

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. SAILITO PEREZ Y GAZO, ACCUSED-APPELLANT.

G.R. Nos. 141647-51. March 06, 2002

Ponente: VITUG, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-141647-51/>

VITUG, J.:

Of the many cases that bewail the Court, rape, in its varying facets, lately appears to lurk almost everywhere threatening the very fiber of the social psyche of a supposed civilized society.

Sailito Perez y Gazo was charged with five counts of statutory rape in separate Informations; viz:

CRIMINAL CASE NO. 19117

"That on or about the 23rd day of January, 1998, in the Municipality of Malabon, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused being the uncle of Jobelyn Ramos y Denola, a minor of 11 years of age, with lewd design, and exercising ascendancy over said Jobelyn Ramos y Denola and by means of force, violence and intimidation, wilfully, unlawfully and feloniously, did then and there have sexual intercourse with Jobelyn Ramos y Denola against her will and without her consent." [1]

CRIMINAL CASE NO. 19118

"That on or about the 13th day of January, 1998, in the Municipality of Malabon, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused being the uncle of Jobelyn Ramos y Denola, a minor of 11 years of age, with lewd design, and exercising ascendancy over said Jobelyn Ramos y Denola and by means of force, violence and intimidation, wilfully, unlawfully and feloniously, did then and there have sexual intercourse with Jobelyn Ramos y Denola against her will and without her consent." [2]

CRIMINAL CASE NO. 19119

"That on or about the 3rd day of February, 1998, in the Municipality of Malabon, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused being the uncle of Jobelyn Ramos y Denola, a minor of 11 years of age, with lewd design, and exercising ascendancy over said Jobelyn Ramos y Denola and by means of force, violence and intimidation, wilfully, unlawfully and feloniously, did then and there have sexual intercourse with Jobelyn Ramos y Denola against her will and without her consent." [3]

CRIMINAL CASE NO. 19120

"That on or about the 31st day of January, 1998, in the Municipality of Malabon, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused being the uncle of Jobelyn Ramos y Denola, a minor of 11 years of age, with lewd design, and exercising ascendancy over said Jobelyn Ramos y Denola and by means of force, violence and intimidation, wilfully, unlawfully and feloniously, did then and there have sexual intercourse with Jobelyn Ramos y Denola against her will and without her

consent."[4]

CRIMINAL CASE NO. 19121

"That on or about the 27th day of January, 1998, in the Municipality of Malabon, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused being the uncle of JOBELYN RAMOS Y DENOLA, a minor of 11 years of age, with lewd design, and exercising ascendancy over said Jobelyn Ramos y Denola and by means of force, violence and intimidation, wilfully, unlawfully and feloniously, did then and there have sexual intercourse with Jobelyn Ramos y Denola against her will and without her consent."[5]

At his arraignment, the accused pleaded NOT GUILTY to the accusations in all five Informations. The cases having arose from similar incidents involving the same complainant and the same accused, joint trials were held.

The Version of the Prosecution –

On the night of 13 January 1998, Jobelyn Ramos, then eleven (11) years old, was with her four younger siblings sleeping in the sala of their house at Cancio Street, Dampalit, Malabon, Metro Manila. The accused, said to be an uncle of Jobelyn, entered the house, approached Jobelyn and unceremoniously pulled down her shorts and underwear. Followingly, the accused removed his shorts, pinned the girl down and "pressed" his penis against her vagina. Her struggles failed to dissuade the accused. He sucked her breast and attempted to penetrate Jobelyn. With his penis still touching Jobelyn's private part, he threatened to kill her family if she were to report the incident to anyone.

In the early morning of 23 January 1998, Jobelyn was roused from slumber when she felt the accused caressing her hair. He covered her with a blanket upon seeing her awake. He pulled down her shorts and underwear and placed himself on top of her. He tried to force his penis into her but she struggled to forestall the assault. Amidst sobs, Jobelyn told the accused that she would report his abuses to her mother. He repeated his prior threat and, again, she was forced into silence.

