

EN BANC

[G. R. Nos. 145523-24, December 11, 2003]

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. EDUARDO RATA Y BAGAMENTO, APPELLANT.

DECISION

CARPIO, J.:

The Case

Before this Court for automatic review is the Decision^[1] dated 2 August 2000 of the Regional Trial Court of Malabon, Branch 170 ("trial court"), in Criminal Case Nos. 18752-MN and 18753-MN. The trial court found Eduardo Rata y Bagamento ("appellant") guilty of two counts of qualified rape and sentenced him to suffer the death penalty for each count of rape and to indemnify the victim.

The Charges

In Criminal Case No. 18752-MN, the Information charged appellant with the crime of rape as follows:

That on or about the 23rd day of October, 1997, in the Municipality of Malabon, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, being then the father of AAA, with lewd design by means of force, violence and intimidation, willfully, unlawfully and feloniously did then and there have sexual intercourse with said AAA, who is under 18 years of age against her will and without her consent.

CONTRARY TO LAW.^[2]

In Criminal Case No. 18753-MN, the Information likewise charged appellant with the crime of rape as follows:

That on or about the 25th day of December, 1996, in the Municipality of Malabon, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, being then the father of AAA, with lewd design by means of force, violence and intimidation, willfully, unlawfully and feloniously did then and there have sexual intercourse with said AAA, who is under 18 years of age against her will and without her consent.

CONTRARY TO LAW.^[3]

Arraignment and Plea

When arraigned on 25 June 1998, appellant, with the assistance of his counsel *de parte*, entered a plea of not guilty.^[4]

The Trial

Version of the Prosecution

The prosecution presented three witnesses: (1) complainant AAA ("AAA"); (2) Dr. Tomas Suguitan of the Medico-Legal Division of the Philippine National Police ("PNP") Crime Laboratory, who conducted the physical examination on AAA; and (3) social worker Luz de Guzman.

In the People's Brief, the Solicitor General summarized the prosecution's version of the incident as follows:

At around 3:00 a.m. of December 25, 1996, AAA was in their house in Letre, Malabon, Metro Manila with her father, appellant herein, when the latter made her lie down. Appellant undressed her and thereafter undressed himself. Appellant subsequently inserted his penis into AAA's vagina and made some thrusting movements. After a while, appellant withdrew himself and ended AAA's horrifying ordeal.

On October 23, 1997, AAA was again ravaged by appellant under the same conditions as the first rape on December 25, 1996. This time, however, appellant satisfied his lust a little longer, at the same time threatening AAA with death if ever the latter would report to anyone what had transpired between them. Unable to bear her painful experience at the hands of her very own father, AAA reported the incidents to her neighbor, Josie, who accompanied her to the authorities. Her statement to the police led to the institution of the present charges against appellant (Ibid., pp. 4-5).^[5]

Dr. Tomas Suguitan testified that he conducted the physical examination on AAA and prepared the corresponding medico-legal report.^[6] The report reads:

FINDINGS:

GENITAL AND EXTRAGENITAL:

Fairly developed, fairly nourished and coherent female subject. Breasts are hemispherical with pale brown areola and nipples from which no secretions could be pressed out. Abdomen is flat and soft.

GENITA[L]:

There is moderate growth of pubic hair. Labia majora are full, convex and coaptated with the pinkish brown labia minora presenting in between. On separating the same disclosed an elastic, fleshy-type hymen with complete healed laceration at 3 o'clock and deep healed lacerations at 8 and 10 o'clock positions. External vaginal orifice offers moderate resistance to the introduction of the examining index finger.