

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. OSCAR ESCALA, ACCUSED-APPELLANT.*G.R. No. 120281. July 08, 1998*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-120281/>**PER CURIAM:**

Wilma Escala, the complainant in the instant case, has accused her own father, herein appellant Oscar Escala, of the crime of rape. Wilma, only fourteen years of age at the time, is the eldest of two sisters and six brothers.

Wilma narrated that the family lived under the same roof in a barong-barong (shanty) located at the squatters area along Sampaguita Street, Tacloban City. The entire family slept in a 4 x 5-meter room sharing a single mat, one mosquito net and a blanket. She recalled being only twelve (12) years old and a Grade VI pupil when she underwent the first ordeal perpetrated on her virtue by her own father. That incident was followed at intervals of three to four times a week, usually taking place at night just before her father would go to bed. There were times when the rape would occur during daytime while her mother was not around. Each time that her father would force himself upon her, she would be threatened by him with either a knife or a nightstick.[1]

Wilma suffered her great cross in silence until the first night she slept with her common-law husband, Enrique Batis, to whom she confided previous sexual encounters she was forced to undergo when Enrique discovered that she had by then already lost her virginity. She divulged to him the repeated assaults by her father on her honor. Enrique encouraged Wilma to have her father brought to justice. But what finally made her decide to file a case against her father was when she learned that her thirteen-year old sister, Alma, was also then being ravished by their father.[2] It was, so to speak, to be the last straw.

Oscar Escala was indicated for rape in an information (amended) filed before the Regional Trial Court of Tacloban City, Branch 7, thus:

“That on or about July 1994, in the City of Tacloban, 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 have carnal knowledge with WILMA ESCALA, his 14 year old daughter, against her consent.

“CONTRARY TO LAW.”[3]

Upon his arraignment, the accused pleaded “not guilty” to the charge.

The defense interposed denial. Accused Oscar Escala stated that on 31 July 1994, the date, according to Wilma, that she was raped by her father and for which he was formerly indicted, he watched, together with Wilma and the other children, a television show in their neighbor’s house which lasted up to 10:30 in the evening. He denied having slept that night beside her daughter. The accused insisted that the charge against him was orchestrated by Wilma’s common-law husband, Enrique Batis, whom he had threatened to charge with the crime of kidnapping with rape. The rape charge against him, he asserted, was just a leverage to get him to forego his threats against Enrique.[4]

The court a quo, Hon. Judge Pedro Espina presiding, rendered its judgment on 22 February 1995 following the

trial. Evidently not convinced of the defense put up by the accused, the court pronounced him guilty beyond reasonable doubt of the offense charged. The decision concluded:

“WHEREFORE, this Court without any reservation sentences the accused OSCAR ESCALA to the penalty of DEATH, without pronouncement on moral damages no claim having been presented on the matter.

“Let the accused be transferred to the National Penitentiary at Muntinlupa, Rizal.

“SO ORDERED.”[5]

The death penalty having been imposed on Oscar Escala, his conviction is now up for automatic review by the Court.

In his brief, accused-appellant came up with the following assignment of errors:

“1. The Court a quo erred in giving evidentiary weight to the testimony of the complainant, which is highly incredible and unreliable, and in disregarding the evidence adduced by the accused-appellant.

“2. The Court a quo gravely erred in convicting accused-appellant Oscar Escala of the crime of rape despite failure of the prosecution to prove his guilt beyond reasonable doubt.”[6]

It does appear that the main issue raised by appellant is the credibility of Wilma Escala. Appellant claims that between the accusation made against him and his protestation of innocence, it is the latter, not the former, that deserves credence.

The Court realizes that, like in all rape cases, the testimony of the complainant must be examined with extreme care for, whether the case results in conviction or in acquittal, the final outcome would almost invariably be dependent on what the victim declares and on how she has stood and comported herself at the witness stand during questioning. While much is left to the trial court in making the proper assessment on the manner which a witness testifies, the declaration made at the trial, nevertheless, are preserved in transcripts of stenographic notes that in good measure can make meaningful and help render accurate the review process. The Court finds it necessary to go through the following account of the complainant’s testimony, thus:

Q

Do you remember having filed a complaint for Rape against Oscar Escala, your father?

