

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. ERNIE BARO, APPELLANT.

G.R. Nos. 146327-29. June 05, 2002

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

The prosecution must prove the guilt of the accused beyond reasonable doubt. It must avoid pushing the judge to the pitfall of either convicting the innocent or acquitting the guilty. The hornbook rule is that where there is reasonable doubt, the accused must be acquitted. It would be far more acceptable to acquit the guilty erroneously than to convict the innocent wrongly.

The Case

Ernie Baro appeals the Decision^[1] dated October 30, 2000 issued by the Regional Trial Court (RTC) of Quezon City (Branch 86), finding him guilty beyond reasonable doubt of three (3) counts of rape and sentencing him to reclusion perpetua for each count. The decretal portion of the Decision reads as follows:

“WHEREFORE, PREMISES CONSIDERED, JUDGMENT is hereby rendered finding the accused Ernie Baro guilty beyond reasonable doubt of three (3) counts of rape committed against Roda Ongatan and hereby sentences him to suffer the penalty of reclusion perpetua for each of the offense charged and to indemnify the victim Roda Ongatan the amount of P75,000.00 as civil indemnity and P50,000.00 as moral damages, plus costs.”^[2]

Three Complaints, docketed as Criminal Case Nos. Q-98-76279, Q-98-76280 and Q-98-76282 were filed against appellant for raping Roda Ongatan on January 5, 1995, March 5, 1995 and April 16, 1996. Except for the dates of the commission of the offense, the three Complaints were similarly worded as follows:

“That on or about the 5th day of January, 1995 in Quezon City, Philippines, the said accused, by means of force and intimidation did then and there, willfully, unlawfully and feloniously enter the room where the undersigned complainant was sleeping, and covered her mouth, poked a knife at her neck, undressed her and removed her panty, and thereafter have carnal knowledge of her against her will and without her consent.”^[3]

During his arraignment on August 3, 1998,^[4] appellant, with the assistance of his counsel de oficio,^[5] pleaded not guilty to all three charges. After trial in due course, the RTC rendered the assailed Decision.

The Facts

Version of the Prosecution

In its Brief,^[6] the Office of the Solicitor General presents the prosecution’s version of the facts as follows:

“Roda Ongatan was an adopted daughter of Rodrigo and Leticia Ongatan. Rodrigo and Leticia have eight (8) other children, namely: Ricardo, 21 years old; Ronald, 20 years old; Rogelio, 19 years old; Roberto, 18 years old; Rose, 16 years old; Rochelle, 13 years old; Rodel, 10 years old and Racquel, 8 years old. They lived in a

two-storey house at 104 Zusuaregui, Old Balara, Quezon City. Roda's family occupied the second floor of the house, which had three (3) bedrooms. The first bedroom was occupied by Roda's parents and three (3) sisters. The second bedroom was occupied by the brother of Roda's mother, Vivencio Padora, while the third bedroom was occupied by Roda. Roda's five (5) brothers sleep in the sala. Roda's bedroom was adjacent to the kitchen. Her room was about two armslength wide and one-and-a-half armslength long. It had no door and only a curtain covered and separated it from the rest of the house. Appellant, who was the uncle of Roda's mother, slept just outside Roda's bedroom. When the rape incidents occurred in 1995 and 1996, the ground floor of the Ongotan house was rented by Teresita Ongotan's (the sister of Roda's father) family.

"On January 5, 1995, around 5:00 a.m., Roda had just awakened and was still lying down when appellant entered her room. Appellant immediately covered her mouth with a handkerchief and threatened to kill her if she shouted. Using his left hand, appellant poked a knife (balisong) at her. Appellant was then wearing a white shirt and black short pants while Roda was wearing an orange-colored short pants and a pink dress. Appellant took off his short pants and removed Roda's short pants and underwear. He forcibly spread her legs and inserted his penis into her vagina. Roda could not remember how long was appellant's penis remained inserted in her vagina. After raping her, appellant dressed up and left her room.