On 27 June 1998, Jobelyn once more saw the accused inside their house. She pretended to be asleep in the hope, although vainly, that the accused would not disturb her. Instead, the accused forced her to lie face-up but she remained still. Unperturbed, he inserted his penis into her anus after removing her shorts and underwear. She suffered excruciating pain.

On 31 January 1998, Jobelyn again sensed the presence of the accused in their house. She covered herself with a blanket with her face down on the floor. The accused told her to lie on her back. She refused and instead buried her face in her pillow while the accused was urging her to suck his penis which he claimed to be ambrosial. When Jobelyn did not yield to his insistence, he threw the blanket at her.

On 03 February 1998, while Jobelyn was clearing their table after supper, the accused came up to her and felt her buttocks. Jobelyn begged him to leave her alone. The accused told her to sleep near the wall of her house but her younger sister protested. The accused ordered the siblings to sleep under his watchful eyes. When he thought that everyone else was asleep, he pinned down Jobelyn and again went on with his beastly deeds. After his penis touched the private organ of Jobelyn, he licked it before spitting on the slit of the bamboo floor. Loreto, the younger brother of Jobelyn, witnessed the incident. Eventually, their mother was informed of the horrible experience that Jobelyn had been going through.

The Version of the Defense

The accused interposed the defense of denial and imputed ill-motive on the part of Jobelyn's mother which had led to the filing of the criminal charges.

The accused testified that during all the time that the incidents were allegedly taking place, he was plying a tricycle to earn his living. He would start from three o'clock in the afternoon, or sometimes at six o'clock in the early evening, and would only retire at around five or seven o'clock the following morning. He claimed that Jobelyn's mother, Babylyn Ramos, had been harboring a grudge against his family for not lending the amount of P1,800.00 that she had sought to borrow.

Conrada G. Perez, mother of the accused, stated that her son, Sailito Perez, born on 17 September 1980 as so shown by his birth certificate,[6] was only seventeen (17) years old when the crimes charged were supposed to have been committed. Corroborating her son's declarations, she said that the accused was working to earn a living, plying a motorcycle, during the days and the hours when the incidents allegedly took place, and that the reason for the filing of the criminal complaints was her failure to lend Babylyn Ramos P1,800.00 which the latter had tried to borrow.

The court a quo found for the prosecution, and it rendered judgment finding the accused in Criminal Cases No. 19117-MN, No. 19118-MN, and No. 19119-MN, guilty of the crime of Statutory Rape and, in Criminal Cases No. 19120-MN and No. 19121-MN, guilty of the offense of Acts of Lasciviousness. It adjudged:

"WHEREFORE, premises considered, judgment is hereby rendered as follows:

"1. In Criminal Case No. 19117-MN, the Court finds Sailito Perez y Gazo guilty beyond reasonable doubt of the crime of Statutory Rape, and appreciating the privileged mitigating circumstance of minority, hereby sentences him to suffer the penalty of reclusion perpetua;

"2. In Criminal Case No. 19118-MN, the Court finds Sailito Perez y Gazo guilty beyond reasonable doubt of the crime of Statutory Rape, and appreciating the privileged mitigating circumstance of minority, hereby sentences him to suffer the penalty of reclusion perpetua;

"3. In Criminal Case No. 19119-MN, the Court finds Sailito Perez y Gazo guilty beyond reasonable doubt of the crime of Statutory Rape, and appreciating the privileged mitigating circumstance of minority, hereby sentences him to suffer the penalty of reclusion perpetua;

"4. In Criminal Case No. 19120-MN, the Court finds Sailito Perez y Gazo guilty beyond reasonable doubt of the crime of Acts of Lasciviousness and appreciating the privileged mitigating circumstance of minority, hereby sentences him to suffer an indeterminate penalty of twelve (12) years and one (1) day, as minimum, to fourteen (14) years, eight (8) months and one (1) day, as maximum, both of reclusion temporal; and

"5. In Criminal Case No. 19121-MN, the Court finds Sailito Perez y Gazo guilty beyond reasonable doubt of the crime of Acts of Lasciviousness and appreciating the privileged mitigating circumstance of minority, hereby sentences him to suffer an indeterminate penalty of twelve (12) years and one (1) day, as minimum, to fourteen (14) years, eight (8) months and one (1) day, as maximum, both of reclusion temporal.

