

## SECOND DIVISION

[ G.R. No. 125689, October 23, 2003 ]

**THE PEOPLE OF THE PHILIPPINES, APPELLEE, VS. ANTONIO SATIOQUIA, APPELLANT.**

### DECISION

**CALLEJO, SR., J.:**

This is an appeal from the Decision<sup>[1]</sup> of the Regional Trial Court of Albay, Branch 12, convicting appellant Antonio Satioquia of two counts of rape, and sentencing him to *reclusion perpetua* for each count.

#### The Indictment

The appellant was charged with rape in two separate Informations docketed as Criminal Case Nos. 3323 and 3324, respectively. The accusatory portion of the Information in Criminal Case No. 3323 reads:

That in the year 1992 and subsequently thereafter, at Barangay [REDACTED], Municipality of [REDACTED], Province of [REDACTED], Philippines and within the jurisdiction of the Honorable Court, the above-named accused with lewd design, having carnal knowledge of a woman who is a minor and by using force and intimidation did then and there willfully, unlawfully and feloniously embraced, forcibly lie down and raped the herein victim, AAA for many times as shown in the hereto attached Medical Certificate mark[ed] as Annex "A" and made an integral part of this complaint, to the damage and prejudice of the victim to the Court may decide.

That the accused is her stepfather and an incumbent Barangay Kagawad.

ACT[S] CONTRARY TO LAW.<sup>[2]</sup>

The accusatory portion of the Information in Criminal Case No. 3324 reads:

That in the year 1992 and subsequently thereafter, at Barangay [REDACTED], Municipality of [REDACTED], Province of [REDACTED], Philippines and within the jurisdiction of the Honorable Court, the above-named accused with lewd design, having carnal knowledge of a woman who is a minor and by using force and intimidation did then and there willfully, unlawfully and feloniously embraced, forcibly lie down and raped the herein victim, AAA for many times as shown in the hereto attached Medical Certificate mark[ed] as Annex "A" and made an integral part of this complaint, to the damage and prejudice of the victim to the Court may decide.

That the accused is her stepfather and an incumbent Barangay Kagawad.

ACT[S] CONTRARY TO LAW.<sup>[3]</sup>

The appellant, assisted by counsel, was arraigned in both cases and entered a plea of not guilty.<sup>[4]</sup>

### **The Evidence of the Prosecution**

When Antonio Satioquia and [REDACTED], a widow, started living together as husband and wife in Barangay [REDACTED], [REDACTED]'s eldest child from her first marriage, vehemently objected. [REDACTED] left Barangay [REDACTED] and worked as a farmer in Sta. Cruz, Laguna. His siblings AAA, [REDACTED], [REDACTED] and [REDACTED] remained with their mother.

AAA was barely five years old then and Antonio was very strict with her. He would not even allow AAA to go to the store alone. Antonio brought AAA along with him to their *kaingin* in the mountains when he went there to till the land. AAA and her sister [REDACTED] slept with [REDACTED] and Antonio, while her siblings [REDACTED] and [REDACTED] slept in the sala.

At about 2:00 p.m. in May 1992, AAA, who was by then fifteen years old, was asleep in the bedroom. She was startled when she felt someone undressing her. She opened her eyes and saw Antonio, with only his underwear on, holding a bolo with his left hand. He was taking off her pants and t-shirt with his right hand. AAA struggled, pushing Antonio away with her hands and feet. Antonio put his bolo down, and lay on top of her. AAA wanted to shout but because Antonio was covering her mouth with his left hand, she could not do so. He kissed her on her lips and face. AAA tried in vain to stand up. Antonio then inserted his penis into her vagina.

After satiating his evil desire, Antonio stayed in the room and rested for two hours. AAA wanted to run away, but Antonio prevented her from doing so. Thereafter, Antonio again inserted his penis into her vagina. Antonio warned her that if she told anyone what he had just done to her, he would kill her and her family.

After that first harrowing incident, Antonio raped AAA at least twice a month. Because she feared for her life and that of her family, AAA kept her ordeal to herself.

At around 8:00 p.m. in August 1994, AAA and Antonio were alone in the house. AAA's mother and her siblings went to Pantao, Libon, to buy things in the market. Antonio was armed with his bolo when he again inserted his penis into her vagina. He again warned AAA not to reveal to her mother what he did to her, otherwise, he would kill all of them. At about 9:00 a.m., [REDACTED] and her children returned from Libon.

In the meantime, [REDACTED] was informed that Antonio had been raping AAA. [REDACTED] forthwith went to Oas and confronted his sister. She admitted that Antonio had been raping her for so many times already. [REDACTED], together with AAA, went to Municipal Health Officer Dr. Lyndon Jose R. Realuyo who conducted a genital examination on AAA. Dr. Realuyo issued a medical certificate which contained the following findings:

#### **Pertinent Physical Findings:**

External Examination: Normal looking external genitalia.

There is no gross physical findings except for whitish, mucoid vaginal discharge.  
Speculum Examination: Hymen is corrugated, no physical signs of abrasions nor lacerations nor hyperemia of the hymen and the vaginal wall. Whitish, mucoid discharge on the vaginal wall.<sup>[5]</sup>

On August 14, 1994, AAA signed two criminal complaints for rape against Antonio and gave a sworn statement to the police authorities.<sup>[6]</sup> [REDACTED], likewise, executed an affidavit.<sup>[7]</sup> Over Antonio's objection, [REDACTED] brought AAA to Laguna.

### **The Evidence of the Accused**

Antonio testified that the charges filed against him were instigated by [REDACTED], who wanted to bring AAA to Laguna over his vehement objection. [REDACTED] threatened to file a case against him if he opposed his taking custody of AAA. Antonio further testified that he and [REDACTED] had been living as husband and wife for fourteen years already, since AAA was five years old. He and [REDACTED] had no child of their own. Antonio averred that AAA, as the chairman of the *Sangguniang Kabataan* in their area, could freely move around the barangay. He pointed out that despite her claim that he had been raping her since 1992, she failed to report any of the incidents to the police authorities.

[REDACTED] corroborated Antonio's testimony. She claimed that she was with AAA when the latter was brought to the police station. When asked by the police investigator, AAA denied that she was raped by Antonio, and AAA did not even want to be examined by a doctor. According to [REDACTED], her daughter even cried and held on to the door when she was being forced to be examined. [REDACTED] also stated that she testified for Antonio since there was no truth to the charges against him.

On September 29, 1985, the trial court rendered judgment against Antonio. The decretal portion of the decision reads:

WHEREFORE, premises considered, finding the guilt of the accused ANTONIO SATIOQUIA, beyond reasonable doubt, he is hereby sentenced to suffer the penalty of Reclusion Perpetua twice (2) and to suffer the accessory penalties provided for by law and to indemnify the aggrieved party the total amount of One Hundred Thousand (P100,000.00) Pesos as moral and exemplary damages.

No costs.

SO ORDERED.<sup>[8]</sup>

On appeal, the appellant avers that AAA's testimony is incredible and is barren of probative weight. She failed to report to the police authorities that the appellant had raped her as early as May 1992 and on to August 1994. She could have easily reported the incident to the police authorities considering that she was a *Sangguniang Kabataan* chairperson.

The appeal is not meritorious.