PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. EDUARDO AÑONUEVO Y DELOS SANTOS, ACCUSED-APPELLANT.

G.R. No. 137843. October 12, 2001

Ponente: PUNO, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-no-137843/

PUNO, J.:

For behaving like a beast in satisfying his lustful desires on the daughter of his common law wife one sleepy afternoon, accused Eduardo Añonuevo will spend the longest dark night of his life behind bars, indeed like a captured beast.

On November 5, 1997, an information was filed against the accused Eduardo Añonuevo y delos Santos, viz:

> "That on or about the 12th day of September 1997, in the municipality of San Jose del Monte, province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a bladed instrument, did then and there wilfully, unlawfully and feloniously, by means of force, threat and intimidation, with lewd designs, have carnal knowledge of the offended party Analyn Evangelista y Gamora, a thirteen (13) year old girl, against her will and without her consent.
>
> Contrary to law."[1]

The accused pleaded not guilty. Trial ensued.

The prosecution evidence shows that the victim, Analyn Evangelista, is the daughter of the common law wife of the accused. Analyn used to live with her grandmother in Bicol, but in 1997, her mother took her to live with her, her three siblings and the accused in San Jose del Monte, Bulacan.[2] Sometime in September of that year, she learned that her mother planned to marry the accused. She strongly opposed the plan as the accused was, according to her, a "contrabida" in her life. But she is not angry with the accused.[3]

On September 12, 1997, at around noon, she was at home, sleeping. Her mother and siblings were out. She was awakened by the clattering of plates; the accused had arrived home and was eating. He smelled of liquor. She was still in bed when the accused asked her on the whereabouts of her mother. She replied that her mother was out. The accused told her that he would lie beside her, but she answered that she was getting up. As she stood up, the accused approached her, held her hands, and told her not to leave. He then let go of her hand, but drew a fan knife. With the fan knife, he ordered her not to move and shout and warned her not to tell anybody about what he was doing, otherwise he would kill her. The accused instructed her to lie down again, but she refused. Failing to make her return to bed, he pulled her towards a mat and made her sit. She cried. The accused again held her hands and kissed her nape and cheeks. He removed her skirt and panty, and pushed her to lie down. He also removed his pants, shorts and brief, did the push and pull movement and inserted his penis into her vagina. The insertion caused pain in her private part. The accused stopped only when she told him that she wanted to urinate. He instructed her to wear her clothes and to urinate just inside the house. She then confessed that she was not really going to urinate. He ordered her to stop crying and fix herself up so she could borrow a saw from their neighbor as he was going to mend their dish rack. Before she went out, he warned her not to reveal the incident to anybody.

Once out of their home which was now hell to her, she went to their neighbor, but did not borrow a saw. Instead, she reported the incident to their neighbor named Elena. The latter accompanied her to the municipal building. Along the way, they met Analyn's mother to whom Analyn revealed what the accused did to her. But her mother dissuaded her from proceeding to the municipal building and told her that she would first talk to the accused. Elena warned Analyn's mother not to go home as the accused had a fan knife. Despite her mother's plea, Analyn, along with Elena, went to the municipal building and reported the rape incident to the police. Analyn executed a sworn statement narrating her father's dastardly act. The following day, Analyn went to the doctor with her mother and neighbor and had herself examined. A medical certificate was issued to her by the examining doctor.[4]

Dr. Romeo Salen, medico-legal officer, took the witness stand. He examined Analyn from September 12, 1997 to September 15, 1997 upon the request of the San Jose del Monte Police Station. She was accompanied by her mother during the examination. Dr. Salen found that Analyn did not bear any external sign of injury. Upon examination of the victim's genitalia, however, his findings showed that there were congestion and abrasion of the vestibules, and the hymen was congested but intact. He explained that the vestibule is a part of the female genital organ adjacent to the hymen or vaginal orifice. Congestion means that there is reddish discoloration secondary to diffusion of blood in the tissue while abrasion means that the superficial skin was destroyed. He opined that the congestion could be caused by trauma, manipulation, infection or irritation. Irritation could be caused by manual manipulation. He further opined that the irritation may have started within 24 to 36 hours from the examination.[5]

The lone witness for the defense was the accused. He testified that the victim is the daughter of his common law wife, Merlina Gamora. He has three children with Merlina aged ten, six, and one. Analyn is the eldest among Merlina's and their own children and he treats her like his own daughter. He spent for her sustenance.