"Moreover, accused Perez is hereby ordered to pay the total amount of P225,000.00 by way of civil indemnity and P150,000.00 as moral damages to the victim Jobelyn Ramos y Denola in connection with Criminal Cases Nos. 19117-MN, 19118-MN and 19119-MN, respectively."[7]

The convicted accused, in the Appellant's Brief, ascribed errors to the court a quo thusly:

"I

"THE COURT A QUO GRAVELY ERRED IN FINDING THE ACCUSED GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF RAPE ON THE BASIS OF THE UNCORROBORATED TESTIMONY OF THE ALLEGED VICTIM.

"II

"THE COURT A QUO GRAVELY ERRED IN FINDING THE ACCUSED GUILTY FOR THE COMMISSION OF THE OFFENSE OF RAPE WHEN THE EVIDENCE ADDUCED TEND TO PROVE OTHERWISE.

"III

"THE COURT A QUO COMMITTED A REVERSIBLE ERROR IN NOT IMPOSING THE PROPER PENALTY FOR THE COMMISSION OF THE CRIME OF ACTS OF LASCIVIOUSNESS."[8]

In support of the first assigned error, appellant would argue that it was not right for the trial court to have heavily relied on the testimony of Jobelyn which he described to be incredible. He stressed that the medico-legal officer found no evident signs of extra-genital physical injury on the person of Jobelyn.

Anent the second assigned error, appellant would have it that the trial court, in Criminal Cases No. 19117-MN, No. 19118-MN, and No. 19119-MN, corresponding to the alleged sexual molestations on 23 January 1998, 13 January 1998, and 03 February 1998, respectively, clearly overlooked the fact that not a single act of penetration, even at the slightest degree, had occurred in all the said incidents.

In the third assigned error, appellant questioned the various penalties imposed by the court below.

Here, once again, the Court must state that, in reviewing rape cases, it is guided by the settled principles (a) that an accusation of rape can be made with facility; it is difficult to prove but more difficult for the person accused, although innocent, to disprove; (2) that, in view of the intrinsic nature of the crime of rape where only two persons are usually involved, the testimony of the complainant should be scrutinized with extreme caution; and (3) that the evidence for the prosecution must stand or fall on its own merits, and it cannot be allowed to draw strength from the weakness of the defense.[9] Expectedly, courts would closely examine the testimony of the complainant with the thought in mind that any judgment on the case would depend heavily on the credibility of the offended party. The time-honored doctrine, nevertheless, has always been that the assessment by the trial court on the credibility of the witness is accorded great weight unless there are strong reasons to warrant otherwise.[10] The Court has closely examined the testimony of the complainant, and it finds nothing that can permit it to depart from the rule; indeed, just the opposite would appear to be true.

In a straightforward and unflinching manner, Jobelyn narrated the incidents that had transpired. pauleen

"Q

What was that unusual incident which happened in your house on January 13, 1998?

"A

Our uncle entered our house, sir.

"Q

What happened next after your uncle entered your house?

"A

He took off my shorts and my panty and he pulled my dress up, sir.

"Q

What did he do next after he removed your panty and raised your dress up?

"A

He pinned me, sir (dinaganan ako).

"Q

When he pinned you, was he in clothes or not?

"A

He has no more clothes, sir.

"Q

Who was ahead in removing the clothes, was your clothes removed first or was it your uncle's?

"A

My dress was first removed before he took off his clothes, sir.

"Q

You said he pinned you down, what else did he do to you when he pinned you down?

"A

He was pressing his organ to my organ and I was struggling, sir.

"Q

What did you feel when your uncle was pushing his penis inside your vagina?

