

## THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ENDRIQUITO REYNALDO ALIAS QUITO, DEFENDANT-APPELLANT.

*G.R. No. 116305. July 02, 1998*

Ponente: KAPUNAN, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-116305/>

---

### KAPUNAN, J.:

This is an appeal from the Decision dated October 29, 1991 of the Regional Trial Court of Iloilo, Sixth Judicial Region, Branch 25 in Criminal Case No. 31084 finding accused Endriquito Reynaldo alias “Quito” guilty of the crime of Rape and sentencing him to suffer the penalty of reclusion perpetua, to indemnify the complainant Anacyl Barrera in the sum of Thirty Thousand Pesos (P30,000.00) and to pay costs.[1]

On the basis of a complaint dated May 29, 1987[2] filed by the victim Anacyl Barrera, an Information dated October 23, 1987,[3] was filed against accused-appellant, as follows:

That on or about May 28, 1987, in the Municipality of Miagao, Iloilo, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with the use of a knife and by means of force and intimidation, did then and there wilfully, unlawfully and feloniously have sexual intercourse or carnal knowledge with Anacyl Barrera, a girl 16 years of age, against her will and/or consent.

CONTARY TO LAW.

At his arraignment, appellant pleaded not guilty to the crime charged.[4]

The trial court summarized the testimony of sixteen-year old Anacyl Barrera as follows:

She knows the accused, Endriquito Reynaldo already before May 28, 1987, as the wife of her uncle is the sister of the wife of the accused. Accused had been living in Barangay Bambana, Miag-ao, Iloilo, for a long time already. She knows the accused for about 7 years before May 28, 1987.

On the evening of May 28, 1987, she was inside their house at Barangay Bambanan, Miag-ao, Iloilo. She was together with her two brothers, eleven and eight years old, and a nine year old sister. She was then fifteen years old going sixteen.

At about 10:30 that evening, while her brothers and her sister were already asleep, she was awakened because a knife was pointed at her. They were then sleeping at the sala of the house. Aside from the knife pointed at her, she felt her breast being mashed. While the knife was being pointed at her and her breast being mashed, she was told that if she makes any noise or if she told anybody they would all be killed including her aunt. She recognized the person to be the accused, Endriquito Reynaldo, as she was familiar with his voice and his two hands which were hairy. After having mashed her breast, still pointing the knife at her, he dragged her to their room and ordered her to take off her clothes. He was pointing the knife at the right side of her body somewhere on the right waistline. When she was inside the bedroom and was ordered to take off her clothes, she was very much frightened and did not seem to know what to do. She was lying down when she was told to take off her clothes. Then the accused laid on top of her while pointing the knife at her. He was then naked. While he was on top of her he inserted his penis inside her vagina. She lost track of what was happening and she became

unconscious. When she regained her consciousness the accused was gone. She noticed a whitish and sticky substance at the side of her vagina. She felt her body aching including her breast, stomach and vagina. She went to sleep after that. The following morning she washed her clothes, took a bath and cleaned the house.

At about 12:00 o'clock while they were having lunch, her aunt Josefina Nobleza, who was looking after them since their parents were in Manila came over. She was crying and her aunt asked her what it was about and she told her aunt about what happened to her and the person responsible for it, naming the accused, Endriquito Reynaldo. After she informed her aunt about it, her aunt went to the Police that May 29, 1987, while she went to her grandmother's place as she had a very bad headache from her failure to sleep the night before. Her aunt returned from the Poblacion with policemen and arrested the accused who was living with her sister a house away. The accused was brought to town while she was brought to the hospital for medical examination and later brought home.

She filed a complaint in connection with the said incident against the accused in the Municipality of Miag-ao specifically with the Municipal Court (Exh. "A" and "A-1"). She gave a written statement when investigated (Exh. "B" and "B-1" and Exh. "B-2").

Three days after the incident her parents from Manila arrived as they were notified. She told them of the incident and informed them that it was the accused who raped her. She was examined at the Guimbal General Hospital, Guimbal, Iloilo.

