

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. LOVE JOY DE GUZMAN, ACCUSED-APPELLANT.

G.R. Nos. 140333-34. December 11, 2001

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-140333-34/>

PER CURIAM:

Lust is no respecter of time or place. Neither is it deterred by age nor relationship and there is no better illustration of its despicability than incestuous rape. This case is another odious example.

Accused Love Joy De Guzman was charged with two (2) counts of statutory rape in Criminal Cases Nos. 99-564[1] and 99-565[2] allegedly committed against his seven-year old niece Geneva Daugherty.

The Information in Criminal Case No. 99-564 alleges -

That sometime in the month of December 1998, in the City of Angeles, Philippines, and with in the jurisdiction of this Honorable Court, the above-named accused, being the maternal uncle of the complainant GENEVA DAUGHERTY, with lewd design and taking advantage of the innocence and tender age of the victim did then and there have carnal knowledge with said GENEVA DAUGHERTY, a girl 7 years of age, by means of force and intimidation and against her will and consent.

CONTRARY TO LAW.

The Information in Criminal Case No. 99-565 is a reproduction of the above-quoted information, the only difference being that the rape was committed in February, 1999.

Upon arraignment, accused pleaded not guilty to the charges.[3] Trial thereafter ensued, after which the Regional Trial Court of Angeles City, Branch 59, rendered judgment[4] imposing the death penalty against accused thus:

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

- In Criminal Case No. 99-564, after finding accused Love Joy De Guzman GUILTY beyond reasonable doubt, said accused is hereby sentenced to suffer the supreme penalty of DEATH.

- In Criminal Case No. 99-565, after finding the accused Love Joy De Guzman GUILTY beyond reasonable doubt, said accused is also sentenced to suffer the supreme penalty of DEATH.

Said accused is further ordered to indemnify the victim Geneva Marie Daugherty the sum of Seventy Five (P75,000.00) Thousand Pesos in each case.

SO ORDERED.

On automatic review before us, accused-appellant alleges that -

I

THE LOWER COURT ERRED IN CONVICTING THE ACCUSED-APPELLANT OF TWO (2) COUNTS OF STATUTORY RAPE DESPITE THE DEFECTIVE INFORMATION FILED AGAINST HIM WHICH FAILED TO SPECIFY THE DATE WHEN THE ALLEGED RAPE WAS COMMITTED.

II

THE LOWER COURT ERRED IN CONVICTING THE ACCUSED-APPELLANT OF TWO (2) COUNTS OF STATUTORY RAPE DESPITE THE FAILURE OF THE PROSECUTION TO PROVED (sic) HIS GUILT BEYOND REASONABLE DOUBT.

The facts as summed by the trial court are as follows:

Geneva Marie Daugherty was born on August 18, 1991 as evidenced by her birth certificate. They were living at Hadrian St., Don Bonifacio Subd., Pulong Maragul, Angeles City. Her mother, Liwayway Marie Scott-Daugherty, has a maternal half-brother by the name of Love Joy De Guzman who also lived at Hadrian St. in her (Geneva's) grandmother's hut. Her uncle Love Joy is jobless and oftentimes ate at their house. One morning of December 1998 before Christmas and while she was in front of their house, her uncle Love Joy asked her to go to his house. Once inside the house, accused asked her to buy coffee for him. After buying coffee, Geneva fell asleep. When she woke up, she was already naked and the accused was on top of her. Her uncle was also naked and she felt his penis was inside her vagina. Accused was making a push-up movement and she felt pain in her vagina. After her uncle removed himself on top of her, she saw blood in her vagina. Her uncle told her not to tell anyone what he did or he may kill her and her mother. Accused then asked her to leave. As told by her uncle, she did not inform her mother nor anyone of what Love Joy did to her.

