollo, 19-36.

[7] See *People v. Mosqueda*, 313 SCRA 694 [1999]; *People v. Alitagtag*, 309 SCRA 325 [1999].

[8] *People v. Reyes*, G.R. No. 133647, 12 April 2000; *People v. Villanueva*, 302 SCRA 380, 398 [1999].

[9] *People v. Batoon*, 317 SCRA 545 [1999].

[10] TSN, 4 November 1997, 4-6

[11] TSN, 4 November 1997, 7-9.

[12] TSN, 14 July 1997, 5-6

[13] *People v. Garcia*, 281 SCRA 463 [1997].

[14] *People v. Docena*, 322 SCRA 820 [2000]; See also *People v. Teves*, 310 SCRA 783 [1999].

[15] *People v. Manggasin*, 306 SCRA 228 [1999]; *People v. de Guzman*, 265 SCRA 228 [1996].

[16] *People v. Loreño*, G.R. Nos. 134536-38, 5 April 2000; *People v. Padil*, 318 SCRA 795 [1999].

[17] *People v. Matrimonio*, 215 SCRA 613 [1992].

[18] *People v. Teves*, supra note 12.

[19] *People v. Mosqueda*, supra note 7; *People v. Alimon*, 257 SCRA 658 [1996].

[20] People v. Magdato, G.R. Nos. 134122-27, 7 February 2000; People v. Cabanela, 299 SCRA 153 [1998].

[21] People v. Tabugoca, 285 SCRA 312, 329 [1998].

[22] People v. Batoon, supra note 9, 553-554.

[23] People v. Tolentino, 308 SCRA 485 [1999].

[24] See People v. Alitagtag, supra note 7.

[25] People v. Geromo, 321 SCRA 355 [1999]; People v. De Guzman, 265 SCRA 228, 244 [1996].

[26] People v. Mosqueda, Supra note 7.

[27] People v. Docena, Supra note 14.

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