

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
MATEO PATILAN, DEFENDANT-APPELLANT.***G.R. Nos. 78772-73. May 23, 1991*

Ponente: DAVIDE, JR., J.

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These cases recount the story of JOCELYN DE MESA, a girl born on 25 February 1972, who ultimately gathered enough courage to undergo public trial to obtain justice for the traumatic experiences, perhaps already indelibly etched in her memory, she suffered in the clutches of a nineteen-year-old youth who sexually abused her not just once, but thrice, the first of which was when she was only twelve years, three months and two days old. However, as hereafter discussed, the Municipal Trial Court, after the preliminary investigation, dismissed one of the three complaints for rape.

The discovery of the commission of the imputed crime was nothing short of serendipitous. In the afternoon of 28 June 1984 Angelito Horca, nephew of Nancita de Mesa, mother of Jocelyn, ran to the house of Nancita to report to her that he saw Jocelyn in the house of Felipe Acosta, in Area G of General Mariano Alvarez, Cavite, standing on the bed, leaning on the wall, with two hands raised, while accused Mateo Patilan was removing her panty.

Intuition composed for Nancita a scenario far worse than that described by Angelito. Since at that time Jocelyn was in school, she immediately decided to confront the accused; she sent Horca to fetch him. The accused came to her house, but he refused to admit what he did. She then called for the mother of the accused while waiting for Jocelyn. When Jocelyn arrived, she could not talk and was trembling; so Nancita brought her inside her room, but she refused to confess because she was afraid. At about 7:00 o'clock in the evening of that date Jocelyn told her mother to request the accused to go away because he had committed some act against her. At past 7:00 o'clock that same evening Nancita proceeded to the barangay hall to request for help. She was able to talk to the barangay captain, Mr. Luis Batingal, who, when informed of her purpose, accompanied her to the house of the accused. The barangay captain confronted the accused, but he denied and was about to run away; however, the barangay captain was able to hold him in the arm and he brought him to the police station at General Mariano Alvarez. Nancita and Jocelyn followed them later. The barrio captain informed Nancita that the accused admitted having abused Jocelyn three times, on 27 May, 14 June and 28 June, of 1984. Thereupon, the accused was placed inside the jail.[1] He was investigated and a statement was taken which he subscribed and sworn to on 28 June 1984 before Municipal Mayor Leoniso Virata.[2] He admitted therein that he had sexual intercourse with Jocelyn on three occasions; he alleged, however, that he and Jocelyn are sweethearts and the intercourses were with her consent.

The following day, 27 June 1984, a statement was taken from Jocelyn by Patrolman Roman Movilla in the presence of Patrolman Jaime Dineros in the Office of the INP in General Mariano Alvarez; she subscribed and swore to her statement before P/Capt. Rolando Melo, INP Station Commander;[3] she narrated the three instances when she was sexually abused by the accused to wit: on 27 May 1984 when the accused pointed a kitchen knife at her, on 14 June 1984 when he threatened her with death if she will shout, and on 28 June 1984 when he pointed a

"patalim" on her.

On July 2, 1984, Jocelyn was examined by Dr. Ricardo Ibarrola, Jr., Medico Legal Officer of the National Bureau of Investigation who thereafter submitted his Report (MG-84-446) which indicated the following findings and conclusions:

"GENITAL EXAMINATION:

Pubic hairs, fine, short, moderate, Labia majora, gaping, labia minora, gaping posteriorly, Fourchette, slightly tense. Vestibular mucosa, pale pink with smooth surface. Hymen, moderately wide and thick, with healed, deep laceration at 9:00 o'clock position, edges of which are rounded, slightly congested, coactable. Hymenal orifice, originally annular, admits a tube, 2.0 cm. in diameter with marked resistance. Vaginal wall, moderately tight. Rugosities, prominent, cervix, small, hard.