A

Yes, ma’am.

Q

“I am showing to you a complaint for Rape dated October 6, 1994, will you please identify whether this is the complaint you said you filed against your father?

A

Yes, this is the one.

Q

Over typewritten name Wilma Escala is a signature in the lower right hand portion of this complaint, will you please identify whose signature is this?

A

This is my signature.

“FISCAL REYES:

For purpose of identification your Honor we request that this complaint be marked as Exh. A and signature of Wilma Escala be encircled and be marked as Exh. A-1.

“COURT:

Mark it

“FISCAL REYES:

Q

You stated in this complaint that you were raped by your father, do you remember when was that?

A

That was when I was still in Grade VI.

Q

How old were you when you were in Grade VI?

A

Twelve years old

Q

Why do you say that you were raped?

A

He undressed me and he pointed a scythe at me.

Q

After he undressed you, what did he do?

A

He inserted his penis inside my vagina.

Q

How did you feel when he inserted his penis inside your vagina?

A

At first I felt pain but later on there was no pain anymore.

Q

Is your mother still living?

A

Yes.

Q

Where was she residing at the time you said you were raped by your father?

A

She was living in our house.

Q

Was she present when you were raped?

A

She was asleep

Q

“Did you not tell your mother about what was done to you by your father?

A

I did not tell my mother what was done to me by my father because he threatened to kill me if I would tell my mother.

“FISCAL REYES:

Q

Was that the only time that you were raped by your father when you were still 12 years old?

A

He started raping me when I was still 12 years old until last July 1994.

“Q

From the time you were 12 years old up to July, 1994, do you remember how many times you were raped by your father?

A

I can not recall anymore because I have been raped so many times.

“COURT:

Q

She was raped when she was Grave VI and at that time she was 12 years old. When you say that you were raped so many times after that first rape it was followed by other several incidents of rape?

A

Yes, your Honor.

Q

But you can not remember the dates?

A

I can not remember anymore the dates.

Q

After the first rape, how many times were you raped, more or less?

A

I was raped so many times.

Q

Ten?

A

More than 10 times.

Q

And the last time that you were raped was July, 1994?

A

Yes, your Honor.

“FISCAL REYES:

1994 there was no specific date.

“COURT:

Q

Okey, is your father here?

A

Yes, your Honor.

"COURT:

Q

Will you point him out to this Court?

A

That one wearing an orange t-shirt.

“COURT INTERPRETER:

Witness pointing to a person inside the Courtroom when asked for his name answered Oscar Escala.

“COURT:

Fiscal go ahead.

“FISCAL REYES:

Q

From the time you were 12 years old up to July, 1994 do you remember if your father raped you about once a week or how often – how many times in one week did your father sexually abuse you?

“COURT

Witness said she can not recall.

“FISCAL REYES:

Q

Well, if the question says how many time in one week?

A

Sometimes he raped me 3 times sometimes four times.

Q

And this lasted on July, 1994?

A

Yes, ma’am.

Q

From July 1994 up to the present, where did you stay?

A

I stayed in San Jose up to the present.

Q

And that was the date you transferred residence away from your father?

A

It was in August, 1994 when I transferred residence.

Q

Why did you transfer residence?

A

Because I do not want to be raped again by my father.

Q

Are still staying with your mother?

A

No more, I am staying in San Jose.

“COURT:

Let us first go to – where was this rape on July 1994 committed in your house in, where?

Q

In whose house in San Jose?

A

I am staying in the house of the father of my common-law husband.

“FISCAL REYES:

Q

About this July 1994 you said that this was the last time you were raped by your father, do you remember how you were raped by your father?

“COURT

A

In our house at Sampaguita, Tacloban City.

“FISCAL REYES:

Q

Do you remember what time was that when you were last raped by your father? Was it during the night time or during the day time?

A

Night time.

Q

Do you have any brother or sister?

A

Yes, ma’am

Q

How many?

A

We are eight brothers and sisters.

Q

Who were staying with you last July, 1994?

A

All of us, my father and mother and my brothers and sister.

Q

In what portion of your house were you raped?

A

Outside of the bedroom of our house because we do not sleep in that bedroom because we cannot be accommodated in the bedroom

Q

Were you sleeping together with your father, mother, brothers and sister?

