

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. GUILLERMO ANDALES, APPELLANT.

G.R. Nos. 152624-25. February 05, 2004

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

After a meticulous review of the records and a careful assessment of the arguments of the solicitor general and appellant in this case, the Court finds no reason to overturn the trial court's Decision, except its award for moral damages which is reduced to an amount consistent with prevailing jurisprudence.

The Case

Guillermo Andales appeals the October 15, 2001 Decision^[1] of the Regional Trial Court (RTC) of Caloocan City (Branch 128) in Criminal Case Nos. C-53686 and C-53687. The RTC convicted him of two counts of rape and sentenced him to reclusion perpetua for each count.

The decretal portion of the RTC Decision reads as follows:

“Wherefore, in view of all the foregoing, this Court finds accused guilty beyond reasonable doubt of two counts of Rape and hereby sentences him to suffer imprisonment of Reclusion Perpetua for each offense charged, to be served simultaneously with all accessory penalties attached thereto. He is also ordered to pay the victim Carla Espayos P50,000 representing indemnity and P75,000 as moral damages for each case, without subsidiary imprisonment in case of insolvency.

“The period of his preventive detention during trial shall be credited in his favor.

“The City Jail Warden of Caloocan is hereby ordered to transfer the accused Guillermo Andales to the National Bilibid Prisons, Muntinlupa City, for the service of his sentence.”^[2]

Two (2) criminal Informations,^[3] which were similarly worded except for the date of the commission of the crime, charged appellant as follows:

“That sometime during the month of December, 1997,^[4] in Caloocan City, 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 wilfully, unlawfully, and feloniously lie and have sexual intercourse with one CARLA ESPAYOS Y BAUTISTA, a minor of 10 yrs. old, against the latter's will and without her consent.”^[5]

Upon his arraignment on May 27, 1998, appellant pleaded^[6] not guilty to both charges after the Informations had been read and explained to him in a language that he fully understood.^[7] After trial on the merits, the RTC promulgated its assailed Decision. Counsel for appellant then filed his Notice of Appeal on October 26, 2001.^[8]

The Facts

Version of the Prosecution

In its Brief,[9] the Office of the Solicitor General (OSG) narrates the factual antecedents of the case as follows:

“Around noontime after Christmas day of 1997, 11-year old Carla Espayos was in their house along 7th Avenue, Caloocan City with her two younger sisters who were then sleeping. Appellant, who was their neighbor, gained entry into Carla’s house and went near Carla.

“Appellant removed his pants and then undressed Carla. When Carla was completely naked, appellant laid on top of her, inserted his penis into her vagina and proceeded to have carnal knowledge with Carla. Appellant threatened Carla with death if she would tell anybody about what had happened. He put on his pants and immediately left.

“Sometime in January of 1998, also at noontime, when Carla’s younger sisters were asleep, appellant again entered Carla’s house and repeated what he did to Carla on the day after Christmas day of 1997.

“After she was raped the second time, Carla mustered enough courage to tell her elder sister, Mary Kris about the two (2) rape incidents when Mary Kris inquired what was bothering her. Mary Kris accompanied her sister to the Caloocan City Police station to report the rape incidents. The police thereafter arrested appellant on the strength of Carla’s complaint.

“Carla executed her affidavit before the police investigator. She then went to the Philippine General Hospital (PGH) where she was examined by a Medico-Legal officer who issued a certificate dated March 25, 1998. Said affidavit and medical certificate became the bases for the present set of charges against appellant.”[10]

Version of the Defense

On the other hand, appellant states his version of the facts thus:[11]

“Witness Leopoldo Garino, a tricycle driver, claims to know the accused Guillermo Andales, also a tricycle driver at 7th Avenue, Caloocan City. He saw the accused in December 1997, in the morning during breakfast, at lunch and even during dinner at 6 o’clock in the evening. In January 1998, he went to his usual route at 7th Avenue, Caloocan City, at 5:00 o’clock in the morning, again he saw the accused during breakfast, lunch and at dinner at 7:00 o’clock in the evening.