Sometime in February 1999 and while she was watching video at the store, her uncle Love Joy called her again and asked her to go to his house. Once inside Love Joy's house, the latter kissed her on the neck. Accused removed her skirt and panty and he undressed himself. Accused mounted her and inserted his penis into her vagina. Again she felt pain. After the sexual attack, she went back to the store and saw a certain "Boy Pabalan." She told Boy Pabalan what Love Joy had done to her and the latter brought her to the Barangay Hall. Her mother, who was informed by her brother, Joseph Scott, brought her to a doctor for examination. She was examined by Dr. Lauro C. Biag of the Ospital Ning Angeles (ONA) on February 15, 1999 and the doctor found in her genitalia complete healed lacerations at 7, 11, 1 o'clock and incomplete healed lacerations at 3, 5, 12 o'clock. On the same date, the doctor issued a medical certificate[5] indicating therein his findings. When the doctor testified in court, he alleged that the hymenal lacerations on the victim's genitalia may have been caused by the insertion of a hard object inside the vagina. She was also brought to a police station where she filed a complaint against her uncle Love Joy De Guzman. She and her mother executed sworn statements.[6]

xxx xxx xxx

Accused Love Joy De Guzman admitted that the victim Geneva Marie Daugherty is his niece and the latter's mother is his half-sister. He however denied the rape accusations made against him. He alleged that he had not seen the latter on the dates mentioned by her, specifically in the months of December 1998 and February 1999, when the rapes were allegedly committed. He reasoned out that he was always out during the nighttime as he had to meet his barkadas at Check-point, Balibago, Angeles City. He usually went home at 6 o'clock in the morning and will sleep the whole day. He will only wake up at around 5 to 6 in the evening to see his barkadas again. He further alleged that there was no chance or opportunity for him to see Geneva because at daytime he was sleeping the whole day. He never woke up even at noon in order to eat lunch. He only stayed awake at daytime during Sundays. However, during the Sundays of the months above-mentioned, he had no opportunity to see Geneva Marie. He does not know the reason why Geneva Marie complained that he raped her as he was maintaining a good relationship with her and her mother.

Owing to the severity of the penalty imposed in this case, the Court must be guided by the principle that: (a) an accusation for rape can be made with facility. While the commission of the crime may not be easy to prove, it becomes even more difficult for the person accused, although innocent, to disprove that he did not commit the crime; (b) in view of the intrinsic nature of the crime of rape where only two persons are normally involved, the testimony of the complainant must be always be scrutinized with extreme caution; and (c) the evidence for the

prosecution must stand or fall on its own merits and cannot be allowed to draw strength from the weakness of the evidence of the defense.[7] Thus, in a prosecution for rape, the complainant's credibility becomes the single most important issue.[8]

Considering that the persons present during a rape are usually only the offender and the offended, the core of the questions raised is the credibility of the witnesses. It is doctrinally settled in this regard that such issue is to be resolved primarily by the trial court because it is in a better position to decide the question, having heard the witnesses and observed their deportment and manner of testifying. Accordingly, its findings are entitled to the highest degree of respect and will not be disturbed on appeal in the absence of any showing that the trial court overlooked, misunderstood or misapplied some facts or circumstances of weight and substance which would have affected the result of the case.[9]

In the first assigned error, accused-appellant in sum insists he should be acquitted because the Informations filed against him are fatally defective because the specific dates of the sexual assaults are not stated with particularity.

We disagree.

The exact time and date of the commission of the rape is not an essential element of the crime.[10] As we pointed out recently in *People v. Felicito Barbosa y Turallo*: [11]

Failure to recall the exact date of the crime is not an indication of false testimony. Moreover, the precise date when the victim was raped is not an element of the offense. The gravamen of the crime is the fact of carnal knowledge under any of the circumstances enumerated under Article 335 of the Revised Penal Code. As long as it is alleged that the offense was committed at any time as near to the actual date at which the offense was committed in the information is sufficient. The allegations that rapes were committed "before and until October 15, 1994", "sometime in the year 1991 and the days thereafter", "sometime in November 1995 and some occasions prior and/or subsequent thereto" and "on or about and sometime in the year 1988" constitute sufficient compliance with Section 11, Rule 110 of the Revised Rule of Criminal Procedure.[12]

In the second assigned error, accused-appellant claims that his culpability was not adequately proven. However, other than his defense of denial and alibi, he did not elaborate on the particular facts or circumstances which would prove his innocence.

