

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. FEDERICO BENAVIDEZ Y SANGCAL, ACCUSED-APPELLANT.

G.R. Nos. 142372-74. September 17, 2002

Ponente: MENDOZA, J.

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MENDOZA, J.:

Before the Court on automatic review is the decision[1] of the Regional Trial Court, Branch 57, Libmanan, Camarines Sur, finding accused-appellant Federico Benavidez y Sangcal guilty beyond reasonable doubt of two (2) counts of rape and sentencing him in each case to suffer the penalty of death and to pay each of the offended parties, Precy Benavidez and Cristy Benavidez, P50,000.00 as indemnity, P30,000.00 as moral damages, and P20,000.00 as exemplary damages and the costs of the suit.

The informations for rape against accused-appellant Federico Benavidez y Sangcal alleged[—]

Crim. Case No. L-3034

That on or about 11:00 o'clock in the evening of October 23, 1998 and other dates and time the victim can no longer remember, since she was seven (7) years old in their house at Barangay Castillo, Municipality of Cabusao, Province of Camarines Sur, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs, and with grave abuse of trust and confidence being then the father of the victim, did then and there, willfully, unlawfully, and feloniously by means of force, threats, and intimidation have carnal knowledge with his 14-year old daughter PRECY BENAVIDEZ against her will and without her consent as evidenced by the medical certificate - Annex "A" hereto to her damage and prejudice in such an amount as may be determined by the Honorable Court.

CONTRARY TO LAW.[2]

Crim. Case No. L-3035

That on or about 11:00 o'clock in the evening of October 28, 1998 and other dates and time the victim can no longer remember, since she was seven (7) years old, in their house at Barangay Castillo, Municipality of Cabusao, Province of Camarines Sur, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs, and with grave abuse of trust and confidence being then the father of the victim, did then and there, willfully, unlawfully, and feloniously by means of force, threats, and intimidation have carnal knowledge with his 14-year old daughter PRECY BENAVIDEZ, against her will and without her consent as evidenced by the medical certificate – Annex "A" hereto to her damage and prejudice in such an amount as may be determined by the Honorable Court.

CONTRARY TO LAW.[3]

Crim. Case No. L-3036

That on or about 11:00 o'clock in the evening of October 1997 and other dates and time the victim can no longer remember, since she was six (6) years old, right in their own house, at Barangay Castillo, Municipality of Cabusao, Province of Camarines Sur, Philippines and within the jurisdiction of this Honorable Court, the

above-named accused, with lewd designs, and with grave abuse of trust and confidence being then the father of the victim, did then and there, willfully, unlawfully, and feloniously by means of force, threats, and intimidation have carnal knowledge with his 15-year old daughter CRISTY S. BENAVIDEZ against her will and without her consent as evidenced by the medical certificate marked as Annex "A" hereof to her damage and prejudice in such an amount as may be determined by the Honorable Court.

CONTRARY TO LAW.[4]

Upon being arraigned on May 5, 1999, accused-appellant, with the assistance of Atty. Dante Mirabueno, his counsel de oficio from the Public Attorney's Office (PAO), entered a plea of not guilty.[5] However, on August 30, 1999, Atty. Mirabueno manifested that accused-appellant wanted to substitute his former plea of not guilty with a plea of guilty.[6] The pre-trial of the cases was thereafter reset several times, mainly on motion of Atty. Mirabueno, to give accused-appellant time to reflect on his intention or plan to plead guilty.[7]

On October 5, 1999, with the assistance of Atty. Mirabueno, accused-appellant was re-arraigned and formally pleaded guilty to the charges of rape in the three informations.[8] Accordingly, by agreement of the parties, the cases were set for trial on October 20, 1999 at 1:30 p.m. for the reception of the evidence of the prosecution. On December 15, 1999, a joint trial of the three cases commenced.

The prosecution presented four witnesses: complainants Precy and Cristy Benavidez, their mother Cristina Benavidez and Dr. Emma Rariza, the physician who examined them. The gist of their testimonies is as follows: Complainants Precy and Cristy Benavidez are daughters of accused-appellant and his wife Cristina. They lived in Castillo, Cabusao, Province of Camarines Sur, with their parents and six siblings, namely, Jerry, Fe, Grace, Jun, Mark and Vanessa.

