

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MEDRILLO RODRIGUEZ, ACCUSED-APPELLANT.

G.R. No. 133984. January 30, 2002

Ponente: VITUG, J.

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VITUG, J.:

Lust is one of man's many greedy imperfections. The urge to gratify sexual passion is known to entice a man to throw caution to the wind and forsake reason in yielding to the worldly demand of the flesh.

In a small shanty lived accused Medrillo Rodriguez and his three motherless children. AAA, the eldest, took to looking after her 11-year old brother and 8-year old sister. It was the usual domestic routine for a family of four until one unsuspecting night of December 1995 that had changed it all. The accused gave in to the order of lust and had carnal knowledge of his daughter AAA who could only murmur in resistance. That initial incident soon followed in regular succession. AAA claimed that her father raped her twice in a week. The incestuous coitus soon found AAA giving birth to BBB. The accused admitted in open court that he fathered his daughter's son.

Unable to bear her sufferings much longer, AAA finally charged her father with the crime of rape in a complaint which, as so amended on 24 January 1997, read:

"That in or about the second week of December, 1995 and for sometime thereafter, at Kapatagan, Lanao del Norte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused did then and there wilfully, unlawfully and feloniously, by means of force and intimidation to wit: while the undersigned complainant, who is accused's 16-year old daughter, was sleeping inside their shanty which serves as their residential house, the said accused lay beside her, touch her body, caress her breast, remove her panty and have sexual intercourse upon her against her will and consent, which criminal acts of the accused was repeated on several occasions; that as a result of accused's criminal designs, said complainant gave birth to a child named Michael Rodriguez.

"CONTRARY to and in VIOLATION of Article 335 of the Revised Penal Code in relation to Republic Act 7610." [1]

The accused, at first, entered a plea of not guilty to the crime charged upon his arraignment on 15 October 1997. Later, however, he told his counsel-de-oficio to withdraw the plea of innocence to one of guilt. The accused was forthwith arraigned anew, and he pleaded "guilty".

Following the plea of guilty, the trial court, in its order of 14 January 1998, rendered judgment, thusly:

"WHEREFORE, finding the accused guilty beyond reasonable doubt of the crime of multiple rape in violation of Article 335 of the Revised Penal Code in relation to Republic Act 7610, the Court hereby sentences him to suffer a prison term of reclusion perpetua, and to indemnify the private complaint the amount of Fifty Thousand (P50,000.00) Pesos." [2]

The court, considering the gravity of the offense charged, resolved to set aside its decision and directed the

prosecution to prove the guilt of the accused and the precise degree of his culpability.[3] Once it was done, the trial court, in its decision of 22 April 1998, convicted the accused of the crime of rape and meted the capital punishment. Its decretal portions, now up for automatic review, read:

“WHEREFORE, in view of the foregoing, judgment is hereby rendered finding the accused MEDRILLO RODRIGUEZ guilty beyond reasonable doubt of the crime of rape in violation of Art. 335 of the Revised Penal Code in relation to Republic Act 7659, and the Court hereby sentences him to suffer a penalty of DEATH, and to indemnify the private complainant the amount of Fifty Thousand (P50,000.00) Pesos.

“Let the records of this case be forwarded to the Honorable Supreme Court for automatic review.”[4]

The accused would now argue that the trial court gravely erred in ignoring the safeguards expressed in Rule 116 of the 1985 Rules on Criminal Procedure[5] and in not endeavoring to conduct a searching inquiry on the voluntariness and full comprehension of the consequences of the plea of guilty. The court a quo, he claimed, proceeded to accept the plea of guilty without explaining to him in simplest terms the consequences thereof notwithstanding his manifestation to the effect that there was a portion in the complaint which he did not understand.

Indeed, Section 3, Rule 116, of the Revised Rules on Criminal Procedure makes it explicit that when the accused pleads guilty to a capital offense, the court is bound to conduct a “searching inquiry” into the voluntariness and full comprehension of the effects of his plea and to thereupon require the prosecution to prove his guilt and the precise degree of culpability. The searching inquiry, which must be recorded, requires the court to make it indubitably certain that the accused is fully apprised of the consequences of his plea.[6] The court must let the accused realize that a plea of guilty will not, particularly in reference to Republic Act No. 7659, affect or reduce the death penalty as he may otherwise perceive and so come to believe. An accused, not infrequently, would plead guilty in the hope or expectation of a lenient treatment or of a lighter penalty, a situation that should compel the judge to make sure that the accused does not labor under these false impressions. The bottomline rule is that the plea of guilty must be predicated on a free and informed judgment and conviction must not be based on an improvident plea or incriminatory admissions of the accused during arraignment.[7] Where the trial court has inadequately discharged its duty in this regard, a plea of guilty to a capital offense can be rightly discarded and held legally inconsequential.

It would appear that, indeed, the exchange that took place during the arraignment of the accused was far from being satisfactory. Thus -

“COURT:

Re-arraign the accused.