Accused-appellant's pretensions of innocence simply pales in comparison to the young complainant's testimony which was given in a straightforward and spontaneous manner. We have assiduously scrutinized the testimony of complaining witness Geneva Marie Daugherty and ultimately reached the conclusion that she was indeed defiled by accused-appellant. Seven-year old Geneva's testimony on the acts of rape perpetrated against her by her uncle is clear and could have only been narrated by a victim subjected to such sexual assaults. Indeed, the enormity of accused-appellant's bestiality is graphically detailed in the following sickening account of the seven-year old victim:

PROS. QUIAMBAO:

Sometime in December before Christmas, do you recall if you met the accused Love Joy?

A

Yes, sir.

Q

Where did you see him?

A

In front of our house.

Q

While you were in front of your house when you saw Love Joy, what if any did Love Joy do to you?

A

He asked me to go to his house.

Q

Did you go to his house?

A

Yes, sir.

Q

The house of Love Joy is that situated in Mt. View, Balibago, Angeles City?

A

Yes, sir.

Q

Did you go to his house?

A

Yes, sir.

Q

Once you were inside the house of Love Joy at Mt. View, Balibago, Angeles City, what did he accused do to you if he did any?

A

Inutusan po niya ako.

Q

What did he tell you when you said "inutusan ka"?

A

He asked me to buy coffee.

Q

Did you buy coffee for him?

A

Yes, sir.

Q

What did you do with the coffee that you bought?

A

I gave it to him.

Q

After giving the coffee to the accused, what else did the accused do to you, if any?

A

Nakatulog po ako.

Q

When did you wake up?

A

When I woke up, he was already on top of me.

Q

What was he doing when he on top of you?

A

He was raping me.

Q

Was he able to insert his penis into your vagina?

A

Yes, sir.

Q

What did you feel when he was able to insert his penis into your vagina?

A

I felt hurt.

Q

After that what else transpired, if any?

A

He asked me to leave.

Q

Did you inform your mother about it?

A

No, sir. Because he told me if I will tell my mother, he will kill me.

Q

By the way, if you will see this Love Joy again will you be able to identify him?

A

Yes, sir.

Q

Will you please look around and point to him if he is in the courtroom?

INTERPRETER:

Witness pointing to a man wearing a yellow t-shirt and when asked his name, he gave his name as Love Joy de Guzman y Santos.

Q

When did this happen?

A

Before Christmas po.

Q

What year?

A

Last year, sir.

PROS. QUIAMBAO:

You stated that the accused raped you in December 1998, before Christmas, was that repeated again by the accused?

A

Yes, sir.

Q

Will you please tell us what month was it repeated by the accused in raping you?

A

February, sir.

Q

Also the same year or another year?

A

1999, sir.

Q

Where were you when you were raped by the accused for the second time in February 1999?

A

I was watching video, sir.

Q

Where were you watching video?

A

At the store, sir.

Q

What did Love Joy do when he saw you watching TV in the store?

A

He called me, sir.

Q

Did you approach him when he called you?

A

Yes, sir.

Q

When you approached Love Joy, what did Love Joy do to you if any?

A

He asked me to go to his house.

Q

Did you go as you were told by Love Joy?

A

Yes, sir.

Q

Once in the house what did Love Joy do if any?

A

Pinatungan po niya ako.

Q

Before Love Joy put himself on top of you, what were you wearing?

A

I was wearing skirt, sir.

Q

When Love Joy was on top of you, were still wearing your skirt?

A

No more.

Q

How come you said you were wearing a skirt, how come when Love Joy was on top of you, you were no longer wearing your skirt?

A

Tinanggal po ang zipper.

Q

What did Love Joy do when he removed the zipper to your cloth[es]?

A

He kissed me on the neck.

Q

My question: what did he do with your cloth[es] when he removed your zipper.

A

Tinabi pa.

Q

Were you wearing a panty?

A

No, sir.

Q

What did he do when he was already on top of you and you were already naked?

A

He inserted his penis.

Q

Where?

A

Into my vagina.

Q

What did you feel?

A

Painful.[13]

Geneva remained resolute and unflinching in her account that she was ravished by accused-appellant despite repeated attempts by the defense counsel to throw her off track on cross-examination.[14] She remained steadfast and unyielding even when she was intensively grilled by the trial court itself:

COURT:

Q

Noong ni-rape ka sabi mo bago christmas, saan ito nangyari?

