

EN BANC

[G.R. No. 131516, March 05, 2003]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
RONNIE RULLEPA Y GUINTO, ACCUSED-APPELLANT.**

DECISION

CARPIO MORALES, J.:

On complaint of AAA, accused-appellant Ronnie Rullepa y Guinto was charged with Rape before the Regional Trial Court (RTC) of Quezon City allegedly committed as follows:

That on or about the 17th day of November, 1995, in Quezon City, Philippines, the said accused, by means of force and intimidation, to wit: by then and there willfully, unlawfully and feloniously removing her panty, kissing her lips and vagina and thereafter rubbing his penis and inserting the same to the inner portion of the vagina of the undersigned complainant, 3 years of age, a minor, against her will and without her consent.^[1]

Arraigned on January 15, 1996, accused-appellant pleaded not guilty.^[2]

From the testimonies of its witnesses, namely AAA,^[3] her mother [REDACTED], Dr. Cristina V. Preyra, and SPO4 Catherine Borda, the prosecution established the following facts:

On November 20, 1995, as [REDACTED] was about to set the table for dinner at her house in Quezon City, AAA, then only three and a half years old, told her, "Mama, *si kuya Ronnie lagay niya titi niya at sinaksak sa puwit at sa bibig ko.*"

"Kuya Ronnie" is accused-appellant Ronnie Rullepa, the [REDACTED] house boy, who was sometimes left with AAA at home.

[REDACTED] asked AAA how many times accused-appellant did those things to her, to which she answered many times. Pursuing, [REDACTED] asked AAA what else he did to her, and AAA indicated the room where accused-appellant slept and pointed at his pillow.

As on the night of November 20, 1995 accused-appellant was out with [REDACTED] husband Col. [REDACTED],^[4] she waited until their arrival at past 11:00 p.m. [REDACTED] then sent accused-appellant out on an errand and informed her husband about their daughter's plaint. [REDACTED] thereupon talked to AAA who repeated what she had earlier told her mother [REDACTED].

When accused-appellant returned, [REDACTED] and [REDACTED] verified from him whether

what AAA had told them was true. Ronnie readily admitted doing those things but only once, at 4:00 p.m. of November 17, 1995 or three days earlier. Unable to contain her anger, ██████ slapped accused-appellant several times.

Since it was already midnight, the spouses waited until the following morning to bring accused-appellant to Camp Karingal where he admitted the imputations against him, on account of which he was detained. ██████ sworn statement^[5] was then taken.^[6]

Recalling what accused-appellant did to her, AAA declared at the witness stand: "*Sinaksak nya ang titi sa pepe ko, sa puwit ko, at sa bunganga,*" thus causing her pain and drawing her to cry. She added that accused-appellant did these to her twice in his bedroom.

Dr. Ma. Cristina V. Preyra, the Medico-Legal Officer and Chief of the Biological Science Branch of the Philippine National Police Crime Laboratory who examined Crya May, came up with her report dated November 21, 1995,^[7] containing the following findings and conclusions:

FINDINGS:

GENERAL AND EXTRA GENITAL:

Fairly developed, fairly nourished and coherent female child subject. Breasts are undeveloped. Abdomen is flat and soft.

GENITAL:

There is absence of pubic hair. Labia majora are full, convex and coaptated with **congested and abraded labia minora presenting in between**. On separating the same is disclosed an abraded posterior fourchette and an elastic, fleshy type intact hymen. External vaginal orifice does not admit the tip of the examining index finger.

x x x

CONCLUSION:

Subject is in virgin state physically.

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

By Dr. Preyra's explanation, the abrasions on the *labia minora* could have been caused by friction with an object, perhaps an erect penis. She doubted if riding on a bicycle had caused the injuries.^[8]

The defense's sole witness was accused-appellant, who was 28 and single at the time he took the witness stand on June 9, 1997. He denied having anything to do with the abrasions found in AAA's genitalia, and claimed that prior to the alleged incident, he used to be ordered to buy medicine for AAA who had difficulty urinating. He further alleged that after he refused to answer ██████ queries if her husband

██████, whom he usually accompanied whenever he went out of the house, was womanizing, ██████ would always find fault in him. He suggested that ██████ was behind the filing of the complaint. Thus:

- q- According to them you caused the abrasions found in her genital?
- a- That is not true, sir.
- q- If that is not true, what is the truth?
- a- As I have mentioned earlier that before I started working with the family I was sent to Crame to buy medicine for the daughter because she had difficulty in urinating.
- q- Did you know why the child has difficulty in urinating?
- a- No, I do not know, sir.
- q- And how about the present complaint filed against you, the complaint filed by the mother of the victim?
- a- I did not do it, sir.
- q- What is the truth, what can you say about this present complaint filed against you?
- a- As I said Mrs. ██████ got mad at me because after I explained to her that I was going with her husband (sic) to the children of the husband with a former marriage.^[9]

Finding for the prosecution, Branch 96 of the Quezon City RTC rendered judgment, the dispositive portion of which reads:

WHEREFORE, judgment is hereby rendered finding accused RONNIE RULLEPA y GUINTO guilty beyond reasonable doubt of *rape*, and he is accordingly sentenced to *death*.

The accused is ordered to pay AAA the amount of ₱40,000.00 as *civil indemnity*.

Costs to be paid by the accused.^[10] (Italics in the original.)

Hence, this automatic review, accused-appellant assigning the following errors to the trial court:

I

THE COURT A QUO ERRED IN CONSIDERING AS ADMISSIBLE IN EVIDENCE THE ACCUSED-APPELLANT'S ADMISSION.

II

THE COURT A QUO ERRED ON (sic) RULING THAT THE ACCUSED-

APPELLANT'S SILENCE DURING TRIAL AMOUNTED TO AN IMPLIED ADMISSION OF GUILT.

III

THE COURT A QUO ERRED IN FINDING THAT THE GUILT OF THE ACCUSED-APPELLANT FOR THE CRIME CHARGED HAS BEEN PROVEN BEYOND REASONABLE DOUBT.

IV

THE COURT A QUO GRAVELY ERRED IN IMPOSING THE SUPREME PENALTY OF DEATH UPON THE ACCUSED-APPELLANT.^[11] (Emphasis supplied.)

Accused-appellant assails the crediting by the trial court, as the following portion of its decision shows, of his admission to [REDACTED] of having sexually assaulted AAA:

In addition, the mother asserted that Rullepa had admitted AAA's complaint during the confrontation in the house. Indeed, according to the mother, the admission was even expressly *qualified* by Rullepa's insistence that he had committed the sexual assault only once, specifying the time thereof as 4:00 *pm* of November 17, 1995. That qualification proved that the admission was voluntary and true. An uncoerced and truthful admission like this should be absolutely admissible and competent.

x x x

Remarkably, the admission was not denied by the accused during trial despite his freedom to deny it if untrue. Hence, the admission became conclusive upon him.^[12] (Emphasis supplied.)

To accused-appellant, the statements attributed to him are inadmissible since they were made out of fear, having been elicited only after AAA's parents "bullied and questioned him." He thus submits that it was error for the trial court to take his failure to deny the statements during the trial as an admission of guilt.

Accused-appellant's submission does not persuade. The trial court considered his admission merely as an **additional** ground to convince itself of his culpability. Even if such admission, as well as the implication of his failure to deny the same, were disregarded, the evidence suffices to establish his guilt beyond reasonable doubt.

The plain, matter-of-fact manner by which AAA described her abuse in the hands of her *Kuya* Ronnie is an eloquent testament to the truth of her accusations. Thus she testified on direct examination:

q- Do you recall if Ronnie Rullepa did anything to you?

a- Yes, sir.

q- What did he do to you?

a- "Sinaksak nya ang titi sa pepe ko, sa puwit ko, at sa bunganga"

q- How many times did he do that to you?

a- Twice, sir.

x x x

q- Do you remember when he did these things to you?

a- Opo.

q- When was that?

a- When my mother was asleep, he put – he removed my panty and inserted his penis inside my vagina, my anus and my mouth, sir.

x x x

q- After your Kuya Ronnie did those things to you what did you feel?

a- "Sabi nya ganito (Witness putting her finger in her lips) Nasaktan po ako at umiyak po ako".

q- Did you cry because of hurt?

a- Yes.

q- What part of your body hurt?

a- "Pepe ko po." When I went to the bathroom to urinate, I felt pain in my organ, sir.^[13]

AAA reiterated her testimony during cross-examination, providing more revolting details of her ordeal:

q- So, you said that Kuya Ronnie did something to you what did he do to you on November 17, 1995?

a- "Sinaksak nga yong titi nya". He inserted his penis to my organ and to my mouth, sir.

x x x

q- When you said that your kuya Ronnie inserted his penis into your organ, into your mouth, and into your anus, would you describe what – his penis?

a- It is a round object, sir.

C o u r t: