

EN BANC

[G.R. Nos. 122114-17, January 20, 2004]

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. EDUARDO LIMOS Y DE VERA, APPELLANT.

DECISION

SANDOVAL-GUTIERREZ, J.:

For automatic review is the Joint Decision^[1] dated July 25, 1995 of the Regional Trial Court, Branch 45, Urdaneta, Pangasinan, convicting Eduardo Limos y de Vera, appellant, of four (4) counts of rape and sentencing him to suffer the penalty of *reclusion perpetua* in Criminal Cases Nos. U-8266 and U-8341, and the supreme penalty of death in Criminal Cases Nos. U-8342 and U-8343.

The four (4) Informations charging appellant with rape are quoted as follows:

Criminal Case No. U-8266

"That on or about the 9th day of August 1993, in the afternoon, in barangay Bobonan, municipality of Pozorrubio, province of Pangasinan, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, armed with a kitchen knife, by the use of force and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge with Janice C. Ligot against her will, to her damage and prejudice.

"CONTRARY to Art. 335 of the Revised Penal Code.

Criminal Case No. U-8341

"That on or about the 13th day of August, 1993, in the afternoon, in barangay Bobonan, municipality of Pozorrubio, province of Pangasinan, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, armed with a kitchen knife, by the use of force and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge with Janice C. Ligot against her will, to her damage and prejudice.

"CONTRARY to Art. 335 of the Revised Penal Code.

Criminal Case No. U-8342

"That on or about the 15th day of August, 1994, in the morning, in barangay Bobonan, municipality of Pozorrubio, province of Pangasinan, Philippines, and within the jurisdiction of this Honorable Court, the

above-named accused, armed with a kitchen knife, by the use of force and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge with Janice C. Ligot, against her will, to her damage and prejudice.

"CONTRARY to Art. 335 of the Revised Penal Code.

Criminal Case No. U-8343

"That on or about the 17th day of August, 1994, in the afternoon in barangay Bobonan, municipality of Pozorrubio, province of Pangasinan, Philippine, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a kitchen knife, by the use of force and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge with Janice C. Ligot, against her will, to her damage and prejudice.

"CONTRARY to Art. 335 of the Revised Penal Code."

Upon arraignment, appellant, assisted by counsel, pleaded not guilty to each charge. Thereafter, a joint trial ensued.

The evidence for the prosecution shows that complainant Janice C. Ligot was born on August 29, 1980 as shown by her Certificate of Baptism.^[2] She is the only daughter of spouses Delfin and Julita Ligot who are separated. Since her childhood until April 3, 1994, Janice was living with her aunt, Marie Ligot, who acted as her mother, in Bobonan, Pozorrubio, Pangasinan. Janice's brothers, Ronald (19) and Rodel (17), have been living with their grandparents Cecilio and Clara Ligot, also in Bobonan. Among those staying with them are appellant Eduardo Limos, Janice's uncle by affinity, he being the husband of her aunt Myrna Ligot, who has been in the United States for the last five years. She left their young sons, Tyrone and Terrence, under appellant's care.^[3]

On August 9, 1993, at about 1:00 o'clock in the afternoon, Janice was alone in her aunt Marie's house watching television.^[4] Suddenly, appellant entered the house through the kitchen door. She asked him what he needed, but he did not answer. She repeated her question, however, he remained silent. Suddenly, he grabbed her hands and pulled her inside a room. She fought back and shouted three times, "*Tulongan n'yo ako!*," but he pointed a knife at her neck, threatening to kill her. While inside the room, appellant boxed her on the thighs and pushed her to the bed. Then he took off his pants and brief. She again fought back when he was removing her shorts and panty. But again he pointed the knife at her. Then he placed himself on top of her and inserted his penis into her vagina, making a push-and-pull movement which lasted for three minutes. She attempted to shout but he covered her mouth with his hand. When he withdrew his penis, she saw a yellowish sticky substance coming out from his organ. She felt pain and observed that her vagina was bleeding. Moments later, he directed her to put on her panty and warned her not to tell anybody what transpired, or else he would kill her.^[5] She kept mum about the incident because she was scared.^[6]

Four days after, or on August 13, 1993, at around 1:30 in the afternoon, while

Janice was on her way to Bobonan High School, her grandmother called her to give her allowance. She was about to leave her grandmother's house when she met appellant in front of his room. He suddenly pulled her inside. She resisted and shouted but he covered her mouth with his hand. Then he hit her stomach causing her to fall. He carried her to the bed, poking his knife at her. She inquired why he was molesting her when they are relatives, but he did not answer. Instead, he removed her panty and forcibly inserted his penis into her vagina and made a push-and-pull movement. It was painful. He again warned her not to reveal what happened to anybody, or else he would kill her. Thereafter, she wore her panty and went to school.^[7] She did not disclose the incident to anyone out of fear.^[8]

On April 3, 1994, upon her aunt Marie's request, Janice transferred to her grandparents' house, where appellant lives, to assist her old grandfather who was sickly and could not walk.^[9]

On August 15, 1994, Janice's grandmother and aunt Filomena went to Urdaneta, Pangasinan, leaving her and appellant in the house. Janice had no classes that day. At about 10:00 o'clock in the morning, while she was preparing lunch, appellant suddenly pulled her to his room. Thereupon, she shouted, "Grandfather, help me!" but he pressed her jaw. Then he boxed her. He then removed his shorts and brief and inserted his penis into her vagina, making a push-and-pull movement. She was hurt. Once more he threatened to kill her if she reveals the incident to anybody. At around 2:00 o'clock in the afternoon, her aunt Filomena and her grandmother arrived, but she just kept silent because of his threat.^[10]

Two days after, or on August 17, 1994, at about 1:00 o'clock in the afternoon, Janice changed her clothes after washing the dishes, as she intended to go back to school. Her grandparents and her aunt Filomena were inside their rooms, while her aunt Remedios went to the house of her aunt Linda. Again, appellant forced Janice to go to his room. Once inside, he pushed her to the bed. She resisted vigorously but he boxed her thighs. He then removed his shorts and brief. She tightly held her panty but appellant was able to remove it. Immediately, he placed himself on top of her, spread her legs and once more, he had carnal knowledge of her. She suffered pain and cried. Somehow she managed to go to school.

