

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. SATURNINO ILUIS Y JANDOC, ACCUSED-APPELLANT.

G.R. No. 145995. March 20, 2003

Ponente: VITUG, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-145995/>

VITUG, J.:

In Criminal Case No. V-0786, the Regional Trial Court of Pangasinan, Branch 50, found Saturnino Iluis y Jandoc @ “Masong” guilty beyond reasonable doubt of rape “defined and penalized under Item No. 4 of the last paragraph of Article 335 of the Revised Penal Code, as amended,” and sentenced him to suffer the penalty of death, as well as to pay civil indemnity of fifty thousand pesos (P50,000.00) to the victim, AAA, for the crime.

The Information that AAA, assisted by her grandmother, caused to be filed in court on 23 June 1998, read:

“That sometimes [sic] between the months of August and October, 1997 at xxxx , Municipality of xxxx , Province of xxxx , Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, by means of force, violence and intimidation, did then and there willfully, unlawfully and feloniously have sexual intercourse with one AAA being below twelve (12) years old, against the latter’s will and consent, to the damage and prejudice of said AAA.

“Contrary to Art. 335, in relation to R.A. No. 8353 of the Revised Penal Code.”[1]

At his arraignment, Saturnino Iluis entered a plea of not guilty.

The evidence adduced by the prosecution, upon which the trial court based its finding of guilt, tended to show that

-

AAA[2] was born on 23 September 1991 in Siniloan, Laguna,[3] to a single parent, xxxx , who, unfortunately, would not live long enough to see her daughter pass through her formative years. AAA was barely four years old when her mother died. She was left to the care of xxxx , xxxx ’s sister, who had several children of her own. Ultimately, xxxx gave the child to xxxx for “adoption.” xxxx gave xxx the birth certificate of AAA that she had taken from xxxx ’s wallet. With her husband Dominador Raguindin, xxxx executed a document in the dialect, dated 13 October 1993,[4] to confirm that the couple had entrusted AAA to the custody of xxx . Two days after giving the custody of AAA to xxx , xxx x received from xxxx dollars equivalent to P10,000 “as a sort of help.” xxx would also give some sums to xxxx whenever she would come around and visit AAA, also called Jing, at the xxxx residence.

xxxx , 71, named xxxx at birth, decided for reasons of her own to call herself xxxx when she had started to become sickly. She turned American citizen in 1981. In October 1993, AAA became her taraken or “adopted” child. In school, AAA was thought to have been legally adopted and was made to use the surname xxxx . Whenever xxxx would go to the United States, she would entrust AAA to the custody of Saturnino Iluis, his sister-in-law Teresita Iluis or Tessie and his mother Basilia, in xxxx ’s house at xxxx .

In August 1997, xxxx left for the United States; she returned on 18 November 1997. A few days later, on the early

evening of 21 November 1997, xxxx was viewing a television show with AAA when the latter held xxxx and meaningfully pressed the middle of xxxx 's palm. Realizing that the gesture conveyed something that was "not a nice act," xxxx told AAA, "Whoever did that thing to you tell me his name because that man might kidnap and kill you." When AAA refused to talk, xxxx "threatened" AAA that she would not give the girl the things that had been bought for her. AAA uttered, "I am afraid, Grandma, but I will tell his name. He is Uncle Masong." xxxx called Tessie and her nephew so that they could also hear what the child was saying. Once again when asked, AAA disclosed that Masong molested her. He would embrace, kiss, touch her private part, and then garawen her. When xxxx asked AAA what she meant by garawen, AAA said that Masong would put his penis into her vagina.

xxxx decided to have AAA medically examined. Since it was a Friday, xxxx waited for Monday before she brought AAA to Dr. Hian Kiat Dy for examination. Not satisfied with the findings of Dr. Dy, xxxx brought AAA to the Don Amadeo J. Perez, Sr., Memorial General Hospital in Urdaneta, Pangasinan. Dr. Jeanna Nebril-Ramilo who examined AAA on 28 November 1997 made her findings thusly:

- "External Genitalia: No abrasion, scar noted on pubic/escutchen.
- Labia Major – Labia Minor gaping, positive rounding fourchette
- Deep healed laceration 1:00 o'clock position hymen.
- Healed laceration 3:00 position
- Admits index finger midway with slight resistance."[5]

According to Dr. Nebril-Ramilo, these findings revealed the "possibility of penetration" of the child's sex organ by a blunt object.[6]

On Monday, 24 November 1997, Jonathan Fernando-Manlongat, AAA's kindergarten teacher at the St. Anthony Abbot Academy, noticed that it was Manang Tessie who accompanied AAA to school. When Jonathan asked Manang Tessie why AAA was absent the previous Friday, Manang Tessie replied that AAA's grandmother had just arrived from America. When he inquired why it was she, not Masong, who accompanied AAA to school, Manang Tessie told Jonathan that Masong had been fired because "he had done something wrong to the child." Jonathan wanted to know what had happened but Manang Tessie told him to just speak to the child. At recess period, Jonathan asked AAA what her "uncle" Masong did to her. At first, AAA just stared at Jonathan but, when Jonathan persisted, AAA reluctantly answered that Masong had molested her.

According to AAA herself, during the months of August to October 1997, Masong would let her smoke, take off her panty, and put his penis into her vagina. She would feel pain whenever Masong inserted his penis into her vagina but, fearful, she kept quiet about the matter. Eventually, however, AAA told her Grandma xxx about the molestations and that Masong did the acts of taking off her panty and putting his penis into her vagina three times in the kubo-kubo (nipa hut). Her grandma being then abroad, AAA would sleep with her aunt Tessie but it was Masong who would bring and fetch her to and from school.

The defense interposed denial. Saturnino Iluis (Masong), single, 42, reached only the 6th grade in the Elementary School and also answered to the nickname "Melchor." He worked in the xxxx household from 1 April 1995 until 24 November 1997. His sister-in-law, Teresita, who was hired to work in the same household on 27 August 1997, was responsible for the laundry work and for looking after AAA. Saturnino treated AAA both as a sister and as his own child. He denied the accusation against him which he attributed to his having spent the household allowance of P5,850 for the dress and pictures of AAA when she became a beauty contest candidate in her school. He was sent home on 19 November 1997 after xxxx previously warned him, through Teresita, that should he be unable to pay that amount, she would file a rape case against him. He was at home in Amamperez when the police arrested him. Teresita Iluis sought to corroborate, in part, the testimony of her brother-in-law.

The defense also presented Dr. Hian Kiat C. Dy who was the first physician to examine AAA upon the request of Chief of Police Patricio Fantin Piñol. In the medical report, he inscribed the following findings:

- “1. Redness – area between urethra opening and vaginal opening.
- “2. Vaginal Opening – about 0.3 cm. in diameter
- “3. Hymen – intact/no laceration
- “4. Pain and tenderness of the vulva.”[7]

The redness of the urethra could have been due, he said, to inflammation or infection, and an intact hymen implied that there was no laceration and that no foreign object had been inserted into the vagina. He admitted, however, that the redness between the urethra opening and the vaginal opening could have been caused by an erect penis coming into contact with the vaginal opening.

The trial court found Saturnino Iluis guilty of the crime of qualified rape for which it imposed upon him the death penalty; it concluded:

“WHEREFORE, the Court finds the accused Saturnino Iluis y Jandoc @ `Masong` guilty beyond reasonable doubt of the crime of rape defined and penalized under Item No. 4 of the last paragraph of Art. 335 of the Revised Penal Code, as amended, and is hereby accordingly sentenced to suffer the penalty of death.

“The accused is further ordered to pay AAA the sum of FIFTY THOUSAND PESOS (P50,000.00) as indemnification.”[8]

In this automatic review, appellant would have it that –

“I.

