

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. EDMUNDO VILLAFLORES Y OLANO, ACCUSED-APPELLANT.

G.R. No. 184926. April 11, 2012

Ponente: BERSAMIN, J.

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BERSAMIN, J.:

Circumstantial evidence is admissible as proof to establish both the commission of a crime and the identity of the culprit.

Under review is the conviction of Edmundo Villaflores for rape with homicide by the Regional Trial Court (RTC), Branch 128, in Caloocan City based on circumstantial evidence. The Court of Appeals (CA) affirmed the conviction with modification on February 22, 2007.[1]

The victim was Marita,[2] a girl who was born on October 29, 1994 based on her certificate of live birth.[3] When her very young life was snuffed out by strangulation on July 2, 1999, she was only four years and eight months old.[4] She had been playing at the rear of their residence in Bagong Silang, Caloocan City in the morning of July 2, 1999 when Julia, her mother, first noticed her missing from home.[5] By noontime, because Marita had not turned up, Julia called her husband Manito at his workplace in Pasig City, and told him about Marita being missing.[6] Manito rushed home and arrived there at about 2 pm,[7] and immediately he and Julia went in search of their daughter until 11 pm, inquiring from house to house in the vicinity. They did not find her.[8] At 6 am of the next day, Manito reported to the police that Marita was missing.[9] In her desperation, Julia sought out a clairvoyant (manghuhula) in an adjacent barangay, and the latter hinted that Marita might be found only five houses away from their own. Following the clairvoyant's direction, they found Marita's lifeless body covered with a blue and yellow sack[10] inside the comfort room of an abandoned house about five structures away from their own house.[11] Her face was black and blue, and bloody.[12] She had been tortured and strangled till death.

The ensuing police investigation led to two witnesses, Aldrin Bautista and Jovy Solidum, who indicated that Villaflores might be the culprit who had raped and killed Marita.[13] The police thus arrested Villaflores at around 5 pm of July 3, 1999 just as he was alighting from a vehicle.[14]

On July 7, 1999, the City Prosecutor of Caloocan City filed in the RTC the information charging Villaflores with rape with homicide committed as follows:[15]

That on or about the 2nd day of July, 1999 in Caloocan City, Metro Manila, and within the jurisdiction of this Honorable Court, the above-named accused with lewd design and by means of force, violence and intimidation employed upon the person of one Marita, a minor of five (5) years old, did then and there willfully, unlawfully and feloniously lie and have sexual intercourse with said Marita, against the latter's will and without her consent, and thereafter with deliberate intent to kill beat the minor and choked her with nylon cord which caused the latter's death.

CONTRARY TO LAW.

Arraigned on August 19, 1999, Villaflores pleaded not guilty to the crime charged.[16]

The CA summarized the evidence of the State in its decision, viz:

After pre-trial was terminated, the trial proceeded with the prosecution presenting witnesses namely, Aldrin Bautista, Jovie Solidum, Manito, Dr. Jose Arnel Marquez, SPO2 Protacio Magtajas, SPO2 Arsenio Nacis, PO3 Rodelio Ortiz, PO Harold Blanco and PO Sonny Boy Tepase.

From their testimonies, it is gathered that in the afternoon of July 3, 1999, the lifeless body of a 5-year old child, Marita (hereinafter Marita) born on October 21, 1994, (see Certificate of Live Birth marked as Exhibit K) was discovered by her father, Manito (hereinafter Manito) beside a toilet bowl at an unoccupied house about 5 houses away from their residence in Phase 9, Bagong Silang, Caloocan City. The day before at about noon time his wife called him up at his work place informing him that their daughter was missing, prompting Jessie to hie home and search for the child. He went around possible places, inquiring from neighbors but no one could provide any lead until the following morning when his wife in desperation, consulted a “manghuhula” at a nearby barangay. According to the “manghuhula” his daughter was just at the 5th house from his house. And that was how he tracked down his daughter in exact location. She was covered with a blue sack with her face bloodied and her body soaked to the skin. He found a yellow sack under her head and a white rope around her neck about 2 and a half feet long and the diameter, about the size of his middle finger. There were onlookers around when the NBI and policemen from Sub-station 6 arrived at the scene. The SOCO Team took pictures of Marita. Jessie was investigated and his statements were marked Exhibits C, D and D-1. He incurred funeral expenses in the total amount of P52,000.00 marked as Exhibit L and sub-markings. (See other expenses marked as Exhibit M and sub-markings).

Two (2) witnesses, Aldrin Bautista and Jovie Solidum, came forward and narrated that at about 10:00 o'clock in the morning of July 2, 1999, they saw Edmundo Villaflores, known in the neighborhood by his Batman tag and a neighbor of the [victim's family], leading Marita by the hand (“umakay sa bata”). At about noon time they were at Batman's house where they used shabu for a while. Both Aldrin and Jovie are drug users. Aldrin sports a “sputnik” tattoo mark on his body while Jovie belongs to the T.C.G. (“through crusher gangster”). While in Batman's place, although he did not see Marita, Jovie presumed that Batman was hiding the child at the back of the house. Jovie related that about 3:00 o'clock in the afternoon of the same day, he heard cries of a child as he passed by the house of Batman (“Narinig ko pong umiiyak ang batang babae at umuungol”). At about 7:00 o'clock in the evening, Jovie saw again Batman carrying a yellow sack towards a vacant house. He thought that the child must have been in the sack because it appeared heavy. It was the sack that he saw earlier in the house of Batman.

