

THIRD DIVISION

[G.R. Nos. 136894-96. February 7, 2001.]

**PEOPLE OF THE PHILIPPINES, *Appellee*, v. ASTERIO CORDERO alias
"TERYO", *Appellant*.**

DECISION

PANGANIBAN, J.:

Old age, by itself, is not a defense in a rape case. To overcome the prosecution's evidence, the appellant must present convincing proof that he was physically unable to consummate carnal knowledge of the victim. He may also show that the trial court overlooked certain facts or circumstances of substance and value, which if considered would affect the result of the case.

The Case

Before the Court is an appeal by Asterio Cordero alias "Teryo," challenging the November 26, 1998 Decision 1 of the Regional Trial Court (RTC) of Urdaneta City, Pangasinan (Branch 46), in Criminal Case Nos. U-9681, U-9682 and U-9683. The decretal portion of the Decision, which found him guilty on three counts of rape, reads as follows:

"WHEREFORE, JUDGMENT is hereby rendered in the following:

1. Under CRIM. CASE NO. U-9681, the Court sentences ASTERIO CORDERO to suffer the penalty of [r]eclusion [p]erpetua; [o]rdering Cordero to pay Teresa Nana the sum of P50,000.00 as moral damages, plus P20,000.00 as exemplary damages;
2. Under CRIM. CASE NO. U-9682, the Court sentences ASTERIO CORDERO to suffer the penalty of [r]eclusion [p]erpetua; [o]rdering Cordero to pay Mirasol Nana the sum of P50,000.00 as moral damages, plus P20,000.00 as exemplary damages;
3. Under CRIM. CASE NO. U-9683, the Court sentences ASTERIO CORDERO to suffer the penalty of [r]eclusion [p]erpetua; [o]rdering Cordero to pay Mirasol Nana the sum of P50,000.00 as moral damages, plus P20,000.00 as exemplary damages.

The Jail Warden, Bureau of Jail Management and Penology (BJMP), Urdaneta District Jail, Urdaneta City, Pangasinan, is hereby ordered to transmit the person of accused Asterio Cordero to the National Bilibid Prisons, Muntinlupa City, immediately.

The Branch Clerk of Court is hereby ordered to prepare the mittimus immediately." 2

Appellant was charged with three (3) separate Informations 3 for rape. The first Information (Crim. Case No. U-9681) charged appellant as follows:

"That on or about June 2, 1998 at Sitio San Antonio, Brgy. Arzadon, San Manuel, Pangasinan 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 have sexual intercourse with Teresa Nana y Niduaza, a minor 13 years old[,] against her will and without her consent, to her damage and prejudice.

"CONTRARY to Article 335, Revised Penal Code, as amended by R.A. 7659 and R.A. 8353." 4

The second Information (Crim. Case No. U-9682) reads:

"That on or about January 22, 1998, at Sitio San Antonio, Brgy. Arzadon, San Manuel, Pangasinan 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 felon[i]ously have sexual intercourse with MIRASOL NANA y NIDUAZA, a minor 15 years old, against her will and without her consent, to her damage and prejudice.

"CONTRARY to Article 335, Revised Penal Code, as amended by R.A. 7659 and R.A. 8353." 5

Lastly, the third Information (Crim. Case No. U-9683) is worded thus:

"That on or about January 17, 1998, at Sitio San Antonio, Brgy. Arzadon, San Manuel, Pangasinan, 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 felon[i]ously have sexual intercourse with MIRASOL NANA y NIDUAZA, a minor 15 years old, against her will and without her consent, to her damage and prejudice.

"CONTRARY to Article 335, Revised Penal Code, as amended by R.A. 7659 and R.A. 8353." 6

When arraigned on July 20, 1998, appellant pleaded 7 not guilty. 8 Joint hearings on the three Informations were conducted in due course. Thereafter, the court a quo promulgated its assailed Decision.

Hence, this appeal. 9

The Facts

Prosecution's Version

In its Brief, 10 the Office of the Solicitor General presents the prosecution's version of the facts in this wise:

"Criminal Cases Nos. U-9682 and U-9683

"The families of Antonio Nana and Asterio Cordero, alyas 'Teryo' were neighbors at Sitio Antonio, Barangay Arzadon, San Manuel, Pangasinan. Their houses were about 200 to 250 meters apart from each other, separated by a ricefield. Everyday, 'Teryo' would pass by Nana's house in going to the irrigation canal.'Teryo' Cordero was close to the Nana family.

