

PEOPLE OF THE PHILIPPINES, PETITIONER, VS. PATRICIO PIOQUINTO, RESPONDENT.

G.R. NO. 168326. April 11, 2007

Ponente: CORONA, J.

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CORONA, J.:

This petition for review on certiorari[1] assails the May 9, 2005 decision[2] of the Court of Appeals (CA) in C.A.-G.R. CR-H.C. No. 00114 affirming, in turn, the June 5, 2002 decision[3] of the Regional Trial Court (RTC) of Lingayen, Pangasinan, Branch 68 in Criminal Case Nos. L-6520 and L-6521. The RTC found accused (respondent herein) Patricio Pioquinto @ "Pating" guilty of the crime of qualified rape.

Respondent was charged with two counts of qualified rape under the following Information:

L-6520

That on or about the 18[th] day of October, 2000 in the evening, at Baranggay Arellano Extension, Municipality of Mangatarem, Province of Pangasinan, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, armed with a knife, by means of force, threat and intimidation, did then and there willfully, unlawfully and feloniously have sexual intercourse with his daughter [AAA], a minor 12 years old, against the latter's will, and to her damage and prejudice.

Contrary to Article 266-A in relation to Article 266-B par. 6(1) of the Revised Penal Code, as amended by R.A. 8353.[4]

L-6521

That on or about the 3[rd] day of March, 2001 at around 1 o'clock in the afternoon in Sitio Tapao, Baranggay Caviernesan, Municipality of Mangatarem, Province of Pangasinan, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, armed with a knife, by means of force, threat and intimidation, did then and there willfully, unlawfully and feloniously have sexual intercourse with his daughter [AAA], a minor 12 years old, against the latter's will, and to her damage and prejudice.

Contrary to Article 266-A in relation to Article 266-B par. 6(1) of the Revised Penal Code, as amended by R.A. 8353.[5]

On arraignment, respondent pleaded not guilty to both charges.[6] Pre-trial followed and the parties stipulated on his identity and his relationship with the victim AAA.

During the joint initial reception of evidence, counsel manifested the respondent's willingness to change his plea from not guilty to guilty.[7] The trial court ordered him to file a motion in writing and to copy-furnish the prosecutor. Instead of a motion to change his plea, however, respondent filed a motion for reduction of penalty.[8] The prosecution opposed the motion on the ground that inasmuch as the crime committed by respondent was punishable by a single indivisible penalty, the mitigating circumstances of voluntary confession of guilt and intoxication could not be appreciated.[9] The trial court agreed with the prosecution and denied respondent's

motion.[10] Trial on the merits followed.[11]

The prosecution presented three witnesses: the victim AAA, her mother and an expert witness, Dr. Conrado Villaceran.

AAA narrated that she was alone at home in the evening of October 18, 2000. She was busy preparing dinner while her siblings were out.[12] Her father arrived around 7:00 p.m. and forcibly pulled her inside the room of their house, forcing her to lie down on the bed. She struggled to free herself but he slapped her several times and ordered her to be silent. She noticed, with the light from a lamp, that her father was holding a knife. Her father undressed her then took off his clothes. When they were both naked, her father used his feet to spread her legs. Thereafter, he inserted his penis into her vagina and made push and pull movements.[13]

AAA felt helpless. She felt intense pain and her vagina bled profusely. She kept quiet, suffered in silence and told no one about what transpired. The evening progressed as if nothing happened. She finished preparing dinner and had supper with her father, brothers and sisters. Afterwards, they went to sleep.[14]

After October 18, 2000, AAA was molested repeatedly by her father whenever they were alone. The last, which she could vividly recall, took place on March 3, 2001. At around 1:00 p.m., she was alone with her father in an open field on their way to help relatives with their harvest. When they reached a granary, her father ordered her to undress and lie down on the hay. He removed his pants and underwear and again forced himself on her. Then, as in the past, father and daughter went about their business as if nothing happened. They helped with their relatives' harvest until 5 o'clock of that day.[15]

Because her father constantly threatened to kill her, AAA refrained from telling anyone of her plight. But soon, her belly began to grow bigger and she knew that she could no longer avoid the inevitable questions. She first admitted that respondent was sexually abusing her to a distant relative, her mother's cousin and co-worker, and subsequently, to her mother.[16] Her mother reported the incident to the police and submitted her to a medical examination.[17]

On June 15, 2001, AAA gave birth to a baby boy.