A

Sa kubo, po.

Q

Saan?

A

Sa bahay po ni Kuya Love Joy.

Q

Saan nandoon iyong kubo?

A

Dito ang bahay namin tapos didiretso ka.

Q

Malapit lang ang bahay ninyo sa bahay niya?

A

May konting layo po.

Q

Alam mo kung anong lugar iyong bahay ng uncle mo?

A

Opo.

Q

Anong lugar?

A

Pag pasok marami siyang tanim.

Q

Do you know the name of the place?

A

Don Bonifacio, po.

Q

Anong barangay ang Don Bonifacio?

A

Purok 7, po.

Q

Saan iyong Purok 7?

A

Don Bonifacio po.

Q

Do you know if it is within Angeles City?

A

Hindi, po.

Q

Do you know the place of Balibago?

A

Hindi, po.

Q

Basta doon sa Don Bonifacio?

A

Opo.

Q

Sino ang barangay captain?

A

Derick, po.

Q

Do you know his family name?

A

Santiago, po.

Q

Si Boy Pabalan, anong katungkulan niya?

A

Tatay niya si Pabalan.

Q

Sino si Pabalan? Anong katungkulan niya?

A

Wala, po.

Q

Alam ma kung sakop ang Angeles?

A

Hindi, po.

Q

Hindi ma alam?

WITNESS:

A

Opo.

COURT:

Q

Noong December 1998 bago ang pasko, nag-aaral ka na noon?

A

Pinahinto po ako.

Q

In February 1999, are you studying?

A

No, sir.

Q

When was your birthday?

A

November 18, sir.

Q

Sino ang nagsabi sa iyong November 18 ang birthday mo?

A

Ang mama ko po.

Q

Are you sure?

A

Ewan ko po.

Q

Alam ma kung anong buwan ngayon?

A

Hindi po.

Q

Pero pasko alam mo?

A

Hindi ko po alam.

Q

Naniniwala ka sa Diyos?

A

Opo.

Q

Alam mo kung anong gusto niya?

A

Opo.

Q

Ano?

A

Huwag magsinungaling.

Q

Bakit ayaw niya?

A

Kasi pag nagsinungaling ka, magagalit ang tao.

Q

Sumusunod ka sa gusto niya?

A

Opo

Q

Hindi ka nagsisinungaling?

A

Opo.

Q

Lahat ng sinabi mo totoo?

A

Opo.

Q

Talaga bang ikaw ay ni-rape?

A

Opo.

Q

Ilang beses?

A

Dalawa po.

Q

Alam mo kung sino ang nag rape sa iyo?

A

Opo.

Q

Sino?

A

Iyon po, si Kuya Love Joy.

Q

Bakit kuya ang tawag mo sa kanya?

A

Iyon po ang tawag ko.

Q

Anong tawag ng Mama mo sa kanya?

A

Kuya Love Joy po.

Q

Hindi ka nagsisinungaling?

A

Hindi po.

Q

Siya ba talaga ang nag rape sa iyo?

A

Opo.

Q

Walang ibang taong nag rape sa iyo?

A

Wala po.

Q

Hindi ka talaga nagsisinungaling?

A

Opo.

Q

Kasi kawawa siya kapag hindi siya ang gumawa noon sa iyo?

A

Opo.

Q

Totoo lahat ang sinabi mo?

A

Opo.

Q

Pero iyong birthday mo hindi mo alam?

A

Hindi po.

Q

Bakit sabi mo November 18?

A

Sabi po ng Mama ko.

Q

Hindi ka nagsisinungaling?

A

Hindi po.

Q

But you don't know when was November 18?

A

Hindi po.

Q

Sigurado kang walang ibang taong nag rape sa iyo?

