

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. FELIX MONTES Y NALLOS, APPELLANT.

G.R. Nos. 148743-45. November 18, 2003

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

There is no standard form of behavior of a rape victim, especially when she is of tender years. In this case, the young victim clearly and definitively described her horrifying ordeal in the hands of appellant. In effect, she has said all that is required to prove her ravishment.

The Case

Felix Montes appeals the April 4, 2001 Decision[1] of the Regional Trial Court (RTC) of Parañaque City (Branch 274) in Criminal Case Nos. 95-698 to 95-700, finding him guilty of three (3) counts of rape as follows:

"WHEREFORE, this Court finds the accused Felix Montes y Nallos guilty beyond reasonable doubt of THREE (3) COUNTS OF RAPE DEFINED AND PENALIZED UNDER ARTICLE 335 OF THE REVISED PENAL CODE, AND HEREBY SENTENCES HIM TO SUFFER THE PENALTY OF THREE (3) RECLUSION PERPETUA.

"The Court hereby orders the accused to indemnify the victim, Analyn P. Mendez, the amount of FIFTY THOUSAND PESOS (P50,000.00) as civil indemnity and FIFTY THOUSAND PESOS (P50,000.00) as moral damages for each count of rape."[2]

Three (3) separate Informations,[3] all dated October 31, 1995, charged appellant as follows:

Criminal Case No. 95-698

"That on or about the 17[th] day of October 1995, in the Municipality of Parañaque, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of the complainant Analyn P. Mendez, a minor, 12 years of age, against her will."[4]

Criminal Case No. 95-699

"That on or about the 18[th] day of October 1995, in the Municipality of Parañaque, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of the complainant Analyn P. Mendez, a minor, 12 years of age, against her will."[5]

Criminal Case No. 95-700

"That on or about the 19[th] day of October 1995, in the Municipality of Parañaque, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of the complainant Analyn P. Mendez, a minor, 12 years of age, against her will."[6]

When arraigned on November 27, 1995,[7] appellant, assisted by his counsel de oficio,[8] pleaded not guilty.

After trial in due course, the court a quo rendered the assailed Decision.

The Facts

Version of the Prosecution

In its Brief,[9] the Office of the Solicitor General (OSG) presents the prosecution's version of the facts in the following manner:

"On October 17, 1995, about 6 o'clock in the morning, twelve-year[-]old Analyn P. Mendez [hereinafter, private complainant] was in their house in Yellowbell Street, UPS IV, Parañaque, Metro Manila, cleaning their house. After doing her chore, [private complainant] and her sister, Ronalyn Mendez, went out of their house to fetch water.

"Outside their house, the two (2) sisters met appellant who was their neighbor. Appellant summoned [private complainant] to buy `pandesal'; hence, she did not go with Ronalyn x x x anymore.

"After buying `pandesal,' [private complainant] borrowed from appellant his bicycle in his vulcanizing shop fronting his house. Using the bicycle, [private complainant] went to the place where they [usually go to] to fetch water to check if it was their turn to get water.

"Afterwards, [private complainant] returned to their house. Upon reaching the front of their house, Ronalyn x x x borrowed the bicycle from her[,] to which [private complainant] acceded. Then, Ronalyn x x x headed towards the place where they [fetch] water. [Private complainant] was left behind waiting for Ronalyn x x x to return.

"While [private complainant] was waiting for Ronalyn x x x in front of their house, appellant called her to wash the dishes inside his house.

"When [private complainant] was washing the dishes, appellant went outside his house. After washing the dishes, [private complainant] wanted to go outside appellant's house. However, she was not able to do so because the door was locked. [Private complainant] kept on trying to open the door but failed. Just as she was trying to open the door again, she heard appellant behind the door about to get in. Consequently, [private complainant] said: `Buksan mo ito.' Appellant opened the door but he did not let [private complainant] go out. Instead, he gave [private complainant] a glass of [C]oca-[C]ola and `pandesal.' After finishing the food which appellant gave her, [private complainant] was not allowed by appellant to go out of his house.