"A

I felt pain, sir.

"Atty. Delas Alas

There was no statement that the penis of the accused penetrated the vagina. Her answer is, she was pinned down, Your Honor.

"Court

Now that you heard the statement, what are you trying to explain, what is your point?

"Pros. Aliposa

There was penetration based on her answer `masakit', because there was already penetration, Your Honor.

"Atty. Delas Alas

He was trying to penetrate, Your Honor.

"Court

There is no basis on that. Strike out that answer. You reform the question. Proceed.

"Atty. Aliposa (witness)

"Q

Were you successful in your struggle?

"A

No, sir.

"Q

Why?

"A

Because he is strong, sir.

"Q

What happened when your struggle failed?

"A

I just cried, sir.

"Q

What did he do while you were crying?

"A

None, he continued what he was doing, sir.

"Q

What was he doing?

"A

He was on top of me, he was sucking my breast, sir.

"Q

How about his penis, what was he doing with his penis?

"A

He was placing his penis in the face of my organ, sir.

"Q

Do you know what happened to this act of accused while putting his penis in the opening of your vagina?

"A

No, sir.

"Court (witness)

"Q

[Did] the penis penetrate the vagina?

"A

He was not able to penetrate, Your Honor.

"Court

Proceed.

"Pros. Aliposa (witness)

"Q

How do you know it was his penis which was placed in your vagina?

"A

Because it was touching my organ, sir.

"Q

While your uncle was trying to insert his penis into your vagina, what was he talking [about], if he was talking [about] something?

"A

He told me not to report what he was doing to me and in return, he told us he will kill us, sir.

"Court (witness)

This incident, in what particular place in your [house] did it happen?

"A

In the sala, Your Honor, because there is no bedroom.

"Q

There is no room in your house?

"A

None, Your Honor.

"Q

So, your house is only one room. Your brothers and sister were there, correct?

"A

Yes, Your Honor.

"Q

What were they doing when your uncle was molesting you?

"A

They were sleeping, Your Honor.

"Q

Who were they, who were they sleeping?

"A

Loreto, Junjun, Lorelyn and Mark Lawrence, Your Honor.

"Q

How old is Loreto?

"A

Nine, Your Honor.

Q

"Lorelyn?

"A

Seven, Your Honor.

"Q

Mark?

"A

Five, Your Honor.

"Q

How about your mother and father, where were they at that time?

"A

My parents are separated and my mother is working, Your Honor.

"Q

Where was she working at that time?

"A

In Sta. Cruz, Your Honor.

"Q

What was she doing at Sta. Cruz?

"A

Waitress, Your Honor.

"Court

Proceed.

"Pros. Aliposa (witness)

"Q

This uncle you are referring to, if he is inside the courtroom, can you point to him?

"A

Yes, sir (witness pointed to a man wearing light yellow t-shirt who, when asked his name, answered Sailito Perez)

"Q

This Sailito Perez, how do you call him being an uncle?

"A

Kuya Junjun, sir.

"Q

Was this incident of January 13, 1998 repeated?

"A

Yes, sir.

"Q

When was the next incident? Are you referring to January 23?

"A

January 23, sir.

"Q

What time did the incident happen?

"A

Early in the morning, sir.

"Q

Who was at the house at that time when your uncle was molesting you?

"A

I was there with my brothers and sister, sir.

"Q

Where was your mother?

"A

She was at work, sir.

"Q

What did your uncle do on January 23, 1998 in the morning?

"A

I was awakened and I saw him caressing my hair, sir.

"Q

What else did he do on January 23, 1998?

"A

When he saw me awake, he covered me with blanket and he took off my short and my panty and he went on top of me, sir.

"Q

What did he do next when he went on top of you?

"A

He was forcing his penis to penetrate my organ, sir.

"Q

What were you doing to prevent that advances?

"Atty. Delas Alas

Objection, Your Honor. No basis.

"Court

Sustained.

Pros. Aliposa (witness)

"Q

What did you do when your uncle was trying to insert his penis into your private part?