The accused started living with Merlina in Bicol when Analyn was still three years old. In 1987, the family moved to San Jose del Monte, Bulacan. According to the accused, Merlina's sibling was against his living in with Merlina and taught Analyn not to respect him. Thus, since Analyn was four years old, she has been disrespectful towards the accused, but the accused has only once scolded her since she was four years old. The accused and Merlina were planning to tie the knot on September 15, 1997. Analyn got mad when she learned of their plan.

The accused denied raping Analyn. He was a truck helper of a certain Victorino Gerona and on September 12, 1997, he was at work from 7:00 a.m. up to 11:00 a.m. He arrived home at 12:00 noon. Analyn was home, sleeping. He awakened her and shouted at her to borrow a saw from the neighbor as he was fixing their dish rack. Crying, Analyn went out to their neighbor Elena, but did not borrow a saw. At about 2:00 that afternoon, while the accused was eating inside the house, policemen arrived and arrested him. He inquired why he was being arrested, and they replied that he committed an offense. He went with the police to the police station and there he was told that a child was complaining against him.

The accused denied owning a fan knife or bolo. He surmised that Analyn filed a complaint against him because she was mad at him for ordering her to borrow a saw from their neighbor and because Merlina's sibling instructed her not to respect him. She was also mad at him because of his plan to marry her mother.[6]

The trial court found for the prosecution and convicted the accused, viz:

> "WHEREFORE, in view of the foregoing, the Court hereby finds accused EDUARDO AÑONUEVO y DELOS SANTOS GUILTY beyond reasonable doubt of the crime of Rape defined and penalized under Article 335 of the Revised Penal Code, as amended by Republic Act No. 7659, and hereby sentences him to suffer the penalty of DEATH, and to pay private complainant Analyn Evangelista the amount of Fifty

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

Thousand Pesos (P50,000.00) as moral damages."[7]

Hence, this automatic review with the following assignment of errors:

I.

THE LOWER COURT ERRED IN FINDING THE ACCUSED GUILTY OF THE CRIME OF RAPE DEFINED AND PENALIZED UNDER ARTICLE 335 OF THE REVISED PENAL CODE, AS AMENDED BY REPUBLIC ACT 7659.

II.

THE LOWER COURT ERRED IN NOT TAKING INTO CONSIDERATION THE FACT THAT THE COMPLAINT WAS DEFECTIVE FOR FAILURE TO STATE THAT THE ACCUSED IS THE COMMON LAW HUSBAND OF THE VICTIM'S MOTHER.

The law applicable to the case at bar is Art. 335 of the Revised Penal Code, as amended by R.A. 7659. It provides in relevant part, viz:

"Art. 335. When and how rape is committed. - Rape is committed by having carnal knowledge of a woman under any of the following circumstances:

a) By using force or intimidation;

b) When the woman is deprived of reason or otherwise unconscious; and

c) When the woman is under twelve years of age or is demented.

The crime of rape shall be punished by reclusion perpetua.

Whenever the rape is committed with the use of a deadly weapon or by two or more persons, the penalty shall be reclusion perpetua to death."

The pieces of evidence presented by the prosecution show that the accused had carnal knowledge of Analyn through force and intimidation. The accused ordered her to lie down, but she refused. Thus, the accused had to pull her to a mat to make her sit and push her knees so she would lie down. While the records do not show much physical struggle on Analyn's part to resist the advances of the accused, this is understandable as she was intimidated by the accused with a fan knife. He warned her not to shout nor to reveal the incident to anybody, otherwise he would kill her. In rape through intimidation, it is sufficient that the intimidation produces fear in the mind of the victim that if she did not submit to the bestial demands of the accused, something far worse would befall her at the time she was being molested. As ruled by the Court, “(i)f resistance would nevertheless be futile because of intimidation, then offering none at all does not mean consent to the assault so as to make the victim’s submission to the sexual act voluntary.”[8] In several rape cases, the Court has held that threatening the victim with bodily injury while holding a knife or a bolo constitutes intimidation sufficient to bring a woman to submission to the lustful desires of the molester.[9]

Analyn's testimony and sworn statement, taken together, give us a picture of the lechery committed by the accused on that fateful day of September 12, 1997. The following parts of her testimony are relevant:

"Q. What about your father (sic) where was he when he was talking at (sic) you?

