

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RONNIE TORRES Y CALLORA, ACCUSED-APPELLANT.

G.R. Nos. 136147-48. January 24, 2001

Ponente: PARDO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-136147-48/>

PARDO, J.:

The case is before the Court on automatic review of the joint decision[1] of the Regional Trial Court, Pampanga, Branch 55, Macabebe, finding accused Ronnie Torres y Callora guilty beyond reasonable doubt of two separate counts of rape and sentencing him to death in each case.

On August 5, 1997, complainant Novilyn[2] O. Bokingkito, assisted by her mother, filed with the Regional Trial Court, Macabebe, Pampanga, a criminal complaint for rape against accused, alleging -

"That on or about 20th day of April, 1997, at around 10:00 o'clock in the morning in Barangay Sta. Monica, Municipality of San Simon, Province of Pampanga, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused RONNIE TORRES, taking advantage of his superior strength by means of force and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge with Novilyn O. Bokingkito, a minor 15 years of age against the latter's will and without her consent.

Contrary to law."[3]

On September 12, 1997, complainant Janalyn O. Lugtu filed with the Regional Trial Court, Macabebe, Pampanga a complaint for rape against accused, alleging -

"That sometime in the month of March 1997, in Barangay Sta. Monica, Municipality of San Simon, Province of Pampanga, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, RONNIE TORRES Y CALLORA, with lewd design, taking advantage of superior strength and by means of force and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge with Janalyn O. Lugtu, nine (9) years old, against her will and without her consent.

Contrary to law."[4]

When arraigned on November 3, 1997, accused pleaded not guilty to the charges.[5] The cases were jointly tried.

On April 20, 1997 at around 10:00 in the morning, Novilyn's aunt Edna Ortado (Janalyn's mother) asked her to help in the poultry in Sta. Monica, San Simon, Pampanga because she would go to Apalit, Pampanga to buy medicine and rice. As soon as Edna left, accused asked Janalyn to buy cigarettes. Accused and Novilyn remained in the house. While Novilyn was busy washing the plates, accused suddenly embraced her. Novilyn was stunned and became nervous as accused proceeded to lay her on the floor. Accused removed his shorts and placed himself on top of her. Novilyn tried hard to fight back, putting her legs together to prevent accused from pushing his bestial act but he succeeded in forcing her to have sexual intercourse. Novilyn felt pain. After satisfying his lust, accused put on his shorts while Novilyn continued to cry and likewise put on her shorts. Thereafter, she went home and reported what happened to her mother. Both of them went to a doctor for a medical check-up and to the

police station.[6]

Her medical examination revealed the following:

"EXTERNAL GENITALIA & PERINEUM:

LABIA MAJORA: Coaptated

LABIA MINORA: (+) Superficial healed laceration at 2 & 10 o'clock position.

PELVIC EXAM: Introitus admits 2 fingers with ease."[7]

Dr. Antoinette E. Golding found Novilyn to have "superficial healed lacerations" on her hymen. Dr. Golding explained that the lacerations may be due to a blunt object or the pressure of a male sex organ.[8]

With respect to the complaint of Janalyn, who was nine (9) years old,[9] she narrated that at about noon of March 7, 1997, accused asked her to go upstairs of their house located at Sta. Monica, San Simon, Pampanga. She complied and while she was there accused asked her to lie down. Accused removed her underwear and thereafter placed himself on top of her. Accused kissed her on the face and told her not to report what he did to her to anybody. She felt pain when accused had sexual intercourse with her. Notwithstanding the warning, Janalyn told her cousin, Novilyn Bokingito, what happened to her that day.[10]

On April 22, 1997, Janalyn underwent a physical examination which showed the following:

"EXTERNAL GENITALIA & PERINEUM:

"LABIA MAJORA: Well coaptated

"LABIA MINORA: (+) Superficial healed laceration at 3, 5 and 9 o'clock position."[11]

Dr. Antoinette Golding, a gynecologist at Jose B. Lingad Memorial Hospital in Bacolor, Pampanga who examined Janalyn found that there was a superficial healed lacerations which could have been caused by the pressure of a blunt instrument or sexual intercourse.[12]

Accused denied the charges. According to him, Rosie Lugtu, first cousin of his wife and Janalyn's aunt, had a grudge against him. Rosie was just using Janalyn to get even with him considering that he took Janalyn away from her for the purpose of sending her to school. Rosie used Janalyn and Novilyn by instigating the filing of two (2) counts of rape against him.

