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FIRST DIVISION

[G.R. No. L-48010. July 31, 1986]

THE PEOPLE OF THE PHILIPPINES, *plaintiff-appellee, vs.* **SANCHO BUDOL y AYENTE and WILFREDO LLAGUNO y BARDIAGO,** *defendants-appellants.*

SYLLABUS

1. **REMEDIAL LAW; EVIDENCE; CREDIBILITY OF WITNESSES; FINDINGS OF TRIAL COURT, ENTITLED TO HIGHEST RESPECT.**— BUDOL denied that he had forcibly brought LYNEATH to the boys' toilet at Mangatarem Elementary School and raped her. He claimed that it was she who had invited him to go inside the school premises; that he kissed, fondled and fingered her with her consent as they were sweethearts; that he did not have carnal knowledge of her because he had not really intended to, and besides, the place was wet and foul smelling. LYNEATH stoutly contended the contrary in her direct and rebuttal testimony. With two diametrically opposing versions, a question of credence arises as to which of the conflicting versions is true. In such a situation, the Trial Court's findings are generally viewed as correct and entitled to highest respect, for it had the opportunity to see, hear and observe the witnesses testify and to weigh their testimonies. In this case, the Trial Court found for the prosecution and after a review of the evidence, particularly, the points stressed by BUDOL, we find no reason to depart from the general rule.

2. **ID.; ID.; ID.; PRINCIPLES IN THE PROSECUTION OF RAPE CASES.**— When a victim says that she has been raped, she says in effect all that is necessary to show that rape has been committed, and if her testimony meets the test of credibility, the accused may be convicted on the basis thereof

3. **CRIMINAL LAW; RAPE; CONSUMMATION, NOT NEGATED BY ABSENCE OF SPERMATOZOA.**— The fact that no spermatozoa was found in LYNEATH's private part does not disprove consummation of rape, the important consideration being penetration, not emission. The slightest penetration even without emission is sufficient to consummate the crime. For that matter, penetration by entry on lips of the female organ even without rupture of the hymen suffices to warrant conviction for rape. The

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important consideration is that internal examination conducted on LYNEATH showed fresh laceration on her hymen which could only have been due to forcible sexual intercourse.

4. **ID.; ID.; CONSUMMATION, NOT NEGATED BY ABSENCE OF EXTERNAL INJURIES.** — BUDOL's additional contention that the absence of injury on other parts of LYNEATH's body, except for the contusion, medial third, medial aspect of her right upper arm, negatives rape, is untenable. It will be recalled that LYNEATH declared that Sancho boxed her on her stomach. That statement is credible even if no external injury was visible for, as the physician who examined LYNEATH testified, underneath the female stomach are soft tissues which, when punched, may not show external signs of injury. Besides, to consider the existence of the crime, it is only necessary that the force used by the guilty party be sufficient to consummate his purpose.

5. **ID.; ID.; CLOTHES OF THE VICTIM DURING THE COMMISSION, NOT INDISPENSABLE EVIDENCE FOR PROSECUTION.** — BUDOL also impugns the fact that LYNEATH's dress and shorts were not surrendered and kept by the proper authorities immediately after the incident, but were kept by her parents and introduced and presented only during the trial of the case. That was so because, as LYNEATH's mother explained, she had presented the clothes to the authorities, but was instructed to keep them until their presentation was required by the Court. Anyhow, those clothes are not essential, and need not be presented, as they are not indispensable evidence to prove rape.

6. **ID.; AGGRAVATING CIRCUMSTANCES; NOCTURNITY; WHEN APPRECIATED.**— There is no showing that nocturnity was especially sought by BUDOL, or that he had taken advantage of the same to facilitate the commission of the crime, or for the purpose of impunity. If ever, nocturnity was merely an accidental circumstance in this case. It was alleged that the crime was committed at about 6:00 o'clock P.M. on September 25, 1977. In the case of *People vs. Manzano, supra*, this Court held that rape committed at 6:00 o'clock P.M. does not involve the aggravating circumstance of nocturnity as dusk is just beginning.

7. **ID.; ID.; ISOLATED OR UNINHABITED PLACE; WHEN MAY BE APPRECIATED.**— Neither can the aggravating circumstance of isolated or uninhabited place be appreciated. An uninhabited place is one where there are no houses at all, is at a considerable distance

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from town, or where the houses are scattered at a great distance from each other. And in order that it may be aggravating, there must be proof that it facilitated the commission of the offense. Under the foregoing criteria, the aggravating circumstance of uninhabited place may not be considered in this case.