"Thereafter, appellant went inside his kitchen. Before doing so, he told [private complainant] to stay because he was going to give her something. When he returned from the kitchen, appellant was already holding a foot-long knife. [He then] pointed the knife at [private complainant] and warned her not to shout; otherwise, he would kill her. He ordered [private complainant] to transfer the chair near the table inside his room and [private complainant] obeyed. After that, appellant went inside his room and ordered [private complainant] to lie down on his bed. [Private complainant] refused to lie down. At this juncture, somebody from the outside called appellant. Appellant consequently peeped through the door to look [at] who was calling. When appellant peeped through the door, he was only two (2) arms length away from [private complainant]. [Private complainant] tried to escape by heading towards the kitchen because there was an opening leading outside. However, appellant was able to hold her arm and ordered her to go back to his room.

"Inside the room, appellant undressed [private complainant]. While appellant was undressing her, [private complainant] kept on saying: `Ayaw ko.' Appellant told her that if she would not follow him, he would stab her. After removing [private complainant's] dress and short pants, appellant ordered her to lie down. Appellant was holding the knife when he ordered [private complainant] to lie down. Appellant then inserted his organ into [private complainant's] organ. [Private complainant] felt pain when appellant inserted his penis inside her vagina.

"While appellant was doing the dastardly acts, somebody from the outside called appellant. The person who called appellant wanted to have a vulcanizing service. Immediately, appellant dressed up and went outside his house. Before he went out, he locked the door of his room; hence, [private complainant] was not able to get out.

"Subsequently, [private complainant] heard her sister Ronalyn x x x ask appellant if [private complainant] was inside his [appellant's] house. Appellant replied in the negative. [Private complainant] was afraid to shout because she was reminded of the knife which appellant placed on top of the table near appellant's room.

"When appellant returned, he tied [private complainant's] hands and feet with a cord[,] x x x [a] half centimeter in diameter.

"On the night of October 18, 1995, or the following night, appellant again raped [private complainant]. Before he raped her, he untied [private complainant]. After untying her, he undressed her and made her lie down. Immediately thereafter, appellant went on top of her and inserted his penis inside her vagina. [Private complainant] again felt pain. Appellant was likewise armed with a knife at that time.

"In the early morning of October 19, 1995, appellant again raped [private complainant]. She testified that appellant again tied her after the second rape. Appellant untied her before raping her for the third time. On the third assault, appellant again undressed her. After undressing her, appellant put her to bed, went on top of her and then inserted his penis inside her vagina. [Private complainant] felt pain all over her body after appellant raped her.

"Thereafter, [private complainant] asked appellant to let her go because her mother would be looking for her. Appellant replied that he would release her later. He also told [private complainant] that he would give her the amount of P50.00.

"About 6:30 a.m. of that day, appellant finally allowed [private complainant] to leave using the back door. Before [private complainant] left appellant's house, appellant gave her P50.00 and told her not to immediately go home. He told her to go to the YP at the Uniwide to buy food and give some to her siblings.

"[Private complainant] proceeded to the Uniwide. She stayed there until 5 o'clock in the afternoon roaming around. She was afraid to go home because she thought that her mother might whip her.

"About 5 o'clock in the afternoon, [private complainant] went home. When she arrived at their house, she saw her parents who told her that appellant would be put to jail because her dress was seen inside appellant's house. [Private complainant] did not tell her parents about the horrifying experience she had undergone because she was scared that her parents might punish her.

"Eventually, [private complainant], together with her mother, went to the Barangay Hall and reported to the barangay officials what appellant did to her. Thereafter, [private complainant] executed her statement before the police."^[10]

Version of the Defense

Appellant interposes the defenses of denial and alibi. In his Brief,^[11] he presents the following version of the facts:

"Accused, Felix [Montes], who is a driver by occupation, testified that the victim and her family are his neighbors for quite a number of years. The victim's family collects garbage. x x x [Upon her mother's orders], the victim x x x collect[s] [his] garbage, and by reason thereof, he gives her money from time to time.

"On October 17, 1995, at about 10:30 in the morning, while he was preparing to drive some of the school children waiting in front of his house, two (2) policemen arrived, held his arm, brought him inside his room and searched his whole house. He asked for the reason [for] his arrest but was not given an answer. When they

were about to go out, the victim's mother went inside the comfort room of the house, found the victim's clothes and brought it out. Accused touched the victim's clothes, allegedly retrieved from his bathroom, and realized that [they were] still damp.