THE TRIAL COURT ERRED IN CONVICTING ACCUSED-APPELLANT SATURNINO ILUIS Y JANDOC BEYOND REASONABLE DOUBT OF STATUTORY RAPE NOTWITHSTANDING THE WEAKNESS OF THE PROSECUTION EVIDENCE.

“II.

ASSUMING ARGUENDO THAT THE ACCUSED IS GUILTY, THE TRIAL COURT ERRED IN IMPOSING THE DEATH PENALTY BECAUSE THE TRUE AGE OF THE VICTIM, WHICH WAS 6 YEARS OLD AT THE TIME OF THE RAPE, WAS NOT ALLEGED IN THE INFORMATION NOR WAS IT DULY PROVED BEYOND REASONABLE DOUBT.”[9]

The Court finds no sufficient basis for ignoring, let alone overturning, the factual assessment made by the court below. Once again, the Court must reiterate the familiar rule that the task of taking on the issue of credibility is a function properly lodged with the trial court and whose findings are entitled to great weight.[10]

In this case, the trial court observed that AAA had remained consistent and demonstrated her credibility even with the extensive and rigorous cross-examination conducted by appellant’s counsel.[11] In assailing the credibility of the victim, who was only seven years old when she testified on the sexual ordeal she had suffered a year before, appellant would stress on her failure to give details of the commission of the crime. That, however, would not exactly appear to be the case. The victim testified:

“PROS. MAPILI:

“Q

Between the months of August to October, 1997 do you remember if `Masong` did something to you Madam Witness?

“A

Yes, sir.

“Q

What was that something which ‘Masong’ did to you?

“A

He let me smoke, he took off my panty and he put his penis into my vagina, sir.

“Q

And where were you when ‘Masong’ put his penis into your vagina?

“A

In a little ‘kubo-kubo’ (small nipa hut), sir.

“COURT:

“Q

Where is that little ‘kubo-kubo’?

“A

Near our shed, sir.

“PROS. MAPILI:

“Q

That little ‘kubo-kubo’ is located near the house of your grandma xxxx ?

“A

Yes, sir.

“Q

Is that ‘kubo-kubo’ still there at this time?

“A

Yes sir, it still exists.

“Q

So [how] did you feel when ‘Masong’ put his penis into your vagina?

“A

I felt pain, sir.

“Q

So what did you do when you felt the pain?

“A

I remained silent, sir.

“Q

Why did you not say or do something?

“A

I was afraid, sir.

“Q

Why were you afraid at that time?

”A

Because of that thing that he did to me, sir.

“Q

And what did ‘Masong’ do or tell you if any when he put his penis into your vagina?

“A

That I will not tell the matter, sir.

“Q

Now you said that ‘Masong’ warned you not to tell the matter, did you tell the matter to anyone?

“A

Yes, sir.

“Q

To whom did you tell what Masong did to you?

“A

To my grandma xxxx , sir.

“Q

And what did you tell to your grandma xxx ?

“A

I told her what he did to me, sir.

“Q

You are referring [to] what Masong did to you?

“A

Yes, sir.

“COURT:

“Q

How did you tell your grandma xx ...what did you say to her?

“A

I only had my left forefinger pointed at the middle of her palm, Your Honor.

“PROS. MAPILI:

“Q

So that is the sign [of] what Masong did to you?

“A

Yes, sir.

“Q

And what was the response of your grandma xxx when you demonstrated to her what Masong did to you?

“A

She asked me, ‘what did he do to you?’

“COURT:

“Q

What was your answer?

“A

I told her what he did to me, sir (witness turning her head to the place of the accused.)

“Q

What did he do to you?

“A

He took off my panty and put his penis into my vagina Your Honor.

“Q

How many times did Masong do that to you?

“A

Three (3) times, Your Honor.

“Q

On different dates?

"ATTY. BUMACOD:

Your Honor, the accused is charged for only one count.

“COURT:

Yes.

“A

Yes, Your Honor.

“Q

On the same date?

“A

Different dates, Your Honor.

“Q

Also in [the] `kubo-kubo’?