"Antonio Nana had 6 children. The eldest, Susan, was already married and living in La Union. His other children were Mirasol, Teresa, Loida, Antonio Jr., and Teddy.

"On January 17, 1998, around 12:00 high noon, Mirasol Nana and her 10-year old sister, Loida, were cooking inside their house. At the time, their father, Antonio, went out to fish while their mother, Teresita, was also out of the house looking for food. Suddenly, 'Teryo' arrived and told them, 'Come and get corn.' Accepting Cordero's invitation, Mirasol and Loida went with him and proceeded to his cornfield, about 250 to 300 meters from their house. At the time, 'Teryo' was bringing a bolo, placed in a scabbard hanging from his waist.

"When they arrived at the cornfield, 'Teryo' instructed Mirasol to hold a plastic bag while he got corn about 30 meters from where they stood. After 'Teryo' had picked corn, he went back to Mirasol and gave them to her. However, he suddenly held her hair and boxed her stomach twice. As a consequence, Mirasol fell down, facing up. At this juncture, 'Teryo' began to take off the girl's short pants and panty. After undressing Mirasol, 'Teryo' removed his bolo from the scabbard and thrust it on the ground near Mirasol.

Thereafter, 'Teryo' laid on top of the prostrate girl, inserted his penis into her sexual organ and then made push and pull movements. In the process, Mirasol tried to resist him but she could not fight back because 'Teryo' was too heavy for her. She felt pain [i]n her private parts. After he had finished, 'Teryo' told Mirasol that he would kill them all if she reported the matter.

"The 10 year-old Loida could only watch helplessly while her sister was violated by 'Teryo' who threatened her not to move.

"For fear that 'Teryo' would make good his threats, Mirasol and Loida did not tell anyone about Mirasol's harrowing experience.

"Five days later, or on January 22, 1998, around 10 o' clock in the morning, 'Teryo' again went to the Nana[s'] house and invited Mirasol and Loida to get young corn under the guava tree for merienda. At the time, Mirasol and Loida were cooking. Their father was again out, fishing, but their mother, Teresita, was inside the house. After telling them about the young corn, 'Teryo' left. However, he returned at 11:00 o'clock and repeated that they get the corn for he was going to the irrigation canal. After 'Teryo' left, Teresita advised Mirasol and Loida to do as 'Teryo' had told them and get the corn under guava tree. Mirasol and Loida thus proceeded to the guava tree south of their house.

"Cordero was waiting for them when they reached the guava tree, but he immediately left to get a plastic bag for the corn. Upon returning with a plastic bag, he placed the corn inside. In the meantime, Mirasol had already climbed up the tree to pick guavas. Her younger sister, Loida,

was still under the tree. Suddenly, 'Teryo' pulled Loida towards another guava tree, about 30 meters away and left her there. When 'Teryo' returned to Mirasol, he told her to get down for he had something to tell her, but she refused.

"Unable to convince Mirasol to go down, 'Teryo' pretended to leave. Finally, Mirasol went down the tree when she saw 'Teryo' was gone. But, as soon as she was on the ground, 'Teryo' suddenly re-appeared and immediately held her hands and hair. Then, he loosened his hold on her hair and boxed her twice in the stomach; she fell down as a consequence.

"'Teryo' immediately undressed himself by removing his short pants and briefs. Soon, he also removed Mirasol's short pants and panty. Afterwards, he laid on top of her, inserted his penis into her vagina, and made push and pull movements. Mirasol tried to resist the sexual assault by moving her body from side to side, but to no avail.

"After 'Teryo' had satisfied his lust, he aimed his bolo at Mirasol and Loida warned them not to report the incident or he would kill them. Then he went home. Meanwhile, Mirasol put on her panty and short pants and, together with Loida, brought home Teryo's plastic bag containing the corn.

"Mirasol and Loida kept the incidents to themselves because of 'Teryo's' threat to kill them. However, Mirasol complained of dizziness on June 4, 1998, or six months after the rape incidents. The same day, her mother and older sister, Susan Patacsil, brought her to a hospital in Binalonan, Pangasinan; she was found pregnant.

