

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. CESAR PONAYO Y ADIM, ACCUSED-APPELLANT.

G.R. Nos. 116749-50. August 26, 1996

Ponente: PUNO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-116749-50/>

PUNO, J.:

Appellant CESAR PONAYO y ADIM was charged with two (2) counts of rape for having carnal knowledge with his then fifteen-year old daughter TEODELYN PONAYO against the latter's will.[1]

Except for the dates, the two identical Informations for rape,[2] both dated May 20, 1993, filed against appellant on the basis of the complaint of the victim Teodelyn Ponayo, reads:[3]

"That on or about July 25, 1992 (and August 8, 1992) in the Municipality of Cabusao, Province of Camarines Sur, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, by means of violence and intimidation, did then and there wilfully, unlawfully and feloniously have (sic) carnal knowledge of (sic) Teodelyn Ponayo, his 16-year old daughter, against her will.

"ACT CONTRARY TO LAW."

Appellant pleaded guilty to both Informations. Pursuant to Section 3, Rule 116 of the Rules of Court, the trial court directed the prosecution to present its evidence to prove appellant's guilt and his precise degree of culpability.

Thus, the prosecution called to the stand the sixteen-year old victim TEODELYN PONAYO. She testified that appellant CESAR PONAYO is her father. On July 15, 1992, her mother, Erlinda Badagwas, left the country to work in Damam, Saudi Arabia. Teodelyn was then a fifteen-year old, second year high school student at the Barcelonita High School. She and her family resided in a one-room house in Barangay Biong, Cabusao, Camarines Sur.[4]

On July 25, 1992, or barely ten (10) days after her mother left for abroad, Teodelyn's unspeakable suffering began. At around 9:00 p.m., she was at home together with her father (appellant), her brother and two (2) sisters. Her siblings asked appellant's permission to watch television in a neighbor's house, which was about 500 meters away. Appellant acquiesced. Forthwith, her siblings left the house. Teodelyn was left behind for appellant instructed her to fix first the beddings before she could watch TV with her siblings. She did as she was told.[5]

After finishing her chore, Teodelyn left the bedroom and encountered appellant outside the room. Appellant then held both her hands and forced her to go back in the room with him. She asked: "Why are you hurting me? What will you do to me?" Appellant remained silent and did not respond. He continued to drag her back into the room.[6]

Once inside the room, appellant locked the door and repeatedly punched Teodelyn on the stomach. Appellant pushed her on the bamboo floor and undressed her. Appellant tied Teodelyn's hands behind her back. He spread her legs apart and tied them to a post. She pleaded with appellant to stop but to no avail. She tried to shout for

help but whenever she did, appellant would strangle her.[7]

After tying her up, appellant started kissing her face, lips, nipples and sex organ. He then inserted his finger into her vagina. Feeling intense pain, she exclaimed: "Aray ko, aray ko. Tama na po." Appellant covered her mouth with his palm to muffle her voice. He then succeeded in having carnal knowledge with her. All this time, she was struggling, trying to free herself, but appellant would either punch or slap her. At times, appellant would strangle her. Appellant also warned her not to move, otherwise he would kill her.[8]

After satisfying his lust, appellant threatened her with death should she mention the incident to anyone. Appellant then untied her hands and feet. He instructed her to get dressed for her siblings were already back home. When she got up from the floor mat, she found a lot of blood on her buttocks. She could not help but cry when she started putting back her clothes on.

When her siblings entered the room, appellant told them to go to sleep. Noticing the blood on the floor mat, Shirley, Teodelyn's younger sister, asked her if she has her monthly period. Teodelyn did not respond. Teodelyn then laid down on the floor with her sisters, while appellant slept with her brother in the same room. Sleep eluded Teodelyn that night.[9]

The next day, while appellant was in the farm, Shirley asked Teodelyn again why there was so much blood on the floor mat and why she had so many scratches and hematoma on her neck and body. At first, she said nothing happened. Upon Shirley's insistence, she revealed that she was physically and sexually abused by their father the night before. Shirley cried and advised her to report to the police. Teodelyn refused for fear that appellant would kill them.[10]

This sexual molestation was repeated on August 8, 1992. At about 12 midnight, Teodelyn and appellant were left alone in the house. Appellant had earlier sent Teodelyn's siblings to sitio Unlad, about a kilometer away, to buy kerosene. Teodelyn was then washing the dishes when appellant suddenly manifested from behind her. Appellant pointed a kitchen knife at her back, dragged her into the room and warned her that if she resisted, he would stab her.[11]

Inside the room, appellant tore off Teodelyn's clothes and covered her mouth with his palm to forestall any cry for help. Appellant then proceeded to rape her. Teodelyn tried to resist but appellant punched the different parts of her body. Afterwards, she felt a sting on her upper right arm. She noticed that she had wounds on her thigh, left leg and right side of her head.[12] She passed out. She regained consciousness at about 5:00 a.m. the next day. She was still completely naked but appellant was no longer around. Appellant returned about noon that day, heavily inebriated.[13]

