

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RENATO RAMIREZ Y TEJADA, ACCUSED-APPELLANT.*G.R. No. 136848. November 29, 2001*

Ponente: BELLOSILLO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-136848/>**BELLOSILLO, J.:**

Michelle T. Sibanes woke up in the early morning of 23 February 1998 to prepare breakfast for accused Renato Ramirez y Tejada, her mother's common-law spouse. Outside her room was her mother Eleoniza Ramirez preparing to leave for the market to shop for household supplies. After bidding her mother goodbye, Michelle went to the kitchen to cook rice. Suddenly Renato pulled her from behind and pushed her to the floor. She struggled and resisted him, striking him with a pot, but the latter threatened her with harm if she did not submit to his lustful desire. Weary and terrified she succumbed to his beastly desires and was not able to stop him from removing her shorts and panty. After taking off his underwear he placed himself on top of her after which he forcibly ravished her.

After gratifying his lust, he stood up and hastily left. After recovering her strength Michelle ran outside and fled to her aunt's house. She recounted her early morning ordeal to her aunt who could only commiserate with her. Together they repaired to the barangay hall where they sought help from the men lounging there. Sympathizing with her, the barangay captain together with his tanods went to Michelle's rescue and searched for the accused. They found him in the rice fields and immediately took him to the police station.

Michelle narrated her harrowing experience to the police officer on duty. According to her, Renato started molesting her when she turned twelve (12), and that lately he started showing his penis to her.[1] Determined to go after the accused for the forced coition she submitted herself to a medical examination where several freshly healed lacerations and the sperm in her vaginal area were noted and medically confirmed.[2]

On 14 April 1998 an Information for the rape of his fifteen-year old "step-daughter" was filed against the accused Renato Ramirez.

When arraigned Renato pleaded not guilty. However, during the pre-trial he changed his plea from "not guilty" to "guilty" but imposed a condition that he be spared from the death penalty.[3] His change of plea was with the consent of the prosecution.

Michelle was the lone witness for the prosecution. She narrated that prior to the incident the accused had already been molesting her by putting his finger inside her vagina, and that several months before he raped her he was already showing his penis to her, which prompted her to report the matter to her mother. But the mother was not sympathetic to her; in fact, she even sided with the accused everytime he would beat her. Michelle observed that ever since Renato moved in to live with them, which was some seven (7) years prior to the rape, her mother had already loved him more than she loved her, thus she developed a distrust for her own mother. She had to seek help and maternal guidance from an aunt who lived nearby.[4]

The accused contended that he could not be convicted of rape since he and Michelle were sweethearts. He admitted having had sexual intercourse with Michelle on the date complained of but stressed that no force was employed by him as it was she who provoked the sexual encounter. Renato claimed that he had been carrying on an illicit affair with her for over a year prior to the incident with his money as her primary consideration for their profligate liaison. He surmised that she would not have instituted the present case had they not been caught in an uncompromising position by her seven (7)-year old cousin Toknoy in the morning of 23 February 1998.

Renato believed that Michelle had fallen in love with him considering the long period of time they had been carrying on with their affair. According to him, he had been regularly giving her some money to get her consent to the sexual relations. In fact, according to him, he had just gifted her with a wristwatch.[5]

With this revelation the court a quo confronted the accused and asked him to reiterate his plea. Again, with the assistance of counsel, he entered a plea of "guilty" but explained that the incident complained of was a consented sexual intercourse between two (2) lovers. With his seemingly inconsistent positions, the trial court changed his plea from "guilty" to "not guilty." [6] As a consequence, the trial court resolved to conduct a new pre-trial conference where it was agreed that the direct testimonies of the complaining witness and the accused, both of which had earlier been taken, would be adopted by the prosecution and the defense subject however to further cross-examination.

