

EN BANC

[G.R. Nos. 143760-63, June 23, 2003]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROMEO MANLUCTAO Y BLANCO ALIAS "TATA," ACCUSED-APPELLANT.

D E C I S I O N

QUISUMBING, J.:

For automatic review is the decision^[1] of the Regional Trial Court (RTC) of Dagupan City, Branch 43, dated June 9, 2000, in Criminal Cases Nos. 2000-0125-D, 2000-0126-D, 2000-0127-D, and 2000-0128-D, finding appellant Romeo Manluctao y Blanco a.k.a. "Tata" guilty of four (4) counts of qualified rape and imposing upon him in each count the penalty of death. Before us, appellant prays that he be found guilty of simple rape only and his punishment be accordingly reduced to *reclusion perpetua*.

The Office of the Provincial Prosecutor of Pangasinan charged appellant of raping Marcelina Manluctao, appellant's own daughter, on October 15 and 22, 1996, August 12, 1997, and October 15, 1999. Except for the dates of the commission of the rapes, the four (4) charge sheets against appellant were identically worded, thus:

That on or about [date]^[2] at Brgy. Ventinilla, Municipality of Sta. Barbara, Province of Pangasinan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused by means of force, threat and intimidation, did then and there, willfully, unlawfully and feloniously have sexual intercourse with MARCELINA MANLUCTAO, against her will and without her consent to her damage and prejudice.

CONTRARY to Art. 335 of the Revised Penal Code.^[3]

When arraigned in *Pangalatoc* (dialect) which he both spoke and understood, appellant with assistance of counsel *de officio* pleaded guilty to all four charges of rape. The trial court then informed him that by pleading guilty to the indictments, the proper penalty provided for by law could be imposed upon him. Appellant then affirmed his plea of guilty on the condition that the penalty to be imposed in each case should not be capital punishment. At this juncture, appellant's counsel moved that the previous plea entered by appellant be withdrawn and appellant be re-arraigned. The trial court granted said motion.^[4]

On re-arraignment, appellant with the assistance of counsel again pleaded guilty to all the charges.^[5]

Pre-trial of all four cases was then held, during which the following facts were admitted by the defense, to wit: (1) the identity of the appellant; (2) the minority of the victim; (3) that the victim gave birth to a baby girl named Evangeline

Manluctao, who at that time was already three (3) years old; and (4) that appellant was the father of the victim.^[6]

After the conclusion of pre-trial, the prosecution then adduced its evidence. But when the turn of the defense came, the defense chose not to present any evidence.

As succinctly summarized by the Office of the Solicitor General (OSG) in its brief for the appellee, the prosecution version of the incidents is as follows:

The first incident occurred on October 15, 1996. Marcelina Manluctao, then thirteen (13) years old, was in their house in Brgy. Ventinilla, Sta. Barbara, Pangasinan, with appellant who is her father, and her brothers and sisters. Appellant ordered her siblings to go out of their house. Once they left, he told Marcelina to go to her room upstairs. When she was already in her room, he kissed her on her face down to her neck and removed her clothings (sic). He touched her private parts. After undressing himself, he inserted his penis into Marcelina's vagina, making push and pull movements. She cried. She resisted her father in vain as he was carrying a knife at that time. He also told her not to tell anyone, otherwise he would stab her with the knife. His lust satiated, he dressed up and went out of their house. Marcelina also dressed up and did not tell anybody about it out of fear that appellant might make good his threat.

Appellant committed the second rape on October 22, 1996. While Marcelina was at home with appellant and her siblings, he ordered the latter to go out of their house. Her mother was out at that time. The incident happened in [the] same room of appellant. He kissed her on the face and breasts, held them and mashed her private parts. After undressing himself and Marcelina, he inserted his penis into her vagina and executed the push-pull movement. Again, she tried to resist but appellant aimed his knife at her. Before dressing up, she noticed a white liquid in her private parts.

The third incident supposedly happened on August 12, 1997. She had just given birth to her child by appellant. Marcelina did not give any particulars regarding the said abuse.

Marcelina was molested again on October 15, 1999. She was working as a househelp[er] at the house of Betty Luna when she was summoned by appellant to come to their house. When she arrived home, her siblings were again ordered by appellant to leave their house. He started kissing her and removed their clothes. Subsequently, he inserted his penis into her vagina and made the push-pull movement. She likewise noticed the whitish substance as before. Her mother was also out at that time.^[7]

On June 9, 2000, the trial court promulgated its judgment of conviction in all four (4) cases, the decretal part of which reads:

WHEREFORE, by virtue of accused's judicial confession of GUILT, the Court finds him guilty beyond reasonable doubt for the felony of RAPE as amended by R.A. 7659 and R.A. No. 8353 on four (4) counts and in

conformity with law and appreciating the attendant aggravating qualifying circumstance of:

"When the victim is under eighteen (18) years of age and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common law spouse of the parent of the victim"

the Court hereby sentences accused ROMEO MANLUCTAO to suffer the CAPITAL penalty of DEATH in each of the four cases.

