

EN BANC

[G.R. No. 142887, March 02, 2004]

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. RODRIGO PACHECO Y CASTILLO, APPELLANT.

DECISION

QUISUMBING, J.:

For automatic review is the decision,^[1] dated January 26, 2000, of the Regional Trial Court (RTC) of Batangas City, Branch 7, in Criminal Case No. 8378, finding appellant Rodrigo Pacheco guilty of raping private complainant, Mary Jane Cantos, and sentencing him to suffer the supreme penalty of death.

The appellant was charged as follows:

That on or about March 14, 1996 at around 2:00 o'clock in the afternoon at Sitio Dulungan, Brgy. Talahib Pandayan, Batangas City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, motivated by lust and lewd designs, by means of force and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge of the herein offended party who was then a minor, 13 years of age, against her will.

That, the special aggravating circumstance of relationship is attendant in the commission of the offense, the herein complainant and offended party being the sister-in-law of the accused, and therefore a relative by affinity within the third civil degree.

CONTRARY TO LAW.^[2]

On May 7, 1996, appellant was arraigned, and with the assistance of counsel *de oficio*, he pleaded not guilty.^[3] Thereafter, trial ensued.

The private complainant, Mary Jane Cantos, testified that on March 14, 1996, together with her sister Justina Cantos Pacheco, the wife of appellant, she went to the river near their home to do the laundry. They were still busy with their washing when, around 2:00 p.m., appellant arrived. Mary Jane got the impression that he was drunk as he was shouting.^[4] Appellant tried to help with the laundry, but shortly afterwards ordered Justina to go home and prepare their lunch. When Justina was about to leave, appellant told her to go ahead, explaining that he would follow as he wanted to bathe in the river first.^[5] Justina then left, leaving Mary Jane and appellant.

Meanwhile, Mary Jane continued rinsing clothes while she was seated on a large stone, which had been worn down by the ceaseless action of the river. Suddenly,

appellant lunged at her and pushed her, causing her to lie flat on the stone. Without further ado, appellant pinned her down with his legs and held her by the neck with one hand. He forcibly kissed her on the lips. With his other hand, he mashed Mary Jane's breasts and pudendum.^[6]

Although caught by surprise, Mary Jane put up a strong resistance. She pushed and kicked appellant in an effort to free herself, but he proved to be too strong and heavy for her. Despite her resistance, he succeeded in raising her dress. He held her breasts with one hand, while his other hand pulled down her panty. He then used the same hand he had employed to remove her underwear to pin her down by the neck to overcome her resistance. When she could resist no more, the appellant then inserted his organ into her private part, all the while kissing the private complainant's lips.^[7]

Appellant's action was cut short by the arrival on the scene of Mary Jane's mother, Araceli Cantos. Mary Jane heard Araceli's scream. This prompted appellant to relent and pull away from Mary Jane. He headed straight for Araceli. Mary Jane heard the appellant threaten her mother that he would kill both of them if Araceli would report the incident. Mary Jane gathered the clothes and they headed home in a single file, with appellant at the tail-end.^[8]

Prosecution witness Araceli Cantos testified that the complainant is her daughter while appellant is her son-in-law, being the spouse of her daughter, Justina. They are also neighbors, since their houses are located a mere ten (10) meters apart from each other. She said on that fateful day of March 14, 1996, both daughters were at the river washing their clothes. Meanwhile, appellant arrived at his home with a visitor who turned out to be his aunt. Araceli and her husband were entertaining the visitor, while the appellant went to fetch his wife in order to cook lunch for their guest. Some time later, Justina arrived, but she was alone.^[9]

Araceli immediately asked for Mary Jane's whereabouts. Justina replied she was at the river with the appellant. Araceli's other two daughters, Marilyn and Anastasia, advised her to fetch Mary Jane. Araceli ran to the river, stumbling along the way in her hurry to reach her daughter. To her great dismay, she saw appellant naked and on top of Mary Jane. The sight that greeted Araceli made her faint.^[10]

