

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. FIDEL ALBORIDA Y VILLEGAS, ACCUSED-APPELLANT.

G.R. No. 136382. June 25, 2001

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-136382/>

PER CURIAM:

For automatic review is the decision[1] of the Regional Trial Court of Calamba, Laguna, Branch 34, in Criminal Case No. 6072-98-C, finding accused-appellant guilty beyond reasonable doubt of raping his minor daughter, and sentencing him to suffer the supreme penalty of death.

The information against accused-appellant reads:

That on or about June 13, 1998 at Brgy. Mayodon, Municipality of Los Banos, Province of Laguna and within the jurisdiction of this Honorable Court, the abovenamed accused, by means of force, violence and intimidation and with lewd design, did then and there wilfully, unlawfully and feloniously have carnal knowledge with (sic) eight (8) year old daughter SUZETTE C. ALBORIDA and against her will and consent, to her damage and prejudice.

CONTRARY TO LAW.[2]

Arraigned on September 21, 1998, accused-appellant pleaded not guilty.[3] At the pre-trial conference on October 14, 1998, however, accused-appellant through counsel, informed the court of his intention to withdraw his earlier plea of not guilty and to substitute the same with a plea of guilty. Said manifestation was confirmed by accused-appellant upon inquiry by the court. Hence, when arraigned anew, he entered a plea of guilty.[4] Nonetheless, the prosecution presented evidence to prove its case beyond reasonable doubt through the testimony of the rape victim herself, Grade II pupil, Suzette C. Alborido, and the examining physician, Dr. Filemon P. Raymond Guerra III. Thus ---

In the evening of June 13, 1998, nine-year old Suzette Alborida (Suzette), was sleeping beside her two-year old brother in their house at Brgy. Mayodon, Los Banos, Laguna. The house consisted of one bedroom with two wooden beds. One bed was occupied by Suzette, her two-year old brother, and her grandmother; while the other bed is occupied by accused-appellant. At around 10:00 o'clock of the same evening Suzette awoke and saw her father, herein accused-appellant, beside her with his head on her lap. Accused-appellant told her to transfer to his bed, at the same time pulling her without being noticed by Suzette's grandmother. Thereafter, accused-appellant undressed Suzette and ordered her to lie down as he himself removed his clothes. Accused-appellant forthwith placed himself on top of her and inserted his penis into her vagina. Suzette felt pain, hence, accused-appellant ordered her to get soap, which he applied on his hands. Accused-appellant then inserted his finger in Suzette's vagina. At this instance, Suzette's mother, Adelina Alborida arrived. Sensing the presence of Adelina, accused-appellant retreated to his bed while Suzette opened the door and related the incident to Adelina. The latter immediately reported the matter to the Barangay Chairman, leading to the filing of the instant case.[5]

Suzette disclosed that prior to the incident on June 13, 1998, she had been molested four times by accused-appellant but she kept her ordeal to herself because of the threats of accused-appellant.

On June 14, 1998, suzette was examined by Dr. Filemon Raymond P. Guerra III, of the Jose Rizal Memorial Hospital, Calamba, Laguna. Said examination yielded the following results:

xxx xxx xxx

P.E. Genitalia

= External infantile, (+) abrasion with erythema (redness) right side of vaginal opening.

= (+) erythema (redness) left side of vaginal opening.

Hymen = laceration at 7 o'clock position.

Sperm count = negative for spermatozoa.[6]

On November 9, 1998, the trial court rendered the judgment of conviction under automatic review, holding as follows:

ACCORDINGLY, by virtue of his voluntary plea of guilty, this Court finds accused Fidel Alborida y Villegas GUILTY beyond reasonable doubt of the crime of Rape as defined and penalized under Article 335 of the Revised Penal Code, as amended, and hereby imposes upon him the penalty of DEATH.

Accused is further directed to indemnify the victim Suzette Alborida the sum of FIFTY THOUSAND (P50,000.00) PESOS as moral damages.

With costs against the accused.

SO ORDERED.[7]

In accordance with Rule 122, Section 10, of the Revised Rules on Criminal Procedure, the case was elevated to this Court for automatic review in view of the imposition of death penalty. Accused-appellant through the Public Attorney's Office argues that the trial court gravely erred in not applying the safeguards to a plea of guilty to a capital offense set forth under the rules.[8]

Rule 116, Section 3, of the Revised Rules on Criminal Procedure provides -

Sec. 3. Plea of guilty to capital offense; reception of evidence. --- When the accused pleads guilty to a capital offense, the court shall conduct a searching inquiry into the voluntariness and full comprehension of the consequences of his plea and shall require the prosecution to prove his guilt and precise degree of culpability. The accused may present evidence in his behalf.

The aforecited rule specifically mandates three things upon the trial court in cases where a positive plea is entered by the accused; to wit: (1) conduct a searching inquiry into the voluntariness of the plea and the accused's comprehension of the consequences thereof; (2) require the prosecution to prove the guilt of the accused and the precise degree of his culpability; and (3) ask the accused if he desires to present evidence on his behalf and allow him to do so if he desires.[9]

The rationale behind the rule is that the courts must proceed with more care where the possible punishment is in its severest form, namely death, for the reason that the execution of such a sentence is irrevocable and experience has shown that innocent persons have at times pleaded guilty. The primordial purpose is to avoid improvident pleas of guilty on the part of an accused where grave crimes are involved since by admitting his guilt before the court, he would forfeit his life and liberty without having fully understood the meaning, significance and consequence of his plea.[10]

In the case at bar, the records disclose that the court a quo failed to abide by the strict safeguards intended to guarantee a provident plea of guilt. At the scheduled pre-trial, the following proceedings transpired:

xxx

ATTY. PADERAYON:

For the accused.

Your honor please after conferring with the accused, he is now ready to plead guilty.

COURT:

Do you confirm your counsel's manifestation that you wish to withdraw your previous plea of not guilty and change it to a plea of guilty?

A: Yes, your honor.

COURT:

Did your lawyer explain to you the consequences of your change of plea?

A: Yes, your honor.

COURT:

Did you understand the explanation of your counsel?

A: Yes, your honor.

COURT:

Are you aware that even if you changed your plea from not guilty to guilty you will still be meted the penalty of death?

A: Yes, your honor.

COURT:

And you are changing your plea without having been intimidated, bribed and/or threatened by anyone?

A: Yes, your honor.

COURT:

Alright order.[11]

The foregoing exchange between the judge and the accused-appellant does not, to the mind of the Court, sufficiently prove the voluntariness and full comprehension of accused-appellant's plea of guilt to the crime of qualified rape. Regrettably, the questions propounded by the trial court do not constitute a "searching inquiry" within the contemplation of Section 3, Rule 116, of the Revised Rules on Criminal Procedure.

Similarly, in *People v. Sevileno*,^[12] the court asked the following questions on accused-appellant, to wit: (1) Do you understand your plea of guilt?; and (2) Do you know that your plea of guilt could warrant the death penalty? Ruling that the positive plea of accused-appellant in the said case was improvidently made, we held that those questions hardly satisfied the requisites of searching inquiry.

In *People v. Ponce Hermoso*,^[13] citing *People v. Nadera*,^[14] the Court rationcinated that:

The warnings given by the trial court in this case fall short of the requirement that it must make searching inquiry to determine whether accused-appellant understood fully the import of his guilty plea. As has been said, a mere warning that the accused faces the supreme penalty of death is insufficient. (*People v. Estomaca*, 326 Phil. 429 [1996]. For more often than not, an accused pleads guilty upon bad advice or because he hopes for a lenient treatment or a lighter penalty. The trial judge must erase such mistaken impressions. (*People v. Belo*, G.R. Nos. 130411-14, October 13, 1999) He must be completely convinced that the guilty plea made by the accused was not made under duress or promise of reward. The judge must ask the accused the manner the latter was arrested or detained, and whether he was assisted by counsel during the custodial and preliminary investigations. In addition, the defense counsel should also be asked whether he conferred with the accused and completely explained to him the meaning and the consequences of a plea of guilt. Furthermore, since the age, educational attainment and socio-economic status of the accused may reveal insights for a proper verdict in the

case, the trial court must ask questions concerning them. (*People v. Estomaca, supra*) In this case, absent any showing that these questions were put to accused-appellant, a searching inquiry cannot be said to have been undertaken by the trial court.

Notwithstanding the improvident plea of accused-appellant, however, remand of the instant case, is not warranted under the circumstances. It must be stressed that accused-appellant's plea of guilty was not the sole basis of the condemnatory judgment under consideration. The settled rule is that, where the trial court receives evidence to determine precisely whether the accused has erred in admitting his guilt, the manner in which the plea of guilty is made - whether improvidently or not - loses legal significance for the simple reason that the conviction is based on the evidence proving the commission by the accused of the offense charged.[15]

Hence, even without considering the plea of guilt of the accused-appellant in the case under scrutiny, he can still be convicted as there is sufficient evidence on record on which to base his conviction. The testimony of private complainant alone is enough to convict accused-appellant. She was spontaneous, clear and direct in relating how accused-appellant raped her. Her testimony reads:

Q:

In your said statement you were asked this question:

"T: Ano ang dahilan bakit ka narito sa himpilan?" and your answer was:

"S: Nais kong ireklamo and aking Tatay na si Fidel." Do you affirm that the accused is your father?

A:

Yes, sir.

Q:

That according to you this case happened on June 13, 1998 when you were sleeping at around 10:00 o'clock in the evening, do you affirm that?