On cross-examination, complainant testified that the accused is single as it is the wife of Bernardo Mondana who is the sister of the wife of her uncle. Their house at Barangay Bambanan is one story, a one-room bamboo and nipa house surrounded by a bamboo pole. Before they went to sleep that night she inspected all the doors and windows and they were locked and they slept on the sala with her brothers and sisters. She was on the outer-most portion near the door, also near her brothers and sisters. They were under a mosquito net. She was able to identify the accused because she touched his hand and his face when she was told to take off her clothes. The room where she was brought was very near the place where they slept and she did not resist because the accused was constantly pointing the knife about a foot long at her. She was inside the room when she was required to take off her clothes without resistance as the four of them would be killed.

He laid on top of her and inserted his penis inside her vagina which was able to penetrate her. She felt pain in her vagina at the inner part and she lost consciousness because of pain. When she regained consciousness accused was seated by the side telling her not to tell anybody or else he would kill all four of them. The following morning she felt the pains on the inner part of her thighs and on both sides of her vagina. She, her sister and two brothers were the only occupants of the house. Her aunt, Josefina Nobleza looked after them who usually comes in the morning. On that morning of May 29, 1987 she came over but she stayed for a short time only. She did not inform her aunt of what happened to her that morning, neither her brothers and sister. Her aunt came back about lunch time because her brother informed her aunt about it. Her aunt changed clothes and went to the Poblacion. She later came back with four policemen who went around the house to find out the damaged portion. Her aunt informed them of the identity of the rapist to be the accused, Endriquito Reynaldo, so that the accused was arrested because she had already told the policemen when she went to the Poblacion. She was investigated by the Policemen and confirmed the statement of her aunt that it was Endriquito Reynaldo who raped her.[5]

Dr. Alberto G. Gatusang conducted the physical examination of the complainant on May 29, 1987 and made the following findings:

#### Internal Examination

- = No laceration or hematomas noted at the vaginal opening.
- = Presence of whitish discharge at the vaginal canal.

= Admits 1 finger inside the vaginal canal with resistance.

x x x

REMARKS: Vaginal smear for presence of sperm =

(-) negative findings.[6]

Dr. Gatusang testified in court that the fact that the vagina of the victim bore no lacerations or hematomas did not discount the possibility of the rape having occurred. The whitish discharge found on the victim's vaginal canal may either be semen or the victim's's natural discharge. The fact that the victim complained of pain and her vaginal canal offered resistance when a finger was inserted into it could mean that there was partial or full penetration of the labia minora.[7] Dr. Gatusang further testified that the absence of sperm in the victim's vaginal canal may be due to the victim's having cleaned herself after the incident or the possibility that ejaculation happened outside the vaginal canal.[8]

Appellant denied having committed the crime and interposed the defense of alibi. He alleged that at the time of the incident, he was with a certain Rogelio Norada at the latter's house in Barangay Kirayan, and slept there for the night, leaving only the following morning to peddle fish in Barangay Tikdalan.[9] He arrived at his house at two o'clock in the afternoon, where he was later arrested by policemen bearing a warrant.[10]

The defense also presented Rogelio Norada to corroborate appellant's alibi.

In a Decision dated October 29, 1991, the trial court convicted appellant as follows:

WHEREFORE, the Court finds the accused, ENDRIQUITO REYNALDO guilty beyond reasonable doubt of the crime of Rape defined and punished under Art. 335 of the Revised Penal Code, and is hereby sentenced to suffer the penalty of reclusion perpetua with all the accessory penalties provided for by law. Accused is hereby ordered to indemnify the complainant Anacyl Barrera the sum of THIRTY THOUSAND PESOS (P30,000.00) and to pay costs. Accused is credited in full of the period while undergoing preventive imprisonment provided he agrees in writing to conform with prison regulations regarding convicted prisoners laid down by prison authorities.[11]

In the instant appeal, appellant contends that:

THE COURT A QUO GRAVELY ERRED IN FINDING THAT THE IDENTITY OF THE ACCUSED-APPELLANT AS THE PERPETRATOR OF THE CRIME CHARGED HAS BEEN ESTABLISHED BEYOND REASONABLE DOUBT.[12]

Appellant points to alleged contradictions in the testimony of the complainant regarding her identification of the appellant as the perpetrator of the crime. Appellant asserts that while the complainant testified on direct examination and cross-examination that she was able to identify her attacker by his voice and seeing his hairy arms as well as the beard on his face, on further cross-examination, the complainant testified that she was able to recognize her assailant as she touched his hand and his face.

Complainant testified on direct examination as follows:

Q

Because you were awakened at that time, did you recognize the man?

A

Yes, sir.

Q

Who was that man?

A

Enriquito Reynaldo.[13]

Q

You said Enriquito Reynaldo. The one whom you identified a fe(w) moments ago?

A

Yes, sir.

Q

Can you again point to where he is inside the courtroom?

A

(Witness pointing again to the same person inside the Courtroom who upon being asked identify [sic] himself as Enriquito Reynaldo.)

Q

Because that was already ten o'clock in the evening, can you tell the Court how were you able to identify him?

A

Through his voice.

Q

You are familiar with his voice?

A

Yes, sir.

Q

Aside from his voice, (by) what other means were you able to identify him?

A

Through his two hands which were hairy. (Underscoring supplied.)(14]

On cross-examination, the complainant made the same identification as follows:

Q

And you testified that on May 28, 1987 at around 10:30 in the evening, somebody awakened you and pointed a knife at you?

A

Yes, sir.

Q

Because of that, you did not shout?

A

I did not shout because a knife was pointed at me.

Q

And, you were able to identify the rapist by his beard in the face?

A

Yes, sir, and because of his voice also.

Q

And, likewise, because of his hairy arms?

A

Yes, sir.

Q

And, that is your only identification of the rapist?

A

Yes, sir, and because there was a light I was able to see him.” (Underscoring supplied.)(15]

On further cross-examination, the complainant testified, thus:

Q

And, were you able to identify that the accused was the one who pointed that knife?

A

Because he told me to take off my clothes at the same time pointing the knife at me. I was able to recognize him because I touched his hand and his face.

Q

And that was the only identity you make that the accused was the one who executed the act?

A

Yes, sir. (Underscoring supplied.)(16]

We agree with the Solicitor General that the alleged contradictions in the testimony of the complainant pointed to by appellant are “more imaginary than real”[17] and do not detract from the credibility and trustworthiness of the complainant’s positive identification of appellant as the perpetrator of the crime. As discussed by the Solicitor General:

x x x The testimony of private complainant as to how she was able to identify appellant on that fateful evening of May 28, 1987 must be taken according to the particular stage or sequence of the incident to which it relates.

When private complainant claimed on direct examination that she was able to identify appellant through his voice and hairy hands, she was referring to the initial stage of the incident when she was awakened because of the knife that was pointed at her body by somebody whom she was able to recognize at that time through his

voice and hairy hands (TSN, December 2, 1988, pp. 5 – 6).

Her testimony on cross-examination that she was able to recognize appellant only because she was able to recognize appellant only because she was already asked by appellant to remove her clothes with the knife pointed at her (pp. 9 – 10, TSN, Ibid.). On the other hand, her testimony that she was able to see appellant because of the light is uncertain as to the particular stage of the incident to which it pertains.

But even assuming that there were some contradictions in the manner by which private complainant had been able to recognize appellant, they do not detract from her positive identification of appellant as the person who raped her since they all point to the fact that private complainant was able to recognize the person who raped her that fateful evening.[18]

Appellant further faults the identification made by the victim on the ground that the victim's basis of identifying her attacker is the fact that she touched the latter's hairy hand and bearded face.[19]

It is not necessary that the witness's knowledge of the fact to which he testifies should have been obtained in any particular manner, and he may testify to what he hears, feels, tastes, smells, or sees.[20]

Thus, identification by the sound of the voice of the person identified has been held sufficient, and it is an acceptable means of identification where it is established that the witness and the accused had known each other personally and closely for a number of years.[21] Here, the complainant testified that she had known appellant for seven years prior to the incident because he lived only a house away from theirs.[22] Appellant himself admitted having known the complainant by name in the three to four years that he had stayed in Barangay Bambanan.[23] As observed by the trial court, the complainant and appellant "were familiar with each other since they lived together in the same barangay [and] x x x the house of the complainant is barely ten armslength away from the house where the accused lived." [24] Indeed, people in rural communities generally know each other both by face and by name,[25] and may be expected to know each other's distinct and particular features and characteristics.