DECISION

MELENCIO-HERRERA, *J.*:

An appeal from the Decision of the then Court of First Instance of Pangasinan, Branch I, in Criminal Case No. L-1520-I, convicting accused Sancho BUDOL y Ayente, as principal, and Wilfredo Llaguno y Bardiago, as accomplice, of the crime of Rape. BUDOL was sentenced to *reclusion perpetua*, and Llaguno to an indeterminate prison term.

The prosecution version of the facts follow:

"Complainant Lyneath Poquiz was then a sixteen-year old student at the Mangatarem Catholic School. At about 6:00 o'clock in the afternoon of September 25, 1977 (Sunday), she was on her way home riding a bicycle along Gen. Luna Street at the Poblacion of Mangatarem, Pangasinan. As she passed in front of the Mangatarem Elementary School, she was called by accused Sancho A. Budol, who was then inside the school ground together with his co-accused Wilfredo B. Llaguno (pp. 2-3, 5, 43, tsn., Dec. 13, 1977; pp. 21-22, tsn. Feb. 6, 1978).

"Responding, Lyneath went inside the school ground by passing through the main gate and asked Budol what he wanted. The latter told her that he wanted to tell her something which was a secret. But when Lyneath asked him (Budol) what it was, the latter pulled her towards the back of the school building. At first Lyneath refused to go with Budol, but Llaguno pushed her and convinced her to go with Budol because the latter was going to tell her something (pp. 4-6, tsn., Dec. 13, 1977).

"Upon reaching the back of the school building, both Budol and Llaguno forcibly pulled Lyneath towards the Boy's toilet nearby. The latter resisted and shouted for help, but no one must have heard her shouts as nobody came to her rescue. Once the two succeeded in pulling Lyneath inside the toilet, Budol embraced, kissed and mashed her (Lyneath) breasts. And when the latter refused, Budol slapped and choked her. Then, Llaguno held her two hands while Budol forcibly pulled down her blouse

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(Exhibit 'F') and short pants (Exhibit 'G'), causing her blouse to be torn in front and her short pants to be torn on the left side of the hip. Budol then removed his pants, forced Lyneath to lie down and placed himself on top of her. Lyneath resisted Budol's advances and struggled to free herself but to no avail, as Budol boxed her on the stomach until he (Budol) overpowered her (Lyneath). Thus Budol succeeded forcibly in having sexual intercourse with Lyneath while Llaguno stood guard at the door of the toilet (pp. 6-11, tsn., Dec. 13, 1977).

"Thereafter, Budol forced Lyneath to sit on his lap but the latter refused to do so. And, when Lyneath succeeded in her resistance not to have another sexual intercourse with him, Budol held her (Lyneath) neck and brought her to the school canteen where he (Budol) again kissed her and mashed her breasts. From there, Budol again forcibly pulled Lyneath to the Girl's Toilet not far from the Boy's Toilet where Budol first brought Lyneath; while Llaguno who must have realized the gravity of what they were doing, left. At the Girl's Toilet, Budol boxed Lyneath on the stomach when the latter refused to cooperate with him and warned her not to report to the police authorities. Again he (Budol) started to forcibly kiss and mash her breasts, and also inserted his fingers into her vagina (pp. 11, 20-22, tsn., Dec. 13, 1977).

"Meanwhile, when Lyneath's mother went home about 8:00 o'clock that evening, she got worried to find her daughter not yet home. She looked for her in the neighborhood but failed to find her. However, somebody informed her that he saw her (Lyneath) bicyle parked near the main gate of the Mangatarem Elementary School. Thereupon, she (Lyneath's mother) and councilwoman Aida Costales searched for Lyneath at the rooms of the Mangatarem Elementary School but found no trace of her. They were on their way home empty handed when they met Lyneath's father who joined the search for Lyneath. Armed with a flashlight, Lyneath's parents went back to the school ground and searched the school rooms. Still they failed to locate Lyneath. As a last resort, however, they decided to inspect the toilets at the back of the school building. And, just as Lyneath's father beamed his flashlight inside the girl's toilet, he saw Budol forcibly kissing her daughter. Immediately, Budol slapped the hand of Lyneath's father which was holding the flashlight; and thereupon, started to run. But the latter chased him (Budol); and upon overtaking, boxed Budol, causing him (Budol) to fall to the ground unconscious (pp. 23-28, tsn., Jan. 9, 1978; pp. 18-23, tsn., Jan. 10, 1978).

