

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. NASARIO CASTEL, ACCUSED-APPELLANT.

G.R. No. 171164. November 28, 2008

Ponente: REYES, R.T., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-171164/>

REYES, R.T., J.:

THIS is a tale of a child snatched from the cradle of innocence by the bestiality of her own father.

From the Decision[1] of the Court of Appeals (CA) affirming with modification that of the Regional Trial Court (RTC) in Malolos, Bulacan,[2] appellant Nasario Castel has taken this appeal from his conviction for six (6) counts of rape committed against his then sixteen-year old daughter AAA.[3]

The Case

On February 10, 1998, appellant Nasario Castel was indicted for seven (7) counts of rape, defined and penalized under Articles 266-B and 335 of the Revised Penal Code, as amended by Republic Act (R.A.) Nos. 7659 and 8353, allegedly committed as follows:

- In Criminal Case No. 1541-M-98:[4]

The undersigned Asst. Provincial Prosecutor on the complaint of the offended party [AAA] assisted by her grandmother, [BBB] accuses Nasario Castel of the crime of rape, penalized under the provision of Art. 335 of the Revised Penal Code, committed as follows:

That in or about the month of April, 1997, in the Municipality of Malolos, province of Bulacan, and within the jurisdiction of this Honorable Court, the above-named accused did then and there willfully, unlawfully and feloniously by means of force, threats and intimidation, have carnal knowledge of his daughter [AAA], a minor sixteen (16) years of age, against her will and without her consent.

Contrary to law. (Underscoring Supplied)

- In Criminal Case No. 1542-M-98:[5]

The undersigned Asst. Provincial Prosecutor on the complaint of the offended party [AAA] assisted by her grandmother, [BBB] accuses Nasario Castel of the crime of rape, penalized under the provision of Art. 226-B of the Revised Penal Code, committed as follows:

That in or about the month of November, 1997, in the Municipality of Malolos, province of Bulacan, and within the jurisdiction of this Honorable Court, the above-named accused did then and there willfully, unlawfully and feloniously by means of force, threats and intimidation, have carnal knowledge of his daughter [AAA], a minor sixteen (16) years of age, against her will and without her consent.

Contrary to law. (Underscoring supplied)

- In Criminal Case No. 1543-M-98:[6]

The undersigned Asst. Provincial Prosecutor on the complaint of the offended party [AAA] assisted by her grandmother, [BBB] accuses Nasario Castel of the crime of rape, penalized under the provision of Art. 335 of the Revised Penal Code, committed as follows:

That in or about the month of February, 1997, in the Municipality of Malolos, province of Bulacan, and within the jurisdiction of this Honorable Court, the above-named accused did then and there willfully, unlawfully and feloniously by means of force, threats and intimidation, have carnal knowledge of his daughter [AAA], a minor sixteen (16) years of age, against her will and without her consent.

Contrary to law. (Underscoring supplied)

- In Criminal Case No. 1544-M-98:[7]

The undersigned Asst. Provincial Prosecutor on the complaint of the offended party [AAA] assisted by her grandmother, [BBB] accuses Nasario Castel of the crime of rape, penalized under the provision of Art. 335 of the Revised Penal Code, committed as follows:

That in or about the month of August, 1997, in the Municipality of Malolos, province of Bulacan, and within the jurisdiction of this Honorable Court, the above-named accused did then and there willfully, unlawfully and feloniously by means of force, threats and intimidation, have carnal knowledge of his daughter [AAA], a minor sixteen (16) years of age, against her will and without her consent.

Contrary to law. (Underscoring Supplied)

- In Criminal Case No. 1545-M-98:[8]

The undersigned Asst. Provincial Prosecutor on the complaint of the offended party [AAA] assisted by her grandmother, [BBB] accuses Nasario Castel of the crime of rape, penalized under the provision of Art. 335 of the Revised Penal Code, committed as follows:

That in or about the month of June, 1997, in the Municipality of Malolos, province of Bulacan, and within the jurisdiction of this Honorable Court, the above-named accused did then and there willfully, unlawfully and feloniously by means of force, threats and intimidation, have carnal knowledge of his daughter [AAA], a minor sixteen (16) years of age, against her will and without her consent.

Contrary to law. (Underscoring supplied)

- In Criminal Case No. 1546-M-98:[9]

The undersigned Asst. Provincial Prosecutor on the complaint of the offended party [AAA] assisted by her grandmother, [BBB] accuses Nasario Castel of the crime of rape, penalized under the provision of Art. 335 of the Revised Penal Code, committed as follows:

That in or about the month of September, 1997, in the Municipality of Malolos, province of Bulacan, and within the jurisdiction of this Honorable Court, the above-named accused did then and there willfully, unlawfully and feloniously by means of force, threats and intimidation, have carnal knowledge of his daughter [AAA], a minor sixteen (16) years of age, against her will and without her consent.

Contrary to law. (Underscoring supplied)

- In Criminal Case 1547-M-98:[10]

The undersigned Asst. Provincial Prosecutor on the complaint of the offended party [AAA] assisted by her grandmother, [BBB] accuses Nasario Castel of the crime of rape, penalized under the provision of Art. 266-B of the Revised Penal Code, committed as follows:

That in or about the 20[th] day of December, 1997, in the Municipality of Malolos, province of Bulacan, and within the jurisdiction of this Honorable Court, the above-named accused did then and there willfully, unlawfully and feloniously by means of force, threats and intimidation, have carnal knowledge of his daughter [AAA], a minor sixteen (16) years of age, against her will and without her consent.

Contrary to law. (Underscoring supplied)

Upon arraignment on October 14, 1998, appellant, assisted by his counsel de oficio, Atty. Alfredo Alto, pleaded not guilty to the charges.[11]

On November 4, 1998, a joint pre-trial was conducted.[12] Thereafter, joint trial on the merits ensued.

The Facts

Evidence for the prosecution

The prosecution evidence revolves around the combined testimonies of private complainant AAA, examining physician Dr. Manuel Aves, AAA's aunt CCC, her grandmother BBB, arresting officer Police Officer 3 (PO3) Leonardo Magsakay, and Dr. Jose Soriano, who treated AAA at the National Center for Mental Health (NCMH).

