

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. TEOFILO SERANILLA Y FRANCISCO, LEO FERRER Y PADILLA, EDMUNDO HENTOLIA Y RETAA, DANIEL ALMORIN Y BALBIN AND CARLOS CORTEZ, JR.,...

G.R. Nos. 113022-24. December 15, 2000

Ponente: PARDO, J.

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PARDO, J.:

The case is an appeal from the decision of the Regional Trial Court, San Mateo, Rizal, Branch 77[1] convicting accused Teofilo Seranilla y Francisco, Leo Ferrer y Padilla, Edmundo Hentolia y Retaa, Daniel Almorin y Balbin and Carlos Cortez, Jr., of four counts of rape with homicide, sentencing each of them to four penalties of reclusion perpetua, and to jointly and severally pay the heirs of the victim, Ma. Victoria P. Santos, the amount of fifty thousand (P50,000.00) pesos as indemnity.

On October 6, 1992, Assistant Prosecutor of Rizal Romulo I. Nañola filed with the Regional Trial Court, San Mateo, Rizal, four informations charging Teofilo Seranilla y Francisco, Leo Ferrer y Padilla, Edmundo Hentolia y Retaa, Daniel Almorin y Balbin and Carlos Cortez, Jr. with rape with homicide.[2]

The information in each of the four cases reads as follows:

Criminal Case No. 1945

"That on or about the 20[th] day of September 1992 in the Municipality of San Mateo, Province of Rizal, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together and mutually helping and aiding one another, by means of threats, force and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of the victim MARIA VICTORIA P. SANTOS against her will and consent; accused DANIEL ALMORIN Y BALBIN committed rape by direct execution while the other four (4) Leo Ferrer y Padilla, Teofilo Seranilla y Francisco, Edmundo Hentolia y Retaa, and Carlos Cortez, Jr., participated by acts without which the commission of rape could not have been accomplished, and by reason or on the occasion of the rape, a homicide was committed, that is, victim MA. VICTORIA SANTOS was killed by the accused.

Contrary to law."[3]

Criminal Case No. 1946

"That on or about the 20[th] day of September 1992 in the Municipality of San Mateo, Province of Rizal, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together and mutually helping and aiding one another, by means of threats, force and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of the victim MARIA VICTORIA P. SANTOS against her will and consent; accused EDMUNDO HENTOLIA y RETAA committed rape by direct execution while the other four (4) Teofilo Seranilla y Francisco, Leo Ferrer y Padilla, Daniel Almorin y Balbin and Carlos Cortez, Jr., participated by acts without which the commission of rape

could not have been accomplished, and by reason or on the occasion of the rape, a homicide was committed, that is, victim MA. VICTORIA SANTOS was killed by the accused.

Contrary to law."[4]

Criminal Case No. 1947

"That on or about the 20[th] day of September 1992 in the Municipality of San Mateo, Province of Rizal, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together and mutually helping and aiding one another, by means of threats, force and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of the victim MARIA VICTORIA P. SANTOS against her will and consent; accused TEOFILO SERANILLA y FRANCISCO committed rape by direct execution while the other four (4) Leo Ferrer y Padilla, Edmundo Hentolia y Retaa, Daniel Almorin y Balbin and Carlos Cortez, Jr., participated by acts without which the commission of rape could not have been accomplished, and by reason or on the occasion of the rape, a homicide was committed, that is, victim MA. VICTORIA SANTOS was killed by the accused.

Contrary to law."[5]

Criminal Case No. 1948

"That on or about the 20[th] day of September 1992 in the Municipality of San Mateo, Province of Rizal, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together and mutually helping and aiding one another, by means of threats, force and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of the victim MARIA VICTORIA P. SANTOS against her will and consent; accused LEO FERRER y PADILLA committed rape by direct execution while the other four (4) Teofilo Seranilla y Francisco, Edmundo Hentolia y Retaa, Daniel Almorin y Balbin and Carlos Cortez, Jr., participated by acts without which the commission of rape could not have been accomplished, and by reason or on the occasion of the rape, a homicide was committed, that is, victim MA. VICTORIA SANTOS was killed by the accused.