"Upon seeing her mother outside, Lyneath rushed toward her and embraced her crying. Whereupon, Lyneath and her mother ran to the

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Municipal Building nearby and called for a policeman, who immediately responded by rushing to the scene of the incident. Budol was still lying when the policeman arrived. He (Budol) was then brought to the Municipal building followed by Lyneath and her parents. Upon advice of the police, Lyneath's parents brought her to the Municipal Health Officer of Mangatarem for medical examination. Lyneath was scared and crying with her dress torn in front and along its line when she appeared before Dr. Cecilio Guico, the Municipal Health Officer. Upon physical examination, Dr. Guico found contusion on the medial third of Lyneath's right upper hand. No vaginal examination, however, could be conducted because Dr. Guico's clinic was not equipped for that purpose. So, he (Dr. Guico) advised them to go to the Provincial Hospital of Pangasinan at Dagupan City for further examination (pp. 35-36, tsn., Jan. 9, 1978; pp. 3-7, tsn., Jan. 10, 1978; pp. 8-11, 14-16, tsn., Dec. 6, 1977).

"That same evening, Lyneath and her parents proceeded to the Pangasinan Provincial Hospital at Dagupan City, arriving there at about 10:00 P.M. She (Lyneath) was examined by Dr. Ellen Aldana (pp. 29-31), tsn., Dec. 13, 1977), who issued a Medico-Legal Certificate (Exhibit `A') wherein she stated her findings, as follows:

'- LMP - September 3rd week, 1977 (5 days)

- Menses are regular.

- Patient is conscious, coherent and ambulatory

- P.E. Extremeties - contusion, medial 3rd, medial aspect upper arm, right.

- Breast and abdomen - no evidence of external physical injury.

- IE - Abrasion, lower portion, labia minora, left; erythema, lower portion labia minora, right, hymen-fresh laceration at 7:00 o'clock. Vagina-admits 2 fingers with difficulty, Cervix - small; Adnexea-free, uterus - small.

- Vaginal smear for spermatozoa - negative'"[1]

A criminal complaint for Rape was instituted with the Municipal Court of Mangatarem against the two accused. In due course, the corresponding Information was filed with the Court of First Instance of Pangasinan, Branch I, Lingayen, Pangasinan. Upon arraignment, both accused pleaded not guilty and trial ensued.

[1] pp. 4-9, Brief for Appellee.

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Accused BUDOL put up the defense that he and LYNEATH, the offended party, were sweethearts since May, 1977, and, therefore, he could not have committed the crime imputed to him. To support this contention, he presented love letters (Exhibits "2" & "3"), a birthday card (Exhibit "4"), and a 1 x 4 photo of LYNEATH (Exhibit "5"), all allegedly sent to him by the latter in May and June 1977, or prior to the incident. He further explained that although he and LYNEATH were lovers, he did not enjoy her parents' approval because of the difference in their economic and social status.

Rene Quiambao, a ten year-old witness and BUDOL's neighbor, testified that he saw LYNEATH go to BUDOL's house five times on different days in May 1977; and that he saw a mail carrier deliver a letter from LYNEATH at BUDOL's house.

Marilou Cascanio, 15, LYNEATH's classmate testified that the latter was BUDOL's girlfriend; that she had a crush on BUDOL, and that there was an occasion when she saw BUDOL and LYNEATH near the gate of the school campus.

Co-accused LLAGUNO, 17, a fourth-year high school student declared that in the afternoon of February 25, 1977, he and BUDOL met at the public market of Mangatarem, Pangasinan; that they drank four bottles of beer each; that on their way home in front of the elementary school, LYNEATH called BUDOL at about 5:00 P.M., after which the latter told him to go home, which he did. He denied that he and BUDOL had dragged LYNEATH inside the toilet of the school and that BUDOL had abused LYNEATH.

