

EN BANC

[G.R. Nos. 145172-74, February 28, 2003]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
IRENEO CORRAL, ACCUSED-APPELLANT.**

DECISION

AZCUNA, J.:

Appellant herein, Ireneo Corral y Paladino, was charged in three separate informations for two counts of rape and one count of acts of lasciviousness. He was convicted on all three charges by the Regional Trial Court, Branch 86 of Quezon City. For each count of rape, appellant was sentenced to suffer the penalty of death. For the acts of lasciviousness, he was sentenced "to suffer the indeterminate penalty of 12 years and 1 day to 18 years, 2 months, and 20 days of reclusion temporal." He was likewise ordered to pay the complainant P75,000.00 as civil indemnity and P50,000.00 as moral damages.^[1]

Appellant made a timely appeal to the Court of Appeals for his conviction for the acts of lasciviousness. The two cases of rape are therefore now on automatic review before this Court.

In Criminal Case No. Q-98-75096, the information alleged:

That on or about and prior to November 30, 1996 in Quezon City, Philippines, the said accused by means of force and intimidation, to wit: by then and there willfully, unlawfully and feloniously ordering the undersigned minor, 12 years of age, to remove her T-shirt and then accused sucked her breast and removed her shorts and panty and forcibly opened her thighs and inserted his penis inside her vagina and thereafter have carnal knowledge with the undersigned complainant against her will and without her consent.

CONTRARY TO LAW.^[2]

In Criminal Case No. Q-97-73195, the information alleged:

That on or about the 30th day of November, 1996, in Quezon City, Philippines, the said accused by means of force and intimidation, to wit: by then and there willfully, unlawfully and feloniously removing the short and panty of the undersigned, a minor, twelve years of age, [his] stepdaughter and put [himself] on top of her and thereafter [had] carnal knowledge with the undersigned complainant against her will and without her consent.

CONTRARY TO LAW.^[3]

Upon being arraigned, appellant pleaded not guilty, whereupon the cases were jointly tried.

The prosecution presented witnesses whose testimonies are as follows:

Complainant Jobell B. Galang was 13 years old when she testified. Sometime in May, 1994, at around 9:00 o'clock to 10:00 o'clock in the evening, while she was sleeping on the floor of her family's small shanty in Balintawak, Quezon City, she woke up to find the appellant beside her. Complainant tried to run away, but he poked a knife at her neck. Appellant removed his pants and then mounted the complainant, while rubbing his penis against her vagina for about three to four minutes. Nothing more happened that night.^[4]

After that incident, complainant's family moved to another shanty in North Fairview, Quezon City. Sometime in November, 1996, but prior to November 30, 1996, around 11:00 o'clock in the evening, while complainant was again sleeping on the floor of their shanty, the appellant, already naked, poked a *balisong* at her and ordered her to remove her shorts and panties. He then made her lie on the floor and mounted her as he tried to spread her legs. Complainant resisted, but appellant struck her legs. With her legs already spread, appellant inserted his penis into her vagina. Appellant's dastardly act would not have ended that night had it not been for a knock on the door. Appellant then stood up and talked to the person who knocked. Complainant kept her silence since appellant threatened to kill her mother, brothers, and sisters should she tell anybody about her harrowing experience.^[5]

On November 30, 1996, at around 10:00 o'clock in the evening, while complainant was again asleep, she was roused by the appellant who was removing her shorts and panties. Again, complainant resisted but he slapped her hard three times. She lost consciousness and when she woke up, she realized that she was already naked from the waist down. Her vagina felt painful. When she urinated, she saw a smear of blood.^[6] She only reported these incidents to the police on September 20, 1997, almost a year after the last incident of rape occurred.

Dr. Cristina B. Freyra, Medico Legal Officer of the Philippine National Police (PNP) Crime Laboratory, examined the complainant on September 24, 1997. The examination revealed that complainant sustained both deep and shallow healed lacerations in her vagina, which appeared to have been inflicted more than seven days prior to the examination. A hard and blunt object, such as an erect penis, may have caused these lacerations.^[7] Her report reads, thus:

GENERAL AND EXTRAGENITAL:

Fairly developed, fairly nourished and coherent female subject. Breast[s] are hemispherical with dark brown areola and nipples from which no secretion could be pressed out. Abdomen is flat and soft.

GENITAL:

There is absence of pubic hair. Labia majora are full, convex and coaptated with pinkish brown labia minora presenting in between. On separating the same disclosed an elastic, fleshy-type hymen with a deep-healed laceration at 4 and shallow, healed laceration at 9 o'clock position.

External vaginal orifice offers moderate resistance to the introduction of the examining index finger. Vaginal canal is narrow with prominent rugosities. Cervix is normal in size, color and consistency.

CONCLUSION

Subject is in non-virgin state physically.

There are no external signs of recent application of any form of trauma at the time of the examination.

