

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. LEONIDES RANIDO, ACCUSED-APPELLANT.

G.R. Nos. 116450-51. March 31, 1998

Ponente: REGALADO, J.

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REGALADO, J.:

Accused-appellant Leonides Ranido seeks the reversal of the March 27, 1994 joint decision of the Regional Trial Court of Cagayan de Oro City, Branch 24, in Criminal Cases Nos. 93-470 and 93-2127, finding him guilty of two counts of rape. In the challenged decision, he was sentenced to suffer the penalty of reclusion perpetua for each count of rape, with the maximum period of service of sentence not to exceed 40 years pursuant to Article 70 of the Revised Penal Code, and to pay private complainant P50,000.00 as damages in the two cases, without subsidiary imprisonment in case of insolvency.[1]

The information in Criminal Case No. 93-470 alleges:

That on or about October 7, 1992 at more or less 10:30 o'clock in the morning, at Barangay Mambayaan, Balingasag, Misamis Oriental, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously, by means of force and intimidation, abuse and threats upon Marianita A. Gallogo 14 years (sic) old young woman, accused drag (sic) her to a room and with use of a knife, towel and cloth pinned her down and succeeded in having sexual intercourse with her against her will and consent.[2]

The information in Criminal Case No. 93-2127 reads as follows:

That on or about (the) 7th day of January, 1993 at more or less 5:00 o'clock in the afternoon, at Barangay Mambayaan, Balingasag, Misamis Oriental, Philippines and within the jurisdiction of this Honorable Court, (the above-named accused) did then and there willfully, unlawfully and feloniously drag the victim to the hut, pointed (sic) a knife at her and have sexual intercourse with her Marianita A. Gallogo, a woman of 14 years old (sic), against her will and consent.[3] (Words in parentheses added)

Upon arraignment, appellant pleaded not guilty to the charges and the cases were tried jointly. The prosecution presented complainant, Marianita A. Gallogo; her father, Renato Gallogo;[4] and the physician who conducted a medical examination on complainant, Dr. Angelita A. Enopia. On the other hand, the defense presented appellant Leonides Ranido, and his common-law wife, Belencita Abejuela.[5]

The evidence of the prosecution established that in the morning of October 7, 1992, complainant, then a 14-year old barrio lass who was working as a housekeeper for one Ernesto Morit,[6] was sweeping the surroundings of the house of her employer in Mambayaan, Balingasag, Misamis Oriental when appellant, who lived approximately 10 meters away,[7] suddenly appeared and pulled her towards the house of Morit. Appellant grabbed complainant's duster from the clothesline and, once inside the house, he used it to tie her hands behind her back.[8] He then led her to a bedroom upstairs, poked a knife at her and threatened to kill her.[9] Appellant made the victim lie on the bed and pulled off her short pants and underwear. He then removed his pants and underwear, lay on top of her,

sucked her breasts and forced his penis into her vagina.[10]

There were no other persons in the house at that time and complainant was terrified and unable to resist appellant. After satisfying his lust, appellant untied complainant's hands and left her in the room.[11]

Several days later, complainant and her brother were tending cows behind their family's hut when appellant approached and warned her that if she should tell her father about what occurred on October 7, 1992, he would kill them both.[12]

It was revealed during the testimony of complainant in court that on four other occasions subsequent to said occurrence, and likewise in the house of Morit, appellant forced himself upon complainant and sexually abused her.[13] In each instance, complainant and appellant were alone in the house[14] and appellant no longer bound her hands. Neither was it necessary for him to threaten her with a knife as her fear and the intimidation to which she was subjected were sufficient to restrain her from offering resistance against appellant.

In the afternoon of January 7, 1993, complainant went to a nearby river to wash clothes. On her way home at around 5:00 P.M., she was walking by the hut of appellant when he unexpectedly pulled her inside and took her into a room. There, he raised her duster and pulled down her underwear, after which he removed his own pants and underwear, lay on top of her, and once again defiled her.[15] Appellant threatened to kill her if she resisted him[16] and, as in the previous instances, the victim yielded to his lechery because of fear.

At this juncture, Abejuela, appellant's common-law wife of 26 years,[17] arrived and caught him in the act of violating complainant. Abejuela became hysterical and charged at complainant, pulled her hair, and would have struck her with a bottle had appellant not parried the same. Complainant took the opportunity to free herself from appellant and flee from the hut. She proceeded to her neighbor's house and did not go home that night because she was afraid that her father would beat her.[18]

Renato Gallogo, the father of complainant, testified that he was at home at around 6:00 o'clock that same evening when Abejuela, who was with a companion, arrived and told him that his daughter and appellant were having sexual intercourse. Gallogo retorted that Abejuela should clarify her statement, otherwise, he would hack her. Abejuela hurriedly left and Gallogo went to look for his daughter. It was only the following morning that he was able to find her at the house of his niece, half a kilometer away from his house.[19]

When Gallogo questioned complainant about the report of Abejuela, she admitted that it was true and that it was not the first time that she was raped by appellant. Gallogo's initial impulse was to take his daughter to a physician for medical examination.[20] However, he first brought her to the barangay station commander where they reported the incidents and complainant executed an affidavit.[21] They then proceeded to the Medicare clinic in Balingasag where complainant was examined by its resident physician, Dr. Angelita A. Enopia.

The medical certificate issued by said physician indicated the following findings:

- No fresh vaginal lacerations noted
- Multiple old laceration(s) of the hymen
- Vaginal orifice admitted two fingers easily
- With fresh scanty bloody discharges[22]

The physician testified that although no spermatozoa was detected, complainant was menstruating at the time of the examination and the flow thereof could have washed away whatever spermatozoa may have been discharged into her vagina.[23]

Appellant denied the charges. He contended that he and complainant were neighbors and that she would frequently ask him for vegetables (“malunggay”) and money. Complainant would often tease him and would sometimes show him her leg and run away, but he was never tempted by these flirtations because he was already in his fifties and no longer capable of sexual intercourse, although he occasionally made love to his common-law wife.[24] Besides, appellant claimed that he was always tired.[25]

He further asserted that on October 7, 1992, the date when the first incident of rape allegedly took place in the house of Morit, he was at home when complainant arrived and asked him for vegetables. She supposedly left as soon as he gave her vegetables and even returned the following day to ask for money.[26]

With respect to the incident of January 7, 1993, appellant said that he was in a hut in the banana plantation of one Raul Cagatawan, about 300 meters away from the house of complainant, since he was the overseer of the property and the trees thereon. He, however, vehemently denied that he raped complainant there, and insisted that she came to him to ask for money and to consult him about her problems with her boyfriend who had allegedly victimized her. He averred that he was merely talking to complainant and giving her friendly advice when Abejuela arrived and went on a jealous rampage.[27] Appellant concluded that Abejuela got jealous and had a fit because he and complainant were seated together and complainant was holding his hand.[28]

Abejuela corroborated the testimony of appellant and maintained that on January 7, 1993, she went to the plantation to bring supper to appellant when she found him talking to complainant in the hut therein. She said that although the two were only chatting, she became extremely jealous and scolded complainant who immediately left the place. She then confronted and quarreled with appellant because she resented his conversing with complainant who was reputed to have several boyfriends.[29] From there, she proceeded to the house of complainant and told her father, Renato Gallogo, to watch her.[30]

It is indubitable that appellant was with complainant on October 7, 1992 and January 7, 1993, the dates when the subject acts of rape allegedly took place. Appellant did not disclaim that he was with complainant on several other dates on which, so the prosecution claims, he likewise raped her. He nonetheless forcefully denied that he raped complainant or made sexual advances at her.

The trial court convicted appellant of two counts of rape committed on October 7, 1992 and January 7, 1993, hence this appeal where he raises a lone assignment of error that the trial court erred in convicting him of the offenses charged. Appellant, in his brief, contends that the inconsistencies in his defense and the weakness thereof do not warrant his conviction as the evidence of the prosecution is unconvincing and fails to prove his guilt beyond reasonable doubt.

The Court, after exhaustive review and objective analysis of the records of this case, is in agreement with the findings of the lower court and consequently affirms the conviction of appellant.

When Abejuela informed Gallogo on January 7, 1993 that appellant was having sexual intercourse with his daughter, Abejuela was purportedly with a companion[31] but the prosecution did not present that alleged companion as a witness during the trial. Appellant maintains that such failure to present the witness belies the allegation that Abejuela actually informed Gallogo of the rape incident. This contention has to be rejected.

The testimony of the companion of Abejuela was dispensable and the absence thereof does not weaken the stand of the prosecution. The crime of rape is essentially one committed in secrecy, hence it is usually only the victim who can testify with regard to the fact of forced coitus.[32] As a result, conviction may be based solely on the plausible testimony of the private complainant.

