

## THIRD DIVISION

**[ G.R. No. 135850-52, January 16, 2001 ]**

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
SANTOS MIRAFUENTES Y CAHIYANG, ACCUSED-APPELLANT.**

### DECISION

**VITUG, J.:**

For review is the decision of the Regional Trial Court ("RTC"), xxx, in Criminal Cases No. 5090, No. 5091 and No. 5092, finding the accused therein, Santos Mirafuentes y Cahiyang, guilty of RAPE on three counts.

The complaints for rape brought against Santos Mirafuentes before the RTC read:

"Criminal Case No. 5090-0

"That sometime in November 1996, in the morning, at xxx and within the jurisdiction of this Honorable Court, the above-named accused, SANTOS MIRAFUENTES y Cahiyang, by means of violence and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of the complainant AAA – a 16 year old lass, against her will." [1]

"Criminal Case No. 5091-0

"That sometime in the first week of October 1996, at about 10:00 o'clock in the morning, more or less, at xxx and within the jurisdiction of this Honorable Court, the above-named accused, SANTOS MIRAFUENTES y Cahiyang, by means of violence and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of the complainant AAA – a 16 year old lass, against her will." [2]

"Criminal Case No. 5092-0

"That sometime in the first week of October 1996, in the morning, at xxx and within the jurisdiction of this Honorable Court, the above-named accused, SANTOS MIRAFUENTES y Cahiyang, by means of violence and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of the complainant AAAe - a 16 year old lass, against her will." [3]

When arraigned, the accused entered a plea of not guilty to each of the offenses charged. The cases were consolidated for a joint trial.

The evidence for the prosecution, coming mainly from the testimony of private complainant AAA, depicted a factual scenario that in the mind of the court a quo

sufficed to warrant a judgment of conviction which it thereby decreed.

AAA, born on 05 February 1981, is 4 feet and 9 inches in height and slightly stocky in built. She has reached only Grade III level in the elementary school. She and her five brothers and sisters reside with their parents, BBB and CCC, at xxx. The family dwelling, located just a few meters from the national road, is a medium-sized hut, with G.I. sheets roofing and walling made of bamboo slats. The backyard is planted with ornamental plants. Adjacent to their house is that of Santos Mirafuentes. It is also a medium-sized hut but built with hollow blocks walls and iron grill windows. The distance between the two houses is approximately 20 meters, and in between is a high fence. In front of both houses is a farm lot planted with sugarcane and coconut trees owned by Concepcion Pelaez Tan.

Sometime during the first week of October 1996, about ten o'clock in the morning, AAA was asked by her mother, CCC, to get empty bottles of "Coke" from the house of AAAs grandmother EEE located farther away from the national road, going towards the interior part of the area. On the way to her grandmother's house, while under a coconut tree on the pathway towards the side portion of the vacant farm about 100 meters away from their house, AAA suddenly felt somebody hold her by the shoulders. When she glanced back, she saw Santos Mirafuentes who immediately poked a knife on the right side of her neck just below her right jaw. He pulled her towards the middle part of the farm lot, about 50 meters away from the pathway, planted with sugarcane with stalks reaching up to more than six feet in height. She suffered abrasions on her right forearm. Santos forcibly started to undress AAA. While struggling away from Santos, she fell to the ground. He then removed her underwear, promptly mounted her and ultimately succeeded in having carnal knowledge of her. She felt pain as it was her first sexual encounter. She was not able to shout because of fear of Santos who was still holding the knife he had earlier poked at her. Santos warned her not to tell her parents about what had happened. She did not proceed to her grandmother's house and instead went back home, stayed in a room and cried. She did not dare tell anyone of the incident being too fearful that Santos would make good his threat.

Sometime in the second week of October 1996, around ten o'clock in the morning, AAA was again requested by her mother to get empty bottles of softdrink from her grandmother's house. She tried to give an excuse that she was tired but her mother was persistent. She had to oblige. On her way, Santos who appeared to have been laying in wait, poked a knife at her and, like the week before, pulled her towards the middle part of the plantation, only about 7 meters farther from where she was first raped. Despite her struggles, appellant succeeded in having carnal knowledge of her. He again warned her not to tell on him.

The rape incident was repeated a third time in November 1996. It took place under almost the same circumstances as the first two rape incidents about 15 meters farther from the site of the first sexual assault. AAA had a clear memory of the exact spots where she was raped because of a coconut tree stump found during the ocular inspection conducted during the trial of the case.