"He was brought to the police station in Bicutan, where he was detained from October 17, 1995 to October 23, 1995 without any charges being filed against him. He only came to know of the rape charge against him, when the barangay officials brought the victim and her mother to the police station on October 21, 1995. The victim and her mother executed their sworn statements. Thereafter, he was transferred to the Parañaque City Jail.

"Accused denies culpability of the crime, and that the victim told him that the accusation was made only to extort money from him and to reimburse the barangay officials who were helping the family in their living expenses.

"The victim's mother, Evelyn Mendez, was presented to testify on the due execution and authenticity of her signature in the Affidavit of Desistance which was executed on June 3, 1996." [12]

Ruling of the Trial Court

After evaluating the evidence on record, the court a quo found that the testimony of the victim on the three counts of rape was clear, convincing, positive and consistent with human nature and the ordinary course of things. Noting her age, it also held that it was improbable that she would have publicly admitted that she had been ravished and her honor tainted by the accused, if the incidents of rape were not true.

Dismissing the denial proffered by the accused, the court stressed that such defense was inherently weak and had always been disfavored by the courts vis-à-vis the clear and categorical narrative of the victim.

The RTC likewise ruled that the Affidavit of Desistance [13] allegedly executed by the victim after the institution of the criminal action had neither been submitted in court nor affirmed by her. Moreover, it pointed out that desistance in seduction, abduction, rape or acts of lasciviousness cannot be a ground for dismissing the action. Once the case is filed in court, it is no longer the victim's right to decide whether or not to continue it.

Hence, this appeal. [14]

The Issue

Before us, appellant assigns this single error for our consideration:

"The Court a quo erred in finding the accused-appellant guilty beyond reasonable doubt of the crime of rape." [15]

The Court's Ruling

The appeal has no merit.

Lone Issue:

Guilt Beyond Reasonable Doubt

Appellant contends that the trial court's complete reliance on the testimony of the alleged victim was misplaced, because her actions after the alleged rape were contrary to the normal behavior of one who was raped three times for three consecutive days. He considers the following behavior unusual: first, she did not go home immediately after he had supposedly released her; second, after she was missing from home for three days, she concealed her horrible ordeal from her parents, supposedly because she was afraid of being scolded; third, she preferred to relate her harrowing experience to barangay officials who were complete strangers, rather than to her parents.

Appellant also faults the court a quo for not giving weight to her Affidavit of Desistance which, though she did not affirm, allegedly impaired her credibility. In addition, he stressed that the prosecution failed to present the

record of his arrest, which would have proved that he was in jail when the incidents of rape were allegedly committed.

Credibility of Complainant's Testimony

There is no standard form of behavior when one is confronted with a strange, startling or frightful event,[16] especially in the heinous crime of rape. It has long been recognized that the human mind works unpredictably when placed under emotional stress. [17] Rape victims have exhibited such an incalculable range of emotions that it is unrealistic to expect uniform reactions from them.[18] Hence, it is with good reason that the Court has not laid down any rule on how a rape victim should behave immediately after her ravishment.[19]

Moreover, it is not proper to judge by adult norms of behavior the actions of children who have undergone traumatic experiences.[20] Certainly, a child cannot be expected to act like an adult or do what may be expected of mature people under similar circumstances.[21]

These legal precepts point out the folly of the contentions of appellant about the behavior of complainant. The fact that she did not immediately go home after being released by him was not unnatural. Shaken by fear of his threats and the offense to her honor, there is no telling how she should have acted upon her release. Neither is it farfetched to believe that her days in captivity and his threats on her life left a lingering effect on her young and impressionable mind, prompting her to follow his explicit instructions not to go home immediately. We quote from the cross-examination as follows:

"Atty. Mergas:

Q

Then you said that the accused pointed [a] knife [at you] in the sala. How long is this knife?

Witness A. Mendez:

A

Ganyan lang po.

Prosecutor Garcia:

Witness making a demonstration. [I] invite the attention of the counsel for stipulation as to the demonstration made by the witness.

COURT:

All right, you stipulate on the size of the knife.

Prosecutor Garcia:

More or less a foot long?

Atty. Mergas:

More or less.

Court:

All right.

Atty. Mergas:

Q

Why did you not shout when the accused pointed x x x the knife [at you]?