Contrary to law."[6]

At the arraignment on November 3, 1992, each of the accused pleaded not guilty.[7] Joint trial ensued.

On September 20, 1992, Vicky Santos, a cashier of SM Megamall, informed her mother that she would be late in coming home from work because she had to attend a meeting. Her mother waited for her the whole night until three days later, but Vicky never returned.

Five days later, on September 25, 1992, the lifeless naked body of Vicky Santos was found on a grassy area in Paraiso Street, Barangay Ampid, San Mateo, Rizal, in an advanced state of decomposition. Her skin was peeling off, her skeletal head tilted to one side and bore an anguished expression, and her arms and legs were spread apart. Her neck had been slashed.

Zenaida Santos, mother of the victim, identified Vicky's body through her ring and false teeth. Vicky was only twenty years old when she died and left a one-year-old daughter behind.

Policemen photographed the cadaver and combed the area for evidence. They found the maong pants of the victim, one of her shoes, her underwear, and a t-shirt near the body of the victim.

The same day, Col. Dario L. Gajardo, a physician, conducted a post-mortem examination of the body of Vicky Santos, upon request of the San Mateo Police. He concluded that the victim died from cardio-respiratory arrest due to shock and hemorrhage secondary to incised wound in the neck. The incised wound of the victim extended three meters from the left portion of her neck to the right side. Other injuries on the body of the victim could not

be identified because the skin, in its advanced state of decomposition, was peeling off. The medico-legal expert also noted that the visceral organs of her body were autolyzed or in a liquefied state.[8]

On September 25, 1992, policemen arrested Teofilo Seranilla, Leo Ferrer, Daniel Almorin, and Edmundo Henatolia. On the same day, policemen brought Carlos Cortez, Jr. to the police station for questioning regarding his possible involvement in the killing of Vicky Santos. After being informed of the gravity of the offense, Carlos Cortez, Jr. executed a sworn statement revealing the events that transpired on September 20, 1992, and implicating his friends in the crime.

According to Carlos Cortez, Jr., on September 20, 1992, at around 11:30 in the evening, he was drinking liquor with accused Teofilo Seranilla, Leo Ferrer, Daniel Almorin, and Edmundo Hentolia near a barbecue stand in Paraiso Street, Barangay Ampid, San Mateo, Rizal. It was raining a little and they were enjoying several bottles of gin under the shelter of the barbecue stand.

Suddenly, they noticed Vicky Santos walking by. Accused Carlos Cortez, Jr. knew Vicky for two years already, and described her as beautiful, fair-skinned and slim. Accused Teofilo and Leo blocked the way of Vicky. Without warning, Leo hit Vicky on the stomach. Vicky lost consciousness and fell to the ground. Teofilo and Leo carried her to a grassy area nearby. Carlos, Daniel, and Edmundo followed. Teofilo removed the shirt of Vicky and took off her pants and panty. Then, he spread her legs. The other accused took different positions, holding Vicky in different parts of her body so that she would not be able to escape. Teofilo placed himself on top of the unconscious Vicky and had sexual intercourse with her. About five minutes later, Teofilo stepped aside and held the thighs of Vicky while Leo took his turn in raping her. At that point, Vicky momentarily regained consciousness, but Leo punched her in the stomach, causing her to lose consciousness again. Leo also succeeded in having sexual intercourse with Vicky. After about five minutes, Daniel, who was holding the left arm of Vicky, uttered, "Ako naman." Leo obliged. Daniel spread the thighs of Vicky and propped himself on top of her. Teofilo meanwhile held the left arm of Vicky while Edmundo held her right arm. Daniel likewise satisfied his lust and thereafter, allowed Edmundo to take his turn. Carlos Cortez, Jr., watched but left before Edmundo finished having intercourse with Vicky.[9]

Accused Teofilo Seranilla, Leo Ferrer, Daniel Almorin, and Edmundo Henatolia denied any participation in the crimes charged.