Precy was born on June 2, 1984 per her birth certificate.[9] She testified that her father had been sexually abusing her since she was seven years old, the last of which took place on October 28, 1998. She said that in the evening of October 28, 1998, she was roused from her sleep by accused-appellant, who undressed her and lay on top of her, inserted his penis into her vagina and had sexual intercourse with her several times. She said she felt pain as a result thereof. After raping her, accused-appellant warned Precy not to tell her mother, who was then in Manila, about the incident.

On November 16, 1998, however, while her father was out, Precy told her mother about the ordeal she had gone through. Precy's mother cried and drank beer upon learning what had happened to her daughter. Later, her mother reported the matter to the police authorities and accompanied Precy to the physician for medical examination. Precy was next taken to Iriga to keep her away from accused-appellant. Because of the abuse she suffered from accused-appellant, Precy testified, she could hardly sleep and would always cry.[10]

On the other hand, per her birth certificate,[11] Cristy was born on June 30, 1983. She claimed that she had been repeatedly raped by her father since she was six years old, the last of which occurred in the evening of October 19, 1997. She testified that in the evening of October 19, 1997, she was sleeping with her siblings inside a room on the second floor of their house. She was awakened when accused-appellant removed her shorts and panty. She pleaded with accused-appellant to stop what he was doing and she even told him that she would tell her mother, who was then sleeping on the ground floor of the house, about his abuse. Her pleas went unheeded as accused-appellant threatened to kill her and the other members of the family if she revealed the incident to anyone. Accused-appellant thus succeeded in raping Cristy. She told accused-appellant that she would leave the house should he again rape her.[12] Afterwards, she reported the incident to her teacher, who then advised her to seek assistance from the police authorities. Thereafter, on November 25, 1998, she went to the Libmanan District Hospital where she was examined.

Cristina Benavidez, mother of the complainants, testified that accused-appellant is her husband and that they stayed in Castilla, Cabusao in Camarines Sur. She said that when her daughter Precy told her about the rape incidents on December 10, 1998, she cried and related these to her parents. She confronted accused-appellant, but the latter denied the allegations and even told their daughters to submit themselves to a medical examination.[13]

Dr. Emma Rariza of the Libmanan District Hospital examined the two complainants and issued the corresponding medical certificates. The medical examination of Cristy Benavidez showed the following:

November 25, 1998

NAME: Cristy Benavidez AGE: 15 yrs. old SEX: Female

ADDRESS: Castillo, Cabusao, Camarines Sur CIVIL STATUS: Single

-Patient is conscious, uncooperative, incoherent, sometimes ashamed.

-1. Labia majora – doesn't lie in close contact with labia minora with thinly curly pubic hair.

-2. Labia minora – soft, blackish, not in close opposition with one another.

-3. Old hymenal laceration at 1 & 9 o'clock positions with whitish vaginal discharge, admits 1 finger with resistance.”[14]

The medical report of Precy Benavidez showed the following:

November 19, 1998

NAME: Precy Benavidez AGE: 14 [yrs. old] SEX: Female

ADDRESS: [Castillo,] Cabusao, Camarines Sur CIVIL STATUS: Single

1.) Patient is conscious, cooperative, ashamed, well- nourished, well-developed.

2.) Pubic hair – sparse thinly distributed about 1 cm. covers anterior third of mons pubis.

3.) Vaginal canal – with laxity and flattening of rugosities.

4.) Labia majora – doesn't lie in close contact with labia minora.

5.) Labia minora – soft, blackish, not in close opposition with one another.

6.) Hymen – complete old healed laceration w/ rounded non-coaptible borders.[15]

Dr. Rariza testified that both complainants were non-virgins and that the healed hymenal lacerations sustained by them could have been caused by forcible sexual intercourse, masturbation, cycling or falling off from a horse. She said the probable cause for the lacerations was forcible sexual intercourse.[16]

Accused-appellant did not present any evidence in his defense.