The victim's mother testified that respondent was her husband and the victim AAA their 14-year-old daughter.[18] She said that she only learned that her husband was molesting their daughter when AAA admitted that her father had impregnated her.[19] As a result, she felt anger towards her husband.[20] She also stated that she made AAA undergo a medical examination.[21] She told the Court that her daughter had given birth to a baby boy.[22]

Dr. Conrado Villaceran was presented as an expert witness. He said that AAA came to see him, accompanied by an aunt, on March 14, 2001. He was told that she was a rape victim but was not informed of the perpetrator's identity. At that time, AAA was 13 years old and was 21 weeks pregnant.[23] Dr. Villaceran estimated that she first had intercourse on October 23, 1999 and continuously thereafter until about March 3, 2001. He also surmised that she must have had sexual intercourse during that period at least thrice a week.[24]

After the prosecution rested its case, respondent reiterated his desire to change his plea from not guilty to guilty.[25] This time, he was called to the witness stand. There was, however, no record of what transpired when he took the witness stand.

In a decision dated June 5, 2002, the RTC found respondent guilty of two counts of qualified rape. It found that not only did respondent confess his guilt, the prosecution was also able to establish his guilt with moral certainty:[26]

WHEREFORE, in view of the foregoing, the Court finds and holds the accuse[d], PATRICIO PIOQUINTO @ Patring, by his own admission, guilty beyond reasonable doubt for two (2) counts of Rape filed against him, contrary to Article. 266-A in relation to Article 266-B, par. 6(1) of the Revised Penal Code, as amended by R.A. 8353, and hereby sentences him to suffer the penalty of Death for each of the instant criminal charges.

Accused PATRICIO PIOQUINTO is hereby furthered ordered to pay the complainant [AAA] the civil indemnity of P75,000.00, moral damages of P50,000.00 and exemplary damages of P25,000.00 for each count of Rape.[27]

The case was forwarded to this Court for automatic review but we subsequently referred it to the CA per People v. Mateo.[28] As stated earlier, the CA affirmed the RTC decision.

Respondent now assails the findings of the CA.

Respondent asserts that the RTC convicted him of two counts of qualified rape despite the fact that his guilt was not proven beyond reasonable doubt. He argues that if he really raped his daughter, the other members of the family would have immediately known about it.[29] His daughter was not one who would simply yield to his desires.[30] Moreover, the considerable lapse of time between the commission of the offenses and the filing of the charges raised serious doubt on the truthfulness of AAA's story.[31]

Respondent also points out that the trial court convicted him on the basis of an improvident plea of guilt. It allegedly failed to conduct a searching inquiry to determine whether his plea was voluntary and with full comprehension of its consequences.

The Court finds no merit in the appeal.

ACCUSED'S GUILT WAS PROVEN BEYOND REASONABLE DOUBT

Both the trial and appellate courts gave credence to

AAA's testimony (as corroborated by the testimonies of her mother and Dr. Villaceran). Both courts found that AAA's straightforward testimony was enough to support the conviction of respondent. The testimony of a child witness is given full weight and credit. When a woman or a girl-child says that she has been raped, she says in effect all that is necessary to show that rape has indeed been committed.[32] Thus, respondent's belated attempt to controvert the prosecution's evidence will not prosper.

In People v. Erardo,[33] the Court gave credence to the victim's testimony that her father raped her even if her stepmother, who was sleeping in the same room where the rape took place, did not corroborate her testimony. As stated in that case:

[C]omplainant did not make an outcry or put up a determined resistance due to fear of her own father. It is not surprising that the act could have been consummated in the same room where a sleeping common-law wife was.[34]

The circumstances in Erardo were in fact more astonishing than in this case. As AAA stated in her testimony, she was afraid of her father and he molested her whenever they were alone. That explained why the other members of the family were not aware that he was sexually abusing his daughter.

