644 Phil. 175

FIRST DIVISION

[G.R. No. 181829, September 01, 2010]

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. SATURNINO VILLANUEVA, APPELLANT.

D E C I S I O N

DEL CASTILLO, J.:

On appeal is the November 5, 2007 Decision[1] of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 02210 which affirmed with modification the November 28, 2003 Decision[2] of the Regional Trial Court (RTC) of Tayug, Pangasinan, Branch 51. The CA found appellant Saturnino Villanueva guilty beyond reasonable doubt of three counts of qualified rape and sentenced him to suffer the penalty of *reclusion perpetua* and to pay his victim the amounts of P75,000.00 as civil indemnity, P75,000.00 as moral damages, and P25,000.00 as exemplary damages, for each count.

Factual Antecedents:

On November 6, 2002, three Informations were filed against appellant for the crime of rape. The accusatory portions of the Informations read:

> **Crim. Case No. T-3157:**
>
> That on or about the 9th day of June, 2002, at dawn, x x x, province of Pangasinan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused who is the father of complainant, armed with a bladed weapon, by means of force, threat and intimidation, did then and there willfully, unlawfully and feloniously have sexual intercourse with one "AAA,"[3] a minor 12 years of age, against her will and consent, to the damage and prejudice of said "AAA."
>
> CONTRARY to Article 335 of the Revised Penal Code, as amended by Republic Act 8353.[4]
>
> **Crim. Case No. T-3158:**

That on or about the 27th day of September, 1999, in the evening, at x x x, province of Pangasinan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused who is the father of complainant, armed with a bladed weapon, by means of force, threat and intimidation, did then and there willfully, unlawfully and feloniously have sexual intercourse with one "AAA," a minor 9 years of age, against her will and consent, to the damage and prejudicie of said "AAA."

CONTRARY to Article 335 of the Revised Penal Code, as amended by Republic Act 8353.[5]

Crim. Case No. T-3159:

That on or about the 28th day of September, 1999, at dawn, at x x x, province of Pangasinan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused who is the father of complainant, armed with a bladed weapon, by means of force, threat and intimidation, did then and there willfully, unlawfully and feloniously have sexual intercourse with one "AAA," a minor 9 years of age, against her will and consent, to the damage and prejudice of said "AAA."

CONTRARY to Article 335 of the Revised Penal Code, as amended by Republic Act 8353.[6]

When arraigned on November 14, 2002, appellant pleaded not guilty to all charges.[7]

During pre-trial, the parties stipulated that the appellant is the father of "AAA." It was likewise agreed that "AAA" was below 12 years of age when the rape incidents happened.[8] "AAA's" birth and medical certificates were likewise marked as Exhibits "A" and "C," respectively.[9]

Thereafter, the cases were tried jointly.[10]

Version of the Prosecution

The prosecution presented "AAA" as its witness. "AAA" narrated that when she was about 4 years old, her mother left her in the care of her father, herein appellant. Since then, she had been living with her father.

"AAA" claimed that appellant sexually abused her on September 27 and 28, 1999 and on June 9, 2002. During her testimony, "AAA" narrated that:

PROS. ULANDAY:

Q Will you please state your name, age and other personal circumstances?

WITNESS:

A I am "AAA," 13 years old, out-of-school youth, presently residing at x x x[11]

x x x x

PROS. ULANDAY:

Q Madam Witness, do you still remember September 27, 1999?
A Yes, sir.

Q Why do you remember that particular date?
A That was the birthday of my father and the date when he touched me, sir.

x x x x

Q Who rape[d] you?
A My papa, sir. Witness pointed to the accused.

x x x x

PROS. ULANDAY:

Q You claimed that your father touched and used you. How did he begin in touching you?
A He tied me, sir.

x x x x

Q What part of your body was x x x tied by your father?
A My mouth, sir.

Q What other parts of your body, if there [are] any?
A My hands and my feet, sir.

PROS. ULANDAY:

My witness is crying, your Honor.[12]

x x x x

Q Now, after your father tied you on September 27, 1999, what did he do, if there's any?
A He raped me, sir.

COURT:
Q What do you mean by x x x saying he raped you?

x x x x
A He undressed me, sir.

x x x x

COURT:

And we make of record that [witness is now] in tears.[13]

x x x x
PROS. ULANDAY:

Q Madam Witness, during the last hearing you uttered the word "incua na." What do you mean by that?
A He inserted his penis into my vagina, sir.

