

THIRD DIVISION

[G.R. Nos. 105690-91, July 26, 1996]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
RODOLFO CAGUIOA, SR., ACCUSED-APPELLANT.**

DECISION

MELO, J.:

The heinous and abominable crime of rape committed by an accused upon his own flesh and blood arouses our repugnance and indignation as no other crime can.

Rodolfo Caguioa, Sr. was charged with two counts of rape against his own daughter in two separate Informations reading as follows:

In Criminal Case No. L-4494:

That on or about the first week of April 1991 in Barrio Bunagan, Mangatarem, Pangasinan and within the jurisdiction of this Honorable Court, the said accused, by making Aurora Caguioa smell some sort of a chemical causing her to lose consciousness did then and there wilfully and feloniously lie and had carnal knowledge of said Aurora Caguioa while unconscious against her will and consent, to her damage and prejudice.

(p. 7, Rollo.)

In Criminal Case No. L-4495:

That on or about the second week of April 1991 in Barrio Bunagan, Mangatarem, Pangasinan and within the jurisdiction of this Honorable Court, the said accused, by means of force, violence and intimidation, that is, by then and there threatening Aurora Caguioa with a knife, which he was holding at the time, should she not agree to submit herself to her criminal design, did, then and there wilfully, unlawfully and feloniously lie with and had carnal knowledge of said Aurora Caguioa against her will and consent, to her damage and prejudice.

(p. 9, Rollo.)

After trial, the court a quo found the accused guilty on both counts in a decision dated April 7, 1992, the dispositive of portion of which reads:

In Criminal Case No. L-4494, the court finds and holds the accused Rodolfo Caguioa, Sr. guilty beyond reasonable doubt of the crime of Rape charged in the information filed against him, defined and penalized under the provisions of Article 335 of the Revised Penal Code as amended, and

conformable thereto, hereby sentences the said accused to suffer the penalty of reclusion perpetua (life imprisonment) and its accessory penalties and to pay the costs of the proceedings.

In Criminal Case No. L-4495, the court likewise finds and holds the accused Rodolfo Caguioa, Sr. guilty beyond reasonable doubt of the crime of Rape charged in the information filed against him, defined and penalized under the provisions of Article 335 of the Revised Penal Code and conformable thereto, hereby sentences said accused to suffer the penalty of *reclusion perpetua* (life imprisonment), its accessory penalties and to further pay the costs of the proceedings.

The court further orders the accused to acknowledge and support the child, Babellin Caguioa, as his own spurious child and to indemnify the offended party the sum of fifty thousand pesos (P50,000.00) as civil indemnity without subsidiary imprisonment in case of insolvency.

The penalty imposed by the court against the accused should be served successively or one after the other.

(p. 22, Rollo.)

From said decision, the instant appeal has been interposed on the catch-all argument that no strong evidence exists which would link accused-appellant to the crime, his Sinumpaang Salaysay being inadmissible.

The facts of the case, as borne out by the evidence, are concisely narrated by the appellee's brief submitted by Solicitor General Raul L. Goco, Assistant Solicitor General Roman G. del Rosario, and Solicitor Esperanza Fabon-Victorino, to wit:

Aurora Caguioa is a fifteen-year old barrio lass who used to work as domestic helper at the residence of Mrs. Virginia Organo in Las Piñas, Metro Manila. Sometime on the last days of March 1991, she went home for a vacation in their house at Bonogon, Mangatarem, Pangasinan. She first stayed in the house of her cousin at the Poblacion (Nov. 20, 1991, pp. 4 & 18). Two days thereafter, she proceeded to the barrio where her father appellant Rodolfo Caguioa, brother Randy and sisters Arlene and Rodina live (Id. 22).

On April 5, 1991, at around 10 in the evening, Aurora was alone inside her room when a man held her and placed a piece of cloth on her face which caused her to dozed of. When she opened her eyes the following morning, she felt pain all over her body. There was bloodstain on her underwear and her genitalia was swollen. She knew she was sexually abused but did not know the culprit. She weep in helpless protest but kept the ordeal from her sisters and brothers who slept in the other room (Id., pp. 5-6) as well as to appellant who slept on the *papag* about two meters away from her room.

On April 10, 1991, Aurora was left in the house together with appellant. Arlene went to Camiling while Rodina and Randy went to Poroc. It was midday, when appellant approached and asked Aurora to submit herself