“The next defense witness was Evelyn Belen, daughter of the accused who testified that she knows the complainant Carla because her father Cresencio Espayos is a ‘kumpadre’ of her father. Their families were in good terms, until these cases were filed against her father. She said the charges against her father are not true. They charged her father of rape because he helped his kumpadre Cresencio Espayos, who was charged by his daughter Mary Kris, a sister of Carla, for child abuse. She suspected they charged her father because he refused to open a water line shared by their family and Filomena Bautista, their grandmother. She believes Filomena Bautista got mad at her father saying, ‘Putang-ina mo, bakit mo pinakialaman ang tubig, sa ginawa mong iyan, maaari kitang ipakulong.’ She insisted her father did not rape Carla because he was busy earning a living as a tricycle driver at 7th Avenue, Caloocan City.

“Matilde Espayos, a paternal grandmother of Carla, testified that, since the death of her daughter-in-law Raquel Espayos, the mother of Carla, she went to live with her son Cresencio and his children. When she lived with them, she did the laundry and took care of her grandchildren whenever Cresencio was out of the house. On December 25, 1997, she went to visit her other children, she brought Carla with her. She and Carla returned at around 11:30 in the morning. She saw Cresencio but did not see the accused. The following day, December 26, 1997, she stayed in the house doing laundry work from 10:00 in the morning up to 2:00 o’clock in the afternoon. At the time, Carla was at the streets playing and even asked her to hang clothes. She and Carla took lunch together, while Cresencio went to his brother-in-law to drink alcohol ‘alak’. That same night, she asked

Carla to cook food for their supper because she was already tired. After taking their supper, Carla went out to throw their garbage and she came back after an hour. In January 1998, while still staying with Cresencio and his family, Carla did not report any rape committed on her by the accused. She insists there is no truth to the alleged rape after Christmas day of December 1997 and January 1998. The truth she said is that Carla was prodded by Filomena Bautista, her 'balae', because she was angry with the accused. Her 'balae' was mad at the accused because he caused the disconnection of their water supply. When Carla informed her they have no water, she instructed Carla to go to her Kuya Gil, the accused, to ask why. When Carla came back, she informed her the accused disconnected the water line because of this, her 'balae' vowed to place the accused behind bars. When she learned that two (2) cases of rape were filed against the accused, she left the house of Cresencio.

"Guillermo Andales denied the accusations of rape allegedly committed in December 1997 and January 1998, because on Christmas day, December 25, 1997, he operated his tricycle along 7th Avenue, Caloocan City for 24 hours returning home only on December 26, 1997. In January 1998, he could not have raped Carla because he again operated his tricycle the whole day. He said these cases were filed against him because he interfered with their water connection. She cursed him even vowing to put him in jail. Filomena Bautista hated him because he extended help to her son-in-law Cresencio Espayos who was charged by his own daughter Mary Kris for child abuse before Branch 130 of this Court. He added, if Carla was indeed raped, then Cresencio Espayos, her father, must be responsible because his other daughter Mary Kris have complained against him for child abuse." [12]

Ruling of the Trial Court

The RTC was convinced that the two (2) counts of rape had been proven beyond reasonable doubt, and that appellant was guilty thereof. It gave full faith and credence to the testimony of the 11-year-old victim, Carla Espayos.

In convicting appellant, the court a quo described the testimony of the victim as credible and truthful. It said that even her testimony alone could be the basis of his conviction. Concomitantly, it rejected his defenses of alibi and denial. It applied the long-standing principle that, unless they are supported by clear and convincing evidence, alibi and denial are inherently weak and cannot prevail over the positive identification made by the victim.

Hence, this appeal. [13]

The Issues

In his appeal, appellant raises the following alleged errors of the trial court for our consideration:

"I

The trial court gravely erred in convicting the accused-appellant of the crime of rape despite failure of the prosecution to prove his guilt beyond reasonable doubt.