We have consistently held that the matter of assigning values to declarations on the witness stand is best and most competently performed by the trial judge who, unlike appellate magistrates, can weigh the testimony of a witness in the light of his demeanor, conduct and attitude as he testified, and is thereby placed in a more competent position to discriminate between the true and the false.[26] In the instant case, the trial court considered the testimony of the complainant, the sole witness to the crime, as worthy of faith, thus:

The Court has meticulously examined and scrutinized the testimonial evidence presented as well as the observations of the demeanor of the complainant and the accused while they were giving their testimony in Court. The testimony of the complainant was straightforward, natural and candid which are earmarks of truth. It leaves not a scintilla of doubt regarding the veracity of her statements. It was clear, logical and conclusive.[27]

We find no reason to disturb such conclusion. Indeed, it is highly inconceivable that a young barrio lass like the complainant, who is inexperienced with the ways of the world, would fabricate a charge of defloration, undergo a medical examination of her private parts, subject herself to public trial and tarnish her family's honor and reputation unless she was motivated by a potent desire to seek justice for the wrong committed against her.[28] Furthermore, as pointed out by the Solicitor General, the spontaneity of the complainant's reactions subsequent to the crime – she had unflinchingly named and pointed out appellant, then roaming in the vicinity of her house, as the offender, when her aunt asked her why she was crying at around noon of the day following the incident[29] – as well as the failure of appellant to impute upon her an improper motive to accuse him of the crime bolster her credibility.[30]

In the light of the victim's positive identification of appellant as the perpetrator of the crime, appellant's defense

of alibi must fail. We note besides that the defense failed to prove physical impossibility of appellant being at the scene of the crime at the time of its commission. Defense witness Rogelio Norada testified that Barangay Kirayan Norte where appellant claimed he was at the night of May 28, 1987, was a mere ten kilometers away<sup>[31]</sup> from Barangay Bambanan, and access between the two barangays was easy with transport such as jeepneys, trucks, tri-cycles and even tris-cads.<sup>[32]</sup>

The trial court correctly found appellant guilty beyond reasonable doubt of the crime of Rape. Article 335 (1) of the Revised Penal Code of the Philippines provides that carnal knowledge of a woman may be committed when force or intimidation is used. The act of holding a knife by itself is strongly suggestive of force or at least intimidation, and threatening the victim with a knife is sufficient to bring a woman to submission.<sup>[33]</sup>

The absence of spermatozoa in the victim's vagina does not necessarily negate the commission of rape.<sup>[34]</sup> Neither is the existence of lacerations on the victim's sexual organ indispensable.<sup>[35]</sup> What is essential is that there be penetration of the sexual organ no matter how slight.<sup>[36]</sup>

Under Article 335 of the Revised Penal Code, when the crime of rape is committed with the use of a deadly weapon, the penalty shall be reclusion perpetua to death. The trial court not having found neither aggravating nor mitigating circumstances attendant to the commission of the crime, the proper penalty is reclusion perpetua.<sup>[37]</sup> And in conformity with jurisprudence, the civil indemnity to be awarded to the offended party shall be increased to Fifty Thousand Pesos (P50,000.00).<sup>[38]</sup>

WHEREFORE, the Decision dated October 29, 1991 of the Regional Trial Court of Iloilo, Sixth Judicial Region, Branch 25 in Criminal Case No. 31084 finding appellant Endriquito Reynaldo alias "Quito" guilty beyond reasonable doubt of the crime of Rape is hereby AFFIRMED, with the sole modification that the civil indemnity awarded the victim, Anacyl Barrera, is increased to Fifty Thousand Pesos (P50,000.00).