REMARKS:

Vaginal and peri-urethral smears are negative for gram-negative diplococci and for spermatozoa.^[8]

For its part, the defense presented three witnesses whose testimonies are, as follows:

Amalia Galang testified that she is the mother of complainant. The complainant is her daughter by a previous marriage. She has four other children, two girls and two boys, who are all residing with her. In May, 1994, when their family was still residing at Balingasa, Balintawak, Quezon City, she did not notice anything unusual with her daughter. She testified that her daughter appeared happy and was, in fact, playing most of the time. When they transferred to Fairview, Quezon City sometime around November, 1996, her daughter was already in Grade Five. Again, she did not find anything unusual with the actions of her daughter. The witness likewise testified that she was at home on November 30, 1996, when the second rape allegedly occurred since that day was a holiday. Her husband arrived home that night at around midnight. She ate supper with her husband and watched television up to 2:00 o'clock in the morning before going to sleep. She usually sleeps beside her husband. The children sleep beside her together with her husband's sister-in-law. She woke up at around 3:00 o'clock in the morning and while in bed, she did not notice anything unusual. Upon being asked the question as to why her daughter would file these charges against appellant, she answered that her uncle is using her daughter as a leverage against her husband in his quarrel with the latter.

The second witness for the defense, Jobert Manonag, a neighbor of the family in Fairview since 1996, testified that on November 30, 1996, he was watching television at the house of the appellant from 8:00 o'clock in the evening to 12:00 o'clock midnight. There were around five people in the house, the four children and appellant's sister-in-law. The appellant and his wife were still at work. Appellant had not yet arrived when he left the house at around midnight.

The third witness for the defense was appellant himself. Appellant testified that he is the common-law husband of complainant's mother, Amalia Galang, with whom he has three children. Complainant is the daughter of Amalia Galang by her first husband. On the night of November 30, 1996, he was driving his tricycle until 10:00 o'clock in the evening. He arrived home at around past 11:00 o'clock that night. His common-law wife was already home as were their three children, the complainant, and his sister-in-law. After talking to his wife for a short while, he went to sleep. He usually sleeps beside his wife at the end of the room. Their house has only one room where they all sleep. This room measures about five meters wide and five meters long. The complainant sleeps on the other side of the room. He woke up the next day at 4:00 o'clock in the morning together with his wife and he went back to

driving his tricycle. The children were still asleep when he went back to work. He denied ever raping the complainant or committing acts of lasciviousness upon her.

On August 7, 2000, the trial court rendered its decision, the dispositive portion of which reads:

WHEREFORE, PREMISES CONSIDERED, JUDGMENT is hereby rendered as follows:

1.) In Criminal Case No. Q-97-73195[,] the Court finds the accused Ireneo Corral y Paladiño guilty beyond reasonable doubt of the crime of rape committed against Jobell Galang y Bucalig, and hereby sentences him to suffer the penalty of death.

2.) In Criminal Case No. Q-98-75096, the Court finds the same accused guilty beyond reasonable doubt of the crime of rape committed against the same complainant, and likewise sentences him to suffer the penalty of death.

3.) In Criminal Case No. Q-98-75097, the Court finds the same accused guilty beyond reasonable doubt of the crime of acts of lasciviousness in relation to Republic Act No. 7610 committed against the same complainant and hereby sentences him to suffer the indeterminate penalty of 12 years and 1 day to 18 years, 2 months and 20 days of reclusion temporal.

The Court hereby orders the accused to indemnify the private complainant the amount of P75,000 as civil indemnity and P50,000 as moral damages.

SO ORDERED.^[9]

Appellant submits the following assignments of errors for the consideration of this Court:

I.

Under the first and second informations, the trial court erred in imposing the death penalty despite the fact that the qualifying circumstance of use of deadly weapon was not alleged in the informations.

II.

Under the first and second informations, the trial court erred in imposing the death penalty despite the fact that the qualifying circumstance that "the accused is the common-law spouse of the parent of the victim" was not alleged in the informations.^[10]

Conviction or acquittal in a rape case more often than not depends almost entirely on the credibility of the complainant's testimony because, by the very nature of this crime, it is usually only the victim who can testify as to its occurrence. In rape cases, certain well-established principles and precepts are controlling. These are (a) an accusation of rape can be made with facility; it is difficult to prove but more

difficult for the person accused, though innocent, to disprove; (b) due to the nature of the crime of rape where only two persons are usually involved, the testimony of the complainant must be scrutinized with extreme caution, and (c) the evidence for the prosecution must stand or fall on its own merits and cannot be allowed to draw strength from the weakness of the evidence for the defense.^[11] The determination of the outcome of every rape case hinges upon the credibility of the complainant's testimony. If the complainant testified in a categorical, straightforward, spontaneous, and consistent manner, then she is considered a credible witness and her testimony is worthy of judicial acceptance.^[12] The assessment of the credibility of witnesses and their testimonies is a matter best undertaken by the trial court because of its unique opportunity to observe the witnesses firsthand and to note their demeanor, conduct, and attitude under grueling examination.^[13]

In the case at bar, the trial court found the testimony of complainant to be straightforward, sincere, candid, and very consistent.

In Criminal Case No. Q-97-73195, complainant testified, as follows:

Q: On November 30, 1996 at around past 10:00 o'clock in the evening, what did the accused do to you if there was any?

A: He forcibly took off my shorts and panty.

Q: What did you do when he was forcibly removing your shorts and panty?

A: I resisted but he slapped me hard 3 times.

Q: And what happened to you when he slapped you?

A: I became unconscious.

Q: And when you woke up what did you observe if any?

A: I had no more shorts and panty on.

Q: And what did you do after that?

A: I can't do anything, I just cried and just covered myself with a blanket.

Q: What did you feel when you woke up?

A: When I woke up, I urinated, I felt pain in my vagina and I saw a smear [of] blood.

Q: Do you know the accused in this case?

A: Yes, Sir.

Q: Kindly pinpoint.

A: (INTERPRETER) Witness eyeing a person who gave his name as Ireneo Corral, the accused in this case.