Among the first to respond to the report that the dead body of a child was found was SPO2 PROTACIO MAGTAJAS, investigator at Sub-station 6 Bagong Silang, Caloocan City who was dispatched by Police Chief Inspector Alfredo Corpuz. His OIC, SPO2 Arsenio Nacis called the SOCO Team and on different vehicles they proceeded to Bagong Silang, Phase 9 arriving there at about 2 o'clock in the afternoon of July 3, 1999. They saw the body of the child at the back portion of an abandoned house where he himself recovered pieces of evidence such as the nylon rope (Exhibit N) and the yellow sack inside the comfort room. The child appeared black and blue, (kawawa yong bata wasak ang mukha”). He saw blood stains on her lips and when he removed the sack covering her body, he also saw blood stains in her vagina. The yellow sack that he was referring to when brought out in court had already a greenish and fleshy color. The sack was no longer in the same condition when recovered, saying, when asked by the Court: “medyo buo pa, hindi pa ho ganyang sira-sira.” There was another sack, colored blue, which was used to cover the face of the child while the yellow sack was at the back of the victim. He forgot about the blue sack when SOCO Team arrived because they were the ones who brought the body to the funeral parlor. He had already interviewed some person when the SOCO Team arrived composed of Inspector Abraham Pelotin, their team leader, and 2 other members. He was the one who took the statement of the wife of Edmundo Villaflores, Erlinda, and turned over the pieces of evidence to Police Officer SPO2 Arsenio Nacis who placed a tag to mark the items. When the SOCO Team arrived, a

separate investigation was conducted by Inspector Pelotin.

PO3 RODELIO ORTIZ, assigned at Station 1, Caloocan City Police Station, as a police investigator, took the sworn statement of Aldrin Bautista upon instruction of his chief, SPO2 Arsenio Nacis, asked Aldrin to read his statement after which he signed the document then gave it to investigator, SPO2 Protacio Magtajas. During the investigation, he caused the confrontation between Aldrin Bautista and Edmundo Villaflores. Aldrin went closer to the detention cell from where he identified and pointed to Villaflores as the one who abducted the child. Villaflores appeared angry.

SPO2 ARSENIO NACIS' participation was to supervise the preparation of the documents to be submitted for inquest to the fiscal. He asked the investigator to prepare the affidavit of the victim's father and the statement of the two witnesses and also asked the investigator to prepare the referral slip and other documents needed in the investigation. He ordered the evidence custodian, PO3 Alex Baruga to secure all the physical evidence recovered from the scene of the crime composed of 2 sacks. In the afternoon of July 3, the suspect, Edmundo Villaflores was arrested by PO3 Harold Blanco, SPO1 Antonio Alfredo, NUP Antonio Chan and the members of Bantay Bayan in Bagong Silang.

PO1 HAROLD BLANCO of the Sangandaan Police Station, Caloocan City, as follow-up operative, was in the office at about 1:00 o'clock in the afternoon of July 3, 1999, together with PO3 Alfredo Antonio and Police Officer Martin Interia, when Police Inspector Corpuz, as leader formed a team for them to go to the scene of the crime. They immediately proceeded to Phase 9. Inspector Corpuz entered the premises while he stayed with his companions and guarded the place. SPO3 Magtajas was already investigating the case. They were informed that the group of Aldrin could shed light on the incident. Blanco and the other police officers returned to the crime scene and asked the people around, who kept mum and were elusively afraid to talk. When he went with SPO1 Antonio Chan accompanied by councilman Leda to the house of Batman, it was already padlocked. They went to the place of SPO1 Alfredo Antonio nearby to avoid detection and asked a child to look out for Villaflores. Soon enough, a jeep from Phase 1 arrived and a commotion ensued as people started blocking the way of Villaflores, who alighted from the said jeep. The officers took him in custody and brought him to Sub-station 6 and SPO3 Nacis instructed them to fetch his wife. He was with police officer Antonio Chan and they waited for the arrival of the wife of Villaflores from the market. When she arrived, it was already night time. They informed her that her husband was at Sub-station 6 being a suspect in the killing of a child. There was no reaction on her part. She was with her 3 minor children in the house. She went with them to the precinct. When Sgt. Nacis asked Mrs. Villaflores if she knew anything about what happened on the night of July 2, initially, she denied but in the course of the questioning she broke down and cried and said that she saw her husband place some sacks under their house. He remembered the wife saying, "noong gabing nakita niya si Villaflores, may sako sa silong ng bahay nila, tapos pagdating ni Villaflores, inayos niya yong sako at nilapitan niya raw, nakita niya may siko, tapos tinanong niya si Villaflores, ano yon? Sabi niya, wala yon, wala yon." The wife was crying and she said that her husband was also on drugs and even used it in front of their children. She said that she was willing to give a statement against her husband. Their house is a "kubo" the floor is made of wood and there is space of about 2 feet between the floor and the ground. She saw the sack filled with something but when she asked her husband, he said it was nothing. She related that before she went outside, she again took a look at the sack and she saw a protruding elbow inside the sack. She went inside the house and went out again to check the sack and saw the child. It was Sgt. Nacis who typed the statement of Erlinda Villaflores which she signed. He identified the sworn statement marked as Exhibit X and sub-markings.