When she regained consciousness, she saw appellant hovering above her with a rock in hand, threatening to hit her with it. He told her, "*Magsasabi kayo o hindi? Magsabi na kayo ngayon at papatayin ko kayong mag-ina!*" (Will you report me or won't you? Tell me now so that I can kill both you and your daughter!) ^[11] Araceli begged appellant to spare their lives.^[12] He relented and they all headed home. An hour or so after she got home, however, Araceli proceeded to seek the assistance of a neighboring *barangay* official, Gregorio Rayos, to apprehend the appellant.^[13]

On the witness stand, Gregorio Rayos, a *barangay tanod* (barrio peace officer) of Talahib Pandayan, testified that around 3:00 p.m. of March 14, 1996, Araceli Cantos arrived at his home in tears. She sought his help in arresting appellant for raping her daughter. Rayos then went to see Hilario Balmes, the chief *tanod*. Rayos, Balmes, and two other *tanods*, one Eusebio Asenas and a certain Alberto Catapang, then sallied forth to pick up appellant. But appellant did not go without a fight.

Before he was captured, he ran towards the mountains and pelted the group with stones.^[14] Rayos' testimony was corroborated by Balmes, who also appeared as witness for the prosecution.

On the morning of the following day, March 15, 1996, private complainant was brought to the Batangas Provincial Hospital, where she was examined by Dr. Aletha Silang, an OB-Gynecologist. Her medical findings as reduced to writing read:

This is to certify that I have attended (sic) MARY JANE CANTOS 13 years of age, female, single, Filipino of Talahib Pandayan, Batangas City, at about 8:00 A.M. [of] March 15, 1996 with the following injuries sustained by:

Neck – left lateral aspect, positive pinpoint abrasion -

Upper back – scapular area, left, positive multiple abrasions with violaceous discoloration.

Back – thoracic area – with abrasion

External genitalia (sic) – normal looking, positive, mucoid brownish discharge. positive hymenal laceration, complete with raw edges at 1 o'clock, 3 o'clock 6 o'clock & 8 o'clock positions.

Internal examination: admits 5th finger of examiner with ease but with extreme tenderness, cervix closed, uterus small.

Sperm determination: No sperm cells seen.^[15]

Dr. Silang testified that the abrasions suffered by the private complainant could have been caused by friction caused by skin contact with a rough surface.^[16] She also stated that the complaining witness had suffered hymenal lacerations, which were complete with raw edges, signifying that the whole width of the hymen had been completely torn or lacerated. The lacerations were fresh and could have been caused by phallic penetration during the previous 24 hours. ^[17] She reiterated that there were no sperm cells found in the vaginal canal of the private complainant.^[18]

When it was the turn of the defense, appellant interposed the defense of denial and alibi. He averred that on the day of the incident, he was out on a drinking spree from eight o'clock in the morning until twelve o'clock noon with four other fishermen. He then went home and at around 1:30 p.m., he went into a drunken sleep. At 2:30 p.m., he was awakened by his wife, Justina, who had just arrived from the river. She violently scolded him for failing to cook their lunch, and drove him away from the house. He then sought refuge at the house of his friend, Rolando Avila. It was there that he was informed he was wanted for raping his sister-in-law.^[19] Appellant explained that when he saw Balmes, he ran to the mountains because he recalled Balmes' previous threats that, if he would be involved in any other trouble, he would just be picked up. Balmes made the threat following a previous quarrel between the appellant and his wife and parents-in-law, according to appellant.

He surmised that his parents-in-law caused his arrest.^[20] He said that at noontime, before his arrest, he had another run-in with Araceli Cantos. She berated him for being a drunkard and a no-good son-in-law. Unpleasant words were exchanged and, appellant declared, it prompted Juan Cantos, his father-in-law, to come out with a shotgun.^[21] Luckily, nothing happened because appellant locked himself inside his house and thereafter Araceli eventually convinced Juan to go home. Appellant tearfully stated that his parents-in-law disliked him and never approved of him for their daughter because he is a poor man.