On rebuttal, Michelle denied Renato's claim that he regularly gave her money. She explained that the old wristwatch was given by him to her mother who in turn gave it to her after she got tired of wearing the same old timepiece, so that he had to buy her mother a new watch. She denied having fallen for him as he did not even approximate her idol, movie actor Ian Veneracion. Michelle even disputed his claim that her cousin Toknoy saw them in an intimate embrace in the morning of 23 February 1998. According to her, Toknoy never went to their house that morning nor did she see him at any time during that day.[7]

The accused insisted that every time his common-law wife would go out of the house, Michelle would come to him and plead that he kiss her private parts. That morning of 23 February 1998, while he was in deep slumber, Michelle woke him up and started to seduce him. He failed to control himself and gave in to their mutual passionate desire. Unfortunately for them, according to the accused, Toknoy, who would go to their house every morning for a cup of coffee, saw them and hurriedly left. Renato claimed that during the period of their relationship he gave Michelle various amounts of money which he then estimated to be around P5,000.00, although she gambled it all by playing poker. He elaborated that Michelle was a tong-its aficionado who even sold the wristwatch he gave her to finance her vice.[8]

The trial court chose to give full faith and credence to the testimony of Michelle which it found to have been recounted with candor and sincerity. According to the trial court, Michelle was able to narrate her ordeal with sufficient clarity and her testimony did not contain any contradictions. It debunked the "sweetheart theory" advanced by the accused and countered that private complainant was not a girl of ill-repute or loose morals; thus, the suggestion that she initiated their sexual encounters and seduced him was unacceptable. Further, assuming *ex gratia argumenti* that they were indeed sweethearts, the trial court observed that love was not a license for lust to be forced upon a sweetheart.

The trial court noted that the crime was committed with the attendant circumstances of minority and relationship as the accused was the "step-father x x x or the common law spouse of the parent of the victim." [9] Accordingly, he was sentenced to suffer the supreme penalty of death and to indemnify Michelle T. Sibanes P50,000.00 for moral damages.[10]

Forthwith, the case was elevated to this Court for automatic review. In his brief, the accused faults the court a quo

for concluding that he forced Michelle to have sexual congress with him that morning of 23 February 1998. He posits that the death penalty was wrongly imposed upon him considering that his relationship with Michelle, which was a qualifying circumstance, was not properly alleged in the Information. It appears that while the accused cohabited with Michelle's mother and treated her as his wife, the two (2) never got married. Thus, the Information wrongly referred to the accused as the "stepfather" of the victim Michelle T. Sibanes.[11]

On the other hand, the Solicitor General while praying that the finding of guilt be sustained supported Renato's plea for a reduction of the death penalty to reclusion perpetua, noting that the qualifying circumstance of relationship should have been properly alleged in the Information consistent with the constitutional right of the accused to be informed of the charges against him.[12]

A thorough appraisal of the evidence on record sustains the finding of guilt by the trial court. It is at once manifest from the testimonies of both the complaining witness and the accused that the latter's "sweetheart theory" cannot persuade.

Prefatorily, we note the well-established rule that conclusions reached by the trial court on the question of credibility of witnesses are given great weight and should ordinarily be respected on appeal, as it is in a better position to decide such matter having seen and heard the witnesses unless the trial court disregarded material facts which might affect the outcome of the case.[13]

We do not consider Michelle's story as purely fabricated or maliciously motivated. It is doctrinal that a young girl's revelation that she had been raped coupled with her voluntary submission to medical examination and willingness to undergo public trial where she could be compelled to give out details of the forced coition, cannot be easily dismissed as mere concoction.[14] For it is difficult to imagine that she would undergo the indignities and hardships concomitant to a prosecution for rape unless motivated by a desire to have the offender apprehended and punished. Indeed, if a young girl had indeed voluntarily submitted herself to an intimate relationship with a man, her most natural reaction would have been to conceal it as this would bring disgrace to her honor and shame to her family.[15]

The testimony of Michelle that she was sexually abused is supported by the medical examination conducted on her the very same day she said she had been raped. The written report revealed that Michelle's genitalia bore multiple fresh lacerations and that her vaginal area was positive for the presence of spermatozoa. Indeed, such findings more than bolster her cry of rape.

