

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. PEDRO CALANGI ALIAS HAPLAS, APPELLANT.

G.R. No. 179280. August 27, 2009

Ponente: CARPIO MORALES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-179280/>

CARPIO MORALES, J.:

Pedro Calangi (appellant) was charged before the Regional Trial Court (RTC) of Gumaca, Quezon with two (2) counts of rape of his daughter-in-law AAA and another two (2) counts of rape of his granddaughter BBB,[1] allegedly committed as follows:

CRIM. CASE NO. 6886-G

"The undersigned accuses Pedro Calangi @ `Haplas' (prisoner), of the crime of rape, committed as follows:

That on or about the month of July 1996, at Sitio Mangahan, Barangay Pagsangahan, Municipality of San Francisco, Province of Quezon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with handgun of unknown caliber, with lewd design, by means of force, violence, threats and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of one [AAA], his daughter-in-law, against her will.

CONTRARY TO LAW."[2] (Emphasis and underscoring supplied)

CRIM. CASE NO. 6887-G

"The undersigned accuses Pedro Calangi @ `Haplas' (prisoner), of the crime of rape, committed as follows:

That on or about the month of July 1996, at Sitio Mangahan, Barangay Pagsangahan, Municipality of San Francisco, Province of Quezon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with handgun of unknown caliber, with lewd design, by means of force, violence, threats and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of one [AAA], his daughter-in-law, against her will.

CONTRARY TO LAW."[3] (Emphasis and underscoring supplied)

CRIM. CASE NO. 6888-G

"The undersigned accuses Pedro Calangi alias `Haplas' (prisoner), of the crime of rape, in violation of Article 266-B of Republic Act No. 8353, committed as follows:

That on or about the month of August 1999, at Sitio Mangahan, Barangay Pagsangahan, Municipality of San Francisco, Province of Quezon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a firearm of unknown caliber with lewd design, by means of force, violence, threats and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of one [BBB], his granddaughter who is within his second degree of consanguinity, a minor, 15 years of age, against her will.

CONTRARY TO LAW."[4] (Emphasis and underscoring supplied)

CRIM. CASE NO. 6889-G

"The undersigned accuses Pedro Calangi alias 'Haplas' (prisoner), of the crime of rape, in violation of Article 266-B of Republic Act No. 8353, committed as follows:

That on or about the month of August 1999, at Sitio Mangahan, Barangay Pagsangahan, Municipality of San Francisco, Province of Quezon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a firearm of unknown caliber with lewd design, by means of force, violence, threats and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of one [BBB], his granddaughter who is within his second degree of consanguinity, a minor, 15 years of age, against her will.

CONTRARY TO LAW."[5] (Emphasis and underscoring supplied)

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

At 5:00 p.m. of a day in July 1996, while AAA, a mother of two, was cooking at her house in Sitio Mangahan, Barangay Pagsangahan, San Francisco, Quezon, appellant who was brandishing a small gun, arrived. He asked AAA if his son, who is her husband, was at home, to which she replied in the negative. Appellant at once embraced her and removed her clothes. As he poked his gun at her, he succeeded in having carnal knowledge with her. Having been overcome by fear, she could not shout or fight him off.

Appellant, who succeeded in having sexual intercourse with AAA a second time[6] on the same occasion, was "on top of her" for four hours.[7]

AAA reported her defilement to her husband CCC who told her to "just let the thing pass and let the law do something about it." She and CCC eventually reported the matter to the authorities, in order to deter appellant from doing the same to others. As to when she reported the rape, she could not remember. She was later to learn that appellant had also raped her eldest daughter BBB.[8]

As regards the charge complaint of AAA's daughter BBB, by BBB's account, appellant held her hands, removed her clothes, and touched her breasts before he inserted his penis in her vagina. How old she was and when she was raped by appellant, she does not remember. Only after appellant abused her a second time did she report to her mother AAA what befell her. She in fact begot a child who was adopted by the Department of Social Welfare and Development.[9]

CCC, AAA's husband and father of BBB, could not remember when BBB actually reported the incidents of rape to him, but he recalled that it was when she was about to give birth.[10] He remembered that AAA subsequently told him that she was also sexually abused by appellant.[11] Despite those reports, he did not confront his father-appellant as he wanted him to himself disclose them.[12] He later sought assistance from a barangay captain and kagawad who assisted him in reporting to the police.[13]

BBB was examined by Dr. Teofista Ojeda on March 1, 2000[14] when she was found to be five to six months pregnant.