A

Yes, we sleep together.

“FISCAL REYES:

Q

When you said you were raped by your father on that July, 1994 where were your brothers, sister and mother?

A

They were at the house.

Q

What were they doing?

A

They were sleeping when I was raped.

Q

Now you said that you were raped outside the bedroom, who sleeps inside the bedroom?

A

Nobody sleeps inside the bedroom.

“COURT:

Q

And outside the bedroom is the sala?

A

Yes, your Honor.

Q

And you said that your father, your mother, brothers and sister are sleeping in the sala?

A

Yes, your Honor.

Q

You have your own mat or bed?

A

No, sir, we share the same mat.

Q

You were in the middle or in the extreme?

A

I was at the extreme.

Q

How about your father?

A

He was also sleeping next to me.

Q

Immediately next to you?

A

Yes, your Honor.

Q

Alright. What time was it during the night that you were raped?

A

Sometimes he would rape me at 10:00 o'clock sometimes 11:00 o'clock in the evening when my mother was asleep.

Q

On this July, 1994 what time was you raped?

A

I was raped at 10:00 o'clock in the evening.

“COURT:

Q

Alright, described to us how you were raped?

A

He would undress me while pointing a knife against me and place his penis on my vagina.

Q

How many times did he rape you on July 1994?

A

I can not recall.

Q

You can not give us the date in July when you were raped?

A

No, your Honor.

Q

Why?

A

I can not recall because there were so many times on that July, 1994.

Q

When you said that you were raped, sometimes 3 times sometimes 4 times a week your are referring to 1994?

A

Yes, even before 1994.

Q

So last time that you were raped was about 10:00 o'clock in the evening, was your father able to put his penis inside your vagina?

A

Yes, sir.

Q

And he ejaculated?

A

Yes, sir.

Q

In the last rape, how long did the intercourse last?

A

It lasted for about 10 minutes.

Q

Like the other incidents of rape?

A

Yes, your Honor.

Q

Why did you not tell your mother that you had been raped for several years already?

A

Because he would threaten to kill me if I would tell my mother.

Q

And everytime you were raped in the evening he sleeps close to you?

A

Yes, your Honor.

“COURT:

Q

So you already have a premonition that the moment he sleeps near you, he will rape you?

A

Yes, your Honor.

Q

Why did you not transfer you sleeping position?

A

He would not allow me to transfer, he would get angry if I would transfer to another position in the house to sleep.”[7]

The Court has failed to find any serious flaw on complainant’s testimony nor on the conclusions made by the trial court which, to the contrary, would appear to be properly founded on the direct, positive and categorical statements made by the offended party in most material points.[8] The trial court has ably come up with these findings:

“1. Wilma was not able to submit any medical certificate to attest that she was sexually abused by her father for she did not submit to any medical examination. Although this matter was not raised by defense counsel, the authority is, ‘it is not necessary that there should be a medical examination of the victim in rape cases because the same is not an indispensable requisite of rape. (People vs. Diaz, 22 SCRA 147.)

“2. While it was only the testimony of the daughter that whenever she was rape by her father she gave no consent, the fact that no physical evidence corroborates such offer of resistance, such absence of proof of violence or offer of resistance would not be significant because of the overpowering and overbearing moral influence of their father over his daughter, which takes the place of violence and offer of resistance required in rape cases committed by an accused having no blood relationship with the victim. (People vs. Matrimonio, 215 SCRA 613; People vs. Mabungan, 215 SCRA 694.)

“3. On the denial of the father of raping his daughter, it is unbelievable that a daughter would falsely accuse her very own father of a very serious crime and herself undergo the ordeal and embarrassment of a public trial simply to side with her common-law husband. There is yet no daughter with such a conscience who will permit herself to be the instrument of punishment on a false indictment against her own flesh and blood, and bring down her own family in shame and disrepute. This is extremely remote in a Filipino family.