"A

I was struggling and I said I will report him to my mother, sir.

"Q

What did he tell you?

"A

He told me not to try to report, otherwise, he will kill us, sir.

"Q

Was this repeated by your uncle after January 23, 1998?

"A

Yes, sir.

"Q

Are you referring to January 27, 1998?

"A

Yes, sir.

"Q

What happened on January 27, 1998?

"A

I was awakened and I saw there was [a] person inside our house, what I did was to lay upside down so that he will not notice I was awake, sir.

"Q

What happened next?

"A

He forced me to lie with my face up but I forced myself to lie my face down. When he cannot force me to face up, he took off my panty and shorts and he inserted his penis in my anus, sir.

"Q

Was he able to do that, to penetrate his penis into your anus?

"A

Yes, sir.

"Q

What happened?

"A

I cried because it was painful, sir.

"Q

Was this repeated again, this molestation made by your uncle?

"A

Yes, sir.

"Q

Are you referring to January 31, 1998?

"A

Yes, sir.

"Q

What did he do on January 31, 1998?

"A

I was awakened and I noticed our door opened. What I did was to cover myself with blanket so that he will not notice I was awake, sir. I covered myself with blanket and I was lying on my stomach on the floor but he forced me to lie on my back then when he was successful in doing so, I covered my face with a pillow but he was forcing me to suck his penis, sir.

"Q

Were you able to suck his penis?

"A

No, sir.

"Q

What did he do next when you refused to suck his penis?

"A

He told me that the thing he was forcing me to do was delicious, I told him I don't like and when I refused, he threw the blanket to me, sir.

"Q

What did he say?

"A

No more, sir.

"Q

Was this repeated, this act done by your uncle?

"A

Yes, sir.

"Q

Are you referring to February 3, 1998 incident?

"A

Yes, sir.

"Q

What happened on February 3, 1998?

"A

We have just eaten and when we were about to go to sleep because that was the order of the husband of Aling Boly, Jun Jun went inside our house and he was commanding us to sleep. My brother replied on the verge of sleeping, why was he commanding us to sleep.

"Q

What did your uncle do after that, after commanding you to sleep?

"A

When my brothers and sister were already lying down to sleep, while I was fixing the table – cleaning the table of scatter, my uncle went near me and he touched my buttock and I told him don't do that and he should better go home, sir.

"Q

What happened next?

"A

He threw the blanket for me to sleep alone near the wall of our house but my sister [doesn't] want me to sleep in that place, so he transferred beside my sister to sleep.

"Q

What happened when you lay beside your sister to sleep?

"A

Kuya Jun Jun told us to sleep and told us that he will watch us to sleep, then he lay beside me, sir.

"Q

What happened when your uncle lay beside you?

"A

He took off my shorts and my panty and he pinned me, sir.

"Q

When he pinned you, was he still wearing pants, brief or shorts?

"A

No, sir.

"Q

What did he do?

"A

He kissed my organ, sir.

"Atty. Delas Alas

There was previous statement `inano niya' his organ to my organ, Your Honor.

Before witness said he kissed her organ, witness is trying to say – we are just questioning `inano niya yong ari niya sa ari ko' then he kissed and licked my vagina, Your Honor.

"Pros. Aliposa (witness)

"Q

Let us make this clearer. When you said `inano' what do you mean by that?

"A

He touched his penis into my organ, sir.

"Q What happened after he kissed and licked your organ

"A

He spit on the hole of the bamboo, sir."[11]

The sole testimony of a rape victim in a rape case could be sufficient to sustain a conviction.[12] The mere fact that it is not corroborated does not necessarily mean that it has been fabricated. No young woman, it is said,

would weave a tale of sexual assaults to her person, open herself to examination of her private parts, and later be subjected to public trial if she were not, in fact, molested. It is neither highly improbable for such acts to be perpetrated in a crowded room. Lust is not known to be a respecter of time and place, and rape itself has been found to occur in places where people congregate.[13]