AAA testified that she is one of the seven (7) children[13] of appellant and FFF. The couple occupied one room of their house somewhere in Malolos, Bulacan, together with DDD and EEE, aged two (2) and four (4) years old, respectively,[14] while AAA and her other siblings occupied another. FFF had to leave at 2:00 a.m. every day to catch a bus for Pasay City where she sells fish. AAA would transfer to her parents' room an hour earlier to look after her younger siblings. Appellant, on the other hand, would escort FFF to the bus terminal.[15]

The succeeding turn of events would change AAA's life forever.

In the early dawn of December 19, 1996,[16] appellant escorted FFF to the bus terminal as usual. He returned after an hour,[17] proceeded to where AAA was sleeping, mounted her, undressed her, then inserted his penis in her vagina.[18] AAA's ordeal lasted for ten (10) minutes.[19] Appellant, perhaps exhausted, slept beside his daughter.

AAA felt pain while being raped.[20] She was not able to do anything because appellant threatened to kill her.[21] All that she could do was cry. Due to her incessant crying, appellant slapped her several times.[22] Although her siblings noticed her puffy eyes, she did not tell them what happened to her.[23] Neither did she tell her mother FFF about it because she was so scared of her father.[24]

Criminal Case No. 1543-M-98

The second rape occurred in February 1997. Appellant accompanied FFF to the bus terminal. AAA was then sleeping in the room of her parents but when she woke up, appellant was already on top of her. He undressed her, kissed her, and inserted his penis in her vagina. AAA attempted to shout, but appellant covered her mouth with his hands and slapped her. Appellant ravished her for about five (5) minutes, then he slept. One of her sisters noticed that she was crying but she did not reveal to her what happened.[25]

Criminal Case No. 1541-M-98

Sometime in April 1997, AAA was again raped by appellant. It also happened at dawn and in the same bedroom where she was previously defiled. Appellant undressed her and inserted his penis in her vagina for about five (5) minutes.[26]

Criminal Case No. 1545-M-98

AAA was raped a fourth time at dawn in June 1997. Appellant undressed her, kissed her, slapped her face, and inserted his penis in her vagina for about five (5) minutes. She felt that her father destroyed her womanhood ("sinira ang pagkababae ko"), but chose not to reveal the rape to anyone. She prayed that she would not get pregnant.[27]

Criminal Case No. 1544-M-98

The fifth rape occurred in August 1997. Appellant undressed her, kissed her, mounted her, and inserted his penis in her vagina for about five (5) minutes. When he was finished, he left her as she cried. One of her sisters asked her why she was crying but she made the excuse that her head was just aching. Again, she did not tell her mother FFF about what happened.[28]

Criminal Case No. 1546-M-98

AAA was raped a sixth time by her father sometime in September 1997. It occurred in the same room and in the same bed. He undressed her, kissed her, and slapped her face. He then inserted his penis inside her vagina for five (5) minutes. He left her after satisfying his lust.[29]

Criminal Case No. 1542-M-98

Appellant raped AAA a seventh time in November 1997. As usual, appellant undressed her, slapped her, went on top of her, and inserted his penis inside her vagina for about five (5) minutes. She felt that her father treated her like a pig ("binaboy niya ako"). She felt afraid of getting pregnant by her own father.[30]

AAA revealed that despite the series of rapes, she did not get pregnant because appellant would let her drink some medicine on the pretext of giving her "vitamins." The medicines were given to her two (2) to five (5) days after being ravished.[31]

Criminal Case No. 1547-M-98

It was likewise alleged that appellant defiled AAA on December 20, 1997. However, the prosecution failed to elicit information from AAA as to how the rape on this date was allegedly perpetrated.

Subsequent events

AAA could no longer stomach the harrowing experience that she suffered at the hands of her own father. On February 2, 1998, she went to her aunt CCC to whom she narrated what had happened for the past months.[32] She chose to reveal her ordeal to her aunt and not to her mother because she was afraid of what her father might do.[33] AAA and CCC went to their barangay captain, who in turn brought them to the police station.

Only the rapes committed in February, April, June, August, September, November and on December 20, 1997 became the subject of criminal complaints. The first incident that happened on December 19, 1996 was not reported. It, however, surfaced during AAA's testimony before the court.

AAA was examined by Dr. Manuel Aves on February 8, 1998, upon the request of the Chief of Police of Malolos.

Dr. Aves, the medico-legal officer of the Bulacan Provincial Crime Laboratory Office, prepared a Medico-Legal Report[34] of AAA's examination. He stated there that AAA suffered multiple healed lacerations in her hymen at 6:00, 9:00 and 12:00 o'clock positions.

During his testimony, Dr. Aves explained that AAA probably sustained her lacerations around seven (7) to ten (10) days prior to the examination. However, he did not rule out the possibility that these lacerations were sustained as early as 1996.[35]

CCC, who is FFF's sister,[36] testified that AAA went to her house on the morning of February 2, 1998.[37] She found this unusual because she was not close to AAA. After eating her breakfast, AAA went to her room and started crying. When asked what was wrong, AAA told her that her body and vagina were aching. After further prodding, AAA revealed that she was raped by her father.[38]

BBB, AAA's maternal grandmother,[39] testified that sometime in February 1998, AAA got sick. She was quiet and would often stare blankly ("walang kibo at tulala").[40] AAA was brought to a quack doctor in whom she confided her ordeal.[41] AAA was likewise referred to a doctor in Manila, but no examination was made.[42]

PO3 Leonardo Magsakay of the Malolos Philippine National Police (PNP) testified that he was one of the police officers who arrested appellant and who brought the latter to the police headquarters for questioning.[43] He saw AAA in a state of shock but he could not conclude whether she was, indeed, raped or not.[44]

Dr. Jose Soriano, for his part, recounted that he examined AAA for the first time on October 2, 1998[45] at the NCMH. She was highly irritable, unstable and argumentative. She manifested on and off symptoms of mood disorder classified as Bipolar I, a syndrome characterized by elevated, expansive or irritable mood for at least a week or less.[46]

Dr. Soriano explained that the probable reason why a patient would manifest such syndrome is a highly traumatic event that could no longer be accepted or tolerated.[47] When AAA was already cooperative, he asked her what she went through. She replied that she was raped by her father.[48]

Evidence for the defense

The defense, upon the other hand, presented as witnesses AAA's two (2) sisters, GGG and HHH; her mother, FFF; and appellant Nasario Castel himself.