“4. On the amendment of the Information from ‘That on or about July 1994 x x x’ to ‘That on or about July 31, 1994 x x x’ which stated more specifically when the rape was committed in the month of July 1994 is not a substantial amendment as it does not alter the offense charged. (People vs. Borromeo, 123 SCRA 253.) And

the precise date when complainant was sexually abused is not an essential element of the offense. (People vs. Ocampo, 206 SCRA 223). This Court is convinced beyond reasonable doubt that accused Oscar Escala raped his daughter Wilma on July 31, 1994.”[9]

Issues that touch on the credibility of witnesses are matters best addressed to the sound judgment of the trial court. Its assessments deserve to be received with respect, if not conclusiveness on appeal, absent a clear showing of arbitrariness on its part[10] that certainly is not the case here.

Then too, there is no evidence whatsoever that Wilma has been induced by any improper motive in accusing her father of rape. Too often has it been rightly said that the testimony of a rape victim is particularly credible where she has no strong ulterior motive to testify against the accused.[11]

In impugning the victim’s accusation of rape against him, appellant out that it is highly incredible for him to rape his daughter three to four times a week as so claimed by the latter considering the “environmental circumstances,” i.e., the two of them not being alone in the sala of the house with, in fact, no less than eight people – the complainant, her six brothers, her sister and her own mother – sleeping in the same room. The crime of rape, unfortunately for appellant, has been known to be possible for commission even when the rapist and the victim are not alone considering that, given the concomitant anxiety, the act can take only a short time to consummate. The Court has thus held that a conviction for rape could still be proper to despite the fact that it is alleged to have been perpetrated in the same room with the rapist’s spouse or where other family members also sleep.[12] Somehow, copulation does not seem to be a problem even when living in cramp quarters.[13] Lust, it has been said before, is apparently no respecter of time and place.[14]

Appellant assails the delay in complainant’s disclosure of the sexual molestations against her. Procrastination by the victim in rape cases is not known, verily, the failure of the victim to immediately report the rape is never taken to be an indication of a fabricated charge. You girls usually do conceal for some time the fact of their ordeal[15] particularly when they are threatened against revealing the offense.[16] Wilma has testified that everytime her father would molest her, he would point a knife against her and threaten her with death if she were to tell on him.[17] Moreover, in a rape committed by a father against his own daughter, the former’s moral ascendancy and influence can well substitute for violence and intimidation[18] enough to cow the victim into submission. It is absurd to think that a daughter, without resistance being somehow subdued, would simply give in to a beastly desire.

It was only after she had learned that her 13-year old sister Alma also underwent similar abuse by their father, that Wilma ultimately disclosed to the authorities the heinous crime committed by her father.

Finally, the defense contention that Wilma has indicted appellant merely to pre-empt him in the filing of a kidnapping with rape charge against her common-law husband is much too strained to be believed. No young woman would accuse her own father,[19] or anybody else for that matter,[20] of so grave a crime as rape unless she truly has been aggrieved.

The Court sees no other way than to agree with the trial court that appellant is indeed guilty beyond reasonable doubt of the crime with which he has been charged. This offense is defined and made punishable by Article 335 of the Revised Penal Code. The law, as amended by Section 11 of Republic Act No. 7659,[21] reads:

“ART. 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 the woman is under twelve years of age or is demented.

“The crime of rape shall be punished by reclusion perpetua.

“Whenever the crime of rape is committed with the use of deadly weapon or by two or more persons , the penalty shall be reclusion perpetua to death.

“When by reason or on the occasion of the rape, the victim has become insane, the penalty shall be death.

“When the rape is attempted or frustrated and a homicide is committed by reason or on the occasion thereof, the penalty shall be reclusion perpetua to death.

“When by reason or on the occasion of the rape, a homicide is committed, the penalty shall be death.

“The death penalty shall also be imposed if the crime of rape is committed with any of the following attendant circumstances:

“1. When the victim is under eighteen (18) years of age and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim.

“2 When the victim is under the custody of the police or military authorities.

“3. When the rape is committed in full view of the husband parent, any of the children or other relatives within the third degree of consanguinity.

“4 When the victim is a religious or a child below seven (7) years old.

“5 When the offender knows that he is afflicted with Acquired Immune Deficiency Syndrome (AIDS) disease.

“6. When committed by any member of the Armed Forces of the Philippines or the Philippine National Police or any law enforcement agency.

“7. When by reason or on the occasion of rape, the victim has suffered permanent physical mutilation.”