"Since she was afraid to inform her father about her pregnancy, Mirasol did not go home to San Manuel, Pangasinan but went with Susan to Bauang, La Union. Only her mother went home. However, Antonio followed Mirasol to Bauang, La Union and inquired from Susan why she had to be brought to La Union. Susan then informed their father about Mirasol's condition. When queried by Antonio as to who caused her pregnancy, Mirasol pointed to Asterio Cordero.

"Even if he was mad at 'Teryo' for the latter's savagery [to] his daughter, Antonio resolved to bring the matter to justice. So, the following day, Antonio sought the help of the barangay captain of Brgy. Arzadon, Eusebio Cerdeña, and the latter brought the matter to the attention of the police of San Manuel, Pangasinan. Mirasol was thereafter subjected to medical examination by Dr. Gloria Liberato, Medico-Legal Officer III of the Asingan Medical Hospital. Dr. Liberato made the following findings:

NOI – Alleged Rape

DOI — 1st Incident — January 17, 1998 at 12:00 noontime

2nd Incident — January 22, 1998 at 11:00 A.M.

EXTERNAL FINDINGS:

1. No evident sign of extragenital physical injuries noted on the body of the subject at the time of

examination.

INTERNAL FINDINGS:

1. Healed hymenal laceration at 7:00, 5:00 o'clock positions;
2. (+) Whitish discharge non-foul smelling;
3. Vagina admits 2 fingers with slight difficulty;
4. Cervix soft, close[d] uterus enlarged to 4 months size

LMP — February 5, 1998

AOG — 4 months & 1 week

EDC — November 12

Pregnancy Test (+)

"Criminal Case No. U-9681

"But even before 'Teryo' could be brought to justice for his lechery on Mirasol Nana, it turned out that Mirasol's younger sister, Teresa, was also a victim of his bestiality.

"On June 2, 1998, around 3 o'clock in the afternoon, 13-year old Teresa and her younger brother, Antonio Nana, Jr., 9 years old, were walking home after pasturing their four (4) goats at the ricefield of 'Bernardino' when they met 'Teryo.' 'Teryo' came up to them and told Antonio, Jr. to go home ahead of his sister because he ('Teryo') had something to tell her. Antonio, Jr. went home.

"As soon as Antonio, Jr. had left, 'Teryo' twisted the right arm of Teresa and dragged her for ten (10) meters up to the side of the irrigation canal. After pulling Teresa, 'Teryo' boxed her twice in the stomach. As a result, Teresa lost consciousness.

"When she regained consciousness, Teresa found herself naked with 'Teryo' on top of her; Teryo was inserting his penis into her vagina. He stayed on top of Teresa for ten minutes, at which time, he inserted his penis into her vagina twice. Then, after 5 minutes, 'Teryo' again inserted his penis into her vagina the third time. Teresa's struggles to resist 'Teryo's' beastly advances were to no avail. She could only cry.

"When 'Teryo' had satisfied his lust, he moved to the side of Teresa and thereafter put on his pants. In the meantime, Teresa looked at her vagina and saw that it was bloodied. She then put on her panty and her lower dress. However, as she was about to go home, 'Teryo' threatened her that he would kill all of them if the incident was reported.

"Teresa kept the rape incident secret until the evening of June 7, 1998, when Teresa was eating dinner with the family and Antonio asked her if anything happened to her. She admitted that 'Teryo' had raped her.

"Her revelation prompted Antonio to report the rape incident. He and Teresa then went to her uncle 'Ruben', who then accompanied them to their Barangay Captain, Eusebio Cerdeña. From Cerdeña's house, they all proceeded to the police station of San Manuel, where the rape incident was reported and blotted. Teresa Nana also executed her sworn statement.

"Teresa was thereafter subjected to physical examination by Dr. Julie Alcancia, attending physician at the Don Amadeo Perez Sr. Memorial General Hospital. She wrote down her findings in a Medical Certificate, as follows:

This is to certify that TERESA NANA, 13 years old, of Arzadon, San Antonio, San Manuel, Pangasinan, was examined and treated/confined in this hospital on/from June 8, 1998 to OPD with the following findings and/or diagnosis:

— Fairly developed; fairly nourished; ambulatory.

PE: Vagina — Healed lacerations noticed 1 o'clock; 3 o'clock, 6 o'clock; 9 o'clock.

Internal Exam: Admits 2 finger[s] with ease.