On February 6, 2000, the trial court rendered a decision finding accused-appellant guilty only of two (2) counts of incestuous rape as follows:

WHEREFORE, this Court finds the accused, FEDERICO BENAVIDEZ y SANGCAL, GUILTY beyond reasonable doubt of the crime of Rape in Criminal Case No. L-3035, and he is hereby sentenced to the supreme penalty of DEATH and to indemnify the offended party, his daughter Precy Benavidez, the amount of Fifty Thousand (P50,000.00) pesos. This Court likewise finds the accused, FEDERICO BENAVIDEZ y SANGCAL, GUILTY beyond reasonable doubt of the crime of Rape in Criminal Case No. L-3036 and hereby sentences him to the supreme penalty of DEATH, to indemnify the offended party, his daughter Cristy

Benavidez, the amount of Fifty Thousand Pesos (P50,000.00). Accused is likewise directed to pay both his daughters the amount of Thirty Thousand (P30,000.00) each as moral damages and Twenty Thousand Pesos (P20,000.00) each as exemplary damages and to pay the costs of the suit. For failure of the prosecution to prove the accused's guilt beyond reasonable doubt in Criminal Case No. L-3034, accused is ACQUITTED of the charge against him.

Let the records of this case be forwarded to the Supreme Court for automatic review.

The duty of the courts is to apply the law disregarding their feelings of sympathy or pity for an accused, the Court advised Judges in *Pp. v. Amigo* (252 SCRA 843). This Court however recommends the commutation of the two death sentences imposed on the accused to Reclusion Perpetua, not in pity or sympathy, but in the interest of justice and equity.

Accused's admission that he committed the sexual defilement of his two daughters, his remorse for the acts of depravity committed, his desire to spare his daughters from further humiliation, ignominy and anguish during the court trials, exhibits his contrite attitude. It is hereby recommended that the accused be spared from the lethal injection chamber and instead be meted the penalty of Reclusion Perpetua.

To the credit of the defense, Atty. Dante Mirabueno, counsel for the accused, left no stone unturned in assisting his client. He tried to dissuade him from pleading guilty to the offenses, requesting the Court for postponements of the pre-trial to convince accused to think deeply about his decision. But accused was steadfast in his desire to at least correct the wrongs he committed. The dedication and vigilance of Atty. Mirabueno is commended to his superiors.

SO ORDERED.[17]

Hence, this appeal.

First. Accused-appellant contends that the trial court erred in holding him guilty of the crime of rape in Criminal Case Nos. L-3035 and L-3036 based on his improvident plea of guilt.

Rule 116, §3 of the Revised Rules of Criminal Procedure provides that when the accused pleads guilty to a capital offense, the court should conduct a searching inquiry into the voluntariness and full comprehension by the accused of the consequences of his plea and should require the prosecution to prove his guilt and the precise degree of his culpability. The accused may present evidence in his behalf. This procedure is mandatory and a judge who fails to observe it commits grave abuse of discretion.[18] In a number of cases,[19] we have emphasized these requirements.

In its decision in these cases, the trial court tried to show compliance with these requirements. It states:

On May 5, 1999, accused, after being informed of his constitutional rights, and with the assistance of counsel, pleaded not guilty to all the three informations during his arraignment. A plea of not guilty was entered in the record of these cases. The pre-trial was reset several times, and on August 10, 1999, defense counsel prayed that the pre-trial be reset for the last time, to allow the accused to contemplate on whether or not to plead guilty to the charges filed by his daughters (p. 33 [should be p. 25], Records, Crim. Case No. L-3034).

Atty. Dante Mirabueno, counsel for accused Federico Benavidez, thereafter averred on August 30, 1999, during the scheduled pre-trial, that accused will plead guilty to the offenses charged. According to the accused, counsel relayed to the Court, if it is his death that his daughters want, then he will plead guilty. Considering such manifestation, the Court reset the pre-trial again to another date to enable the accused to reflect on his desire to plead guilty to the offense (p. 38 [should be p. 27], Records, Crim. Case No. L-3034). The Court advised defense counsel to explain to the accused, the consequences of his plea of guilt.

Finally, on October 5, 1999, accused was arraigned again. Before the arraignment, the Court spelled out the

effect of his guilty plea. In the dialect which accused speaks and understands, the Judge conducted a searching inquiry to determine whether he admits his guilt freely, voluntarily, with full knowledge of the consequences and meaning of his plea of guilt and whether or not he was coerced or threatened in making such plea. The Court likewise explained to the accused the nature of the charges against him and the end result of his plea, and that the prosecution will still be directed to present its evidence. His counsel was likewise asked whether he already conferred with his client regarding the matter and whether he explained the outcome of a plea of guilt in these rape cases filed by his two daughters.