A

Pag magsigaw daw po ako, papatayin niya ako.[22]

x x x x x x x x

Atty. Mergas:

Q

Madam Witness, last hearing, you testified that after the accused x x x raped you, he tied your hands, is that correct?

A

Opo.

Q

What did the accused use in tying your hands?

A

Lubid po.

Atty. Mergas:

Q

How long was that rope, lubid?

Witness A. Mendez:

(Demonstrating the length)

Court:

Could you stipulate, the prosecution and the defense, on the length of the rope used in tying...

Prosecutor Garcia:

Three to four.

Atty. Mergas:

More or less, a meter.

Q

And the diameter of the rope?

Prosecutor Garcia:

Witness pointing to an electrical cord with the diameter of one centimeter.

Atty. Mergas:

One centimeter, Your Honor, more or less.

Court:

More or less one centimeter?

All right, proceed.

Atty. Mergas:

Q

How many loops did the accused make in tying you?

Prosecutor Garcia:

Your Honor, we have to object because the question is, I think, vague. Your Honor please, as stated by the witness, she was tied on her feet and hands, so x x x is the counsel referring to x x x the number of loops x x x [on] the hand or [on] the feet?

Atty. Mergas:

I am referring to the hand, Your Honor.

Witness A. Mendez:

A

Apat po.

Atty. Mergas:

Q

So, your hands were tied by the accused in what place of the house?

A

Sa may kama po.

Q

Only your hands?

A

Hindi po.

Q

What else? The accused also tied your neck, is that correct?

A

Hindi po.

Q

Your body?

A

Hindi rin po.

Q

Your head?

A

Hindi rin po.

Q

Then, only your hand?

A

Pati po paa.

Q

Then, what did the accused use in tying your feet?

A

Lubid din po.

Q

How long [wa]s that lubid or rope [used] in tying your feet?

Prosecutor Garcia:

Witness demonstrating the length of the rope that was allegedly used in tying her feet to be around two feet.

Atty. Mergas:

More or less two feet.

Court:

So, more or less, two feet, the rope used in tying her feet.

Atty. Mergas:

Q

But the accused did not harm you, correct?

A

Hindi po.

Q

As a matter of fact, he did not use anything in closing your mouth?

A

Damit lang po.

Q

How did the accused close your mouth?

A

Nilagyan po ng damit.

Q

What kind of cloth?

A

Kulay puti na damit.

Q

Then, after the accused tied you on the hand and the feet, and on the mouth, he left the house?

A

Hindi po.[23]

x x x x x x x x

Atty. Mergas:

Q

When the accused raped you [for] the second time, your hands, feet and your mouth were tied?

A

Hindi po. Iyong pagkatapos niya po saka niya ako tinalian uli.

Q

You said the accused went out of the house. What time did he return?

A

Saglit lang po siya.

Q

Then, what did the accused do?

A

Sinarado niya po iyong gate.

Q

What gate?

A

Sa may vulcanizing po.

Q

Then he went inside the house?

A

Opo.

Q

Then he raped you again?

A

Hindi na po.

Q

The[n] he slept besides you?

A

Hindi po.

Q

Where did the accused sleep?

A

Sa kama po.

Q

How about you?

A

Sa may tabi po ng kama.

Q

Under the bed or on the bed?

A

Sa sahig po.

Q

When you slept near the back of the bed, the accused removed the tie of your hands, your feet, and your mouth, is that correct?

A

Hindi po."^[24]

Neither is the initial reluctance of a rape victim in revealing the assault on her virtue uncommon.^[25] Cases have shown that young girls usually conceal their ordeal because of threats made by their assailants.^[26] In this case, the records more than sufficiently established that appellant had threatened the young girl.