GGG testified that sometime in the second week of February 1998, she was summoned by her cousins to the house of their aunt CCC. When she arrived there, she heard three (3) of her aunts asking AAA about their father. AAA just replied "yes, yes" to the questions of her aunts. AAA was later brought to the hospital.[49]

GGG also claimed that she is very close to AAA. They would divulge their secrets to one another, including even their resentment towards their parents.[50] AAA never revealed to her that their father made advances to her. In fact, according to GGG, appellant was very good to them.[51] He treated them equally.[52]

HHH, on the other hand, claimed that from 1996 up to June 1997, she noticed that AAA had sleepless nights and kept walking around. She heard that AAA was under the spell of dwarves ("nadudwende").[53] On March 15, 1997, AAA was treated by a local quack doctor. The doctor asked BBB, CCC, and FFF to exit the house. During treatment, HHH heard AAA shout for help. FFF knocked at the door and asked the doctor to leave. AAA did not get well despite the treatment. She appeared to be in a state of shock.[54]

Like her sister GGG, HHH also vouched for their father's good character. Their father would always give AAA pieces of advice ("pinangangaralan"), but AAA would instead get angry with him.[55]

FFF testified that her daughter AAA got sick in January 1997. This lasted till March of that year. AAA had difficulty menstruating, had sleepless nights and was constantly walking around for about one (1) week. AAA would tell her that she wanted to leave their house and that someone was calling her name. AAA also revealed to her that she was "naduwende." [56]

AAA was brought to a lady quack doctor. When this did not prove effective, BBB summoned another medicine man who treated AAA the whole day of March 15, 1997.[57] He brought AAA inside the room and asked them to leave and close the door.[58] FFF heard AAA scream on both occasions.[59] She did not ask the doctor why

AAA screamed while being treated because she trusted him.[60]

That evening, AAA was not her usual self so they brought her again to the same doctor. After the treatment, FFF noticed that AAA got well because she was already menstruating.[61] FFF remembered that the said doctor asked her once to lift her shirt. He said that there was air in her breasts. He fondled her breasts and told her that he would suck the air out of them. FFF refused.

FFF revealed that she and her sister CCC are at odds because she sold a parcel of land inherited from their mother, without her knowledge and consent.[62]

Appellant, for his part, denied the charges of rape levelled against him by AAA. He claimed that AAA collapsed in their house on January 3, 1997. Her sickness lasted from January 3, 1997 until mid-April, 1997. She had sleepless nights and she kept on walking around. She was calling names that nobody recognized, like the name "Jolina."

Because of her condition, AAA was treated by no less than ten (10) local doctors. According to one of them, AAA was "napapaliguan ang kanyang menstruation kaya nagkakahangin ang ulo."

Before AAA got sick, she was a loving, caring, and obedient child. He would ask her to do all the household chores because his wife FFF was always out working.

Appellant claimed that his mother-in-law BBB was constantly angry with him. She thought of him as a bad father. He accused his sister-in-law CCC of orchestrating the filing of court cases against him. She and FFF had a rift over a parcel of land.[63]

RTC and CA Dispositions

On September 20, 2000, the RTC in a joint decision convicted appellant in six (6) out of the seven (7) Informations for rape. The fallo reads:

WHEREFORE, this Court finds the accused GUILTY beyond reasonable doubt of five (5) counts of rape under Article 335 of the Revised Penal Code in Criminal Cases Nos. 1541-M-98, 1543-M-98, 1544-M-98, 1545-M-98 and hereby sentences him to suffer the penalty of Reclusion Perpetua.

In Criminal Case No. 1542-M-98, this Court finds the accused GUILTY of Incestuous Rape under Article 266-A and B of the Revised Penal Code considering that the crime was committed after October 22, 1997, the effectivity date of Republic Act No. 8353 and hereby sentences him to suffer the supreme penalty of DEATH.

In Crim. Case No. 1547-M-98 as pointed out above, the accused, for lack of evidence is hereby ACQUITTED of the offense charged.

Further, the accused is hereby ordered to pay the victim the amount of Five Hundred Thousand Pesos (P500,000.00) as civil liability and moral damages.

SO ORDERED.[64]

The records of the case were elevated to this Court for automatic review in view of the death penalty imposed on appellant. However, pursuant to *People v. Mateo*,[65] the Court resolved, on August 24, 2004, to transfer the case to the CA for appropriate action and disposition.[66]

On October 25, 2005, the CA affirmed with modification the RTC ruling. The dispositive portion of its decision states:

WHEREFORE, premises considered, the Joint Decision dated 01 September 2000, promulgated on 20

September 2000, of the Regional Trial Court of Malolos, Bulacan, Branch 11 convicting accused-appellant Nasario Castel of six (6) counts of rape in Crim. Cases Nos. 1541-M-98, 1542-M-98, 1543-M-98, 1545-M-98 and 1546-M-98 are AFFIRMED with the following MODIFICATIONS:

- In Crim. Cases Nos. 1541-M-98, 1543-M-98, 1544-M-98, 1545-M-98, and 1546-M-98, accused-appellant Nasario Castel is convicted of five (5) counts of qualified rape and hereby sentenced to suffer the capital penalty of DEATH for each count and accused-appellant is ordered to pay the victim [AAA], the amounts of Php75,000.00 as civil indemnity, another Php75,000.00 as moral damages, and Php25,000.00 as exemplary damages, for each count of qualified rape; and

- In Crim. Case No. 1542-M-98, accused-appellant Nasario Castel is convicted of qualified rape and the capital penalty of DEATH imposed by the trial court is AFFIRMED and accused-appellant is ordered to pay the victim [AAA], the amounts of Php75,000.00 as civil indemnity, another Php75,000.00 as moral damages, and Php25,000.00 as exemplary damages.

In accordance with Sec. 13(a), Rule 124 of the Amendments to the Revised Rules of Criminal Procedure to Govern Death Penalty Cases (A.M. No. 00-5-03-SC, effective 15 October 2004), this case is CERTIFIED to the Supreme Court for review.

Let the entire record of this case be elevated to the Supreme Court.

SO ORDERED.[67] (Emphasis in the original)

After the records were elevated to this Court, the parties were required on February 21, 2006 to submit their respective supplemental briefs, if they so desired, within thirty (30) days from notice.[68]

Appellant filed his supplemental brief[69] through his new counsel. The Office of the Solicitor General, on behalf of the plaintiff-appellee People, opted to dispense with the filing of a supplemental brief.

