

## THIRD DIVISION

[ G.R. No. 136862-63, March 20, 2001 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
ROLANDO SANTOS, ALIAS "GALMAN", ACCUSED-APPELLANT.**

### D E C I S I O N

**VITUG, J.:**

Accused Rolando Santos, a.k.a. "Galman" was charged with rape on two counts in separate informations that read:

**"CRIMINAL CASE NO. SCC-2854**

"That sometime in the month of April, 1998, at Zone VII, municipality of Bayambang, province of Pangasinan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a knife, by means of force or intimidation, did then and there, willfully, unlawfully and feloniously have sexual intercourse with **STACY CZYRL P. PAGDANGANAN**, a minor of 13 years old against her will and consent and to her damage and prejudice."<sup>[1]</sup>

**"CRIMINAL CASE NO. SCC-2855**

"That on or about May 4, 1998, in the evening, at Zone VII, municipality of Bayambang, Province of Pangasinan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a knife, by means of force and intimidation, did then and there, wilfully, unlawfully and feloniously have sexual intercourse with STACY CZYRL P. PAGDANGANAN, a minor of 13 years old, against her will and consent and to her damage and prejudice."<sup>[2]</sup>

When arraigned in open court, Rolando Santos pled "not guilty" to the indictments.

The prosecution formally presented its evidence on the indictments at the trial held by the court a quo.

Private complainant Stacy Czyrl Pagdanganan, a thirteen-year old lass, decided to spend her summer months in Bayombong, Pangasinan, at the house of her uncle Dante Pagdanganan. Looking forward to her vacation, she finally left for Bayombong on 01 April 1998.

A month later, on 04 May 1998, about 8:30 in the evening, Stacy was inside the bathroom of her uncle's house when the accused suddenly barged into the bathroom, poked a knife at her and then started kissing her. Moments later, the accused removed Stacy's underwear and ordered her to sit on the toilet bowl. He

fingered her private part, then undressed himself and inserted his penis into her vagina. She felt pain. Just at about this time, she heard her uncle Dante calling for her. She was about to respond when the accused promptly covered her mouth, held her hands, and instructed her to wait until after he would have been able to leave the toilet using the rear door. Stacy dressed up and went out of the front door of the comfort room. Her uncle Dante asked why she was with the accused. Stacy, crying, said that she was sexually abused by him.

Dante accompanied Stacy to the Barangay Captain and later to the police station where their statements were taken.

During the investigation, Stacy stated that even prior to the 04th May incident she had likewise been ravished by the accused once during the second week of April 1998 under similar circumstances. Stacy said that she did not reveal the matter to anyone because she was threatened with death, if she did, by the accused. Stacy was brought to the Bayombong District Hospital for medical and physical examination but the laboratory room being already closed by then, she was examined only the following morning.

The accused, in his defense, denying the accusation leveled at him, claimed that in the evening of 04 May 1998, he was, in fact, watching television inside his house together with the family. He admitted that he went out of the house for a little while in order to rub and caress his three fighting cocks following which he forthwith returned passing by the comfort room where the victim said she was abused. He heard Dante then calling for his niece Stacy. The accused asserted that the charges against him were merely concocted by Dante who had an old grudge against him.

On 21 October 1998, the Regional Trial Court, Branch 57, of San Carlos City, Pangasinan, rendered its decision finding the accused guilty of rape, on two counts, committed in the months of April and May 1998. The trial court held:

"WHEREFORE, judgment is hereby rendered as follows:

"1. In Criminal Case No. SCC-2854, the Court finds the accused ROLANDO SANTOS @ 'Galman' guilty beyond reasonable doubt with the crime of rape defined and penalized under Article 335 of the Revised Penal Code as amended by R.A. 7659. Forthwith, the Court hereby sentences him to suffer the penalty of reclusion perpetua. He is ordered to indemnify the offended party in the amount of Fifty Thousand Pesos (P50,000.00). The accused is further ordered to pay the amount of Fifty Thousand Pesos (P50,000.00) as moral damages and Twenty Five Thousand Pesos (P25,000.00) as exemplary damages.