On August 19, 1994, Janice mustered enough courage and revealed her traumatic experiences to her aunt Filomena. They then reported the incidents to the police. Thereafter, Janice was physically examined by Dr. Isidora Quirimot of the Community Hospital of Pozorrubio, Pangasinan. In her Medico-Legal Report dated August 27, 1994, Dr. Quirimot stated that Janice has old lacerations in the hymen at 4, 6 and 9 o'clock positions.^[11]

Appellant vehemently denied the charges against him claiming that everytime Janice went to the house where he stays, she would embrace and caress him. Their affair started in September 1993 when, at about 7:00 o'clock in the evening, she entered his room and seduced him. Being a man whose wife was then in the US, he easily succumbed to her advances. They had sexual intercourse. He was surprised to find that she was no longer a virgin. From then on, everytime the other occupants of the house were not around, she would enter his room to have sex with him. They were sweethearts until August 17, 1994. He was arrested on August 27, 1994, and he does not know any reason why Janice filed these cases against him.^[12]

Emilia de Vera, appellant's mother, testified that she stayed in the house of Janice's grandparents from May 1993 to December 1993 to help him in the household chores.^[13] She noticed that Janice was very close to appellant because he gave her money. One time, she asked Janice, "Why are you in that room?" And she replied, "I am asking money from Eduardo Limos."

On rebuttal, Janice vehemently denied the testimonies of appellant and Emilia that she (Janice) had been entering his room to ask money from him. She also claimed as totally false appellant's statements that they were sweethearts and that she actually consented to have sex with him in those four (4) incidents in question.^[14]

On July 25, 1995, the trial court rendered a Joint Decision, the dispositive portion of which reads:

"WHEREFORE, this Court finds the accused EDUARDO LIMOS y DE VERA:

"With respect to Criminal Case No. U-8266:

"GUILTY beyond reasonable doubt of the crime of RAPE committed with the use of a deadly weapon, but due to the prohibition under Section 19(1), Art. III of the Constitution, the offense having been committed in 1993 which is prior to the effectivity of Republic Act No. 7659, hereby sentences him only to suffer the penalty of RECLUSION PERPETUA, with all the accessory penalties provided for by law; to pay the complainant JANICE C. LIGOT the amount of P50,000.00 by way of moral damages; and to pay the costs.

"In connection with Criminal Case No. U-8341:

"GUILTY beyond reasonable doubt of the offense of RAPE committed with the use of a deadly weapon, however, due to the prohibition under Section 19(1), Art. III of the Philippine Constitution, the crime having been committed in 1993 which is prior to the effectivity of Republic Act No. 7659, hereby sentences him only to suffer the penalty of RECLUSION PERPETUA, with all the accessory penalties provided for by law; to pay the offended party JANICE C. LIGOT the sum of P50,000.00 as moral damages; and to pay the costs.

"With regard to Criminal Case No. U- 8342:

"GUILTY beyond reasonable doubt of the crime of RAPE defined and penalized under Republic Act No. 7659, the offense having been committed with the attendant circumstance of 'with the use of a deadly weapon,' and that the offended party is under eighteen (18) years of age and the offender is a relative by affinity within the third civil degree, hereby sentences him to the supreme penalty of DEATH; to pay complainant JANICE C. LIGOT in the amount of P50,000.00 as moral damages; and to pay the costs.

"As to Criminal Case No. U-8343:

"GUILTY beyond reasonable doubt of the crime of RAPE defined and penalized under Republic Act No. 7659, the offense having been committed with the attendant circumstance of 'with the use of a deadly weapon,' and that the victim is under eighteen (18) years of age and the offender is a relative by affinity within the third civil degree, hereby sentences him to the supreme penalty of DEATH; to pay the complainant JANICE C. LIGOT the sum of P50,000.00, as moral damages; and to pay the costs.

"Penultimately, it is said '*Dura lex, sed lex*,' interpreted as 'The law is harsh, but that is the law.'

"SO ORDERED."^[15]

Appellant, in his brief, ascribes to the trial court the following errors:

"I

THE TRIAL COURT GRAVELY ERRED IN GIVING CREDENCE TO THE INCREDIBLE TESTIMONIES OF THE RAPE VICTIM AND IN DISREGARDING THE DEFENSE OF THE ACCUSED.

"II

THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF RAPE.

"III

ASSUMING ARGUENDO THAT A CRIME HAS BEEN COMMITTED, THE ACCUSED SHOULD ONLY BE FOUND GUILTY OF QUALIFIED SEDUCTION."

The law applicable to the cases at bar is Article 335 of the Revised Penal Code, as amended by R.A. 7659, the pertinent portions of which provide:

"Art. 335. *When and how rape is committed.* – Rape is committed **by having carnal knowledge of a woman under any of the following circumstances:**

1. **By using force or intimidation;**
2. When the woman is deprived of reason or otherwise unconscious;
and
3. When the woman is under twelve years of age or is demented.

"The crime of rape shall be punished by reclusion perpetua.

"Wherever the crime of rape is committed with the use of a deadly weapon or by two or more persons, the penalty shall be *reclusion perpetua* to death.

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