A

Opo.[15]

In contrast to the clear and categorical declarations of the complainant, accused-appellant merely raised alibi as his defense. We have consistently looked upon the defense of alibi with suspicion and received it with caution not only because it is inherently weak and unreliable but also because it can be easily fabricated.[16] Unless supported by clear and convincing evidence, the same cannot prevail over the positive declarations of the victim who, in a simple and straightforward manner, convincingly identified the accused-appellant as the defiler of her chastity.[17]

Well-established is the rule that testimonies of rape victims, especially child victims, are given full weight and credit.[18] It bears emphasis that the victim was barely seven years old when she was raped. In a litany of cases, we have applied the well settled rule that when a woman, more so if she is a minor, says she has been raped, she says, in effect, all that is necessary to prove that rape was committed.[19] Courts usually give greater weight to the testimony of a girl who is a victim of sexual assault, especially a minor, particularly in cases of incestuous rape, because no woman would be willing to undergo a public trial and put up with the shame, humiliation and dishonor of exposing her own degradation were it not to condemn an injustice and to have the offender apprehended and punished.[20]

The embarrassment and stigma of allowing an examination of her private parts and testifying in open court on the painfully intimate details of her ravishment effectively rule out the possibility of a false accusation of rape[21] by the complainant. There is no cogent reason to discount the findings of the trial court that the testimony of Geneva was spontaneous and straightforward. She vividly recalled details that a seven-year old girl could not possibly concoct. Verily -

Well settled is the rule that no woman would concoct a story of defloration, allow an examination of her private parts and submit herself to public humiliation and scrutiny via a public trial if her sordid tale was not true and her sole motivation was not to have the culprit apprehended and punished.[22] A young girl's

revelation that she has been raped coupled with her voluntary submission to medical examination and her willingness to undergo public trial where she would be compelled to give out the details of an assault on her dignity by, as in this case, her own father, cannot be so easily dismissed as a mere concoction.[23] Courts usually give credence to the testimony of a girl who is a victim of sexual assault particularly if it constitutes incestuous rape because, normally, no person would be willing to undergo the humiliation of a public trial and to testify on the details of her ordeal were it not to condemn an injustice. Needless to say, it is settled jurisprudence that testimonies of child victims are given full weight and credit, since when a woman, more so if she is a minor, says that she has been raped, she says in effect all that is necessary to show that rape was committed. Youth and immaturity are generally badges of truth and sincerity.[24]

Furthermore, ill motive is not an essential element of a crime. It becomes inconsequential where there are affirmative, nay categorical, declarations towards the accused-appellant's accountability for the felony.[25]

In the light of the positive testimony of the victim proving accused-appellant's criminal accountability, his alibi must perforce fail. As between the categorical testimony that rings of truth on one hand and the bare alibi on the other, the former must prevail. A mere denial like alibi is inherently a weak defense and constitutes self-serving negative evidence which can not be accorded greater evidentiary weight than the declaration of credible witnesses who testify on positive matters.[26]

All told, the proffered alibi of accused-appellant cannot stand against the positive identification by the complainant that he is the defiler of her womanhood. Indeed, the revelation of an innocent girl not even into her teens whose chastity has been abused deserves full credit, as the willingness of complainant to face police investigation and to undergo the trouble and humiliation of a public trial is eloquent testimony of the truth of her complaint.[27] In short, it is most improbable for an innocent and guileless girl of seven years as herein offended party, to brazenly impute a crime so serious as rape to any man, let alone her uncle, if it were not true.[28]

Finding no cogent reason to reverse the ruling of the trial court insofar as the rapes were committed, what remains to be determined is the propriety of the penalties imposed by the trial court upon accused-appellant.

The two (2) informations specifically allege, inter alia, that accused-appellant, "being the maternal uncle of the complainant xxx with lewd design and taking advantage of the innocence and tender age of the victim did then and there have carnal knowledge with xxx a girl 7 years of age, by means of force and intimidation and against her will and consent." The allegation in the informations concerning the minority of the victim, who was seven (7) years of age at the time the crimes were committed, and her relationship as niece of the offender who is her maternal uncle are special qualifying circumstances[29] which would categorize the crime as qualified rape under Article 335 of the Revised Penal Code, as amended by Section 11 of R.A. No. 7659, the prescribed penalty for which is death.[30]

These special qualifying circumstances of minority[31] and relationship[32] have been pleaded in the information and duly proven by the prosecution. These were even admitted and confirmed by accused-appellant himself.[33] With regard to minority, it may be pointed out that a birth certificate or any other official document may no longer be necessary to establish the age of the victim where, as in this case, the same is admitted and not disputed by accused-appellant.[34] However, aside from said admission, the prosecution likewise produced Geneva's certificate of birth,[35] thus laying to rest any further question as to her minority.