"On March 5, 1995, Roda went to bed around 8:00 p.m. Around 5:00 a.m. the following day, Roda was awakened by the presence of appellant inside her bedroom. Upon seeing appellant, Roda asked him what he wanted from her. Appellant told her to be quiet and immediately covered her mouth with a handkerchief. Appellant wound the handkerchief around Roda's head. Appellant then told her that should she shout or report what was happening to anyone, he would kill her. Thereupon, appellant raised her duster. Roda resisted, but her strength was no match for appellant's. Appellant told her not to resist and to make her immobile, appellant poked a knife (balisong) at the left side of her neck. Roda started to cry when she realized the futility of her resistance to appellant's lustful intention. Thereupon, appellant removed her underwear. When this was removed, appellant lowered his maong pants and underwear. Then, using his knees which were placed between Roda's legs, appellant forced her legs apart. Appellant inserted his penis into Roda's vagina. Roda could not do anything but cry as she felt weak. When appellant inserted his penis into her vagina, Roda felt pain. She could not remember how long appellant's penis stayed inside her vagina. When appellant was finished with her, he dressed up and removed the handkerchief around her head. When morning came, Roda did not tell her mother of the incident out of fear of appellant.

"On April 16, 1996, around midnight, Roda was at the kitchen preparing the food to be brought by her parents and five (5) siblings on their trip to the province. After she had prepared their "baon", her parents, four (4) brothers and one (1) sister left the house. Only Roda, Rochelle, Rodel and appellant were left in the house. Thereafter, she put to sleep Rochelle and Rodel who slept at their parent's bedroom. Roda did not sleep because she was afraid of appellant who was with them in the house. Before her parents left, Roda had pleaded with them not to leave. She could not tell them the reason out of fear of appellant. She could not ask them either to bring them all because no one would be left at the house. Neither could she go with them because no one would look after her young brother and sister.

"Thereupon, Roda saw appellant already inside her room and appellant, upon seeing her immediately covered her mouth to prevent her from making any noise. Appellant used a handkerchief to cover her mouth and poked a knife at her neck. Roda resisted but appellant was stronger. As they were still standing, appellant ordered her to lie down. Appellant told her not to report the incident to anyone. Thereupon, appellant took off his short pants, and followed that by removing Roda's short pants and underwear. When this was done, appellant forced her legs open and inserted his penis into her vagina. Roda could not do anything but cry. She could not remember how long appellant inserted his penis into her vagina. After appellant raped her, he ordered her to dress up and threatened her that should she report what had happened to anyone, he would kill her.

"On December 17, 1997, Roda summoned enough courage to file a complaint against appellant. She first confided in her aunt, Antonia Espos, about her unfortunate ordeal in the hands of appellant. Her aunt assured

her that she would help her file charges against appellant.

“Dr. Cristina Freyra, a Medico-Legal Officer at the Philippine National Police Crime Laboratory, EDSA, Q.C., stated that she performed a genital examination on Roda Ongotan on December 16, 1997. At the time of Roda’s examination, Roda was fifteen (15) years old. Dr. Freyra’s examination revealed that Roda’s hymen had deep-healed lacerations at 3:00 and 9:00 o’clock positions and a healed laceration at 5:00 o’clock position. Dr. Freyra opined that these lacerations could have been caused by a hard blunt object like an erect male organ. Dr. Freyra concluded that Roda was in a non-virgin state physically.”[7] (Citations omitted)

Version of the Defense

On the other hand, appellant narrates in his Brief[8] his version of the facts as follows:

“Accused-appellant, Ernie Baro, was a former resident of Catubig, Northern Samar. He was engaged in copra farming from the plantation of his parents prior to November 15, 1996, when he came to Manila with his wife and three (3) children to find work upon the request and invitation of his niece, Leticia Ongotan.

“In Manila, accused-appellant Ernie Baro and his wife, with their three (3) children, the eldest being 3 years old and the youngest at 1 year old, stayed at the place located at Orocoy St., Montessorie, Manila. Later on, they transferred to the house of his niece, Leticia Ongotan at 104 Scout Zuzuarigue St., Old Balara, Quezon City, where they stayed for about 1 year. Th[e]reat, accused, Ernie Baro met herein complainant Roda Ongot[a]n, who later on charged him of three (3) counts of rape on December 17, 1997, allegedly committed by him on January 5; March 5, 1995 and April 16, 1996. The herein accused vehemently denied the charges despite his denial, the trial court nonetheless found him guilty of the charge.”[9] (Citations omitted)

Ruling of the Trial Court

The RTC gave credence to complainant’s testimony, citing the principle that when a woman says she has been raped, she says all that is necessary to prove her accusation. It also held that her delay in reporting the incidents did not at all affect her credibility, for the delay had satisfactorily been explained. Furthermore, it ruled that the Medico-legal Report and the testimony of the examining physician bolstered her claim that she had experienced violent sexual intercourse at a young age.[10]

