

## THIRD DIVISION

[ G.R. No. 177357, October 17, 2012 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. VAL DELOS REYES, ACCUSED-APPELLANT.**

### DECISION

**MENDOZA, J.:**

For final review is the December 19, 2006 Decision<sup>[1]</sup> of the Court of Appeals and its February 22, 2007 Resolution,<sup>[2]</sup> in CA-G.R. CR H.C. No. 01642, affirming with modification the June 28, 2005 Joint Decision<sup>[3]</sup> of the Regional Trial Court (RTC), Branch 15, Tabaco City, Albay, which convicted accused Val Delos Reyes (*Delos Reyes*) of three (3) counts of rape against AAA.<sup>[4]</sup> The case bears intimate relation with the proceedings in G.R. Nos. 139331, 140845-46, 130714, and 139634, as will be shown hereunder.

**The Facts:**

On March 30, 1995, Delos Reyes and Donel Go (Go) were charged with three (3) counts and two (2) counts of rape, respectively, in three (3) separate Informations. The accusatory portions of the Informations read:

Crim. Case No. T-2639

That on or about the 22<sup>nd</sup> day of December, 1994 at more or less between the hours of 4:00 o'clock in the afternoon and 10:00 o'clock in the evening at Barangay San Roque, Tabaco, Albay, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused by means of force and intimidation and rendering AAA almost unconscious by forcing private complainant to drink two (2) bottles of beer, willfully, unlawfully and feloniously did lie and succeeded in having carnal knowledge of AAA, against her will, to her damage and prejudice.

ACTS CONTRARY TO LAW.<sup>[5]</sup>

Crim. Case No. T-2640

That on or about the 22<sup>nd</sup> day of December, 1994 at more or less between the hours of 4:00 o'clock in the afternoon and 10:00 o'clock in the evening at Barangay San Roque, Tabaco, Albay, DONEL GO, with the indispensable cooperation and help of VAL DE LOS REYES, by means of force and intimidation and rendering AAA almost unconscious by forcing private complainant to drink two (2) bottles of beer, willfully, unlawfully

and feloniously did lie and succeeded in having carnal knowledge of AAA, against her will, to her damage and prejudice.

ACTS CONTRARY TO LAW. [6]

Crim Case No. T-2641

That on or about the 22<sup>nd</sup> day of December, 1994 at more or less between the hours of 4:00 o'clock in the afternoon and 10:00 o'clock in the evening at Barangay San Roque, Tabaco, Albay, Philippines, and within the jurisdiction of this Honorable Court, VAL DE LOS REYES, with the indispensable cooperation and help of DONEL GO, by means of force and intimidation and rendering AAA almost unconscious by forcing private complainant to drink two (2) bottles of beer, VAL DE LOS REYES, willfully, unlawfully and feloniously did lie and succeeded in having carnal knowledge of AAA, against her will, to her damage and prejudice.

ACTS CONTRARY TO LAW. [7]

Criminal Case No. T-2640 was raffled to Branch 15, RTC, Albay (*RTC-Br. 15*) while Criminal Case Nos. T-2639 and T-2641 were raffled to Branch 16 of the same court (*RTC-Br. 16*). On motion of the prosecution, [8] T-2640 was consolidated with the two other cases in RTC-Br. 16.

Considering that Delos Reyes was at large at that time, only Go was arraigned. Before the prosecution could finish presenting evidence, Go jumped bail and was tried *in absentia*.

In its June 25, 1997 Decision, [9] RTC-Br. 16 found Go guilty beyond reasonable doubt of two (2) counts of rape in Criminal Case Nos. T-2640 and T-2641, sentencing him to suffer the death penalty for each count. An alias warrant of arrest against Delos Reyes was issued and the cases against him were ordered archived. The cases against Go were brought to the Court on automatic review and were docketed as G.R. Nos. 130714 and 139634.

After Delos Reyes was finally apprehended by the police, on August 17, 1997, RTC-Br. 16 ordered the revival of the cases against him. During his arraignment on August 26, 1997, Delos Reyes pleaded "Not Guilty" to all three charges of rape. [10] On December 3, 1997, the cases against him were transferred to RTC-Br. 15, which was designated by this Court as a special court to try cases involving heinous crimes.