For his part, accused Teofilo Seranilla testified that on September 20, 1992, he worked at the Fortune Integrated Textile Mills, Rodriguez, Rizal from 2:00 in the afternoon up to 10:00 in the evening. He arrived at San Mateo, Rizal at around 10:35 in the evening. He did not see anyone along the road to his house because it was raining and the stores were closed. He presented his time card at work in order to prove his alibi. He admitted that he knew all his co-accused because they would drink together on occasion. He was arrested on September 25, 1992, at around 12:00 midnight.[10]

Accused Edmundo Hentolia testified that in the evening of September 20, 1992, he was sleeping in his house. He had a wounded leg that day which prevented him from going to work in Bulacan. He admitted that he knew all his co-accused, as they would often drink together, but vehemently denied that he was drinking with co-accused near the barbecue stand that night, saying that he would usually drink with them at the Nawasa Compound near his place. He stated that the place where the body of Vicky Santos was found was thirty (30) meters from his house. He knew the victim because she was his neighbor. He was arrested at 9:00 in the evening of September 25, 1992.[11]

Accused Daniel Almorin testified that on September 20, 1992, he was at the store of his mother and helping his sister. At around 10:00 in the evening, he fetched water and then he slept at home. He admitted that he knew his

co-accused but denied having a drinking spree with them that night. However, he was drinking that night of September 25, 1992, when he was arrested together with accused Edmundo Hentolia.[12]

Accused Leo Ferrer testified that at around 10:00 in the evening of September 20, 1992, he was at home in Resurrecion Subdivision, Sta. Ana, San Mateo, Rizal, around four hundred (400) meters from the place where the body of Vicky Santos was found. He admitted that he knew all his co-accused and that they were his drinking mates.[13]

Prosecution witness Ronaldo Franco testified that he saw accused-appellants enjoying a drinking spree on the evening of September 20, 1992 at Paraiso Street, Ampid, San Mateo, Rizal. He left the area at around 10:00 in the evening and noticed that accused-appellants were still drinking.[14]

On January 20, 1993, accused Carlos Cortez, Jr. escaped from confinement.[15]

On August 9, 1993, the trial court rendered a joint decision, the dispositive portion of which states:

"WHEREFORE, this Court finds all the accused GUILTY beyond reasonable doubt of the crime of Rape with Homicide. This Court in Criminal Case No. 1945, sentences the accused Teofilo Seranilla y Francisco, Leo Ferrer y Padilla, Edmundo Hentolia y Retaa, Daniel Almorin y Balbin and Carlos Cortez, Jr. the penalty of reclusion perpetua.

"This Court in Criminal Case No. 1946, sentences the accused Teofilo Seranilla y Francisco, Leo Ferrer y Padilla, Edmundo Hentolia y Retaa, Daniel Almorin y Balbin and Carlos Cortez, Jr. the penalty of reclusion perpetua.

"This Court in Criminal Case No. 1947, sentences the accused Teofilo Seranilla y Francisco, Leo Ferrer y Padilla, Edmundo Hentolia y Retaa, Daniel Almorin y Balbin and Carlos Cortez, Jr. the penalty of reclusion perpetua.

"This Court in Criminal Case No. 1948, sentences the accused Teofilo Seranilla y Francisco, Leo Ferrer y Padilla, Edmundo Hentolia y Retaa, Daniel Almorin y Balbin and Carlos Cortez, Jr. the penalty of reclusion perpetua. All the accused should jointly and severally indemnify the heirs of Ma. Victoria P. Santos the sum of Fifty Thousand Pesos (P50,000.00).

"SO ORDERED.

"GIVEN IN CHAMBER, this 9[th] day of August, 1993, in San Mateo, Rizal.

"FRANCISCO C. RODRIGUEZ, JR.
Judge"[16]

On December 21, 1994, Teofilo Seranilla, Leo Ferrer, Edmundo Hentolia, and Daniel Almorin jointly filed a notice of appeal to this Court.[17]

The appeal lacks merit.