The RTC did not give credence to the alibi and the denial interposed by the accused. It ruled that neither would prevail over the positive testimony of complainant and that, as between a positive identification of the accused by the victim herself and an alibi, the former is to be given greater weight, especially when the victim has no motive to testify falsely against the accused.[11]

Hence, this appeal.[12]

Assignment of Errors

In his Brief, appellant faults the court a quo with the following alleged errors:

I

“The lower court erred in giving full faith and credence to the testimony of complainant, Roda Ongotan y Padora, despite its inherent incredibility, contradictions and implausibility.

II

“The lower court likewise erred in disregarding accused-appellant’s defense of alibi despite having clearly satisfied the legal criteria for its being, and supported by the attendant milieu and circumstances of the case.”[13]

The Court's Ruling

The appeal is meritorious. This Court believes that the guilt of appellant was not proven beyond reasonable doubt.

First Issue:

Credibility of Complainant's Testimony

Appellant submits that the RTC erred in according full faith and credence to complainant's testimony despite its inherent incredibility, contradictions and implausibility.

We agree. While it is true that it may be the sole basis for convicting the accused in a rape case,[14] the complaining witness' testimony must be credible.[15] In reviewing rape cases, this Court has always been guided by the following principles: (a) an accusation of rape can be made with facility -- while it may be difficult for the prosecution to prove, it is usually more difficult for the person accused, though innocent, to disprove; (b) in view of the intrinsic nature of the crime in which only two persons are usually involved, the testimony of the complainant must be scrutinized with extreme caution; and (c) the evidence for the prosecution must stand or fall on its own merits -- it cannot be allowed to draw strength from the weakness of the evidence for the defense.[16]

After a painstaking review of the records of the case, this Court finds several circumstances creating reasonable doubt as to appellant's guilt. These are: (1) delay in filing the Complaint, (2) failure of the prosecution to prove appellant's moral ascendancy over complainant, (3) lack of support from the records for the RTC's finding of violent sexual intercourse between appellant and complainant, and (4) discrepancies in the complainant's testimony.

Delay in Filing the Complaint

In rape, the complainant's delayed disclosure of the crime to kith or kin or persons of authority does not always warrant the conclusion that the woman was not sexually molested or that her charges against the accused are baseless and fabricated.[17] However, the delay must be adequately and satisfactorily explained; otherwise, it would generate doubt as to the guilt of the accused.[18]

In the present case, the first rape was allegedly committed by appellant on January 5, 1995. After two months, on March 5, 1995, he purportedly raped complainant again. More than a year after the second rape, on April 16, 1996, the third rape supposedly occurred. Complainant reported the alleged crimes only on December 17, 1997, or more than two years after the first rape and more than a year after the third one allegedly occurred.

Her explanation for the delay was the threat of appellant to kill her if she reported the incident to anyone. Note that at the time she reported the incident, he was still residing with her family. She herself testified that he left their residence only on December 16, 1997,[19] after she had confided the alleged rapes to her aunt and had herself examined by a doctor. Hence, the threat of death, if any, was still hanging precariously over her at the time. She merely said that she no longer wanted to ruin her life, so she decided to reveal the rapes to her aunt. The relevant portion of her testimony reads thus:

“xxx xxx xxx

Q:

What prompted you to tell the story to your auntie despite the fact that one year has lapsed already?

A:

Because I don't want to ruin my life anymore because it [is] already ruined.”[20]

The above quote does not, however, explain the gaps between the dates of the three instances of the alleged rapes. The prosecution failed to show satisfactorily what finally prompted complainant to report the purported crime after a period of two long years from the time first rape supposedly took place and to disregard the threats allegedly made by appellant.

Proof of Moral Ascendancy

The RTC erred in stating that appellant had exercised moral ascendancy over complainant. This was not proven during the trial. Neither do the records show that he exercised moral ascendancy over her. He is in fact not much older than her brothers. It was not shown whether he was her benefactor -- a source of financial support -- or whether he exercised discipline over her. In other words, there is no proof beyond reasonable doubt that it was his moral ascendancy that prevented her from putting up a resistance.[21] Presumptions of moral ascendancy cannot and should not prevail over the constitutional presumption of innocence.