"II

The trial court gravely erred in not taking into consideration the defense interposed by the accused-appellant." [14]

In sum, the issue is whether the prosecution was able to prove beyond reasonable doubt the two (2) charges of rape.

The Court's Ruling

The appeal is unmeritorious.

Sole Issue:

Proof of Guilt Beyond Reasonable Doubt

In questioning the finding of guilt by the RTC, appellant assails the testimony of the victim and claims that it was delivered too perfectly. He raises the possibility that she might have been coached, as her testimony seemed to have been rehearsed and memorized.

To further cast doubts on the correctness of his conviction, appellant cites the testimony of the victim's paternal grandmother that the rape charges were simply fabricated by Filomena Bautista, the victim's maternal grandmother. According to him, Filomena had the motive to instigate her granddaughter to file rape charges against him.

Given those facts, appellant argues that the prosecution failed to discharge its duty of proving his guilt beyond reasonable doubt. He vigorously maintains that a conviction should be based on the strength of the evidence for the prosecution, and not on the weakness of that for the defense.

Testimony of the Child-Victim

As with other rape cases, we are bound by the following principles: (1) an accusation for rape can be made with facility — it is difficult to prove but even more difficult for the person accused, though innocent, to disprove; (2) in view of the intrinsic nature of the crime of rape, in which only two persons are usually involved, the testimony of the complainant must be scrutinized with extreme caution; and (3) the evidence for the prosecution must stand or fall on its own merits; the prosecution cannot be allowed to draw strength from the weakness of the evidence for the defense.[15]

As a result of these guiding principles in a prosecution for rape, credibility becomes the single most important issue.[16] In the case before us, we are once again confronted with a situation in which a child of tender years accuses a good family friend of the brutish act of rape.

We meticulously went over the testimony of the child-victim and found that the trial court had not erred in believing her narration of the events of the rape. She testified in a positive, categorical and unequivocal manner as follows:

“Fiscal Lomadilla:

Q Do you know a person by the name of Guillermo Andales?

A Yes, sir.

Q Is he inside the courtroom now?

A Yes, sir, that one.

Interpreter:

Witness pointing to a person in the name of Guillermo Andales.

Q Why do you know him?

A He is our neighbor, sir.

Q In these 2 cases C-53686-87 you are charging this Andales as the one who raped you?

A Yes, sir.

Q When did this happen?

A December after christmas 1997, sir.

Q And when [did] the next rape [happen]?

A January after New Year, sir.

Q How did this rape [happen]?

A He inserted his penis to my vagina, sir.

Q Where did this happen?

A In our house, sir.

Q What time of the day?

A Noon time, sir.

Q Was there anybody in the house with you during the first time?

A My younger sisters, sir.

Q What [are] their age[s]?

A 6 and 4 years, old, sir.

Q Were they awake when the rape happened?

A They were sleeping, sir.

Q You said he inserted his penis to your vagina.

A Yes, sir, and he laid on top of m[e] sir.

Q What was he wearing at that time?

A He was wearing pants, sir.

Q How did he insert his penis to your vagina?

A He removed his pants, sir.

Q How about you what were you wearing at that time?

A Red short and T Shirt, sir.

Q Since you were wearing a short how did he insert his penis to your vagina?

A He told me to remove my short, sir.

No, sir, he was the one who remove[d] my short.

Q You did not resist?

A No, sir, because I was afraid he was threatening me that I should not tell anybody or he will kill me.

Q Was that uttered by the accused before or after he inserted his penis?

A After he raped me, sir.

Q What did you feel when he inserted his penis to your vagina?

A It was very painful, sir.

Q What part of your body suffered pain?

A My vagina, sir.

Q Did you suffer any bleeding?

A Yes, sir.

Q How long did the accused [stay] on top of you?

A For a while, sir.

Q And during that time did you feel anything coming out of him?

A Yes, sir, sticky substance.