“A

Yes, Your Honor.

“Q

So 3 times inside the `kubo-kubo’?

“A

Yes, Your Honor.”[12]

On cross-examination, AAA continued:

“ATTY. BUMACOD:

“Q

From whom did you learn how to make that sign of pointing your left forefinger at the middle of the palm of your grandmother?

“A

From Masong, sir.

“Q

What did Masong tell you about that sign?

“A

He taught me to do that, sir.

“Q

You want to impress the Honorable Court AAA that Masong made or pointed his forefinger at your palm or at his palm?

“A

In my palm, sir.

“Q

And did he tell you what is that sign?

“A

No, sir.

“Q

So if Masong did not tell you Madam Witness what is that sign, what do you mean then to tell your grandmother when you pointed at [sic] your left forefinger at the middle of her palm?

“A

I only did that act, sir.

“X X X X X X X X

“ATTY. BUMACOD:

“Q

So you told her, I’m referring to your grandma, what Masong did without your grandma asking you anything?

“A

She asked me, sir.

“Q

What did she ask you?

“A

That thing that he did to me, sir.

“Q

And what is that that you told her?

“A

The thing that Masong did to me, sir.

“Q

What is that that Masong did to you?

“A

That same thing that he did to me, sir.

“COURT:

“Q

What did Masong do to you?

“A

That same thing, Your Honor.

“Q

Can you tell the Court what is that same thing that Masong did to you?

“A

He took off my panty, Your Honor.

“Q

What else?

“A

He put his penis into my vagina, Your Honor.

“ATTY. BUMACOD:

Madam Witness, you said that Masong put his penis into your vagina. How long in time did he put his penis in your vagina, if you remember?

“A

Long ago [sic], sir.”[13]

The unflinching testimony of the child victim notwithstanding, appellant would insist that her statement that “he (appellant) put his penis into my vagina” was inadequate to warrant conviction for the crime of rape. The trial court correctly brushed aside this argument. Granting that there was no complete penetration of the vagina, even just the briefest contact of the pudendum by the phallus, however, would be enough to consummate the crime of rape.[14] In *People vs. Balgos*,[15] the six-year old victim testified that the penis of the appellant did not penetrate her vagina but only touched its “hole.” The Court considered that testimony as being sufficient and a “tell-tale sign” of the victim’s “honesty and candor in relating her unsavory experience.” Considering her age, AAA’s failure to give the gory details on the sexual debasement would be understandable and typical of an innocent child whose virtue had unexpectedly been violated and her chastity abused.[16] Ample margin of inaccuracies should be accorded to a child witness who obviously had been gripped with tension on the witness stand.[17] Most significantly, no plausible reason was given by the defense why AAA would fabricate the charges.

Appellant claims that AAA’s behavior after the commission of the crime, i.e., in not missing school, can hardly be considered normal for one who has been raped. There is, the Court has repeatedly observed however, no standard form of behavior that can be anticipated of a rape victim following her defilement, particularly by a child who could not be expected to fully comprehend the ways of an adult. People react differently to emotional stress and rape victims are no different from them.

The defense attempts to blemish the medical report of Dr. Nebril-Ramilo by the findings of Dr. Dy but the latter himself, on cross-examination, did not rule out the possibility of “an erect penis coming into contact” with the sex organ of the child that resulted in the redness of the area between the urethral and the vaginal openings.[18] In any event, a medical examination is not essential in the prosecution of a rape case; a medical examination, as well as the medical certificate, is merely corroborative in character. Such a report is not an indispensable requirement for conviction for what matters greatly is the clear, unequivocal and credible[19] testimony of the victim.

Appellant is correct, however, in submitting that the death penalty should not have been imposed. Article 335 of the Revised Penal Code, as amended, provides:

“Article 335. When and how rape is committed. – Rape is committed by having carnal knowledge of a woman under any of the following circumstances:

“x x x x x x x x.

“3. When the woman is under twelve years of age or is demented.