PO1 SONNY BOY TEPACE assigned at the NPD Crime Laboratory, SOCO, Caloocan City Police Station also went to the crime scene on July 3, 1999 at about 2:50 in the afternoon with Team Leader Abraham Pelotin, at the vacant lot of Block 57, Lot 12, Phase 9, Caloocan City. He cordoned the area and saw the dead child at the back of the uninhabited house. She was covered with a blue sack and a nylon cord tied around her neck. There was another yellow sack at the back of her head. He identified the nylon cord (Exhibit N) and the

yellow sack. He does not know where the blue sack is, but he knew that it was in the possession of the officer on case. The blue sack appears in the picture marked as Exhibits S, T, and R, and was marked Exhibits T-3-A, S-1 and R-2-A. Thereafter they marked the initial report as Exhibit U and sub-markings. They also prepared a rough sketch dated July 3, 1999 with SOCO report 047-99 marked as Exhibit V and the second sketch dated July 3, 1999 with SOCO report 047-99 marked as Exhibit W.

DR. ARNEL MARQUEZ, Medico Legal Officer of the PNP Crime Laboratory with office at Caloocan City Police Station conducted the autopsy on the body of Marita upon request of Chief Inspector Corpus. The certificate of identification and consent for autopsy executed by the father of the victim was marked as Exhibit G. He opined that the victim was already dead for 24 hours when he conducted the examination on July 3, 1999 at about 8 o'clock in the evening. The postmortem examination disclosed the following:

POSTMORTEM FINDINGS:

Fairly developed, fairly nourished female child cadaver in secondary stage of flaccidity with postmortem lividity at the dependent portions of the body. Conjunctivae are pale. Lips and nailbeds are cyanotic.

HEAD, NECK AND TRUNK

- 1) Hematoma, right periorbital region, measuring 4 x 3.5 cm; 3.5 cm from the anterior midline.
- 2) Area of multiple abrasions, right zygomatic region, measuring 4 x 2.2 cm, from the anterior midline.
- 3) Abrasion, right cheek, measuring 1.7 x 0.8 cm, 3 cm from the anterior midline.
- 4) Area of multiple abrasions, upper lip, measuring 4 x 1 cm, bisected by the anterior midline.
- 5) Contusion, frontal region, measuring 6 x 4 cm, 6.5 cm left of the anterior midline.
- 6) Punctured wound, left pre-auricular region, measuring 9.2 x 0.1 cm, 11.5 cm from the anterior midline.
- 7) Ligature mark, neck, measuring 24 x 0.5 cm, bisected by the anterior midline.
- 8) Abrasion, right scapular region, measuring 0.7 x 0.4 cm, 6 cm from the Posterior midline.
- 9) Abrasion, left scapular region, measuring 1.2 x 0.8 cm, 6.5 cm from the posterior midline.

There are multiple deep fresh lacerations at the hymen. The vestibule is abraded and markedly congested, while the posterior fourchette is likewise lacerated and marked congested.

The lining mucosa of the larynx, trachea and esophagus are markedly congested with scattered petechial hemorrhages.

Stomach is ½ full of partially digested food particles mostly rice.

Cause of death is asphyxia by strangulation.”

There were multiple deep laceration at the hymen and the vestibule was abraded and markedly congested while the posterior fourchette was likewise lacerated and markedly congested, too. It could have been caused by an insertion of blunt object like a human penis. The cause of death was asphyxia by strangulation, in layman's term, “sinakal sa pamamagitan ng tali.” The external injuries could have been caused by contact with a blunt object like a piece of wood. The abrasion could have also been caused by a hard and rough surface. He prepared the Medico Legal Report No. M-250-99 of the victim, Marita _____ marked as Exhibit H and sub-markings. He issued the death certificate marked as Exhibit E. The anatomical sketch representing the body of the victim was marked as Exhibit I and sub-markings. The sketch of the head of the victim was marked Exhibit J. The injuries on the head could have been caused by hard and blunt object while other injuries were caused by coming in contact with a

hard or rough surface. There were also punctured wounds which could have been caused by a barbecue stick or anything pointed. The ligature mark was congested and depressed.

On cross-examination, among others, he explained the stages of flaccidity which is the softening of the body of a dead person. The first 3 hours after death is the primary stage of flaccidity and after the third hour, the body will be in rigor mortis and after the 24 hours, it is the secondary stage. The victim could have been dead at least 9 o'clock in the morning on July 2. As regards the multiple lacerations of the hymen, it is possible that two or more persons could have caused it.