Issues

Appellant ascribes the following errors to the trial court:

I.

THE TRIAL COURT GRAVELY ERRED IN FINDING ACCUSED-APPELLANT NASARIO CASTEL GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF RAPE AND IN SENTENCING HIM TO THE PENALTY OF DEATH.

II.

THE TRIAL COURT GRAVELY LIKEWISE ERRED IN NOT DISREGARDING THE TESTIMONY OF [AAA] WHICH IS TAINTED WITH MALICE AND FALSEHOODS.[70] (Underscoring supplied)

Our Ruling

The appeal must fail.

In order for an accused to be convicted of rape, the prosecution must allege and prove the ordinary elements of (1) sexual congress, (2) with a woman, and (3) by force and without consent.[71]

In reviewing rape cases, the Court is guided by four well-established principles, namely: (1) an accusation for rape can be made with facility; (2) it is difficult to prove but more difficult for the person accused, though innocent, to disprove; (3) in view of the intrinsic nature of the crime of rape where only two persons are usually involved, the testimony of complainant must be scrutinized with extreme caution; and (4) the evidence for the prosecution must stand or fall on its own merits and cannot be allowed to draw strength from the weakness of the

evidence for the defense.[72]

Accordingly, the primordial consideration in a determination concerning the crime of rape is the credibility of complainant's testimony.[73]

Facts on record uphold conviction. The records show that appellant started raping AAA on December 19, 1996. For unknown reasons, however, appellant was not charged for the rape on this date. AAA's testimony on the first rape, nonetheless, provided the springboard for the prosecution in painting a complete picture of the other rapes committed by appellant against her. Thus, AAA narrated that appellant violated her again sometime on (1) February 1997, (2) April 1997, (3) June 1997, (4) August 1997, (5) September 1997, and (6) November 1997. These succeeding rapes occurred under similar circumstances as the first rape, except that they would normally last for five (5) minutes. As vividly recounted by AAA:

Re: Criminal Case No. 1543-M-98

Q

Sometime in February 1997, do you remember of any incident that took place?

x x x x

Witness:

A:

Yes, Ma'am.

Fiscal: (to the witness)

Q

And what was that unusual incident?

A

I was again raped by my father, Ma'am.

Q

And where did this take place?

A

The same place, Ma'am.

Q

Are you saying to the same bedroom on the same house?

A

Yes, Ma'am.

Q

How did that take place?

A

He accompanied my mother to the Bus Terminal and when he returned back he did it again to me[.] I was sleeping then when I awaken he was already on top of me, Ma'am.

Q

And what happened when you realize (sic) that your father was on top of you?

A

He undressed me, he kissed me and then he raped me, Ma'am.

Q

When you said he raped you[,] how did he do that?

A

He inserted his penis to my vagina and when I attempted to shout, he stop (sic) me by slapping my face, Ma'am.

Q

And you said that that when you wanted to shout he try (sic) to slap you, how did he do that?

A

He covered my mouth with his hands, Ma'am.

Q

What else did you do x x x.

Court:

What did you do or what did he do?

Fiscal:

Q

What else did you do aside from trying to shout?

A

We (sic) tried to push him with his hands, Ma'am.

Q

What happened?

A

He slapped my face and he held my two (2) arms, Ma'am.

Q

For how long did your father inserted (sic) his penis inside to your vagina in February 1997?

A

Five (5) minutes, Ma'am.

Q

After five minutes what happened?

A

He stopped doing that to me and then he slap (sic) [me] and I remained crying, Ma'am.

Q

You said you remained crying, where were you when you were crying?

A

In the bedroom, Ma'am.

Q

Was there anybody who notice (sic) to (sic) your crying?

A

My sister noticed and asked why I was crying and I told her nothing, Ma'am.

Q

Did you report this incident on February 1997 to anybody else after that, right after that?

A

None, Ma'am.

Q

Why?

A

Because my father was threatening me (sic) to kill me if I will tell to anybody and I don't want to die, Ma'am.[74] (Emphasis supplied)

Re: Criminal Case No. 1541-M-98

Q

Sometime in April 1997, do you remember of any unusual incident that take (sic) place?

A

There was, Ma'am.

Q

And what was that unusual incident that tooked (sic) place in April 1997?

A

I was also raped by my father, Ma'am.

Q

How many times in April 1997?

A

Only once, Ma'am.

Q

And how were you raped by your father?

A

He undressed me and he inserted his penis inside my vagina, Ma'am.

Court:

Q

Where?

A

In the same place, Your Honor.

Fiscal: (to the witness)

Q

And what time of the day was it?

A

Also at dawn, Ma'am.

Q

Do you remember how long was (sic) your father inserted (sic) his penis inside your vagina in April?

A

Five (5) minutes, Ma'am.

Q

And after five (5) minutes, what happened?

A

No more, Ma'am.

Q

And what was your reaction to what your father did to you?

A

I was afraid, he threatened me and I cried, Ma'am.

Q

And where did you cry?

A

In the other room, Ma'am.[75] (Emphasis supplied)

Re: Criminal Case No. 1545-M-98

Q

Do you remember of any incident that took place in June 1997?

A

Yes, Ma'am.

Q

What was that unusual incident?

A

Raped also, Ma'am.

Q

How was it done by your father?

A

He undressed me, he kissed me, and he slapped my face, he also inserted his penis inside my vagina, Ma'am.

Q

For how long did your father inserted (sic) his penis inside your vagina?

A

Five minutes, Ma'am.

Q

And what was your reaction to this, if any?

A

I felt that he destroyed me ("sinira ang pagkababae ko"), Ma'am.

Q

Have you reported this incident to anybody at any time?

A

No, one, Ma'am.[76] (Emphasis supplied)

Re: Criminal Case No. 1544-M-98

Q

Sometime in August of 1997, do you remember of any unusual incident that took place?

A

There was, Ma'am.

Q

And what was that?

A

Raped also, Ma'am.

Q

How was it done by your father?

A

He undressed me, he kissed me, he just put himself on top of me and he inserted his penis inside my vagina, Ma'am.

Q

And for how long was your father inserted his penis inside your vagina?

A

Five (5) minutes, Ma'am.

Q

And after that five (5) minutes what took place, what happened?