Q How long a time did your father [insert] his penis into your vagina?
A About two minutes, sir.

Q At early dawn of September 28, 1999, what happened if any, between you and your father?
A The same, sir.

Q What do you mean by the same?
A That he inserted his penis into my vagina, sir.

Q Before your father inserted his penis into your vagina, what did he do, if there was any?
A He first undressed me, sir.

Q While he was undressing you what were you doing, if any?
A I failed to do any, sir.

Q Why did you fail to do any?
A Because I was afraid, sir.

Q Why were you afraid at the time?
A Because he threatened me, sir.

Q How did he [threaten] you?
A That if I would report the matter to anyone he would kill the person to whom I will report, sir.

Q Do you remember June 9, 2002 at 3:00 o'clock dawn?
A Yes, sir.

Q Why do you remember that particular date?
A Because he again raped me, sir.

Q Who raped you?
A My father, sir.

Q In what particular place [were] you raped?
A In our house, sir.

x x x x
Q You claimed that you were raped by your father, how did he rape you?
A He undressed me, sir.

Q What else did he do aside from undressing you?
A He poked a knife at me, sir.

Q And after poking a knife at you, what happened next, if any?
A Then he touched (kinuti) me, sir.

Q What part of your body was touched by your father?
A My vagina, sir.

Q How did he touch your vagina?
A He inserted his penis into my vagina, sir.

Q What happened when he inserted his penis into your vagina?
A I cried, sir.[14]

Q: You have no idea about what?
A: I do not know how to come to this court, sir.[20]

After the presentation of "AAA's" testimony, the prosecution rested its case.

Version of the Defense

The defense presented appellant as its first witness. In his testimony, appellant admitted that "AAA" is his daughter.[15] He also admitted that on September 27 and 28, 1999 and June 9, 2002, he was living in the same house as "AAA."[16] However, when asked regarding the rape charges filed against him by his daughter, appellant denied the same. Thus:

> Q And this daughter of your[s] now charge you [with] rape in Crim. Case Nos. T-3157/3158/3159 for allegedly having sexual intercourse with her against her will and consent. What can you say against these charges by your daughter?
>
> A [Those are] not true, sir.[17]

The defense next presented Marcelino Villanueva (Marcelino) who testified that he is the father of the appellant.[18] He claimed that "AAA" filed the rape cases against appellant because the latter forbade her to entertain suitors.[19] Marcelino also alleged that after appellant was incarcerated, "AAA" eloped with her 20-year old boyfriend and that "AAA" only separated from her boyfriend when she was brought under the care of the Department of Social Welfare and Development.[20] When asked how old "AAA" was when she allegedly eloped with her boyfriend, Marcelino answered that "AAA" was only 13 years old.[21]

Ruling of the Regional Trial Court

The trial court lent credence to the testimony of "AAA." However, it noted that although it was agreed upon during the pre-trial that "AAA" was a minor below 12 years of age, the fact remains that "AAA" was 12 years, six months and 19 days when she was ravished by the appellant on June 9, 2002.[22] The court below also observed that "AAA has always been a pathetic child of oppression, abuse and neglect" and that "[h]er innocence, tender age, dependence [on appellant] for survival, and her virtual orphanhood sufficed to qualify every sexual molestation perpetrated by her father as rape x x x."[23]

The dispositive portion of the Decision reads:

> WHEREFORE, finding the accused SATURNINO VILLANUEVA guilty beyond reasonable doubt of three counts of rape, defined and penalized by Article 266-A of the Revised Penal Code, perpetrated against [his] daughter on September 27, 1999, September 28, 1999 and June 9, 2002, x x x and as mandated by Article 266-B, same Code, the Court hereby sentences him to suffer the penalty of DEATH for each offense, to indemnify the complainant "AAA" for damages in the amount of P50,000.00 per [count], and to pay the

costs.