The Court recognizes the respect and reverence Filipino children have for their elders.[35] For this reason, great weight is given to an accusation a child directs against a close relative, specially the father. A rape victim's testimony against her father goes against the grain of Filipino culture as it yields unspeakable trauma and social stigma on the child and the entire family.[36]

This Court also recognizes the moral ascendancy and influence of a father over his child. When a father rapes his daughter, violence and intimidation supplant such moral ascendancy and influence. As a consequence, the rapist father can easily subjugate his daughter's will, allowing him to coerce the child to do his every bidding.[37]

AAA was coerced to conceal her father's bestiality. AAA testified that not only did her father warn her not to tell anyone about the molestation, he also threatened to kill her.[38] The consequent delay in the filing of the charges was clearly attributable to the fear respondent succeeded in instilling in his daughter.

The silence of a rape victim or her failure to immediately disclose her plight to the authorities is no proof at all that the charges are baseless or fabricated. More often than not, a victim would rather bear the ignominy and pain in private rather than reveal her shame to the whole world or risk the danger of physical harm by the rapist.[39]

ACCUSED'S PLEA OF GUILT WAS IMPROVIDENTLY MADE

While the trial court declared that respondent was subjected to a searching inquiry, the CA opined otherwise. In its decision, the latter held "that there (was) insufficient proof that the trial court complied with the requirement provided for by the 2000 Rules on Criminal Procedure." [40] Both the trial court and the CA only presented mere conclusions without citing facts. This Court was therefore constrained to review the records.[41]

The May 6, 2002 order of the trial court stated that "despite the explanation of the intricacies and result of his change of plea, the accused insisted to change his plea." [42] However, the records fail to confirm the trial court's assertion (in its May 6, 2002 order) that it conducted a searching inquiry.[43] There is no transcript of stenographic notes of the inquiry because no such inquiry was conducted.

As a reminder to our trial court judges, a searching inquiry is mandatory if an accused pleads guilty to a capital offense.[44] Such inquiry is necessary in order to ascertain if the accused is really pleading guilty to the offense voluntarily and with full comprehension of its consequences. The guidelines are as follows:

- 1) The trial court shall hear both the prosecution and the accused with their respective counsel on the desire or manifestation of the accused to waive the right to present evidence and be heard.
- 2) The trial court shall ensure the attendance of the prosecution and especially the accused with their respective counsel in the hearing which must be recorded. Their presence must be duly entered in the minutes of the proceedings.
- 3) During the hearing, it shall be the task of the trial court to —
 - a) ask the defense counsel a series of questions to determine whether he had conferred with and completely explained to the accused that he had the right to present evidence and be heard as well as its meaning and consequences, together with the significance and outcome of the waiver of such right. If the lawyer for the accused has not done so, the trial court shall give the latter enough time to fulfill his professional obligation.
 - b) inquire from the defense counsel with conformity of the accused whether he wants to present evidence or submit a memorandum elucidating on the contradictions and insufficiency of the prosecution evidence, if any or in default theory, file a demurrer to evidence with prior leave of court, if he so believes that the prosecution evidence is so weak that it need not even be rebutted. If there is a desire to do so, the trial court shall give the defense enough time to this purpose.
 - c) elicit information about the personality profile of the accused, such as his age, socio-economic status, and educational background, which may serve as trustworthy index of his capacity to give a free and informed waiver.
 - d) all questions posed to the accused should be in a language known and understood by the latter, hence, the

record must state the language used for his purpose as well as reflect the corresponding translation thereof in English. [45] (emphasis supplied)

Be that as it may, an accused cannot be acquitted because of an improvident plea when the prosecution is able to present independent evidence to prove the culpability of the accused.[46] In that case, even if the trial court fails to conduct a searching inquiry, the evidence of the prosecution establishes the guilt of the accused beyond reasonable doubt.

RA 9346 CALLS FOR THE
MODIFICATION OF RESPONDENT'S
PENALTY.

While this Court affirms the finding of guilt of respondent, it can no longer impose the penalty of death in view of RA 9346.[47] Section 2 of RA 9346 mandates that in lieu of the death penalty, reclusion perpetua shall be imposed.