Q After that what happened next?

A No more, sir.

Q What did he do after the sticky substance came out from him?

A No more, sir.

Q What did you do next?

A I [wore] my shorts, sir.

Q What did he do after raping you?

A He put on his pants, sir.

Q After he put on his pants what happened next?

A No more, he told me not to tell anybody or he will kill me.

Q How many times did he [rape] you [i]n December?

A Once (1) only, sir.

Q [I]n January 1998, how did the rape [happen]?

A The same, sir.

Q What do you mean?

A The same [as] what he did to me in December.

Q What time did he rape you in January?

A Noontime, sir.

Q Were you alone at that time?

A Yes, sir, my sisters were also in the house?

Q Were they awake?

A They were sleeping, sir.

Q Where [were] your parents that time?

A They [were] working, sir.

Q Where is your father working?

A He is a government employee, sir.

Q How about your mother?

A She is already dead, sir.

Q

Are you the eldest?

A No, sir.

Q Where is your elder sister?

A She [was] not at home, sir.

Q How far is the house of the accused from your house?

A Opposite our house, sir.

Q What was your age when he raped you?

A 10 years, old, sir.

Q What is your birthdate?

A April 4, 1987, sir.[17]

Her story was replete with details that remained consistent throughout her testimony. Positively pointing to

appellant as the author of the crimes committed against her, she undoubtedly sustained his complicity therein. The RTC gave an unqualified description of her testimony as follows:

“The Court has scrupulously examined the testimony of the complainant Carla Espayos; it is convinced that the same, even standing alone, passes the test of credibility and may be made the basis of conviction. She was candid and truthful in her narrations, and the Court could not detect any tinge of insincerity in her testimony. There is no doubt that she is telling the truth.”[18]

There is no reason for us to doubt the assessment by the trial court of the testimony of the victim. In general, the findings of the trial court on the credibility of witnesses are not disturbed by appellate courts and are treated with much weight and great respect, since it had the unique opportunity to observe the demeanor of those on the stand and was then in a position to discern whether they were telling the truth.[19] Needless to say, its evaluation of their testimony and credibility is binding upon appellate courts, in the absence of a clear showing that it reached such evaluation arbitrarily; or plainly overlooked certain facts of substance or value that, if considered, might affect the result of the case. [20]

It should be clear that testimonies of child-victims of rape are to be given full weight and credence and not be so easily dismissed as mere fabrications.[21] In this case, the victim vividly recalled details that a child could not have possibly concocted. It is highly improbable that a girl of tender years, one not yet exposed to the ways of the world, would impute to any man a crime so serious as rape if what she claims is not true.[22]

We are convinced, as the RTC was, that the narration of the victim herein could have been made only by someone who had been subjected to rape. The revelation of a young girl that she has been raped, coupled with her voluntary submission to medical examination and her willingness to undergo public trial in which she could be compelled to give out the details of an assault on her dignity, cannot be so easily dismissed as a mere concoction.[23] The present appellant’s characterization of the testimony of the victim as “too perfectly delivered” has no basis. This flimsy and unfounded argument will not diminish the weight of her testimony, which was used as ground for conviction.

When a victim of rape says that she has been defiled, she says in effect all that is necessary to prove that rape has been inflicted on her; and so long as her testimony meets the test of credibility, the accused may be convicted on the basis thereof.[24] This basic rule, founded on reason and experience,[25] becomes even more apparent when the victim is a minor.