With regard to the award of damages, we note that while the trial court correctly ordered the accused-appellant to indemnify the victim in the sum of P75,000.00 for each count of rape, it failed to award moral damages. As we pointed out in *People v. Cornelio Supnad*,[36] a conviction for rape carries with it the award of moral damages to the victim since it is recognized that her injury is concomitant with and necessarily results from the odious crime of rape to warrant per se an award.[37] Moral damages are automatically granted in rape cases without need of

proof for it is assumed that the victim has suffered moral injuries entitling her to such an award.[38]

Considering that the alternative circumstance of relationship has aggravated the offense[39] and consistent with our ruling in *People v. Danilo Catubig y Horio*,[40] exemplary damages for each count[41] of rape is likewise proper which, pursuant to controlling case law, has been fixed at P25,000.00.[42]

Four (4) members of the Court maintain their position that R.A. No. 7659, insofar as it prescribes the death penalty is unconstitutional. Nevertheless, they submit to the ruling of the majority that the said law is constitutional and that the death penalty should be imposed in this case.

WHEREFORE, the judgment of the Regional Trial Court of Angeles City, Branch 59 in Criminal Cases Nos. 99-564 and 99-565 finding accused Love Joy De Guzman guilty beyond reasonable doubt of two (2) counts of Rape penalized under Article 335 of the Revised Penal Code, as amended by Section 11 of R.A. No. 7659, and sentencing him to suffer in each case the death penalty and to pay the victim the sum of Seventy Five (P75,000.00) is AFFIRMED with the MODIFICATIONS that accused-appellant is further ordered to pay in each case the victim, Geneva Marie Daugherty, the additional amounts of P50,000.00 as moral damages and P25,000.00 as exemplary damages.

In accordance with Article 83 of the Revised Penal Code, as amended by Section 25 of R.A. No. 7659, upon finality of this decision, let certified true copy of the record of this case be forthwith forwarded to the Office of the President for possible exercise of clemency and pardoning power.

Costs de officio.

SO ORDERED.

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

[1] Record, p. 1

[2] *Ibid.*, p. 12.

[3] *Id.*, pp. 25-26.

[4] *Id.*, pp. 112-121; penned by then Judge now Court of Appeals Associate Justice Eliezer De Los Santos.

[5] Exhibit D.

[6] Exhibits B and C.

[7] *People v. Ramshand Thamsey y Cariñosa*, G. R. No. 144179, 19 July 2001, citing *People v. Gutierrez*, 339 SCRA 452, 464 [2000]; *People v. Abangin*, 297 SCRA 655 [1998] and *People v. Manansala*, 273 SCRA 502 [1997]; see also *People v. Diasanta*, 335 SCRA 218 [2000], citing *People v. Balmoria*, 287 SCRA 687 [1998]; *People v. Julian*, 270 SCRA 733 [1997]; *People v. Perez* 270 SCRA 526 [1997]; *People v. Ramirez*, 266 SCRA 335 [1997]; *People v. Guamos*, 241 SCRA 528 [1995]; *People v. Casinillo*, 213 SCRA 777 [1992]; see also *People v. Mijano*, 311 SCRA 81 [1999].

[8] *People v. Babera*, 332 SCRA 257 [2000], citing *People v. Dacoba*, 289 SCRA 265 [1998]; *People v. Gagto*, 253 SCRA 455 [1996].