SO ORDERED.[24]

Ruling of the Court of Appeals

In his brief filed before the appellate court, appellant claimed that the prosecution failed to present evidence that would overcome the presumption of his innocence. Appellant also alleged that the trial court erred in lending credence to the unrealistic and unnatural testimony of "AAA."[25] He claimed that it was unusual for "AAA" not to offer any resistance to the advances allegedly made by him considering that he was unarmed. According to the appellant, "AAA" should have struggled or at least offered some resistance because she was not completely helpless.[26] Appellant also suggested that "AAA" must have been coached because initially, she did not know the acts which constitute rape. However, during the succeeding hearings, "AAA" allegedly testified in detail the bestial acts committed against her.[27]

Moreover, appellant argued that the prosecution failed to formally offer in evidence the medical certificate and to present the doctor who conducted the medical examination to testify on his findings.[28] Likewise, "AAA's" birth certificate was not formally offered. Neither did the Municipal Civil Registrar who allegedly prepared the same take the witness stand. Thus appellant claimed that assuming he was indeed guilty of the crimes charged, he should only be held liable for simple rape and not qualified rape because the minority of the victim was not duly established.[29] Further, with the passage of Republic Act No. 9346, appellant should not be sentenced to death.[30]

On the other hand, appellee maintained that "AAA's" credibility was beyond doubt[31] and that it was unnecessary to offer proof of resistance where the assailant exercised moral ascendancy against his victim, as in this case.[32] Appellee insisted that the crimes committed were three counts of qualified, and not simple, rape considering that "AAA" was a minor and the offender was her father,[33] and that the parties had already stipulated during pre-trial as regards the age of the victim.[34]

On November 5, 2007, the appellate court rendered its Decision disposing thus:

> WHEREFORE, premises considered, the Decision dated 28 November 2003 of the Regional Trial Court of Tayug, Pangasinan, Branch 51 in *Crim. Case Nos. T-3157, T-3158* and *T-3159* finding accused-appellant Saturnino Villanueva guilty beyond reasonable doubt of three (3) counts of qualified rape under Articles 266-A and 266-B is **AFFIRMED** with the **MODIFICATION** that

pursuant to Republic Act No. 9346, the penalty of death imposed on appellant is reduced to *reclusion perpetua* for each count of qualified rape, without eligibility for parole under Act No. 4103, as amended. Further, accused-appellant is ordered to pay the private complainant/victim ["AAA"], for each count of qualified rape, the amounts of Php 75,000.00 as civil indemnity, Php 75,000.00 as moral damages and Php 25,000.00 as exemplary damages.

SO ORDERED.[35]

The appellate court found no reason to reverse the findings of the trial court on the credibility of "AAA."[36] Although there were occasions when "AAA" would not immediately answer the questions propounded to her, the CA opined that it was because she was either distressed in recounting her horrible experiences or in tears.[37] The appellate court likewise considered the fact that "AAA" was only 13 years old when she testified on her harrowing experiences.[38]

The appellate court likewise brushed aside appellant's contention that "AAA" did not offer any resistance. According to the CA, appellant's moral ascendancy over "AAA" substitutes for violence or intimidation.[39]

The CA also concluded that even without the medical certificate, appellant could still be held liable for three counts of rape. His conviction could rest exclusively on the credible testimony of "AAA" and the medical certificate would only be corroborative evidence.[40] Anent the birth certificate, the CA recalled that during pre-trial, the minority of the victim and her relationship with the appellant had already been stipulated upon. Hence, the said elements have been sufficiently alleged in the Informations and proven during trial.[41]

Finally, the CA held that appellant's denial is intrinsically weak and self-serving especially considering "AAA's" credible and straightforward testimony.[42]

Our Ruling

Both the appellant and the appellee opted not to file their supplemental briefs.[43]

The appeal is partly meritorious.

At the outset, we must state that we entertain no doubt that appellant thrice raped his daughter, "AAA." We examined the records and we find "AAA's" testimony convincing and straightforward. We therefore have no reason to reverse or modify the findings of the trial court on the credibility of the victim's testimony, more so in this case where the said findings were affirmed by the CA.

We also agree with the ruling of the appellate court that appellant could be convicted of rape even without the medical certificate. "In rape cases, the accused may be convicted solely on the testimony of the victim, provided the testimony is credible, natural, convincing, and consistent with human nature and the normal course of things."[44] As stated above, "AAA's" testimony was credible and convincing. As such, appellant's conviction could rest solely on it. The medical certificate would only serve as corroborative evidence.

We, however, agree with the appellant that both the medical certificate and "AAA's" birth certificate, although marked as exhibits during the pre-trial, should not have been considered by the trial court and the CA because they were not formally offered in evidence. Section 34, Rule 132 of the Rules of Court explicitly provides: "The court shall consider no evidence which has not been formally offered. The purpose for which the evidence is offered must be specified."