No woman, especially one of tender age, will concoct a story of rape, bear embarrassment and stigma in allowing an examination of her private parts, and thereafter testify in open court on the painfully intimate details of her ravishment, unless she is motivated solely by the desire to have the culprit apprehended and punished.[26]

Declared the RTC:

“The Court is inclined to lend credence to complainant’s version of what transpired, considering not only because of her relative age of vulnerability but also because of her willingness to lay bare what should have been shrouded in secrecy and to be exposed to the shame and embarrassment a court trial entails.”[27]

In the present case, the narration by the victim of her horrible ordeal evinced sincerity and truthfulness and showed the innocence and naiveté™ of a child. Youth and immaturity could indeed be badges of truth.[28] This observation is a matter of judicial cognizance borne out by human nature and experience.[29] There could not have been a more eloquent testament to the truth than this “public baring of unspoken grief.”[30]

Motive in Filing the Case

Further, we do not give much credence to the allegation that the accusation against appellant was impelled by ill

motive on the part of the family of the victim, particularly her maternal grandmother, Filomena. This Court has repeatedly ruled that it is unlikely for a young girl like complainant — or for her family — to impute the crime of rape and face social humiliation, if not to vindicate her honor.[31]

Appellant argues that the dispute between him and Filomena involving their water connection does not erase the fact that she had ill feelings towards him. While he himself acknowledges that such a misunderstanding was a shallow reason for him to be charged with rape, he nonetheless argues that some people “do not know how to handle negative issues.”[32]

The RTC easily dismissed this argument in these words:

“Additionally, the defense assails the credibility of Carla by pointing out that complainant and her maternal grandmother were impelled by ill-motive in filing this case allegedly arising from the accused’s refusal to open a water line shared by them. We are not persuaded. This motive is simply too frail to bear out resentment and ill will. Even when consumed with hatred and revenge, it would be inconceivable for a grandmother to expose her granddaughter of tender age to the humiliation and ordeal of a public trial unless the charge is true. It takes nothing less than psychological depravity for a grandmother to concoct a story too damaging to the welfare and well-being of her own granddaughter.

“It is for this very same reason that the Court finds it strange that Matilde Espayos, Carla’s paternal grandmother, testified for accused Guillermo Andales, when she should have been looking after the interest and well-being of her own granddaughter. We are completely astounded as to what could have impelled her to take the cudgels for the very person who defiled her own flesh and blood — her granddaughter. x x x [T]he Court does not find this circumstance compelling enough to disturb its findings to give full weight and credence to Carla’s testimony; neither is it of such magnitude as to create a doubt in the mind of the Court on the guilt of accused. Complainant’s unwavering sincerity and candor while testifying in court convinces us that she was impelled by none other than an honest desire to obtain justice for the dastardly act committed upon her person.

“In the same manner, it would be unnatural for a ten (10) year old, innocent girl to concoct a story of rape, knowing the same would drag herself to a lifetime of shame, just because she was influenced by her grandmother who may be harboring ill-feeling against the accused x x x.”[33] (*Italics supplied*)

We are not convinced, as appellant would like us to believe, that the victim filed the Complaint simply at her grandmother’s prodding. Instigation by grandparents to file rape charges is not an uncommon defense. But such alleged motives as family feuds, resentment or revenge have hardly swayed the Court from lending full credence to the testimonies of complainants who remained steadfast throughout their direct and cross-examinations.[34]

We cannot believe that the grandparents herein would expose their granddaughter, a young and innocent girl, to the humiliation and stigma of a rape trial, just because — in the words of appellant himself — of the simple issue of water connection which is, indeed, a shallow reason. No grandparents would expose their own granddaughter to the shame and scandal of having undergone such a debasing defilement of her chastity if the charge filed was not true.[35]

Besides, the imputation of ill motive not only remains unsubstantiated; it is also incredible, contrary to reason, and too unnatural to merit faith and credit. The medical findings[36] in this case also support the fact of carnal knowledge. These findings were amply discussed by the medical doctor[37] who testified for the prosecution. She declared that all her findings were compatible with the fact of penetration and “the claim that the penis of the accused was inserted.”[38]

Denial and Alibi

Appellant then raises the defenses of denial and alibi. He asserts that he could not have raped the victim, as he was driving his tricycle on 7th Avenue, Caloocan City, for 24 hours on the dates in question.[39]

To be sure, alibi is the weakest of all defenses, because it is easy to concoct and difficult to disprove.[40] For it to prosper, proof that the defendant was somewhere else when the crime was committed is insufficient. He must likewise demonstrate that it was physically impossible for him to have been at the scene of the crime at the time.[41] In the case before us, appellant himself testified that he was at the very same area where the house of the victim was located. He never testified that it was physically impossible for him to be at the scene of the crime on the date and at the time she testified to. What is clear is that he was within the vicinity of the locus criminis.