Violent Sexual Intercourse

Not Borne by the Records

The trial court likewise erred when it held that the Medico-legal Report and the testimony of Dr. Ma. Cristina Freyra of the PNP Crime Laboratory indicated that the lacerations in the vagina of complainant showed that she had experienced violent sexual intercourse during her younger years, and that such experience caused those lacerations. The Report merely indicated that healed lacerations were found in her hymen at the 5, the 3, and the 9 o'clock positions. We reproduce pertinent portions of the Report as follows:

“FINDINGS:

GENERAL AND EXTRAGENITAL:

Fairly developed, fairly nourished and coherent female subject. Breasts are hemispherical with pale brown areola and nipples from which no secretion could be pressed out. Abdomen is flat and soft.

GENITAL:

There is moderate growth of pubic hair. Labia majora are full, convex and coadapted with pinkish brown labia minora presenting in between. On separating the same disclosed an elastic, fleshy-type hymen with shallow, sealed laceration at 5 and deep-healed lacerations at 3 and 9 o'clock positions. External vaginal orifice offers moderate resistance to the introduction of the examining index finger. Vaginal canal is narrow with prominent rugosities. Cervix is normal in size, color and consistency.

CONCLUSION:

Subject is in a non-virgin state physically.

There are no external signs of recent application of any form of trauma at the time of the examination.”[22]

Furthermore, during her testimony, Dr. Freyra admitted that such lacerations[23] could have been caused by any hard blunt object or even by a finger or a vibrator.[24] She never mentioned violent sexual intercourse. This fact is clear from the Transcript of Stenographic Notes, which we quote:

“Q:

What was [sic] your findings if any in connection with your examination?

A:

On examination, there were deep-healed lacerations at 3:00 and 9:00 o'clock positions and there was healed

laceration at 5:00 o'clock position.

Q:

Could you tell us what could have caused the lacerations?

A:

Any hard blunt object could produce the lacerations.

Q:

Could you mention any?

A:

An erect male organ.

Q:

Could you tell us the size of that male organ that caused the laceration?

Atty Venturanza:

The question of the prosecutor is quite misleading. What was stated by the witness is any hard blunt object and she just mentioned as one of the objects is an erect male organ and now he [is] asking the size.

Court:

Lay the basis.

Fiscal Jamolin:

If you said that one of the causes of the laceration is an erect male organ. On the basis of this possibility, could you tell us the size of that male organ that caused the lacerations?

A:

It could be any size but it should be bigger. [B]y 1 cm. [i]n order to produce laceration, the diameter of the hard thing that entered the hymen should be bigger by 1 cm.”[25]

It must be noted that the healed lacerations found in complainant's hymen were not proven to have been caused by rapes that supposedly happened two years earlier. Such lacerations may simply mean that, depending on the changes observed in the affected tissues, a period ranging from four days to one month passed from the time they had been inflicted up to the time they were examined.[26]

Discrepancies in the Testimony of Complainant

More damaging to the prosecution, the discrepancies in the testimony of complainant cast doubts on appellant's guilt.

First, during her testimony on September 17, 1998, complainant said that she was "surprised" when appellant entered her room on the night of March 5, 1995.[27] On January 22, 1999, she again testified that she was "shocked" to see appellant inside her room on the night of January 5, 1995.[28]

For reasons known only to the prosecution, complainant testified on the second rape before she testified on the first one. Stranger still is her statement that she asked him what he wanted from her when she saw him in her room the second time.[29] We note that she had allegedly been raped by him already prior to that date. Thus, she need not have asked him what he wanted from her. By then, she should have at the very least been able to guess his evil intentions and felt alarmed accordingly.

Second, the house where the rapes allegedly took place was described during the trial as not bigger than one half of the courtroom.[30] It was occupied by at least twelve people, most of whom were members of her immediate family. At any given night, at least ten people would be asleep there. We cannot help but wonder why she allowed appellant to commit such dastardly act three times, with her parents and four fully grown brothers within shouting distance. Considering the cramped space and the quietness of the night, the faintest cry from her would have been heard by one or more of her family members who were in that same house.

Third, complainant described each rape in a very uniform and even seemingly systematic manner. Each rape always started with appellant entering the room and complainant asking what he wanted from her. It always began with appellant covering her mouth with a handkerchief and pulling down her underwear. There was no difference at all in the way the rapes were committed. The manner in which she described them engenders the suspicion that her testimony had been coached, rehearsed, or contrived.