“The crime of rape shall be punished by reclusion perpetua.

“x x x x x x x x.

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

“x x x x x x x x.

“4. when the victim is a religious or a child below seven (7) years old.”

While the age of the victim, i.e., of being barely six years old at the time of the rape, is supported by the Certificate of Live Birth (Exhibit “A”), showing that AAA was born on 23 September 1991, and the testimony of xxxx (the sister of AAA’s mother[20]), in order, however, to warrant the imposition of the death penalty, it is required that the qualifying circumstance of the rape victim being “below seven years of age” should be aptly alleged in the Information. The Court has made it explicit that qualifying circumstances, which would increase the penalty by a higher degree, “must be properly pleaded in the information consistent with the constitutional right of the accused to be informed of the charges against him.”[21] Mindful, indeed, of the entitlement of an accused to this fundamental right, the Court has now provided for in Rule 110 of the Revised Rules of Criminal Procedure, made effective on 1 December 2000, thusly:

“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. If there is no designation of the offense, reference shall be made to the section or subsection of the statute punishing it.

“SEC. 9. Cause of accusation. – The acts or omissions complained of as constituting the offense and the qualifying and aggravating circumstances must be stated in ordinary and concise language and not necessarily in the language used in the statute but in terms sufficient to enable a person of common understanding to know what offense is being charged as well as its qualifying and aggravating circumstances and for the court to pronounce judgment.”

The allegation in the Information that the victim is “below twelve (12) years old,” an age indication that would only call for the penalty of reclusion perpetua, cannot suffice to warrant the imposition of the extreme penalty of death.

Pursuant to prevailing jurisprudence, in addition to the civil indemnity of P50,000.00 awarded by the court a quo, a like amount of P50,000.00 in moral damages must also be awarded to the rape victim.

WHEREFORE, the decision of the trial court insofar as it finds appellant Saturnino Iluis y Jandoc, a.k.a. Masong or Melchor, guilty beyond reasonable doubt of the crime of rape is AFFIRMED with MODIFICATION in (a) that the penalty of death imposed is reduced to reclusion perpetua and (b) that, in addition to the civil indemnity of fifty thousand pesos (P50,000.00) ordered to be paid by appellant, another amount of fifty thousand pesos (P50,000.00) in moral damages is awarded to AAA. Costs de oficio.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Puno, Mendoza, Panganiban, Quisumbing, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Callejo, Sr., and Azcuna, JJ., concur.
Ynares-Santiago, J., on leave.

[1] Rollo, p. 10.

[2] This is the name appearing in the certificate of live birth (Exh. A). She signed her name as AAA in the complaint. Her first name is spelled “AAA” in the record of this case.

[3] Exh. A, Records, p. 3.

[4] Exh. B, *supra* at 5.

[5] Exh. D, Records, p. 15.

[6] TSN, April 12, 1999, p. 18.

[7] Exh. 2-a.

[8] Rollo, pp. 53-54.

[9] Rollo, p. 75.

[10] *People vs. Taño*, G.R. No. 133872, 5 May 2000, 331 SCRA 449.

[11] RTC Decision, p. 26.

[12] TSN, 28 February 2000, pp. 6-9.

[13] TSN, 16 March 2000, pp. 13-15.

[14] *People vs. Brigildo*, G.R. No. 124129, 28 January 2000, 323 SCRA 631.

[15] 323 SCRA 372.

[16] *Ibid.*

[17] *People vs. Lomerio*, G.R. No. 129074, 28 February 2000, 326 SCRA 530.

[18] TSN, 10 May 2000, p. 11. See: *People vs. Lomerio*, *supra* at 544 where the Court agreed with the prosecution that redness of the labia minora of the victim, which the defense claimed to have been caused by the finger of another person, does not rule out the possibility of sexual intercourse.

[19] *People vs. Lerio*, 324 SCRA 76.

[20] TSN, 19 April 1999, pp. 5-6.

[21] *People vs. Bernaldez*, 322 SCRA 462.

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.