The CA similarly summed up the evidence of Villaflores, as follows:

EDMUNDO VILLAFLORES, testifying in his behalf, denied the charge of raping and killing the child saying he did not see the child at anytime on July 2, 1999. At around 10:00 o'clock in the morning of July 2, 1999, he was at the market place at Phase 10 to get some plywood for his Aunt Maring. His Aunt called him at 8:30 in the morning and stayed there for about 5 hours and arrived home at around 5:00 in the afternoon. His Aunt was residing at Phase 10 which is about a kilometer from his place. His residence is some 5 houses away from the place of the child. He knows the child because sometimes he was asked by the wife of Manito to fix their electrical connection. He corrected himself by saying he does not know Marita but only her father, Manito. He denied carrying a sack and throwing it at the vacant lot. He was arrested on July 3, 1999 and does not know of any reason why he was charged. He has witnesses like Maring, Sherwin, Pareng Bong and Frankie to prove that he had no participation in the killing.

On cross-examination, among others, he admitted being called "Batman" in their place and that Aldrin and Jovie are his friends. They go to his house at Package 5, Phase 9, Lot 32 in Bagong Silang, Caloocan City. They are his close friends being his neighbors and they usually went to his house where they used shabu ("gumagamit ng bato"). At 42, he is older than Aldrin and Jovie. He knew Marita who sometimes called him to his house to fix electrical wiring. He also knew his wife, but does not know their children. On the night of July 2, Aldrin and Jovie went to his house. He was arrested on July 3 in a street near the precinct while walking with his wife. They came from Bayan. His wife works in a sidewalk restaurant. Two of his children were in Phase 3, the other two were in his house and two more were left with his siblings. When he was arrested, he was carrying some food items which they brought in Bayan. They did not tell him why he was being arrested. He saw his wife once at Police Station 1 before he was brought to the city jail. Aldrin and Jovie harbored ill feelings against him because the last time they went to his house he did not allow them to use shabu. He admitted using shabu everytime his friends went to his house. He is not legally married to his wife. She visited him for the last time on July 19, 1999. He denied that the door of his house had a sack covering neither was it locked by a piece of string. He has not talked with the father or mother of the child nor did he ask his wife for help. He just waited for his mother and she told him, they will fight it out in court, "ilalaban sa husgado."

On re-direct he said that Aldrin and Jovie often went in and out of his house. His bathroom is in front of his house.

SHERWIN BORCILLO, an electronic technician and neighbor of Edmundo Villaflores told the court that the charges against Villaflores were not true, the truth being, that on the night of July 2, 1999 he saw Aldrin and Jovie at the back of his house holding a sack containing something which he did not know. They were talking to Batman and offering a dog contained in the sack and then they left the sack near the comfort room outside the door of the house of Batman. They came back and took the yellow sack. He followed them up to the other pathwalk and then he went home. The following day he learned that Villaflores was being charged with the killing of Marita. At first, he just kept quiet because he thought Villaflores should be taught a lesson for being a drug user, but later when he had a drinking spree with his father and uncle, he told them what he knew because he could not trust any policeman in their place. He told them what really happened and they advised him to report the matter to the barangay. So he went to the purok and made a statement in an affidavit form. He executed the "Salaysay" in the presence of their Purok secretary and barangay tanod. It was the Purok

secretary who gave him the form. He saw Aldrin and Jovie about midnight of July 2, 1999. There was also another person with them, one Jose Pitallana, who is the eldest in the group and considered their “Amo-among”. In his affidavit, he said: “Ako ay lumabas ng bahay at sinundan ko siya at nakita ko si Jose na tinalian ng nylon and bata. Tapos po ay may narinig po akong kung sino man ang titistego sa akin ay papatayin ko, basta kayo ang saksi sa ginawa in Batman.” He said he was sure that the sack contained the child because he saw the head of the child, it seemed like she was staring at him and asking his help. He executed the statement after the arrest of the accused. He did not go to the police station to narrate his story. He made his statement not in the barangay hall but only at their purok.

On cross-examination, among others, he said that on July 2, 1999 he left the house at about 11:00 o’clock in the morning to go to school in PMI at Sta. Cruz, Manila. He did not see Batman, nor Aldrin, or Jovie about noon time of July 2. He arrived home at about 8:00 o’clock in the evening because he passed by the Susano Market in Novaliches to see his mother who was a vendor there. They closed the store at about 6:30, then they bought some food stuffs to bring home. He was not sure of the date when Batman was arrested. He admitted that Batman is his uncle being the brother of his mother. His uncle is a known drug addict in the area. He usually saw him using shabu in the company of Jose Pitallana, his wife, Aldrin and Jovie. After he was informed that his uncle was arrested, he did not do anything because he was busy reviewing for his exam. He did not also visit him in jail. After he made his statement, he showed it to their Purok Leader, Melencio Yambao and Purok Secretary, Reynaldo Mapa. They read his statement and recorded it in the logbook. It was not notarized. He had no occasion to talk with Aldrin and Jovie. Jose Pitallana is no longer residing in their place. He did not even know that Aldrin and Jovie testified against his uncle. He never went to the police to tell the truth about the incident.