A:

Yes, Sir.

Q:

Who were with you while you were sleeping?

A:

My grandmother, my brother and sister.

Q:

Where were they sleeping in relation to you?

A:

My grandmother, was sleeping on wooden bed while I was sleeping beside my youngest brother.

Q:

How old is this brother of yours?

A:

Two years old sir.

Q:

Your grandmother which (sic) you said was then sleeping in your wooden bed, how far was she at that time from you?

A:

She was very near us.

Q:

How old is your grandmother?

A:

I do not know.

Q:

Can you tell us how were you raped by your father while you were sleeping?

A:

He had his head on my lap and he told to transfer to the other wooden bed?

Q:

What exactly did your father tell you when you were asked to transfer to the wooden bed?

A:

He just told me to transfer.

Q:

Did your father tell you why you were being asked by him to transfer to the other wooden bed?

A:

No sir.

Q:

What did you do when you were asked by your father to transfer?

A:

Because he was pulling me.

Q:

And how was he pulling you?

A:

I was holding on wood while he was pulling me sir.

Q:

What happened after you were being pulled by your father and you were holding on a wood?

A:

He made me lie down on the wooden bed.

Q:

That wooden bed wherein you were made to lie down according to you how far was that from the bed where your grandmother was lying?

A:

A little bit far.

Q:

After you said you were made to lie down by your father, what did he do to you?

A:

He undressed me.

Q:

What did you tell him when you were being undressed by your father?

A:

I Just cried because he was removing my clothes.

Q:

After your clothes were removed by your father, what did he do to you?

A:

He again made me lie down on the wooden bed and removed his clothes.

Q:

After he undressed himself and made you to lie down, what did he do next, if any?

A:

Humiga po siya sa akin.

Q:

When you said "humiga po siya sa akin" was he on top of you?

A:

Yes, sir.

Q:

While he was on top of you what did you do?

A:

He kissed me on my neck.

Q:

After kissing you, what did he do next?

A:

When my mother arrived I told my mother.

Q:

You said in your statement which you identified that After your father placed himself on top of you and these were your words:

"...pinahubad po niya yung damit ko po at panty at pagkatapos ay naghubad rin siya ng suot niya at pinatungan po niya ako at kinayug po..."

do you affirm this statement of yours?

A:

Yes, sir.

Q:

How did he "kinayug" you?

A:

He lied down on me.

Q:

How did you know that he was trying to insert his organ to your organ?

A:

Because it was very painful.

Q:

You said it was very painful, where did you feel that pain?

A:

On my leg (witness is pointing to her private part).

Q:

What happened after you said your father went on top you and was trying to insert his organ to your organ and you felt pain?

A:

At first he told me to get a soap.

Q:

Why? Did he tell you why?

A:

No, sir.

Q:

Did you comply with his instruction to get soap?

A:

Yes, sir.

Q:

What happened after you said you got soap?

A:

He put soap on his hands and inserted into mine.

Q:

Yours said he inserted into your organ with a soap; what is this that he inserted inside your organ?

A:

His finger.

Q:

After your father inserted his finger with a soap, what else did he do?

A:

He ran away.

Q:

Why?

A:

Because my mother arrived.

Q:

Now which came ahead, your father "kinayug" you or he inserted his finger to your organ.

A:

"Yung kinayug ako."

Q:

You said your father ran because your mother arrived, what did you do?

A:

I opened the door for her and then I told her.

Q:

What did you tell your mother?

A:

That "binastos ako ng tatay ko."

Q:

After relaying to your mother what your father did to you, what did your mother do?

A:

She went to Lola Helen, Kapitana.

Q:

Do you know what happened after your mother went to Kapitana?

A:

Yes.

Q:

What happened?

A:

Lola Helen made a call to the police station.

Q:

Do you know if your father was arrested?

A:

Yes, sir.

Q:

You were asked this question in your statement which you identified:

"T: Ngayon lang ba ito ginawa ng tatay mo sa iyo?" and you answered:

"S: Hindi po, mga limang beses na po." do you affirm this?

A:

Yes, sir.

Q:

Why did you not complain to your mother?

A:

Because he was threatening me.

Q:

When you said you were being threatened by your father, what exactly did he tell you when was threatening you?

A:

He told me not to tell anyone.

Q:

Was that all your father told you?

A:

Yes, sir, he was boxing me on my left shoulder.[16]

After the direct examination, the defense was given the opportunity to cross-examine Suzette. During her cross-examination, Suzette remained steadfast in her declarations. In plain and simple language, Suzette was able to recite the details of her harrowing experience. Indeed, the trial court which had the peculiar advantage of observing directly and at first hand Suzette's deportment and manner of testifying, did not err in giving full faith and credence to her testimony.[17] Testimonies of rape victims, like Suzette, who are young and immature deserve full credence, considering that no young woman, especially of tender age, would concoct a story of defloration, allow an examination of her private parts, and thereafter pervert herself by being subject to a public trial, if she was not motivated solely by the desire to obtain justice for the wrong committed against her.[18] Suzette's credibility is further buttressed by the absence of any false or evil motive on her part that could impel her to perjure herself against her very own father.[19]

Moreover, the presence of Suzette's grandmother in the same room where the rape occurred does not make her rape story less believable. It is a hornbook doctrine that rape can be committed in places where people congregate, in parks, along the roadside, within the school premises, inside the house where there are occupants and even in the same room where the members of the family are also sleeping.[20]

Consistent with her rape story was the medical finding showing that Suzette sustained hymenal laceration at 7 o'clock position and "abrasion with erythema (redness)" at the right and left sides of the vaginal opening.[21] As consistently ruled by this Court, lacerations, whether healed or fresh, are best physical evidence of forcible defloration.[22]

Pertinent provision of Article 266-B states: "The death penalty shall also be imposed if the crime of rape is committed with any of the following aggravating/qualifying circumstances: (1) When the victim is under eighteen (18) years of age and the offender is a parent, ascendant, step-father, guardian, relative by consanguinity or affinity within the third civil degree, or the common law spouse of the parent of the victim. xxx"

As established beyond reasonable doubt by the prosecution, accused-appellant is the father of nine (9) year old private complainant, Suzette, who as reflected in her birth certificate was born on July 28, 1988.[23] Accordingly, the supreme penalty of death should be imposed on accused-appellant for having raped his daughter who is under eighteen (18) years of age.

Anent his civil liability, accused-appellant should indemnify private complainant the amount of P75,000.00 since the rape in the present case is qualified by circumstances of age and relationship which makes the death penalty impossible.[24]

Four justices of the Court, however, have continued to maintain the unconstitutionality of R.A. No. 7650, insofar as it prescribes the death penalty. Nevertheless, they submit to the ruling of the majority that the death penalty can be lawfully imposed in the case at bar.

WHEREFORE, the decision of the Regional Trial Court of Laguna, Branch 34, in Criminal Case No. 6072-98-C, finding accused-appellant Fidel Alborida y Villegas guilty beyond reasonable doubt of the crime of rape, and sentencing him to suffer the penalty of death is AFFIRMED with the MODIFICATION that accused-appellant is ordered to indemnify private complainant Suzette C. Alborido in the amount of P75,000.00 as civil indemnity and

P50,000.00 as moral damages.

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

SO ORDERED.

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

[1] Penned by Judge Antonio M. Eugenio, Jr.

[2] Rollo, p. 6.

[3] Records, p. 26.

[4] Ibid., p. 91.

[5] TSN, October 15, 1998, pp. 4-11.

[6] Records, Exhibit "B", p. 2.

[7] Rollo, pp. 13-14.

[8] Ibid., p. 33.

[9] *People v.. Ponce Hermoso*, G.R. No. 130590, October 18, 2000; citing *People v.. Alicando*, 251 SCRA 293 [1995].

[10] *People v.. Samontanez*, G.R. No. 134530, December 4, 2000; citing *People v.. Albert* 251 SCRA 136 [1995]; *People v.. Gonzaga*, 127 SCRA 158 [1984]; and *People v.. Havana*, 199 SCRA 805 [1999].

[11] TSN, October 14, 1998, p. 2.

[12] 305 SCRA 519, 528 [1999].

[13] *Supra*.

[14] 324 SCRA 490 [2000].

[15] *People v.. Tahop*, 315 SCRA 465, 471 [1999]; citing *People v.. Derilo*, 271 SCRA 633 [1999].

[16] TSN, October 15, 1998, pp.4-11.

[17] *People v.. Matubis*, 288 SCRA 210, 219-220 [1998].

[18] *People v.. Banago*, 309 SCRA 417, 422 [1999]; citing *People v.. Dacoba*, 289 SCRA 265 [1998]; *People v.. Auxtero*, 289 SCRA 75 [1998]; and *People v.. Galimba*, 253 SCRA 722 [1996].

[19] *People v.. Bation*, 305 SCRA 253, 267 [1999]; citing *People v.. Sotto*, 275 SCRA 191 [1997].

[20] *People v.. Roman*, 314 SCRA 425, 436 [1999]; citing *People v.. Devillenes*, 269 SCRA 716 [1997].

[21] Records, p. 2.

[22] *People v. Acala*, 307 SCRA 330, 345 [1999]; citing *People v. Obejas*, 229 SCRA 549 [1999].

[23] *Records*, p. 58.

[24] *People v. Manalo*, G.R. No. 135964-71, February 21, 2000; citing *People v. Victor*, 292 SCRA 186 [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.