PEOPLE OF THE PHILIPPINES, APPELLEE, VS. RENATO TALUSAN Y PANGANIBAN, APPELLANT.

G.R. No. 179187. July 14, 2009

Ponente: CARPIO MORALES, J.

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CARPIO MORALES, J.:

By Decision of May 25, 2007, the Court of Appeals[1] affirmed the conviction by the Regional Trial Court (RTC), Branch 199 of Las Piñas City of Renato Talusan y Panganiban (appellant) of kidnapping with rape of AAA,[2] a minor of six years.

The Information filed against appellant, together with one "Eljoy Salonga," reads:

> That during the period from January 15, 2004 up to January 23. 2004, in the City of Las Pinas, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together with one ELJOY SALONGA, whose true identity and present whereabout is still unknown, without legal authority or justifiable motive, did then and there willfully, unlawfully and feloniously kidnap, carry away, detain and deprive AAA, a SIX (6) year old, minor, of her liberty, against her will and consent, and the said detention lasted for eight (8) days, and while accused RENATO TALUSAN y PANGANIBAN @ Nato, @ Roxell B. Verga, Jr., was in custody of AAA and armed with a gun, by means of force, threat, or intimidation, did then and there, willfully, unlawfully, and feloniously inserted his finger into the vagina of AAA for several instances against her will and consent thereby subjecting her to sexual abuse, which is prejudicial to her physical and psychological development.
>
> CONTRARY TO LAW.[3]

Salonga's "true identity and . . . whereabout[s]" were, as stated in the Information, unknown.

From the evidence for the prosecution, the following version is gathered:

In the early morning of January 14, 2004, as AAA was on her way to school, appellant, who was sitting by a tree in Las Piñas, pulled her aside and cajoled her into joining him by telling her that they would go to Jollibee. AAA obliged as she knew appellant to be a fellow attendee of Sunday Bible classes. Appellant brought AAA, however, to a house in Imus, Cavite occupied by one El Joy Salonga and two unidentified individuals to whom he introduced her as his daughter.

AAA was thereafter under appellant's control and custody for eight days during which he abused her by inserting his finger inside her vagina on a daily basis before breakfast, despite her resistance.

AAA having failed to return home by noon of January 14, 2004, her stepfather BBB went to her school to inquire. As nobody knew her whereabouts, BBB decided to report the matter to the Las Piñas City Police Station. A neighbor then informed him that he saw appellant sitting by a tree at the same time that AAA was on her way to school.

BBB thereupon went around the community to elicit information about appellant. A former co-worker of

appellant gave BBB an address in Imus, Cavite, prompting BBB to report on January 22, 2004 to the Imus Police Station the disappearance of AAA.

At dawn of the following day, January 23, 2004, appellant, who was with AAA, was apprehended.

For inquest purposes, Dr. Pierre Paul Carpio, medico-legal officer of the Philippine National Police (PNP) Crime Laboratory, conducted an initial medico-legal examination which revealed the following

> Findings:
>
> - Hymen: Deep fresh 3' & 9'o'clock position
> - Vestibule congested
>
> Conclusion:
>
> - Subject compatible with recent loss of virginity
> - There are no ext. signs of application of any form of trauma[4] (Emphasis supplied)

Hence, the filing of the Information for kidnapping with rape.

Upon arraignment, appellant, with the assistance of his counsel de oficio, entered a plea of guilty. The lower court thereupon conducted a searching inquiry into the voluntariness of appellant's plea, and despite repeated questions and just as repeated answers showing that appellant understood his plea and its consequences, the trial court still ordered the prosecution to, as it did, present evidence.

Finding for the prosecution, the trial court, noting that AAA's "detailed account of her ordeal is a manifestation of her honesty and forthrightness,"[5] convicted appellant, disposing in its Decision of June 7, 2004 as follows:

> WHEREFORE, in view of all the foregoing discussions and finding the guilt of the accused beyond reasonable doubt by his voluntary and spontaneous plea of guilty, while the undersigned Presiding Judge does not believe in the imposition of death penalty as a form of punishment, nevertheless, in obedience to the law which is his duty to uphold, this Court finds the accused, RENATO TALUSAN y PANGANIBAN, GUILTY, beyond reasonable doubt for the special complex crime of KIDNAPPING with RAPE and hereby sentences him to suffer the supreme penalty of DEATH.
>
> The Court did not consider the mitigating circumstance of voluntary plea of guilty because the penalty imposable is single and indivisible and this is regardless of its presence. x x x
>
> Accused is hereby ordered to pay the victim AAA, the amount of P50,000.00 by way of civil indemnity and an additional amount of P50,000.00 by way of moral damages which by case law is automatically awarded to rape victims without need of proof. x x x
>
> SO ORDERED.[6] (Emphasis in the original; underscoring supplied)

The case was forwarded to this Court on automatic review due to the death penalty imposed. Per People v. Mateo,[7] however, the Court referred the case to the Court of Appeals by Resolution of November 22, 2005 for intermediate disposition.