In this case, we note that after the marking of the exhibits during pre-trial, the prosecution did not formally offer the said medical certificate or birth certificate in evidence. In fact, the prosecution rested its case after presenting the testimony of "AAA" without formally offering any documentary exhibit at all.

Our ruling in *Heirs of Pedro Pasag v. Parocha*[45] is instructive, thus:

> The rule on formal offer of evidence is not a trivial matter. Failure to make a formal offer within a considerable period of time shall be deemed a waiver to submit it. Consequently, as in this case, any evidence that has not been offered shall be excluded and rejected.
>
> x x x x
>
> The Rules of Court [provide] that `the court shall consider no evidence which has not been formally offered.' A formal offer is necessary because judges are mandated to rest their findings of facts and their judgment only and strictly upon the evidence offered by the parties at the trial. Its function is to enable the trial judge to know the purpose or purposes for which the proponent is presenting the evidence. On the other hand, this allows opposing parties to examine the evidence and object to its admissibility. Moreover, it facilitates review as the appellate court will not be required to review documents not previously scrutinized by the trial court.
>
> x x x x
>
> Thus, the trial court is bound to consider only the testimonial evidence presented and exclude the documents not offered. **Documents which may have been identified and marked as exhibits during pre-trial or trial but**

> **which were not formally offered in evidence cannot in any manner be treated as evidence. Neither can such unrecognized proof be assigned any evidentiary weight and value**. It must be stressed that there is a significant distinction between identification of documentary evidence and its formal offer. The former is done in the course of the pre-trial, and trial is accompanied by the marking of the evidence as an exhibit; while the latter is done only when the party rests its case. The mere fact that a particular document is identified and marked as an exhibit does not mean that it has already been offered as part of the evidence. It must be emphasized that any evidence which a party desires to submit for the consideration of the court must formally be offered by the party; otherwise, it is excluded and rejected.[46]

We reiterated the above ruling in *Dizon v. Court of Tax Appeals*[47] where one of the issues presented was whether the Court of Tax Appeals and the CA gravely abused their discretion "in allowing the admission of the pieces of evidence which were not formally offered" by the Bureau of Internal Revenue.[48] In finding the case impressed with merit, the Court held that:

> Under Section 8 of RA 1125, the CTA is categorically described as a court of record. As cases filed before it are litigated *de novo*, party-litigants shall prove every minute aspect of their cases. Indubitably, no evidentiary value can be given the pieces of evidence submitted by the BIR, as the rules on documentary evidence require that these documents must be formally offered before the CTA.
> x x x
>
> x x x x
>
> x x x [T]he presentation of the BIR's evidence is not a mere procedural technicality which may be disregarded considering that it is the only means by which the CTA may ascertain and verify the truth of BIR's claims against the Estate. The BIR's failure to formally offer these pieces of evidence, despite CTA's directives, is fatal to its cause. Such failure is aggravated by the fact that not even a single reason was advanced by the BIR to justify such fatal omission. This, we take against the BIR.[49]

We are not unaware that there is an exception to the above-stated rule. In *People v. Mate*, [50] Silvestre Mate (Mate) was charged with the crime of "Kidnapping for Ransom with Murder and Frustrated Murder."[51] During arraignment, he entered a plea of "guilty." The court then propounded clarificatory questions to determine whether the accused understood the consequences of his plea. Immediately thereafter, the trial court promulgated its decision finding the accused guilty as charged and sentenced him to death.[52] It was only

after the rendition of the judgment that the trial court conducted hearings for the reception of the prosecution's evidence.[53]

From the prosecution's evidence, it would appear that during the investigation, Mate voluntarily made extra-judicial statements as contained in Exhibits "A," "B," and "J." Also, after his conviction, he appeared as witness for the prosecution against his co-accused where he affirmed his extra-judicial statements in Exhibits "A," "B," and "J." However, the state prosecutor failed to formally offer said exhibits.