- [9] *People v. Baybado*, 335 SCRA 712, 718 [2000], citing *People v. Sabredo*, 331 SCRA 663 [2000].
- [10] *People v. Guillermo Cariño*, G.R. No. 131203, 2 August 2001, citing *People v. Alvero*, 329 SCRA 737, 747 [2000], citing *People v. Bernaldez*, 294 SCRA 317, 327 [1998].
- [11] G.R. No. 126899, 2 August 2001.
- [12] *People v. Gianan*, G.R. Nos. 135288-93, 15 September 2000; 340 SCRA 477 [2000].
- [13] TSN, 14 September 1999, pp. 6-9.
- [14] *Ibid.*, pp. 11-15.
- [15] TSN, 14 September 1999, pp. 15-19; emphasis supplied.
- [16] *People v. Felipe Hofileña y Taala*, 334 SCRA 214, 227 [2000], citing *People v. Penaso*, 326 SCRA 311 [2000]; *People v. Diasanta*, *supra*.
- [17] *People v. Mario Calдона y Llamas*, G.R. No. 126019, 1 March 2001.
- [18] *People v. Galimba*, 253 SCRA 722, 728 [1996]; *People v. Rosare*, 264 SCRA 398, 412 [1996]; *People v. Escobar*, 281 SCRA 498, 508 [1997], *People v. Lusa*, 288 SCRA 296, 303 [1998].
- [19] *People v. Ramon Mariño y Mina*, G.R. No. 132550, 19 February 2001, citing *People v. Balmoria*, 287 SCRA 687, 707-708 [1998]; *People v. Tabugoca*, 285 SCRA 312, 329 [1998]; *People v. Tumala, Jr.*, 284 SCRA 436, 439 [1998].
- [20] *People v. Adora*, 275 SCRA 441, 467 [1997]; *People v. Junio*, 237 SCRA 826, 831 [1994]; *People v. Lagrosa, Jr.*, 230 SCRA 298 [1994]; *People v. Domingo*, 226 SCRA 156, 174 [1993]; *People v. Lusa*, *supra*.
- [21] *People v. Pontilar*, 275 SCRA 338, 350 [1997], citing *People v. Ramirez*, 266 SCRA 335 [1997]; *People v. Dela Cruz*, 251 SCRA 77, 85 [1995]; *People v. Sanchez*, 250 SCRA 14, 20 [1995].
- [22] *People v. Taño*, G.R. No. 133872, 4 May 2000; *People v. Amigable*, G.R. No. 133857, 31 March 2000; *People v. Sampior*, G.R. No. 117691, 1 March 2000.
- [23] *People v. Antipona*, 274 SCRA 328, 335 [1997]
- [24] *People v. Alfredo Nardo y Rosales*, G.R. No. 133888, 1 March 2001, citing *People v. Lusa*, 288 SCRA 296 [1998].
- [25] *People v. Deolito Optana*, 12 February 2001, citing *People v. Segundo*, 228 SCRA 691 [1993].
- [26] *People v. Camilo Villanueva*, G.R. No. 135330, 31 August 2000, citing *People v. Alvero*, G.R. Nos. 134536-38, 5 April 2000.
- [27] *People v. Melencio Bali-balita*, G.R. No. 134266, 15 September 2000, citing *People v. Mengote*, 305 SCRA 380 [1999]; *People v. Victor*, 292 SCRA 186 [1998].
- [28] *People v. Willy Marquez*, G.R. Nos. 137408-10, 8 December 2000, citing *People v. Molas*, 286 SCRA 684 [1998].
- [29] *People v. Calayca*, 301 SCRA 192 [1999], citing *People v. Garcia*, 281 SCRA 463 [1997].
- [30] *People v. Marcelo Palermo y Carias*, G.R. No. 120630, 28 June 2001.
- [31] Exhibit E; TSN, 14 September 1999, p. 22.

[32] TSN, 14 September 1999, p. 24.

[33] TSN, 21 September 1999, pp. 3, 6.

[34] People v. Manolito Agustin, G.R. Nos. 135524-25, 24 September 2001, citing People v. Remudio, G.R. No. 127905, 30 August 2001.

[35] Exhibit E.

[36] G.R. Nos. 133791-94, 8 August 2001.

[37] People v. Tejero, 308 SCRA 660 [1999].

[38] People v. Alba, 302 SCRA 811 [1999].

[39] People v. Guillermo Cariño, *supra*, p. 10, citing Article 2230, Civil Code.

[40] G.R. No. 137842, 23 August 2001, pp. 18-19.

[41] People v. Arillas, 333 SCRA 765, 775 [2000].

[42] People v. Elpedes, G.R. Nos. 137106-07, 31 January 2001, citing People v. Arillas, *supra*.

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.