The crime of rape, having been committed by appellant against his own daughter of fourteen years of age, is covered by the above mandatory death penalty provision. The Court, at its deliberations, has sustained the trial court in the imposition of the death penalty on appellant Oscar Escala, a Member of the Court, however, has expressed otherwise, in these terms; viz:

“During the deliberation of this case, I have been asked by my colleagues who constitute the overwhelming majority of this Court to refrain from voting against the imposition of the death penalty.[22] After all, they say, I have already expressed my 32-page Separate Opinion (copy attached) in *People vs. Echegaray*, [23] and a reiteration of my views and the repetitive casting of my negative vote are now unnecessary, redundant, and even improper. Therefore, they chorus, I should now, in obeisance to the majority’s will, cast a vote in favor of imposing the death penalty and thereby open the way to a unanimous vote.

“With all due respect and after much soul-searching, reflection and prayer, I regret that I still cannot accede. While I bow to the majority’s decision and will abide by it, I stand on my right, as a member of this Court, to cast my negative vote on every decision and action that seeks to impose the death penalty pursuant to a law which I firmly believe to be unconstitutional and therefore nonexistent. Every review of a criminal case by this Court, particularly one involving the capital penalty, is a review *de novo*, a meticulous review of the whole case -- of every fact, evidence, issue and argument possible -- whether raised by the parties or not. This is basic and historically axiomatic.[24] In every such review, I plainly see the constitutionality of RA 7659, insofar as it prescribes death as a glaringly indispensable issue to which I cannot close my eyes. My duty to this Court, to

this country, to my conscience and to my God requires me to speak out courageously and resolutely.

"That the overwhelmingly majority of the present members of this Court believes otherwise does not distract me or discourage me from casting my vote as my conscience and my duty impel me. To agree with this law is their privilege. I leave that to their individual consciences and perceptions of duty. But as for me, I fervently believe that this law is totally abhorrent to our fundamental law and to my fundamental faith, and I will steadfastly vote in accordance with such belief every time a case involving the said law is brought before me.

"Today, I may belong to the small minority which believes in the total nullity of the death penalty law. That does not faze me. Neither does it necessarily prove me wrong. Nor the majority, right. It has been reported^[25] that there are now about 600 death cases (and increasing at the rate of 30 more monthly) decided by trial courts and awaiting automatic review by the Supreme Court. And even if only fifty percent of these cases are affirmed by this Court, my negative vote notwithstanding one convict may have to be put to death every working day in the near future. That would be massacre more gruesome than the AIDS epidemic and the Cambodian killing fields and more detestable than the very crimes which this execrable law purportedly seeks to prevent or vindicate. The Philippines and this court would have the dubious distinction of being the worst judicial killers in this world where ironically, the death penalty is being phased out.^[26]

"In life, there are certain basic principles and values I hold sacred and inviolable. And no power on earth, no law in this country or elsewhere, can deny me my faith in such principles and values, and in acting consistently with them. Some may think this is improvident or foolhardy. That is the risk I am willing to take to uphold my conviction. Hence, with all due respect, I will continue to vote against every death penalty imposed against any man or woman and to uphold my belief in the transcendent value of life and in the absolute nullity of this law.^[27]

Although he and three other Members of the court maintain their adherence to the separate opinions expressed in *People vs. Echegaray* (G.R. No. 117472, 07 February 1997) that Republic Act No. 7659, insofar as it prescribes the death penalty, is unconstitutional; they, nevertheless, submit to the ruling of the Court which, by a majority vote, has heretofore decreed that the law is constitutional and that the death penalty should accordingly be imposed.

WHEREFORE, the decision of the Regional Trial Court of Tacloban City, Branch 7, in Criminal Case No. 94-10-468, finding accused-appellant OSCAR ESCALA guilty beyond reasonable doubt of the crime of rape defined and penalized under Article 335 of the Revised Penal Code, as amended by R.A No. 7659, and imposing upon him the penalty of DEATH is AFFIRMED.

In accordance with Section 25 of Republic Act No. 7659, amending Article 83 of the Revised Penal Code, upon finality of this decision, let the records of the case be forthwith forwarded to the Office of the President for possible exercise of the pardoning power.

SO ORDERED.

Narvasa, C.J., Regalado, Davide, Jr., Romero, Bellossilo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Martinez, Quisumbing, and Purisima, JJ., concur.