In the case at bar, the conviction of appellant was premised on the testimonies of complainant, her father, and the

physician who conducted a medical examination on her, as well as a medical certificate and other evidence presented by the prosecution which the trial court found sufficient. The judgment of conviction cannot, therefore, be regarded as unfounded or baseless.

Furthermore, appellant was positively identified by complainant, and his alibi that he could not have raped her in the house of Morit on October 7, 1992 since he was at home at the time is bereft of merit because it is uncontroverted that he lived only 10 meters away from the house of Morit.[33] Evidently, it was not physically impossible for him to have committed the crime as charged. His alibi is self-serving and his bare denial is a negative declaration which deserves no consideration and cannot prevail over the affirmative testimony of complainant which was corroborated by further evidence.[34]

Appellant moreover asserts that the reaction of complainant's father, upon learning that she had been raped, was unnatural. As earlier recounted, Renato Gallogo's impulse, upon confronting complainant and confirming the report that appellant had assaulted her, was to take her to a physician for medical examination. Appellant argues in his brief that such response was extraordinary and abnormal because if appellant had really raped complainant, Gallogo should have immediately confronted him as human nature dictates. He allegedly should have taken revenge for his daughter's honor and taken the law into his own hands, instead of merely having her subjected to medical examination.

It has been repeatedly ruled by the Court that the workings of a human mind are unpredictable; people react differently under emotional stress and there is no standard form of behavior when one is confronted by a shocking incident.[35] Accordingly, while Gallogo's initial response to the news of the rape may be atypical, it cannot be deemed so unusual as to undermine the cause of the prosecution. Gallogo was a poor farmer of low educational attainment but, to his credit, this by itself did not make him incapable of behaving rationally and with composure, as shown by his comportment when he spontaneously brought his daughter to the authorities for legal and medical examination.

Rape is committed by having carnal knowledge of a woman by inter alia, using force or intimidation. It is not necessary that the force or intimidation employed be so great or of such character as could not be resisted because all that is required is that it be sufficient to consummate the purpose which the accused had in mind.[36] The ambient circumstances must, therefore, be viewed from the victim's perception and judgment at the time of the rape.

Although complainant was 15 years old at the time of the trial, the court below found that she only had the mental capacity of a fifth grade student and did not possess the necessary discernment when appellant had carnal knowledge of her.[37] Appellant evidently, took advantage of her mental weakness and vulnerability. More detestably, he bound her hands and intimidated her with a knife when he raped her on October 7, 1992. He also threatened to kill her and her father if she reported the incident. Complainant was hopelessly daunted each time she was assaulted. The force and intimidation employed by appellant were sufficient to terrorize her and reduce her to a defenseless sex object.

Complainant was a wisp of a girl when the acts of rape took place. It is instinctive for a young, unmarried woman like her to protect her honor and it is thus difficult to believe that she would fabricate a tale of defloration, allow the examination of her private parts, reveal her shame to the small town where she grew up, and permit herself to be the subject of a public trial if she had not really been ravished.[38] Besides, the records are devoid of any improper motive which would have moved complainant to charge appellant with rape. Therefore, the logical conclusion is that no such unseemly motive exists and her testimony is worthy of credit.[39]

We hold that appellant's guilt has been established beyond reasonable doubt. While it is clear to the Court that

there were six acts of rape committed, as indicated by the testimony of complainant, the two indictments filed in the lower court charged appellant with only two acts of rape committed on October 7, 1992 and January 7, 1993. Accordingly, consistent with the constitutional right of an accused to be informed of the accusation against him,[40] appellant cannot be held liable for more than what he was charged with. There can only be a conviction for two counts of rape because each of the two informations charges only one offense of rape, even if the evidence shows that six separate acts of forcible sexual intercourse took place.[41]

At this juncture, we note that when these offenses were committed the governing law was Article 335 of the Revised Penal Code, as amended by Republic Act No. 4111, under which the use of a deadly weapon in committing the offense of rape was, as it still is, punished by reclusion perpetua to death.[42] No aggravating circumstance having been alleged or proved in these cases, the penalty of reclusion perpetua for each conviction was correctly imposed by the court a quo.[43] Finally, the indemnity to be paid by appellant to private complainant should be modified to P50,000.00[44] for each count of rape, or a total of P100,000.00. Complainant should be indemnified for each felony of rape as these serious offenses were committed on two separate occasions several months apart.

