

EN BANC

[G.R. No. 124895, March 01, 2000]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RUBEN DE LOS REYES Y DIOLA, ACCUSED-APPELLANT

D E C I S I O N

PER CURIAM:

For automatic review is the Decision ^[1] of Branch 87 of the Regional Trial Court of Batangas, finding accused-appellant Ruben de los Reyes y Diola guilty of two (2) counts of rape in Criminal Cases Nos. R95-017 and R95-018, for raping his sixteen-year-old daughter, Bernadette de los Reyes, and five (5) counts of rape in Criminal Cases Nos. R95-022 to R95-026, inclusive, for raping his fourteen-year-old daughter, Melanie de los Reyes; and sentencing him as follows:

"WHEREFORE, after a painstaking evaluation of these cases, the laws applicable to the cases at bar, the Court finds the accused RUBEN DE LOS REYES Y DIOLA GUILTY beyond reasonable doubt of seven (7) counts of rape and hereby sentences him as follows:

1. In Criminal Case No. R95-17 to suffer the penalty of death, and to pay the offended party Bernadette de los Reyes moral damages in the amount of P50,000.00;
2. In Criminal Case No. R95-018, to suffer the penalty of RECLUSION PERPETUA, and to pay the offended party Bernadette de los Reyes, moral damages in the amount of P50, 000.00;
3. In Criminal Case No. R95-022, to suffer the penalty of death, and to pay the offended party Melanie de los Reyes, moral damages in the amount of P50,000.00;
4. In Criminal Case No. R95-023, to suffer the penalty of death and to pay the offended party Melanie de los Reyes moral damages in the amount of P50,000.00;
5. In Criminal Case No. R95-024, to suffer the penalty of death, and to pay the offended party Melanie de los Reyes moral damages in the amount of P50,000.00;
6. In Criminal Case No. R95-025, to suffer the penalty of death, and to pay the offended party Melanie de los Reyes moral damages in the amount of P50,000.00; and,

7. In Criminal Case No. R95-026, to suffer the penalty of death and to pay the offended party Melaine de los Reyes moral damages in the amount of P50,000.00.

Pursuant to Republic Act 7659, the death sentence shall be executed with preference, to any other offense and shall consist in putting the person under sentence to death by electrocution.

The death sentence shall be carried out not later than one (1) year after the judgment has become final.

SO ORDERED." [2]

On the basis of the complaints lodged on March 30, 1995 by the complainants, Bernadette de los Reyes and Melanie de los Reyes, with the assistance of their mother, Yolanda R. de los Reyes, the Informations presented by Fourth Assistant Provincial Prosecutors Bella Salva-Gayeta and Juanita G. Areta, indicting the accused-appellant for seven (7) counts of rape, allege:

In Criminal Case No. R-95-017:

"That on or about the 28th day of August, 1994, at about 10:00 o'clock in the evening, at Brgy. Mabalanoy, Municipality of San Juan, Province of Batangas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation, did then and there wilfully, unlawfully and feloniously lie with and have carnal knowledge with his daughter Bernadette Delos Reyes y Rodriguez, a sixteen (16) year old girl, against her will and consent.

Contrary to Law." [3]

In Criminal Case No. R-95-018:

That on or about the 26th day of January, 1992, at about 1:00 o'clock in the evening, at Brgy. Mabalanoy, Municipality of San Juan, Province of Batangas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation, did then and there wilfully, unlawfully and feloniously lie with and have carnal knowledge with his daughter Bernadette delos Reyes y Rodriguez, a sixteen year old girl, against her will and consent.

Contrary to Law." [4]

In Criminal Case No. R-95-022:

"That on or about the 3rd day of November, 1994, at about 11:00 o'clock in the evening, at Barangay Mabalanoy, Municipality of San Juan, Province of Batangas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there wilfully, unlawfully and feloniously lie with and have carnal knowledge with the said Malanie de los Reyes y Rodriguez, accused's daughter, who is a

fourteen (14) year-old minor, against her will and consent.

Contrary to law." [5]

In Criminal Case No. R-95-023:

"That on or about the 2nd day of November, 1994, at about 10:45 o'clock in the evening, at Barangay Mabalanoy, Municipality of San Juan, Province of Batangas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there wilfully, unlawfully and feloniously lie with and have carnal knowledge with the said Malanie de los Reyes y Rodriguez, accused's daughter, who is a fourteen (14) year-old minor, against her will and consent.

Contrary to law."

In Criminal Case No. R-95-024:

"That on or about the 29th day of September, 1994, at about 10:00 o'clock in the evening, at Barangay Mabalanoy, Municipality of San Juan, Province of Batangas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there wilfully, unlawfully and feloniously lie with and have carnal knowledge with the said Malanie de los Reyes y Rodriguez, accused's daughter, who is a fourteen (14) year-old minor, against her will and consent.

Contrary to law."

In Criminal Case No. R-95-025:

"That on or about the 4th day of November, 1994, at about 10:30 o'clock in the evening, at Barangay Mabalanoy, Municipality of San Juan, Province of Batangas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there wilfully, unlawfully and feloniously lie with and have carnal knowledge with the said Malanie de los Reyes y Rodriguez, accused's daughter, who is a fourteen (14) year-old minor, against her will and consent.

Contrary to law."

In Criminal Case No. R-95-026:

"That on or about the 8th day of November, 1994, at about 11:00 o'clock in the evening, of Barangay Mabalanoy, Municipality of San Juan, Province of Batangas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there wilfully, unlawfully and feloniously lie with and have carnal knowledge with the said Melanie de los Reyes y Rodriguez, accused's daughter, who is a fourteen (14) year-old minor, against her will and consent.