— Uterus — small

— Bleeding (-) "11 (*Citations omitted*)

Defense's Version

In his "Joint Brief," 12 appellant contends that the Criminal Complaints for rape filed against him before the PNP of San Manuel, Pangasinan, were a product of conspiracy. He claims that the Nana sisters, Mirasol and Teresa — upon the instigation of their father, Antonio Corpuz, and their relative Ruben Corpuz — filed the Complaints to extort money from him, as he was in charge of the collection of irrigation fees from farmers. 13

He averred that he was already 63 years old when the alleged rape incidents occurred; therefore, he could not have committed the acts complained of. He also denied the allegation of Mirasol that he had extended an invitation to her and her sister Loida "to come and get corn." He pointed out that on January 17, 1998 and January 22, 1998, the agricultural crops he had planted on his farm were palay and tobacco, not corn. 14

During the hearing of the joint cases against him, appellant make the following declarations:

". . . that he is married with five children. That as farmer, his farm is located at San Antonio, Arzadon, San Manuel, Pangasinan. That in January, 1998, his farm [was] planted with palay and tobacco. That all the adjoining lands to his land were planted with palay. He knows Mirasol

Nana and her sister, Teresa Nana. He denied the testimonies of Mirasol and Teresa that on January 17, 1998, he invited Mirasol to his farm to pick-young corn. Likewise, he denied that on January 17, 1998, at 12:00 o'clock noon, he ever touched or held the hands of Mirasol, much less, went on top of her nor raped her. He denied raping Mirasol. He does not know why Mirasol filed these cases against him. Likewise, he denied raping Mirasol on January 22, 1998, at 11:00 o'clock in the morning. He declared that he is the President of the Irrigation Association. He denied the allegation of Teresa Nana that he raped her on June 2, 1998. He declared that on June 2, 1998, he was in the yard of Doroteo dela Cruz at Cabacaraan, San Manuel, Pangasinan. That on January 17, 1998, at 12:00 o'clock noon, he was in their house. Likewise, on January 22, 1998, he was in their house. He told the Court that he was the Moderator in the seminar and supervised the participants in the seminar of the San Juan Irrigation Association. He identified Exhibit '4-D'. He denied the allegation of Teresa Nana that he spread the rumor that he raped Teresa Nana. He further declared that he knows Rudy Racadio, his compadre, being the treasurer of their irrigation association, but he denied the statement of Racadio that he went to his house on June 9, 1998 and told him about his problem regarding the two children. That on June 7, 1998, he was in Narvacan, Ilocos Sur, attending the death anniversary of his parents. He went home on June 10, and slept in the house of Racadio. On June 11, 1998, he supervised the cleaning of the irrigation canal. He went to town of San Manuel with Racadio and Cerdeña and a tricycle driver in the afternoon. They went to the Municipal Hall. When they reached the Municipal building, he met Ruben Corpuz. Ruben Corpuz held his neck and hit his ears and boxed him. He lost consciousness. When he regained consciousness, he was already inside the jail. He learned later on that complaints were filed against him by two young women. That the motives why these cases were filed against him by Mirasol Nana and Teresa Nana [were]: (1) The Corpuzes refused to pay irrigation fees which he was collecting from them; (2) An emissary relative of the Nanas were asking from him an amount of P500,000.00 so that they [would] withdraw these cases filed by the two girls. He told the emissary that he [did] not have the amount since he [was] poor.

"He denied the testimony of Cerdeña that he was settling the cases with the Nanas. He likewise denied the statement of Cerdeña, that he was asking forgiveness from Antonio Nana. He further told the Court that he used to see Mirasol Nana with someone when she passe[d] by his house. He saw Mirasol Nana [pass] by their house twice a week. He further declared that Teresa Nana was seen by him with a man passing by their house. He saw Teresa Nana passing by their house three times a week. Teresa Nana and Mirasol Nana were entertaining several men. He further declared that the Corpuzes were the ones who instigated the filing of these cases. Thereafter, the defense rested its case with the offer of Exhibit '1' to '5' inclusive." 15

Trial Court's Ruling

The trial court ruled that the prosecution was able to prove the guilt of appellant beyond reasonable doubt in all three cases. It disbelieved his story and gave full faith and credence to the prosecution witness. For each of the three (3) criminal cases, it thus sentenced him to reclusion perpetua and ordered him to pay P50,000 in moral damages and P20,000 in exemplary damages.