Despite such lengthy explanation made to the accused and his knowledge of the consequences of a plea of guilt to the offense of rape, accused pleaded guilty to all the charges against him. As prayed for by counsel, his former plea of not guilty was substituted with the guilty plea. The Court directed the prosecution to present evidence to establish the degree of accused's culpability. Accused, in the dialect, expressed his thoughts, that there would be no more trial. He was informed that, as earlier explained to him, the prosecution would still be required to present evidence even if he pleaded guilty.

....

According to Atty. Mirabueno, the accused requested him not to cross-examine his two daughters and his wife, because he wanted to free them from further embarrassment, humiliation and ridicule. Accused professed that he is very much repentant. Although counsel wants to conduct the cross-examination, accused earnestly requested him not to cross-examine. Accused allegedly was expecting that there will be no trial in this case, so that his daughters will no longer be asked questions. He pleaded guilty so as not to embarrass them in public. But since it was explained that there would be a trial still, he persuaded his counsel to waive the cross-examination of his two daughters and his wife.[20]

The Office of the Solicitor General, relying on the above statements of the trial court, recommends that the appealed judgment be affirmed with modification as to the amount of indemnity and moral damages to be awarded to the two complainants.

We cannot take at face value these statements by the trial court as the records of these cases do not show that the trial judge in fact conducted a searching inquiry into the voluntariness and full comprehension by accused-appellant of the consequences of his plea. There are no transcript of stenographic notes and minutes of the proceedings below during which accused-appellant was re-arraigned and informed by the judge of the nature of the charges against him and informed of the consequences of pleading guilty to their commission. The transcript of stenographic notes do not show what actually transpired at the proceedings, during which accused-appellant changed his plea from one of "not guilty" to one of "guilty," what he was told by the trial judge upon entering a plea of guilt, and what he told the trial judge in reply thereto. Accused-appellant allegedly said that "if it is his death his daughters want, then he will plead guilty." But this was according to accused-appellant's counsel. Accused-appellant himself did not tell the court why he did not want his counsel to cross-examine the prosecution witnesses and to present evidence in his behalf.

No less than a man's life is at stake in these cases. Whatever accused-appellant might have said to show that he was waiving his defense voluntarily and with full knowledge of the consequences of his plea should have been made of record. The August 10, 1999 order of the trial court stated:

Atty. Dante Mirabueno manifested that his client be given one last resetting so that he can contemplate on whether to plead guilty or not guilty to the charge against him by his daughters.[21]

The order dated August 30, 1999 of the trial court stated that:

Atty. Dante Mirabueno manifested that the accused will plead guilty to the three offenses. Accused allegedly declared that if it's his death that his daughters want, then he will plead guilty.

To enable the accused to reflect on his desire to plead guilty to the offense, the pre-trial in these cases is set to September 9, 1999 at 8:30 a.m. Parties and counsels are notified, but for record purposes, issue subpoena to the Jail Warden.

SO ORDERED.[22]

What we said in *People v. Bello*[23] bears repeating:

Evidently, there is no showing that accused-appellant was put on the stand for purposes of inquiring whether he fully comprehended the legal consequences of his plea of guilt. The original record of this case is completely bereft of any document concerning accused-appellant's supposed re-arraignment. We cannot presume that the re-arraignment of accused-appellant was regularly conducted. We cannot lean on this rebuttable presumption especially when a man's life is at stake. We cannot anchor our judgment based on mere speculations and conjectures. Rather, we must be positively convinced. Where a capital offense like incestuous rape becomes the subject of a positive plea, it becomes imperative for the trial court to administer a searching inquiry and receive evidence undisputably showing that the accused admits his guilt freely, voluntarily, and with full knowledge of the consequences and meaning of such a plea (*People vs. Albert*, 251 SCRA 293 (1995)). And a plea of guilty is improvidently accepted where no effort is even made to explain to the accused that a plea of guilty to an information for a capital offense may result in the imposition of the death penalty. (*People vs. Derilo*, 271 SCRA 633 (1997)).

A "searching inquiry," under the Rules, means more than informing cursorily the accused that he faces a jail term but so also, the exact length of imprisonment under the law and the certainty that he will serve time at the national penitentiary or a penal colony. Not infrequently indeed, an accused pleads guilty in the hope of a lenient treatment, or upon bad advice, or because of promises of the authorities or parties of a lighter penalty should he admit guilt or express remorse. It is the duty of the judge to see to it that the accused does not labor under these mistaken impressions (*People vs. Dayot*, 187 SCRA 637 (1990)).