On February 28, 1978, the Trial Court convicted both accused, thus:

"WHEREFORE, the Court finds the accused Sancho Budol y Ayente, GUILTY beyond reasonable doubt of the crime of consummated rape, aggravated by night time and isolated place, and pursuant to Art. 335 of the Revised Penal Code, as amended, hereby sentences him to suffer the penalty of *reclusion perpetua*, or imprisonment for a period of Thirty (30) Years, to indemnify the aggrieved party, Lyneath Poquiz, in the amount of P12,000.00, without subsidiary imprisonment in case of insolvency, and to pay one-half (1/2) of the costs, less the preventive period of his imprisonment.

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"On the other hand, the Court finds the accused Wilfredo Llaguno y Bardiago, GUILTY beyond reasonable doubt as accomplice of the crime of consummated rape, and pursuant to law, the penalty imposable on him should be an indeterminate prison term of from Twelve (12) Years of *prision mayor* maximum, as minimum, to Twenty (20) Years of *reclusion temporal* maximum, as maximum, to indemnify the aggrieved party, Lyneath Poquiz, in the amount of P6,000.00, without subsidary imprisonment in case of insolvency, and to pay one half (1/2) of the costs, less the preventive period of his imprisonment. However, due to his minority, as he is only 17 years old, the Court, pursuant to Sec. 192, P.D. 603, suspends his sentence and orders his commitment to the National Training School for Boys, at Sampaloc, Tanay, Rizal, until he reaches the age of 21, or for a shorter period as the Court deems it proper, depending on his conduct and behavior in said institution, which is ordered to submit to the Court once every 3 months a report regarding the conduct of said accused. Accused Llaguno is, however, warned that should he misbehave and violate the regulations of said institution, the Court will immediately order his commitment to the National Penitentiary, at Muntinlupa, Rizal.

"The accused Sancho Budol is ordered committed to the National Penitentiary, at Muntinlupa, Rizal, upon finality of this decision, in view of the nature of his penalty."

In this appeal, the accused raises the following Assignments of Error:

I

"The Trial Court erred in giving merit to the claim of the prosecution that the alleged offended victim Lyneath Poquiz was forcibly raped by the accused-appellant Sancho Budol.

II

"The Trial Court erred in not considering that the facts and circumstances presented as evidence by the prosecution militates against forcible rape.

III

"The Trial Court erred in not considering the fact that the place where the alleged rape was committed makes the commission of the alleged crime highly improbable.

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IV

"The Trial Court erred in not believing that the accused-appellant Sancho Budol was invited by the offended party inside the premises of the Mangatarem Elementary School in the afternoon of September 25, 1977 and all her acts thereat were motivated by love and therefore voluntary.

V

"The Trial Court erred in disregarding the proof of love relationship between appellant and the alleged offended victim which are the love letters (Exhibits `2' and `3'), a birthday card (Exhibit `4') all indisputably sent through mail by Lyneath Poquiz to appellant Sancho Budol as well as the picture of the offended girl (Exhibit `5') given personally to the said accused-appellant.

VI

"The Trial Court erred in not believing the testimony of the appellant Sancho Budol and Rene Quiambao, Jr., a 10-year old boy, who declared that the offended victim Lyneath Poquiz used to see accused - appellant Sancho Budol in his house prior to September 25, 1977, as well as in disbelieving the testimony of Marilou Cascaño, a classmate of Lyneath Poquiz, that the accused-appellant Sancho Budol and the complainant Lyneath Poquiz were sweethearts.

VII

"The Trial Court erred in giving merit to the testimony of the offended victim which lacks candor and credibility and highly improbable, and in not considering her testimony was due to pressure imposed by the parents of the alleged offended girl who have moral ascendancy over their daughter who blindly obeyed them to falsify charge and concoct stories against the accused-appellants Sancho Budol and Wilfredo Llaguno.

VIII

"The Trial Court erred in not acquitting the accused-appellants at least on the ground of reasonable doubt."

On December 16, 1978, accused Llaguno moved to withdraw his appeal with the conformity of his father.[2] This was granted by the Court, and entry of final judgment was made as to him.[3]

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[2] p. 79, *ibid.*

[3] pp. 81 & 82, *ibid.*

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We shall discuss the errors together as they all hinge on the issue of credibility of witnesses.

That Lyneath had sexual intercourse is proven by the physical examination findings as reflected in the Medico-Legal Certificate issued by the examining physician. As to whether the same was with LYNEATH's consent or not is the issue for resolution.