In sum, we affirm that respondent is guilty of two counts of qualified rape under Article 266-A in relation to Article 266-B par. 6(1) of the Revised Penal Code, as amended by RA 8353.[48]

WHEREFORE, the decision of the Court of Appeals in C.A.-G.R. CR-H.C. No. 00114 is hereby AFFIRMED with MODIFICATION. Patricio Pioquinto @ "Patring" is sentenced to reclusion perpetua with no possibility of parole for each of two counts of qualified rape committed against AAA in Criminal Case Nos. L-6520 and L-6521. Respondent is further ORDERED to indemnify AAA in the amount of P75,000 as civil indemnity, P50,000 as moral damages and P25,000 as exemplary damages for each count of qualified rape.

SO ORDERED.

Puno, C.J., Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Carpio-Morales, Callejo, Sr., Azcuna, Tinga, Chico-Nazario, Garcia, Velasco, Jr., and Nachura, JJ., concur.

[1] Under Rule 45 of the Rules of Court.

[2] Penned by Associate Justice Andres B. Reyes, Jr. and concurred in by Associate Justices Lucas P. Bersamin and Celia C. Librea-Leagogo of the Fourteenth Division of the Court of Appeals; CA rollo, pp. 99-117.

[3] Penned by Judge Salvador P. Vedana, id., pp. 16-24.

[4] Id., p. 9.

[5] Id., p. 10.

[6] Id., p. 17.

[7] Rollo, p. 40.

[8] Id., p. 41.

[9] Id., p. 17. See REVISED PENAL CODE, Art. 63.

[10] Resolution dated September 10, 2001, id., pp. 46-47.

[11] CA rollo, p. 17.

[12] Id., p. 19.

- [13] Id., p. 20.
- [14] Id.
- [15] Id., p. 21.
- [16] Rollo, p. 7.
- [17] CA rollo, p. 21.
- [18] Id., p. 18.
- [19] Rollo, p.7.
- [20] CA rollo, p. 18.
- [21] Rollo, p. 7.
- [22] CA rollo, pp. 18-19.
- [23] Rollo, p. 7.
- [24] CA rollo, p. 19.
- [25] Rollo, pp. 71, 73-74.
- [26] CA rollo, p. 22.
- [27] Id., p. 23.
- [28] G.R. Nos. 147678-87, 7 July 2004, 433 SCRA 640.
- [29] CA rollo, p. 40.
- [30] Id., p. 41.
- [31] Id.
- [32] People v. Alvero, G.R. No. 134536-38, 5 April 2000, 329 SCRA 737, 753.
- [33]G. R. No. L-32861, 31 January 1984, 127 SCRA 250.
- [34] Id., p. 258.
- [35] People v. Alvero, at 753 (2000).
- [36] Id., citing People vs. Tresballes, G.R. No. 126118, 21 September 1999, 314 SCRA 774.
- [37] People v. Panganiban, G.R. No. 138439-41, 25 June 2001, 359 SCRA 509, 520 citing People v. Magdato, G.R. No. 134122-27, 7 February 2000, 324 SCRA 785.
- [38] Rollo, pp. 20-21.
- [39] People v. Alvero, supra, at 737, citing People v. Tresballes, supra.
- [40] Id., p. 110.
- [41] Florenz D. Regalado, 1 REMEDIAL LAW COMPENDIUM 8[th]ed., 554 citing Manlapaz v. Court of Appeals, G.R. No. L-56589, 12 January 1987, 147 SCRA 236.

[42] Rollo, p. 71.

[43] Id.

[44] THE REVISED RULES ON CRIMINAL PROCEDURE, Rule 116, Sec. 3.

[45] *People v. Badoso*, 446 Phil. 839, 855-856 (2003), citing *People v. Aranzado*, G.R. Nos. 132442-44, 24 September 2001, 365 SCRA 649.

[46] *People vs. Oden*, G.R. No. 155511-22, 14 April 2004, 427 SCRA 634, 641.

[47] AN ACT PROHIBITING THE IMPOSITION OF DEATH PENALTY IN THE PHILIPPINES.

[48] ANTI- RAPE LAW of 1997.

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