Although there is no definite and concrete rule as to how a trial judge may go about the matter of a proper "searching inquiry," it would be well for the court, for instance, to require the accused to fully narrate the incident that spawned the charges against him, or by making him reenact the manner in which he perpetrated the crime, or by causing him to furnish and explain to the court missing details of significance (*People vs. Estomaca*, 256 SCRA 429 (1996)). In the case under review, the record does not reveal any information about the personality profile of accused-appellant which can serve as a trustworthy index of his capacity to give a free and informed plea of guilt. Questions pertaining to the age, socio-economic status, and educational background of accused-appellant which may provide contributory insights for a proper verdict in this case were not propounded by the trial court.

Further, the trial court did not bother to explain to accused-appellant the essential elements of the crime of rape pursuant to Section 11 of Republic Act No. 7659 [the] violation of which he was charged with. The trial judge also failed to inform accused-appellant that he would be made to indemnify his victim. As a result, accused-appellant was not properly accorded his fundamental right to be informed of the precise nature of the accusation against him, which is an integral aspect of the due process clause under the Constitution (*People vs. Sevileno*, 305 SCRA 519 (1999)).

Indeed, indispensable are the requirements of a plea of guilt in capital offenses that their nonobservance or the failure of the trial court to comply strictly with them renders its judgment of conviction null and void.

In these cases, accused-appellant never took the witness stand despite being represented by Atty. Mirabueno. It was only through his counsel that he allegedly relayed his decision to plead guilty to the charges of incestuous rape. There is no record of what his answer was upon being allegedly informed of the legal consequences of his plea of guilt. Clearly, therefore, the plea of guilt by accused-appellant before the trial court was made

improvidently.

Second. Accused-appellant now claims on appeal that the trial court erred in acceding to the request of the defense counsel to be excused from cross-examining the complainants and from presenting evidence for his defense because this was his desire. Indeed, the records show that the defense counsel did not cross-examine Precy, thus:

COURT:

Cross.

ATTY. MIRABUENO:

The accused, Your Honor, has requested this representation not to ask any cross on the victim because he wants to free his daughter from further embarrassment, humiliation and ridicule as he professes that he is very repentant much as this representation wants to conduct cross-examination he was earnestly requested by the accused not to conduct cross-examination. In fact, Your Honor, he was expecting Your Honor that there will be no trial in this case. So that her daughters will no longer be ask[ed] question[s] in order not to ridicule, embarrass in public her daughters. That is the reason why he pleaded guilty.

COURT:

But you explained to him that there would still be trial?

ATTY. MIRABUENO:

Yes, Your Honor, but for cross-examination, it is he who told me not to cross-examine.

PROS. MARPURI:

Your Honor, we request for a resetting for the trial termination. We will request for the cancellation of the former setting and we will agree for an earlier date.

COURT:

January 5, 2000.

PROS. MARPURI:

May I request for issuance of subpoena to the mother and the Doctor and the other daughter. That subpoena be issued to Dr. Emma Rariza of Libmanan District Hospital, Libmanan, Camarines Sur.[24]

In its order, the trial court stated:

Precy Benavidez, private complainant in Crim. Case Nos. 3034 and 3035 these cases, concluded her testimony on direct examination. Defense counsel manifested that it is the wish of the accused, who already pleaded guilty to the charges, that his daughter be spared from further humiliation. Accused does not want that his counsel cross-examine the private complainant.

Cristy Benavidez, private offended party in Crim. Case No. 3036, the offended party's mother and the Doctor will testify on the next setting.

By agreement of counsels, the continuation of trial in these cases is set on January 5, 2000 at 9:30 a.m. Parties are notified, but for record purposes issue subpoena to the Jail Warden. Likewise, issue subpoena to Dr. Emma Rariza, to appear and testify on said date and time, in connection with the medical certificates she issued in favor of the private complainants. The setting tomorrow is cancelled.[25]

Likewise, in the next scheduled hearing, the defense counsel again manifested that accused-appellant was waiving his right to cross-examine Cristy, thus:

COURT:

Cross.

ATTY. MIRABUENO:

Your Honor, the accused is waiving his right to cross-examine the witness. Your Honor, I would like to manifest that this representation has been prodded by the accused not to cross-examine the witness that he no longer want his daughter to suffer further humiliation and embarrassment, Your Honor.[26]

In its order, the trial court also stated:

Dr. Emma Rariza, Cristina Benavidez and Cristy Benavides concluded their respective testimonies today.