AAA's fear of revealing the incidents because of the threats on her life by Santos would soon not really matter for, sometime in March 1997 on the way home from the cemetery, her mother CCC noticed that her daughter, looking pale, continued to press her enlarged abdomen. Sensing that something was wrong BBB started asking

questions until AAA finally broke down and admitted that she was "hi[ni]laktan" (translated as molested). Further questioned, she confided that she had been raped ("gilugos") by Santos.

On 03 March 1997, the matter was reported to the police authorities. On 04 March 1997, AAA was physically examined by Dr. Ma. Esperanza Agudo at the xxx District Hospital. The medical findings indicated -

"Hymen – healed lacerations at four o'clock, seven o'clock, eight o'clock, and ten o'clock positions.

"Introitus – nulliparous, admits two (2) fingers freely.

Uterus – enlarged, fundal height – 15-cm.

Pregnancy test – positive

"LMP – October 5, 1996

"AOG – 21 weeks and 2 days" [4]

The case was referred to the Department of Social Welfare and Development ("DSWD") on 22 March 1997 which thereupon took her into its custody assigned under the care of DDD. DDD testified that AAA appeared lowly and isolated during the first week of her stay in the DSWD but after about 2-3 weeks later, she began to open up and relate her sad experience. AAA gave birth while in the custody of the DSWD on 21 July 1997. She was then only 16 years old.

The defense presented witnesses to refute the version given by the prosecution.

Emma Mirafuentes, wife of the accused testified about the numerous misunderstandings, quarrels and disputes between the Mirafuenteses and AAA's family. She talked about the repeated confrontations between the two families held before barangay officials to help establish the ill-motives of the AAA's family in getting AAA to file the three complaints against her husband. She said that during the incidents in question, she and her husband were working in a nearby sugarcane farm daily from early morning until afternoon. Geline Cabali, the overseer of the farm in xxx, confirmed that appellant and his wife were workers thereat. Freddie Mirafuentes, a son of appellant, testified about AAA's bad reputation as a girl, whom he claimed to have engaged in sexual intercourse with even when he was only 10 years old and AAA was only 9. Romeo Gerales, the sugarcane inspector of Concepcion Pelaez Tan who owned the plantation fronting the house of appellant, said that the farm lot was no longer planted to sugarcane after the harvest in June or July 1996. He added, however, that after harvest it would still be possible for sugarcane to still grow in the area.

In his own testimony, Santos Mirafuentes delved only on the damages he claimed to have suffered because of the "malicious charges" against him.

On 01 July 1998, the trial court, after the parties had concluded the presentation of evidence, rendered a Joint Judgment finding the accused guilty under all three complaints. Thus -

"WHEREFORE, all the foregoing duly considered, the Court finds the accused Santos Mirafuentes y Cahiyang guilty beyond reasonable doubt for the three (3) offenses of rape in Criminal Case No. 5091-0, Criminal Case No. 5092-0, and Criminal Case No. 5090-0, as charged therein, and hereby sentences him to suffer the penalty after finding the commission of the offense was attended with the use of a knife deadly weapon, as follows:

"For Criminal Case No. 5091-0

- Imprisonment for forty (40) years of reclusion perpetua, there being neither mitigating nor aggravating circumstances in the commission of the deed (Art. 63 in relation to Art. 335, Revised Penal Code) and despoblado or uninhabited place not being proven as an aggravating circumstance.

"In addition, the accused is penalized to pay the offended party, herein private complainant, the sum of P50,000.00 as indemnity.

"For Criminal Case No. 5092-0

- Imprisonment for forty (40) years of reclusion perpetua, there being neither mitigating nor aggravating circumstances in the commission of the deed (Art. 63 in relation to Art. 335, Revised Penal Code) and despoblado or uninhabited place not being proven as an aggravating circumstance.

"In addition, the accused is penalized to pay the offended party, herein private complainant, the sum of P50,000.00 as indemnity.

"For Criminal Case No. 5090-0

- Imprisonment for forty (40) years of reclusion perpetua, there being neither mitigating nor aggravating circumstances in the commission of the deed (Art. 63 in relation to Art. 335, Revised penal Code) and despoblado or uninhabited place not being proven as an aggravating circumstance.

"In addition, the accused is penalized to pay the offended party, herein private complainant, the sum of P50,000.00 as indemnity.

"Apart from the above indemnities, the accused is hereby penalized to pay the DSWD the sum of P20,000.00 as actual damage.

"If the accused has been detained, the period of detention shall be credited to him in full if he agrees voluntarily in writing to abide by the same disciplinary rules upon convicted prisoners, otherwise, for only four-fifths (4/5) thereof.

"SO ORDERED." [5]