

Title: People of the Philippines v. Primo Campuhan y Bello

Facts:

In the afternoon of April 25, 1996, Ma. Corazon P. Pamintuan was preparing Milo chocolate drinks for her two children on the ground floor of their house. Primo Campuhan, an employee of Corazon's brother, was in the house filling plastic bags with water. Upon hearing her daughter Crysthel cry out, Corazon rushed upstairs to find Campuhan kneeling before Crysthel, whose lower garments were removed, while his shorts were down to his knees.

Corazon claimed to have witnessed Campuhan forcing his penis into her daughter's vagina and reacted by hitting him several times. Campuhan escaped her blows, pushed her aside, and fled the scene. He was captured by local residents who responded to Corazon's calls for help. They detained him at the compound until they were later advised to bring him to the barangay officials.

Medical examination of Crysthel revealed no evident sign of extragenital physical injury, intact hymen, and a hymenal orifice of merely 0.5 cm in diameter. Campuhan, on his defense, contested the credibility of Corazon's testimony, providing an alternative story involving an innocent play with the child that was misinterpreted by Corazon.

On May 27, 1997, the trial court found Campuhan guilty of statutory rape, sentencing him to the death penalty and ordering him to pay moral and exemplary damages. The case was brought to the Supreme Court on automatic review under Article 335 of the Revised Penal Code as amended by RA 7659.

Issues:

1. Whether the Supreme Court should uphold the trial court's ruling of Campuhan's guilt for statutory rape.
2. Whether the evidence presented was sufficient to prove consummated rape.
3. Whether the actions of Campuhan constituted consummated rape or merely attempted rape.

Court's Decision:

The Supreme Court, in a detailed analysis and considering the requisites for consummated rape, found that the prosecution failed to prove beyond reasonable doubt that Campuhan's penis penetrated or even touched the labias of Crysthel's vagina. The Court determined that Campuhan did not perform all the acts of execution necessary to accomplish the crime of

rape, as elements for consummated rape, such as penetration or at least touching of the labias of the female organ by the male organ, were not substantiated.

Therefore, the Court modified the ruling of the trial court, finding Campuhan guilty of only attempted rape. Campuhan was thus sentenced to an indeterminate prison term of eight years, four months, and ten days of prison mayor as minimum, to fourteen years, ten months, and twenty days of reclusion temporal as maximum, replacing the death penalty initially imposed by the trial court.

Doctrine:

The Supreme Court reiterated the doctrine that mere touching of the external genitalia by a penis capable of consummating the sexual act does not constitute consummated rape. Full penetration of the vaginal orifice or touching of the labias is required to consummate the crime. Moreover, attempted rape occurs when there are overt acts commencing the commission of rape, but not all acts of execution are performed due to some cause or accident other than the offender's spontaneous desistance.

Class Notes:

- Consummated Rape: Requires penetration, however slight, of the female organ by the male organ. Entry into the labias are necessary, even without rupture of the hymen or laceration of the vagina.
- Attempted Rape: Occurs when the offender commences the commission of rape directly by overt acts but does not perform all acts of execution due to some cause or accident other than spontaneous desistance.
- The presence of an erect penis capable of full penetration is crucial in separably viewing the act as rape.
- In determining the penalty for attempted rape, the court considers the absence of both aggravating and mitigating circumstances, utilizing the Indeterminate Sentence Law.

Historical Background:

In 1990, the Philippine Supreme Court case of *People v. Orita* established the current understanding of the consummation of rape, holding that mere slight penetration suffices for consummation and dismissing the category of frustrated rape. The issue of defining what constitutes consummated versus attempted rape continues to be refined, as seen in this decision.