Accused claimed that he was working at Sta. Monica, San Simon, Pampanga. He admitted that Novilyn went to the place where he was working on April 20, 1997, to assist his wife. He said that on the said date, his wife came from Minalin at around 5:00 in the afternoon and got medicines from his brother and came back on the same day with Novilyn. The accused also testified that Novilyn was at their house in the morning up to 12:00 noon where she ate her breakfast together with his wife and rested there. He further testified that he picked some eggs until 3:00 in the afternoon then delivered the eggs at Federosa and went home at 7:00 p. m. when he was arrested by the San Simon Police.[13]

Edna Torres corroborated the testimony of the accused. She claimed that at the time of the alleged incident involving her daughter Janalyn they were all together. She claimed that Novilyn told her that she was raped in the Visayas and that she had a boyfriend with the same name as accused Ronnie Torres.[14]

On September 21, 1998, the trial court rendered a joint decision finding accused guilty of two (2) separate crimes of rape. The dispositive portion of its decision reads:

"WHEREFORE, the court finds the accused guilty beyond reasonable doubt of the two (2) separate crimes of rape penalized under Article 335 of the Revised Penal Code. He is hereby sentenced to two (2) mandatory penalties of DEATH. The accused is likewise ordered to pay the two victims Janalyn O. Lugtu and Novilyn Bokingito the sum of P50,000.00 each and to pay the cost of the proceedings.

"SO ORDERED.

"Macabebe, Pampanga, September 21, 1998.

"REYNALDO V. ROURA

Judge"[15]

Hence, this automatic review.

Accused imputes the following errors to the trial court.

First: His conviction was based not on the strength of the prosecution's evidence but on the weakness of the defense.

Accused contends that the evidence for the prosecution must stand or fall on its own merits and not allowed to draw strength from the weakness of the defense. He claims that the evidence of the prosecution failed to prove his guilt beyond reasonable doubt.

The contention is untenable. The victims positively identified accused as the one who raped them.

Novilyn Bokingito testified, thus:

xxx xxx xxx

Q: When you and Ronnie Torres were left in the farm, what happened next?

A:

At about 10:00 in the morning, while I was washing plates, Ronnie Torres went upstairs and he suddenly embraced me.

Q: When Ronnie Torres suddenly embraced you, what did you do, if any?

A: I was surprised and I got nervous because after embracing me, he laid me down on the floor.

Q: When Ronnie Torres laid you down on the floor, what happened next, if any?

A: He removed his shorts, sir.

Q: And then what happened?

A: And then, he placed himself on top of me.

Q: When he placed himself on top of you, what happened next?

A: He inserted his private organ (penis) on my private organ (vagina).

Q: When Ronnie Torres inserted his private organ into your private organ, what did you feel?

A: I was hurt, sir.

Q: When he was on top of you and he was inserting his private organ into your private organ, what did you do?

A: I fought back, sir.

Q: How did you fight him back?

A: I avoided him so that he cannot kiss me.

Q: But was he able to kiss you?

A: Yes, sir.

Q: Aside from avoiding his kiss, what else did you do when you said you fought back?

A: I placed my thighs together, sir.

Q: When you said that Ronnie Torres was able to insert his sex organ into yours, how long did that take?

A: Around one (1) minute, sir.

Q: How many times Ronnie Torres was able to have sexual intercourse with you on that day?

A: Only once, sir.

Q: You said that took about one minute, after that, what happened next?

A: Afterwards, he took on his shorts.

Q: What about you, what did you do, if any?

A: After the incident, I cried.

Q: Why did you cry?

A: Because he raped me.

Court:

Q: What else did you do aside from crying?

A: I wore my shorts, sir.

Pros. Datu:

Q: After wearing your shorts, what else did you do?

A: After wearing my clothes, I went home, sir.

Q: Did you talk to anybody about what Ronnie Torres did to you?

A: Yes, sir.

Q: To whom did you talk?

A: To my mother, sir.

Q:

What did you tell your mother, if any?

A: I told my mother of what Ronnie Torres did to me.

Q: After telling that to your mother, what did your mother do?

A: We filed a complaint, sir.

Q: Against whom?

A: Ronnie Torres, sir.[16]

Janalyn O. Lugtu, who was nine (9) years old at the time of the rape, related in detail what appellant did to her, thus:

xxx xxx xxx

FISCAL

Miss Witness, do you know the accused in this case Ronnie Torres?

WITNESS

Yes, sir.

Q: Why do you know him?

A: He is my stepfather and he was the one who raped me.

Q: Why is Ronnie Torres your stepfather?

A: He is the husband of my mother, sir.

xxx xxx xxx

Q:

Now, Miss Witness, state to this Honorable Court how were you raped by Ronnie Torres on March 7, 1997 at noon?

A: He told me to go upstairs.

Q: What is that upstairs.

A And then, he asked me to lay down.

Q: After asking you to lay down what did he do next?

A: He removed my panty, sir.

xxx xxx xxx

COURT

Q:

Now, you had complained to the police against the accused Ronnie Torres in this case, is he inside the court room?

A: Yes, sir.

COURT

Q: Can you point to him to the court?

A: Yes, sir.

COURT

Point to him. Go down from where you are sitting and point to the court.

WITNESS

That one, sir, he is wearing blue t-shirt. (witness pointing to a person in the court room, whom when asked answered in the name of Ronnie Torres).

xxx xxx xxx

COURT

Q:

Now, you answer the question of the prosecution. When you were asked what was it that Ronnie Torres did to you ...?

A: Yes, sir.

COURT

Q: What did Ronnie Torres do to you?

A: He was the one who raped me.

COURT

Q: Why did you mention the word rape, what do you mean by rape in the vernacular?