From then on, Teodelyn was repeatedly abused by her father but the manner and number of times of these rapes were not established. The last time she was sexually molested by appellant was on December 2, 1992. Thereafter, she fell ill. Her aunt, appellant's sister, visited her at home. It was then that Teodelyn summoned enough courage to confide to her aunt about the sad fate she suffered in the hands of appellant. Her aunt informed her paternal grandparents and they accompanied her to the police authorities to report appellant's perversions.[14]

On the basis of the above testimony, the trial court rendered a Decision[15] finding appellant guilty of the two (2) counts of rape. The dispositive portion reads:

"WHEREFORE, premises considered, the court hereby sentences accused Cesar Ponayo y Adim to suffer the penalty of reclusion perpetua each in the two criminal cases (Criminal Cases Nos. L-1529 and 1530) and to pay or indemnify the offended party Teodelyn Ponayo or her successors-in-interest the amount of FORTY THOUSAND (40,000.00) PESOS in each criminal case or the total amount of EIGHTY THOUSAND

(80,000.00) PESOS. No costs.

"SO ORDERED."

Appellant does not dispute his conviction as he has pleaded guilty. He comes to this Court questioning the penalty imposed on him. He urges that his sentence should be reduced due to his plea of guilt.

We affirm appellant's prison sentence.

The crime of rape is defined and penalized under Article 335 of the Revised Penal Code as follows:

"Art. 335. When and how rape is committed. - Rape is committed by having carnal knowledge of a woman under any of the following circumstances:

1. By using force or intimidation;
2. When the woman is deprived of reason or otherwise unconscious;

xxx

The crime of rape shall be punished by reclusion perpetua.

Whenever the crime of rape is committed with the use of a deadly weapon or by two or more persons, the penalty shall be reclusion perpetua to death.

xxx"

In the cases at bar, the prosecution established that appellant committed the crimes charged with the use of force and intimidation. Moreover, it was proved that in Criminal Case No. 1530, appellant perpetrated the crime of rape with the use of a deadly weapon, i.e., with a kitchen knife. Hence, pursuant to the above provision, in Criminal Case No. 1529, the penalty imposable on appellant is the single indivisible penalty of reclusion perpetua, while in Criminal Case No. 1530, the range of penalty imposable on appellant is composed of two indivisible penalties, i.e., reclusion perpetua to death.

Article 63 of the Revised Penal Code provides the rules for the application of these indivisible penalties, thus:

"ART. 63. Rules for the application of indivisible penalties. - In all cases in which the law prescribes a single indivisible penalty, it shall be applied by the courts regardless of any mitigating or aggravating circumstances that may have attended the commission of the deed.

In all cases in which the law prescribes a penalty composed of two indivisible penalties, the following rules shall be observed in the application thereof:

xxx

3. When the commission of the act is attended by some mitigating circumstance, the lesser penalty shall be applied.

xxx"

Clearly then, under the aforequoted provision, the indivisible penalty of reclusion perpetua should be meted on appellant in Criminal Case No. 1529, without considering the presence of the mitigating circumstance of his plea of guilt. Insofar as Criminal Case No. 1530 is concerned, where appellant committed the rape with the use of a deadly weapon, the law provides that the range of the penalty imposable on him shall be the indivisible penalties of reclusion perpetua to death. However, in view of the mitigating circumstance of his plea of guilt and pursuant to Article 63 (3) of the Revised Penal Code, appellant was correctly meted the lesser penalty of reclusion

perpetua.

IN VIEW WHEREOF, the impugned Decision of the trial court, dated March 18, 1994 is hereby AFFIRMED, subject to the sole modification that the award of civil indemnity to the offended party TEODELYN PONAYO is increased to fifty thousand pesos (50,000.00) for each count of rape, or a total of one hundred thousand pesos (100,000.00), conformably with existing jurisprudence.

SO ORDERED.

Regalado (Chairman), Romero, Mendoza, and Torres, Jr., JJ., concur.

[1] Originally, appellant was charged with and arraigned on three (3) counts of rape (Criminal Case Nos. L-1529, L-1530 and L-1531) committed against the same victim on July 25, August 8, and August 17, all of 1992. Appellant initially pleaded "not guilty" to these charges.

However, at the pre-trial of the cases, appellant changed his plea in Criminal Case Nos. L-1529 and L-1530 to that of guilty. Criminal Case No. L-1531 was dismissed by agreement of the parties.

[2] Criminal Cases Nos. L-1529 and L-1530.

[3] Rollo, pp. 5-6.

[4] TSN, March 9, 1994, pp. 2-3.

[5] *id.*, pp. 3-5.

[6] *id.*, p. 5.

[7] *id.*, pp. 6-7.

[8] *id.*, pp. 7-11.

[9] *id.*, pp. 11-12

[10] *id.*, pp. 13-14.

[11] *id.*, pp. 14-15.

[12] Teodelyn showed to the court her scars which were still visible at the time of her testimony; TSN, March 9, 1994, p. 16.

[13] *id.*, pp. 15-16.

[14] *id.*, pp. 17-18.

[15] Penned by Judge Salvador g. Cajot, Regional Trial Court, Fifth Judicial Region, Branch XXIX, Libmanan, Camarines Sur; rollo, pp. 8-12.

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.