Neither was the credibility of complainant impugned by her failure to divulge the crime to her parents immediately. Her hesitation may be attributable to her age and the threats against her.^[27] Indeed, it is not unlikely for a minor to be intimidated into silence by the mildest threat on her life.^[28]

In a litany of cases, this Court has ruled that the testimonies of child- victims of rape are to be given full weight and credence.^[29] Reason and experience dictate that a girl of tender years, who barely understands sex and sexuality, is unlikely to impute to any man a crime so serious as rape, if what she claims is not true.^[30] Her candid narration of how she was raped bears the earmarks of credibility, especially if no ill will -- as in this case -- motivates her to testify falsely against the accused.^[31] It is well-settled that when a woman, more so when she is a minor, says she has been raped, she says in effect all that is required to prove the ravishment.^[32] The accused may thus be convicted solely on her testimony -- provided it is credible, natural, convincing and consistent with human nature and the normal course of things.^[33]

Here, complainant vividly recited details of the rape incidents. Her narration was straightforward, categorical and unflawed by any material or significant inconsistency. She did not waver even during extensive cross-examination

by the defense counsel. Seen through the eyes of a guileless and hapless girl, the ordeal was narrated as follows:

"Atty. Mergas:

Q

Why did you not shout when the accused pointed x x x the knife [at you]?

A Pag magsigaw daw po ako, papatayin niya ako.

Q Then what happened?

A Sabi niya po pumunta lang ako sa may mesa.

Q Where is this mesa or this table located?

A Doon lang po sa may katabi ng kuwarta niya. Dingding lang po ang pagitan.

Q What did you do at the table?

A Sabi niya po ipasok ko raw `yong upuan doon sa loob ng kuwarta.

Q By the way, did you go [to] the table?

A Opo.

Q What did you do there at the table?

A Hindi, upuan po.

Q Now, which is which, table or chair?

A Upuan.

Q So, where is your chair located?

A Sa may katabi po ng mesa.

Q What did you do with the chair?

A Nilagay ko po doon sa loob ng kuwarta.

Q Why did you place it inside the room?

Prosecutor Garcia:

Already answered, there was an order. Allegedly she was ordered by the accused to bring that chair inside the room.

Court:

All right, proceed to another matter.

Atty. Mergas:

Q Where was the accused at the time when you brought the chair inside the room?

A Nandoon po sa may sala set.

Q And at that time, the accused [was] no longer point[ing] the knife at you, is that correct?

A Hindi na po.

Q Then while you were inside the room and the accused was at the sala, there was a noise outside, is that correct?

A Wala na po.

Q But there was a person calling for `tatang,' is that correct?

A Wala po.

Q But there was a customer in the vulcanizing, is that correct?

Prosecutor Garcia:

Objection, Your Honor.

Witness A. Mendez:

A Wala po.

Prosecutor Garcia:

Already answered, I withdraw my objection.

Court:

What was the answer?

Witness A. Mendez:

A Wala po.

Atty. Mergas:

Q

While you said the accused was in the sala and you were in the room, why did you not shout when you were in the room of the accused?

A

Natatakot po kasi ako.[34]

x x x x x x x x

Atty. Mergas:

Q Madam Witness, you said that someone called the accused and he peeped at the door. Did you see the person who called the accused?

A Hindi po.

Q Then how far were you from the accused when the accused peeped at the door?

A Malapit lang po.

Q An arm['s] length?

A Dalawa po.

Q When the accused peeped at the door, why did you not shout?

A Natatakot nga po ako eh!

Q And after that incident, what happened?

A Sinaraduhan niya po `yong pinto.

Q And where did you go after that?

A Lalabas po sana ako doon sa may kusina kaso lang hinawakan naman po niya yong braso ko.

Q You said you wanted to go out [through] the kitchen, you mean to say there is a door in the kitchen?

A Hindi po, `yong nasira lang pong pader.

Q So, there is an exit at the kitchen, is that correct?

A Opo.

Q When the accused held your arm, what happened?

A Pinasok niya na po ako sa kuwarto niya.

Q And you were not shouting at that time?

A Hindi po kasi may hawak siyang kutsilyo.

Q Then what happened?

A Pinasok niya na po ako doon sa kuwarto.

Q After the accused brought you inside the room, what happened?

A Hinubaran niya na po ako.

Q You did not do anything while the accused was undressing you, Madam Witness?

A Sabi ko po, 'Ayaw ko.'

Q Aside from saying 'ayaw ko', what did you do?

A Sabi niya `pag hindi ko raw po siya sinunod sasaksakin niya na po ako.

Q So, you were the one who undressed yourself?

Prosecutor Garcia:

Objection, Your Honor please, that is misleading. As testified by the witness, 'Hinubaran niya po ako.'

Court:

Misleading, objection is sustained.