By Decision of May 25, 2007, the Court of Appeals, upholding with modification appellant's conviction, disposed as follows:

> WHEREFORE, the decision dated 07 June 2004 of the Regional Trial Court, Branch 199, Las Pinas City is hereby AFFIRMED with MODIFICATION. Appellant Renato Talusan y Panganiban @ Natol @ Roxell B. Vergara, Jr. is sentenced to reclusion perpetua, conformably with R.A. No. 9346, without eligibility for parole and is ordered to indemnify the AAA the following: (a) P50,000.00 as civil indemnity; and (b) P50,000.00 as

moral damages.

Costs de oficio. (Underscoring supplied)

SO ORDERED.[8]

By Resolution of December 3, 2007, the Court required the parties to simultaneously file their respective Supplemental Briefs if they so desired within thirty (30) days from notice.[9] In compliance, the parties submitted their respective Manifestations that the Appeal Briefs they had earlier filed would suffice.

In his lone assignment of error, appellant faults the trial court for convicting him on the basis of an improvident plea of guilt as it failed, so he claims, to judiciously follow the guidelines set forth in People v. Pastor.[10]

The appeal is bereft of merit.

In Pastor, the Court, holding that "there is no definite and concrete rule as to how a trial judge must conduct a `searching inquiry,'" nevertheless came up with the following guidelines:

- Ascertain from the accused himself (a) how he was brought into the custody of the law; (b) whether he had the assistance of a competent counsel during the custodial and preliminary investigations; and (c) under what conditions he was detained and interrogated during the investigations. This is intended to rule out the possibility that the accused has been coerced or placed under a state of duress either by actual threats of physical harm coming from malevolent quarters or simply because of the judge's intimidating robes.

- Ask the defense counsel a series of questions as to whether he had conferred with, and completely explained to, the accused the meaning and consequences of a plea of guilty.

- Elicit information about the personality profile of the accused, such as his age, socio-economic status, and educational background, which may serve as a trustworthy index of his capacity to give a free and informed plea of guilty.

- Inform the accused the exact length of imprisonment or nature of the penalty under the law and the certainty that he will serve such sentence. For not infrequently, an accused pleads guilty in the hope of a lenient treatment or upon bad advice or because of promises of the authorities or parties of a lighter penalty should he admit guilt or express remorse. It is the duty of the judge to ensure that the accused does not labor under these mistaken impressions because a plea of guilty carries with it not only the admission of authorship of the crime proper but also of the aggravating circumstances attending it, that increase punishment.

- Inquire if the accused knows the crime with which he is charged and fully explain to him the elements of the crime which is the basis of his indictment. Failure of the court to do so would constitute a violation of his fundamental right to be informed of the precise nature of the accusation against him and a denial of his right to due process.

- All questions posed to the accused should be in a language known and understood by the latter.

- The trial judge must satisfy himself that the accused, in pleading guilty, is truly guilty. The accused must be required to narrate the tragedy or reenact the crime or furnish its missing details.[11]

There is thus no hard and fast rule as to how a judge may conduct a "searching inquiry." As long as the voluntary intent of the accused and his full comprehension of the consequences of his plea are ascertained, as was done in the present case, the accused's plea of guilt is sustained. Consider the following transcript of stenographic notes of the proceedings taken during appellant's arraignment:

ATTY. CABARDO

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Accused is ready for arraignment, Your Honor.

COURT

Arraign the accused in Tagalog.

(Accused is arraigned and he pleads Guilty to the Criminal Information)

COURT

What is his plea? He's pleading guilty?

COURT INTERPRETER

Yes, Your Honor.

COURT

This Court will conduct a searching inquiry into the voluntariness of his plea.

Q

Mr. Renato Talusan, what is your educational attainment?

ACCUSED

A

I reached 2[nd] year High School, Your Honor.

Q

Do you know how to read and write?

A

Yes, Your Honor.

Q

What is your occupation?

A

I'm a driver, Your Honor.

Q

When you were arraigned today, you pleaded Guilty as charged in the Criminal Information. Did you plead Guilty voluntarily, freely without anyone forcing or intimidating you?