As earlier stated, on May 27, 2004, the RTC convicted Villaflores of rape with homicide, holding that the circumstantial evidence led to no other conclusion but that his guilt was shown beyond reasonable doubt.[17] The RTC decreed:

Wherefore, the Court finds accused Edmundo Villaflores guilty beyond reasonable doubt of raping and killing “Marita” and hereby sentences him to the Supreme penalty of death, to indemnify the heirs of the deceased in the sum of P75,000.00, moral damages in the sum of P30,000.00 and exemplary damages in the sum of P20,000.00, and to pay the cost of this suit, to be paid to the heirs of the victim.

The City Jail Warden of Caloocan City is hereby ordered to bring the accused to the National Penitentiary upon receipt hereof after the promulgation of the decision.

Let the records of this case be forwarded to the Supreme Court for automatic review.

SO ORDERED.

On intermediate review, the CA affirmed the conviction,[18] disposing:

WHEREFORE, the decision of the RTC Caloocan City, Branch 128 finding the accused Edmundo Villaflores guilty beyond reasonable doubt of the crime of rape with homicide is affirmed with modification in the sense that (a) the death penalty imposed by the trial court is commuted to reclusion perpetua and the judgment on the civil liability is modified by ordering the appellant to pay the amount of P100,000.00 civil indemnity, P75,000.00 moral damages and P52,000.00 as actual damages.

SO ORDERED.

Issues

Villaflores now reiterates that the RTC and the CA gravely erred in finding him guilty beyond reasonable doubt of rape with homicide because the State did not discharge its burden to prove beyond reasonable doubt every fact and circumstance constituting the crime charged.

In contrast, the Office of the Solicitor General counters that the guilt of Villaflores for rape with homicide was established beyond reasonable doubt through circumstantial evidence.

Ruling

We sustain Villaflores' conviction.

I

Nature of rape with homicide

as a composite crime, explained

The felony of rape with homicide is a composite crime. A composite crime, also known as a special complex crime, is composed of two or more crimes that the law treats as a single indivisible and unique offense for being the product of a single criminal impulse. It is a specific crime with a specific penalty provided by law, and differs from a compound or complex crime under Article 48 of the Revised Penal Code, which states:

Article 48. Penalty for complex crimes. – When a single act constitutes two or more grave or less grave felonies, or when an offense is a necessary means for committing the other, the penalty for the most serious crime shall be imposed, the same to be applied in its maximum period.

There are distinctions between a composite crime, on the one hand, and a complex or compound crime under Article 48, *supra*, on the other hand. In a composite crime, the composition of the offenses is fixed by law; in a complex or compound crime, the combination of the offenses is not specified but generalized, that is, grave and/or less grave, or one offense being the necessary means to commit the other. For a composite crime, the penalty for the specified combination of crimes is specific; for a complex or compound crime, the penalty is that corresponding to the most serious offense, to be imposed in the maximum period. A light felony that accompanies a composite crime is absorbed; a light felony that accompanies the commission of a complex or compound crime may be the subject of a separate information.

Republic Act No. 8353 (Anti-Rape Law of 1997) pertinently provides:

Article 266-A. Rape; When and How Committed. – Rape is committed

1) By a man who have carnal knowledge of a woman under any of the following circumstances:

- a) Through force, threat, or intimidation;
- b) When the offended party is deprived of reason or otherwise unconscious;
- c) By means of fraudulent machination or grave abuse of authority; and
- d) When the offended party is under twelve (12) years of age or is demented, even though none of the circumstance mentioned above be present.

xxx

Article 266-B. Penalties. – Rape under paragraph 1 of the next preceding article shall be punished by reclusion perpetua.

xxx

When the rape is attempted and a homicide is committed by reason or on the occasion thereof, the penalty shall be reclusion perpetua to death.

When by reason or on the occasion of the rape, homicide is committed, the penalty shall be death.

xxx

The law on rape quoted herein thus defines and sets forth the composite crimes of attempted rape with homicide

and rape with homicide. In both composite crimes, the homicide is committed by reason or on the occasion of rape. As can be noted, each of said composite crimes is punished with a single penalty, the former with reclusion perpetua to death, and the latter with death.

The phrases by reason of the rape and on the occasion of the rape are crucial in determining whether the crime is a composite crime or a complex or compound crime. The phrase by reason of the rape obviously conveys the notion that the killing is due to the rape, the offense the offender originally designed to commit. The victim of the rape is also the victim of the killing. The indivisibility of the homicide and the rape (attempted or consummated) is clear and admits of no doubt. In contrast, the import of the phrase on the occasion of the rape may not be as easy to determine. To understand what homicide may be covered by the phrase on the occasion of the rape, a resort to the meaning the framers of the law intended to convey thereby is helpful. Indeed, during the floor deliberations of the Senate on Republic Act No. 8353, the legislative intent on the import of the phrase on the occasion of the rape to refer to a killing that occurs immediately before or after, or during the commission itself of the attempted or consummated rape, where the victim of the homicide may be a person other than the rape victim herself for as long as the killing is linked to the rape, became evident, viz:

Senator Enrile. x x x

I would like to find out, first of all, Mr. President, what is the meaning of the phrase appearing in line 24, “or on the occasion”?