A. He was near the window, Sir.

Q. How far were you away from him?

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

A. I was near to him.

Q. From where you were lying, could you see your stepfather (sic) while he was talking to you?

A. For a short time, Sir.

Q. After that short time, what happened next?

A. He approached me, Sir.

Q. Upon approaching you, what did he do if he did any?

A. He hold (sic) my hands, Sir.

COURT:

Q. What did your father told (sic) you while you were lying?

A. I told him that I will (sic) stand because he told me that he will (sic) lie beside me.

Q. Before that, you said that your father (sic) talked to you while you were lying, what did your stepfather (sic) tell you?

A. He asked me where is (sic) my mother.

Q. What was your answer?

A. I told him that my mother sent off her nephew.

Q. After that, that was the time he approached you?

A. Yes, Sir.

PROS. SANTIAGO:

May we make it of record that the witness is crying as the question is propounded to her.

Q. When your father (sic) approached you and hold (sic) your hands, what did he do?

A. He hold (sic) my hand while I am (sic) standing.

Q. I thought you were lying?

A. When my stepfather (sic) approached me and I was about to stand up, he held my hands and told me not to leave.

Q. And you were able to stand up?

A. Yes, Sir.

Q. After that what happened next?

A. While he was holding my hand and he later on unhold (sic) it and he drew a fan knife.

Q. What did he do with the fan knife?

A. He was threatening me with the fan knife and told me not to report or else he will kill me.

Q. How did your stepfather (sic) threaten you by using the fan knife?

A. He was holding that fan knife and showing that fan knife to me.

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

Q. After you were threatened by your stepfather (sic) with the fan knife, what happened next?

A. He instructed me to lie down again but I did not accede and then he called me again.

Q. You did not accede to your stepfather's (sic) instruction, what then did he do?

A. He pulled me toward the mat in (sic) the floor.

Q. What happened thereat?

A. He told me to lie down but I did not accede then pushed my legs.

Q. How did your stepfather (sic) pull your leg?

A. He was seating (sic) at that time and he kissed me on my nape.

Q. Madam Witness, let us clarify this matter. I thought you were standing when your father (sic) threatened you with the knife, is that correct?

A. Yes, Sir.

Q. From where you were standing, where did you proceed?

A. He was standing beside the window.

Q. After that what happened next?

A. Then he pulled me to the mat.

Q. What is your position at that time when you were already in (sic) the mat?

A. Seating (sic) and crying, Sir.

Q. What about your stepfather (sic), what was he doing at that time?

A. Holding my hands, Sir.

Q. What else did he do?

A. While I am seating (sic), he kissed my nape, Sir.

Q. After kissing your nape, what else did he do?

A. He pushed my knees so that I can lie down.

Q. When your stepfather (sic) pushed your knees, what happened to you?

A. I was lying.

Q. While you were lying, what was your stepfather (sic) doing?

Q. What was the movement of his body?

A. Push and pull movement, Sir.

Q. For how long did he move that way?

A. I can no longer remember, Sir.

Q. Would it be one minute, two minutes?

A. I can no longer remember, Sir.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

Q. How did he finish that movement?

A. I told him that I will (sic) urinate."[10] (emphasis supplied)

In her sworn statement executed in the police station a few hours after the rape incident and which she identified in her testimony,[11] she narrated:

"Kanginang alas-12:00 ng tanghali, petsa 12 ng Septiembre 1997 doon sa loob ng aming bahay sa Brgy. Gaya-Gaya, San Jose del Monte, Bulakan habang ako (ANALYN) ay nakahiga ay lumapit sa akin si EDUARDO naamoy ko siyang amoy alak, ngayon hinawakan ang kamay ko, hinalikan ako sa batok, sa pisngi, ngayon ng pumalag ako ay nagbunot ng balisong beinte nueve (29) si EDUARDO at itinutok sa akin, sabay sabing huwag akong gagalaw, huwag akong sisigaw, tapos hinubad na po ni EDUARDO ang aking palda at panty at short na suot tapos ay tinanggal naman niya (EDUARDO) and kaniyang suot na pantalon, short at brief na panloob, at pagkatapos ay itinutok na niya ang titi niya sa kiki ko, at pilit na ipinapasok, at makalipas ang isang (1) minuto ay naipasok niya (EDUARDO) ang titi niya, naramdaman ko pong sumakit ang kiki ko, ng maramdaman kong masakit ay nagsabi ako kay EDUARDO na maiihi, pinayagan naman po niya ako, pero sinabihan niya akong huwag lalabas ng bahay at sinabihang doon na lang sa loob ng bahay umihi. . ."[12] (emphasis supplied)