BUDOL denied that he had forcibly brought LYNEATH to the boys' toilet at Mangatarem Elementary School and raped her. He claimed that it was she who had invited him to go inside the school premises; that he kissed, fondled and fingered her with her consent as they were sweethearts; that he did not have carnal knowledge of her because he had not really intended to, and besides, the place was wet and foul smelling. LYNEATH stoutly contended the contrary in her direct and rebuttal testimony.

With two diametrically opposing versions, a question of credence arises as to which of the conflicting versions is true. In such a situation, the Trial Court's findings are generally viewed as correct and entitled to highest respect,[4] for it had the opportunity to see, hear and observe the witnesses testify and to weigh their testimonies.[5] In this case, the Trial Court found for the prosecution and after a review of the evidence, particularly, the points stressed by BUDOL, we find no reason to depart from the general rule.

When a victim says that she has been raped, she says in effect all that is necessary to show that rape has been committed, and if her testimony meets the test of credibility, the accused may be convicted on the basis thereof.[6]

BUDOL maintains that if LYNEATH had, in fact, been dragged from the gate of the Mangatarem Elementary School which is near the municipal building, her shouts for help would have been heard. It should be noted, however, that the incident happened on a Sunday,

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[4] *People vs. Equac*, 80 SCRA 665 (1977).

[5] *People vs. Bautista y Aquino*, 92 SCRA 465 (1979); *People vs. Abejuela*, 92 SCRA 503 (1979).

[6] *People vs. Royeras*, 56 SCRA 666 (1974); *People vs. Reglos*, 118 SCRA 344 (1982).

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when the school was deserted, and at about 6:00 P.M., when dusk was setting in. It is not improbable then that LYNEATH's outcries for help could not have been heard by anyone.

The fact that no spermatozoa was found in LYNEATH's private part does not disprove consummation of rape, the important consideration being penetration, not emission.[7] The slightest penetration even without emission is sufficient to consummate the crime.[8] For that matter, penetration by entry on lips of the female organ even without rupture of the hymen suffices to warrant conviction for rape.[9] The important consideration is that internal examination conducted on LYNEATH showed fresh laceration on her hymen which could only have been due to forcible sexual intercourse.

BUDOL's additional contention that the absence of injury on other parts of LYNEATH's body, except for the contusion, medial third, medial aspect of her right upper arm, negatives rape, is untenable.[10] It will be recalled that LYNEATH declared that Sancho boxed her on her stomach. That statement is credible even if no external injury was visible for, as the physician who examined LYNEATH testified, underneath the female stomach are soft tissues which, when punched, may not show external signs of injury.[11] Besides, to consider the existence of the crime, it is only necessary that the force used by the guilty party be sufficient to consummate his purpose.[12]

BUDOL also impugns the fact that LYNEATH's dress and shorts were not surrendered and kept by the proper authorities immediately after the incident, but were kept by her parents and

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[7] *People vs. Jose*, 37 SCRA 450 (1971); *People vs. Carandang*, 52 SCRA 259 (1973).

[8] *People vs. Felix*, 130 SCRA 456 (1984); *People vs. Bautista*, 102 SCRA 483 (1981).

[9] *People vs. Conchada*, 88 SCRA 683 (1979).

[10] *People vs. Copro*, 126 SCRA 403 (1983); *People vs. Alcantara*, 126 SCRA 425 (1983).

[11] T.s.n., December 13, 1977, p. 37.

[12] *People vs. Equac*, 80 SCRA 665 (1977).

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introduced and presented only during the trial of the case. That was so because, as LYNEATH's mother explained, she had presented the clothes to the authorities, but was instructed to keep them until their presentation was required by the Court. Anyhow, those clothes are not essential,[13] and need not be presented,[14] as they are not indispensable evidence to prove rape.[15]

Next, the defense contends that the lower court erroneously disregarded proofs of a love relationship between BUDOL and LYNEATH, as shown by the love letters (Exhibits "2" and "3"), a birthday card (Exhibit "4"), all allegedly sent by LYNEATH to BUDOL by mail, and a photograph allegedly given personally by LYNEATH to him. The Court notes, however, that LYNEATH's purported signatures on the two love letters differ from each other, and that the dedication behind the photograph is a piece of superimposed pad paper signed "Neneng" which, according to LYNEATH is not even her nickname. LYNEATH emphatically denied that the signatures appearing on the letters, card and picture were hers, and the defense failed to disprove it.

