

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. FERDINAND FLORENDO Y CAWILI, ACCUSED-APPELLANT.

G.R. Nos. 106100-01. March 02, 1994

Ponente: PADILLA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-106100-01/>

PADILLA, J.:

Accused-appellant Ferdinand Florendo y Cawili was charged with separate crimes of Rape and Robbery on 2 January 1992.

The verified complaint for rape reads as follows:

"That on or about the 14th day of October, 1991, in Quezon City, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs and by means of force and intimidation, did then and there wilfully, unlawfully and feloniously have sexual intercourse with the undersigned MYRNA REYTIRAN y SANTIAGO without her consent and against her will, to her damage and prejudice in such amount as may (be) awarded to her under the provisions of the New Civil Code.

Contrary to Law."^[1]

The information for robbery reads as follows:

"That on or about the 14th day of October, 1991, in Quezon City, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with intent to gain, by means of violence and intimidation against person, did then and there wilfully, unlawfully and feloniously rob MYRNA REYTIRAN y SANTIAGO, in the following manner, to wit: the said accused poked a mason's tool (Kutsara) at said complainant and divested her (of) cash money in the amount of P90.00. Philippine Currency, to the damage and prejudice of said offended party in the amount aforementioned and in such amount as may be awarded to her under the provisions of the New Civil Code.

Contrary to Law."^[2]

The accused-appellant was arraigned on 20 January 1992 where he pleaded not guilty to both charges.

After trial, the Regional Trial Court, Branch 97, Quezon City, rendered a decision* dated 24 March 1992, the dispositive part of which, reads:

"In view of the foregoing, the Court declares accused FERDINAND FLORENDO y CAWILI, GUILTY of the crimes respectively charged in the Complaint for rape in accordance with Art. 335, R.P.C. and charged in the Information for robbery in accordance with Art. 294 par. 5, R.P.C., and he is hereby sentenced to life imprisonment for rape and a prison term of four (4) years in its minimum period to eight (8) years in its maximum period for the robbery, and to indemnify the victim in the amount of P90.00 as actual damages and P10,000.00 as moral damages and to pay costs."^[3]

The accused-appellant assigns the following errors to the trial court:

"x x x IN FINDING THAT THERE WAS POSITIVE IDENTIFICATION OF ACCUSED-APPELLANT AS THE MALEFACTOR.

"x x x IN FINDING THAT THE MALEFACTOR RAPED THE VICTIM."[4]

The events which led to the filing of the complaint and information are as follows:

On 14 October 1991 at around six o'clock in the evening, complainant Myrna Reytiran, then on her ninth (9th) month of pregnancy, while walking on her way home, passed by a waiting shed near the People's Park at the intersection of North Avenue and Epifanio delos Santos Avenue (EDSA) in Quezon City. A man poked a mason's spoon on her stomach and forced her into a public comfort room. Inside the comfort room, the man stripped her of her clothes and forced her to lie down while still poking the mason's spoon at her. She tried to resist but the man overpowered her and was able to forcibly have sexual intercourse with her.

After consummating the criminal act, the man dragged her to one side and, still poking the mason's spoon at her, took her money amounting to ninety pesos (P90.00) and left. After her attacker had left, Myrna went outside to ask for help from a police patrol which happened to pass by. She informed the police officers that she had been raped and robbed. She was brought to the Baler Police Station where she was asked to execute a sworn statement. She was later brought to Camp Crame for medical examination.

On 27 December 1991, Myrna's brother-in-law fetched her from their house and brought her to the barangay outpost where accused-appellant Ferdinand Florendo was being questioned in connection with a complaint of an elderly woman who alleged that Florendo had molested her. Complainant Myrna Reytiran then pointed to Ferdinand Florendo as the person who had sexually attacked her on 14 October 1991.

They were then brought to the Baler Police Station where Myrna Reytiran executed another sworn statement, this time identifying the accused-appellant Ferdinand Florendo as her attacker.

There are three (3) settled principles to guide an appellate court in reviewing the evidence in rape cases namely: 1) an accusation for rape can be made with facility; it is difficult to prove but more difficult for the person accused though innocent, to disprove; 2) in view of the intrinsic nature of the crime of rape where two (2) persons are usually involved, the testimony of the complainant must be scrutinized with extreme caution; and 3) the evidence for the prosecution must stand or fall on its own merits and cannot be allowed to draw strength from the weakness of the evidence for the defense.[5]

In his appeal to this Court, accused-appellant Ferdinand Florendo y Cawili raises the following issues which allegedly warrant his acquittal:

1. The lone testimony of the victim and the manner by which he was pointed to as the malefactor more than two (2) months after the incident, are susceptible to attack.

Accused-appellant contends that the identification made by Myrna Reytiran "is irregular because the method used was contrary to the accepted principles of scientific crime detection" because there was identification without accused-appellant being placed in a police line-up.[6] The case of *People vs. Cruz*,[7] cited by accused-appellant is not applicable to the case at bench. In *Cruz*, the accused was acquitted not on the sole basis of a lack of police line-up but also on a finding that "The manner by which [the witnesses] were made to identify the accused at the police station was pointedly suggestive, generated confidence where there was none, activated visual imagination, and, all told, subverted their reliability as witnesses." In *People vs. Espiritu*,[8] this Court ruled that there is no law requiring a police line-up as essential to a proper identification. In the case at bench, the identification made of the accused-appellant by the victim was spontaneous and positive.

Neither does the lapse of a period of more than two (2) months before the victim identified the accused-appellant warrant a reversal of accused-appellant's conviction. The identification made by the victim, Myrna Reytiran, was clear, positive and independently made. It is extremely doubtful if a rape victim would ever forget the face of her assailant. The alleged inaccuracy in the victim's statement executed right after the incident describing the eyes of her attacker to be round rather than chinky is correctly explain-ed by the Solicitor General to have been due to the shock of the harrowing experience. Moreover, the positive identifica-tion made by the victim on 27 December 1991 and again at the trial more than made up for the inaccuracy. The trial court gave credence to the testimony of the victim, Myrna Reytiran and absent any special and compelling circumstances this Court respects the finding of the trial court on the credibility of witnesses.

2. Accused-appellant alleges that the prosecution's failure to present the physician who examined the victim and the fact that the medical certificate indicated that no laceration was sustained by the victim's genital organ, negate the commission of the crime of rape.

In *People vs. Rabanes*,^[9] this Court reiterated the long settled rule that when a woman says that she has been raped, she says in effect all that is necessary to show that she had been raped and if her testimony meets the test of credi-bility, the accused may be convicted on the basis of the victim's testimony. Furthermore, the Court in said *Rabanes* case, stated that the absence of external signs or physical injuries does not negate the commission of the crime of rape and neither is a medical certificate a requirement for prosecution and conviction.

In the present case, the trial court upheld the lone testimony of the victim to support conviction of the accused-appellant. A careful review of the records shows that the victim's testimony was clear, straightforward and at times even emotional to the extent that the records indicate that the victim cried during certain parts of her testimony.

The foregoing abundantly establish the guilt of accused-appellant of rape. However, the trial court erred in imposing the sentence of life imprisonment for the crime.

The correct penalty is reclusion perpetua. The two (2) penalties are not synonymous nor interchangeable and the Court has repeatedly reminded judges to properly impose the penalties of life imprisonment and reclusion perpetua.

The civil indemnity for rape is, as a rule, Thirty Thousand Pesos (P30,000.00) but considering the extraordina-ry circumstances in this case, where the victim was on her ninth (9th) month of pregnancy when she was raped, the cruelty of the sexual assault is quite evident. The indemnity is increased to Fifty Thousand Pesos (P50,000.00).

Regarding the charge of robbery, the Solicitor General correctly states that only the crime of theft was committed since the records are bereft of any showing that force and/or intimidation was employed by the accused-appellant in taking the victim's money. What is clear is that the accused-appellant picked up the victim's money that had scattered on the floor.

WHEREFORE, the conviction for rape imposed by the lower court is hereby **AFFIRMED** with the modification that the accused-appellant Ferdinand Florendo is sentenced to reclusion perpetua and ordered to pay the victim Myrna Reytiran the amount of Fifty Thousand Pesos (P50,000.00).

The conviction for robbery is modified and the accused-appellant Ferdinand Florendo is found guilty of theft and sentenced to a penalty of Two (2) to Six (6) Months of Arresto Mayor and further ordered to return to the victim the amount of Ninety Pesos (P90.00) taken from her. Costs against the appellant.

SO ORDERED.

Narvasa, C.J., (Chairman), Regalado, Nocon, and Puno, JJ., concur.

[1] Rollo, p. 4

[2] Rollo, p. 3

* Penned by Judge Oscar L. Leviste

[3] Rollo, p. 16

[4] Rollo, p. 31

[5] People vs. dela Cruz, G.R. Nos. 92442-43, 23 March 1992, 207 SCRA 449

[6] Rollo, p. 36

[7] G.R. No. L-24424, 30 March 1970, 32 SCRA 181

[8] G.R. No. 80406, 20 November 1990, 191 SCRA 503

[9] G.R. No. 93709, 8 May 1992, 208 SCRA 768

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.