SO ORDERED.

Narvasa, C.J., (Chairman), Romero, and Purisima, JJ., concur.

---

[1] Record, p. 174.

[2] Id., at 4.

[3] Id., at 1.

[4] Id., at 36.

[5] Decision, pp. 2-3; Record, pp. 164-165.

[6] Exhibit "C," Medico Legal Certificate dated May 30, 1987.

[7] TSN, March 31, 1989, pp. 5-6, 9.

[8] TSN, June 9, 1989, p. 7-8.

[9] TSN, December 13, 1990, pp. 1-3; TSN, May 31, 1990, pp. 2-10.

[10] TSN, December 13, 1990, p. 3.

[11] Record, p. 174.

[12] Rollo, p. 78.

[13] "Endriquito" is misspelled in the transcript of stenographic notes as "Enriquito."

[14] TSN, December 2, 1988, pp. 6-7.

[15] TSN, January 12, 1989, pp. 7-8.

[16] Id., pp. 9-10.

[17] Brief for the Appellee, p. 8; Rollo, p. 116.

[18] Brief for the Appellee, pp. 8 –9; Rollo, pp. 116 – 117.

[19] Rollo, p. 80.

**[20] 97 C. J. S. 441.**

[21] *People v. Baligod*, 227 SCRA 834 (1993) citing *U.S. v. Manabat*, 7 Phil. 209 (1906).

[22] TSN, December 2, 1988, p. 3 & p. 17.

[23] TSN, December 13, 1990, p. 9.

[24] Decision, p. 12; Record, p. 174.

[25] *People v. Rosario*, 316 Phil. 810 (1996).

[26] *People v. Tacipit*, 312 Phil. 296 (1995); *People v. Estrellanes, Jr.*, 239 SCRA 235 (1994); *People v. Abarico*, 238 SCRA 203 (1994).

[27] Decision, p. 8.

[28] *People v. Esguerra*, 256 SCRA 657 (1996).

[29] TSN, July 14, 1989, p. 4 & p. 8.

[30] Brief for the Appellee, p. 12; Decision, p. 120, citing *People v. Saguban*, 231 SCRA 744 (1994). Also *People v. De Guzman*, 265 SCRA 228 (1996).

[31] Note that the trial court placed the distance between the two barangays at eight kilometers. Decision, p. 11; Record, p. 173.

[32] TSN, May 31, 1990, p. 10.

[33] *People v. Roll*, 200 Phil. 665 (1982); *People v. Espinoza*, 317 Phil. 79 (1995) citing *People v. Adlawan, Jr.*, 217 SCRA 489 (1993).

[34] *People v. Digno, Jr.*, 250 SCRA 237, 242 (1995); *People v. Ranada*, 215 Phil. 403 (1984); *People v. Copro*, 211 Phil. 558 (1983) citing *People v. Carandang*, L-31012, August 15, 1973, 52 SCRA 259 (1973).

[35] *People v. Sanchez*, 250 SCRA 14 (1995); *People v. Sapurco*, 245 SCRA 519 (1995); *People v. Ramos*, 245 SCRA 405 (1995).

[36] *People v. Andan*, 269 SCRA 95 (1997); *People v. Lazaro*, 319 Phil. 352 (1995); *People v. Castillo*, 197 SCRA 657 (1991); *People v. Ervas*, 214 Phil. 171 (1984).

[37] Art. 63 (2), Revised Penal Code.

[38] *People v. Bodoy*, 222 SCRA 216 (1993).

**ABOUT BATAS.ORG**

# Study smarter at BATAS.org

*The Philippine bar review and law-school companion built around how your brain actually remembers.*

**The complete Philippine law library - free for everyone.**

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

**Audio case-brief lectures.**

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

**Bar review built on the science of memory.**

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

**The full law-school curriculum.**

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

**Mock exams that tell you where you stand.**

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

**A study planner that keeps you on pace.**

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

**Start free at <https://batas.org>**

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.