A

No more and he left me and I was crying and when my sister asked me I told her that my head was aching, Ma'am.

Q

Did you report this incident of August 1997 to your mother?

A

No, Ma'am.[77] (Emphasis supplied)

Re: Criminal Case No. 1546-M-98

Q

Sometime in September 1995 (sic), do you remember of any unusual incident that took place?

A

Yes, Ma'am.

Q

What was that?

A

Raped also, Ma'am.

Q

And how was it done, you said you were raped?

A

My father undressed me, he kissed me, he slapped my face and put his penis inside my vagina, Ma'am.

Q

In what part of your x x x Where was this performed by your father?

A

In the bedroom, Ma'am.

Q

The same place?

A

Yes, Ma'am.

Q

He inserted his penis inside your vagina, for how long?

A

Five (5) minutes, Ma'am.

Q

And after five (5) minutes, what happened next?

A

He left me because he had already done what he wanted to me, Ma'am.[78] (Emphasis supplied)

Re: Criminal Case No. 1542-M-98

Q

Sometime in November 1997, do you remember of any unusual incident that took place?

A

Yes, there was, Ma'am.

Q

And what was that?

A

Raped also, Ma'am.

Q

Who raped you?

A

My father, Ma'am.

Q

And how did he raped (sic) you?

A

He undressed me, he slap (sic) my face and he put himself on top of me and he inserted his penis inside my vagina, Ma'am.

Q

For how long?

A

Five minutes, Ma'am.

Q

And what was your reaction if any?

A

I was afraid and I felt "binaboy niya ako," Ma'am.

Q

And what else did you do if any aside from getting afraid when you felt that "binaboy" of you father?

A

I just prayed, Ma'am.

Q

Prayed for what?

A

I prayed to the Lord that I would not get pregnant like what I heard that if you will be rape (sic), Ma'am.[79]
(Emphasis supplied)

Lust is no respecter of time and place. That AAA was raped several times in the presence of her two (2) younger brothers DDD and EEE, while the latter were sleeping, is not improbable.

Lust is no respecter of time and place. This Court has repeatedly held that rape can be committed even in places where people congregate, in parks, along the roadside, within school premises and even inside a house where there are other occupants or where other members of the family are also sleeping. Thus, it is an accepted rule in criminal law that rape may be committed even when the rapist and the victim are not alone. Fact is, rape may even be committed in the same room while the rapist's spouse is asleep, or in a small room where other family members also sleep.[80]

We now come to the defenses hoisted by appellant in his attempt at exculpation.

First, appellant avers that the testimony of AAA lacks the elements of truthfulness and does not inspire belief. Her

narration regarding her alleged ordeal sounds too perfect. They are uniform with no variations at all.

We agree with the CA observation that the fact that appellant committed the rapes on AAA at dawn in the same manner and under the same circumstances bespeak his evil intention to consummate his crime in the most disingenuous manner. Appellant lost no time in ravishing AAA to satisfy his libido in the wee hours of the morning after bringing his wife FFF to the bus station. He knew too well that his other children would still be fast asleep at that time and, thus, he would be able to commit his nefarious acts with impunity.

Findings of facts and assessment of credibility of witnesses are matters best left to the trial court. What militates against the claim of appellant is the time-honored rule that the findings of facts and assessment of credibility of witnesses are matters best left to the trial court. The trial court has the unique position of having observed that elusive and incommunicable evidence of the witnesses' deportment on the stand while testifying, which opportunity is denied to the appellate courts. Only the trial judge can observe the furtive glance, blush of conscious shame, hesitation, flippant or sneering tone, calmness, sigh, or the scant or full realization of an oath - all of which are useful aids for an accurate determination of a witness' honesty and sincerity.[81]

Unless certain facts of substance and value were overlooked which, if considered, might affect the result of the case, the trial court's assessment must be respected, for it had the opportunity to observe the conduct and demeanor of the witnesses while testifying and to detect if they were lying.[82]

After a careful review of the records, We find nothing that would impel Us to reverse the trial court's calibration of AAA's credibility. As the trial court observed, although there were times when she took a little time to answer, this was more due to shyness and hesitation to be so brutally frank than the trepidation of a prevaricator.

Indeed, AAA testified in a categorical, straightforward, and consistent manner even in the face of a tedious and grueling cross-examination. Her testimony, bearing badges of truth, is sufficient to establish appellant's guilt beyond reasonable doubt for the crimes charged.[83] AAA's testimony gives no impression whatsoever that her testimony is a mere fabrication. If her story had only been contrived, she would not have been so composed and consistent throughout her testimony in the face of intense and lengthy interrogation.[84]

Positive identification prevails over self-serving denial/alibi. Appellant's denial cannot prevail over AAA's positive identification of him as the one who repeatedly raped her. Positive identification of the accused, when categorical and consistent and without any showing of ill motive on the part of the eyewitness testifying, should prevail over the alibi and denial of appellant whose testimony is not substantiated by clear and convincing evidence. Such denial and alibi are negative and self-serving evidence undeserving of any weight in law.[85]

This Court cannot agree with the theory raised by the defense that AAA implicated appellant because she was under the spell of dwarves. Such claim, besides being in the realm of the paranormal, is not supported by evidence.

On the contrary, what is extant in the records is the testimony of Dr. Jose Soriano of the NCMH on his treatment of AAA. He testified that when he first treated AAA on October 2, 1998,[86] she manifested on and off symptoms of mood disorder classified as Bipolar I, a syndrome characterized by elevated, expansive or irritable mood for at least a week or less.[87] According to Dr. Soriano, this is caused by a highly traumatic event that the patient could no longer accept or tolerate.[88] In a Medical Certificate[89] which contained his psychiatric evaluation of AAA, Dr. Soriano stated that AAA had been doing well as a third year high school student until sometime in January 1997. Dr. Soriano also testified that the behavior manifested by AAA could not have been due to suggestions from other people because there was consistency in her stories.[90]

It is worth noting that Dr. Soriano's medical finding on the date when AAA manifested symptoms of mood

disorder does not run counter to AAA's account that appellant started raping her sometime in December 1996. As correctly pointed out by the CA, the only logical conclusion that can be drawn on AAA's mood disorder is that she found the series of rapes committed against her too traumatic and unbearable to the point that it affected her mental condition.