A:

INTERPRETER

She used the word "ginahasa"

ATTY. HERNANDO

Questioning

Q: Is it not the accused your stepfather, is a good stepfather/?

WITNESS

A: He is not, sir.

Q:

It is not a fact, Miss Witness, that the accused showers you with affection, all the needs of the family and he never maltreated you in any way?

A:

I know that but I could not forgive him."[17]

We adhere to the time honored principle that between the positive and categorical testimony of a rape victim and the accused's bare denial, the former generally prevails. This is especially true when, as in this case, there is no evidence of improper motive on the part of the victim to falsely testify against appellant.[18]

Second: The trial court erred in imposing the death penalty because of failure of the prosecution to allege in the criminal complaint the relationship of accused to the victim.

In crimes against chastity, such as rape, relationship is aggravating.[19] We have affirmed that the special circumstances of rape introduced by Republic Act No. 7659 partake of the nature of qualifying circumstances for they increase the penalty of rape. Consequently, these circumstances must be properly pleaded in the information in order to be appreciated as qualifying the crime.[20]

Article 335 of the Revised Penal Code, as amended by R. A. No. 7659, Section 11, provides:

"Article 335. When and how rape is committed.-

x x x

"The death penalty shall also be imposed if the crime of rape is committed with any of the following attendant circumstances:

"1) When the victim is under eighteen (18) years of age and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim;

x x x ."

In the present case, the concurrence of the minority of Janalyn and Novilyn and their relationships to accused Ronnie Torres must be specifically alleged in the information in order to afford the latter the right to be informed of the nature and cause of the accusation against him. Since the indictment on which he was arraigned failed to allege the relationship of the victims to the accused, he could be held liable only for simple rape, hence, the trial court erred in imposing the death penalty on accused in each case. The penalty must be reduced to reclusion perpetua.

Evidently, the trial court intended the award of moral damages as civil indemnity to the complainants. Civil indemnity is mandatory upon a finding of the fact of rape. It is not to be considered as moral damages. The latter is based on a different jural foundation and assessed by the court in its sound discretion.[21] In addition, in crimes of rape, moral damages may be additionally awarded to the victim or her heirs even without need of pleading or proof of the basis thereof, for it is assumed that complainants suffered moral injuries entitling them to such an award. [22]

WHEREFORE, the Court AFFIRMS the judgment of conviction of the Regional Trial Court, Pampanga, Branch 55, Macabebe, in Criminal Cases Nos. 97-1909-M and 97-1892-M with the modification that accused Ronnie Torres y Callora is declared guilty beyond reasonable doubt of two separate counts of rape defined and penalized under Article 335 of the Revised Penal Code and sentenced to two penalties of reclusion perpetua, with the accessories of the law. The Court likewise orders the accused to pay victims Janalyn Lugtu and Novilyn Bokingkito, the amount of fifty thousand (P50,000.00) pesos, each, as moral damages, in addition to fifty thousand (P50,000.00) pesos, each, as civil indemnity.

Costs against accused.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Buena, Gonzaga-Reyes, Ynares-Santiago, De Leon, Jr., and Sandoval-Gutierrez, JJ., concur.

[1] In Crim. Case No. 97-1892 (M) and No. 97-1909 (M), dated September 21, 1998, Judge Reynaldo V. Roura, presiding, Rollo, pp. 19-23.

- [2] Novelyn in the appellant's and appellee's brief
- [3] Criminal Complaint, Rollo, p. 4.
- [4] Criminal Complaint, Rollo, p. 5.
- [5] Certificate of Arraignment, RTC Record, Criminal Case No. 97-1892-M, p. 22; RTC Record, Criminal Case No. 97-1909-M, p. 17.
- [6] TSN, November 24, 1997, pp. 12-15.
- [7] Medico Legal-OB-GYNE Report, Exhibit "A", RTC Record, p. 66.
- [8] TSN, April 20, 1998, pp. 31-32.
- [9] Certificate of Live Birth, Exhibit "B", RTC Record, p. 48.
- [10] TSN, April 20, 1998, pp. 4-25
- [11] Medico Legal-OB-GYNE Report, "Exhibit A", RTC Record, p. 46.
- [12] TSN, April 20, 1998, pp. 32-34.
- [13] TSN, July 15, 1998, pp. 2-11.
- [14] TSN, August 17, 1998, pp. 2-7.
- [15] Joint Decision, Rollo, pp. 19-23.
- [16] TSN, November 24, 1997, pp. 11-15, emphasis supplied.
- [17] TSN, November 24, 1997, pp. 24-26.
- [18] People vs. Cambi, G. R. No. 127131, June 8, 2000.
- [19] People vs. Lomerio, G. R. No. 129074, February 28, 2000.
- [20] People vs. Bernaldez, G. R. Nos. 132779-82, January 19, 2000; People vs. Ramon, G. R. No. 130407, December 15, 1999.
- [21] People vs. Victor, 354 Phil. 195, 209 (1998).
- [22] People vs. Prades, 355 Phil. 150, 170 (1998).

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.