WHEREFORE, the appealed judgment of the Regional Trial Court of Cagayan de Oro City, Branch 24, in Criminal Cases Nos. 93-470 and 93-2127 is hereby AFFIRMED, with the MODIFICATION that appellant is ordered to indemnify the offended party, Marianita A. Gallogo, in the total amount of One Hundred Thousand Pesos (P100,000.00) as damages. Costs against accused-appellant Leonides Ranido in all instances.

SO ORDERED.

Melo, Puno, Mendoza, and Martinez, JJ., concur.

[1] Rollo, 7-14.

[2] Original Record, Criminal Case No. 93-470, 2.

[3] Ibid., Criminal Case No. 93-2127, 2-3.

[4] His name is also spelled “Gallugo” in the stenographic transcripts.

[5] Witness is referred to as Virgincita Abejuela Ranido in the stenographic transcripts.

[6] His name is also spelled “Murit” in the stenographic transcripts.

[7] TSN, October 19, 1993, 93

[8] Ibid., id., 34.

[9] Ibid., id., 18.

[10] Ibid., id., 18 and 39-40.

[11] Ibid., id., 19-20 and 39-40.

[12] Ibid., id., 22-23.

[13] Ibid., id., 43-45.

[14] Ibid., id., 52-53.

[15] Ibid., id., 23-25 and 48.

- [16] Ibid., id., 25.
- [17] Ibid., January 17, 1994, 4.
- [18] Ibid., October 19, 1993, 26.
- [19] Ibid., id., 6-13.
- [20] Ibid., id., 13 and 15.
- [21] Ibid., id., 28-31 and 49; Original Record, Criminal Case No. 93-470, 6-7 and Criminal Case No. 93-2127, 10-11.
- [22] Original Record, Criminal Case No. 93-470, 9.
- [23] TSN, November 16, 1993, 8.
- [24] Ibid., February 10, 1994, 5-6.
- [25] Ibid., id., 14.
- [26] Ibid., id., 5-7.
- [27] Ibid., id., 8-10.
- [28] Ibid., id., 16.
- [29] Ibid., January 17, 1994, 6 and 12.
- [30] Ibid., id., 7.
- [31] TSN, October 19, 1993, 11.
- [32] People vs. De Guzman, G.R. No. 117217, December 2, 1996, 265 SCRA 228; People vs. Domingo, et al., G.R. No. 97921, September 8, 1993, 226 SCRA 156.
- [33] TSN, October 19, 1993, 33.33
- [34] People vs. Ramirez, G.R. No. 97920, January 20, 1997, 266 SCRA 335; People vs. Francisco, G.R. No. 114058, July 10, 1996, 258 SCRA 558; People vs. Melivo, G.R. No. 113029, February 8, 1996, 253 SCRA 347.
- [35] People vs. Gecomo, G.R. Nos. 115035-36, February 23, 1996, 254 SCRA 82.
- [36] People vs. Cañada, G.R. No. 112176, February 6, 1996, 253 SCRA 277.
- [37] Rollo, 14.
- [38] People vs. Junio, G.R. No. 110990, October 28, 1994, 237 SCRA 826; People vs. Lagrosa, Jr., G.R. Nos. 105956-57, February 23, 1994, 230 SCRA 298; People vs. Domingo, et al., supra, fn. 32.
- [39] People vs. Tabao, G.R. No. 111290, January 30, 1995, 240 SCRA 758.
- [40] Section 14, Article III, 1987 Constitution.
- [41] See People vs. De Guzman, supra, fn. 32; People vs. Esguerra, G.R. No. 117482, May 8, 1996, 256 SCRA 657; People vs. Galimba, G.R. Nos. 111563-64, February 20, 1996, 253 SCRA 722; People vs. Joya, et al., G.R. No. 79090, October 1, 1993, 227 SCRA 9.
- [42] Article 335 of the Revised Penal Code was amended by Republic Act No. 4111 on June 20, 1964 and,

subsequently, by Republic Act No. 7659 effective December 31, 1993.

[43] Article 63, Revised Penal Code.

[44] People vs. Gementiza, G.R. No. 123151, January 29, 1998; People vs. Caballes, et al., G.R. Nos. 102723-24, June 19, 1997.

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