Besides, appellant cannot be exculpated from criminal liability, even by the witness he had presented — another tricycle driver who testified to having seen appellant driving the latter's tricycle on the days on which the rapes had allegedly occurred. If, as appellant himself admitted, he had indeed been driving his tricycle on 7th Avenue, Caloocan City, for 24 hours on the days in question, he must have been out of the sight of the other tricycle drivers most of the time. It would have then been impossible for the witness to have seen appellant at all times. Thus, the former's testimony, instead of lending credence to the latter's alibi, further weakens it. The RTC correctly held:

“x x x. He even offers the testimony [of] his witness Leopoldo Garino, a fellow tricycle driver, to collaborate his allegations. Unfortunately, however, no details were ever presented by the accused and his witness regarding the time when they were actually plying their tricycle to show that it would be impossible for the accused to be at the place and at the time of the alleged rape complained of.”[42]

In the light of the positive identification of appellant as the perpetrator of the crime, his denial and alibi cannot be sustained.[43]

Rape is committed by having carnal knowledge of a woman under any of the following circumstances:

1. Force, threat or intimidation is used.
2. The woman is deprived of reason or is otherwise unconscious.
3. Fraudulent machination or grave abuse of authority is committed.
4. The woman is under twelve years of age or is demented.[44]

Under the last circumstance, if the offended woman is not yet 12 years old, carnal knowledge with her, regardless of the presence or the absence of consent, constitutes statutory rape.[45] As carnal knowledge of a ten-year-old minor who was threatened has been proven beyond reasonable doubt, all the elements of the crime of rape have been satisfied.

Her age, ten years, at the time of both incidents — December 1997 and January 1998 — was established by (1) her own testimony, as well as the testimonies of Mary Kris Espayos (her older sister) and Cresencio Espayos (her father); and (2) her Birth Certificate[46] which, not having been objected to by the defense, was admitted in evidence.

Thus, appellant's conviction for the two (2) counts of rape, with the penalty of reclusion perpetua for each count, is affirmed. The P50,000 civil indemnity for each count is likewise affirmed. The award of moral damages should be reduced, however, to P50,000 for each count in accordance with current jurisprudence.[47] Moral damages are automatically granted in rape cases without need of further proof other than the commission of the crime, because it is assumed that a rape victim has actually suffered moral injuries entitling her to such an award.[48]

WHEREFORE, the appeal is DENIED and the assailed Decision AFFIRMED, with the modification that the moral damages awarded by the trial court are reduced to P50,000 for each count of rape. Costs against appellant.

SO ORDERED.

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

Azcuna, J., on official leave.

[1] Rollo, pp. 20-28; records, pp. 186-194. Penned by Judge Silvestre H. Bello Jr.

[2] Assailed Decision, pp. 8-9; rollo, pp. 27-28; records, pp. 193-194.

[3] Both Informations were dated March 26, 1998.

[4] In Criminal Case No. C-53686. In Criminal Case No. C-53687, the crime was alleged to have occurred sometime during the month of January, 1998.

[5] Signed by 2nd Asst. City Prosecutor Rosa C. Reyes; rollo, pp. 5 & 6; records, pp. 1 & 5.

[6] Assisted by his counsel, Atty. Alexander Yap.

[7] See the RTC's Order dated May 27, 1998; records, p. 13.

[8] Rollo, p. 29; records, p. 196.

[9] Signed by Assistant Solicitors General Carlos Ortega and Magdangal M. de Leon and Solicitor Ronaldo B. Martin.

