

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. ROLANDO MENDOZA, JR. Y DELA CRUZ, APPELLANT.

G.R. Nos. 146693-94. July 31, 2003

Ponente: CARPIO MORALES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-146693-94/>

CARPIO MORALES, J.:

For automatic review is the joint decision rendered by Branch 45 of the Regional Trial Court (RTC) of Bais City finding appellant Rolando Mendoza, Jr. guilty of incestuous rape on two counts and sentencing him in each to suffer the penalty of death and to pay his daughter-victim, Monaliza Mendoza,[1] P50,000.00 as moral damages and an unspecified amount as exemplary damages.

The complaints dated August 9, 1996 against appellant, which were treated as two separate informations after the conduct of preliminary investigation, read as follows:

Criminal Case No. 96-074-B:

COMPLAINT[2]

The undersigned private complainant, MONALIZA MENDOZA, Filipino, thirteen (13) years old, single and a resident of Barangay Olympia, Bais City, Philippines, hereby accuses ROLANDO MENDOZA Y DELA CRUZ of the crime of rape, committed as follows:

That on or about April 2, 1996 at Bais City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, who is the father of the undersigned, by means of force or intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of the undersigned complainant against her will.

x x x (Emphasis supplied)

Criminal Case No. 96-075-B:

COMPLAINT[3]

The undersigned private complainant, MONALIZA MENDOZA, Filipino, thirteen (13) years old, single and a resident of Barangay Olympia, Bais City, Philippines, hereby accuses ROLANDO MENDOZA Y DELA CRUZ of the crime of rape, committed as follows:

That on or about May 16, 1996 at Bais City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, who is the father of the undersigned, by means of force or intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of the undersigned complainant against her will.

x x x (Emphasis supplied)

Arraigned on December 11, 1996, appellant pleaded not guilty to both charges[4] trial for which was joint.

Before the start of the pre-trial, the prosecution amended the informations by adding the word "Jr." after appellant's surname "Mendoza".[5]

At the pre-trial, appellant admitted that he is the father of Monaliza.[6]

Established from the evidence of the prosecution are the following:

At around noon of April 2, 1996, Monaliza, the youngest of three daughters of appellant and his wife Elpedia, was left alone with appellant at their house at Olympia, Bais City, Monaliza's elder sister Marigilda having earlier gone out to fetch water from "a faucet" about 1½ kilometers away from their house, while her mother was in Manila where she was working, as was her sister Brenda, and her brother Reynaldo was in Iloilo. Appellant held Monaliza by the waist and sucked her nipples. While she struggled to extricate herself, she failed. He then inserted his forefinger into her vagina which caused her pain. When she inquired why appellant "did that" to her, he replied that he was just "caressing."

At about midnight also of April 2, 1996, while Monaliza lay asleep on the floor of their house between her elder sister Marigilda who was 3 meters away from her and appellant who was a meter away from her, she woke up and found appellant on top of her and kissing her face. She struggled hard to free herself, but appellant held her tightly and inserted his sex organ into her vagina and made a "push and pull movement." On account of appellant's acts, she was in pain. He warned her, however, not to tell anyone about the incident, otherwise, he would kill them. Out of fear, she did not tell Marigilda about the incident.

A month and a half after the April 2, 1996 incident or on May 16, 1996, at noontime, appellant instructed Marigilda to, and the latter did, gather some firewood, leaving him and just Monaliza inside their house. Appellant soon approached Monaliza, "opened her dress," sucked her nipples, and inserted his penis into her vagina and made a "push and pull movement." As in the previous incident, she struggled to free herself but failed as he held her tightly. She was likewise in pain and was once again warned not to reveal the incident to anyone on pain of death.

Appellant's threats having overpowered her, Monaliza did not inform her mother about the incidents even after the latter came home from Manila on June 25, 1996 to attend the annual barangay fiesta.

As Monaliza later was observed to be always drowsy and weak, and her hips were expanding while her breasts became pronounced, she was prevailed upon by her mother and her aunt Jane "Ya Gen" Patiño to submit to a medical examination by Dr. Beverly R. Renacia, Medical Officer V of the Bais City Health Office. Monaliza ultimately revealed to Dr. Renacia, her mother and aunt "Ya Gen" that she had been raped by appellant.