(At this juncture, the Court Interpreter is now translating the information/complaint to the accused in a language known to him)

“Q

Did you understand the complaint read to you?

“A

The accused answered that part of the information read to him he did not understand. The accused manifested that he did not force her daughter.

“Q

How do you plead?

“A

Guilty, sir.

“COURT:

Did you understand your plea of guilty to the offense charged?

“Accused:

There is nothing I can do.

“COURT:

You have nothing to do but to enter into a plea of guilty to the offense charged.

“Accused:

Yes sir.

“COURT:

You move for another resetting.

“X X X X X X X X

“THIRD CALL at 3:03 P.M.

“PROS. G. MARAVE:

For the prosecution, Your Honor.

“ATTY. D. VICOY:

For the accused, Your Honor. We pray again that the accused be re-arraigned.

“COURT:

Why? Will you inform the court.

“ATTY. D. VICOY:

He is willing to suffer imprisonment of 20 years.

“COURT:

For what he had done against the victim?

“ATTY. D. VICOY:

Yes, Your Honor, that was his manifestation.

“COURT:

And what else?

“ATTY. D. VICOY:

And we pray that the sentence to be imposed to him is 20 years as already recommended by the prosecution.

“COURT:

So, he is willing to re-enter a plea of guilty to the offense charged.

“ATTY. D. VICOY:

Yes sir.

“COURT:

You are now moving for the withdrawal of his former plea?

“ATTY. D. VICOY:

We again pray that the accused be re-arraigned.

“COURT:

Is the manifestation of counsel true that you are now voluntarily re-entering a plea of guilty to the offense charged and you are now moving for the withdrawal of your former plea of not guilty to substitute it to a plea of guilty?

“Accused:

Yes sir.

“COURT:

That you have now decided to re-enter a plea of guilty to the offense charged as manifested by your counsel?

“Accused:

Yes sir.

“COURT:

That you indeed had committed the crime charged against you?

“Accused:

Yes sir.

“COURT:

You know that if you will insist on withdrawing your former plea of not guilty to substitute it to that of guilty, you will be imprisoned for a penalty imposable under the law?

“Accused:

Yes sir.

“COURT:

That you will be imprisoned for 20 years or even life imprisonment?

“Accused:

Yes sir.

“COURT:

No force, intimidation, threat or any other similar force was employed on you?

“Accused:

No sir.

“COURT:

Re-arraign the accused.

“x x x x x x x x

“Q

Did you understand the complaint/information filed against you?

“A

Yes madam.

“Q

How do you plead?

“A

I am guilty.”[8]

Where a capital offense is involved in a positive plea, it becomes imperative for the trial court to observe to the letter the procedural commands set by the rules. This Court will not hesitate to set aside a condemnatory judgment that is based on a plea of guilty when the rules to take it into proper account are ignored. Nevertheless, where the trial court receives, independently of the plea, evidence to determine precisely whether the accused has erred in admitting his guilt, the manner in which that plea is made - improvidently or not - overrides that adverse legal impact. In fine, an accused may still be convicted if there is ample proof on record, not contingent on the plea of guilty, on which to predicate conviction.[9] There is such evidence in this case.

The testimony of AAA, even standing alone, adequately substantiates the case for the prosecution. AAA has given a candid, plain, and straightforward account of her humiliating experience in a manner reflective of honest and unrehearsed declaration.[10] The relevant portions of her testimony read:

“Q

Miss witness, by the way, how are [you] related to the accused in this case?

“A

My father.

“Q

And despite that he is your father, you are still interested in the further prosecution of this case?

“A

Yes.

“Q

Now, you stated that you were raped by your father, when for the first time were you raped by your father?

“A

It was December.

“Q

What year?

“A

December of 1995.

“Q

How old were you at that time?

“A

15.

“Q

Now, I understand that you were living then with your father at that time in 1995?

“A

Yes.

“Q

The first time that you were raped, where did it take place?

“A

In our house.

“Q

About what time?

“A

It was night time.

“Q

What did he do to you?

“A

He removed my panty.

“Q

Then what did he do after removing your panty?

“A

He touched my breast.

“Q

What else, what did he do to your private part?

“A

He touched all the parts of my body.

“Q

What else?

“A

Then he placed his penis to my vagina.

“Q

Did you not complain?

“A

I kept on complaining to him and told him not to do it.

“Q

By the way, where was your mother at that time?

“A

I do not have any mother.

“Q

After that, did he do it again?

“A

Yes.

“Q

About how many times?

“A

In one week, twice.

“Q

Then what happened to you?

“A

I became pregnant.

“Q

Where is your baby now?

“A

That child is my baby.

(Witness is pointing to a child inside the Courtroom).

“Q

Is your father in Court?

“A

Yes.

“Q

Will you please point at him?

“A

(Witness pointed to a person who when asked identified himself as MEDRILLO RODRIGUEZ).

“Q

Do you have a birth certificate of your child?

“A

Yes, I have.

“Q

Did you bring it today?

“A

Yes, it is in the possession of Brillalyn, DSWD.