A

Yes, Your Honor.

Q

Did Atty. Cabardo, your counsel explained [sic] to you the effects and consequences if you will plead Guilty to the Criminal Information as charged?

A

Yes, Your Honor.

Q

Is it the understanding of the Court that Atty. Cabardo explained to you fully your rights under the Constitution before you plead Guilty to the Criminal Information?

A

Yes, Your Honor.

Q

Do you know Mr. Talusan that, if you will plead Guilty to the Criminal Information, this Court will immediately sentence you and confine you at the National Penitentiary?

A

Yes, Your Honor.

Q

Did Atty. Cabardo exert pressure on you or influence you so that you will plead Guilty to the Criminal Information?

A

No, Your Honor.

Q

Are you saying, Mr. Talusan that you are doing this voluntarily, freely and of your own volition?

A

Yes, Your Honor.

Q

Did Fiscal assigned in this Court, State Prosecutor Napoleon A. Monsod intimidate you or exert pressure on you so that you will plead Guilty to the Criminal Information?

A

No, Your Honor.

COURT

Please speak louder.

ACCUSED

A

No, Your Honor.

COURT

Q

Did anyone outside or inside of this courtroom threaten you, exert pressure on you so that you will plead

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Guilty as charged to the Criminal Information?

A

None, Your Honor.

Q

So, it is therefore true that on January 15, 2004 up to January 23, 2004, you kidnapped, detained one AAA, a six (6) year old minor against her will and consent?

A

Yes, Your Honor.

Q

And that while in your custody, by means of force intimidation, you inserted your finger inside the vagina of the said minor for several instances against her will?

A

Yes, Your Honor.

Q

For the last time, Mr. Renato Talusan, despite the admonition given to you by this Court, do you still insist and reiterate your pleading Guilty to the Criminal Information as charged for Kidnapping with Multiple Rape?

A

Yes, Your Honor.

COURT

The Court is convinced. I admire you Mr. Talusan for taking the responsibilities and I hope that you will be completely reformed.

ACCUSED

Yes, Your Honor.

COURT

Fiscal, inspite of [sic] the fact that the accused has pleaded Guilty as charged in the Criminal Information, I am directing the Prosecution to present evidence to determine the culpability of the accused.[12] (Emphasis and underscoring supplied)

But even assuming arguendo that appellant entered an improvident plea of guilt when arraigned, there is no compulsion to remand the case to the trial court for further reception of evidence. While the Court has set aside convictions based on improvident pleas of guilt in capital offenses, which pleas had been the sole basis of the judgment, where the trial court receives evidence to determine precisely whether the accused erred in admitting his guilt, the manner in which the plea is made loses legal significance for the simple reason that the conviction is, independently of the plea, based on evidence proving the commission by the accused of the offense charged.

In the present case, even without the plea of guilt of appellant, the evidence presented by the prosecution supports his guilt beyond reasonable doubt[13] of the special complex crime of kidnapping with rape under Article 267 of the Revised Penal Code, as amended by Republic Act No. 7659.[14] Thus in People v. Larrañaga[15] the Court

held:

> Where the law provides a single penalty for two or more component offenses, the resulting crime is called a special complex crime. Some of the special complex crimes under the Revised Penal Code are (1) robbery with homicide, (2) robbery with rape, (3) kidnapping with serious physical injuries, (4) kidnapping with murder or homicide, and (5) rape with homicide. In a special complex crime, the prosecution must necessarily prove each of the component offenses with the same precision that would be necessary if they were made the subject of separate complaints. As earlier mentioned, R.A. No. 7659 amended Article 267 of the Revised Penal Code by adding thereto this provision: "When the victim is killed or dies as a consequence of the detention, or is raped, or is subjected to torture or dehumanizing acts, the maximum penalty shall be imposed; and that this provision gives rise to a special complex crime. (Italics in the original; underscoring supplied)

A review of the evidence for the prosecution shows that the actual confinement, restraint and rape of AAA were proven.

Thus, AAA, a minor whose testimony is given full faith and credit, youth and immaturity being generally badges of truth and sincerity,[16] declared:

> Q:
>
> Did you go voluntarily with the accused?
>
> A:
>
> He forced me, Your Honor.
>
> Q:
>
> Why did you say that the accused forced you to go with him, what did the accused do to you?
>
> A:
>
> He told me that we are going to Jollibee but it turned out that it was not true.
>
> Q:
>
> When you went with the accused and boarded a tricycle, you really wanted to go to Jollibee, is that the understanding of the Court?
>
> A:
>
> I did not want to, Your Honor.
>
> Q:
>
> What did you do when you say that you do not want to go with the accused?
>
> A:
>
> Nothing, Your Honor.
>
> Q:
>
> Did you cry?
>
> A:
>
> Yes, Your Honor.

