

## FIRST DIVISION

[ G.R. Nos. 148424-27, December 11, 2003 ]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. DANILO CARAANG,  
VIRGILIO CANLAS JR., MANNY BELAGOT (AT LARGE), ROLANDO  
REBOTA (AT LARGE) AND FOUR JOHN DOES (AT LARGE),  
ACCUSED,**

**DANILO CARAANG, APPELLANT.**

### DECISION

**PANGANIBAN, J.:**

Even if appellant is guilty of two counts of forcible abduction with rape, he cannot be sentenced to death because the crimes happened in 1990, prior to the effectivity of the Death Penalty Law. Nonetheless, the *civil liabilities* to be awarded should be equal to those prescribed for crimes committed under circumstances that would have justified the imposition of death, had they been committed after the effectivity of RA 7659. Indeed, the Civil Code, which governs civil liabilities, has been in effect since 1950 and is thus applicable to the herein factual environment.

### The Case

Danilo Caraang appeals the November 24, 2000 Decision<sup>[1]</sup> of the Regional Trial Court (RTC) of San Jose City, Nueva Ecija, (Branch 39), in Criminal Case Nos. C-14(91), C-15(91), C-16(91) and C-17(91). The RTC convicted him, together with Virgilio Canlas Jr., of the complex crime of abduction with rape, two counts of rape and one count of acts of lasciviousness. They were sentenced to *reclusion perpetua* for each of the first three crimes; and imprisonment of four (4) years, two (2) months, one (1) day to six (6) years of *prision correccional* for the last.

The decretal portion of the RTC Decision reads as follows:

"WHEREFORE, in view of the foregoing, judgment is hereby rendered finding accused Danilo Caraang and Virgilio Canlas, Jr. GUILTY beyond reasonable doubt -

"(1) In Criminal Case No. C-14(91), of the complex crime of Abduction with Rape, and are hereby

(a) sentenced to suffer Reclusion Perpetua;

(b) ordered to pay jointly and severally Vanelyn Flores, P50,000.00 as compensatory damages; P50,000.00 as moral damages; and P50,000.00 as exemplary damages;

"(2) In Criminal Case No. C-15(91), of the crime of Rape, and are hereby

(a) sentenced to suffer Reclusion Perpetua;

(b) ordered to pay jointly and severally Lorna Salazar, P50,000.00 as compensatory damages; P50,000.00 as moral damages; and P50,000.00 as exemplary damages;

"(3) In Criminal Case No. C-16(91), of the crime of Rape, and are hereby

(a) sentenced to suffer Reclusion Perpetua;

(b) ordered to pay jointly and severally Vanelyn Flores, P50,000.00 as compensatory damages; P50,000.00 as moral damages; and P50,000.00 as exemplary damages; and

"(4) In Criminal Case No. C-17(91), of the crime of Acts of Lasciviousness, and are hereby

(a) sentenced to suffer imprisonment of Four (4) years, Two (2) months, One (1) day to Six (6) years of prision correccional;

(b) ordered to pay jointly and severally Lorna Salazar, P20,000.00 as compensatory damages and P10,000.00 as moral damages."<sup>[2]</sup>

Second Assistant Provincial Prosecutor Ubaldino A. Lacurom charged appellant and his co-accused in the following criminal Informations:

**In Criminal Case No. C-14(91)**

"That on or about the 10<sup>th</sup> day of November, 1990, in the Municipality of Carranglan, Province of Nueva Ecija, Philippines and within the jurisdiction of the Honorable Court, the above-named accused, conspiring, confederating and helping one another did then and there abduct, take and carry away with lewd design and by means of force and intimidation, Vanelyn Flores to an uninhabited grassy upland five hundred (500) meters away and there and then, conspiring and confederating together, and by means of force and intimidation, said accused have sexual intercourse with her against her will.

"That as a consequence of the commission of the crime, Vanelyn Flores sustained actual, moral and consequential damages in the amount of P100,000.00."<sup>[3]</sup>

**In Criminal Case No. C-15(91)**

"That on or about the 10<sup>th</sup> day of November, 1990, in the Municipality of Carranglan, Province of Nueva Ecija, Philippines and within the jurisdiction of the Honorable Court, the above-named accused, conspiring, confederating, and helping one another did then and there abduct, take and carry away with lewd design and by means of force and intimidation, LORNA SALAZAR to an uninhabited grassy upland five hundred (500) meters away and there and then, conspiring and confederating together, and by means of force and intimidation, said accused have sexual intercourse with her against her will.

"That as a consequence of the commission of the crime, Lorna Salazar sustained actual, moral and consequential damages in the amount of P100,000.00."<sup>[4]</sup>

#### **In Criminal Case No. C-16(91)**

"That on or about the 10<sup>th</sup> day of November, 1990, in the Municipality of Carranglan, Province of Nueva Ecija, Philippines and within the jurisdiction of the Honorable Court, the above-named accused, conspiring, confederating, and helping one another did then and there abduct, take and carry away with lewd design and by means of force and intimidation, Vanelyn Flores to an uninhabited grassy upland five hundred (500) meters away and there and then, conspiring and confederating together, and by means of force and intimidation, said accused have sexual intercourse with her against her will.

"That as a consequence of the commission of the crime, Vanelyn Flores sustained actual, moral and consequential damages in the amount of P100,000.00."<sup>[5]</sup>

#### **In Criminal Case No. C-17(91)**

"That on or about the 10<sup>th</sup> day of November, 1990, in the Municipality of Carranglan, Province of Nueva Ecija, Philippines and within the jurisdiction of the Honorable Court, the above-named accused, conspiring, confederating, and helping one another did then and there abduct, take and carry away with lewd design and by means of force and intimidation, LORNA SALAZAR to an uninhabited grassy upland five hundred (500) meters away and there and then, conspiring and confederating together, and by means of force and intimidation, said accused have sexual intercourse with her against her will.