CONCLUSIONS:

1. No evident sign of extragenital physical injuries noted on her body at the time of examination.
2. Healed laceration of hymen present, compatible with incomplete penetration by an average-sized, fully erected, Filipino male organ on the alleged sexual intercourse with man on May 27, 1984 and thereafter."[4]

On 8 July 1984 Nancita de Mesa was investigated by the police and she subscribed and swore to her statement before P/Capt. Rolando Melo.[5] Angelito Horca was also investigated and he subscribed and swore to his statement before P/Capt. Melo.[6]

Judge Virgilio Gervacio of the Municipal Trial Court of General Mariano Alvarez conducted an examination, by question and answer, on Jocelyn.[7] Said judge also conducted an examination on Angelito Horca on 13 July 1984.[8]

Thereafter, Jocelyn, with the conformity of her mother, Nancita, filed these complaints for Rape with the Municipal Trial Court of General Mariano Alvarez, Cavite, to wit:

- "a) On 10 July 1984, Criminal Case No. GMA-84-71, for rape allegedly committed on 25 June 1984;[9]
- b) On 12 July 1984, Criminal Case No. GMA-84-76, for rape allegedly committed on 27 May 1984;[10] and
- c) Crim. Case No. GMA-84-77 for rape allegedly committed on 14 June 1984.[11]

On 19 July 1984, accused filed with the Municipal Trial Court his counter-affidavit in the above-mentioned three criminal cases, duly subscribed and sworn to by him before his counsel, Atty. Victor C. Hugo, wherein he stated:

"Ang buong katotohanan po ay may ugnayan kami ni Jocelyn de Mesa, kami po ay magkasintahan. . . "[12]

On 23 August 1984, the Municipal Trial Court handed down a resolution in the three cases, the dispositive portion of which reads:

"WHEREFORE, in view of the foregoing, the Court finds and so holds, that there are reasonable grounds to believe the accused committed the crimes charged in the two criminal complaints for rape, Criminal Case No. GMA-84-76 and Criminal Case No. GMA-84-71 and the said accused is probably guilty thereof.

As regards, Criminal Case No. GMA-84-77, allegedly committed on June 14, the complainant failed to establish a prima facie case against the accused, to warrant his further prosecution in Court, and this court ordered its dismissal with costs de officio."[13]

On 27 August 1984 the Municipal Trial Court ordered the records of the three cases remanded to the Office of the

Provincial Fiscal of Cavite for proper disposition and directed the Station Commander of General Mariano Alvarez to commit the living body of the accused to the Provincial Jail of Cavite for safekeeping during the pendency of the cases considering that he is a detention prisoner,[14] who was not admitted to bail.[15]

On 24 January 1985, two informations for Rape signed by Asst. Provincial Fiscal Diego C. Agustin and duly approved by Provincial Fiscal Ramon Anonuevo were filed against the accused with Branch XIX of the Regional Trial Court, Fourth Judicial Region, at Bacoor, Cavite, and were docketed therein as Criminal Case No. B-85-28 and Criminal Case No. B-85-29, the accusatory portions of which read:

1. Criminal Case No. B-85-28

.....

"That on or about May 27, 1984, in the Municipality of General Mariano Alvarez, Province of Cavite, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, being then armed with a kitchen knife, by means of force, threat and intimidation, did, then and there, willfully, unlawfully and feloniously abuse, rape and commit sexual intercourse on the person of JOCELYN DE MESA, against her will and consent, resulting to her damage and prejudice.

ALL CONTRARY TO LAW with the aggravating circumstances that said offended party is under 12 years old without any knowledge in sexual intercourse."[16]

2. Criminal Case No. B-85-29

.....

"That on or about June 28, 1984 in the Municipality of General Mariano Alvarez, Province of Cavite, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, by means of force, threat and intimidation, did, then and there, wilfully, unlawfully and feloniously abuse, rape and commit sexual intercourse on the person of JOSELYN DE MESA, against her will and consent, resulting to her damage and prejudice."[17]

Accused, duly assisted by counsel de oficio Atty. Hermenigildo Betonio, entered a plea of not guilty to each of these informations when he was arraigned on 14 March 1985.[18]

Both cases were jointly heard.

Pre-trial was conducted on 20 March 1985 on which occasions the Accused admitted the medical certificate signed by Dr. Ibarrola of the NBI (Exh. "A"), the medical report of the doctor (Exh. "A-1") and the signature thereon of the head of office (Exh. "A-2"), the sworn statement of the accused taken by Pat. Movilla on 28 June 1984 (Exh. "B"). The parties expressly agreed that the only issue in these cases is:

". . . whether the sexual intercourse had by the offended party with the accused was with her consent. Accused claimed that the intercourse happened with the consent of the offended party."[19]

In respect to the incidents of 27 May 1984 and 28 June 1984, the following facts, as briefly summarized in Appellee's Brief, were duly established during the trial:

"On May 27, 1984, about 10:00 o'clock in the morning, Jocelyn was asked by her mother, Nancita de Mesa, to feed the dog tied outside Felipe's residence (Id., pp. 26-27). The girl went to feed the dog but did not enter the house (Id.). At around 12:00 noon, Jocelyn went back to their house and ate her lunch (TSN, Dec. 6, 1985, pp. 7-8). At approximately 1:00 o'clock in the afternoon, she returned to Felipe's house to see if the dog had already finished eating (Id.). But while she was attending to the dog, the door suddenly opened and she was pulled inside by appellant (Id. pp. 5-6). A knife was pointed at her and she was forcibly laid on a bed near the door. As the girl was trembling in fear, appellant lowered her panty down to her legs (Id., p.6). Appellant also

removed his brief, went on top of the girl and bestially ravished her. (Id. pp. 6-7).

When appellant's discharge was finally consummated, he rose and threatened to kill the girl and her family if she reported the incident to somebody.

Jocelyn went home and kept her traumatic experience to herself as she feared for her life and that of her family (TSN, August 14, 1985, p. 32).

About a month later, or on June 28, 1984, Jocelyn was again asked by her mother to feed the dog. Since she could not tell her mother what had happened to her, nor could she think of any good reason to beg off from the errand, Jocelyn obediently went to feed the dog. When appellant saw her, she was again dragged inside the house and was made to stand on the bed, her back leaning on the wall and her arms raised. Appellant removed her panty with his right hand as he pointed a knife at the girl with his left hand (TSN, Dec. 6, 1985, pp. 5-8). Thereafter, appellant laid the girl on the bed and ravished her once more. What appellant did not notice was that, while he was removing the girl's panty, the door opened and Jocelyn's cousin, the 8 year old Angelito Horca saw what he was doing to the girl."[20]

.....

After trial on the merits, the court below promulgated on 21 January 1987 its Decision the dispositive portion of which reads:

"WHEREFORE, foregoing considered, the court finds accused Mateo Patilan GUILTY beyond reasonable doubt of the crime of Rape on two (2) counts and there being no mitigating or aggravating circumstances present in the commission of the crime hereby sentences said accused in both cases (Crim. Case Nos. B-85-28 and B-85-29) to suffer in each case, a penalty of reclusion perpetua; to indemnify the offended party in the amount of P30,000.00 and moral damages of P10,000.00 and to pay the costs.

Accused is credited of his preventive imprisonment during his confinement in jail.

SO ORDERED."[21]

The above verdict is based on the following findings and conclusion of the trial court:

"The situation which obtained on May 27th and June 28th reveals that there was no physical force employed by the accused on the victim. Intimidation however was present. Threat was employed. She was of tender age, only few months over twelve (12) years; accused was seven (7) years her senior. A child who is 12 years and two months old can hardly be expected to make an outcry and liberate herself from a man who is sexually assaulting her. A thirteen-year old complainant was too small and weak to struggle hard against the accused (People vs. Paras, 124 SCRA 286).

It may be said that after the incident on May 27, 1984, complainant failed to report that accused sexually abused her. One may not expect a thirteen-year old girl to have the courage to immediately report that she was raped in the fact of the rapist's threat on her life (People vs. Tampus, 88 SCRA 217). It is not uncommon for a young girl to conceal for sometime sexual assaults on them due to threats on her life and members of her family (People vs. Oido, 125 SCRA 250).

Except for the sweeping allegation of accused that "Maybe her parents do not like me, sir" (p. 5, t.s.n., April 21, 1986) accused failed to establish a more credible motive of complainant when she filed the rape charge.

Although a rape victim who was only 14 years old, a country lass and a sixth grader is not incapable of making false statements against her accuser, (People vs. Flores, 125 SCRA 244, No. L-60665, October 26, 1983), it was also held that the testimony of an artless, guileless barrio lass that she was raped may be believed there being likewise no showing of any mercenary or dishonest motive in her imputing the rape to the accused (People vs. Tampus, supra).

While it is correct to say that there were inconsistencies in the testimony of the complainant, such as the time she was in the house of Felipe Acosta on May 27, 1984 and the time when the complainant was abused (pp. 3 to 5, t.s.n., Dec. 6, 1985) at times erratic, it came to pass on her because of her tender age. Her revelation, straightforward, honest, is an eloquent testimony of her desire to expose the truth and punish the culprit.

Minor inconsistencies in complainant's testimony do not impair much less disprove the commission of the crime of rape if all the elements of the crime are present. (*People vs. Gargoles*, 83 SCRA 282).