Defense counsel manifested that it is the wish of the accused, who already pleaded guilty to the charges, that his daughter be spared from further humiliation. Accused does not want that his counsel cross-examine the private complainant.

Prosecutor Marpuri manifested that he has no other witnesses. He prayed that he be given time to formally offer his evidence.

In view thereof, counsel is given five (5) days from today within which to file his formal offer of evidence. Defense counsel is given the same period of time within which to file his objection, if any, after which, the matter will be submitted for resolution.

SO ORDERED.[27]

After the prosecution rested its case, the trial court issued an order stating:

There being no objection, all the exhibits formally offered by the prosecution are admitted.

Considering that the defense will no longer present evidence pursuant to the wish of the accused, counsels are given fifteen (15) days from receipt of this order within which to file their respective memoranda, if any.

SO ORDERED.[28]

What the trial court should have done was to call accused-appellant to the witness stand and to ask him to confirm his counsel's statements that he did not want the latter to examine the prosecution witnesses or to present evidence for his defense. The court should have inquired from accused-appellant his alleged reasons for not wanting his daughters to be subjected to cross-examination considering that his life depended on the outcome of these cases. In the light of the gravity of the imposable penalty involved, the trial court should have taken every step to ensure that accused-appellant actually said what was attributed to him by his counsel de oficio.

Third. Accused-appellant finally contends that the prosecution failed to establish his guilt beyond reasonable doubt. We agree. The Court cannot rest easy in sustaining the conviction of accused-appellant on the basis of his improvident plea of guilt.

WHEREFORE, the decision of the Regional Trial Court, Branch 57, Libmanan, Camarines Sur, finding accused-appellant Federico Benavidez y Sangcal guilty beyond reasonable doubt of two (2) counts of incestuous rape in Criminal Case Nos. L-3035 and L-3036 and sentencing him in each of these cases to death and to indemnify the complainants Precy and Cristy Benavidez, is ANNULLED and SET ASIDE. Criminal Case Nos. L-3035 and L-3036 are REMANDED to the court of origin for further proceedings to be conducted with all

deliberate speed in accordance with this decision.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Puno, Vitug, Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, and Callejo, Sr., JJ., concur.

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- [1] Per Judge Lore R. Valencia-Bagalacsa.
- [2] Rollo, p. 15; RTC Decision, p. 2.
- [3] Records, p. 1.
- [4] Records, p. 5.
- [5] Certificate of Arraignment for Crim. Case Nos. L-3034, L-3035, and L-3036; Records, pp. 21-22.
- [6] Records, p. 27.
- [7] Id., pp. 22-28, 30.
- [8] Certificate of Arraignment [should be Re-Arraignment] for Crim. Case Nos. L-3034, L-3035, and L-3036; Records, pp. 31-33.
- [9] Exh. A (Crim. Case Nos. L-3034 and 3035); Records, p. 47.
- [10] TSN, pp. 2-10, Dec. 15, 1999.
- [11] Exh. A (Crim. Case No. L-3036); Records, p. 45.
- [12] TSN, pp. 6-11, Jan. 5, 2000.
- [13] Id., pp. 2-5.
- [14] Exh. B; Records (Crim. Case No. L-3036), p. 7.
- [15] Id.; Records (Crim. Case No. L-3035), p. 3.
- [16] TSN, pp. 12-20, Jan. 5, 2000.
- [17] Rollo, pp. 25-26.
- [18] *People v. Dayot*, 187 SCRA 637 (1990).
- [19] E.g., *People v. Bernas*, G.R. Nos. 133583-85, Feb. 20, 2002; *People v. Aranzado*, G.R. Nos. 132442-44, Sept. 24, 2001; *People v. Nadera, Jr.*, 324 SCRA 490 (2000); *People v. Bello*, 316 SCRA 804 (1999); *People v. Camay*, 152 SCRA 401 (1987).
- [20] Rollo, pp. 16-17, 21.
- [21] Records, p. 25.
- [22] Id., p. 27.

[23] 316 SCRA 804, 813-14 (1999).

[24] TSN (Precy Benavidez), pp. 10-11, Dec. 15, 1999.

[25] Records, p. 37.

[26] TSN (Cristy Benavidez), p. 11, Jan. 5, 2000.

[27] Records, p. 39.

[28] Id., p. 48.

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