Contrary to law."

In Criminal Cases Nos. R95-017 and R95-018, upon arraignment on May 30, 1995, assisted by Counsel Octavio Macatangay, [6] accused-appellant entered pleas of Not Guilty to the crimes charged. In Criminal Case Nos. R95-022 to R95-026, inclusive, upon arraignment on June 13, 1995, with the assistance his counsel, Dante Resurrection, accused-appellant also entered negative pleas. [7]

Testified on by prosecution witnesses Bernadette de los Reyes, Melanie de los Reyes, Yolanda de los Reyes and Dr. Lea J. Aseron, the version of the People is synthesized by the Solicitor General in the Appellee's Brief, as follows:

"Criminal Cases Nos. R95-017 & R95-018

On January 26, 1992, at 1:00 A.M., sixteen (16) year old Bernadette de los Reyes, was sleeping inside their house in Brgy. Mabalanoy, San Juan, Batangas, when she was awakened by her father, appellant Ruben de los Reyes, and told not to shout, otherwise, appellant would kill her. Bernadette tried to struggle but appellant held her right arm and kissed her. Appellant then removed Bernadette's t-shirt and bra and kissed her nipples. Afterwards, appellant removed Bernadette's shorts and panty and went on top of her. While on top of Bernadette, appellant removed his briefs and placed his two legs against Bernadette's two legs, forcing her to spread her thighs. After appellant succeeded in spreading Bernadette's thighs, he forcibly inserted his penis into her vagina.

As a result, Bernadette felt pain in her vagina and lost consciousness. All the time that appellant was sexually assaulting her, Bernadette kept on struggling, but because of appellant's superior strength, Bernadette could not do anything to stop the bestial act of the appellant. When Bernadette regained consciousness, appellant was already gone and Bernadette noticed that there was blood in her vagina.

It was only before 8:00 A.M. of the same day that Bernadette saw her father at the balcony of their house, where she was warned by appellant not to tell anybody about what happened, or else, appellant would kill her. The assault on Bernadette took place while she was alone at their house since her mother was then in Manila and her brother and sisters were at their aunt's house.

After the first incident, appellant continued abusing Bernadette for more than fifteen (15) Times. The last occasion was on August 24, 1994, at about 10:00 A.M., when Bernadette was alone in their house with a fever. The rape was committed just like the prior incidents wherein appellant forced Bernadette to have sexual intercourse with him, and thereafter threatened to kill her should she tell anybody about what happened.

After the last incident, Bernadette slept at her classmates' and friends' houses which were located at different places in San Juan, Batangas to avert the possible occurrence of another rape by appellant.

Bernadette did not tell anybody that she was raped by appellant because she was afraid that appellant would make true his threats to kill her if

she would tell anybody about the incident. Later, on March 26, 1995, during her graduation day, Bernadette finally revealed to their mother Yolanda reported that she was abused by appellant. Thereafter, Bernadette and Yolanda reported the incident to the Municipal Mayor of San Juan, Batangas who accompanied them to the PNP Station Command where Bernadette executed a sworn statement attesting to the fact of rape by appellant. After that, Bernadette and Yolanda went to San Juan District Hospital where Bernadette was examined by a physician (TSN, June 27, 1995, pp. 14-26, B. de los Reyes).

Criminal Cases Nos. R95-022 to R95-026

On September 29, 1994, of 10:00 A.M., while fourteen (14)-year (sic) old Melanie de los Reyes was sleeping alone in one of the rooms in their house in Brgy. Mabalano, San Juan, Batangas, she felt that someone was on top of her. When Melanie woke up, she saw her father, appellant Ruben de los Reyes, on top of her, kissing her. Thereafter, appellant removed Melanie's t-shirt and bra and sucked Melanie's nipples. Melanie tried to push appellant, but since the latter was stronger, he was able to remove Melanie's shorts and panty with the use of his hands. Thereupon, appellant mashed Melanie's vagina and even inserted into it (sic). Not satisfied, appellant pulled apart Melanie's thighs with the use of his feet and inserted his penis into her vagina. During the coitus, appellant continued sucking Melanie's nipple while pumping his buttocks up and down. Melanie felt pain and she noticed blood on her thighs and on the mat. After appellant transferred to the room, Melanie cried hard and changed her clothes. The rape occurred while Melanie's mother was in Manila and her brother and sister were sleeping at their aunt's house.

In October 1994, Melanie's mother arrived from Manila but she did not mention to her mother that she was abused by appellant because the latter threatened her that he would kill them all if she would tell anybody about the incident. Melanie was afraid of her father's threat because she usually saw him carry a gun.

After the first incident, since Melanie's mother was in Manila and her siblings were always out of the house, appellant continued to sexually abuse Melanie on several occasions whenever Melanie was alone, to wit; (1) on November 2, 1994; (2) on November 3, 1994; (3) on November 4, 1994, and (4) on November 8, 1994. During the numerous incidents that Melanie was sexually abused by appellant, the latter was drunk. Melanie would plead to appellant not to abuse her telling him, 'why are you doing this to me, I am your daughter.' But her pleas always fell on deaf ears. Likewise, after each incident, appellant warned Melanie that he would kill all the members of their family if she would tell anybody about the rape.

When Melanie learned that her elder sister Bernadette was also raped by appellant, Melanie revealed to her mother that she was abused by appellant. Thereafter, Melanie filed criminal complaints for rape against appellant. She later submitted herself for a medical examination wherein