The prosecution then adopted and marked in evidence the testimonies of the prosecution witnesses given in Criminal Case Nos. T-2640 and T-2641, particularly, those of the victim, AAA; her mother, BBB; her sister, CCC; and Dr. Marissa S. Saguinsin (*Dr. Saguinsin*), the City Health Physician of Tabaco City. Also presented in evidence were the panty worn by AAA on that fateful day, her broken wristwatch, the Certificate of Entry in the Police Blotter, the Medico-Legal Certificate issued by Dr. Marissa S. Saguinsin, the Referral Form of ABS-CBN, and the Decision rendered in Criminal Case Nos. T-2640 and T-2641.

In its February 22, 1999 Joint Judgment,<sup>[11]</sup> the RTC-Br. 15 found Delos Reyes guilty beyond reasonable doubt of three counts of rape and sentenced him to suffer the penalty of *reclusion perpetua* in each case. He sought reconsideration<sup>[12]</sup> of his conviction but his motion was denied by the RTC-Br. 15 in its March 29, 1999 Resolution. His appeal, elevated to the CA, was accepted by the Court in its Resolution, dated January 17, 2000.<sup>[13]</sup> His appeal, docketed as G. R. Nos. 139331 and 140845-46, and that of Go as G.R. Nos. 130714 and 139634, were consolidated.<sup>[14]</sup>

Considering that the prosecution witnesses in the trial of Delos Reyes merely affirmed their testimonies given on direct examination in the trial of Go, the Court found that there was a violation of his constitutional right to confront and cross-examine the witnesses against him. Thus, in its Resolution,<sup>[15]</sup> dated December 27, 2002, the Court resolved:

WHEREFORE, the Court Resolved to VACATE the judgment of Branch 15 of the Regional Trial Court of Tabaco, Albay in Criminal Case Nos. T-2639-41, "People v. Val de los Reyes," and to SET ASIDE Exhibits "A," "B," "C," "D," "E-2," "E-2-A" to "E-2-I," "F," "G" and "H." Said criminal cases are REMANDED to Branch 15 of the Regional Trial Court of Tabaco, Albay for the immediate rehearing of the testimonies of witnesses BBB, AAA, CCC and Dr. Marissa Saguinsin, in accordance with this Court's above disquisition. The trial court is further directed to conduct said proceedings and render a decision thereon within 90 days from receipt of this Resolution. Following Section 6 (a), Rule 121 of the Revised Rules of Court, the trial court may, in the interest of justice, allow the introduction of additional evidence.

Pending these rehearing proceedings in the trial court, the automatic review of the cases against Donel Go in G. R. Nos. 130714 and 139634 is held in abeyance.

In the rehearing of the case, the evidence of the prosecution established that on December 22, 1994, at around 4:00 o'clock in the afternoon, AAA was requested by CCC to deliver the pictures taken during the christening of her niece to Go, one of the godfathers. AAA and CCC then left the house on board a tricycle. AAA dropped off CCC at the Philtranco bus terminal and proceeded to the house of Go in San Roque, Tabaco City, to deliver the pictures.

Arriving at the place, AAA saw Go standing by the roadside talking to a man, who was later introduced to her as Delos Reyes. According to AAA, there was a sudden downpour before she could leave. Upon invitation of Go, she took shelter in his house. She noticed that there was nobody in the house. Alarmed and fearful, she tried to leave despite the pouring rain but Go stopped her by forcibly pulling her.

Delos Reyes then joined the two, bringing with him two (2) bottles of beer. He proceeded to the kitchen, took two (2) drinking glasses and poured the beer. He and Go urged AAA to drink. Not being used to drinking beer, she refused. Delos

Reyes then forced her to drink by pinching her nose while Go was forcibly opening her mouth. Despite her resistance, the two succeeded in pouring beer into her mouth. Shortly, thereafter, she felt weak, dizzy and her stomach began aching. She suspected that the beer was laced with some substance.

Delos Reyes then brought AAA to a construction site near Go's house. He made her lie down on some lumber and removed her pants and underwear. He then undressed himself. She shouted for help but he started squeezing her neck. He then raised her blouse, bit her breast, neck and other parts of her body, and then forcefully inserted his penis into her vagina. Still not satisfied, he forced his organ into her mouth. She almost vomitted because of its bad smell.

Go arrived and helped Delos Reyes in dressing up AAA. They then returned to Go's house and she was brought inside the bedroom. While Delos Reyes restrained her hands, Go started taking off her clothes. She again tried to shout for help but Delos Reyes pressed her neck. Go seized the moment to raise her blouse and bite her breasts, neck and other parts of her body. He then forced his organ into her vagina and, thereafter, into her mouth, making it difficult for her to breathe.