Upon the other hand, appellant, interposing alibi, denied going in July 1996 to the house of AAA which can be reached on foot in two hours. He likewise denied raping AAA, or BBB whom he described as "abnormal." He could not, however, think of any reason why his son CCC, together with AAA and BBB, would charge him of rape.[15]

Defense witnesses Jonaskie Moromoto and Ric Ric Revolio averred that they were with appellant at the time the

alleged rape of AAA took place in July 1996.[16]

By Decision[17] of June 23, 2005, the trial court convicted appellant in all cases, disposing as follows:

WHEREFORE AND IN VIEW OF ALL THE FOREGOING, the court finds accused PEDRO CALANGI guilty of Rape of [AAA] for two counts defined and penalized under Article 335 of the Revised Penal Code as amended by R.A. [No.] 7659 in Criminal Cases Nos. 6886-G and 6887-G and is hereby sentenced to suffer the penalty of RECLUSION PERPETUA and to pay the amount of Php50,000.00 as moral damages and Php50,000.00 as civil indemnity for each count of rape.

The Court finds PEDRO CALANGI guilty beyond reasonable doubt of the crime of Rape of [BBB] for two (2) counts defined and penalized under Articles 266-A and 266-B of the Revised Penal Code as amended by R.A. [No.] 8353 in criminal cases nos. 6888-G and 6889-G and is hereby sentenced to suffer the penalty of DEATH and to pay the amount of Php75,000.00 as civil indemnity and Php50,000.00 as moral damages and Php25,000.00 as exemplary damages for each count of rape.

SO ORDERED.

On appeal, the Court of Appeals,[18] by Decision[19] of March 21, 2007, acquitted appellant in Criminal Case Nos. 6887-G and 6889-G for insufficiency of evidence, but affirmed appellant's conviction in Criminal Case Nos. 6886-G and 6888-G of which AAA and BBB were the private complainants, respectively. Thus the appellate court disposed:

WHEREFORE, the June 23, 2005 Decision of the Regional Trial Court, Branch 61, Gumaca, Quezon, in Criminal Case Nos.6886-G to 6889-G, is hereby MODIFIED to read as follows:

WHEREFORE, in Criminal Cases [sic] No. 6886-G, finding the accused Pedro Calangi guilty beyond reasonable doubt of the crime of Rape committed against [AAA], the Court hereby sentences him to suffer the penalty of reclusion perpetua and to pay the amount of P50,000.00 as moral damages and P50,000.00 as civil indemnity.

In Criminal Case No. 6887-G, there being no sufficient evidence, the Court hereby acquits the accused.

In Criminal Cases [sic] No. 6888-G, finding the accused Pedro Calangi guilty beyond reasonable doubt of the crime of Rape committed against [BBB], the Court hereby sentences him to suffer the penalty of reclusion perpetua and to pay the amount [of] P50,000.00 as moral damages and P50,000.00 as civil indemnity.

In Criminal Case No. 6889-G, there being no sufficient evidence, the Court hereby acquits the accused.

SO ORDERED.

In affirming appellant's conviction in Criminal Case Nos. 6886-G and 6888-G, the appellate court noted that

[w]hat makes the complaints of the two victims all the more credible is the fact that the accused is the father-in-law of [AAA] and the grandfather of [BBB]. Even his very own son, [CCC], took the witness stand against him even if his testimony was only on the fact that [AAA] immediately reported what his father did to her and that he reported the crimes to the kagawads in their place. A son, a daughter-in-law and a granddaughter would not falsely impute the offense of rape against him if it were not true. It is hardly conceivable that they would fabricate matters and undergo the travails of a public trial, exposing themselves to humiliation and embarrassment by revealing what they underwent because of his insatiable lust. x x x x. (Emphasis and underscoring supplied)[20]

Hence, the present appeal, appellant proffering the following

ASSIGNMENT OF ERRORS

I

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF RAPE OF [BBB] DESPITE THE INDEFINITENESS OF TIME WHEN THE ALLEGED RAPE INCIDENTS WERE COMMITTED.

X X X X

III

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF RAPE IN CRIMINAL CASE NOS. [6886]-G AND [6888]-G WHEN THE LATTER'S GUILT WAS NOT PROVEN BEYOND REASONABLE DOUBT.[21] (Underscoring supplied)

Appellant contends that the prosecution failed to prove that he twice raped BBB sometime in August 1999 as alleged in each of the last two Informations, quoted above as BBB could not even recall the month or the year when the alleged rapes took place; and that even if BBB's pregnancy were true, this does not necessarily mean that he raped her and was responsible for her pregnancy. He adds that the prosecution did not even present the birth certificate of the purported child.[22]

Appellant underscores that due consideration should be given to his defense of alibi in view of the glaring inconsistencies and improbabilities of the testimonies of the prosecution witnesses.

The Solicitor General counters that the alleged inconsistencies in the private complainants' testimonies do not delve on the elements of rape; that as against the complainants' positive identification of appellant as the perpetrator of the crimes, the latter merely raised denial and alibi as defense; and that the complainants' testimonies, corroborated by medical findings, sufficiently prove that, indeed, they had been ravished.[23]

During the pendency of the present appeal, the Court received on June 19, 2009 a communication from the Bureau of Corrections informing that appellant died on April 1, 2009 at the National Bilibid Prisons Hospital in Muntinlupa City.

In view of appellant's death, the dismissal of the cases under review, Criminal Case Nos. 6886-G and 6888-G is in order. The dismissal by reason of appellant's death has the force and effect of an acquittal,[24] the constitutionally mandated presumption of innocence in his favor not having been overcome by a final finding of guilt. His civil liability ex delicto is accordingly extinguished.[25]

The intervening death and resulting absolution of appellant from secular accountabilities notwithstanding, the Court is not precluded from reviewing the present cases, especially as it finds the appeal to be impressed with merit, in order to vindicate his name. The Court thus resolved to take a judicious review of the evidence presented in the cases.

While in rape cases, the lone testimony of the supposed victim is enough to sustain a conviction, the testimony must meet the test of credibility which requires that it should not only come from the mouth of a credible witness but should likewise be credible and reasonable in itself.[26] It must conform to human knowledge, observation and experience, and whatever is repugnant to these is outside of juridical cognizance.[27] The Court finds that the testimony of BBB does not measure up to this test of credibility.

Consider the following testimony of BBB, quoted verbatim:

Q

[BBB], was there a thing or had you been violated by your grandfather?

A

Yes, Madam.

Q

When you said "pinagsamantalahan," or you had been violated, what did he do to you?

A

He held my hand

Q

Then after holding your hands, what did he do?

A

He removed my clothes.

Q

After he removed your clothes, what else did he do?

A

None, Madam.

Q

Did he undress himself also?

A

Yes, Madam.

Q

And after he had undressed himself, did he touch you?

A

Yes, Madam.

Q

What part of your body did he touch you?

A

Here (witness pointing [to] her front body)

Q

Did he touch your breast?

A

Yes, Madam.

Q

Did he touch your private part?

A

Yes, Madam.

Q

And aside from holding your private parts, did he insert his penis to your vagina?

A

Yes, Madam.

Q

What did you feel?

A

None, Madam.

x x x x

Q

For how many times did he do that to you?

A

Twice, Madam.

Q

Could you still remember when?

A

No Madam.

Q

Miss Witness, did you report what he did to you to anybody in your family?

A

Yes, Madam.

Q

To whom did you report what your grandfather had done to you?

A

To my mother.

Q

And what did your mother tell you?

A

None, Madam. (*Italics, emphasis and underscoring supplied*)[28]

x x x x

Q

After he removed your shorts and panty, and [after] he removed his brief, what did your grandfather do to you?

A

He put himself on top of me.

Q

What did he do on your top?

A

He held my breast.

Q

After holding your breast, what did he do next?

A

None.

Q

What do you mean by none?

A

None, sir.

Q

Why, did you not say he inserted his penis to your vagina?

A

Yes, sir, I said it.

Q

After he inserted [h]is penis into your vagina, what did he do?

A

He put himself on top of me.

Q

Did he move up and down?

A

Yes, sir.

Q

How long if you know?

A

For quite a long time.

Q

What time of the day was that?

A

I donot know.

Q

Did you eat your breakfast already?

A

Not yet, sir.

Q

Very early in the morning?

A

Yes, sir.

Q

And you donot know the date?

A

Yes, sir.

Q

And you donot know the year?

A

No sir.[29]

x x x x

Q

When did you give birth to a child?

A

I donot know, sir.

Q

How many child do you have?

A

Only one, sir.

Q

Have you seen your child?

A

No, sir. (*Italics, emphasis and underscoring supplied*) [30]

The prosecution, in a bid to explain BBB's stunted narrative, informed that she was only able to finish Grade 1, hence, her low intelligence.[31] To be sure, the Court had ruled that the mental deficiency or low intelligence of a victim does not lessen her credibility as long as she has communicated her ordeal clearly and consistently.[32] In BBB's case, however, the Court finds her assertions to be utterly vague and disjointed for the most part, despite the leading questions thrown her way.

Human experience teaches that even mentally deficient persons or individuals having low intelligence can still narrate their ordeals in detailed manner and recall painful experiences like any average individual could. Here, BBB notably could not even recall feeling anything after appellant supposedly penetrated her private part.

Indeed, BBB left out rudimentary particulars that would establish that appellant sexually abused her. The fact is, it was the prosecutor who supplied the details of BBB's supposed ordeal to which she merely affirmed or replied with irresponsive answers.

Remarkably, the prosecution failed to establish the date or even the year when the crime was committed. It thus comes as a surprise how the prosecution was able to allege in the Information that BBB was raped on two occasions in August 1999. Even in her Sinumpaang Salaysay,[33] BBB did not mention the date of the alleged rape as it was her father who supplied the same.[34]

As for AAA, who was fairly descriptive of the supposed rape done on her by appellant, her testimony centered on another alleged rape that occurred in 1986. Thus in 2001 when she took the witness stand, AAA testified as follows:

Q

Now, Mrs. Witness, you said you were raped two times by your father-in-law Pedro Calangi, as a result of the said rape, did you get pregnant?

A

Yes, Mam.

Q

How old is the child now?

A

Twelve (12) years old, Mam.

Q

Mrs. Witness, how about [BBB] after she was raped by her grandfather, did she get pregnant?

A

Yes, Mam.

Q

How many times [was] [BBB] . . . raped by her grandfather?

A

Two (2) times, Mam.

Q

Can you remember the dates when she was raped?

A

. (Italics, emphasis and underscoring supplied)[35]

On further examination by the prosecutor, AAA appeared confused all the more.

Q

Mrs. Witness, during the direct examination, you were asked how old was the child of yours fathered by Pedro Calangi whom you said had raped you in 1996? Can you explain why you said that the child was twelve years old when you were raped in 1996?

RECORD:

NO ANSWER from the witness

PROS. FLORIDO:

I withdraw the question, the witness may probably not understand the question.

Q

Actually when was the first time that you were raped by your father-in-law[?] [W]hat year was that?

A

1986. (Emphasis and underscoring supplied)[36]

On cross-examination, AAA recounted:

Q

For how long was he on top of you?

A

About four (4) hours, sir.

Q

You mean to say mrs. witness, that he stayed on your top [sic] for four (4) hours?

A

Yes, sir.

Q

And for that length of almost four hours, he continued the pumping?

A

Yes, sir.

Q

And how many times were there ejaculation?

A

Many, sir.

x x x x

Q

After that almost four (4) hours this Mr. Calangi was on your top [sic], what did he do?

A

He went home, sir.

Q

Now, Mrs. witness, for purposes of curiosity [sic], was he very tired after he went down from you?

A

Yes, sir.

Q

How did you know that he was tired?

ATTY. HASIM:

We wanted [sic] to manifest that it takes a long time for the witness to answer, up to now there's no answer given.

x x x x

Q

How about the food that you are cooking?

A

It was burned, sir.

Q

How about your two (2) children who were inside your house for that almost length of time/hours, what did they do?

A

They were crying, sir.

Q

Where were they crying?

A

Inside our house and they were calling me, sir.

Q

Did you not say that you become [sic] pregnant because of that rape of your father-in-law?

A

Yes, sir.

Q

When did you deliver that child?

A

1986, sir.

Q

What month in 1986 did you give birth to your child as a result of the rape?

A

1987, sir. (Emphasis and underscoring supplied)[37]

Clearly, AAA's narration centered on a purported sexual episode that occurred in 1986, not in July 1996 as alleged in each of the Information in Criminal Case No. 6886-G. Even if a rape in 1986 is proved, still, appellant cannot be convicted of rape in said case without violating his right to be informed of the nature and cause of the accusation against him.[38] The disparity of the dates is too wide to prejudice him in the preparation of his defense.

More. AAA's claim that appellant was on top of her "continuously pumping" for four (4) hours in the course of which her two children were crying and calling her name is incredulous. Would not her children's cries and calls have at least given cause for her to free herself? And would not the same have curbed appellant's libido? And since, it would appear that her children were aware of what happened to her, why was not the incident immediately reported?

Respecting the medical findings of Dr. Ojeda, the same bear no probative value on the case. If any, they merely dinned in on BBB's purported pregnancy but not on the fact of rape.

In fine, as its witnesses' contradictory and confounding statements on important and material details erode the integrity of their testimonies, the prosecution failed to prove beyond reasonable doubt appellant's guilt.

WHEREFORE, Criminal Cases Nos. 6886-G and 6888-G against the late PEDRO CALANGI alias "HAPLAS" are, in light of the foregoing discussions, DISMISSED.

Costs de oficio.

SO ORDERED.

Quisumbing, (Chairperson), Brion, Del Castillo, and Abad, JJ., concur.

- [1] The real names of the complainants are withheld per Republic Act (R.A.) No. 7610 and R.A. No. 9262. Vide: *People v. Cabalquinto*, G.R. No. 167693, September 19, 2006, 502 SCRA 419.
- [2] CA rollo, pp.4-5.
- [3] Id. at 6-7.
- [4] Id. at 8-9.
- [5] Id. at 10-11.
- [6] Transcript of Stenographic Notes (TSN), October 24, 2001, pp.3-5.
- [7] TSN, November 14, 2002, p.8.
- [8] TSN, October 24, 2001, p.6.
- [9] TSN, February 27, 2003, pp.7-18.
- [10] TSN, January 15, 2003, p.9.
- [11] Id. at 5.
- [12] Id. at 10-11.
- [13] Id. at 6.
- [14] TSN, June 26, 2003, p.4.
- [15] TSN, June 9, 2004, pp.3-6.
- [16] TSN, August 11, 2004, pp.1-5; TSN, December 8, 2004, pp.2-6.
- [17] Records, pp. 176-210.
- [18] Penned by Associate Justice Jose Catral Mendoza with Associate Justices Remedios A. Salazar-Fernando and Ramon M. Bato Jr. concurring.
- [19] Rollo, pp. 2-22.
- [20] Id. at 17-18.
- [21] CA rollo, p. 56; Via manifestation, appellant and appellee adopted their respective Briefs filed at the CA, in lieu of Supplemental Briefs.
- [22] Id. at 62-64.
- [23] Id. at 123-124.
- [24] *People v. Yanson-Dumancas*, 378 Phil. 341, 363 (1999).
- [25] Vide *People v. Bayotas*, G.R. No. 102007, September 2, 1994, 236 SCRA 239.
- [26] *People v. Mala*, G.R. No. 152351, September 18, 2003, 411 SCRA 327, 337.
- [27] *People v. Dayag*, G.R. No. L-30619, 155 Phil. 421, 431 (1974).
- [28] TSN, February 27, 2003, pp.4-6.
- [29] Id. at 10-11.

[30] Id. at 18-19.

[31] The prosecution's offer of BBB's testimony reads: If Your Honor please, the prosecution is offering the testimony of [BBB] as the victim in Criminal Cases Nos. 6888-G and 6889[-G]. May I request that because of lack of education and also for her mentality, may I be allowed to ask leading questions?; Vide: TSN, February 27, 2003, p.3.

[32] Vide: People v. San Juan, G.R. No. 105556, April 14, 1997, 270 SCRA 693, 705. In this case, the victim was a 26-year-old woman whose mental development was that of a 5-year-and-10-month-old child.

[33] IV Records, p. 6.

[34] Id. at 5.

[35] TSN, October 24, 2001, p.7.

[36] TSN, October 25, 2001, pp.2-3.

[37] TSN, November 14, 2002, pp.8-10.

[38] Rule 115 (b) of the Revised Rules of Criminal Procedure.

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.