As to Rene Quiambao's story that he used to see LYNEATH go to BUDOL's house, LYNEATH countered by saying that she does not even know where BUDOL's house is. She disputed, too, Marilou Cascanio's testimony that she had a crush on BUDOL stating that the same was absolutely false as she had never talked to Marilou about BUDOL.

But even assuming that the two were sweethearts, this does not prove that the sexual congress was with LYNEATH's consent. The situs of the incident already negates the alleged voluntary submission of LYNEATH to BUDOL. The parties could have chosen a more suitable rendezvous than the foul smelling rest room had the incident been with mutual consent. Moreover, LYNEATH's conduct and physical appearance right after the occurrence of the event negates consent and indicates the truthfulness of her claim. She and her parents immediately reported the incident to the

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[13] *People vs. Aquiapas*, 101 SCRA 412 (1980).

[14] *People vs. Balane*, 123 SCRA 614 (1983).

[15] *People vs. Opeña*, 102 SCRA 755 (1981).

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authorities as soon as her parents had rescued her from BUDOL. The Municipal Health Officer of Mangatarem, who first examined LYNEATH on the night of the incident, declared that she was scared and crying, and her dress was torn in front and at the waistline when she was brought to him.[16]

Significantly, too, the withdrawal of the appeal by Wilfredo Llaguno, BUDOL's co-accused, shows acquiescence to the judgment of conviction and an affirmation of the fact of rape.[17]

The finding of the Trial Court that the crime was aggravated by nighttime and isolated place is reversible error. Although this was not raised as an issue or appeal, and although the presence or absence of an aggravating circumstance is of no importance when the indivisible penalty of *reclusion perpetua* is imposed,[18] this Court deems it proper to correct the erroneous finding.

There is no showing that nocturnity was especially sought by BUDOL, or that he had taken advantage of the same to facilitate the commission of the crime, or for the purpose of impunity.[19] If ever, nocturnity was merely an accidental circumstance in this case. It was alleged that the crime was committed at about 6:00 o'clock P.M. on September 25, 1977. In the case of *People vs. Manzano, supra*, this Court held that rape committed at 6:00 o'clock P.M. does not involve the aggravating circumstance of nocturnity as dusk is just beginning.

Neither can the aggravating circumstance of isolated or uninhabited place be appreciated. An uninhabited place is one where there are no houses at all, is at a considerable distance from town, or where the houses are scattered at a great distance from each other.[20] And in order that it may be aggravating, there must be proof that it facilitated the commission of the offense.[21] Under

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[16] T.s.n., December 6, 1977, p. 11.

[17] *People vs. Reglos, supra.*

[18] *People vs. Manzano*, 118 SCRA 705 (1982).

[19] *People vs. Soriano*, 35 SCRA 633 (1970).

[20] Vol. 1, p. 312, Revised Penal Code by Ramon C. Aquino, 1976 Ed.

[21] p. 314, *ibid.*

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the foregoing criteria, the aggravating circumstance of uninhabited place may not be considered in this case.

The penalty imposed by the Trial Court is correct. Simple rape is punishable by *reclusion perpetua.*[22]

WHEREFORE, except as to the amount of indemnity to be paid to the offended party which is hereby raised to P20,000.00, the appealed judgment, with the deletion of the finding of aggravating circumstance of nocturnity and uninhabited place, is hereby affirmed in all other respects.

SO ORDERED.

Yap, Narvasa, Cruz, and *Paras, JJ.*, concur.

SECOND DIVISION

[G.R. No. 53196. July 31, 1986]

PACIFICO DE SAGUN, *petitioner, vs.* **THE PEOPLE OF THE PHILIPPINES and THE HON. INTERMEDIATE APPELLATE COURT (COURT OF APPEALS),** *respondents.*

SYLLABUS

1. **REMEDIAL LAW; EVIDENCE; CREDIBILITY OF WITNESSES; NOT AFFECTED BY MINOR INCONSISTENCIES.**— The matters referred to in the alleged contradictions and improbabilities in the testimony of principal witness Mariquita Andres are minor and inconsequential and do not impair the main points of her testimony. Whatever inconsistencies there are in Mariquita's testimony, the same deal purely with irrelevant and insignificant matters which do not at all explain how the victim Felisa fell down the stairs of the Sagun house that evening. Such

[22] *People vs. Resano*, 132 SCRA 711 (1984).