

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RAMON FLORES, ACCUSED-APPELLANT.*G.R. No. 130546. July 26, 1999*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-130546/>**PER CURIAM:**

Marisol Flores' juvenile innocence was untimely ended by a father who gave free rein to his lustful proclivity. As in most cases of incestuous rape, she would have just kept this experience to herself and opted to suffer in secret. By coming out in the open though to reveal a harrowing tale of forced defloration, she has made a confession of what girls of her age would normally not have done. Her lips unsealed, she exposed herself to all the attendant pains of being embarrassed and ridiculed twice over by a public trial. Accused-appellant, however, despite Marisol's laudable audacity, would now have this Court believe that the victim's story is a mere concoction. As in other criminal cases, the Court's verdict will hinge principally on who of the parties is more credible.

Herein accused-appellant Ramon Flores y Reyes stands accused before the Regional Trial Court, Branch XXVII, in Bayombong, Nueva Vizcaya, for two counts of rape filed pursuant to the following informations, to wit:

Criminal Case No. 3116

"That on or about the first week of February 1994, at Barangay Masoc, Municipality of Bayombong, Province of Nueva Vizcaya, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design, taking advantage of superior strength, by means of force, violence, threat and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of the complainant Marisol Flores y Canapi, who is his daughter and under 12 years of age, against her will and consent, to her damage and prejudice including her parents.

CONTRARY TO LAW."

Criminal Case No. 3117

"That on or about the third week of December 1995 at Barangay Masoc, Municipality of Bayombong, Province of Nueva Vizcaya, Philippines, and within the jurisdiction of the Honorable Court, the above-named accused with lewd designs, taking advantage of superior strength, by means of force, violence, threat and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of the complainant Marisol Flores y Canapi, who is his daughter and under 12 years of age, against her will and consent, to her damage and prejudice including her parents.

CONTRARY TO LAW."

After accused-appellant pleaded "not guilty" to the above indictments, joint trial ensued leading to his conviction by the trial court in a decision^[1] dated May 27, 1997, the decretal portion of which reads:

"WHEREFORE, the Prosecution having proved that the accused committed the offenses of statutory rape in Crim. Case No. 3117 and incestuous rape in Crim. Case No. 3116 beyond reasonable doubt, the accused, Ramon Flores y Reyes, is found GUILTY thereof and is hereby sentenced as follows:

In Criminal Case No. 3116, the accused shall suffer DEATH by lethal injection and to indemnify the victim in

the sum of P50,000.00 as moral damages and P20,000.00 exemplary damages and to pay the costs of suit;

In Criminal Case No. 3117, the accused shall suffer the penalty of reclusion perpetua and shall indemnify the victim in the sums of P50,000.00 as moral damages and P20,000.00 as exemplary damages and to pay the costs of the suit.

SO ORDERED."

The pertinent facts, as borne by the records, are as follows:

At the time of the incidents complained of, the victim was an 8-year old, Grade II student at Masoc Elementary School located at Masoc, Bayombong, Nueva Vizcaya. She is the eldest, legitimate daughter of accused-appellant in a brood of three.[2]

In the evening of December 1993, while Marisol was fast asleep inside their residence at Masoc, Bayombong, Nueva Vizcaya, she was awakened by the pressing weight of her father who positioned himself over her back. Her panty having been previously removed, accused-appellant started inserting his penis into her anal orifice. Marisol struggled and exerted all efforts to extricate herself from accused-appellant but to no avail; the latter proved too strong for her. She even tried shouting for help but her mouth was covered by appellant. Thus, accused-appellant successfully parted her thighs and inserted his private organ into her vagina. Although she felt excruciating pain, she could do nothing but cry as accused-appellant, her very own father, consummated his lustful desires.[3]

After satisfying himself, accused-appellant stood up and covered the lower part of Mirasol's body with a blanket. He then left, but not without threatening to kill her and the rest of the family should she report the incident to her mother.[4]

Mirasol's traumatic experience in the hands of her father, herein accused-appellant, however, did not end that night as sometime in the month of February 1994, she was again violated. As in the previous incident, Mirasol was in deep slumber when she was awakened by the movements and the heavy weight of her father on her back. She resisted and tried to ward off her father, but again, she was no match to his strength. Accused-appellant succeeded once more in sodomizing her and eventually having carnal knowledge of her.[5]

Aware of her father's cruelty and abusive treatment of his family, coupled with the threats made upon her, Mirasol kept her ordeal to herself. She did not dare report the same to her mother who was then working in Manila since accused-appellant always kept an eye on her and her sisters, one of whom accused-appellant also allegedly abused.[6]

Subsequently, accused-appellant abandoned his family to live with another woman. Grabbing the opportunity, Mirasol mustered enough courage and disclosed her father's loathsome acts to her mother. As accused-appellant brought with him Mirasol's youngest sister, she expressed fear that accused-appellant would likewise commit the same beastly acts on her sibling.[7]

Upon learning what happened to Mirasol, the mother lost no time in reporting the same to the Bayombong Police Station, and then later to the Solano (Nueva Vizcaya) Police Station. In June 1995, the mother, together with her two daughters, went to the Bayombong Police Station to lodge a formal complaint against accused-appellant. Sworn statements of Mirasol and her younger sister were then taken by the police and, afterwards, they were examined by the municipal health officer of Bayombong, Nueva Vizcaya.[8]

Dr. Nestor Domingo, Municipal Health Officer of Bayombong, Nueva Vizcaya, conducted rectal and pelvic examination on Mirasol and then issued a medico-legal examination report[9] dated June 6, 1995. Said examination yielded the following findings:

"Result of Physical, Pelvic and Rectal Examination conducted upon the person of Marisol Flores.

PHYSICAL EXAMINATION:

-No signs of external physical injury

PELVIC EXAMINATION:

-Mons pubis with no pubic hair

-Labia majora with no lacerations

-Labia minora with superficial abrasion, left

-Hymen is not intact with no laceration

-I.E.: Vagina hardly admits tip of right index finger

RECTAL EXAMINATION:

-No surrounding anal lacerations

-Positive pararectal tenderness

-Positive fecal material on tactating finger and negative for blood

(Sgd.) Dr. Nestor V. Domingo

Municipal Health Officer"

Defending himself, accused-appellant denied the acts imputed to him by his daughter. On the dates that these acts were supposedly committed, he claimed that he was working as a tricycle driver, usually at night. He then argued that these accusations against him were made upon the instigation of his estranged wife who constantly had quarrels with him, especially when he abandoned the family to live with his wife's youngest sister, Elena. His wife, allegedly a troublemaker, vowed to pursue these cases against him if he would not live with her, such that when he opted to live with Elena, his wife induced Marisol to continue prosecuting him. To prove that his wife was such a troublemaker, he claimed that his wife even set their house on fire in Masoc, Bayombong, Nueva Vizcaya and tried to put the blame on him.[10]

As mentioned earlier, accused-appellant was convicted of the offenses charged against him. On review, he now invites the Court to rule on the following errors[11] allegedly committed by the trial court:

- THE TRIAL COURT ERRED IN RENDERING A VERDICT OF CONVICTION IN CRIMINAL CASE NO. 3116 DESPITE FAILURE OF THE PROSECUTION TO ESTABLISH APPELLANT'S GUILT BEYOND REASONABLE DOUBT.

- THE TRIAL COURT ERRED IN CONVICTING APPELLANT OF RAPE IN CRIMINAL CASE NO. 3117 IN GROSS VIOLATION OF HIS CONSTITUTIONAL RIGHT TO BE INFORMED OF THE NATURE AND CAUSE OF THE ACCUSATION AGAINST HIM.

We shall address these issues seriatim.

Tackling his first assignment of error, accused-appellant cited a portion of Marisol's testimony wherein she appeared to have negated her claim that her father inserted his private organ into her anal orifice, as well as in her vagina. Marisol's testimony in this regard runs as follows:

"Q: You said earlier that he inserted his penis to your anus, is there any occasion during that night that he inserted his penis to your vagina?

A: None, sir.

Q: Now, Mirasol, is there an occasion also whereby your father inserted his penis to your vagina, your sex organ afterwards?

A: None, sir. xxx"[12] [Underscoring supplied].

On account of the above-cited testimony, accused-appellant submits, thus:

"Private complainant's foregoing testimony that appellant did not insert his penis into her vagina was categorical, firm, spontaneous and straightforward. Inasmuch as the aforequoted material points were initially asked of her, and even repeatedly asked by the prosecutor, her testimony should have been regarded as gospel truth as she had no more time to concoct. Private complainant's admission even bolster the testimony of appellant to the effect that during the confrontation in the Prosecutor's Office, the former claimed that she was not raped (TSN, March 5, 1997, p. 3). Since no rebuttal witness was presented by the prosecution, the same is deemed admitted. Likewise, the aforequoted testimony of private complainant lend credence to the testimony of Social Worker Dionita Osio who testified that the former could not even specify how she was allegedly raped (TSN, April 22, 1997, pp. 4-5).

Accordingly, private complainant's sudden change of heart at the resumption of trial which took place almost two (2) months after the initial presentation of prosecution's evidence was clearly shrouded with doubt. Private complainant's claim thereafter that she was raped was an afterthought. Worse, such incredible claim emanated from a polluted source. Withal, the possibility of private complainant being coached to supply lacking details in her direct testimony to pindown (sic) appellant for allegedly inserting his penis into her vagina which she initially denied in the first place is not far-fetched. Realizing that appellant could only be possibly held liable for acts of lasciviousness as clearly reflected in private complainant's direct testimony quoted above the latter had to adopt a different stance. And the opportunity to concoct lies was presented to her after the prosecution sought for continuance of the trial. The prosecution cannot claim that private complainant is too naïve to comprehend the meaning of "rape" because when she was asked about it during trial, she said she understood the same (TSN, November 19, 1996, p. 5). What is more, the claim of rape is of doubtful veracity in view of the considerable period of delay in reporting the same to the authorities."[13]

Accused-appellant's arguments fail to persuade us.

It is with the greatest care and caution that the Court examines the story of the complainant to determine its veracity in light of human nature and experience,[14] most especially in cases such as the one at bar where capital punishment is being imposed. As we have enunciated in a long line of cases, an accusation for rape can be made with facility, such that it is really difficult for the person accused, though innocent, to disprove the same. In view therefore of the intrinsic nature of the crime of rape where only two persons are usually involved, the testimony of the victim must be scrutinized with extreme caution and that the prosecution must stand or fall on its own merits and cannot be allowed to draw strength from the weakness of the evidence for the defense.[15]

The Court took pains to probe deeply into the records to determine the victim's credibility which accused-appellant now puts in issue. In this regard, we are sufficiently convinced that the prosecution successfully discharged its onus to show that the testimony of the victim, as to the circumstances of rape upon her person, deserves full faith and credit.

In the first place, the above-quoted testimony of the victim cited by accused-appellant to bolster his claim that he never inserted his private organ into Marisol's anus and vagina was later adequately explained and clarified during the continuation of the victim's subsequent direct testimony. Thus:

"Q:

Marisol during the last hearing, you testified on this Hon. Court and you were asked and you testified that your father in one of the occasion inserted his penis on your private part or penis in your anus, do you remember

that?

A:

Yes, sir.

Q:

And when asked the question, is there an occasion that your father inserted his penis in your private part or vagina you answered none, do you remember that?

A:

Yes, sir.

Q:

Now, will you please explain to the Court if that answer of yours is true or not?

A:

True, sir.

Q:

What is the true?

A:

It is true that he did that to me, sir.

Q:

What is that your father did to you which is true?

A:

That he inserted his penis in my vagina and in my anus, sir.

Q:

Why is that when you were asked that question on one occasion your father had inserted his penis to your vagina and you answered "no", will you explain to the Hon. Court why you answered that way?

A:

Because what you said before is pagkakataon what I mean by that is pagbabago I did not understand the word occasion (pagkakataon), sir." [Underscoring supplied].[16]

Secondly, accused-appellant's insinuation that the victim had been coached and instigated by her mother when she resumed testifying two months after the first time she took the witness stand, is merely speculative and

conjectural. Had accused-appellant seriously doubted the victim's credibility, he should have been able to demonstrate the same through the extensive and rigorous cross-examination conducted by his counsel on several hearings. Clearly, accused-appellant failed to show that the victim perjured herself. Instead of her credibility being impeached, the victim held steadfast to her testimony on direct examination that her father indeed inserted his penis into both her anus and vagina. In fact, defense counsel's line of questioning during the cross-examination assumed this fact. Thus:

"ATTY. ESPINO:

Q: On that night that you were already sleeping you felt that somebody was on top of you while you were lying facing down inserting his penis inside your anus?

A: Yes, sir.

Q: You also said that your panty was already removed?

A: Yes, sir.

Q:

Who?

A: (witness is pointing to the accused).

Q: Why do you know that he removed your panty?

A:

Because he was the one who was on top of me, sir.

xxx xxx xxx

Q: What were the movements done by your father in doing that kind of act?

A: He was forcing to insert his private part to my anus, sir.

xxx xxx xxx

Q: When did your father insert his private part to your vagina?

A: After he inserted his private part to my anus he also inserted his penis to my vagina, sir. [Underscoring supplied].[17]

It is, therefore, indubitable that accused-appellant could not have been held liable only for acts of lasciviousness. The victim's testimony, delivered in a straightforward and spontaneous manner, without contradiction as to any material point, clearly demonstrates that accused-appellant indeed succeeded in consummating his bestial acts upon the hapless victim. Corroborating such testimony is the medical finding itself that the victim is already in a non-virgin state. Dr. Domingo's testimony is enlightening at this point:

"Q:

You mentioned in your medical report particularly in the pelvic examination that the hymen is not intact with no laceration, please examine what --- please explain what do you mean by hymen is not intact with no laceration?

A:

I said the hymen is not intact because when I examined the victim the normal configuration of the thin elastic membrane covering the vaginal orifice is no more visible, that is the hymen. The thin elastic vulva seems like plastic, sir.

Q: What else, please elaborate on your findings?

A:

This one with no laceration, I am entertaining it as a fresh laceration. The victim came to me one year after the alleged rape. If ever there is hymenal laceration, it is difficult to differentiate it from the normal configuration of the hymen, sir.

COURT:

Q:

It seems that you are familiar with the hymen; in the examination you conducted, would that be a normal hymen, the one you found in the victim's vagina or private part?

A: Yes, sir.

Q: What I mean normal is that it has not suffered any injury yet, do you still say that it is a normal hymen?

A: No, sir because it was already not intact, it was torn."

Needless to say, it has been held by this Court often enough that when a woman says that she has been raped, she says in effect all that is necessary to show that she has been raped.[18]

Turning now to the next issue, accused-appellant posits that he cannot be convicted of the offense charged in Criminal Case No. 3117 because the date of the commission of the said crime, as specified in the information, was the third week of December 1995, while the testimony of the victim pointed to another date which was December 1993. According to accused-appellant, this variance between the date alleged in the information and the date actually testified to by the victim is too crucial and material to be ignored inasmuch as he is given the constitutional right to be informed of the nature and cause of the accusation against him.[19] He argues that the information charged him of an offense committed in December 1995, which prompted him to prepare a defense in regard thereto, rendering it unfair for him to defend himself against an incident that took place on a different

date.[20]

The Court finds no merit in such arguments.

It is not the first time that an issue such as this has been brought before us. In *People v. Cruz*,^[21] we have categorically ruled that due process demands that the accused in a criminal case should be informed of the nature of the offense with which he is charged before he is put on trial. To convict him for an offense not alleged in the complaint or information will violate such right. In that case, the information alleged that appellant therein raped the victim on April 25, 1991 when what was proved during trial was that appellant succeeded in raping the victim prior to such date. These dates, not having been alleged in the information, we found it proper not to convict appellant for such proven consummated acts of rape committed on some other dates.

A closer examination of *Cruz*, however, reveals that the factual circumstances therein are distinguishable from the instant case so that we find the same inapplicable. Unlike in *Cruz*, the complaint filed by the victim in the instant case actually pointed, to December 1993 as the date of the commission of the offense charged in the information. No such fact, however, has been mentioned in *Cruz* which, to our mind, is determinative of the Court's decision not to make appellant therein liable for the rape committed prior to the date specified in the information. Thus, whatever error which may have been committed in the drafting of the pertinent information with respect to the date of the rape must not be taken against the prosecution. The trial judge's observation in this regard during the trial proceedings, which we think is sound and in keeping with the intent of the Rules on Criminal Procedure, at least at the time that the offense was committed,^[22] is worth noting:

"PROS. CALIP:

Actually, your honor, may we put on record that based on the sworn statement in addition to the testimony of the witness on the witness stand, it appears that the sworn statement was made as the basis of the complaint. The date June 8, 1995 and it is highly impossible that the act or the complaint in *Crim. Case No. 3117* was committed in December 1995, your honor.

COURT:

Well, anyway, if we go to the Rules on Criminal Procedure, the Criminal complaint signed by this victim is a part of the Information. I think between the Information and the Criminal complaint, the criminal complaint will have to be followed because the criminal complaint is supposed to be part of the information. Under the rules on private offenses, it is the victim who should sign the complaint. And since the criminal complaint was not signed by the Prosecutor, I think we will have to be governed by those stated in the criminal complaint and not in the Information." [Underscoring supplied].

That the court adopted a liberal attitude with respect to such defect in the information is not without basis. Although the defect therein was with respect to the lack of allegation as to the mental retardation of the victim, we nonetheless held in *People v. Rosare*^[23] that there was already substantial compliance with the constitutional mandate that an accused be informed of the nature of the charge against him. In that case, we took cognizance of the fact that the resolution of the investigating prosecutor which formed the basis of and was attached to the information clearly stated that the victim was suffering from mental retardation.^[24] We do not find any reason why the same reasoning should not apply to the case at bar.

In view of the foregoing, accused-appellant cannot therefore insist that he should not be convicted of the offense charged in *Criminal Case No. 3117* on the ground that it specified a date of commission of the offense different from the date testified to by the victim.

As to the propriety of the penalty imposed upon accused-appellant, the Court finds the same in accord with law

and jurisprudence. The trial court's verdict in Criminal Case No. 3116 that the accused shall suffer the supreme penalty of death is consonant with Article 335 of the Revised Penal Code, as amended by Republic Act No. 7659, the offense having been committed at the time the amendment was already operative. The pertinent portion of the provision states:

"ART. 335. When and how rape is committed.-

xxx xxx xxx

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

- 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. xxx" [Underscoring supplied].

There is no doubt here that the instant case falls squarely under the foregoing provision it being proved that accused-appellant is the victim's father and that at the time the rape was committed in February 1994, the victim was still below the age of eighteen.

Likewise, the trial court's disposition of Criminal Case No. 3117 receives our imprimatur. Although essentially identical acts were committed by accused-appellant upon the victim, at the time such rape was consummated in December 1993, the amendments introduced by Republic Act. No. 7659, however, were yet to take effect. Fortunately for the accused-appellant, he is only liable for statutory rape as defined under Article 335, No. 3 of the Revised Penal Code. There being no other attendant circumstances, accused-appellant was, therefore, properly meted out the penalty of reclusion perpetua.

However, in line with the prevailing policy adopted by the Court, the award of civil liability in Criminal Case No. 3116 must be modified. Under this policy, the civil indemnity ex delicto for the victim shall be in the amount of P75,000.00 if the crime of rape is committed or effectively qualified, as in the instant case, by any of the circumstances under which the death penalty is authorized by the applicable amendatory laws.[25] In addition, the Court awards the amount of P50,000.00 as moral damages to the victim without need for pleading or proof of the basis thereof.[26]

Four members of the Court maintain their position that Republic Act No. 7659, insofar as it prescribes the death penalty, is unconstitutional; nevertheless they submit to the ruling of the Court, by a majority vote, that the law is constitutional and that the death penalty should be accordingly imposed.

WHEREFORE, the appealed joint decisions of the Bayombong, Nueva Vizcaya Regional Trial Court, Branch XXVII, in Criminal Case Nos. 3116 and 3117, imposing the death penalty on accused-appellant in the former case and reclusion perpetua in the latter case, are hereby AFFIRMED, with the MODIFICATION that accused-appellant shall be ordered to indemnify the victim in the amount of P75,000.00 as civil indemnity ex delicto and P50,000.00 as moral damages in Criminal Case No. 3116 and P50,000.00 civil indemnity ex delicto and P50,000.00 as moral damages in Criminal Case No. 3117. Costs against the accused-appellant.

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 this case be forthwith forwarded to the Office of the President for possible exercise of executive clemency.

SO ORDERED.

Romero, Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Purisima, Pardo, Buena, Gonzaga-Reyes, and Ynares-Santiago, JJ., concur.

Davide, Jr., C.J., on leave.

[1] Rollo, pp. 38-46.

[2] TSN, November 19, 1996, pp. 3-4.

[3] TSN, January 9, 1997, pp. 19-21.

[4] Ibid., pp. 17-22.

[5] Ibid., pp. 7-9.

[6] TSN, November 27, 1996, pp. 6-7; TSN, February 11, 1997, pp. 3-11.

[7] TSN, November 26, 1996, pp. 3-7; TSN, December 11, 1996, p. 2; TSN, January 21, 1997, pp. 9-10.

[8] TSN, November 26, 1996, pp. 7-10; TSN, January 9, 1997, pp. 6-12.

[9] Exhibits C and C-1, Records, p. 7.

[10] TSN, February 18, 1997, p. 2; Decision, p. 4.

[11] Cf. Appellant's Brief, Rollo, pp. 64-73.

[12] TSN, November 19, 1996, pp. 6-7.

[13] Rollo, pp. 70-71.

[14] *People v. Obar, Jr.*, 253 SCRA 288.

[15] *People v. Subido*, 253 SCRA 196; *People v. Obar, Jr.*, *supra.*; *People v. Echegaray*, 257 SCRA 561; *People v. Excija*, 258 SCRA 424; *People v. Gabris*, 258 SCRA 663.

[16] TSN, January 9, 1997, pp. 17-18.

[17] TSN, January 23, 1997, pp. 4-8.

[18] *People v. Cristobal*, 252 SCRA 507.

[19] Section 14(2), Article III of the Constitution.

[20] Rollo, p. 72.

[21] 259 SCRA 109.

[22] Cf. Republic Act No. 8353.

[23] 264 SCRA 398.

[24] Ibid., at pp. 404-405.

[25] *People v. Victor*, G. R. No. 127903, July 9, 1998.

[26] People v. Prades, G. R. No. 127569, July 30, 1998.

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.