After Go was done with her, Delos Reyes again satisfied his lust for the second time. While Delos Reyes was doing it, Go was holding her hands and neck. Delos Reyes inserted his penis inside her vagina and then into her mouth. Delos Reyes again bit her breasts, neck and other parts of her body. Feeling tired and weak, she fell unconscious.

When she regained consciousness, AAA noticed that she was already dressed up. Delos Reyes and Go then accompanied her in going home on board a tricycle, but warned her not to tell anyone what happened, otherwise, they would kill her. After dropping her off at her house, the two hurriedly left. Scared and confused, she did not inform her mother about what befell her. Instead, she went straight to her bedroom. Feeling pain all over her body, she covered herself with a blanket and slept without eating.

The next day, AAA could not stand up and could not eat breakfast. She only drank Milo and then went back to bed. The following day, December 24, 1994, she forced herself to stand up. She was only able to eat lunch. Feeling dirty and uncomfortable, she went to the bathroom and washed herself. There she noticed her neck, breast and feet with hematoma, contusions and bruises. She also found out that her panty was bloodied with garter detached and her wristwatch broken. Then, she went back to bed.

Apprehensive of AAA's strange behavior, BBB confronted her. Right then and there, AAA bared her horrifying ordeal to her mother and CCC. Immediately, they brought her to the Tabaco Police Station where she gave her statement on her suffering in the hands of Delos Reyes and Go. Upon the advice of the Chief of Police, they also had the incident entered in the blotter of Barangay San Roque where Delos Reyes resided. They then went to the hospital for medical examination.

On January 26, 1995, AAA felt pain in her vagina. After an examination, she was found positive for urinary tract infection.

In support of the prosecution, BBB recounted that on that day, CCC requested AAA

to deliver the baptismal pictures to Go. Late in the afternoon, BBB got worried because AAA had not returned. So, she went to Go's place to fetch her. Upon reaching Go's place, she noticed that Go appeared uneasy and shaking. When she inquired about her daughter, he replied that she had already left. She, thus, went home but AAA was not yet there. Later that night, however, she saw her being accompanied by Go and Delos Reyes, who immediately left. AAA went straight to bed without eating and she remained in bed the following day. Upon her urging, AAA disclosed what the two had done to her and their threats to kill her.

Dr. Marissa Saguinsin, the City Health Physician, testified that she received a letter-request from the Tabaco Police Station to conduct a physical and medical examination on AAA. Upon examination, she issued the corresponding Medical Certificate<sup>[16]</sup> stating the following findings:

External: Fairly developed and fairly nourished female adult.

Internal:

- 1.) Pubic hair fully grown.
- 2.) Labia majora and menora are coaptated.
- 3.) No tear on sharp angle base on the fourchette.
- 4.) Healed superficial hymenal laceration corresponding to 4.6 & 8 o'clock positions in the face of the clock.
- 5.) Hymenal orifice admits 2 fingers with moderate resistance.

Conclusion:

Physical virginity lost.

On the other hand, the defense presented five (5) witnesses, namely: Delos Reyes himself; his sister, Maribel Delos Reyes (*Maribel*); a co-worker of CCC, Zenaida Borjal (*Zenaida*); Arlene Nonato (*Arlene*); and Hernando Pantojo, Jr. (*Pantojo*) of PAGASA.

Maribel and Arlene both testified that they resided near the house of Go and Delos Reyes; that Go and AAA were sweethearts; and that AAA used to frequent the house of Go.

Zenaida testified that she was the co-worker of CCC at the Dr. Cabredo Hospital; that on December 25, 1994, CCC was absent; that CCC informed her that she did not go to work on that day because she had beaten up AAA and that out fear of what she had done, she brought her to the hospital.

When it was his turn at the witness stand, Delos Reyes stated that on December 22, 1994, he, Jose Bolber and Jun de los Santos were in the house of Go drinking a few bottles of beer. At around 4:00 o'clock in the afternoon, AAA arrived carrying pictures taken at a baptism. When Go invited her inside the house, he and his other companions went home. At around 8:30 o'clock in the evening, he went out of his house and saw AAA, Go, Jose Bolber, and Jun de los Santos talking to each other along a nearby alley. He then approached the group and joined the conversation. Later, upon the invitation of Go, they all rode on a *pedicab* and brought her home.