"That as a consequence of the commission of the crime, Lorna Salazar sustained actual, moral and consequential damages in the amount of P100,000.00."<sup>[6]</sup>

On April 1, 1991, the trial court issued a Warrant of Arrest<sup>[7]</sup> against all the accused. Appellant and Canlas Jr. were arrested and detained at the Nueva Ecija Philippine National Police (PNP) Company Headquarters,<sup>[8]</sup> but all the others remained at large. When arraigned on June 18, 1991, the two, assisted by their

counsel *de parte*,<sup>[9]</sup> pleaded not guilty after the Informations had been read and explained to them in a language that they fully understood.<sup>[10]</sup> Trial on the merits ensued. Since there were common witnesses and the acts complained of arose from the same incident, the cases were consolidated and tried jointly.<sup>[11]</sup> Thereafter, the lower court promulgated its assailed Decision. Counsel for appellant then filed the Notice of Appeal<sup>[12]</sup> on January 22, 2001.

## **The Facts**

### **Version of the Prosecution**

In its Brief,<sup>[13]</sup> the Office of the Solicitor General (OSG) narrates the factual antecedents of the case as follows:

"About 11 o'clock on the night of November 10, 1990, the group of Vanelyn Flores, Lorna Salazar, Angeline Flores, Jona Ampil, Gina Canzon, Froilan Galamay, Jimmy Pascual and Tirso Ganzon were on their way home to Sitio Abibeg, Gen. Luna, Carranglan, Nueva Ecija. The group had just attended a `bangsal-bangsal' or a pre-nuptial dance at Barangay Dipaan, Car[r]anglan, Nueva Ecija.

"The moon [had] just begun to rise, and the road they were traversing was quite dark. Reaching the boundary of Abibeg and Dipaan, the group was accosted by two (2) armed men. Brandishing their guns, the men ordered the group to follow them. The two (2) armed men wore bonnets. However, Vanelyn Flores recognized one of them as appellant Danilo Caraang, having known him for a long time since they were neighbors in the same barangay and because of the peculiar way he walked and stood. Jimmy Pascual likewise recognized the two armed men as appellant Danilo Caraang and Virgilio Canlas.

"The group was forced to walk through rice paddies till they reached an uninhabited and grassy place near a creek or `parang,' approximately 500 meters away from the place where they were waylaid.

"Upon reaching the `parang,' the armed men ordered the female members of the group to sit down while the male members were ordered to lie on the ground face down.

"Vanelyn Flores was the first female removed from the group by appellant. She knew that it was appellant who grabbed her hand and who pulled her to a nearby creek about 50 meters away. There, Vanelyn saw another man waiting.

"All of a sudden, appellant poked his gun on Vanelyn's temple and ordered her to remove her pants. Vanelyn became terrified and cried. Appellant forced her to lie down on the ground. He repeated his order that she remove her pants. Vanelyn, however, refused. This prompted appellant's companion to grab both of Vanelyn's hands. As Vanelyn was immobilized, appellant succeeded in removing her pants and underwear. Thereafter, appellant removed his pants, mounted Vanelyn and had

sexual intercourse with her. Vanelyn felt excruciating pain.

"By then, the place was well-illuminated by moonlight. The moment appellant removed his bonnet, Vanelyn saw that her rapist was indeed appellant Danilo Caraang. Vanelyn was sexually abused by appellant for more than 15 minutes, after which she was returned to their group.

"After an hour, Vanelyn was again forcibly brought by appellant to the nearby creek. Vanelyn was made to lie down by appellant who poked his gun at her. Petrified with fear, Vanelyn could not resist as appellant's companion removed her underwear and her pants. Then appellant's companion mounted her and sexually abused her. Vanelyn again cried because of terrible pain. After appellant's companion had satisfied his lust, appellant returned Vanelyn to the group. He approached Lorna Salazar and forced her to go with him.

"Lorna Salazar was first blindfolded and then brought to a place away from the group. She was turned over to a man who removed the cover from her eyes. Lorna saw [that] the man [was] wearing a bonnet.

"The man ordered Lorna to remove her pants but she fought back. Thus, he kicked Lorna hard in the abdomen which caused her to lose consciousness. When she regained consciousness, Lorna felt weak and dizzy. She also saw that she was naked. The man who raped her ordered her to put on her pants. Thereafter, she was returned back to the group.

"Subsequently, two other companions of appellant, who were also armed, took Lorna Salazar away from the group. They also wanted to rape her. However, as the men were starting to remove her clothes, Lorna cried and pleaded for mercy. The two men relented. One of them asked Lorna to give him a kiss mark instead. As he prepared to be kissed, the man removed his bonnet. Lorna was able to identify him as Manny Belagot. Then she was returned to the group.

"Around 4 o'clock in the morning, the group was released at the place where they were abducted. Before departing, the armed men threatened the group thus `pag nagsumbong kayo, papatayin naming kayo lahat.'

"Vanelyn Flores and her sister Angeline, together with Lorna Salazar, arrived at their house crying. They narrated to Vanelyn's parents all about the incident. Immediately, Vanelyn was brought by her parents to San Jose City, where she was examined by Dr. Rolando Valencia. Dr. Valencia reported the following findings:

`First, Erymetamous vulva meaning the vulva was reddish. Vulva is the external part of the female organ. Then, there was slight abrasion on the vaginal fourchette. Meaning, there was an abrasion in the fourchette. If you will spread the vagina of a woman, the portion that you will see is the fourchette and in the lower portion thereof was the abrasion. My third findings is: Hymenal laceration with sharp edges at 3