The prosecution of the complex crime of rape with homicide is particularly difficult since the victim can no longer testify against the perpetrator of the crime.[18]

In this case, the advanced state of decomposition of the body of the victim rendered difficult any conclusive finding of the fact of rape. The medico-legal expert noted that the vagina and other vital organs of the victim were autolyzed or were in a liquefied state. Moreover, there were no eyewitnesses to the killing itself pointing to accused-appellants as the perpetrators of the crime.

However, the prosecution presented accused Carlos Cortez, Jr. as an eyewitness to the rape of the victim. The

issue, therefore, boils down to the credibility of witnesses.

Prosecution witness Carlos Cortez, Jr. gave an eyewitness account of the rape that occurred that fateful night. He testified in a categorical, candid, spontaneous and frank manner. Even on cross-examination, he remained unshaken and credible. He not only implicated himself as he failed to do anything to stop the crime being committed, he likewise implicated his drinking friends to the dastardly act against an innocent passerby. His testimony, being positive and credible, sufficed to secure the conviction of accused-appellants.

Carlos Cortez, Jr. also revealed the manner by which accused-appellants acted in concert pursuant to the same objective, indicating a conspiracy among them. They performed specific acts with such coordination that would indicate a common purpose or design.[19] While one accused-appellant would have sexual intercourse with the victim, the others would keep her at bay by holding her thighs or arms.

Regarding the killing of the victim, circumstantial evidence points to accused-appellants as the perpetrators of the killing of the victim. Circumstantial evidence is sufficient to sustain a 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 circumstances is such as to produce conviction beyond reasonable doubt.[20] The following circumstances, when taken together, point to accused-appellants as the culprits:

- 1) Accused-appellants admitted that they all knew each other and would drink together.
- 2) Accused-appellants were together immediately preceding the incident and at the scene of the crime on the night itself.
- 3) Carlos Cortez, Jr. gave an eyewitness account of how accused-appellants took turns in having sexual intercourse with the unconscious victim.
- 4) The position of the naked body of the victim indicated she had been raped.
- 5) The body of the victim was found in a grassy area near the place where accused-appellants were last seen.
- 6) Accused-appellant Teofilo Seranilla admitted that there were no other persons in the area, as it was slightly raining that night and it was late in the evening.
- 7) The medico-legal expert estimated the time of death of the victim to be about five days prior to date of examination, which coincided with the date of the commission of the offense on September 20, 1992.

Accused-appellants, however, interposed an alibi as their defense. Accused-appellant Daniel Almorin alleged he was at the store of his mother and helping his sister, but did not present other evidence to corroborate such allegation. Accused-appellant Teofilo Seranilla stated that he arrived at San Mateo, Rizal at around 10:35, but failed to corroborate his statement that he went home after that and did not linger in the area of the crime scene. Accused-appellant Edmundo Hentolia averred that he was at home that night, thirty meters away from the scene of the crime. Accused-appellant Leo Ferrer alleged that he was at home, but such allegation was likewise uncorroborated.

Aside from being uncorroborated, the various places which accused-appellants claimed they were staying were not of such distance as to preclude them from being at the place of the incident at the probable time of death of the victim. In order for alibi to prevail, the defense must establish by positive, clear and satisfactory proof that it was physically impossible for the accused to have been at the scene of the crime at the time of its commission, and not merely that the accused was somewhere else.[21]

Furthermore, the testimony of Rolando Franco adequately established the presence of accused-appellants at the

scene of the crime immediately before the incident. Franco saw accused-appellants drinking in the vicinity of the scene of the crime on the night in question.

Also, prosecution witness Carlos Cortez, Jr. positively identified accused-appellants. Alibi cannot prevail over the positive testimony of prosecution witnesses and their clear identification of the accused-appellants as the perpetrators of the crime.[22]

Consequently, the trial court did not err in convicting accused-appellants of rape with homicide. Considering that each of the accused-appellant was shown to have conspired and mutually helped each other in committing the crime, and that the victim was killed on the occasion thereof, each shall be criminally liable for each count of rape with homicide.[23]

Under Article 335 of the Revised Penal Code in effect at the time of the commission of the crime, the penalty for rape with homicide was death. By reason of the constitutional prohibition on the imposition of the death penalty at that time, the trial court correctly meted out four penalties of reclusion perpetua on each accused-appellant.