Nor can We agree with appellant's theory that it was the male quack doctor who raped AAA because both of them were locked up in a room and AAA was heard screaming while being treated. On rebuttal, BBB testified that she and FFF were present when that particular doctor was treating AAA.[91] It was thus not probable that it was the doctor who raped her granddaughter.[92]

Appellant's argument that he was being framed by BBB and CCC because of family conflicts is a flimsy excuse. It is highly improbable that AAA would accuse appellant, her own father at that, of so serious a crime as rape, if it were not the truth. In any case, revenge or feud has never swayed this Court from giving full credence to the testimony of a complainant for rape, especially a minor, who remained steadfast in her testimony that she was raped.[93]

Second, appellant argues that if AAA was, indeed, raped, the prosecution failed to prove the presence of force or intimidation that accompanied the rapes. There is also no evidence showing that he had moral ascendancy over her.

Contrary to appellant's contention, the records show that he employed force and/or intimidation when he repeatedly raped his daughter.

AAA testified that when appellant raped her in February 1997, he slapped her and covered her mouth when she attempted to shout.[94] Appellant also threatened to kill her if she would tell anybody what happened.[95] The same threat was made when he raped her in April 1997.[96] He slapped her face while raping her in June 1997.[97] He again slapped her while raping her in September 1997.[98] This he did again when he raped his daughter on November 1997.[99]

Be that as it may, appellant did not have to employ force or intimidation on AAA to be convicted of rape.

It is a hornbook doctrine that in the incestuous rape of a minor, actual force or intimidation need not even be employed where the overpowering moral influence of the father would suffice. The moral and physical dominion of the father is sufficient to cow the victim into submission to his bestial desires.[100] One should bear in mind that in incestuous rape, the minor victim is at a great disadvantage. The assailant, by his overpowering and overbearing moral influence, can easily consummate his bestial lust with impunity. As a consequence, proof of force and violence is unnecessary, unlike when the accused is not an ascendant or a blood relative of the victim.[101] The reason for this rule was explained in *People v. Chua*,[102] through now Mr. Chief Justice Reynato S. Puno, in this manner:

In Philippine society, the father is considered the head of the family, and the children are taught not to defy the father's authority even when this is abused. They are taught to respect the sanctity of marriage and to value the family above everything else. Hence, when the abuse begins, the victim sees no reason or need to question the righteousness of the father whom she had trusted right from the start. The value of respect and obedience to parents instilled among Filipino children is transferred into the very same value that exposes them to risks of exploitation by their own parents. The sexual relationship could begin so subtly that the child does not realize that it is abnormal. Physical force then becomes unnecessary. The perpetrator takes full advantage of this blood relationship. Most daughters cooperate and this is one reason why they suffer tremendous guilt later on. It is almost impossible for a daughter to reject her father's advances, for children seldom question what grown-ups tell them to do.[103]

The instant case is no exception. Appellant took advantage of his overpowering moral and physical ascendancy to unleash his lechery upon his daughter.[104]

Third, appellant asseverates that the claim of AAA that she was raped once in almost every month is impossible, contrary to reason, ridiculous, and unbelievable. If lust is no respecter of time and place, he could have raped AAA every day of each month, or even thrice in the first month, maybe ten (10) times in the second month, twice in the third month, six (6) times in the fourth month, thirty (30) times in the fifth month, and so on and so forth. While menstruation for women comes once in a month, libido or lust for men subsists every second, minute, hour, and day. Appellant also draws Our attention to his weight and build compared to those of AAA. He posits that it would have been impossible for him to rape her a second time, since she could be dead after the first alleged raped.

The hypothetical and self-serving nature of the assertions of appellant destroys their viability. They beg for a conclusion without providing the premises which, whether from behavioral science or from settled jurisprudence, would support his claim of improbabilities. Only appellant can give the answer to his own assumptions. Sad to say, he did not present any during the trial. While We can hazard some rationalizations, We decline from doing so lest We also be guilty of speculation.[105]

Fourth, appellant repeatedly points to the August 29, 2002 letter of AAA to then Mr. Justice (later Chief Justice) Hilario Davide, Jr. withdrawing her accusations against him. Our attention is also called to the letters dated March 14, 2008 purportedly written by AAA, GGG, and FFF. All the letters declare, inter alia, that appellant is innocent; that AAA was not really raped; that her accusations were mere fabrications due to the prodding of her aunt CCC who had a land dispute with FFF; and that AAA had a mental illness and/or was afflicted with a paranormal condition at that time. Appellant also submitted the November 2, 2006 Medical Abstract issued by the Bureau of Corrections, New Bilibid Prison Hospital, Muntinlupa City, stating that appellant is suffering from numerous illnesses, namely: (a) Diabetes Mellitus, Type 2, uncontrolled; (b) Hypertension; (c) Diabetic Nephropathy; (d) Dyslipidemia; and (e) Hyperuricemia, plus the Certification dated March 14, 2008 issued by the RTC in Malolos, Bulacan, stating that appellant has no pending criminal case except Criminal Case Nos. 1541-M-98 to 1547-M-98.

There is no concrete proof that AAA, GGG, and FFF, indeed, wrote the said letters. And if it were the case, whether or not they wrote them freely and voluntarily. More than that, the purported letters were never introduced as evidence before the trial court. They are hearsay. They are not even under oath.[106] To admit the letters would not only violate the rules of evidence, but the elementary rules of due process of law and fair play.

Admitting the letters would also set a dangerous precedent. There would be no end to litigation. All that a losing party would do is to obtain the necessary desistance from the winning party after trial has ended and raise it on appeal. Of course, We do not foreclose the possibility that there may be instances when such would be meritorious. That, however, is not the case here.

It is possible that AAA, GGG, and FFF may, indeed, have written the letters but, to Our mind, the motive was more out of pity for appellant. It is not an unnatural behavior for rape victims to be angry at first with their ravisher, but feel pity after, more so in the instant case where the culprit is the victim's own father. It should not also be forgotten that GGG and FFF testified for the defense during the trial. Thus, their motive becomes suspect.

In other words, the letters cannot prevail over the evidence presented during the trial, especially the testimonies of AAA, Dr. Aves, and Dr. Soriano, who withstood rigorous cross-examination from the defense panel.