[10] Appellee's Brief, pp. 4-6; rollo, pp. 74-76. Citations omitted.

[11] Appellant's Brief was signed by Attys. Amelia C. Garchitorena, Teresita S. de Guzman and Melita E. Lauron of the Public Attorney's Office (PAO).

[12] Appellant's Brief, pp. 6-9; rollo, pp. 47-50. Citations omitted.

[13] This case was deemed submitted for resolution on May 6, 2003, upon this Court's receipt of appellee's Brief. Appellant's Brief was filed with this Court on December 26, 2002. The filing of a reply brief was deemed waived, as none had been submitted within the reglementary period.

[14] Appellant's Brief, p. 1; rollo, p. 42. Original in upper case.

[15] *People v. Perez*, 378 SCRA 476, March 6, 2002; *People v. Platilla*, 378 SCRA 464, March 6, 2002; *People v. Pajarillo*, 377 SCRA 477, February 20, 2002; *People v. Somodio*, 377 SCRA 129, February 15, 2002; *People v. Caiñgat*, 376 SCRA 387, February 6, 2002; *People v. Ollamina*, 376 SCRA 337, February 6, 2002; *People v. Bautista*, 376 SCRA 18, February 4, 2002; *People v. Sanchez*, 375 SCRA 355, January 31, 2002.

[16] *People v. Lachica*, 382 SCRA 162, May 9, 2002; *People v. Dulay*, 381 SCRA 346, April 18, 2002; *People v. Portugal*, 379 SCRA 212, March 12, 2002; *People v. Manayan*, 420 Phil. 357, October 25, 2001; *People v. Palero*, 357 SCRA 724, May 10, 2001.

[17] TSN, September 3, 1998, pp. 1-3.

[18] Assailed RTC Decision, p. 7; rollo, p. 26; records, p. 192.

[19] *People v. Alilin*, 379 SCRA 647, March 21, 2002; *People v. Glabo*, 371 SCRA 567, December 7, 2001; *People v. Padilla*, 368 SCRA 578, November 14, 2001; *People v. Lacuesta*, 365 SCRA 306, September 14, 2001; *People v. Porras*, 413 Phil. 563, July 17, 2001; *People v. Ellado*, 353 SCRA 643, March 5, 2001.

[20] *People v. Manggasin*, 365 Phil. 683, April 21, 1999; *People v. Mengote*, 364 Phil. 874, March 25, 1999; *People v. Raptus*, 198 SCRA 425, June 19, 1991.

[21] *People v. De Guzman*, 372 SCRA 95, December 11, 2001; *People v. Dacara*, 420 Phil. 333, October 25, 2001; *People v. Galvez*, 418 Phil. 159, September 24, 2001; *People v. Puerta*, 416 Phil. 177, August 27, 2001; *People v. Tejada*, 413 Phil. 211, July 10, 2001.

[22] *People v. Palaña*, 379 SCRA 553, March 20, 2002; *People v. Sanchez*, 375 SCRA 355, January 31, 2002; *People v. Quezada*, 375 SCRA 248, January 30, 2002; *People v. Santos*, 354 SCRA 708, March 20, 2001; *People v. Marquez*, 347 SCRA 510, December 8, 2000; *People v. Garcia*, 341 SCRA 502, September 29, 2000.

[23] *People v. Molas*, 350 Phil. 333, March 2, 1998.

[24] *People v. Lachica*, *supra*; *People v. Ollamina*, *supra*; *People v. Callos*, 373 SCRA 481, January 16, 2002; *People v. Tadeo*, 371 SCRA 303, December 3, 2001; *People v. Galvez*, *supra*.

[25] *People v. Santos*, 420 Phil. 620, November 13, 2001; *People v. Taño*, 387 Phil. 465, May 5, 2000; *People v. Cula*, 385 Phil. 742, March 28, 2000.