As to their civil indemnity, we note that the trial court merely awarded the amount of fifty thousand (P50,000.00) pesos. This amount must be increased to one hundred thousand (P100,000.00) pesos for each count, in line with current jurisprudence involving cases of rape with homicide.[24] In addition, the Court has ruled that the amount of P50,000.00 as moral damages must be awarded to the victims of rape without need of proof nor even pleading the basis thereof.[25]

WHEREFORE, the Court AFFIRMS with modification the decision of the Regional Trial Court, San Mateo, Rizal, Branch 77 convicting Teofilo Seranilla y Francisco, Leo Ferrer y Padilla, Edmundo Hentolia y Retaa, Daniel Almorin y Balbin and Carlos Cortez, Jr., of four counts of rape with homicide, sentencing each of them to four penalties of reclusion perpetua, with accessory penalties of the law, and to solidarily pay the heirs of the victim, Ma. Victoria P. Santos, the amount of one hundred thousand (P100,000.00) pesos as civil indemnity and fifty thousand (P50,000.00) pesos as moral damages for each count of rape with homicide.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Puno, Kapunan, and Ynares-Santiago, JJ., concur.

[1] In Criminal Case Nos. 1945-48, Judge Francisco C. Rodriguez, Jr., presiding.

[2] Docketed as Criminal Cases Nos. 1945-49, the four cases were raffled to Branch 77 of the same court.

[3] RTC Record, Criminal Case No. 1945, p. 1.

[4] RTC Record, Criminal Case No. 1946, p. 1.

[5] RTC Record, Criminal Case No. 1947, p. 1.

[6] RTC Record, Criminal Case No. 1948, p. 1.

[7] Certificate of Arraignment, RTC Record, Criminal Case No. 1945, p. 18; Certificate of Arraignment, RTC Record, Criminal Case No. 1946, p. 13; Certificate of Arraignment, RTC Record, Criminal Case No. 1947, p. 10; Certificate of Arraignment, RTC Record, Criminal Case No. 1948, p. 13.

[8] Testimony of Col. Dario L. Gajardo, TSN, January 19, 1993, pp. 4-11.

[9] Testimony of Carlos Cortez, Jr., TSN, December 3, 1992, pp. 3-13.

- [10] Testimony of Teofilo Seranilla, TSN, February 23, 1993, pp. 3-20.
- [11] Testimony of Edmundo Hentolia, TSN, March 9, 1993, pp. 2-16.
- [12] Testimony of Daniel Almorin, TSN, March 18, 1993, pp. 2-20.
- [13] Testimony of Leo Ferrer, TSN, March 25, 1993, pp. 3-24.
- [14] TSN, January 5, 1993, pp. 21-23.
- [15] Report dated January 20, 1993, RTC Record, Criminal Case No. 1945, p. 88.
- [16] Decision, RTC Record, Criminal Case No. 1945, pp. 118-135.
- [17] Rollo, pp. 81-95.
- [18] People v. Gallarde, G. R. No. 133025, February 17, 2000; People v. Robles, 305 SCRA 273, 281 (1999).
- [19] People v. Flores, 195 SCRA 295 (1991).
- [20] Rule 133, Section 4, Revised Rules of Court.
- [21] People v. Magana, 328 Phil. 721, 734 (1996)
- [22] People v. Mangat, 310 SCRA 101, 113 (1999).
- [23] People v. Diño, 160 SCRA 197 (1988).
- [24] People v. Laharto, G. R. Nos. 118828 & 119371, February 29, 2000; People v. Quisay, G. R. No. 106833, December 10, 1999.
- [25] People v. Ordoño, G. R. No. 132154, June 29, 2000.

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