The result of the external examination conducted on Monaliza on July 23, 1996 is reflected on the medical certificate issued by Dr. Renacia[7] who likewise issued another medical certificate reflecting the following results of the internal examination conducted on July 25, 1996.[8]

I.E. Findings:

- Scarce pubic hair noted on the upper half of the genitalia
- Hymen with healed laceration at 12:00 o'clock and 9 o'clock positions
- Vagina admits 2 fingers
- Cervix - soft, admits 1 finger
- No discharges noted

Pregnancy test - done July 29, 1996 yielded a positive result.

Addendum: No physical injuries like bruises or hematoma were noted. (Emphasis supplied)

After the filing of the complaints-informations on August 9, 1996 or on October 29, 1996, Monaliza gave birth to a baby girl.[9]

Denying the accusations, appellant, a carpenter and a fisherman, claimed as follows:

Sometime on February or March 1996, he noticed a contusion on the left arm of Monaliza, drawing him to inquire from her what happened, to which she replied that her brother Reynaldo hit her. Thus informed, appellant got mad at her for not priorly revealing the incident.

A few days later, thinking that Monaliza had influenza, he brought her to the hospital where she was examined and was given prescription for medicine.

After the lapse of two months or on May 1996, appellant observed that Monaliza was pale and vomiting. Suspecting that she was pregnant, he inquired if she was, but she did not answer. He then threatened her that if she was, he would kill her as her pregnancy would bring shame to the family. He did not, however, write his wife about his suspicions regarding Monaliza's condition as he knew that she would be coming home for the annual barangay fiesta of Olympia.

While his wife went home for the barangay fiesta, he failed to inform her of his suspicions about Monaliza's pregnancy as he was occupied with the fiesta. It was his wife, however, who broached to him her own suspicion that Monaliza was pregnant. And his wife brought Monaliza to a hilot who opined that she was probably pregnant, hence, the latter was brought to the hospital for medical examination.

On top of appellant's denial, he advanced that he could not have raped Monaliza on April 2, 1996 and May 16, 1996 as he was, on the first date with his brother-in-law, one Danny, constructing a house,[10] while he was "working" with a certain Kalaw, Danny, and one Ete on the latter date.[11]

Finding for the prosecution, the trial court convicted appellant of two counts of qualified rape and sentenced him to death in both cases in its November 17, 2000 Joint Decision, the dispositive portion of which reads, quoted verbatim:[12]

WHEREFORE, premises considered, this Court finds accused, ROLANDO MENDOZA (sic) Y DE LA CRUZ guilty for the qualified crime of rape in two (2) counts under Article 335 of the Revised Penal Code as amended by Sec. 11 of Republic Act No. 7659, and thereby sentences him to two (2) extreme and supreme penalties of DEATH, and to pay moral damages of P50,000.00 and exemplary damages to the victim, Mona Liza Mendoza, and to pay costs. (Emphasis in the original)

Appellant thus assigns as errors of the trial court the following:[13]

THE COURT A QUO GRAVELY ERRED IN FINDING THAT THE GUILT OF THE ACCUSED-APPELLANT FOR THE CRIMES CHARGED HAS BEEN PROVEN BEYOND REASONABLE DOUBT.

THE COURT A QUO GRAVELY ERRED IN IMPOSING UPON THE ACCUSED-APPELLANT THE SUPREME PENALTY OF DEATH DESPITE THE FAILURE OF THE PROSECUTION TO ALLEGE THE MINORITY OF THE PRIVATE COMPLAINANT IN THE ACCUSATORY PORTION OF THE COMPLAINT.

Maintaining his innocence, appellant attributes ill-motive to Monaliza's grandmother[14] who, by his claim,

sometimes got angry at him for going home late, she telling him "that there are some young men or boys who frequented our place." [15]

Appellant attributes ill-motive too to Monaliza arising from his threats to kill her if it turned out that she was indeed pregnant. [16]

The defense counsel, during the cross examination of Monaliza, attempted to establish that no rape on April 2, 1996 could have possibly taken place because of Marigilda's presence. [17]

Parental punishment, however, does not suffice to prod a daughter, who is of tender age, to falsely accuse her father of rape. [18] It takes depravity for a young girl to concoct a story of defloration against her putative father, unless she had really been aggrieved. [19]

And it is hard to believe that a grandmother would expose her granddaughter, a young and innocent girl, to the humiliation and stigma of a rape trial simply to get back at the accused unless the rape charges were true. [20]

As for the presence of Marigilda during the April 2, 1996 incident, it is not impossible, nor incredible, for her to have been in deep slumber while the sexual assault on Monaliza was taking place. [21] Lust, after all, does not respect either time or place, [22] nor the presence of people nearby. [23]

As for the defense counsel's attempt to establish during the cross-examination of Dr. Renacia that appellant could not have raped Monaliza on April 2, 1996 and May 16, 1996, given Monaliza's giving birth to a baby girl on October 29, 1996, [24] after the lapse of less than seven (7) months from the first rape incident, [25] the same fails.

The record does not disclose any claim by Monaliza that it was on account of the rape subject of the first information that she became pregnant. As Dr. Renacia recalled on direct examination, Monaliza had revealed to her that she had been sexually abused by her father several times.

Q

Now, when she consulted you on July 23, 1996, will you kindly inform the Honorable Court what was her principal complaint?

A

The patient Monaliza Mendoza came with the chest complaint and abdominal distinction and amenorrhea or absence of menstruation.

Q So, since this was her principal complaint, will you kindly inform the Honorable Court what you did to her?

A

The most important part of examination of the patient is history. First of all, I asked for the history as to what happened and the patient revealed to me that she has been sexually abuses (sic) by his (sic) own father and I noticed that during [t]his history taking she had difficulty in recalling days, and so it took me more than an hour to interview the patient just to get the dates which is important in my examination and estimating the age of the pregnancy.

Q

Now, because her principal complaint was - she was no longer menstruating, why did you ask questions on the patient? Did you have any conclusion on the matter because of this complaint?

A

What we usually have in mind on the patient to come in with the complaint of amenorrhea specially in the

reproduction age group, the first consideration is pregnancy; that's why I have to ask the patient matters or incidents which are related to pregnancy.

Q Because from the appearance of the patient you observed that she could be pregnant?

A Yes.

Q

And after she told you that she was sexually abused by her father several times, did you bother to ask the dates when she was abused?

A

Yes, I did. However, she gave me several dates and I intentionally did not include it in my medical certificate because I notice that as I said earlier, she has difficulty in recalling dates and besides, for my medical certificate what is important I believe, as a physician, is only the date of the last menstrual period which is very necessary.[26]

And on cross-examination, the doctor maintained that Monaliza had revealed to her that she was abused by her father several times, the dates of which she (the doctor) could not exactly remember "but as far as [she] could recall [Monaliza] gave May 16[,] sometime in April, then during the KB election." [27]

At all events, that Monaliza may have already been pregnant at the time of the rapes subject of the informations does not exculpate appellant from the charges therefor, the impregnation of a woman not being an element of rape.

In *People v. Adora*, this Court held:[28]

[A]uthorities in forensic medicine agree that the determination of the exact date of fertilization is problematic. The exact date thereof is unknown; thus, the difficulty in determining the actual normal duration of pregnancy. A Filipino authority writes:

"The average duration of pregnancy is 270 to 280 days from the onset of the last menstruation. There is however no means of determining it with certainty. Evidence derived from pregnancy following a single coitus is trustworthy, but inasmuch as some authorities consider more than two weeks as the life span of the spermatozoa in the vagina canal, it is hard to ascertain the exact date of fertilization. There is no synchrony between coitus and fertilization."

Computation of the whole period of gestation, thus, becomes a purely academic endeavor. In this light, while most authorities would agree on an average duration, there are still cases of long and short gestations.

"Thus, the stage of development of the fetus cannot be determined with any exactitude, and an error of at least two weeks, if not more, should be allowed for. This, together with the recognized variation in the duration of normal pregnancies, makes it very unsafe to dogmatize in a medico-legal case xxx."

More importantly, it should be pointed out that these consolidated cases are criminal cases for rape, not civil actions for paternity or filiation. The identity of the father of the victim's child is a non-issue. Even her pregnancy is beside the point. What matters is the occurrence of the sexual assault committed by appellant on the person of the victim on four separate occasions . . . (Citations omitted; emphasis and underscoring supplied)

This ruling on the computation of the whole period of gestation was reiterated in *People v. Bation*. [29]

As for the failure of Monaliza to immediately report the incidents, this does not dent her credibility nor undermine the charges. It bears noting that appellant threatened to kill "all of them" if Monaliza reported what had

transpired.[30] As is a common occurrence, a young and immature girl usually conceals for a time the rape committed on her because of the rapist's threats on her life, more so when the offender is living with her. [31]

The gravamen of the offense of rape as defined under Article 335 of the Revised Penal Code, as amended by Republic Act No. 7659,[32] is sexual intercourse with a woman against her will or without her consent.[33] Thus, the prosecution must prove that (1) the offender had carnal knowledge of a woman; and (2) such act was accomplished through the use of force or intimidation; or when the victim is deprived of reason or otherwise unconscious; or when the victim is twelve (12) years of age, or is demented.[34]

By the very nature of the crime of rape, conviction or acquittal depends almost entirely on the credibility of the complainant's testimony, given the fact that usually only the participants can testify as to its occurrence.[35]

The following extract from Monaliza's testimony[36] indubitably establishes the presence of the elements of rape with respect to the April 2, 1996 incident:

Q: About midnight of that same day, April 2, 1996, can you recall where were you?

A: Yes.

Q: Where were you?

A:

I was in our house.

Q: Who were your companions that evening?

A: My elder sister and my father.

Q: What were you doing at that time?

A: I was sleeping in the middle.

Q: In the middle of whom?

A: I was sleeping in the middle of my father and my sister.

Q: You were sleeping in between your elder sister Marigilda and your father, accused Rolando Mendoza, Jr.?

A: Yes.

Q: So, you (sic) father was beside you?

A: Yes.

Q: Do you recall any unusual incident that happened on such date and time?

A: Yes.

Q :What was that incident?

A:

I woke up because I feel (sic) my father was kissing my face, and when I opened my eyes, he was on top of me.

Q: What did you do when you woke up and your father [was] kissing you and on top of you?

A: I tried to free myself from his hold but I was not able to do so because he was holding me tightly.

Q: After that, what did he do to you if he did anything?

A: He inserted his penis inside my vagina.

Q: Were you wearing panty at that time?

A: Yes.

Q: Before he inserted his sexual organ into your vagina, did he pull out your panty?

A: Yes.

Q: Did his sex organ enter your sex organ?

A: Yes.

Q: What did you feel when the sex organ of your very own father enter your sex organ?

A: I felt pain.

Q: When the sex organ of your father was inside your vagina, did he make a push and pull movement?

A: Yes.

Q: After that, what did he do?

A: Nothing.

Q: Did he tell you something?

A: Yes.

Q: What did your father tell you?

A: My father told me that if I will tell anyone about it he will kill us. (Emphasis supplied)

And Monaliza's following testimony on cross-examination amplified her claim that she was raped by appellant on April 2, 1996:[37]

Q:

And it was at 12:00 o' clock in the evening of that day, April 2, 1996 when you were awakened and that was the time you saw your father lying on top of you, right?

A: Yes.

Q: And he started to carress you, right?

A: Yes.

Q: Your father did not cover your mouth, right?

A: He covered my mouth.

Q: But you did no struggle?

A: I struggled.

Q: You struggled very hard?

A: Yes.

Q: And inspite of what you did, your sister was not awakened?

A: She was able to move but she was not able to wake up.

Q: You did not shout?

A: I was not able to shout because he covered my mouth.

x x x

Q: What did you do when you said you struggled hard?

A: I struggled but he hugged me tightly.

Q: Can you please state how far was your sister when you said you struggled hard?

A: My sister was lying about that distance (witness pointing to a place inside the courtroom which is estimated to be about three meters) and my father was beside me about a meter away.

Q: And this was the bed you said you were sleeping together with your father and sister, right?

Court: Let us clarify this. This bed where you are sleeping, is it a floor or an elevated place?

A: We were sleeping on the floor.

Q:

And it was then that your father successfully performed the act of sexual intercourse with you that night?

A: Yes. (Emphasis and underscoring supplied)

As for the May 16, 1996 incident, Monaliza's following account on direct examination[38] establishes too the presence of the elements of rape:

x x x

Q: With that statement, are you telling the court now that you were only raped by your father once?

A: I was raped twice.

Q:

When you said you were raped on April 2, 1996, when was the second rape that was committed by your father?

A: I was raped on May 16, 1996.

Q: How did your father raped (sic) you on May 16, 1996?

A: He opened my breast (sic) and he sucked my nipples, and he inserted his penis inside my vagina.

Q: Before he inserted his penis into your vagina, did you struggle hard to free yourself?

A: Yes.

Q: Were you able to free yourself because you struggled hard?

A: No, I was not able to free myself.

Q: Why?

A: Because he hugged me very tightly.

Q:

And you said that on May 16, 1996, your father inserted his sexual organ into yours. Did his sex organ omdeed (sic) entered into your vagina?

A: Yes, he was able to penetrate me (sic).

Q: Did he make a push and ull (sic) movement?

A: Yes.

Q.

After that, what did your father do?

A: He said that "do not tell anyone about it because he will kill all of us." (Emphasis supplied)

That force attended the coitus during the first incident is gathered from appellant's covering of Monaliza's mouth, thus effectively silencing her as she struggled to free herself from him. As in the first incident, appellant during the second incident held Monaliza tightly to prevent her from setting herself free as she tried to resist appellant's acts. And in both incidents, he repeatedly warned her against confiding to anyone what had transpired.

That Monaliza could not offer a more tenacious resistance could be explained by the fact that appellant was simply too strong for her. Her resistance, however, clearly negates consent.

Monaliza's pointing to appellant as the one who raped her twice undermines his denial. Denial being intrinsically weak as a defense, it must be supported by strong evidence of non-culpability to merit credence.[39] This appellant failed to do.

As between the positive and categorical testimony then of Monaliza that she was raped by appellant and the latter's bare denial, the former prevails.[40]

As for appellant's alibi, it is weak as it can easily be fabricated.[41] And that explains why, for it to prosper, two (2) elements must concur: (a) his presence at another place at the time of the perpetration of the offense must be proven; and (b) the physical impossibility for him to be at the scene of the crime.[42] Proof of these appellant failed to discharge.

If any nagging doubts about appellant's culpability still linger, his leaving for Iloilo, upon learning of the filing of the present charges in court and the issuance of warrants for his arrest, thereby frustrating the service thereof and calling for the issuance of alias warrants,[43] should dissipate them. Appellant's explanation - that he went to Iloilo to look for his son Reynaldo[44] - leaves this Court unbelieving. For a truly innocent person would normally seize the first available opportunity to defend himself and assert his innocence.[45] His flight certainly strongly indicates his guilt.[46]

Appellant argues, at all events, that assuming arguendo that he is guilty, the trial court erred in imposing death on him since the prosecution failed to allege the minority of Monaliza in the accusatory portion of each of the complaints. Appellant's position in this regard is well-taken.

Monaliza's age at the time of the filing of the complaints appears in the caption or preamble thereof as a description of her as the private complainant.[47] Her age at the time the incidents occurred was, however, not specified in the accusatory portion of each of the complaints. Such omission is prejudicial to the right of appellant to be informed of the nature of the accusations against him.[48] Thus, in several cases, this Court held that it is not

sufficient to simply allege the qualifying circumstances in the caption or the preamble but, more importantly, these must be alleged in the body or the accusatory portion of the information.[49]

It has been held that "the real nature of the criminal charge is determined not from the caption or the preamble of the information nor from the specification of the provision of law alleged to have been violated . . . but from the actual recital of the facts as alleged in the body of the information. In this case the information upon which the appellant was arraigned does not state in the specification of the acts constitutive of the offense that he is charged as the live-in partner of the mother of the alleged victim. This insufficiency prevents a judgment of conviction for qualified rape and thus, the death penalty cannot be imposed. (People v. Bali-balita; citation omitted; emphasis and underscoring supplied)[50]

As for the special qualifying circumstance of Monaliza's relationship with appellant, the prosecution failed to prove it beyond reasonable doubt. The complaint alleged that he is the father of Monaliza. Monaliza testified that appellant is her father.[51] And appellant admitted during the pre-trial[52] and the trial[53] that he is Monaliza's father. The bare testimony of the complainant and the admission of the accused as to their relationship do not suffice, however, [54] for an accused cannot be condemned to suffer the supreme penalty of death on the basis of stipulations or his own admissions.[55] This strict rule is warranted by the seriousness of the penalty of death. The fact that appellant is the father of Monaliza must be sufficiently established by competent and independent evidence.[56] This the prosecution failed to discharge.

The February 10, 1997 Certification of the Bais City, Negros Oriental Civil Registrar[57] which therein quotes entries on the "facts of birth appear[ing] in our Registry of Births on page 99 of book number 32" shows that Monaliza was born on October 30, 1982 to Nena Rebuya and Rolando Mendoza. This does not, however, clearly prove with moral certainty the father-daughter relationship as the name of Monaliza's father as indicated in the Certification is Rolando Mendoza and not Rolando Mendoza, Jr.

The concurrence of the minority of the victim and her relationship to the offender constitutes one special qualifying circumstance which must be both alleged and proved with certainty, otherwise, the death penalty cannot be imposed.[58]

Regarding the amount of damages awarded by the trial court, the same calls for modification too.

The trial court failed to award to Monaliza civil indemnity which is automatically imposed upon finding of the commission of rape.[59] Since the death penalty is not imposed, appellant is liable to pay civil indemnity in the amount of P50,000.00 for each count.[60]

As for moral damages, also for each count of rape, the amount of P50,000.00 is awarded without need of proving the basis thereof because it is assumed that the victim suffered moral injuries entitling her to such an award.[61]

Finally, on the award by the trial court of unspecified amount of exemplary damages: In criminal offenses, exemplary damages may be imposed when the crime was committed with one or more aggravating circumstances. [62] As priorly discussed, however, the prosecution failed to establish with moral certainty the aggravating circumstance of relationship between appellant and Monaliza.

WHEREFORE, the joint decision of Branch 45 of the Regional Trial Court of Bais City in Criminal Cases Nos. 96-074-B and 96-075-B finding accused-appellant, Rolando Mendoza, Jr. y De la Cruz,[63] guilty of two (2) counts of qualified rape and sentencing him in each to suffer the penalty of death and to pay the victim moral damages in the amount of P50,000.00 and an unspecified amount of exemplary damages is hereby MODIFIED in light of the foregoing discussions.

As modified, appellant is hereby found guilty beyond reasonable doubt of two (2) counts of simple rape and he is

sentenced to suffer in each the penalty of reclusion perpetua. He is also ordered to pay the victim, Monaliza Mendoza, in each case, the amount of P50,000.00 as civil indemnity, and the amount of P50,000.00 as moral damages.

Costs against appellant.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Puno, Vitug, Panganiban, Quisumbing, Ynares-Santiago, Carpio, Austria-Martinez, Corona, Callejo, Sr., Azcuna and Tinga, JJ., concur.
Sandoval-Gutierrez, J., on official leave.

[1] Also appears in the records as Mona Liza Mendoza and Mona Mendoza.

[2] Exhibit "A", Records Vol. I at 2.

[3] Exhibit "A", Records Vol. II at 1.

[4] Records Vol. I at 43; Records Vol. II at 39.

[5] TSN, February 10, 1997 at 2.

[6] Ibid; Records Vol. I at 62; Records Vol. II at 49.

[7] Exhibit "E", Records Vol. II at 66.

[8] Exhibit "F", Records Vol. II at 67.

[9] Exhibit "D", Records Vol. II at 65.

[10] TSN, January 6, 1999 at 13.

[11] Id. at 13-14.

[12] Records Vol. I at 154-155; Records Vol. II at 120-121.

[13] Rollo at 57-58.

[14] Id. at 63-64.

[15] TSN, January 6, 1999 at 21.

[16] Vide Note 14, *supra*.

[17] TSN, February 11, 1997 at 10-15.

[18] *People v. Ardon*, 354 SCRA 609, 624 (2001).

[19] *People v. Geraban*, 358 SCRA 213, 222 (2001).

[20] Ibid.

[21] *People v. Mangompit, Jr.*, 353 SCRA 833, 848-849 (2001).

[22] *People v. Sambrano*, G.R. No. 143708, February 24, 2003.

[23] *People v. Mendi*, 352 SCRA 23, 33 (2001); *People v. Queigan*, 352 SCRA 150, 165-166 (2001).

[24] Exhibit "D", Records Vol. II at 65.

[25] TSN, March 11, 1997 at 15-16.

[26] Id. at 4-5.

[27] Id. at 21.

[28] 275 SCRA 441, 459-460 (1997).

[29] 367 SCRA 211, 230 (2001).

[30] TSN, February 10, 1997 at 13 and 25.

[31] *People v. Labayne*, 357 SCRA 184, 199 (2001); *People v. Gonzaga*, 364 SCRA 689, 700 (2001).

[32] AN ACT TO IMPOSE THE DEATH PENALTY ON CERTAIN HEINOUS CRIMES, AMENDING FOR THAT PURPOSE THE REVISED PENAL CODE, AS AMENDED, OTHER SPECIAL PENAL LAWS, AND FOR OTHER PURPOSES. This was the law in force when the two incidents of rape were committed on April 2, 1996 and May 16, 1996. Subsequently, on October 22, 1997 the law on rape was amended by RA No. 8353 and re-numbered Articles 266-A, 266-B, 266-C and 266-D under Chapter Three, Title Eight of the Revised Penal Code (Crimes Against Persons).

[33] *People v. Awing*, 352 SCRA 188, 199 (2001).

[34] *People v. De Leon*, 320 SCRA 495, 504 (1999).

[35] *People v. Corral*, G. R. Nos. 145172-74, February 28, 2003; *People v. Lizada*, G. R. Nos. 143468-71, January 24, 2003.

[36] TSN, February 10, 1997 at 11-13.

[37] TSN, February 11, 1997 at 12-14.

[38] TSN, February 10, 1997 at 24-25.

[39] *People v. Sagun*, 303 SCRA 382, 392 (1999).

[40] *People v. Torres*, 350 SCRA 232, 240 (2001).

[41] *People v. Pontilar, Jr.*, 275 SCRA 338, 351 (1997).

[42] *People v. Baid*, 336 SCRA 656, 678 (2000).

[43] Records Vol. I at 34-36; Records Vol. II at 33-35.

[44] TSN, January 6, 1999 at 39.

[45] *People v. Solis*, 291 SCRA 529, 540 (1998).

[46] *People v. Fabon*, 328 SCRA 302, 317 (2000).

[47] Exhibit "A", Records Vol. I at 2; Exhibit "A", Records Vol. II at 1.

[48] *People v. Madraga*, 344 SCRA 628, 637 (2000).

[49] *People v. Bali-balita*, 340 SCRA 450 (2000); *People v. Madraga*, 344 SCRA 628 (2000); *People v.*

Rodriguez, G. R. No. 138987, February 6, 2002; People v. Isla, Jr., G. R. No. 140211-13, May 29, 2002.

[50] 340 SCRA 450, 469 (2000).

[51] TSN, February 10, 1997 at 7.

[52] Id. at 2.

[53] TSN, January 6, 1999 at 3.

[54] People v. Victor, G. R. No. 127904, December 5, 2002; People v. Yonto, G. R. No. 148917-18, November 21, 2002; People v. Silvano, G. R. No. 141105-11, March 8, 2002; People v. Alcoreza, 366 SCRA 655, 668 (2001); People v. Ramos, G. R. No. 142577, December 27, 2002; People v. Pastor, G. R. No. 140208, March 12, 2002; People v. Evangelista, 366 SCRA 631, 642 (2001); People v. Tabanggay, 334 SCRA 575, 601 (2000).

[55] People v. Cruz, G. R. No. 144634, December 18, 2002; People v. Sitao, G. R. No. 146790, August 22, 2002.

[56] People v. Marcelo, 369 SCRA 661, 678 (2001).

[57] Exhibit "C", Records, Vol. II at 64.

[58] People v. Acala, 307 SCRA 330, 359-360 (1999).

[59] People v. Esperida, G.R. Nos. 139637-38, January 22, 2003.

[60] People v. Taperla, G.R. No 142860, January 16, 2003.

[61] People v. Sambrano, G. R. No. 143708, February 24, 2003.

[62] Civil Code, art. 2230.

[63] The dispositive portion in the trial court's decision should have read "Rolando Mendoza, Jr. y Dela Cruz" instead of "Rolando Mendoza y Dela Cruz."

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.