

EN BANC

[G.R. Nos. 144523-26, June 10, 2003]

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. FLORENTINO QUIJANO SR., APPELLANT.

DECISION

PANGANIBAN, J.:

To prove the commission of rape, the prosecution must establish facts that clearly show all the elements of the crime. Testimonies that the complainant was "abused" or "raped" are insufficient, because these are mere conclusions. Witnesses testify on what the facts are; judges, on the other hand, draw conclusions or judgments from the established facts.

The Case

For automatic review before this Court is the June 21, 2000 Decision^[1] of the Regional Trial Court (RTC) of Bauang, La Union (Branch 67) in Criminal Case Nos. 2261-2264, finding Florentino Quijano Sr. guilty beyond reasonable doubt of four (4) counts of rape. The decretal portion of the Decision reads:

"WHEREFORE, judgment is hereby rendered:

"a) finding the accused, Florentino Quijano, Sr. guilty of the crime of Rape beyond reasonable doubt in Criminal Case No. 2261;

"b) finding the accused, Florentino Quijano, Sr. guilty of the crime of Rape beyond reasonable doubt in Criminal Case No. 2262;

"c) finding the accused, Florentino Quijano, Sr. guilty of the crime of Rape beyond reasonable doubt in Criminal Case No. 2263;

"d) finding the accused, Florentino Quijano, Sr. guilty of the crime of Rape beyond reasonable doubt in Criminal Case No. 2264;

"e) hereby sentencing Florentino Quijano, Sr. the penalty of death in each count;

"f) ordering Florentino Quijano, Sr. to indemnify Leah Quijano in the sum of P100,000.00 as moral damages, without subsidiary imprisonment in case of insolvency; and

"g) ordering Florentino Quijano, Sr. to indemnify Leah Quijano the sum of P50,000.00 as civil indemnity for each count of rape."^[2]

Four similarly worded Informations^[3] charged appellant with rape as follows:

"That on or about and sometime in 1994, in the Municipality of Bauang, Province of La Union, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused by means of force and intimidation and actuated by lust, did then and there willfully, unlawfully and feloniously have sexual intercourse with his daughter LEAH QUIJANO an 18 year old girl against her will and consent, to the damage and prejudice of the offended party."^[4]

With the assistance of his counsel,^[5] appellant pleaded not guilty during his arraignment on October 13, 1999. In due course, he was tried and convicted of four counts of qualified rape.

The Facts

Version of the Prosecution

The Office of the Solicitor General (OSG) summarizes the evidence for the prosecution in this wise:

"At the time she testified in 2000, Leah Quijano (private complainant, for brevity) was 18 years old.

"From 1994 to 1996, private complainant was residing in Acao, Bauang, La Union with her mother Lucia, sister Florita, and eight (8) brothers. During this period, private complainant was abused more or less five times a week in the single bedroom of their house by her father, Florentino Quijano, Sr.

"Private complainant told her mother that appellant repeatedly ravished her, but the latter was not able to do anything since she was afraid of him. Even her brothers and her sister Florita knew of the incidents of rape. She noted that there were times when Florita and her brothers were about to enter the room, appellant and private complainant had just left and private complainant was crying.

"Private complainant did not inform other people about the repeated sexual abuse by her father for fear of appellant. When the incidents of rape took place, x x x Lucia was at the market, Florita was working, while her brothers were sent out by her father. Appellant would pull private complainant who could not resist because of fear. Every time she was abused by appellant, private complainant just cried. During the times when Florita was at home, she noted that `everytime (private complainant) went out from the room, she was crying and she (Florita) asked her and she (private complainant) confided to (Florita) that she (private complainant) was raped by (appellant).'

"The last rape incident occurred on May 28, 1999 when appellant abused private complainant on the wooden bed in their room. Florita, who was herself abused by appellant, escaped from their residence and went to Philex, San Fernando City, where she worked. On June 12, 1999, private

complainant followed her.

"Florita confided the rape incidents involving private complainant to her co-workers who convinced her to file a case. With the help of a neighbor from Acao, Bauang, La Union, the incidents were reported to the police.

