

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. EDUARDO RATA Y BAGAMENTO, APPELLANT.

G.R. Nos. 145523-24. December 11, 2003

Ponente: CARPIO, J.

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CARPIO, J.:

The Case

Before this Court for automatic review is the Decision[1] dated 2 August 2000 of the Regional Trial Court of Malabon, Branch 170 ("trial court"), in Criminal Case Nos. 18752-MN and 18753-MN. The trial court found Eduardo Rata y Bagamento ("appellant") guilty of two counts of qualified rape and sentenced him to suffer the death penalty for each count of rape and to indemnify the victim.

The Charges

In Criminal Case No. 18752-MN, the Information charged appellant with the crime of rape as follows:

That on or about the 23[rd] day of October, 1997, in the Municipality of Malabon, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, being then the father of AAA, with lewd design by means of force, violence and intimidation, willfully, unlawfully and feloniously did then and there have sexual intercourse with said AAA, who is under 18 years of age against her will and without her consent.

CONTRARY TO LAW.[2]

In Criminal Case No. 18753-MN, the Information likewise charged appellant with the crime of rape as follows:

That on or about the 25[th] day of December, 1996, in the Municipality of Malabon, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, being then the father of AAA, with lewd design by means of force, violence and intimidation, willfully, unlawfully and feloniously did then and there have sexual intercourse with said AAA, who is under 18 years of age against her will and without her consent.

CONTRARY TO LAW.[3]

Arraignment and Plea

When arraigned on 25 June 1998, appellant, with the assistance of his counsel de parte, entered a plea of not guilty.[4]

The Trial

Version of the Prosecution

The prosecution presented three witnesses: (1) complainant AAA ("AAA"); (2) Dr. Tomas Suguitan of the Medico-Legal Division of the Philippine National Police ("PNP") Crime Laboratory, who conducted the physical

examination on AAA; and (3) social worker Luz de Guzman.

In the People's Brief, the Solicitor General summarized the prosecution's version of the incident as follows:

At around 3:00 a.m. of December 25, 1996, AAA was in their house in Letre, Malabon, Metro Manila with her father, appellant herein, when the latter made her lie down. Appellant undressed her and thereafter undressed himself. Appellant subsequently inserted his penis into AAA's vagina and made some thrusting movements. After a while, appellant withdrew himself and ended AAA's horrifying ordeal.

On October 23, 1997, AAA was again ravaged by appellant under the same conditions as the first rape on December 25, 1996. This time, however, appellant satisfied his lust a little longer, at the same time threatening AAA with death if ever the latter would report to anyone what had transpired between them. Unable to bear her painful experience at the hands of her very own father, AAA reported the incidents to her neighbor, Josie, who accompanied her to the authorities. Her statement to the police led to the institution of the present charges against appellant (Ibid., pp. 4-5).[5]

Dr. Tomas Suguitan testified that he conducted the physical examination on AAA and prepared the corresponding medico-legal report.[6] The report reads:

FINDINGS:

GENITAL AND EXTRAGENITAL:

Fairly developed, fairly nourished and coherent female subject. Breasts are hemispherical with pale brown areola and nipples from which no secretions could be pressed out. Abdomen is flat and soft.

GENITAL[L]:

There is moderate growth of pubic hair. Labia majora are full, convex and coaptated with the pinkish brown labia minora presenting in between. On separating the same disclosed an elastic, fleshy-type hymen with complete healed laceration at 3 o'clock and deep healed lacerations at 8 and 10 o'clock positions. External vaginal orifice offers moderate resistance to the introduction of the examining index finger. Vaginal canal is narrow with prominent rugosities. Cervix is firm and closed.

CONCLUSION:

Subject is in non-virgin state physically.

There are no external signs of application of any form of violence.

REMARKS:

Vaginal and peri-urethral smears are negative for gram-negative diplococci and spermatozoa.

When Dr. Suguitan interviewed AAA, she revealed that appellant sexually molested her from December 25, 1996 up to October 23, 1997.[7]

Luz de Guzman of the Department of Social Welfare and Development ("DSWD") narrated that AAA was brought by her stepmother Aida to the DSWD office in Malabon in November 1997. AAA complained that her father sexually abused her. The DSWD subsequently brought AAA to DSWD's Marilac Hills, where she is presently staying.[8]

Version of the Defense

The defense presented two witnesses: (1) appellant himself and (2) appellant's stepdaughter Errol Rata ("Errol").[9]

The Public Attorney summarized the defense's version as follows:

ERROL RATA averred that nothing happened on December 25, 1996 and October 23, 1997, at around 3:00 in the morning, while he was sleeping in the sala of their house located at Block 4, Lot 24, Phase 4, Paradise Village, Malabon, Metro Manila, together with AAA and [her] little brother. However, prior to October 23, 1997, when [s]he just came from school, [s]he saw [her] stepfather slap AAA, because the latter left their house without leaving anybody to attend to the rice being cooked at that time. As a result of which, AAA left the house and [s]he does not know anymore where she went. (TSN, February 23, 1999, pp. 2-4).

EDUARDO RATA vehemently denied the allegations against him that he raped AAA on 25 December 1996, at about 3:00 in the morning. On that very same day and time, he was with his common-law [w]ife slaughtering chickens and ducks in preparation for the baptism of their child while AAA, Errol and Marde were all sleeping in their sala. After the baptism held in Malabon Church at 11:00 in the morning, they dined together. However, because his house is small, his other guests left early. Bonifacio Solera and some of his other visitors were left behind and started drinking at around 4:00 o'clock in the afternoon and lasted up to 5:00 o'clock in the early morning of the following day.

In relation to the second charge, he claimed that when he went home to have lunch, accidentally, he smelled the overcooked rice. At that time, AAA was nowhere to be found when he called her. When AAA arrived, she told him that she was just in the neighborhood watching [a] video. Losing control of himself, he spanked and kicked her. Thereafter, she left their house and never came back up to the present. (TSN, November 16, 1999, pp. 2-4)[10]

The Trial Court's Ruling

The trial court rendered a judgment of conviction on 2 August 2000. The dispositive portion of the decision reads:

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

- In Criminal Case No. 18752-MN, the Court finds accused Eduardo Rata y Bagamento guilty beyond reasonable doubt of the crime of Rape (Republic Act No. 8353) and hereby sentences him to suffer the penalty of DEATH; to pay AAA the amount of P75,000.00 as civil indemnity, P50,000.00 as moral damages and P35,000.00 as exemplary damages plus the cost of the suit.

- In Criminal Case No. 18753-MN, the Court finds accused Eduardo Rata y Bagamento guilty beyond reasonable doubt of the crime of Rape penalized under Art. 335 of the Revised Penal Code as amended by R.A. 7659 and hereby sentences him to suffer the penalty of DEATH; to pay AAA the amount of P75,000.00 as civil indemnity, P50,000.00 as moral damages and P35,000.00 as exemplary damages plus the cost of the suit.

SO ORDERED.[11]

Hence, this automatic review.

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