The accused is ordered to pay the minor-victim the amount of P200,000 as moral damages and costs.

Let the complete records of the above cases be forwarded to the Honorable Supreme Court for automatic review.

The Bureau of Jail Management and Penology, Dagupan City District Office is ordered to commit the person of the accused to the National Penitentiary, Muntinlupa, Metro Manila immediately without any unnecessary delay.

SO ORDERED.^[8]

Hence, this automatic review, wherein appellant raises a lone error:

THE TRIAL COURT ERRED IN IMPOSING THE DEATH PENALTY DESPITE THE ABSENCE OF ANY QUALIFYING CIRCUMSTANCE IN THE INFORMATIONS.^[9]

The issue presented concerns the propriety of the death penalty imposed by the trial court upon appellant in each of the four (4) counts of rape. However, priorly we must also inquire if the guilt of the appellant has been sufficiently proved beyond reasonable doubt in every case. Then the propriety of every death sentence imposed upon appellant must also be scrutinized. For an appeal or automatic review in a criminal proceeding throws the whole case open for review, and it is the duty of the reviewing court to correct errors as it may find in the lower court's judgment, regardless of whether it is assigned as an error or not.^[10]

Incestuous rape is a psycho-social deviance that inflicts stigma, not only on the victim but on the entire family as well.^[11] It is, therefore, highly improbable for a young girl with no record of sexual perversity to file charges of serial rape against her very own father, which are so humiliating not only to herself, but also to her family, if said charges were untrue. Hence, a rape victim's testimony as to who abused her is credible where she has absolutely no motive to incriminate and testify falsely against the accused^[12] and provided said testimony is candid, spontaneous, and straightforward.^[13]

In these cases, the trial court gave full credence to complainant's testimony. We find on record that in three of the four cases, *i.e.* Criminal Cases Nos. 2000-0125-D, 2000-0126-D, and 2000-0128-D, private complainant testified as to the sexual

abuses she suffered at appellant's hands in a clear, detailed, and categorical manner. Private complainant reveals in her testimony how her chastity was defiled by appellant. Her willingness to face police investigation and undergo a humiliating public trial speaks eloquently to the truth of her complaints. As previously held by this Court, a rape victim's testimony against her father is entitled to much credibility since respect for elders is deeply ingrained in Filipino children and is even recognized by law.^[14] Thus, we agree with the trial court that the private complainant's testimony alone, having satisfied the test of credibility and sincerity, is sufficient basis for appellant's prosecution and conviction^[15] in Criminal Cases Nos. 2000-0125-D, 2000-0126-D, and 2000-0128-D. A person accused of a crime may be convicted, not on the number of witnesses against him, but on the credibility of even one witness who is able to prove his guilt beyond a shadow of doubt.^[16]

While the OSG concedes that in the three other cases under review evidence sufficiently supports the conviction of appellant, the OSG contends that in Criminal Case No. 2000-0127-D, the prosecution failed to prove sufficiently appellant's guilt. The OSG calls our attention to the fact that the private complainant merely testified that appellant abused her on August 12, 1997, without giving further details as to the alleged ravishment. The OSG argues that appellant's conviction in this particular case cannot be made to rest solely on his plea of guilt.

The Court, however, finds that on record the elements of rape on August 12, 1997, have been sufficiently established. The gravamen of the offense of rape is carnal knowledge of a woman against her will or without her consent.^[17] In Criminal Case No. 2000-0127-D, the victim testified that appellant abused her on said date, thus:

PROS. MANAOIS:

Q: To refresh your mind, you said that the first date was on October 15, 1996 and the second time was October 22, 1996, when was the next time or third time?

A: That was August 12, 1997 when I have just given birth, sir.

Q: What [was] that date again when you gave birth to your child Evangeline?

A: August 2, 1997, sir.

Q: And you are now telling us your father abused you after ten (10) days [from] giving birth that is August 12, 1997?

A: Yes, sir.

Q: Where did you give birth?

A: In our house, sir.

Q: You are referring to your house in Brgy. Ventinilla?

A: Yes, sir.

Q: After giving birth on August 2, 1997 where did you stay?

A: In Villasis, Pangasinan, sir.

Q: How about on August 12, 1997, where were you?

A: I was in our house, sir.