“Q

The child was registered in whose surname?

“A

My father’s name.”[11]

The accused unquestionably had carnal knowledge of the complainant. He testified:

“Q

Mr. Witness, it is alleged by your child that you forcefully had carnal knowledge with your daughter, is that correct?

“A

I did not force her.

“Q

Do you have any carnal knowledge with your daughter?

“A

Yes.

“Q

Was there any force introduced by you in having sexual intercourse with your daughter?

“A

No.

“Q

How many times?

“A

Two (2) times.

“Q

Since you have mentioned a while ago that you did not force your daughter into having sexual intercourse with you, will you please tell the Hon. Court how did it happen?

“A

I do not know but I did not force my daughter.

“Q

Now, there is a child in this Hon. Court, do you admit that this child is yours?

“A

Yes.”[12]

The defense argument that the accused has not employed force upon his daughter in order to have sex with him does not at all persuade. The force or violence necessary in rape is a relative term that depends not only on the age, size, and strength of the persons involved but also on their relationship to each other. In a rape committed by a father against his own daughter, the former's parental authority and moral ascendancy over the latter substitutes for violence or intimidation who, expectedly, would just cower in fear and resign to the father's wicked deeds.[13] It would be plain fallacy to say that the failure to shout or to offer tenacious resistance makes voluntary the victim's submission to the criminal act of the offender. It is quite enough that she has repeatedly tried, albeit unsuccessfully, to resist his advances. In her own words, “I kept on complaining to him and told him not to do it.”

Quite fortunately for the accused, the sentence of death will have to be reduced to reclusion perpetua.

The crime of rape is defined and made punishable by Article 335 of the Revised Penal Code, as amended by Section 11 of R. A. No. 7659, which reads:

“Sec. 11. Article 335 of the same Code is hereby amended to read as follows:

“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 a 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 the rape, the victim has suffered permanent physical mutilation.”

The amended complaint alleges that the victim is sixteen (16) years of age but, except for this bare allegation, the records are bereft of any showing, nor has evidence been adduced, to prove complainant’s minority. *People vs. Javier*[14] is instructive---

“x x x Although the victim’s age was not contested by the defense, proof of age of the victim is particularly necessary in this case considering that the victim’s age which was then 16 years old is just two years less than the majority age of 18. In this age of modernism, there is hardly any difference between a 16-year old girl and an 18-year old one insofar as physical features and attributes are concerned. A physically developed 16-year old lass may be mistaken for an 18-year old young woman, in the same manner that a frail and young looking 18-year old lady may pass as a 16-year old minor. Thus, it is in this context that independent proof of the actual age of a rape victim becomes vital and essential so as to remove an iota of doubt that the victim is indeed under 18 years of age as to fall under the qualifying circumstances enumerated in Republic Act No. 7659. In a criminal prosecution especially of cases involving the extreme penalty of death, nothing but proof beyond reasonable doubt of every fact necessary to constitute the crime with which an accused is charged must be established by the prosecution in order for said penalty to be upheld. x x x Verily, the minority of the victim must be proved with equal certainty and clearness as the crime itself. Otherwise, failure to sufficiently establish the victim’s age is fatal and consequently bars conviction for rape in its qualified form.”

Conformably with prevailing jurisprudence, the victim is entitled to a civil indemnity of P50,000.00[15] in addition to moral damages for a like amount[16] and exemplary damages of P25,000.00.[17]

WHEREFORE, the judgment of the court a quo is **AFFIRMED** with **MODIFICATION** in that, premises considered, accused-appellant Medrillo Rodriguez is found guilty beyond reasonable doubt of simple rape and is sentenced to suffer the penalty of Reclusion Perpetua; he is likewise ordered to pay the victim civil indemnity of P50,000.00 in addition to P50,000.00 moral damages and P25,000.00 exemplary damages. Costs de oficio.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Kapunan, Mendoza, Panganiban, Quisumbing, Pardo, Buena, Ynares-Santiago, De Leon, Jr., Sandoval-Gutierrez, and Carpio, JJ., concur.

[1] Rollo, p. 8.

[2] Rollo, p. 15.

[3] Order of the Regional Trial Court, Branch 21, of Kapatagan, Lanao del Norte, dated 15 January 1998.

[4] Rollo, p. 22.

[5] Rollo, p. 50.

[6] *People vs. Tizon*, 317 SCRA 632.

[7] *People vs. Gaballo*, 316 SCRA 881.

[8] TSN, 14 January 1998, pp. 4-7.

[9] *People vs. Tahop*, 315 SCRA 465.

[10] *People vs. Gementiza*, 285 SCRA 478.

[11] TSN, 25 March 1998, pp. 2-5.

[12] TSN, 25 March 1998, pp. 11-12.

[13] People vs. Taneo, 284 SCRA 251.

[14] 311 SCRA 122.

[15] People vs. Perez, 307 SCRA 276.

[16] People vs. Prades, 293 SCRA 411.

[17] People vs. Catubig, G.R. No. 137842, 23 August 2001.

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