The medical abstract and certification also deserve scant consideration. They are irrelevant and immaterial as far as the claim of innocence of appellant is concerned. We also note that appellant secured the medical abstract in

order "[t]o support his petition for Executive Clemency." That is an implied admission of guilt.

Fifth, appellant claims that the CA erred in not dismissing the case on the ground that BBB had no authority to assist AAA in filing the charges against him, because FFF is still alive. He buttresses his stance by citing Article 344 of the Revised Penal Code which provides:

Art. 344. Prosecution of the crimes of adultery, concubinage, seduction, abduction, rape, and acts of lasciviousness. - x x x

The offenses of seduction, abduction, rape, or acts of lasciviousness, shall not be prosecuted except upon a complaint filed by the offended party or her parents, grandparents, or guardian, nor, in any case, if the offender has been expressly pardoned by the above-named persons, as the case may be. (Underscoring supplied)

It is patent that this provision was enacted out of consideration for the offended woman and her family who might prefer to suffer the outrage in silence rather than go through with the scandal of a public trial.[107] In the instant case, BBB, the grandmother, assisted AAA in the filing of the complaints for multiple rape.[108] More than that, AAA could not have relied on her mother FFF to assist her in filing the charges against appellant. FFF was not concerned at all with what had befallen her daughter. BBB testified that she called up FFF after learning of the revelation of AAA to one of the local doctors who treated her that she was raped by appellant, but FFF did not bother to come to her house.[109] FFF's lack of concern for her own daughter was all the more confirmed when she testified for the defense during trial.

Be that as it may, AAA could actually have been assisted by anybody. R.A. No. 8353[110] re-classified the crime of rape as a crime against persons from its former classification as a crime against chastity. In effect, rape may now be prosecuted de officio. The complaint filed by the offended party is no longer necessary for its prosecution.

Governing law and proper penalty

We agree with the CA that the applicable law in Criminal Case Nos. 1543-M-98,[111] 1541-M-98,[112] 1545-M-98,[113] 1544-M-98,[114] and 1546-M-98[115] is Article 335 of the Revised Penal Code, as amended by R.A. No. 7659.[116] On the other hand, Criminal Case No. 1542-M-98[117] is governed by Article 266-A and 266-B of the Revised Penal Code, as amended by R.A. No. 8353.[118]

R.A. No. 7659 and R.A. No. 8353 are similar in the sense that both laws impose the death penalty when the victim is under eighteen (18) years of age and the offender is a parent, ascendant, stepparent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim.

In *People v. Pruna*,[119] the Court en banc, speaking through Mr. Chief Justice Davide, Jr., stated that in appreciating age, either as an element of the crime or as a qualifying circumstance, "[t]he best evidence to prove the age of the offended party is an original or certified true copy of the certificate of live birth of such party." In the case at bar, the qualifying circumstance of minority was duly proven by the prosecution by adducing in evidence the Certification[120] from the Office of the Municipal Civil Registrar of Malolos. It states there that AAA's date of birth is November 7, 1981.[121] This confirms what was stated in the Informations that AAA was only sixteen (16) years old in 1997 when she was repeatedly raped by appellant. The same Certification states that the "Name of Father" is Nasario Castel.[122] This constitutes an independent and indubitable proof of the qualifying circumstance of relationship, i.e., that appellant is the father of AAA.

Luckily for appellant, the death penalty can no longer be imposed on him. R.A. No. 9346[123] has repealed R.A. No. 8177,[124] R.A. No. 7659 and all other laws, executive orders and decrees insofar as they impose the death penalty.

Pursuant to R.A. No. 9346, reclusion perpetua,[125] without eligibility for parole,[126] is the imposable penalty on appellant for each count of rape. Article 63 of the Revised Penal Code says that in all cases in which the law prescribes a single indivisible penalty (like reclusion perpetua), it shall be applied regardless of any mitigating or aggravating circumstances that may have attended the commission of the deed.

On damages

In a catena of cases, the Court has held that a victim of incestuous rape is entitled to civil indemnity of P75,000.00[127] for each count. The award of civil indemnity, which is in the nature of actual or compensatory damages, is mandatory upon a conviction[128] and is different from the award of moral and exemplary damages.[129]

Moral damages in the amount of P75,000.00 for each count of rape, without the need of pleading or proving their basis,[130] are also in order. The requirement of proof of mental and physical suffering is dispensed with. This is in recognition of the fact that the victim's injury, which is inherently concomitant with and necessarily results from the odious crime of rape, warrants per se the award of moral damages.[131]

This is not the first time that a child has been snatched from the cradle of innocence by some beast to sate his deviant sexual appetite. To curb this disturbing trend, appellant should, likewise, be made to pay exemplary damages, which, in line with prevailing jurisprudence, is pegged at P25,000.00, for each count of rape.[132]

One last word.

We commend the public prosecutor in this case but caution him at the same time to be more circumspect in the performance of his job as the counsel for the State. It has not escaped Our attention that no Information was filed for the rape on December 19, 1996. More, although an Information charged appellant with rape committed on December 20, 1997, the prosecutor failed to adduce from AAA the circumstances surrounding the perpetration of the alleged rape on this date.

WHEREFORE, the Decision of the Court of Appeals finding accused-appellant Nasario Castel guilty beyond reasonable doubt of six (6) counts of qualified rape is **AFFIRMED** with the **MODIFICATION** that the penalty of death for each count is reduced to reclusion perpetua, without eligibility for parole.

Accused-appellant is also **ORDERED TO PAY** AAA (who will be identified through the Informations filed with the trial court in this case) the following amounts:

Civil Indemnity: $P75,000.00 \times 6 = P450,000.00$

Moral Damages: $P75,000.00 \times 6 = P450,000.00$

Exemplary Damages: $P25,000.00 \times 6 = P150,000.00$

=====

TOTAL: P1,050,000.00

SO ORDERED.

Puno, C.J., Quisumbing, Ynares-Santiago, Carpio, Austria-Martinez, Corona, Carpio-Morales, Azcuna, Tinga, Chico-Nazario, and Velasco, Jr., JJ., concur.

Nachura, J., no part. Filed pleading as Sol Gen.

Leonardo-De Castro,[*] J., on official leave.

Brion,**] J., on leave.

* No part. Justice Leonardo-De Castro is on official leave per Special Order No. 539 dated November 14, 2008.