The version of accused when he claimed that he had intercourse with the complainant because she approached him, (p. 31, t.s.n., May 13, 1986) and she seduced him to lie down on bed without courting her and "offered herself" (p. 4, *ibid.*) and telling that she likes him without courting her (p. 31, *ibid.*) are emotional reactions which could not be true to come from a 12-year old lass.

Also, his claim that they were sweethearts for six (6) years (complainant barely seven years old) before they had the first intercourse was an exaggeration of his professed innocence."

After the promulgation, the trial court issued the following order:

"Considering the manifestation of the counsel for the accused, let the records of this case be forwarded to the Supreme Court." [22]

The manifestation referred to must have been a manifestation that accused is appealing the decision to this Court. We do not find in both the original records of the Regional Trial Court and the rollo in this case either a written manifestation or a notice of appeal. On the face, therefore, there seems to be non-compliance of Section 3, Rule 122 of the Revised Rules of Court which requires that an appeal must be in writing. We rule, however, that the above order of the trial court is sufficient to show that an appeal was in fact made by the accused. In *People vs. Agasang*, 99 Phil. 11, We even ruled that an oral notice of appeal made in open court together with the filing of a bond for the provisional release of the accused where it was expressly stated that the accused had appealed from the decision was sufficient compliance with the rule. Furthermore, in the letter of the RTC Clerk of Court of 25 March 1987 transmitting to this Court the complete records of the cases, exhibits and transcripts of stenographic notes, mention is made of the "appeal interposed by the accused." [23]

In Our resolution of 7 October 1987 We accepted his appeal. [24]

In his letter of 28 October 1987 accused informed this Court that he has no lawyer and requested that a de officio counsel be appointed. In Our resolution of 7 December 1987 We directed the Clerk of Court to appoint a counsel de officio for accused. Atty. Vicente A. Torres was subsequently appointed as such.

In a Brief, outstanding for its brevity, which he filed on 14 March 1988, [25] the accused-appellant makes a single assignment of error:

"THE TRIAL COURT ERRED IN FINDING THAT THE COMPLAINING WITNESS DID NOT CONSENT TO THE SEXUAL INTERCOURSE."

which he supports by arguments drawn from what he perceives to be some improbabilities in the testimony of the offended party which he claims only strengthen the fact that the sexual intercourses were committed with her consent and from his insistence that no credit should be given to the testimony of witness Horca that he saw accused pointing a knife to Jocelyn. His arguments read:

"In the instant case, the offended party, Jocelyn de Mesa, was allegedly raped by the accused, Mateo Patilan, when she went to the Acosta residence to feed or see the dog. On May 27, 1984, when she was allegedly raped the first time, she stayed in the Acosta residence feeding the dog from ten o'clock in the morning till about twelve noon. She then went home to take her lunch and thereafter, returned to the Acosta residence to "see the

dog". She was allegedly raped by Mateo at about one o'clock that fateful afternoon.

It is highly inconceivable that the dog needed to be fed for such a long period of time and that the offended party's devotion to the dog was such that after spending two hours feeding it, she had to return immediately after lunch to "see the dog". Could it be possible that Jocelyn de Mesa purposely tarried in the Acosta residence, knowing fully well that Mateo Patilan was there?

On June 28, 1984, Jocelyn de Mesa was again instructed by her mother to find out if the dog in the Acosta residence had eaten. While at the Acosta residence, she was allegedly raped again by Mateo Patilan. On said occasion, Jocelyn's cousin, Angelito Horca, had also been instructed by Jocelyn's mother to go to the Acosta residence to see if the dog had already eaten. It was thus that he became witness to the alleged rape of Jocelyn de Mesa.

Is it normal behavior for a girl who has undergone the trauma of having been raped to obediently agree to express herself to the same risk, without at least trying to beg off from the errand? Why was Angelito Horca sent by Nancita de Mesa on the same errand as Jocelyn de Mesa? Did Nancita de Mesa not instruct Jocelyn to go to the Acosta residence of her own accord? If so, did she go there to see Mateo Patilan, not the dog?

In his affidavit, Angelito Horca failed to state that he saw Mateo Patilan point a knife at Jocelyn. However, during the trial, he testified that he had seen Mateo Patilan point a knife at Jocelyn. By way of explanation, he said that the policeman who took his statement may have forgotten to include said detail. (t.s.n. dated March 21, 1986, p.6).