Second Issue: Alibi as a Defense

Appellant's Alibi a Plausible Excuse

Alibi, the plea of having been somewhere other than at the scene of the crime at the time of its commission, is a plausible excuse for the accused. Contrary to the common notion, alibi is not always a weak defense. Sometimes, the fact that the accused was somewhere else may just be the plain and unvarnished truth.

But to be valid for purposes of exoneration from a criminal charge, the defense of alibi must be so airtight that it would admit of no exception.[31] The rule is well-settled that in order for it to prosper, it must be demonstrated that the person charged with the crime was not only somewhere else when the offense was committed, but was so far away that it would have been physically impossible to have been at the place of the crime or its immediate vicinity at the time of its commission.[32] The reason is that no person can be in two places at the same time.

This Court has ruled in numerous cases that where the accused was only thirty minutes[33] or just a few

kilometers from the place where the crime was committed,[34] the defense of alibi will not prosper.

Complainant alleges that appellant raped her three times -- one on each of the following dates: January 5, 1995, March 5, 1995, and April 16, 1996. During his testimony, appellant stated that he was in Catubig, Northern Samar until November 15, 1996, when he came to Manila upon the invitation of complainant's mother.[35] He likewise testified that it would take twenty-four hours for a bus to travel from Catubig, Northern Samar, to Manila.[36] It would have been highly unlikely for him to take the 24-hour bus ride to Manila, commit the dastardly act upon complainant, and then return to Catubig, Samar, by taking another 24-hour bus ride. He would have had to do so three times in order to commit the three alleged rapes on the dates given.

No evidence was adduced by the prosecution to prove that appellant was indeed in Manila when the alleged rapes were committed. It would have been a simple matter for it to present the testimony of complainant's mother, Leticia Ongotan, to contradict his testimony. It would also have been a simple matter for it to present the testimony of any of the brothers or the sisters of complainant to establish exactly on what date he had arrived in Manila.

Truly, the evidence for the prosecution must stand or fall on its own merits. It cannot be allowed to draw strength from the weakness of that for the defense. In the present case, the testimony of appellant that he was in Catubig, Northern Samar, on the dates when the alleged rapes were committed remain uncontradicted by the prosecution. Moreover, he testified that it was upon the invitation of complainant's mother, his niece, that he moved his family to Manila in November 1996 or seven months after the last rape allegedly occurred.

The Constitutional Presumption of Innocence

Indeed, when a woman says she was raped, she in effect says all that is necessary to prove her accusation.[37] Still, the presumption of innocence of the accused should not be thrown out of the window and forgotten altogether. Such presumption holds until the contrary is proven. Every circumstance favoring it must be taken into account in a criminal case. If the inculpatory facts and circumstances are capable of two or more explanations, one of which is consistent with innocence and the other with guilt, then the evidence does not pass the test of moral certainty and is not sufficient to support a conviction.[38]

In order to convict the accused of a crime, the prosecution must produce evidence showing guilt beyond reasonable doubt.[39] A person charged with a serious crime stands to lose not only reputation, but also liberty and maybe even life. Because of the gravity of the charge and the great loss involved in the present case, the prosecution should not have rested easy on haphazard facts and hastily thrown-in principles, forgetting in the process their duty of overcoming the presumption of innocence of the accused in a criminal action.

The prosecution should take an active and direct part in the trial of the case, since it has the onus probandi of showing the guilt of the accused.[40] Even if it is, perhaps, the inadequacy of details in the prosecution's evidence rather than the actual facts themselves that makes it difficult for this Court to arrive at definite conclusions, still we cannot pin responsibility on appellant. The moral conviction that may serve as basis for a finding of guilt in a criminal case should be that which is the logical and inevitable result of the evidence on record, exclusive of any other consideration. Short of this minimum requirement, it is not only the right of the accused to be freed; it is, even more, this Court's constitutional duty to acquit them. Only then may there be fealty to the constitutional presumption of innocence.[41]

The innocence of a defendant in a criminal case is always presumed until the contrary is proven.[42] Where two probabilities arise from the evidence, the one compatible with the presumption of innocence will be adopted.[43]

Mere suspicion is not enough to take away one's liberty and destroy one's reputation. Guilt must be proven by proof as clear as daylight, by evidence so airtight that no room is left for any reasonable doubt.