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Q:

How did you cry?

A:

I was just crying, Your Honor.[17]

x x x x

Q:

Can you remember how many nights and days you have not seen your mother and father?

A:

Yes, sir.

Q:

How many nights?

A:

Eight (8) nights, sir.

Q:

After you were brought to the wake, where there is a dead person and at the club, where else were you taken by Kuya Renato?

A:

At coastal mall, sir.

Q:

A while ago, AAA, you said that kuya Renato abused you and Kuya Renato inserted his penis in your vagina, do you recall that?

A:

Yes, sir.

Q:

Which was inserted, his penis or his finger?

A:

His finger, sir.

x x x x

Q:

When it was inserted inside, did you cry?

A:

Yes, sir.

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Q:

What did you say to Kuya Renato?

A:

I told him that it was painful. [18]

AAA's stepfather BBB testified on her disappearance for eight days and the measures he took in order to recover her. And the initial medico-legal report conducted for inquest purposes shows that AAA suffered deep fresh lacerations in her hymen which are "compatible with recent loss of virginity."

The qualifying circumstance of minority was alleged and established with the presentation of AAA's certificate of live birth, hence, the death penalty imposed by the trial court is in order. In view, however, of the enactment in the interim of Republic Act 9346, "An Act Prohibiting the Imposition of Death Penalty in the Philippines," the appellate court correctly modified the sentence to reclusion perpetua, without eligibility for parole.

A word on the award of civil indemnity and moral damages. In accordance with prevailing jurisprudence, the award of civil indemnity, which is mandatory upon a finding of the fact of rape, and the award of moral damages even without need of proof as it is presumed that the victim suffered moral injuries,[19] are both increased from P50,000 to P75,000.

WHEREFORE, the Decision of May 25, 2007 of the Court of Appeals is AFFIRMED with MODIFICATION in that the separate awards of civil indemnity and moral damages are increased from P50,000 to P75,000. In all other respects, the Decision is AFFIRMED.

SO ORDERED.

Quisumbing, (Chairperson), Chico-Nazario,[*] Leonardo-De Castro,[**] and Brion, JJ., concur.

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[*] Additional member per Special Order No. 658.

[**] Additional member per Special Order No. 635.

[1] Penned by Associate Justice Marlene Gonzales-Sison with the concurrence of Associate Justices Juan Q. Enriquez, Jr. and Vicente S.E. Veloso.

[2] The Court shall withhold the real name of the victim and shall use fictitious initials instead to represent her. Likewise, the personal circumstances of the victim or any other information tending to establish or compromise her identities, as well as those of their immediate family or household members, shall not be disclosed. (People v. Cabalquinto, G.R. No. 167693, September 19, 2006)

[3] Records, pp. 1-2.

[4] Id. at 5.

[5] Id. RTC Decision, pp. 91-103, 99.

[6] Id. at 91-103, 103.

[7] G.R. Nos. 147678-87, July 7, 2004, 433 SCRA 640. The case modified the pertinent provisions of the Revised Rules on Criminal Procedure, more particularly Section 3 and Section 10 of Rule 122, Section 13 of Rule 124, Section 3 of Rule 125 insofar as they provide for direct appeals from the Regional Trial Courts to the Supreme

Court in cases where the penalty imposed is death, reclusion perpetua or life imprisonment and allowed intermediate review by the Court of Appeals before such cases are elevated to the Supreme Court.

[8] Rollo, pp. 3-22, 21.

[9] Id. at 26.

[10] G.R. No. 140208, March 12, 2002, 379 SCRA 181.

[11] Id. at 189-190.

[12] TSN, February 20, 2004, pp. 3-8.

[13] People v. Gumimba, G.R. No. 174056. February 27, 2007 [Formerly G.R. No. 138257].

[14] An Act to Impose the Death Penalty on Certain Heinous Crimes, Amending for that Purpose the Revised Penal Code, as amended, other special penal laws and for other purposes.

[15] G.R. No. 138874-75, February 3, 2004, 421 SCRA 530, 580.

[16] People v. Operario, G.R. No. 146590, July 17, 2003, 406 SCRA 564.

[17] TSN, March 15, 2004, pp.11-12.

[18] Id. at 15-16.

[19] People v. Guillermo, G.R. No. 173787, April 23, 2007, 521 SCRA 597.

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