Q How did the accused undress you, Madam Witness?

A Hinubaran po.

Q By the way, what [did] you wear at that time?

A [A pair of] [s]hort[s].

Q And what did the accused first took out from your body?

A Damit po.

Q Then after that, what happened?

A Short[s] po.

Q Then?

A Pinahiga niya po ako sa kama.

Q Then the accused raped you?

A Opo.

Q And why did you not shout while the accused was raping you?

A May hawak siyang kutsilyo eh! pa'no ako makakasigaw.

Q How did the accused rape you?

A Pinasok niya po `yong ari niya sa ari ko po.

Q You said that the accused forced you to lie down on the bed. The accused was then standing, is that correct?

A Opo.

Q Immediately after the accused removed your dress and your short[s], he raped you, is that correct?

A Opo."[35]

The trial court thus found private complainant's testimony to be both credible and convincing. It is a settled doctrine that the competence and the credibility of witnesses are best determined by the trial court,[36] because it has the unique opportunity of observing their deportment on the stand while testifying.[37] Its findings -- absent any arbitrariness or oversight of facts or circumstances of weight and substance -- are final and conclusive upon this Court and will not be disturbed on appeal.[38]

Appellant's Defenses

As to appellant's denial and alibi, the trial court was correct in brushing these aside for being uncorroborated and unsubstantiated by clear and convincing evidence. As a rule, these defenses are negative and self-serving and are always received with caution -- not only because they are inherently weak and unreliable, but also because they are easy to fabricate.[39] They cannot prevail over, and are worthless in the face of, positive identification by a credible witness[40] or the positive and categorical statements of the victim.[41]

As admitted by appellant, the alleged Affidavit of Desistance of the victim was never identified by her, but submitted in court only after the institution of the rape cases. Such being the case, the Affidavit -- even when construed as a pardon in the erstwhile "private crime" of rape[42] -- is not a ground for the dismissal of the criminal cases, since the actions have already been instituted.[43] To justify the dismissal of the Complaints, the pardon should have been made prior to the institution of the criminal actions.[44]

Finally, weak and unconvincing was the alibi of appellant that he was in jail when the alleged rape incidents were committed. Having proffered this matter, he had the burden to prove it with competent evidence. For him to now place the blame on the prosecution for allegedly failing to produce the record of his arrest is against the fundamental rule that upon those who allege rests the burden of proof.[45]

WHEREFORE, the appeal is hereby DENIED and the assailed Decision AFFIRMED. Costs against appellant.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Ynares-Santiago, Carpio, and Azcuna, JJ.,concur.

[1] Written by Judge Amelita G. Tolentino (now a justice of the Court of Appeals).

[2] RTC Decision, p. 11; rollo, p. 36; records, Vol. II, p. 838.

[3] Signed by 2[nd] Assistant Prosecutor Elizabeth Yu-Guray.

[4] Rollo, p. 13; records, Vol. I, p. 2.

[5] Id., pp. 14 & 21.

[6] Id., pp. 15 & 24.

[7] Order dated November 27, 1995; records, Vol. I, p. 38. See also Certificate of Arraignment; id., p. 37.

[8] Atty. Ma. Teresita S. Carandang.

[9] Rollo, pp. 92-109. Signed by Assistant Solicitors General Carlos N. Ortega and Amparo M. Cabotaje-Tang and Solicitor Blaise Marie E. Alaras.

[10] Appellee's Brief, pp. 3-8; rollo, pp. 96-101. Citations omitted.

[11] Rollo, pp. 51-65. Signed by Attys. Amelia C. Garchitorena, Marvin R. Osias and Josie Christina T. Dugoy of the Public Attorney's Office (PAO).

[12] Appellant's Brief, pp. 5-6; id., pp. 57-58. Citations omitted.

[13] Records, Vol. II, p. 500.

[14] This case was deemed submitted for decision on April 29, 2003, upon receipt by this Court of appellant's Manifestation that he was adopting his Brief received by the Court on September 11, 2002, as his Reply Brief also. Appellee's Brief was received by this Court on February 5, 2003.

[15] Appellant's Brief, p. 6; rollo, p. 58.

[16] People v. Quezada, 375 SCRA 248, January 30, 2002; People v. Dy, 375 SCRA 15, January 29, 2002; People v. Panganiban, 412 Phil. 98, June 25, 2001.

