

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ABRAHAM BUNAGAN Y SONIO, ACCUSED-APPELLANT.

G.R. No. 177161. June 30, 2008

Ponente: VELASCO JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-177161/>

VELASCO JR., J.:

This is an appeal from the Decision[1] dated October 27, 2006 of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 01182 entitled *People of the Philippines v. Abraham Bunagan* which affirmed with modification the May 6, 2005 Judgment[2] of the Regional Trial Court (RTC), Branch 4 in Tuguegarao City, finding accused-appellant Abraham Bunagan y Sonio guilty of rape, by sexual assault under Article 266-A(2) of the Revised Penal Code (RPC) in Criminal Case No. 10078 and rape under Art. 266-A(1) of the same code in Criminal Case No. 10079.

The informations in the two (2) criminal cases respectively read as follows:

Criminal Case No. 10078

That on or about the first week of February 2002, at around 7:00 o'clock in the evening in the Municipality of Peñablanca, Province of Cagayan, and within the jurisdiction of [the RTC], the said accused, ABRAHAM BUNAGAN Y SONIO with lewd design and by the use of force, did, then and there, willfully, unlawfully and feloniously insert his finger into the vagina of the offended party, [AAA] a minor twelve (12) years of age against her will.

Contrary to law.

Criminal Case No. 10079

That on or about April 02, 2003, in the Municipality of Peñablanca, Province of Cagayan, and within the jurisdiction of [the RTC], the said accused, ABRAHAM BUNAGAN Y SONIO armed with a pointed knife, with lewd design and by the use of force and intimidation, did, then and there, willfully, unlawfully and feloniously have sexual intercourse with the offended party, [AAA] a minor twelve (12) years of age against her will.

Contrary to law.

The facts are as follows:

Sometime in the first week of February 2002, at about seven o'clock in the evening, AAA,[3] then 12 years old, passed by the house of accused-appellant who was then in his yard holding a bolo. There and then, accused-appellant approached AAA, held her hands, covered her mouth with his palm, and brought her at the back of his house. Despite AAA's resistance, accused-appellant was able to strip her of shorts and panty, and succeeded in inserting his two fingers into her vagina. Accused-appellant threatened to kill AAA if she reported the incident to anyone.[4]

In the morning of April 2, 2003,[5] AAA went with her father and his companions to the rice field to harvest

palay (rice plant). After harvesting palay, AAA's father and his companions went to the forest to gather firewood. AAA stayed behind and climbed a caymito (star apple) tree to gather fruits. When she got down from the tree, she was surprised to see accused-appellant, who was armed with a bolo. Accused-appellant brought AAA to a grassy area and laid her down. AAA resisted but he threatened her by pointing his bolo on the left side of her body. He then undressed her, went on top of her, and inserted his penis inside her vagina. As in the previous molestation incident, accused-appellant warned AAA not to report what had just happened to anybody, else he will kill her.[6]

When they came out of the grassy area, accused-appellant decided to stay with AAA while she waited for her father. During the wait, accused-appellant repeated his threat against AAA. When AAA's father arrived, all of them went home.[7]

The next day, AAA disclosed to her mother that accused-appellant had raped her. Mother and daughter lost no time in reporting the matter first to barangay officials and then to the police.[8]

On April 4, 2003, Dr. Mila F. Lingan-Simangan, Municipal Health Officer of Cumasi, Peñablanca, Cagayan, examined AAA. The resulting medico-legal report yielded the information that AAA had healed lacerations in the hymen at three, six, and nine o'clock positions and that her vagina easily admitted the tip of a finger.[9]

Accused-appellant admitted having had sexual relations with AAA, but denied employing force or intimidation in the process. He claimed that in February 2002, AAA went to his house, hugged him, and asked for PhP 10. Thereafter, they had sexual intercourse. He stated that he had sexual intercourse with AAA six times, AAA each time asking and receiving PhP 10. Furthermore, he said that on April 2, 2003, AAA asked to see him at the rice field where they again had sex.[10]

On May 6, 2005, the RTC rendered a Decision, the dispositive portion of which reads:

Accordingly, this Court finds the accused ABRAHAM BUNAGAN y Sonio GUILTY beyond reasonable doubt of the crimes of Rape in two (2) counts in Criminal Cases Nos. 10078 and 10079 defined and penalized under article 266-A No. 2 and Article 266-A No. 1 (a) in relation to Article 266-B of the Revised Penal Code, as amended, and hereby sentences him to suffer the penalty of RECLUSION PERPETUA.

He is likewise ordered to pay the complainant, AAA the amount of [PhP] 50,000.00 as civil indemnity, [PhP] 50,000.00 as moral damages and the amount of [PhP] 25,000.00 as exemplary damages.

SO ORDERED.[11]

On appeal, the CA, in its October 27, 2006 Decision, disposed of the case as follows:

WHEREFORE, the Decision appealed from is AFFIRMED with respect to Criminal Case No. 10079, and MODIFIED with respect to Criminal Case No. 10078, by sentencing accused-appellant to an indeterminate penalty of two (2) years, four (4) months and one (1) day of prision correccional, as minimum, to eight (8) years and one (1) day of prision mayor, as maximum.