When the rape is attempted or frustrated, and homicide is committed by reason of the rape, I would understand that. But what is the meaning of the phrase “on the occasion of rape”? How far in time must the commission of the homicide be considered a homicide “on the occasion” of the rape? Will it be, if the rapists happen to leave the place of rape, they are drunk and they killed somebody along the way, would there be a link between that homicide and the rape? Will it be “on the occasion” of the rape?

Senator Shahani. x x x It will have to be linked with the rape itself, and the homicide is committed with a very short time lapse.

Senator Enrile. I would like to take the first scenario, Mr. President: If the rapist enters a house, kills a maid, and rapes somebody inside the house, I would probably consider that as a rape “on the occasion of”. Or if the rapists finished committing the crime of rape, and upon leaving, saw somebody, let us say, a potential witness inside the house and kills him, that is probably clear. But suppose the man happens to kill somebody, will there be a link between these? What is the intent of the phrase “on the occasion of rape”? x x x

x x x

Senator Shahani. Mr. President, the principal crime here, of course, is rape, and homicide is a result of the circumstances surrounding the rape.

So, the instance which was brought up by the good senator from Cagayan where, let us say, the offender is fleeing the place or is apprehended by the police and he commits homicide, I think would be examples where the phrase “on the occasion thereof” would apply. But the principal intent, Mr. President, is rape.[19]

II

The State discharged its burden of
proving the rape with homicide
beyond reasonable doubt

As with all criminal prosecutions, the State carried the burden of proving all the elements of rape and homicide beyond reasonable doubt in order to warrant the conviction of Villaflores for the rape with homicide charged in

the information.[20] The State must thus prove the concurrence of the following facts, namely: (a) that Villaflores had carnal knowledge of Marita; (b) that he consummated the carnal knowledge without the consent of Marita; and (c) that he killed Marita by reason of the rape.

Under Article 266-A, *supra*, rape is always committed when the accused has carnal knowledge of a female under 12 years of age. The crime is commonly called statutory rape, because a female of that age is deemed incapable of giving consent to the carnal knowledge. Marita's Certificate of Live Birth (Exhibit K) disclosed that she was born on October 29, 1994, indicating her age to be only four years and eight months at the time of the commission of the crime on July 2, 1999. As such, carnal knowledge of her by Villaflores would constitute statutory rape.

We have often conceded the difficulty of proving the commission of rape when only the victim is left to testify on the circumstances of its commission. The difficulty heightens and complicates when the crime is rape with homicide, because there may usually be no living witnesses if the rape victim is herself killed. Yet, the situation is not always hopeless for the State, for the Rules of Court also allows circumstantial evidence to establish the commission of the crime as well as the identity of the culprit.[21] Direct evidence proves a fact in issue directly without any reasoning or inferences being drawn on the part of the factfinder; in contrast, circumstantial evidence indirectly proves a fact in issue, such that the factfinder must draw an inference or reason from circumstantial evidence.[22] To be clear, then, circumstantial evidence may be resorted to when to insist on direct testimony would ultimately lead to setting a felon free.[23]

The Rules of Court makes no distinction between direct evidence of a fact and evidence of circumstances from which the existence of a fact may be inferred; hence, no greater degree of certainty is required when the evidence is circumstantial than when it is direct. In either case, the trier of fact must be convinced beyond a reasonable doubt of the guilt of the accused.[24] Nor has the quantity of circumstances sufficient to convict an accused been fixed as to be reduced into some definite standard to be followed in every instance. Thus, the Court said in *People v. Modesto*: [25]

The standard postulated by this Court in the appreciation of circumstantial evidence is well set out in the following passage from *People vs. Ludday*: [26] "No general rule can be laid down as to the quantity of circumstantial evidence which in any case will suffice. All the circumstances proved must be consistent with each other, consistent with the hypothesis that the accused is guilty, and at the same time inconsistent with the hypothesis that he is innocent, and with every other rational hypothesis except that of guilt."

Section 4, Rule 133, of the Rules of Court specifies when circumstantial evidence is sufficient for conviction, viz:

Section 4. Circumstantial evidence, when sufficient. - Circumstantial evidence is sufficient for conviction if:

- (a) There is more than one circumstance;
- (b) The facts from which the inferences are derived are proven; and
- (c) The combination of all the circumstances is such as to produce a conviction beyond reasonable doubt. (5)

In resolving to convict Villaflores, both the RTC and the CA considered several circumstances, which when "appreciated together and not piece by piece," according to the CA, [27] were seen as "strands which create a pattern when interwoven," and formed an unbroken chain that led to the reasonable conclusion that Villaflores, to the exclusion of all others, was guilty of rape with homicide.

We concur with the RTC and the CA.

The duly established circumstances we have considered are the following. Firstly, Aldrin Bautista and Jovie Solidum saw Villaflores holding Marita by the hand (*akay-akay*) at around 10:00 am on July 2, 1999, [28] leading the child through the alley going towards the direction of his house about 6 houses away from the victim's

house.[29] Secondly, Marita went missing after that and remained missing until the discovery of her lifeless body on the following day.[30] Thirdly, Solidum passed by Villaflores' house at about 3:00 pm of July 2, 1999 and heard the crying and moaning (umuungol) of a child coming from inside.[31] Fourthly, at about 7:00 pm of July 2, 1999 Solidum saw Villaflores coming from his house carrying a yellow sack that appeared to be heavy and going towards the abandoned house where the child's lifeless body was later found.[32] Fifthly, Manito, the father of Marita, identified the yellow sack as the same yellow sack that covered the head of his daughter (nakapalupot sa ulo) at the time he discovered her body;[33] Manito also mentioned that a blue sack covered her body.[34] Sixthly, a hidden pathway existed between the abandoned house where Marita's body was found and Villaflores' house, because his house had a rear exit that enabled access to the abandoned house without having to pass any other houses.[35] This indicated Villaflores' familiarity and access to the abandoned house. Seventhly, several pieces of evidence recovered from the abandoned house, like the white rope around the victim's neck and the yellow sack, were traced to Villaflores. The white rope was the same rope tied to the door of his house,[36] and the yellow sack was a wall-covering for his toilet.[37] Eighthly, the medico-legal findings showed that Marita had died from asphyxiation by strangulation, which cause of death was consistent with the ligature marks on her neck and the multiple injuries including abrasions, hematomas, contusions and punctured wounds. Ninthly, Marita sustained multiple deep fresh hymenal lacerations, and had fresh blood from her genitalia. The vaginal and periurethral smears taken from her body tested positive for spermatozoa.[38] And, tenthly, the body of Marita was already in the second stage of flaccidity at the time of the autopsy of her cadaver at 8 pm of July 3, 1999. The medico-legal findings indicated that such stage of flaccidity confirmed that she had been dead for more than 24 hours, or at the latest by 9 pm of July 2, 1999.

These circumstances were links in an unbroken chain whose totality has brought to us a moral certainty of the guilt of Villaflores for rape with homicide. As to the rape, Marita was found to have suffered multiple deep fresh hymenal lacerations, injuries that Dr. Jose Arnel Marquez, the medico-legal officer who had conducted the autopsy of her cadaver on July 3, 1999, attributed to the insertion of a blunt object like a human penis. The fact that the vaginal and periurethral smears taken from Marita tested positive for spermatozoa confirmed that the blunt object was an adult human penis. As to the homicide, her death was shown to be caused by strangulation with a rope, and the time of death as determined by the medico-legal findings was consistent with the recollection of Solidum of seeing Villaflores going towards the abandoned house at around 7 pm of July 2, 1999 carrying the yellow sack that was later on found to cover Marita's head. Anent the identification of Villaflores as the culprit, the testimonies of Solidum and Bautista attesting to Villaflores as the person they had seen holding Marita by the hand going towards the abandoned house before the victim went missing, the hearing by Solidum of moaning and crying of a child from within Villaflores' house, and the tracing to Villaflores of the yellow sack and the white rope found at the crime scene sufficiently linked Villaflores to the crime.

We note that the RTC and the CA disbelieved the exculpatory testimony of Borcillo. They justifiably did so. For one, after he stated during direct examination that Villaflores was only his neighbor,[39] it soon came to be revealed during his cross-examination that he was really a son of Villaflores' own sister.[40] Borcillo might have concealed their close blood relationship to bolster the credibility of his testimony favoring his uncle, but we cannot tolerate his blatant attempt to mislead the courts about a fact relevant to the correct adjudication of guilt or innocence. Borcillo deserved no credence as a witness. Also, Borcillo's implicating Solidum and Bautista in the crime, and exculpatory his uncle were justly met with skepticism. Had Borcillo's incrimination of Solidum and Bautista been factually true, Villaflores could have easily validated his alibi of having run an errand for an aunt about a kilometer away from the place of the crime on that morning of July 2, 1999. Yet, the alibi could not stand, both because the alleged aunt did not even come forward to substantiate the alibi, and because the Defense did not demonstrate the physical impossibility for Villaflores to be at the place where the crime was committed at the

time it was committed.

The CA reduced the penalty of death prescribed by the RTC to reclusion perpetua in consideration of the intervening enactment on June 24,

2006 of Republic Act No. 9346.[41] Nonetheless, we have also to specify in the judgment that Villaflores shall not be eligible for parole, considering that Section 3 of Republic Act No. 9346 expressly holds persons “whose sentences will be reduced to reclusion perpetua by reason of this Act” not eligible for parole under Act No. 4103 (Indeterminate Sentence Law), as amended.