[17] People v. Quezada, supra.

[18] People v. Degamo, GR No. 121211, April 30, 2003; People v. Remoto, 314 Phil. 432, May 29, 1995.

[19] People v. Dy, supra.

[20] People v. Dizon, 356 SCRA 69, April 3, 2001; People v. Villanos, 337 SCRA 78, August 1, 2000.

[21] People v. Sta. Ana, 353 Phil. 388, June 26, 1998; People v. Tadulan, 337 Phil. 685, April 15, 1997.

[22] TSN, March 11, 1996, pp. 32-33; records, Vol. I, pp. 283-284.

[23] TSN, March 20, 1996, pp. 5-9; id., pp. 332-336.

[24] *Id.*, pp. 31-32 & 358-359.

[25] *People v. Dagpin*, 346 SCRA 860, December 4, 2000.

[26] *People v. Labayne*, 357 SCRA 184, April 20, 2001; *People v. Optana*, 351 SCRA 485, February 12, 2001; *People v. Mirafuentes*, 349 SCRA 204, January 16, 2001.

[27] *People v. Quezada*, *supra*; *People v. Villanos*, *supra*; *People v. Emocling*, 357 Phil. 893, October 7, 1998; *People v. Antipona*, 274 SCRA 328, June 19, 1997.

[28] *People v. Ibay*, 233 SCRA 15, June 8, 1994.

[29] *People v. Palaña*, 379 SCRA 553, March 20, 2002; *People v. Makilang*, 368 SCRA 155, October 23, 2001; *People v. Galvez*, 365 SCRA 681, September 24, 2001.

[30] *People v. Garcia*, 381 SCRA 722, May 7, 2002.

[31] *People v. Pailanco*, 379 Phil. 869, January 20, 2000.

[32] *People v. Balas*, 372 SCRA 80, December 11, 2001; *People v. Manayan*, 368 SCRA 300, October 25, 2001; *People v. Tagaylo*, 345 SCRA 284, November 20, 2000.

[33] *People v. Musa*, 371 SCRA 234, November 29, 2001; *People v. Belga*, 349 SCRA 678, January 19, 2001; *People v. Taño*, 387 Phil. 465, May 5, 2000.

[34] TSN, March 11, 1996, pp. 33-35; records, Vol. I, pp. 284-286.

[35] *Id.*, pp. 51-54 & 302-305. We have omitted repeated references in the TSN to the names of defense counsel and the witness.

[36] *People v. Tadeo*, 371 SCRA 303, December 3, 2001.

[37] *People v. Plana*, 370 SCRA 542, November 27, 2001; *People v. De Guzman*, 388 Phil. 943, June 8, 2000.

[38] *People v. Obordo*, 382 SCRA 98, May 9, 2002; *People v. Bertulfo*, 381 SCRA 762, May 7, 2002; *People v. Abella*, 339 SCRA 129, August 28, 2000.

[39] *People v. Bertulfo*, *supra*; *People v. Paraiso*, 349 SCRA 335, January 17, 2001; *People v. Alba*, 358 SCRA 361, May 31, 2001.

[40] *People v. Manzano*, 370 SCRA 515, November 26, 2001; *People v. Del Valle*, 372 SCRA 297, December 14, 2001; *People v. Virtucio Jr.*, 326 SCRA 198, February 22, 2000.

[41] *People v. Catubig*, 416 Phil. 102, August 23, 2001.

[42] Under the Anti- Rape Law of 1997 (RA No. 8493), the crime of rape has been reclassified from a crime against chastity to a crime against persons, and it may now be prosecuted even without the initiative or even consent of the offended party. Since the crime in this case was committed in 1995, RA No. 8353 was inapplicable.

[43] *People v. Libo-on*, 358 SCRA 152, May 23, 2001, citing *People v. Igat*, 353 Phil. 294, June 22, 1998; *People v. Nardo*, 353 SCRA 339, March 1, 2001; *People v. Manhuyod Jr.*, 352 Phil. 866, May 20, 1998.

[44] *People v. Trelles*, 340 SCRA 652, September 19, 2000.

[45] *People v. Villar*, 379 Phil. 417, January 19, 2000.

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