SO ORDERED.[12]

On November 23, 2006, accused-appellant filed a Notice of Partial Appeal.

On September 3, 2007, this Court required the parties to submit supplemental briefs if they so desired. The parties manifested their willingness to submit the case on the basis of the records already submitted.

Accused-appellant, in his October 26, 2005 Brief filed at the CA, raised two issues for the appellate court's consideration. These issues are now deemed adopted in this present appeal, thus:

I.

The [CA and] trial court gravely erred in not considering the Information in Criminal Case No. 10078 insufficient to support a judgment of conviction for failure of the prosecution to state the precise date of the commission of the alleged rape.

II.

The [CA and] trial court gravely erred in convicting the accused-appellant in Criminal Case No. 10079 despite failure of the prosecution to prove his guilt beyond reasonable doubt.[13]

The appeal has no merit.

The exact date of the sexual assault is not an essential element of the crime of rape. What is important is the fact of the commission of the rape[14] or that there is proof of the penetration of the female organ.[15] In this case, accused-appellant admitted that he had sexual relations with the victim during the times that the alleged rape took place. His only defense was that those sexual encounters happened with AAA's consent. Thus, the matter of the exact date of the commission of the crime is already immaterial.

Accused-appellant's argument that the prosecution failed to prove his guilt beyond reasonable doubt cannot be accorded merit in the face of the categorical and parallel findings to the contrary of the CA and the trial court. As the CA aptly observed, accused-appellant had carnal knowledge of AAA through intimidation. Wrote the CA:

AAA testified that accused-appellant was armed with a bolo on the two occasions that he molested her and warned her not to report the incidents or else he would kill her. Contrary to the contention of accused-appellant, failure to shout or offer tenacious resistance did not make voluntary AAA's submission to his criminal acts. Indeed it is not necessary that force be employed inasmuch as intimidation is sufficient. It has been held that intimidation is generally addressed to the mind of the victim and, therefore, subjective, and its presence could not be tested by any hard and fast rule but must be viewed in the light of the victim's perception and judgment at the time of the crime.[16]

As regards the question of what was committed in Criminal Case No. 10078, the CA correctly ruled that the crime committed was rape by sexual assault as defined in Art. 266-A(2) of the RPC. We note, however, that the CA failed to impose civil liability which is mandatory upon a finding of the fact of rape.[17] And the award of moral damages is automatically granted without need of further proof, it being assumed that a rape victim has actually suffered moral damages entitling her to such award.[18] In line with prevailing jurisprudence, the victim of rape through sexual assault is entitled to recover civil indemnity in the amount of PhP 30,000 and moral damages of PhP 30,000.[19]

WHEREFORE, the Court AFFIRMS with MODIFICATION the October 27, 2006 Decision of the CA in CA-G.R. CR-H.C. No. 01182, the fallo of which shall now read:

WHEREFORE, this Court finds the accused ABRAHAM BUNAGAN y SONIO GUILTY beyond reasonable doubt of the crime of simple rape in Criminal Case No. 10079, and hereby sentences him to suffer the penalty of RECLUSION PERPETUA and to pay the complainant the amount of PhP 50,000 as civil indemnity, PhP 50,000 as moral damages, and PhP 25,000 as exemplary damages.

In Criminal Case No. 10078, the accused is found guilty of rape through sexual assault and is hereby sentenced to an indeterminate penalty of two (2) years, four (4) months and one (1) day of prision correccional, as minimum, to eight (8) years and one (1) day of prision mayor, as maximum, and to pay complainant PhP 30,000 as civil indemnity and PhP 30,000 as moral damages.

SO ORDERED.

Quisumbing, (Chairperson), Carpio-Morales, Tinga, and Brion, JJ., concur.

[1] Rollo, pp. 2-12. Penned by Associate Justice Marina L. Buzon and concurred in by Associate Justices Regalado E. Maambong and Japar B. Dimaampao.

[2] CA rollo, pp. 10-15.

[3] Pursuant to Republic Act No. 9262, otherwise known as the Anti-Violence Against Women and Their Children Act of 2004, and its implementing rules, the real name of the victim is withheld and a fictitious initial instead is used to represent her to protect her privacy.

[4] Rollo, p. 4.

[5] The trial court's narration states that the molestation occurred on April 2, 2002, albeit the date April 2, 2003 is referred to also.

[6] Rollo, p. 5.

[7] Id.

[8] Id.

[9] Id.

[10] Id. at 6.

[11] Supra note 2, at 15.

[12] Supra note 1, at 11.

[13] CA rollo, p. 26. Original in capital letters.

[14] People v. Gonzales, G.R. No. 141599, June 29, 2004, 433 SCRA 102, 115.

[15] People v. Pandapatan, G.R. No. 173050, April 13, 2007, 521 SCRA 304, 319.

[16] Supra note 1, at 9.

[17] People v. Colongui, G.R. No. 170566, March 3, 2006, 484 SCRA 76, 88.

[18] People v. Cayabyab, G.R. No. 167147, August 3, 2005, 465 SCRA 681, 693.

[19] People v. Hermocilla, G.R. No. 175830, July 10, 2007, 527 SCRA 296, 305.

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.