[26] *People v. Quezada*, *supra*; *People v. Agravante*, 338 SCRA 13, August 15, 2000; *People v. Turco Jr.*, 337 SCRA 715, August 14, 2000; *People v. Tipay*, 385 Phil. 689, March 28, 2000; *People v. Bacule*, 323 SCRA 734, January 28, 2000; *People v. Nuñez*, 369 Phil. 422, July 8, 1999; *People v. Velasquez*, 377 SCRA 214, February 15, 2002; *People v. De Guzman*, *supra*; *People v. Makilang*, 420 Phil. 188, October 23, 2001; *People v. Galvez*, *supra*.

[27] Assailed RTC Decision, p. 8; rollo, p. 27; records, p. 193.

[28] *People v. Amaquin*, 377 SCRA 362, February 20, 2002; *People v. Tagud Sr.*, 375 SCRA 291, January 30, 2002; *People v. De Guzman*, *supra*; *People v. Galvez*, *supra*; *People v. Puerta*, *supra*; *People v. Amadore*, 357 SCRA 316, April 20, 2001.

[29] *People v. Ramos*, 357 Phil. 559, September 25, 1998; *People v. Gecomio*, 324 Phil. 297, February 23, 1996.

[30] *People v. Tumala Jr.*, 348 Phil. 469, January 20, 1998.

[31] *People v. Lachica*, *supra*; *People v. Quezada*, *supra*; *People v. Villadares*, 354 SCRA 86, March 8, 2001.

[32] Appellant's Brief, p. 11; rollo, p. 52.

[33] Assailed RTC Decision, pp. 7-8; rollo, pp. 26-27; records, pp. 192-193.

[34] *People v. Ardon*, 354 SCRA 609, March 16, 2001.

[35] *Ibid*.

[36] Medical Certificate dated March 25, 1998; records, p. 110.

[37] Dr. Mariella Sugue Castillo.

[38] TSN, July 22, 1999, p. 17.

[39] TSN, January 26, 2000, p. 5.

[40] *People v. Lachica*, 382 SCRA 162, May 9, 2002; *People v. Sansaet*, 376 SCRA 426, February 6, 2002; *People v. Cuenca*, 375 SCRA 119, January 29, 2002.

[41] *People v. Cordero*, 351 SCRA 383, February 7, 2001; *People v. Rendaje*, 344 SCRA 738, November 15, 2000; *People v. Hofilexja*, 389 Phil. 553, June 22, 2000; *People v. Legaspi*, 387 Phil. 108, April 27, 2000; *People v. Lustre*, 386 Phil. 390, April 6, 2000; *People v. Llanes*, 381 Phil. 733, February 4, 2000; *People v. Rendoque*, 379 Phil. 671, January 20, 2000.

[42] Assailed RTC Decision, p. 7; rollo, p. 26; records, p. 192.

[43] *People v. Lenantud*, 352 SCRA 549, February 22, 2001; *People v. Balmoria*, 351 Phil. 188, March 20, 1998; *People v. Baydo*, 273 SCRA 526, June 17, 1997; *People v. Datun*, 338 Phil. 884, May 7, 1997; *People v. Apongan*, 337 Phil. 393, April 4, 1997; *People v. Caritativo*, 326 Phil. 1, April 1, 1996.

[44] Article 266-A of the Revised Penal Code.

[45] *People v. Pine*, 346 SCRA 383, November 29, 2000.

[46] Exhibit C; records, p. 111.

[47] *People v. Pagsanjan*, GR No. 139694, December 27, 2002; *People v. Lachica*, *supra*.; *People v. Ugang*, 381 SCRA 775, May 7, 2002; *People v. Bertulfo*, 381 SCRA 762, May 7, 2002.

[48] *People v. Lachica*, *supra*; *People v. Hermanes*, 379 SCRA 170, March 12, 2002; *People v. Parcia*, 374 SCRA 714, January 28, 2002; *People v. De Guzman*, *supra*; *People v. Balas*, 372 SCRA 80, December 11, 2001.

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