** On leave.

[1]Rollo, pp. 3-55. Penned by Associate Justice Celia C. Librea-Leagogo, with Associate Justices Renato C. Dacudao and Lucas P. Bersamin, concurring.

[2] CA rollo, pp. 47-54. Penned by Judge Basilio R. Gabo, Jr.

[3] The Court shall withhold the real name of the victim-survivor and shall use fictitious initials instead to represent her. Likewise, the personal circumstances of the victims-survivors or any other information tending to establish or compromise their identities, as well those of their immediate family or household members, shall not be disclosed. (People v. Cabalquinto, G.R. No. 167693, September 19, 2006, 502 SCRA 419, 425-426, citing Sec. 40, Rule on Violence Against Women and their Children; Sec. 63, Rule XI, Rules and Regulations Implementing Republic Act No. 9262, Otherwise Known as the "Anti-Violence Against Women and their Children Act of 2004.")

[4]Records, p. 2.

[5]Id. at 8.

[6]Id. at 10.

[7]Id. at 12.

[8]Id. at 14.

[9]Id. at 16.

[10]Id. at 18.

[11]Id. at 21-23.

[12]Id. at 25-26.

[13] TSN, January 5, 1999, p. 8.

[14]Id. at 12.

[15]Id. at 8.

[16] Id. at 6.

[17]Id. at 9.

[18] Id.

[19]Id. at 11.

[20]Id. at 13.

[21] Id. at 10.

[22]Id.

[23]Id. at 11.

[24] Id.

[25] Id. at 16-19. AAA was then 16 years of age. Per Birth Certificate, she was born on November 7, 1981.

[26] Id. at 19-20.

[27]Id. at 25-26.

[28] Id. at 20-21.

[29] Id. at 21-22.

[30]Id. at 22-23.

[31]Id. at 23-25.

[32]Id. at 32.

[33] Id.

[34]Exhibit "I."

[35]TSN, November 27, 1998, pp. 1-21.

[36] TSN, January 29, 1999, p. 3.

[37] Id. at 12.

[38] Id. at 4.

[39] TSN, February 26, 1999, p. 4.

[40] Id. at 5.

[41]Id.

[42] Id. at 5-6.

[43]TSN, May 4, 1999, p. 5.

[44] Id. at 12.

[45] TSN, May 14, 1999, p. 10.

[46] Id. at 7.

[47]Id. at 8.

[48] Id. at 9.

[49] TSN, July 9, 1999, pp. 10-12.

[50]Id. at 8.

[51] Id. at 12.

[52] Id. at 13.

[53] TSN, August 17, 1999, pp. 5-6.

[54]Id. at 7.

[55] Id. at 7-8.

[56] TSN, August 24, 1999, p. 7.

[57] Id. at 8.

[58]Id. at 9.

[59] Id. at 9-10.

[60] Id. at 21.

[61] Id. at 10-11.

[62]Id. at 11.

[63] TSN, August 31, 1999, pp. 3-41.

[64] Rollo, pp. 51-52.

[65] G.R. Nos. 147678-87, July 7, 2004, 433 SCRA 640.

[66]Rollo, p. 2.

[67]Id. at 51-52.

[68] Id. at 56.

[69] Id. at 77-86.

[70] CA rollo, p. 90.

[71]People v. De la Cuesta, 430 Phil. 742, 751 (2002), citing Revised Penal Code, Art. 226-B, as amended; People v. Lasola, G.R. No. 123152, November 17, 1999, 318 SCRA 241; People v. Silvano, G.R. No. 127356, June 29, 1999, 309 SCRA 362.

[72] Id., citing People v. Painitan, G.R. No. 137665, January 16, 2001, 349 SCRA 266; People v. Dy, 425 Phil. 608, 637 (2002); People v. Salazar, G.R. No. 122479, December 4, 2000, 346 SCRA 735.

[73] People v. Medina, Sr., 452 Phil. 308, 336 (2003), citing People v. Turco, G.R. No. 126148, May 5, 1999, 306 SCRA 710.

[74] TSN, January 5, 1999, pp. 16-19.

[75] Id. at 19-20.

[76] Id. at 25-26.

[77]Id. at 20-21.

[78] Id. at 21-22.

[79] Id. at 22-23.

[80] People v. Evina, 453 Phil. 25, 41 (2003), citing People v. Perez, G.R. No. 122764, September 24, 1998, 296 SCRA 17.

[81] People v. Dy, supra note 72, citing People v. Abacia, G.R. Nos. 135552-53, June 21, 2001, 359 SCRA 342.

[82] Id., citing People v. Belga, G.R. No. 129769, January 19, 2001, 349 SCRA 678.

[83] People v. Lima, G.R. No. 128289, April 23, 2002, 381 SCRA 471.

[84] People v. Perez, supra note 80, citing People v. Ramos, G.R. No. L-64656, November 18, 1988, 167 SCRA 476.

[85] People v. Abes, 465 Phil. 165, 185 (2004), citing People v. Bagsit, G.R. No. 148877, August 19, 2003, 409 SCRA 350.

[86] TSN, May 14, 1999, p. 8

[87] Id. at 7.

[88] Id. at 8.

[89] Exhibit "M."

[90] TSN, May 14, 1999, p. 19.

[91] TSN, December 14, 1999, p. 4.

[92] Id.

[93] People v. Viajedor, 449 Phil. 297, 316-317 (2003), citing People v. Miclat, Jr., G.R. No. 137024, August 7, 2002, 386 SCRA 515; People v. Batoon, G.R. No. 134194, October 26, 1999, 317 SCRA 545, 554.

[94] TSN, January 5, 1999, p. 18.

[95] Id. at 19.

[96] Id. at 20.

[97] Id. at 25.

[98] Id. at 21.

[99] Id. at 22.

[100] People v. Orillosa, G.R. Nos. 148716-18, July 7, 2004, 433 SCRA 689, 699, citing People v. Sagaral, G.R. Nos. 112714-15, February 7, 1989, 267 SCRA 671; People v. Cea, G.R. Nos. 146462-63, January 14, 2004, 419 SCRA 326; People v. Servano, 454 Phil. 256 (2003); People v. Escobar, G.R. Nos. 122980-81, November 6, 1997, 281 SCRA 498; People v. Tan, Jr., G.R. Nos. 103134-40, November 20, 1996, 264 SCRA 425.

[101] People v. Servano, supra.

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.