There would appear to be merit, however, in the plea of appellant that, on the basis of the testimony of the victim, his conviction by the court a quo in Criminal Cases No. 19117, No. 19118, and No. 19119 could not rightly be that of consummated rape. In *People vs. Campuhan*,[14] the Court ruled that Primo Campuhan, who was found by the trial court guilty of statutory rape and sentenced to the extreme penalty of death, could only be liable for attempted rape. The Court there observed that no convincing proof was proffered by the prosecution that the penis of appellant Campuhan had slid into the female pudendum. Touching would simply mean epidermal contact, stroking or grazing of organs, or a slight brush or a scrape of the penis on the external layer of the victim's vagina or mons pubis. The penis should reach the pudendum or the female genital organ. For rape to be successfully prosecuted, the labia majora (the outer lips of the female organ) must be entered and not merely for the penis to stroke the surface of the female organ or touch the mons pubis (visible area of the female organ) of the pudendum. The labias, being located beneath the mons pubis, to touch them with the penis would be to attain some degree of penetration into the surface. It would only then be when the penis of the man had entered the labial threshold of the female organ that one might conclude that rape had been consummated. Accordingly, in the case now at bar, appellant should be held accountable, like in *Campuhan*, only for attempted rape.

In Criminal Case No. 19120, the trial court correctly found appellant guilty of acts of lasciviousness. Appellant was shrouded with lust in trying, although unsuccessfully, to get the young girl to suck his penis.

The elements of this crime are that: (a) the offender commits any act of lasciviousness or lewdness; (b) by using force or intimidation, or when the offended party is deprived of reason or otherwise unconscious, or the offended party is under 12 years of age. In acts of lasciviousness, the acts complained of are prompted by lust or lewd design where the victim has not encouraged such acts. In cases of acts of lasciviousness, the offender is deemed to have accomplished all the elements necessary for the existence of the felony once he has been able, by his overt acts, to actually achieve or attain his purpose.[15]

In Criminal Case No. 19121, where appellant, forcing Jobelyn to lie face down,[16] inserted his penis into her anus, rape was committed consistently with Article 266-A of Republic Act No. 8353,[17] also known as the Anti-Rape Law of 1997, viz:

"ART. 266-A. Rape; When and How Committed. – Rape is committed.

"x x x x x x x x

"2) By any person who, under any of the circumstances mentioned in paragraph 1 hereof, shall commit an act of sexual assault by inserting his penis into another person's mouth or anal orifice, or any instrument or object, into the genital or anal orifice of another person."

The offense is punishable by prision mayor under Article 266-B of the same amendatory law; thus:

"Art. 266-B. Penalties. – x x x. Rape under paragraph 2 of the next preceding article shall be punished by prision mayor."

Now, on the penalties that should be imposed. The crime of consummated simple rape, under Article 335 of the Revised Penal Code, carries the penalty of reclusion perpetua. Pursuant to Article 51 of the Revised Penal Code, the penalty to be imposed upon principals of an attempted crime shall be lowered from that prescribed by law for the consummated felony by two degrees, i.e., prision mayor or six (6) years and one (1) day to twelve (12) years.

Minority, a privileged mitigating circumstance under Article 68, would still lower by one degree, i.e., prision correccional with a duration of six (6) months and one (1) day to six (6) years, the penalty that can be imposed. Applying the provisions of the Indeterminate Sentence Law, the penalty lower yet by another degree, i.e., arresto mayor with a duration of one (1) month and one (1) day to six (6) months, shall be the minimum term of the penalty. The offense of acts of lasciviousness, under Article 336 of the same Code, is made punishable by prision correccional or from six (6) months and one (1) day to six (6) years. The privilege mitigating circumstance of minority would lower the penalty to arresto mayor which ranges from one (1) month and one (1) day to six (6) months. When it is the imposable penalty, its maximum not being at least one year, the Indeterminate Sentence Law would be inapplicable.

