

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. LINO CATOLTOL, SR., ACCUSED-APPELLANT.

G.R. No. 122359 (Formerly UDK-11320). November 28, 1996

Ponente: REGALADO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-122359/>

REGALADO, J.:

Accused-appellant Lino Catoltol, Sr. seeks the reversal of the judgment rendered by the Regional Trial Court, Branch 114, Pasay City in Criminal Case No. 89-3837 convicting him of the crime of rape. The prosecution therefor was based on the sworn written complaint filed on November 9, 1989 by Rosanna Reyes y Salazar[1] alleging that on or about May 10, 1989, in their house in Pasay City, appellant had carnal knowledge of her by means of force and intimidation and against her will or consent.

Upon arraignment with the assistance of counsel de parte, appellant pleaded not guilty to the crime charged. He waived the pre-trial hearing and the case was immediately set for trial thereafter on the merits. The verdict on his guilt was eventually handed down in a decision of the trial court dated May 18, 1990.[2]

It appears, however, that the original records of the case were burned on January 18, 1992 in the fire which gutted the Pasay City Hall where the trial courts were housed. On January 2, 1994, the Public Attorney's Office (PAO) of the Department of Justice, which had been appointed by this Court as counsel de oficio for appellant, manifested its inability to retrieve copies of the burned records and requested for the reconstitution thereof.

Subsequently, however, in another manifestation dated May 17, 1994, the PAO informed the Court Atty. Ulysses M. Rosal, who had elevated this case on appeal, had located and turned over some records of the case during the proceedings in the trial court, consisting of (1) the complaint of the offended party, (2) "Malaya at Kusang Loob na Salaysay" of Rosanna Reyes, and (3) certified transcripts of the stenographic notes of (a) the testimony of Dr. Roberto Garcia (January 4, 1990); (b) additional direct examination (January 16, 1990), cross-examination and re-direct examination of Rosanna Reyes (January 31, 1990); and (c) the testimony of Arsenia Rada-Reyes (January 23, 1990). Although not mentioned in the manifestation, the transcripts also included the testimony of Pfc. Reynaldo Paculan (January 31, 1990).

Since the transcripts of the direct testimony of the complainant were incomplete, the Court resolved on June 15, 1994 to refer the matter to the trial court for appropriate action. However, presiding Judge Vicente L. Yap reported on March 13, 1995 that despite three orders issued therefor, the additional testimony of complainant could not be obtained as her whereabouts could not be ascertained. Hence, in a comment dated July 7, 1995, the PAO stated that it was foregoing the taking of and dispensing with such projected testimony.

The facts of this case can nonetheless be ascertained from the decision of the trial court,[3] the findings wherein have been adopted by the Solicitor General and are not seriously controverted by the defense. On the bases of the extant records, we find the same to be correct and reproduce them hereunder, with referential documentation added thereto:

"The prosecution's evidence showed that the private complainant Rosanna Reyes y Salazar, a fourteen year old girl, was staying with her mother Rosita Salazar at No. 143 Gamban-Riverside, BLTB, Pasay City. Rosita Salazar had been estranged from her husband Domingo Reyes for sometime. In the same house lived Lino Catoltol y Corpin, the live-in partner of Rosita Salazar, their lovechild, Lino, Jr., and two (2) of the former's daughters, Luzviminda and Irene."

x x x

Things seemed to go on smoothly until November 6, 1989 when Rosanna, who was already fourteen (14) years old, ran away from home. Her failure to come home alarmed her mother who very early in the morning rushed to her son Dante's house at the reclamation area in Pasay City to seek his help. With her daughter-in-law Arsenia Rada and her own son Dante Reyes, the distraught mother went to look for Rosanna among her known friends at Apelo St. And Vizcarra St. in Pasay City, but she was not there. They decided to look for her in Pateros, Rizal, where Rowena, a married sister of the missing girl, resided. Still there was no sign of Rosanna. They returned to their residence at No. 143 Gamban-Riverside, BLTB, Pasay City, and had a late lunch. They were mulling their next moves when Rosanna arrived accompanied by her classmate's mother. The woman explained that Rosanna had spent the night at their house and did not want to go home because she appeared to have a very serious problem. While Rosita Salazar conversed with the mother of Rosanna's classmate, Arsenia Reyes took her sister-in-law Rosanna to the kitchen and talked with her in confidence. It was then that the young girl unburdened herself and confided everything. She cried that she could no longer bear the abuse and indignities inflicted on her chastity by her stepfather Lino Catoltol, Sr. who was bent again, with the frequent power blackouts, to quench his lust. To avoid his threats, she thought of running away from home as the only way out.[4]

Rosanna declared that on the night of May 10, 1989, while she was sleeping beside Luzviminda and Irene Catoltol in a room in the upper part of the house, she was awakened when she felt a body beside her. At first she surmised it was Irene who must have rolled over to her side. Her mother did not come home that night. She was taken by surprise to find her stepfather Lino, Sr. beside her. Instinctively, she pushed him away but he quickly went on top of her and threatened her not to shout or he would kill her. He glared at her, covered her mouth with one hand and took off her blouse with the other. She tried to resist by moving her shoulders but he pressed her down. He kissed her from the ear downward, took off her skirt and her shorts and touched her private part. She tried to remove his hand but he simply brushed away her hand. He mounted her even as he moved his finger in and out of her womanhood. She struggled to pull away her body but he held her by the shoulder and pressed his weight upon her. Then he inserted his manhood into her private part and made the 'push and pull' movement. She began to cry in her helplessness. She felt something hot that was discharged inside her after which he withdrew.

Rosanna also confided that she had been abused several times before by her stepfather who was a drunkard. She recalled that by means of force and intimidation, he first violated her chastity sometime in August, 1987. After satisfying his lust, he glared at her and warned her not to tell anyone or he would kill her. She was only twelve (12) years old then. There were several times more after that but she could not complain to anyone, much less to her mother, because he threatened to kill all of them."[5]

Expectedly, appellant denied the accusations against him. He claimed that the charge of rape was fabricated by complainant and her sister-in-law, Arsenia Rada-Reyes, to force the separation between him and their mother, Rosita Salazar. He claimed that there was a misunderstanding between him and Arsenia's husband, Dante Reyes, over some goods entrusted to them in Baclaran which they failed to account for. He also questioned the fact that it took complainant almost six months before she complained and denounced the alleged horrendous acts committed against her.[6]

The lower court, after thorough evaluation and discussion of the evidence on record, entertained no doubt that complainant Rosanna Reyes was telling the truth and had been raped by appellant. It accordingly rendered the

aforementioned judgment of conviction, as follows:

"WHEREFORE, this Court finds the accused LINO CATOLTOL, SR. Y CORPIN guilty beyond reasonable doubt as principal of the crime of Rape defined in and penalized under Article 335 of the Revised Penal Code, as amended, and, there being neither mitigating nor aggravating circumstance attending the commission of the crime, hereby sentences him to suffer the penalty of reclusion perpetua (life imprisonment), to indemnify Rosanna Reyes in the amount of twenty-five thousand (P25,000.00) pesos by way of moral damages, and to pay the costs." [7]

Hence, this appeal on a lone assignment of error, with appellant contending that the trial court gravely erred when it overlooked certain facts of substance and value which, if considered, will reverse its pronouncement against herein appellant. [8]

Appellant impugns the findings of the court below for giving more weight and credence to the testimony of complainant, rather than to his denial. This Court has ruled, time and again, that the findings of facts of a trial court carry great weight and are entitled to respect by the appellate courts since the trial court is in a better position to decide the question of credibility, having heard the witnesses and observed their deportment and manner of testifying during the trial. [9] Furthermore, the denial by the accused cannot prevail over the clear and positive testimony of the complainant. [10] Thus, in *People vs. Joaquin*, [11] this Court ruled that the testimony of the complainant herself, supported by the medical evidence of her non-virgin state, is sufficient to sustain the conviction of the accused.

These doctrines were duly applied in the present case where complainant Rosanna Reyes unerringly identified appellant in her sworn statement [12] as the rapist, and by the authoritative testimony of Dr. Roberto V. Garcia, Medico-Legal Officer of the National Bureau of Investigation, who conducted the genital examination. He opined that Rosanna Reyes was no longer in a virgin state at the time of her examination and could have had multiple sexual intercourses since 1987 up to the date of the incident, although her hymen, being distensible, remained intact. [13]

Appellant asserts, however, that although said expert witness of the prosecution described the physical condition of the genitalia of complainant, he made no categorical testimony on the rape incident that was committed against the latter six months earlier. This, he posits, should raise doubt on her tale of rape. [14] Appellant's assertion is puerile. As observed by the People:

"Appellant's claim is without merit. It proceeds from a misconception that a medical certificate indicating that private complainant was raped is a prerequisite for his conviction of the rape charges filed against him.

x x x

Moreover, contrary to Appellant's allegation, the medical certificate issued by the medico-legal officer and his testimony respecting the same clearly show that the condition of private complainant's sexual organ indicates that she had sexual intercourse with a man for about twenty (20) times from 1987 up to November 7, 1989, when she was examined. This period includes May 10, 1989, the time of the rape appellant was convicted of." [15]

We have ruled that even the absence of medical findings by a medico-legal officers does not disprove the commission of rape. Medical examination is not an indispensable element in a prosecution for rape, neither is presentation of the victim's torn panty fatal to the prosecution's case. [16] In the case of *People vs. Arce*, [17] the Court declared that the purpose of the medical examination is merely corroborative in nature. Furthermore, in *People vs. Sapurco*, [18] it was held that the presence of a laceration in the vagina is not an essential prerequisite to prove that a victim has been raped.

In fact, in *People vs. Soterol*, [19] the Court took the occasion to reiterate the earlier and long standing

decisions[20] to the effect that when a woman testifies that she has been raped, she says all that is needed to signify that the crime has been committed. This is true when made against any man committing the crime; it is more so when the accusing words are said against a close relative, such as appellant who is the stepfather of complainant. Indeed, in addition to such relationship, there further appears no motive whatsoever for complainant to impute such a grave offense to him.

Appellant challenges the findings of the court below that the rape incident was committed within the limited space of their residence while complainant was sleeping with appellant's own daughters. He argues that it is impossible for her sleeping mates not to be awakened by her outcry. That contention is palpably devoid of merit, for rape need not be committed in an isolated place. The fact that there were other people sleeping in the same room will not guarantee that rape cannot be committed. Lust, we have repeatedly noted, is no respecter of time and place.[21] Crimes against chastity have been committed in many and different kinds of places, including those which most people would consider as inappropriate or as presenting a high risk of discovery.[22] As we held in *People vs. Manuel*,[23] rape is not impossible even if committed in the same room while the rapist's spouse was sleeping, or in a small room where other family members also slept.

Appellant would have us believe that the rape charge against him was concocted by complainant and her sister-in-law, Arsenia Rada-Reyes, and he underscores the fact that it was after six months that the former complained of and denounced the heinous act, thus casting serious doubts on her credibility.[24] This is a futile contention and subterfuge. Delay in reporting an incident of rape is not an indication of a fabricated charge nor does it cast doubt on the credibility of a complainant.[25] As observed by the lower court, despite her tender years Rosanna Reyes spoke in a clear, positive and straightforward manner on the witness stand throughout her long and exhausting testimony.[26] Also, in *People vs. Baraca*,[27] we rejected for lack of factual basis the contention therein that the filing of the rape case was instigated by someone who harbored ill-feelings and standing grudge against the accused therein.

As found by the court a quo, while it is true that it took complainant a long time to report her defloration, there was a continuing threat to her life and that of her mother, and she was very young and inexperienced. It also noted that "the private complainant is frail and small, a mere wisp of a girl whose childlike innocence is written all over her. There is no sophistication about her and nothing to invite any mundane thought, except possibly from a sick man." [28] On this score, our jurisprudential annals also reveal that no woman, especially of tender age would, concoct a story of defloration, allow an examination of her private parts, and thereafter pervert herself by being subjected to a public trial if she was not motivated solely by the desire to have the culprit apprehended and punished.[29]

The lower court acted correctly in upholding the case for the People, and in rejecting the arguments of appellant which only sought to complicate the simple and becloud the obvious. However, its parenthetical indication in imposing, the penalty, as one of "reclusion perpetua" (life imprisonment)," should be corrected by deleting the latter penalty. We have already laid down quite a number of cases calling attention to the fact that said penalties are discrete from and not synonymous with each other.[30]

ON THE FOREGOING PREMISES, the appealed judgment of the trial court convicting accused-appellant Lino Catoltol, Sr. of rape is hereby **AFFIRMED** but with the penalty therefor being reclusion perpetua, and with the further **MODIFICATION** that the award for moral damages is increased to P50,000.00.

SO ORDERED.

Romero, Puno, Mendoza, and Torres, Jr., JJ., concur.

[1] Rollo, 74.

[2] Penned by Judge Fermin A. Martin, Jr.

[3] Rollo, 196-201.

[4] TSN, January 23, 1990, 1-5.

[5] Ibid., January 31, 1990, 14-15.

[6] Rollo, 10.

[7] 7 Ibid., 201.

[8] Appellant's Brief, 1; Rollo, 181.

[9] People vs. Lakibul, G.R. No. 94337, January 27, 1993, 217 SCRA 575.

[10] People vs. Sarellana, G.R. Nos. 102056-57, June 8, 1994, 233 SCRA 31.

[11] G.R. Nos. 98007-08, August 5, 1993, 225 SCRA 179.

[12] Rollo, 75.

[13] Ibid., 200.

[14] Appellant's Brief, 8-9; Rollo, 188-189.

[15] Appellee's Brief, 11-12; Rollo, 232-233.

[16] People vs. Sadang, et al., G.R. No. 105378, June 27, 1994, 233 SCRA 412.

[17] G.R. Nos. 101833-34, October 26, 1993, 227 SCRA 406.

[18] G.R. No. 107748, July 3, 1995, 245 SCRA 519.

[19] G.R. No. 53498, December 16, 1985, 140 SCRA 400.

[20] People vs. Alvis, Jr., G.R. No. L-46125, September 30, 1982, 117 SCRA 362; U.S. vs. Ramos, et al., G.R. No. 126, December 26, 1901, 1 Phil. 81.

[21] People vs. Segundo, et al., G.R. No. 88751, December 27, 1993, 228 SCRA 691.

[22] Junio vs. Rivera, Jr., A.M. No. MTJ-91-565, August 30, 1993, 225 SCRA 688.

[23] G.R. Nos. 107732-33, September 19, 1994, 236 SCRA 545.

[24] Rollo, 11.

[25] People vs. Pamor, G.R. No. 108599, October 7, 1994, 237 SCRA 462.; People vs. Casil, G.R. No. 110836, February 13, 1995, 241 SCRA 285.

[26] Rollo, 200.

[27] G.R. No. L-48360, June 24, 1985, 137 SCRA 148.

[28] Rollo, 200.

[29] *People vs. Dado, et al.*, G.R. No. 87775, June 1, 1995, 244 SCRA 655; *People vs. Guibao*, G.R. No. 93517, January 15, 1993, 217 SCRA 64; *People vs. Derpo*, G.R. Nos. L-41040 & 43908-10, December 14, 1988, 168 SCRA 447; *People vs. Selfaison, et al.*, G.R. No. L-14732, January 28, 1961, 1 SCRA 235.

[30] See *People vs. Sangil*, G.R. No. 91158, May 8, 1992, 208 SCRA 696; *People vs. Retuta*, G.R. No. 95758, August 2, 1994, 234 SCRA 645.

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.