[1] Rollo, p. 42.

[2] Rollo, p. 43.

[3] Rollo, p. 4.

[4] Rollo, pp. 43-44.

[5] Rollo, pp. 12.

[6] Rollo, pp. 32.

[7] TSN, 09 February, 1995, pp. 3-10.

[8] People vs. Dupali, 230 SCRA 62.

[9] Rollo pp. 11-12.

[10] People vs. Errojo, 229 SCRA 49.

[11] People vs. Matamorosa, 231 SCRA 509.

[12] People vs. Manuel, 236 SCRA 545.

[13] People vs. Ignacio, 233 SCRA 1.

[14] People vs. Quinevista, Jr., 244 SCRA 586.

[15] People vs. Casil, 241 SCRA 285.

[16] People vs. Cervantes, 265 SCRA 832.

[17] TSN, 09 February 1995, p.9.

[18] People vs. Casil, supra, citing People vs. Matrimonio, 215 SCRA 613.

[19] People vs. Malagar 238 SCRA 512.

[20] People vs. Lao, 249 SCRA 137.

[21] The more recent enactment, Republic Act No. 8353, entitled "AN ACT EXPANDING THE DEFINITION OF THE CRIME OF RAPE, RECLASSIFYING THE SAME AS A CRIME AGAINST PERSONS, AMENDING FOR THE PURPOSE ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE, AND FOR OTHER PURPOSES," being neither favorable nor unfavorable to the accused, is inconsequential in this instance.

[22] In some previous death cases, I have already been asked to refrain from casting my negative vote. On constitutional grounds, together with another member of this Court, I have consistently voted to impose only reclusion perpetua. Now, two other justices have joined us in adhering to our Separate Opinions in People vs. Echegaray, *infra*.

[23] 267 SCRA 682, February 7, 1997.

[24] People vs. Olfindo, 47 Phil. 1. December 10, 1924; People vs. Borbano, 76 Phil. 702, May 25, 1946; Suy Sui vs. People, 92 Phil 684, February 17, 1953; People vs. Carreon, 115 Phil. 242, May 30, 1962; People vs. Quemel, 22 SCRA 45, January 16, 1968; People vs. Tagoranao, 37 SCRA 490, February 11, 1971; People vs. Pajarillo, 94 SCRA 828, December 27, 1979; People vs. Lasanas, 152 SCRA 27, July 7, 1987; People vs. Godines, 196 SCRA 765, May 7, 1991; People vs. Liquen, 212 SCRA 288, August 6, 1992; People vs. Alejandro, 225 SCRA 347, August 17, 1993; People vs. Aliviado, 247 SCRA 300, August 14, 1995; People vs. Villaruel, 261 SCRA 386, September 4, 1996; People vs. Sol. G.R. No. 118504, May 7, 1997.

[25] "600 Now in Death Row". Manila Bulletin, March 2, 1998. P. 1; "Woman is 600th Death Row Convict," Philippine Star, March 2, 1998, p. 1.

[26] Article 1 of the Second Optional Protocol to the Covenant on Civil and Political Rights, signed on December 15, 1989, states:

"(1) No one within the jurisdiction of a State Party to the present Protocol shall be executed.

"(2) Each State Party shall take all necessary measures to abolish the death penalty within its jurisdiction."

The following countries have submitted their ratification papers as of December 1996:

Australia Italy Romania

Austria Luxembourg Seychelles

Croatia Malta Slovenia

Denmark Mozambique Spain

Ecuador Namibia Sweden

Finland Netherlands Switzerland

Germany New Zealand Republic of Macedonia

Hungary Norway Uruguay

Iceland Panama Venezuela

Ireland Portugal

(Source: DFA UNIO Office)

[27] After a rather animated and lengthy deliberation, the members of the Court unanimously agreed to include the following sentence in the text of the decision of this and other similar cases:

"Four members of the Court -- although maintaining their adherence to the separate opinions expressed in *People vs. Echegaray* (G.R. No. 117472, 07 February 1997) that Republic Act No. 7659, insofar as it prescribes the death penalty is unconstitutional -- nevertheless bow to the ruling of the Court, by a majority vote, that the law is constitutional and that the death penalty should accordingly be imposed."

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