Appellant's wife, Justina, corroborated appellant's testimony. She testified that private complainant's account on the witness stand was not true. What really transpired was that when she was through with her laundry, according to Justina, she left Mary Jane alone in the river. She headed home, and found the appellant there sleeping and inebriated. It provoked a heated argument, ending with her ordering the appellant to leave the house. She also testified on the extent of her family's disapproval of her husband. According to her, her family sought to prevent her from testifying in her husband's defense and urged her to stop visiting the appellant in jail. She averred that her brother even mauled her for taking the appellant's side, and she presented a medico-legal certificate to attest to her injuries as a result.^[22]

Dr. Antonio Salvador, the physician who examined Justina testified that he found two bruises on her body, one on her left arm and one on her right shoulder.^[23]

On January 26, 2000, the trial court rendered judgment against appellant, in this wise:

WHEREFORE, in view of the foregoing, the Court finds the accused GUILTY beyond reasonable doubt of the crime of Rape under Article 335 of the Revised Penal Code, as amended by Republic Act 7659 and sentences him to suffer the supreme penalty of death by lethal injection.

Moreover, the accused is hereby ordered to pay the victim civil indemnity in the amount of P75,000.00...This is mandatory upon the finding of rape.... And moral damages of P50,000.00, without proof of mental and physical suffering in accordance with recent jurisprudential evolution... Also exemplary damages of P30,000.00 is awarded the victim.

The costs are assessed against the accused.

The Officer-in-Charge (OIC) of this Branch is hereby directed to forward the records of this case to the Honorable Supreme Court for automatic review within twenty (20) days after the promulgation of this judgment. She is also ordered to comply strictly with the transmittal of the transcripts of stenographic notes (t.s.n.) as mandated by Section 10 of Rule 122 of the Revised Rules of Court and Article 47, as amended, of the Revised Penal Code.

SO ORDERED.^[24]

Before us, the appellant assigns the following as errors of the court *a quo*:

- I. THE TRIAL COURT ERRED IN GIVING FULL CREDENCE TO THE TESTIMONIES OF MARY JANE CANTOS AND ARACELI CANTOS.
- II. THE TRIAL COURT ERRED IN DISREGARDING THE TESTIMONIES OF ACCUSED AND JUSTINA CANTOS.
- III. THE TRIAL COURT ERRED IN CONVICTING THE ACCUSED OF RAPE.
- IV. THE TRIAL COURT ERRED IN IMPOSING THE SUPREME PENALTY OF DEATH.^[25]

Appellant's assignments of errors may be subsumed into two issues: (1) the sufficiency of the prosecution's evidence to prove his guilt of the crime of rape; and (2) the correctness of the penalty imposed on him.

The appellant faults the trial court for choosing to believe the testimonies of prosecution witnesses, while disregarding those for the defense. He contends that Mary Jane is not a credible witness, stressing that it is not a normal reaction of a woman who had just been raped to just collect the clothes she was washing and meekly follow the appellant home. He argues that although people do react differently to a startling event, in rape cases, the victim is always overwhelmed by bitterness and rage after the incident. He asks us to take notice of the private complainant's and her mother's statements that they were in rage as a result of the rape. That their mood should suddenly change from rage to meekness is an unusual deportment that should raise doubts as to the credibility of their respective testimonies.^[26] Moreover, the very fact that Justina Cantos was prevented by her family from testifying and visiting her husband in jail should raise doubts as to his guilt as well.^[27]

For the appellee, the Office of the Solicitor General (OSG) counters that the private complainant and her mother acted in such a manner because the appellant threatened to kill them if they would report the rape. Faced with looming danger to their lives, they agreed not to report the incident, but it was only a subterfuge to put appellant off-guard. Moreover, they had no choice but to walk home in single-file with appellant at the tail-end, lest appellant make good his threats. In fact, when appellant fled to Binulihan, Araceli lost no time in reporting the incident to the *barangay* officials which eventually led to appellant's apprehension.^[28]

The Solicitor General stresses that it is highly unlikely that a barrio lass who was merely 14 years of age when she took the stand, lacking in sophistication and exposure to the ways of the world, could come up with such a detailed narration of her ravishment at appellant's hands if it did not really happen. Moreover, her testimony was corroborated by the physical evidence. The OSG highlights the fact that the private complainant willingly underwent physical examination of her private parts, and subjected herself and her family to the trauma and embarrassment concomitant to a criminal prosecution for wrongful defloration. According to the OSG, these were indicative of the truthfulness of her testimony against appellant.

Considering the arguments in the submissions of both parties, in the light of evidence adduced at the trial, we find no cogent reason to set aside the findings and conclusions of the trial court. Appellant's contentions are far from convincing.