In debunking the defense's contentions that the trial court erred in rendering a judgment of conviction on Mate even before the prosecution could present its evidence, and in considering the exhibits which were not formally offered, the Court held thus:

> The defense contends that the trial court committed a serious error in rendering judgment of conviction immediately after Mate had pleaded guilty to the crime charged on the basis of his plea of guilty and before receiving any evidence. While the trial court committed an error in rendering judgment immediately after the accused had pleaded guilty, and, thereafter, conducted hearings for the reception of the evidence for the prosecution, such an irregularity, is insufficient to justify the setting aside of the judgment of conviction, considering that it is supported by the judicial and extra-judicial confessions of the accused and by other evidence. x x x
>
> x x x x
>
> The defense questions also the failure of the state prosecutor Cornelio Melendres to make a formal offer of his exhibits, although they have been marked and identified. Such an oversight appears trivial because the entire evidence for the prosecution is recorded. Even without the exhibits which have been incorporated into the records of the case, the prosecution can still establish the case because the witnesses properly identified those exhibits and their testimonies are recorded.
>
> Exhibits "A", "B", and "J" are all admissible against Mate because it appears with clarity that he voluntarily and spontaneously gave those narrations without compulsion from anybody. In fact, . . . when he testified against Ben Bohol he affirmed those narrations again.[54]

In *Mato v. Court of Appeals*,[55] we concretized the above ruling by holding that evidence, although not formally offered in evidence, may be "admitted and considered by the trial court provided the following requirements are present, *viz*: first, the same must have been duly identified by testimony duly recorded and, second, the same must have been

incorporated in the records of the case."[56] In *Ramos v. Dizon*,[57] we deemed the exhibits to have been incorporated into the records because they had been "presented and marked during the pre-trial of the case."[58] Likewise, the first requisite was deemed satisfied because one of the parties therein explained the contents of the exhibits when interrogated by the respondents' counsel.[59]

In the instant case, we find the rulings espoused in *People v. Mate*,[60] *Mato v. Court of Appeals*,[61] and *Ramos v. Dizon*[62] not applicable. Thus, we find that both the trial court and the CA erred in allowing the admission of "AAA's" medical certificate and birth certificate. The records would show that the lone witness for the prosecution did not identify the said exhibits or explain their contents. When "AAA" was placed on the witness stand, she merely stated that she was 13 years old. No reference was ever made to her birth certificate. The same is true with the medical certificate. After the marking during the pre-trial, the prosecution did not refer to it in any stage of the proceedings. Neither did it present the doctor who prepared the same.

Moreover, appellant's admission during the pre-trial that "AAA" was a minor below 12 years of age[63] would not help the prosecution's case. First, the trial court found this admission inaccurate as in fact, "AAA" was already above 12 years of age when the rape incident transpired on June 9, 2002. Second and more important, appellant's admission during pre-trial is not admissible as it violates Section 2, Rule 118 of the Rules of Court which explicitly provides that: "All agreements or admissions made or entered during the pre-trial conference shall be reduced in writing and signed by the accused and his counsel, otherwise they cannot be used against the accused. x x x." In *People v. Chua Uy*,[64] we held that:

> Even granting for the sake of argument that RAMON admitted during the pre-trial that Exhibits "D" to "D-4", inclusive, and Exhibit "E" contained methamphetamine hydrochloride, the admission cannot be used in evidence against him *because the Joint Order was not signed by RAMON and his counsel.* Section 4 of Rule 118 of the Rules of Court expressly provides:
>
> > SEC. 4. *Pre-trial agreements must be signed.* No agreement or admission made or entered during the pre-trial conference shall be used in evidence against the accused unless reduced to writing and signed by his counsel.
>
> Put in another way, to bind the accused the pre-trial order must be signed not only by him but his counsel as well. The purpose of this requirement is to further safeguard the rights of the accused against improvident or unauthorized agreements or admissions which his counsel may have entered into without his

knowledge, as he may have waived his presence at the pre-trial conference; eliminate any doubt on the conformity of the accused of the facts agreed upon.

In this case, records would show that the Pre-trial Order was not signed by both appellant and his counsel.

In view of the foregoing, we find that the prosecution did not present any satisfactory evidence to prove "AAA's" minority. "In the prosecution of criminal cases, x x x, nothing but proof beyond reasonable doubt of every fact necessary to constitute the crime with which an accused is charged must be established. Qualifying circumstances or special qualifying circumstances must be proved with equal certainty and clearness as the crime itself; otherwise, there can be no conviction of the crime in its qualified form. As a qualifying circumstance of the crime of rape, the concurrence of the victim's minority and her relationship to the accused-appellant must be both alleged and proven beyond reasonable doubt."[65]