In each of the crimes with which appellant has been charged and later convicted of, i.e., Criminal Cases No. 19117, No. 19118, No. 19119, No. 19120, and No. 19121, the victim is entitled to an award of P20,000.00 civil indemnity, ex delicto, plus P20,000.00 by way of moral damages being, under prevailing jurisprudence, considered to be innate suffering in crimes against chastity.

WHEREFORE, the Court AFFIRMS with MODIFICATION the assailed decision of the court a quo thusly:

- In Criminal Case No. 19117-MN, appellant is found guilty beyond reasonable doubt of the crime of rape in its attempted stage and, with the privileged mitigating circumstance of minority, he is sentenced to suffer the indeterminate penalty of six (6) months of arresto mayor, as minimum, to three (3) years, six (6) months and twenty (20) days of prision correccional medium, as maximum.

- In Criminal Case No. 19118-MN, appellant is found guilty beyond reasonable doubt of the crime of rape in its attempted stage and, with the privileged mitigating circumstance of minority, he is sentenced to suffer the indeterminate penalty of six (6) months of arresto mayor, as minimum, to three (3) years, six (6) months and twenty (20) days of prision correccional medium, as maximum.

- In Criminal Case No. 19119-MN, appellant is found guilty beyond reasonable doubt of the crime of rape in its attempted stage and, with the privileged mitigating circumstance of minority, he is sentenced to suffer the indeterminate penalty of six (6) months of arresto mayor, as minimum, to three (3) years, six (6) months and twenty (20) days of prision correccional medium, as maximum

- In Criminal Case No. 19120-MN, appellant is found guilty beyond reasonable doubt of the offense of lasciviousness and, with the privileged mitigating circumstance of minority, he is sentenced to suffer the penalty of three (3) months of arresto mayor.

- In Criminal Case No. 19121-MN, appellant is found guilty beyond reasonable doubt of the crime of rape under Article 266-A, in relation to Article 266-B, paragraph (10), of Republic Act No. 8353 and, with the privileged mitigating circumstance of minority, he is sentenced to suffer the indeterminate penalty of six (6) months of arresto mayor, as minimum, to three (3) years, six (6) months and twenty (20) days of prision correccional medium, as maximum.

Appellant is likewise ordered to pay Jobelyn Ramos y Denola P20,000.00 civil indemnity and P20,000.00 moral damages for each offense or the amounts of P100,000.00 civil indemnity and P100,000.00 moral damages, or a grand total of P200,000.00, for all the above criminal convictions. Costs against appellant.

SO ORDERED.

Melo, (Chairman), Sandoval-Gutierrez, and Carpio, JJ., concur.
Panganiban, J., in the result.

-
- [1] Rollo, p. 4.
- [2] Rollo, p. 6.
- [3] Rollo, p. 8.
- [4] Rollo, p. 10.
- [5] Rollo, p. 12.
- [6] Rollo, p. 72.
- [7] Rollo, pp. 23-24.
- [8] Rollo, pp. 40-41.
- [9] People vs. Gallo, 284 SCRA 590; People vs. Barrientos, 285 SCRA 221; People vs. Balmoria, 287 SCRA 687; People vs. Auxtero, 289 SCRA 75.
- [10] People vs. Perez, 313 SCRA 544; People vs. Jimenez, 302 SCRA 607; Cervantes vs. Court of Appeals, 304 SCRA 25.
- [11] TSN, 16 July 1998, pp. 3-10.
- [12] People vs. Villaluna, 303 SCRA 518.
- [13] People vs. Alitagtag, 309 SCRA 325; People vs. Onabia, 306 SCRA 23.
- [14] 329 SCRA 270.**
- [15] Gregorio, Fundamentals of Criminal Law Review, Ninth Edition, p. 908.
- [16] TSN, 16 July 1998, p. 8.
- [17] An Act Expanding the Definition of the Crime of Rape Reclassifying the Same as a Crime Against Persons, Amending for the Purpose Act No. 3815, As Amended, Otherwise Known as the Revised Penal Code, and for Other Purposes.

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.