Accused attempts to puncture Analyn's credibility by pointing out that she was not telling the truth when she testified that the accused shouted at the top of his voice when he warned Analyn not to report the incident to anybody. In upholding Analyn's credibility, we adhere to the well-settled rule that the trial judge is in a better position to assess the probity and trustworthiness of witnesses because he has the opportunity to observe directly their behavior and manner of testifying.[13] As we held in People v. Agbayani: [14]

"The trial judge is in a better position to decide the question of credibility, since he personally heard the witnesses and observed their deportment and manner of testifying.[15] He had before him the essential aids to determine whether a witness was telling the truth or lying. Truth does not always stalk boldly forth naked; she often hides in nooks and crannies visible only to the mind’s eye of the judge who tried the case. To him appears the furtive glance, the blush of conscious shame, the hesitation, the sincere or flippant or sneering tone, the heat, the calmness, the yawn, the sigh, the candor or lack of it, the scant or full realization of the solemnity of an oath, the carriage and mien."[16]

The defense also makes much of the fact that Analyn's hymen remained intact even after the alleged rape and asserts that this medical finding does not support conviction for rape. Accused's argument deserves scant consideration. We have many times ruled that the fact that the victim's hymen is intact does not negate a finding that rape was committed as mere entry by the penis into the lips of the female genital organ, even without rupture or laceration of the hymen, suffices for conviction of rape.[17]

While not adhering to the accused's conclusion of non-commission of rape because of the finding of an intact hymen, plaintiff-appellee also gives much attention to this medical finding. The Solicitor General points out that this finding, coupled with the absence of a positive testimony of even a slight penetration of the victim's organ, should urge the Court to convict the accused of only attempted, and not consummated, rape.[18] We disagree. The above-quoted portions of Analyn's testimony and sworn statement, taken together, clearly show that the accused inserted his penis into the victim's genitalia, although not sufficient to break her hymen. Even assuming that the accused's penis fully penetrated the victim's genitalia, it is still possible that her hymen would remain intact. The strength and dilability of the hymen may vary from one woman to another as we stated in People v. Aguinaldo, [19]viz:

"x x x. The strength and dilability of the hymen are invariable; it may be so elastic as to stretch without laceration during intercourse, or on the other hand, may be so resistant that its surgical removal is necessary

> before intercourse can ensue. Conception does not always imply penetration of the hymen, since pregnancies have been reported in women in whom the hymen was intact or had merely a pinpoint aperture in the membrane."[20]

Analyn positively identified the accused as the culprit. The accused's defense of denial thus deserves little attention since it is well-settled in jurisprudence that denial as a negative and self-serving evidence does not deserve as much weight in law as positive and affirmative testimony.[21]

Appellant's contention that the complaint is defective as it fails to state that the accused is the common-law husband of Analyn's mother, is immaterial to the case as the special circumstance that qualified the rape committed by the accused is not relationship but the use of a deadly weapon as alleged in the information. But, while the use of a deadly weapon was sufficiently alleged and proved, the trial court was in error when it sentenced the accused to the supreme penalty of death. In People v. Sabredo,[22] we ruled viz:

"The imposable penalty for rape under Article 335 of the Revised Penal Code, as amended by R.A. No. 7659, is reclusion perpetua. But where the rape is committed with the use of deadly weapon or by two or more persons, the imposable penalty ranges from reclusion perpetua to death. The use of the bladed weapon already qualified the rape (People v. De Leon, G.R. No. 128436, December 10, 1999, p. 11, 320 SCRA 495). Under Article 63 of the Revised Penal Code, the crucial factor in determining whether appellant should be meted the death penalty is the presence of an aggravating circumstance which attended the commission of the crime (People v. Bacule, G.R. No. 127568, January 28, 2000, p. 17, 323 SCRA 734). A perusal of the record shows that none of the aggravating circumstances enumerated in Article 14 of the Revised Penal Code was alleged and proven by the prosecution. Where there is no aggravating circumstance proved in the commission of the offense, the lesser penalty shall be imposed."[23]

Similarly, in the present case, no other aggravating circumstance was alleged and proved by the prosecution. While we can gather from the evidence that the crime was committed in the dwelling of the victim and the accused, such aggravating circumstance was not alleged in the information and, thus, cannot be appreciated in accord with the Revised Rules of Criminal Procedure[24] and prevailing jurisprudence.[25]