In view of the foregoing, we find appellant guilty only of three counts of simple rape[66] the penalty for which is *reclusion perpetua* for each count. Accordingly, the awards of civil indemnity must be reduced to P50,000.00 and moral damages to P50,000.00. Finally, the award of exemplary damages is proper. "Exemplary damages may be awarded in criminal cases as part of civil liability if the crime was committed with one or more aggravating circumstances. Relationship as an alternative circumstance under Article 15 of the Revised Penal Code is considered aggravating in the crime of rape."[67] In this case, the aggravating circumstance of relationship was duly established. Appellant himself admitted when he testified in open court that he is "AAA's" father. However, the award of P25,000.00 as exemplary damages must be increased to P30,000.00 in line with prevailing jurisprudence.[68]

WHEREFORE, we find appellant Saturnino Villanueva **GUILTY** of three counts of simple rape and accordingly sentence him to suffer the penalty of *reclusion perpetua* and to indemnify his victim "AAA" the amounts of P50,000.00 as civil indemnity, P50,000.00 as moral damages, and P30,000.00 as exemplary damages, for each count.

SO ORDERED.

Corona, C. J., (Chairperson), Velasco, Jr., Leonardo-De Castro, and *Perez, JJ.,* concur.

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[1] CA *rollo,* pp. 167-198; penned by Associate Justice Celia C. Librea-Leagogo and concurred in by Associate Justices Regalado E. Maambong and Sixto C. Marella, Jr.

[2] Records of Crim. Case No. T-3157, pp. 69-77; penned by Judge Ulysses Raciles

Butuyan.

[3] The identity of the victim or any information which could establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to Republic Act No. 7610, An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, and for Other Purposes; Republic Act No. 9262, An Act Defining Violence Against Women and Their Children, Providing for Protective Measures for Victims, Prescribing Penalties Therefor, and for Other Purposes; and Section 40 of A.M. No. 04-10-11-SC, known as the Rule on Violence Against Women and Their Children, effective November 5, 2004.

[4] Records of Crim. Case No. T-3157, p. 1.

[5] Records of Crim. Case No. T-3158, p. 1.

[6] Records of Crim. Case No. T-3159, p. 1.

[7] Records of Crim. Case No. T-3157, p. 15.

[8] Id. at 28.

[9] Id.

[10] Id.

[11] TSN, January 22, 2003, pp. 2-3.

[12] TSN, February 5, 2003, pp. 2-4.

[13] TSN, February 19, 2003, pp. 4-6.

[14] TSN, February 26, 2003, pp. 2-4.

[15] TSN, April 2, 2003, p. 3.

[16] Id. at 3, 5 and 7.

[17] Id. at 3.

[18] TSN, July 24, 2003, p. 3.

[19] Id.

[20] Id. at 5.

[21] Id. at 6.

[22] Records of Crim. Case No. T-3157, p. 74.

[23] Id. at 77.

[24] Id.

[25] CA *rollo,* p. 116.

[26] Id. at 119.

[27] Id.

[28] Id. at 120.

[29] Id. at 121-122.

[30] Id. at 122.

[31] Id. at 148.

[32] Id. at 149.

[33] Id. at 151-152.

[34] Id. at 155.

[35] Id. at 196.

[36] Id. at 183.

[37] Id. at 187.

[38] Id. at 188.

[39] Id. at 189.

[40] Id. at 191.

[41] Id. at 192.

[42] Id. at 193.

[43] *Rollo*, pp. 43-51.

[44] *People v. Valenzuela*, G.R. No. 182057, February 6, 2009, 578 SCRA 157, 168.

[45] G.R. No. 155483, April 27, 2007, 522 SCRA 410.

[46] Id. at 412, 416, 419-420. Emphasis supplied.

[47] G.R. No. 140944, April 30, 2008, 553 SCRA 111.

[48] Id. at 126.

[49] Id. at 126, 129-130.

[50] 191 Phil. 72 (1981).

[51] Id. at 74.

[52] Id. at 76.

[53] Id. at 77.

[54] Id. at 81-82.

[55] 320 Phil. 344 (1995).

[56] Id. at 350.

[57] G.R. No. 137247, August 7, 2006, 498 SCRA 17.

[58] Id. at 31.

[59] Id.

[60] Supra note 50.

[61] Supra.

[62] Supra.

[63] Records of Crim. Case No. T-3157, p. 28.

[64] 384 Phil. 70, 90-91 (2000).

[65] *People v. Lopit*, G.R. No. 177742, December 17, 2008, 574 SCRA 372, 383.

[66] Id. at 384.

[67] Id. at 385.

[68] *People v. Macapanas*, G.R. No. 187049, May 4, 2010.