"2. In Criminal Case No. SCC-2855, the Court likewise finds the accused ROLANDO SANTOS @ 'Galman' guilty beyond reasonable doubt with the crime of rape defined and penalized under Article 335 of the Revised Penal Code as amended by R.A. 7659, and is hereby ordered to serve the penalty of reclusion perpetua and to indemnify the offended party the sum of Fifty Thousand Pesos (P50,000.00). The accused is further ordered to pay the amount of Fifty Thousand Pesos (P50,000.00) as moral damages and Twenty Five Thousand Pesos (P25,000.00) as exemplary damages."<sup>[3]</sup>

In his appeal to this Court, accused-appellant asseverated, in his assignment of errors, that -

"1. The trial court erred in not finding that the testimony of private complainant was punctured with material improbabilities, inconsistency and unimaginable situation thereby casting grave doubt on the criminal culpability of the accused-appellant.

"2. The trial court erred in not acquitting accused-appellant of the crime charged notwithstanding the presence of exculpatory physical evidence supporting the same.

"3. The trial court erred in convicting accused-appellant of the crime charged by relying on the weakness of defense evidence rather than on the strength of its evidence."<sup>[4]</sup>

This Court finds no reversible error in the judgment of the trial court appealed from.

Contrary to the claim of accused-appellant, the testimony of Stacy, a girl still in her early teens, has not been punctured with material improbability or inconsistency. The plain and straightforward account given by the private complainant of her harrowing experience can only be but truly reflective of an honest and unrehearsed testimony. Hereunder are excerpts of her testimony.

"A At 8:30 o'clock in the evening I was in the comfort room of the house of my uncle Dante Pagdanganan, sir.

"Q While you were inside the comfort room of your uncle Dante Pagdanganan on May 4, 1998 at about 8:30 o'clock in the evening, do you remember if there was any unusual incident that happened?

"A Yes, sir.

"Q What was that unusual incident?

"A Rolando Santos poked a knife on me, sir. (witness is crying while testifying)

"Q You said that while you were inside the comfort room Rolando Santos poked his knife to you what transpired after that?

"A He kissed me, sir.

"Q Where did he kiss you?

"A In the different parts of my body, sir.

"Q After that what happened next?

" A He removed my underwear and he told me to sit on the toilet bowl, sir.

"Q When Rolando Santos removed your underwear and made you sat down on the toilet bowl what happened next?

" A He inserted his finger on my private part, sir .

"Q And after that what happened next?

" A He undressed himself and he placed himself on top of me, sir.

"Q What did he do when he placed himself on top of you?

" A He inserted his private part to my private part, sir .

"Q What do you mean by private part?

"A His penis was inserted to my vagina, sir.

"Q What did you feel when he inserted his penis to your vagina?

"A It was painful, sir.

"Q What else did he do to you, if any?

"A He told me not to report the matter or else he will kill me, sir.

"Q After he inserted his penis to your vagina, what happened next?

"A He is inserting well, sir.

"Q Was he able to insert well?

"A Yes, sir.

"Q And after that what happened next, if any?

"A My uncle was already calling me, sir.

"Q And what did you do when your uncle was calling you?

"A I was about to answer but he covered my mouth, sir.

"Q How many times did your uncle called for you? "

"A Several times, sir .

"Q Then after that what happened next?

"A Rolando Santos told me he will come out first before I will come out, sir .

"Q And then what happened next?

"A Moments later I dressed myself up and then I went out, sir.

"Q And after you dressed yourself up and went out from the comfort room, what happened next?

"A My uncle asked me why Rolando Santos was inside the comfort room and I was also inside the comfort room, sir.

"Q And what did you tell your uncle?

"A I cried and told to my uncle that I was abused by Rolando Santos, sir.

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"Q You said a while ago that in the month of April 1998 you stayed in the house of your uncle Dante Pagdanganan in Zone VII Poblacion, Bayambang, Pangasinan town, while you were staying at this residence, do you if there is any unusual incident that happened to you?

"A Yes, sir.

"Q What was that unusual incident?

"A I was then inside the comfort room of my uncle Dante Pagdanganan when Rolando Santos poked his knife of me and told me do not shout or else I will kill you.

"Q What time was that when you were inside the comfort room and Rolando Santos entered and poked his knife?

"A Past 8:30 o'clock, sir.

"Q And what happened to you when you were inside the comfort room?

"A He kissed me, sir.

"Q Where did he kiss you?

" A To my different parts of my body, sir .

"Q After he kissed on your different parts of your body and also to your private part, what happened next?

"A He undressed me, sir.

"Q After he undressed you what else happened if any?

"A He made me sat and then he made me lean, sir.

"Q After he made you sat and lean what else happened?