WHEREFORE, the appeal is GRANTED and the assailed Decision issued on October 30, 2000 by the Regional Trial Court of Quezon City, Branch 86, is hereby REVERSED and appellant ACQUITTED, with costs de oficio.

SO ORDERED.

Sandoval-Gutierrez, and Carpio, JJ., concur.
Puno, J., (Chairman), abroad, on official leave.

[1] Penned by Judge Teodoro A. Bay.

[2] Assailed Decision, p. 8; rollo, p. 25; records, p. 144.

[3] Complaint dated March 2, 1998; rollo, pp. 8-9.

[4] Order dated August 3, 1998; records, Vol. 1, p. 18.

[5] Atty. Dindo G. Venturanza.

[6] Signed by Assistant Solicitors General Carlos N. Ortega and Mariano M. Martinez, and Solicitor Olivia V. Non.

[7] Appellee's Brief, pp. 5-12; rollo, pp. 87-90.

[8] Appellant's Brief was signed by Attorneys Arceli A. Rubin, Amelia C. Garchitorena, Teresita S. de Guzman, and Nestor M. Hermida.

[9] Appellant's Brief, pp. 4-5; rollo, pp. 45-46.

[10] Assailed Decision, pp. 5-6; rollo, pp. 22-23.

[11] Ibid., pp. 6 & 23.

[12] This case was deemed submitted for resolution on March 12, 2002, upon receipt by this Court of Appellee's Brief. The filing of a Reply brief was deemed waived, as none had been filed within the reglementary period.

[13] Appellant's Brief, pp. 5-6; rollo, pp. 46-47. Original in upper case.

[14] People v. Dado, 244 SCRA 655, June 1, 1995.

[15] People v. Gabris, 258 SCRA 663, July 11, 1996.

[16] People v. Perez, 270 SCRA 526, March 26, 1997.

[17] People v. Garcia et. al., 105 SCRA 6, June 11, 1981.

[18] People v. Cueto, 84 SCRA 774, August 25, 1978.

[19] TSN, May 28, 1999, p. 14.

[20] Ibid., p. 15.

[21] People v. Chua, GR No. 137841, October 1, 2001.

[22] RTC Records, Vol. I, p. 4.

- [23] TSN, October 12, 1998, p. 4.
- [24] Ibid., p. 6.
- [25] Id., p. 4.
- [26] P. Solis, Legal Medicine, 1987, p. 494.
- [27] TSN, September 17, 1998, p. 3.
- [28] TSN, January 22, 1999, p. 3.
- [29] TSN, September 17, 1998, supra.
- [30] TSN, May 28, 1999, p. 5.
- [31] People v. Bracamonte, 257 SCRA 380, June 17, 1996.
- [32] People v. Barrera, 262 SCRA 63, September 19, 1996; People v. Tadulan, 271 SCRA 233, April 15, 1997.
- [33] People v. Ligotan, 262 SCRA 602, September 30, 1996.
- [34] People v. Tadulan, supra; People v. Alfeche, 294 SCRA 352, August 17, 1998.
- [35] TSN, February 3, 2000, pp. 2-3.
- [36] Ibid., p. 4.
- [37] People v. Tumala Jr., 284 SCRA 436, January 20, 1998.
- [38] United States v. Maaño, 2 Phil. 718, November 30, 1903.
- [39] United States v. Navarro, 3 Phil. 143, January 11, 1904.
- [40] People v. Barrera de Reyes, 82 Phil. 130, November 23, 1948.
- [41] People v. Nazareno, 80 SCRA 484, November 29, 1977, citing People v. Maisug, 27 SCRA 742, October 29, 1971.
- [42] US v. Boquilon, 10 Phil. 4, January 24, 1908; US v. Lim Sip et al., 10 Phil. 627, March 26, 1908; US v. Quijano, 11 Phil. 368, September 29, 1908; US v. Adolfo, 12 Phil. 296, December 19, 1908; US v. Esmundo, 27 Phil. 554, August 22, 1914; US v. Paicaoan, 34 Phil. 593, July 22, 1916; US v. Blanza, 34 Phil. 639, August 1, 1916; People v. Poblador, 76 SCRA 634, April 29, 1977; People v. Agripa, 130 SCRA 185, June 29, 1984.
- [43] People v. Agoncillo, 80 Phil. 33, January 23, 1948.

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