The Issues

Appellant submits that the court a quo committed the following errors:

"I

The trial court gravely erred in not considering the fact that the accused was innocent of the crime charged in the three informations;

"II

The trial court gravely erred in not considering that the accused could not have raped Mirasol Nana on January 17, 1998 and January 22, 1998, as there [was] no reason for the said private complainant to go to the place where the alleged crime of rape were committed because there [was] no corn to get or to harvest at that time

"III

The trial court gravely erred in not considering the fact that the testimonies of Mirasol Nana, Loida Nana and Teresa Nana were not credible, not true, false, fabricated, and full of lies;

"IV

The trial court gravely erred in not considering that there [was] reasonable doubt as to the truth of the rape charges.

"V

The trial court gravely erred in not considering the fact that the accused could not have committed the crime of rape against Teresa Nana on June 2, 1998, at 3:00 p.m. as he was then attending a seminar sponsored by the NIA at that time from 8:00 a.m to 5:00 p.m. of said date of June 2, 1998, and hence, there was physical impossibility for the said accused to have been at the scene of the crime at the time it was allegedly committed." 16

Basically, appellant challenges the sufficiency of the prosecution evidence against him.

The Court's Ruling

The appeal has no merit. Consistent with current jurisprudence, the Court grants the victims indemnity ex delicto in addition to the damages already awarded, but deletes the award of exemplary damages.

Main Issue:

Sufficiency of Prosecution Evidence

Appellant contends that the testimonies of Mirasol, Loida and Teresa Nana were incredible and full of lies. He insists that there was no corn ready to be harvested in his farm in January, 1998, because the only agricultural crops he had planted at the time were palay and tobacco. He then presented several defense witnesses to corroborate this claim.

Appellant's assertions cannot prevail over the categorical testimonies of the two rape victims, Mirasol Nana and her sister Teresa. Assuming *arguendo* that he had planted only palay and tobacco in his farm all the time, the absence of corn is not decisive. The gravamen of the case, it should be pointed out, is the positive identification of appellant as the ravisher of the two young sisters.

We also reject appellant's contention that Mirasol and Teresa, upon the instigation of their father and their uncle, had conspired to file the rape charges, because they wanted to extort money from him.

It is inconceivable that a young rural lass will cry rape, allow an examination of her private parts, undergo the trouble and the humiliation of a public and open trial, and put herself and her family under public scrutiny, if she were not motivated to bring to justice the person who had dishonored and defiled her. 17

In the present case, the testimonies of the two rape victims — young barrio girls and full-blood sisters at that — deserve full credence. They would not have invented such a lurid tale if it were not really true. They knew that their actions would — as they already did — cause them needless humiliation and suffering and destroy the good relationship existing between their family and that of *Appellant*.

Verily, the trial court gave credence to the victims' testimony. We find no reason to reverse this finding. Well-settled is the rule that factual findings of the trial court deserve utmost respect and will not be disturbed on appeal, unless it has overlooked certain facts or circumstances of substance and value, which if considered would change the result of the case. 18 The trial court, unlike reviewing tribunals, had a firsthand opportunity to observe the demeanor and the conduct of the witnesses and could thus better assess their capacity to speak the truth. 19

Furthermore, deemed an admission of guilt was the disclosure of appellant to Brgy. Captains Cerdeña 20 and Racadio 21 that he had a problem with two children — who turned out to be the Nana sisters with whom he wanted to settle the matter. 22 His own acts dispel from our minds any scintilla of doubt that he indeed raped the Nana sisters.

Appellant's Advanced Age

Asserting that he was already 63 years old when the rape incidents occurred, appellant suggests

that his advanced age had made him impotent. This Court, however, had already convicted a 70-year old man for twice raping the 16-year old complainant. ²³ Recently, it also convicted a 69-year-old man, who was suffering from a coronary artery disease, for raping a healthy 29-year-old. ²⁴

Moreover, the presumption is in favor of potency, ²⁵ because impotency is an abnormal condition. The Court has also ruled that "impotency as a defense in rape cases must be proven with certainty to overcome the presumption in favor of potency." ²⁶

Appellant is a robust farmer and an active individual in his community, he being the president of the Irrigation Association. He is also married with five children. Other than his basic assertion, no evidence was presented to show that he had become impotent prior to the rape incidents. There is therefore no reason to overturn the presumption in favor of potency.