"Dr. Anne Nerissa S. Sanchez, a[n] obstetrician-gynecologist, examined private complainant at the Ilocos Training and Medical Center. Dr. Sanchez embodied her findings in a Medical Certificate which reads, in part:

` PELVIC EXAMINATION:

` Genitalia: x x x

` Hymen — with incomplete, healed laceration at the 10 & 2 o'clock positions.'"[6]

Version of the Defense

Appellant relates his version of the facts in this manner:

"For the defense, the accused was presented to testify and the following were adduced from his testimony, to wit:

"Florentino Quijano, Sr., 49 years old, married[,] welder and a resident of Baccuit Sur, Bauang La Union. He testified that there is no truth to the charges of four (4) counts of Rape filed by his daughter Leah against him. In the whole year of 1994, he was with his family at Acao, Bauang, La Union x x x there was no complaint or rape case filed against him as far as he can recall. In said year, his daughter Leah remains in their residence. She was still studying at that time and is free from leaving their residence anytime she wants to. In the year 1994, there was no instance wherein he quarreled with his wife nor any unusual incident that happened in their residence. He usually leave their residence for work at 7:00 o'clock in the morning and arrives at 7:00 o'clock in the evening and usually watched TV at night. In the succeeding years up to 1998, nothing unusual happened nor was there any complaint for rape filed against him by his daughter and during all those years from 1994 to 1998, there was no problem in the family and their relationship was harmonious.

"Accused further testified that in the year 1999 specifically on May 28, 1999, he was working with the B & J Angeles Lumber, [he left] their house at 7:00 o'clock in the morning and arrived home at 9:00 o'clock in the evening because he had an overtime work. When he arrived at home, his family (wife and children) were there. There was no unusual incident that happened particularly in the night of May 28, 1999. It was only when he was arrested in June 22, 1999 that he learned of the four (4) counts of rape filed by [his] daughter against him.

"He further testified that between May 28 to June 22, 1999, [his]

daughter Leah asked permission from his wife to attend a dance party and never came back. They looked for her but to no avail, but he was told by his wife that Leah might have gone to her elder sister's place who was boarding then at San Fernando City. There was no truth to the allegations of his daughter Leah when she testified that he began raping her when she was still only seven (7) years old, because at that time he was assigned to different places. There is no truth also that he raped his other daughter Florita because she grew up with her grandmother and stayed with them only when she was already in high school. There is no truth as to the testimony of his wife that she was afraid of him because for all those twenty five (25) years that they have been living together, he never laid his hands on her. He denied having done those four (4) cases of rape filed against him. He does not know of any reason why his daughter filed those cases against him, except that he was very strict that he does not allow his daughter to attend dance parties and gatherings and another was that when Leah asked him that she wants to continue her studies and enroll in Hotel Restaurant Management, he told her to enroll the following year as he could not afford to send her to school, and he believed that some friends of his daughter might have coached her to file these cases against him."^[7]

Ruling of the Trial Court

The RTC found no indication of falsehood in the testimony of Leah Quijano. Although her allegations of sexual abuse lacked details, the trial court held that this deficiency did not destroy her credibility. It ruled that the guilt of the accused had been established beyond reasonable doubt by the testimonies of complainant, her sister and her mother; as well as by the results of her physical examination.

Hence, this automatic review before us."^[8]

The Issues

Appellant assigns the following errors for our consideration:

"I

The trial court erred in finding accused-appellant guilty of four (4) counts of rape in Criminal Cases Nos. 2261, 2262, 2263 and 2264 despite the fact that the evidence presented by the prosecution are insufficient to prove the guilt of accused beyond reasonable doubt.

"II

The trial court erred in sentencing accused-appellant to death for the crime charged in Criminal Cases Nos. 2261, 2262, 2263 and 2264."^[9]

In sum, the main issue is whether the prosecution's evidence sufficiently established appellant's guilt beyond reasonable doubt.

The Court's Ruling