The awards of damages allowed by the CA are proper. However, we add exemplary damages to take into account the fact that Marita was below seven years of age at the time of the commission of the rape with homicide. Article 266-B, Revised Penal Code has expressly declared such tender age of the victim as an aggravating circumstance in rape, to wit:

Article 266-B. Penalties. – xxx.

xxx

The death penalty shall also be imposed if the crime of rape is committed with any of the following aggravating/qualifying circumstances:

xxx

5) When the victim is a child below seven (7) years old;

xxx

Pursuant to the Civil Code, exemplary damages may be imposed in a criminal case as part of the civil liability “when the crime was committed with one or more aggravating circumstances.”[42] The Civil Code permits such award “by way of example or correction for the public good, in addition to the moral, temperate, liquidated or compensatory damages.”[43] Granting exemplary damages is not dependent on whether the aggravating circumstance is actually appreciated or not to increase the penalty. As such, the Court recognizes the entitlement of the heirs of Marita to exemplary damages as a way of correction for the public good. For the purpose, P30,000.00 is reasonable and proper as exemplary damages,[44] for a lesser amount would not serve genuine exemplarity.

WHEREFORE, the Court AFFIRMS the decision promulgated by the Court of Appeals on February 22, 2007 finding and pronouncing EDMUNDO VILLAFLORES y OLANO guilty of rape with homicide, subject to the following MODIFICATIONS, namely: (a) that he shall suffer reclusion perpetua without eligibility for parole under Act No. 4103 (Indeterminate Sentence Law), as amended; (b) that he shall pay to the heirs of the victim the sum of P30,000.00 as exemplary damages, in addition to the damages awarded by the Court of Appeals; and (c) that all the awards for damages shall bear interest of 6% per annum reckoned from the finality of this decision.

The accused shall pay the costs of suit.

SO ORDERED.

Corona, C.J., (Chairperson), Leonardo-De Castro, Del Castillo, and Villarama, Jr., JJ., concur.

[1] Rollo, pp. 4-33; penned by Associate Justice Monina Arevalo-Zenarosa (retired), with Associate Justice Marina L. Buzon (retired) and Associate Justice Edgardo F. Sundiam (deceased) concurring.

[2] The real names of the victim and members of her immediate family are withheld pursuant to Republic Act No.

7610 (Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act) and Republic Act No. 9262 (Anti-Violence Against Women and Their Children Act of 2004). In place of the real names, fictitious names are used. See *People v. Cabalquinto*, G.R. No. 167693, September 19, 2006, 502 SCRA 419.

[3] Records, p. 285 (Certificate of Live Birth, Exhibit K).

[4] *Id.*, p. 278 (Certificate of Death, Exhibit E).

[5] TSN, August 3, 2000, p. 14.

[6] TSN, December 16, 1999, p. 5.

[7] *Id.*, p. 6.

[8] *Id.*, p. 7.

[9] *Id.*, p. 10.

[10] *Id.*, p. 12.

[11] *Id.*, p. 11.

[12] *Id.*, p. 13.

[13] TSN, February 17, 2000, p. 11.

[14] *Id.*, p. 17.

[15] Records, p. 1.

[16] *Id.*, pp. 11-12.

[17] Records, pp. 345-368.

[18] *Supra*, note 1.

[19] Record of the Senate (10th Congress), Individual Amendments – S. No. 950, Volume I, No. 8, August 7, 1996, pp. 254-255.

[20] See *People v. Nanas*, G.R. No. 137299, August 21, 2001, 363 SCRA 452, 464.

[21] *Id.*

[22] *People v. Ramos*, G.R. No. 104497, January 18, 1995, 240 SCRA 191, 198; citing Gardner, *Criminal Evidence, Principles, Cases and Readings*, West Publishing Co., 1978 ed., p. 124.

[23] *Amora v. People*, G.R. No. 154466, January 28, 2008, 542 SCRA 485, 491.

[24] *People v. Ramos*, *supra*, note 22; citing *Robinson v. State*, 18 Md. App. 678, 308 A2d 734 (1973).

[25] No. L-25484, September 21, 1968, 25 SCRA 36, 41.

[26] 61 Phil. 216, 221-222 (1935).

[27] Rollo, p. 28.

[28] TSN, October 14, 1999, p. 5; and November 4, 1999, pp. 5-6.

[29] TSN, December 3, 2001, p. 7.

[30] TSN, December 16, 1999, pp. 5-6.

[31] TSN, December 3, 2001, pp. 5, 16.

[32] TSN, November 4, 1999, pp. 8-9.

[33] TSN, May 24, 2001, p. 5.

[34] TSN, December 13, 2000, p. 20.

[35] TSN, February 17, 2000, p. 11.

[36] *Id.*, p. 21.

[37] *Id.*, p. 20.

[38] TSN, February 10, 2000, pp. 5-6.

[39] TSN, September 8, 2001, p. 3.

[40] *Id.*, p. 16.

[41] An Act Prohibiting the Imposition of Death Penalty in the Philippines, repealing Republic Act 8177 otherwise known as the Act Designating Death by Lethal Injection, Republic Act 7659 otherwise known as the Death Penalty Law and All Other Laws, Executive Orders and Decrees.

[42] Article 2230, Civil Code.

[43] Article 2229, Civil Code.

[44] See *People v. Dela Cruz*, G.R. No. 188353, February 16, 2010, 612 SCRA 738, 752, *People v. Del Rosario*, G.R. No. 189580, February 9, 2011, 642 SCRA 625, 637-638.

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