Appellant's Alibi

Appellant contends that he was attending a seminar at another barangay when Teresa was raped around 3:00 p.m. on June 2, 1998.

We are not persuaded. Alibi is the weakest of all defenses, because it can be concocted easily and is difficult to disprove. For alibi to prosper, it is not enough to prove that the defendant was somewhere else when the crime was committed; it must likewise be demonstrated that it was physically impossible for him to have been at the scene of the crime at the time. ²⁷

In the present case, Teresa positively identified appellant as the culprit. Furthermore, the distance was too short between Sitio San Antonio, Barangay Arzadon, where the rapes were committed; and Barangay Cabacaraan, where appellant allegedly attended a seminar from 8:00 a.m. to 5:00 p.m. Thus, the possibility of appellant being at the scene of the crime cannot be discounted.

Aside from affirming appellant's conviction, the Court also sentences him to pay indemnity ex delicto of P50,000 for each of the three rape cases, consistent with existing jurisprudence. ²⁸ We likewise delete the award of exemplary damages, as no aggravating circumstances were proven. ²⁹

WHEREFORE, the appeal is DENIED and. the assailed Decision is MODIFIED by the additional GRANT of P50,000 as indemnity ex delicto for each count of rape and the deletion of the award of exemplary damages. Costs against *Appellant*.

SO ORDERED.

Melo, Vitug, Gonzaga-Reyes and Sandoval-Gutierrez, *JJ.*, concur.

Endnotes:

1. Written by Judge Modesto C. Juanson.
2. Assailed Decision, p. 22; rollo, p. 62; records, p. 181.
3. The three were signed by Asst. Provincial Prosecutor Marlon S. Meneses.
4. Information dated June 22, 1998; rollo, p. 11.
5. Information dated June 22, 1998; rollo, p. 12.
6. Information dated June 22, 1998; rollo, p. 13.
7. Assisted by Atty. Pedrito B. Labarinto.
8. See the RTC's Order dated July 20, 1998; records, p. 34.
9. This case was deemed submitted for resolution on July 11, 2000, when the Court received Appellee's Brief. The filing of a reply brief was deemed waived, as none had been submitted within the reglementary period.
10. Signed by Sol. Gen. Ricardo P. Galvez, Asst. Sol. Gen. Carlos N. Ortega, and Sol. Geraldine C. Fiel-Macaraig.
11. Appellee's Brief, pp. 5-16; rollo, pp. 188-199. (*Citations omitted*)
12. Signed by Atty. Pedrito B. Labarinto.
13. Appellant's Brief, p. 51; rollo, p. 146.
14. Ibid., p. 9; rollo, p. 104.
15. RTC Decision, pp. 15-17; rollo, pp. 165-67.
16. Appellant's Brief, p. 4; rollo, p. 99.
17. People v. Talo, G.R. No. 125542, October 25, 2000; People v. Malabad, *supra*.
18. People v. Sarmiento, G.R. No. 134768; People v. Operaña Jr., G.R. No. 120546, October 13, 2000.
19. People v. Abalde, G.R. No. 123113, March 31, 2000; People v. Baygar, G.R. No. 132238, November 17, 1999.
20. TSN, July 29, 1998, pp. 12-15.
21. Ibid., pp. 3-6.

22. Section 27, Rule 130.

23. People v. De Guzman, 217 SCRA 395, January 22, 1993.

24. People v. del Rosario, G.R. No. 134581, October 26, 2000.

25. People v. Olmedillo, 116 SCRA 193, 198, August 30, 1982; Mencionano v. Neri San Jose, 89 Phil. 63, 70 (1951).

26. People v. Palma, 144 SCRA 236, 243, September 23, 1986, per Fernan, J.

27. People v. Hofileña, G.R. No. 134772, June 22, 2000; People v. Legaspi Et. Al., GR No. 117802, April 27, 2000; People v. Llanes Et. Al., G.R. No. 116986, February 4, 2000.

28. People v. Abalde, G.R. No. 123113, March 31, 2000; People v. Cula Et. Al., G.R. No. 133146, March 28, 2000; People v. Adora, 275 SCRA 441, July 14, 1997; People v. Ponayo, 261 SCRA 61, August 26, 1996.

29. People v. Ebrada, 296 SCRA 353, September 25, 1998; People v. Nialda, 289 SCRA 521, April. 24, 1998; People v. Caballes, 274 SCRA 83, June 19, 1997.