Verily, the "sweetheart theory" advanced by the accused must fail. Not only did Michelle vehemently deny any amorous relationship with the accused, the latter also failed to present any credible evidence to prove the supposed intimate relations, e.g., love letters, gifts, etc. Clearly, his "sweetheart theory" is purely self-serving and carries no evidentiary weight at all.[16]

All told, the guilt of the accused has been clearly established beyond reasonable doubt. However, the death penalty was erroneously imposed for, as correctly argued by the accused and sustained by the Solicitor General, the qualifying circumstance of relationship has not been properly alleged in the Information. It appears that while the accused was the common-law spouse of Michelle's mother, Michelle was referred to in the Information as his "step-daughter." A step-daughter is defined as the daughter of one of the spouses by a former marriage. We have consistently ruled that any of the circumstances under Sec. 11 of RA 7659 the attendance of which mandates the penalty of death, is in the nature of qualifying circumstances which cannot be proved as such unless alleged in the Information.[17] Evidently, the technical flaw committed by the prosecution spared the accused from the gallows of death and it constrains us to reduce the penalty of death to reclusion perpetua.[18]

Finally, we observe that while the trial court awarded moral damages, it did not grant civil indemnity ex delicto provided for in Art. 345 of the Revised Penal Code. Pursuant thereto and in accordance with prevailing jurisprudence, Michelle should be awarded P50,000.00 as civil indemnity^[19] in addition to the award by the court a quo of P50,000.00 as moral damages for the immeasurable havoc wrought upon Michelle's youthful feminine psyche, which we affirm. In view of the peculiar relationship of the parties, accused-appellant should likewise be made to pay P25,000.00 as exemplary damages.

WHEREFORE, the assailed Decision of the trial court finding accused RENATO RAMIREZ y TEJADA guilty of rape is AFFIRMED with the modification that the penalty of death is reduced to reclusion perpetua. In addition to the moral damages of P50,000.00, accused is further ordered to pay complaining witness Michelle T. Sibanes P50,000.00 as civil indemnity and P25,000.00 for exemplary damages. Costs de oficio.

SO ORDERED.

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

Buena, J., on official business.

[1] TSN, 2 September 1998, pp. 34-59.

[2] Original Records, p. 31.

[3] Id., p. 25.

[4] See Note 1.

[5] TSN, 4 September 1998, pp. 72-79.

[6] See Note 2 at pp. 119-120.

[7] TSN, 4 November 1998, pp. 125-130.

[8] TSN, 11 November 1998, pp. 137-148.

[9] See Information, Original Records, pp. 2-3.

[10] Decision penned by Judge Cesar M. Solis, RTC-Br. 21, Malolos, Bulacan; see Note 2 at pp. 150-156.

[11] Rollo, pp. 41-63.

[12] Id., pp. 83-112.

[13] People v. Mayorga, G.R. No. 135405, 29 November 2000; People v. Andales, G.R. No. 130637, 19 August 1999, 312 SCRA 738; People v. Acciaon, G.R. Nos. 122550-51, 11 August 1999, 312 SCRA 250.

[14] People v. Cortes, G.R. No. 129693, 24 January 2000, 323 SCRA 131.

[15] People v. De Dios, G.R. No. 75293, 17 August 1988, 187 SCRA 228.

[16] People v. Tismo, G.R. No. 44773, 4 December 1991, 204 SCRA 535; People v. Hacbang, G.R. No. 58174, 6 July 1990, 164 SCRA 441.

[17] Incidentally, under Sec. 8, Rule 110, of the Revised Rules on Criminal Procedure, even generic aggravating circumstances should now be averred in the Information and may no longer be proved unless so alleged.

[18] People v. Dimapilis, G.R. Nos. 128619-21, 17 December 1998, 300 SCRA 279; People v. Medina, G.R. No. 126575, 11 December 1998, 300 SCRA 98.

[19] People v. Tirona, G.R. No. 128907, 22 December 1998, 300 SCRA 431.

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