Don't (sic) it unlikely that such important detail could have been inadvertently excluded from the affidavit? Didn't Angelito Horca read the affidavit before affixing his signature to it? Isn't it possible that at the time the affidavit was taken, the incident had just occurred, the details were fresh in Angelito Horca's mind and he indeed had not seen a knife pointed at Jocelyn?"[26]

which the People, in the Appellee's Brief submitted by the Solicitor General on 21 July 1988[27] vigorously refuted and successfully demolished.

There is no merit in this appeal.

The guilt of the accused-appellant had been proven beyond all reasonable doubt.

He admitted in his sworn statement of 28 June 1984 and in his counter-affidavit that he had sexual intercourse with the accused on three occasions. At the pre-trial he reiterated such admission. However, he offered the defense that these were done with the consent of the offended party. He thus agreed to the single issue to be resolved in these cases: "whether the sexual intercourse had by the offended party with the accused was with her consent."

Consequently, just as the prosecution had the duty to prove that the acts were committed against the will or without the consent of Jocelyn, the accused-appellant, by his express agreement on the issue, voluntarily bound himself with the duty to show that indeed there was consent on the part of Jocelyn.

The prosecution successfully discharged its duty. On the basis of the testimony of the offended party, "who was frank and honest"[28] and whose revelation, straight forward, honest, is an eloquent testimony of her desire to expose the truth and punish the culprit,"[29] intimidation was clearly and convincingly established. In both incidents, on 27 May 1984 and 28 June 1984, accused-appellant succeeded in ravishing Jocelyn by threatening her with a knife.

We thus find no reason to disturb the trial court's appreciation of the evidence.

In *People vs. Solares*, G. R. No. 82363, May 5, 1989[30] this Court held:

"We have reiterated time and again in a long line of cases that a trial court's factual conclusions carry great weight as it had the privilege of observing the demeanor and deportment of the witnesses and, therefore, can discern if the witnesses are telling the truth or not. (People vs. Bachar, G. R. No. 78269, February 27, 1989; People vs. Molato, G.R. No. 66634, February 27, 1989; People vs. Gimongala, G. R. No. 62968-69, February 27, 1989; People vs. Serrano, G. R. No. 74657, February 27, 1989; People vs. Gaddi, G. R. No. 74065, February 27, 1989; People vs. Abaya, G. R. No. 77980, February 27, 1989; People vs. Paco, G. R. No. 76893, February 27, 1989; People vs. Baluyot, G.R. No. 82998, February 23, 1989; People vs. Millora, G.R. Nos. 38968-70, February 9, 1989)."

Moreover, we have repeatedly held that in rape cases, it is difficult to believe that many unmarried women would tell a story of defloration, allow the examination of their private parts and thereafter permit themselves to be the subject of a public trial if they were not motivated by an honest desire to seek justice.[31] Jocelyn endured all of these with characteristic patience and courage despite her tender age.

In *People vs. Ramilo*, G. R. No. 52230, 15 December 1986, 146 SCRA 258, 268, We stated:

"It has long been held that no young Filipina of decent repute would publicly admit that she had been criminally abused and ravished unless that is the truth. It is her natural instinct to protect her honor." (*People v. Alcantara*, 126 SCRA 425; *People v. Gomez*, 124 SCRA 260; *People v. Ilano*, 109 Phil 912; and *People v. Gan*, 46 SCRA 667).

As regards the questioned testimony of Angelito Horca on the alleged pointing of a knife on Jocelyn by accused-appellant which the said witness did not mention in his affidavit, We agree with the Solicitor General that the same did not affect the credibility of the witness. There is actually no inconsistency. The witness was more detailed in his testimony in court because more questions were asked. Horca was only 9 years old when his affidavit was taken[32] and by the very nature of the limited questions he cannot be expected to be detailed in his narration of events. Moreover, as observed in *People v. Mariquina*, 84 Phil. 39, 42, "Generally an affidavit is not prepared by the affiant himself, but by another who uses his own language in writing the affiant's statements. Omissions and misunderstandings by the writer are not infrequent particularly under circumstances of hurry and impatience. For this reason, the infirmity of affidavits as a species of evidence is much a matter of judicial experience." In *People vs. Alcantara*, 33 SCRA 812, 820, where the appellant pointed out alleged inconsistencies between the testimony given in court and the affidavit earlier executed by the witness, We ruled:

