

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLANT, VS. MARTIN CASAO, ACCUSED-APPELLANT.*G.R. No. 100913. March 23, 1993*

Ponente: CAMPOS, JR., J.

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Complainant Maribel Ilagan is a 17-year old barrio lass. At her age, she is only in her sixth grade* as she always repeats each level before she qualifies for the next. Even while blossoming into a young lady, she never paid any particular attention to her appearance as she was always unkempt. And instead of partying and going to the disco like other normal teenagers, Maribel's favorite pastime were "luksong lubid," "bahay-bahayan," and other games that children play.

Sometime in the afternoon of October 1987, while she was coming home from school, she was met by accused Martin Casao along the way. The accused was familiar to her as he was a barriomate. But they never talked to each other, when suddenly, Martin pulled her, "Ako po'y hinila,"[1] to the banana plantation which is about 25 meters from the road. Martin removed her skirt and panty,[2] and forced her to have sexual intercourse with him, "Hindi po ako pumayag."[3] Martin was then pointing a "balisong" at her neck,[4] threatening to kill her if she told her parents that he sexually abused her.[5] For several months, Maribel never told anyone about what happened to her until sometime in January the following year, 1988, when her mother noticed that she was pregnant. Only then did she speak up about the incident, "Ginamit po ako ni Martin Casao." [6] In June of the same year, Maribel gave birth to a baby boy.

For his part, accused Martin Casao alleged that he and Maribel were sweethearts and that they had been engaging in the sexual act for several times.[7] He contends that he never forced Maribel to have sex with him because he loves her.[8] He further alleged that he offered marriage to Maribel but her parents turned down said offer.[9]

An Information[10] for rape was filed against accused Martin Casao alleging:

"That on or about (sic) month of October, 1987, at barangay Labasan, municipality of Bongabong, province of Oriental Mindoro, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, motivated by bestial desire, did, then and there wilfully, unlawfully and feloniously, through force and intimidation, lay with and have carnal knowledge with the undersigned offended party against the will and consent of the undersigned.

CONTRARY TO LAW."

Upon arraignment, accused pleaded not guilty to the crime charged. After trial on the merits, the lower court rendered a decision[11] convicting him of rape. Hence, this appeal.

Article 335 of the Revised Penal Code defines the crime of Rape as follows:

Article 335. When and how rape is committed. - Rape is committed by having carnal knowledge of a woman under any of the following circumstances:

1. By using force or intimidation;
2. When the woman is deprived of reason or otherwise unconscious; and
3. When a woman is under twelve years of age, even though neither of the circumstances mentioned in the two next preceding paragraphs shall be present.

Accused-appellant does not deny having carnal knowledge of Maribel, only, said act was free and voluntary on their part as they were sweethearts.

We do not agree.

Except for his uncorroborated and self-serving testimony, accused-appellant was never able to present any proof to show that he and the complainant were indeed sweethearts. There were no letters, no memento, nothing at all to evidence their alleged love for each other. Maribel never admitted being in love with accused-appellant, “Ayoko sa kanya.”[12] The “sweetheart story” is, therefore, but a mere concoction of accused-appellant in order to exculpate himself from any criminal liability.

Force and intimidation were certainly employed by accused-appellant in order to carry out his bestial desires. His pointing a “balisong” at Maribel’s neck while satisfying his lust weakened Maribel’s resistance and deprived her of the will to escape and free herself from accused-appellant’s lecherous act. A wrong move from Maribel could have caused her life. The (rape) victim need not kick, bite, hit, slap or scratch the accused with her fingernails. It is sufficient that the coition took place against her will, explicit or persistent, and that she yielded because of authentic apprehension and real fear of immediate death or great bodily harm. This has been our consistent ruling.[13]

Maribel did not report the criminal assault on her person by accused-appellant until the discovery of her pregnancy by her mother. But this does not detract Us from the fact that the rape was committed. The threat to kill her if she reports the incident to anyone was etched in Maribel’s mind. Add to this the fact that Maribel was feeble-minded. As testified to by Imelda C. Labrador, a Clinical Psychologist, Maribel has the social maturity of a 10-year old and an I.Q. of below 60, which means that she is mentally defective.[14] Given her mental condition, she may not yet know or fully realize the detestable nature and gravity of the acts committed upon her person. Then, there was also the attempt by her parents to marry her with the accused-appellant in order to conceal the embarrassment caused to Maribel and her family, and for the latter to take responsibility for the consequences of his actions. But all these efforts proved to be in vain. Accused-appellant never made good his promise to marry Maribel. He would not have anything to do with the child born out of his shameful and shameless lechery. This resulted in the delay in filing the complaint for rape against accused-appellant. But it does not, in any way, imply that Maribel consented to having sexual act with the latter. Needless to say, accused-appellant’s offer of marriage to Maribel is an admission of his guilt. This is well-settled.[15]

In the words of Justice Isagani A. Cruz,[16]

“Rape is a nauseating crime that deserves the condemnation of all decent persons who recognize that a woman’s cherished chastity is hers alone to surrender of her own free will. Whoever violates that will descends to the level of the odious beast.”

We note that the lower court erred, and this is an error that is often committed by many trial courts, in imposing the penalty of life imprisonment on the accused-appellant. The proper penalty for the crime of rape is reclusion perpetua. The penalty is increased to death if rape is committed with the use of a deadly weapon, as what happened in this case. But the death penalty has not yet been restored, hence, the penalty of reclusion perpetua is still the impossible penalty.

WHEREFORE, premises considered, We hereby AFFIRM the decision appealed from, with the modification that the accused-appellant be meted out the penalty of reclusion perpetua; further, that the penalty of P25,000.00 as damages be increased to P30,000.00 in line with the latest jurisprudence on the matter. With costs.
SO ORDERED.

Narvasa, C.J., (Chairman), Padilla, Regalado, and Nocon, JJ., concur.

[*] She had stopped schooling though after she got pregnant.

[1] TSN, August 15, 1989, p. 6.

[2] Ibid., p. 5.

[3] Ibid., p. 7.

[4] Id.

[5] Ibid., p. 10.

[6] Ibid., p. 5.

[7] TSN, February 21, 1990, pp. 4, 8.

[8] Ibid., p. 7.

[9] Ibid., pp. 15, 16.

[10] Rollo, p. 7.

[11] Criminal Case No. P-3467, April 12, 1991. Penned by Judge Manuel A. Roman.

[12] Supra, note 5.

[13] People vs. Ngo, 202 SCRA 549 (1991), citing People vs. Barcelona, 191 SCRA 100 (1990) and People vs. Abonada, 169 SCRA 530 (1989).

[14] TSN, February 6, 1991, pp. 5-6.

[15] People vs. Gerones, 193 SCRA 263 (1991).

[16] People vs. Ramos, 165 SCRA 400, 408 (1988).

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