Anent the award of damages, the trial court was correct in ordering the accused to pay moral damages in the amount of P50,000.00. In addition to this, however, the accused is ordered to pay the victim P50,000.00 as civil indemnity and P25,000.00 as exemplary damages, the aggravating circumstance of use of a deadly weapon having attended the commission of the crime.[26]

IN VIEW OF THE FOREGOING, we AFFIRM the Decision of the trial court finding accused-appellant Eduardo Añonuevo guilty of rape with the use of a deadly weapon, but REDUCE the penalty imposed to reclusion perpetua. The accused-appellant is ordered to pay the victim P50,000.00 as civil indemnity, P50,000.00 as moral damages, and P25,000.00 as exemplary damages.

SO ORDERED.

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

---

[1] Rollo, p. 6.

[2] Original Records, pp. 120-121; TSN, Analyn Evangelista, January 9, 1998.

[3] TSN, Analyn Evangelista, March 9, 1998, pp. 2-3.

[4] TSN, Analyn Evangelista, January 23, 1998, pp. 2-7; Sworn Statement of Analyn Evangelista, p. 1, Original Records, pp. 69-70; Exhibit A.

[5] TSN, Dr. Romeo Salen, February 25, 1998, pp. 2-5; Exhibit B, Original Records, p. 72.

[6] TSN, Eduardo Añonuevo, May 6, 1998, pp. 2-8, 10-14.

[7] Rollo, p. 19; Decision, p. 7.

[8] People v. Agbayani, 284 SCRA 315 (1998), citing People v. Grefiel, 215 SCRA 596, 608, 630 (1992); People v. Matrimonio, 215 SCRA 613, 630 (1992); People v. Pamor, 237 SCRA 462, 472 (1994).

[9] People v. Reynaldo, 291 SCRA 701 (1998), citing People v. Roll, 200 Phil. 665 (1982); People v. Espinoza, 317 Phil. 79 (1995) citing People v. Adlawan, Jr., 217 SCRA 489 (1993). See also People v. Ulzoron, 286 SCRA 741 (1998), citing People v. Bantisil, 249 SCRA 367, 377 (1995).

[10] TSN, Analyn Evangelista, January 23, 1998, pp. 3-6.

[11] Id., pp. 6-7.

[12] Sworn Statement of Analyn Evangelista executed at 3:30 p.m., September 12, 1997; Exhibit A, Original Records, p. 69.

[13] People v. Quisay, G.R. No. 106833, December 10, 1999, citing People v. Peralta, 283 SCRA 81 (1997).

[14] 284 SCRA 315 (1998), citing People v. Delovino, 317 Phil. 741, 753 (1995), citing Creamer v. Bivert, 214 MO 473, 474 (1908) as cited in M. FRANCES MCNAMARA, 2000 FAMOUS LEGAL QUOTATIONS 548 (1967).

[15] Id., citing People v. Conde, 322 Phil. 757, 766 (1996).

[16] Id., pp. 338-339.

[17] People v. Baygar (1999), citing People v. Gagto, 253 SCRA 455, 464 (1996).

[18] Rollo, p. 71; Brief for Plaintiff-Appellee, pp. 7-8.

[19] 316 SCRA 819 (1999).

[20] Id., p. 833, citing 1 TEDESCHI ECKERT TEDECHI, FORENSIC MEDICINE, A STUDY IN TRAUMA AND ENVIRONMENTAL HAZARDS 245 (1977 ed.).

[21] People v. Virtucio, Jr., 326 SCRA 198 (2000), citing People v. Dela Cruz, G.R. No. 123397, 13 October 1998, 298 SCRA 36.

[22] 331 SCRA 663 (2000).

[23] Id., pp. 671-672.

[24] Sec. 8 of Rule 110 provides in relevant part, viz:

"Sec. 8. Designation of the offense. - The complaint or information shall state the designation of the offense given by the statute, aver the acts or omissions constituting the offense, and specify its qualifying and aggravating circumstances. xxx"

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

[25] People v. Gallego, G.R. No. 130603, August 15, 2000.

[26] People v. Alipor, G.R. No. 137282, March 16, 2001; People v. Mitra, G.R. No. 130669, March 27, 2000; Art. 2230 of the Civil Code provides that, "(i)n criminal offenses, exemplary damages as a part of the civil liability may be imposed when the crime was committed with one or more aggravating circumstances. Such damages are separate and distinct from fines and shall be paid to the offended party."

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.