". . . However, these inconsistencies or discrepancies are evidently trivial and 'may justifiably be overlooked because it is not infrequent that a witness may, without design, inaccurately narrate certain facts arising from extraordinary occurrences'. As Moore on Facts, 1098, has said, an affidavit, 'being taken ex-parte, is almost always incomplete and inaccurate, sometimes from partial suggestion, and sometimes from want of suggestion and inquiries, without the aid of which the witness may be unable to recall the connected collateral circumstances necessary for the correction of the first suggestion of his memory and for his accurate recollection of all that belongs to the subject'." (citing *People v. Cabiltes*, 25 SCRA 112).[33]

In any event, this testimony of Angelito was only corroborative in nature; it corroborated the testimony of Jocelyn. Hence, even if the former's testimony should be disregarded, the fact of the pointing of the knife remained convincingly established by the latter's testimony.

We also hold that accused-appellant failed to overcome the evidence for the prosecution, i.e., he did not succeed in the discharge of the responsibility he voluntarily imposed upon himself during the pre-trial as above observed. He presented a fantastic tale and a bizarre defense which defies common sense, runs counter to common human experience, and taxes human credulity. According to him, the sexual intercourses in question were made with the full consent of Jocelyn for she was her sweetheart since she was seven (7) years old;[34] they became so at the

instance of Jocelyn who told him that "she likes" him;^[35] on the first encounter, she was the one who came to him, she "did something" which made him "forget",^[36] which he elaborated to mean "She seduced me to lie down in bed."^[37] We cannot imagine how a seven year old girl could have emotional relationships with accused or how she, at twelve, could seduce a 19-year old youth. Jocelyn was not shown to be a sexual pervert, a sex maniac or a prostitute. Accused clearly put salt to the wound and added insult to injury. His fantastic tale and bizarre defense must be consigned to the abyss of fiction, for as We stated in *People vs. Estebal*, supra, when We described the defense of the accused in a rape case as an incredible tale about the thirteen-year old complainant, his niece, acting like a tramp and seducing him, "That truth is often stranger than fiction may be a proven adage, but certainly there are limits to human credulity."

The trial court correctly found appellant guilty of rape in both cases.

WHEREFORE, the decision appealed from is hereby AFFIRMED in toto, with costs de officio.

SO ORDERED.

Fernan, C.J., Gutierrez, Jr., Feliciano, and Bidin, JJ., concur.

[1] TSN, testimony of Nancita De Mesa on August 14, 1985, 6-10; TSN, testimony of Angelito Horca, March 25, 1986, 3-4.

[2] Exhibit "B"; Folder of Exhibits, 1.

[3] Exhibit "C"; Folder of Exhibits, 5-8.

[4] Exhibit "A"; Folder of Exhibits, 1.

[5] Exhibit "B"; Folder of Exhibits, 11-12.

[6] Original records, 8-9.

[7] Id., 16-22.

[8] Id., 26-29.

[9] Id., 6.

[10] Id., 5.

[11] The Original records forwarded to the Court does not contain a copy of the complaint.

[12] Original records, 36-37.

[13] Id., 39.

[14] Original records, 42.

[15] Id., 41.

[16] Id., 1.

[17] Original records, 2.

[18] Id., 52.

[19] Order of 20 March 1985, Original records, 57.

[20] Appellee's Brief, 2.

[21] Per Judge Mariano M. Umali, Original records, 119-133.

[22] Original records, 135.

[23] Rollo, 1.

[24] Id., 39.

[25] Rollo, 50-57.

[26] Rollo, 55-56.

[27] Id., 83, et seq.

[28] Decision, 7; Original records, 125.

[29] Id., 132.

[30] 173 SCRA 203, 207.

[31] People vs. Estebal, G. R. No. 82768, 5 May 1989, 173 SCRA 209, 215; People vs. Gan, G. R. No. L-33446, 18 August 1972, 46 SCRA 667; People vs. Selfaison, G. R. No. L-14732, 28 January 1961, 1 SCRA 235.

[32] Exhibit "D", Folder of Exhibits, 10-11.

[33] See also People vs. Resayaga, 54 SCRA 350; People vs. Mori, et al., 55 SCRA 383; People vs. Pacala, et al., 58 SCRA 370; People vs. Alcantara, et al., 151 SCRA 326.

[34] TSN, May 13, 1986, 2.

[35] Id., 3.

[36] Loc. cit.

[37] Id., 4.

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