

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. ANDRES PAAS ISLABRA, APPELLANT.

G.R. Nos. 152586-87. March 30, 2004

Ponente: PUNO, J.

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PUNO, J.:

Before us for automatic review is the Decision dated November 27, 2001[1] of the Regional Trial Court of Isulan, Sultan Kudarat, Branch 19, in Criminal Case Nos. 2522-23 finding Andres Paas Islabra guilty beyond reasonable doubt of one count of simple rape and sentencing him to suffer the penalty of reclusion perpetua, and one count of qualified rape and sentencing him to death.

The private complainant, thirteen-year-old Hilda Paas, and accused-appellant, thirty-two-year-old Andres Islabra, are first cousins, the former's father, Rogelio, being the brother of the latter's mother, Rosita. In 1997 Hilda and her brothers, Rodelio, Rolando, and Rodolfo came to Magsaysay, Sultan Kudarat to study and work as farmhands, respectively, while their parents remained in Columbo, Sultan Kudarat. They stayed in the house of accused-appellant upon the latter's invitation while their own house was still under construction. Younger sisters Margielyn, eight years old, and Mary Jane, seven years old, joined them later on. All was apparently well. However, on July 29, 1998, Hilda executed a sworn written complaint accusing Andres of raping her on two occasions. Two separate Informations were filed against Andres, viz:

Criminal Case No. 2522

That on or about 8:00 o'clock in the evening of July 4, 1998, at Barangay Magsaysay, Municipality of Esperanza, Province of Sultan Kudarat, Philippines, and within the preliminary jurisdiction of this Honorable Court, the said accused, with lewd and unchaste design and by means of force and intimidation, did then and there, wilfully (sic), unlawfully and feloniously lie and succeeded in having carnal knowledge of one HILDA A. PAAS, a thirteen (13)-year old girl, against her will and consent.

CONTRARY TO LAW, particularly Article 335 of the Revised Penal Code of the Philippines, as amended by Republic Act 7659.[2]

Criminal Case No. 2523

That on or about 11:30 o'clock in the morning of July 12, 1998, at Barangay Magsaysay, Municipality of Esperanza, Province of Sultan Kudarat, Philippines, and within the preliminary jurisdiction of this Honorable Court, the said accused, with lewd and unchaste design and by means of force and intimidation, did then and there, wilfully (sic), unlawfully and feloniously lie and succeeded in having carnal knowledge of one HILDA A. PAAS, a thirteen (13)-year old girl, against her will and consent.

CONTRARY TO LAW, particularly Article 335 of the Revised Penal Code of the Philippines, as amended by Republic Act 7659.[3]

Accused-appellant pleaded "not guilty" to both Informations. Trial ensued.

Private complainant testified that at around 8:30 in the evening of July 4, 1998 she was sleeping in the house of accused-appellant while her three brothers were watching television in a neighbor's house. Accused-appellant woke her up, warned her not to make any noise, kissed her face, removed her underwear and took his penis out of his short pants. She asked accused-appellant, whom she called "Kuyang Andres," why he was doing those things but the latter again warned her not to make any noise or she would be killed. Accused-appellant then inserted his penis into her vagina but after a partial penetration, withdrew the same when complainant complained of pain. He threatened complainant against reporting the incident to anybody, otherwise, he would kill her and her brothers. After accused-appellant left, complainant cried and examined her vagina. Fluid was oozing from it. She left her cousin's house the following morning, never to return. She stayed in the house of a neighbor until she and her brothers moved on July 9, 1998 to their newly-constructed house[4] located about a hundred meters away from that of accused-appellant. Gripped by fear, complainant did not inform her brothers of the incident.[5]

Anent the second rape incident, complainant testified that at around 11:30 in the morning of July 12, 1998, accused-appellant arrived at their newly-constructed house and asked her and her sister Margielyn if they had eaten lunch. They answered "no." Margielyn then went outside to play. Thereupon, accused-appellant, armed with a knife, ordered complainant into a room, instructed her not to shout, otherwise, he would kill her. Complainant complied out of fear. Accused-appellant ordered her to remove her underwear and likewise removed his own. He then laid complainant, who was already crying, on the bed, kissed her on the face and neck, inserted his penis fully into her vagina, and did push and pull movements for about seven minutes while holding complainant by her hands. After satisfying his lust, accused-appellant got up and put on his short pants. At this point, Margielyn entered the room and asked what "Kuyang Andres" was doing in the room. The latter did not answer. Instead, he told them not to report the matter to anybody, and left in a huff. Hilda confided to Margielyn the incident. When Rodelio arrived at noon, Margielyn in turn narrated to him the event. Rodelio cried and punched the wall of their house in anger.[6] He wanted to confront accused-appellant but was restrained by Rodolfo.[7] After their parents were informed that Hilda had been raped, they arrived from Columbo and immediately brought their daughter to the police station where she executed her sworn written complaint. She was also brought to the Provincial Hospital where she was medically examined on July 29, 1998.

Accused-appellant denied the charges. Backed up by the testimony of his wife and mother-in-law, accused-appellant claimed that Hilda and her brothers were no longer staying in his house at the time of the alleged rape on July 4, 1998, having left the same by the time his wife gave birth on December 27, 1997. Hence, he said, he could not have raped her there. Besides, he was not home in the evening of July 4, 1998 having left the same early in the morning with his two sons, Balong and Dagol, for their farm located about two kilometers away where they spent the whole day and passed the night. They returned home the following morning.[8]

As to the alleged rape at noon on July 12, 1998, accused-appellant claimed that he was in the house of his neighbor Jun Movilla from nine in the morning to two o'clock in the afternoon having a drinking spree with the latter and his brother Edwin, as well as with his cousins Rodelio and Rodolfo, private complainant's brothers.[9] His wife saw him the whole time since Jun's house was just across the road from their house.

The defense likewise imputed motive on the part of complainant's family in filing the rape charges. Rosita Calla, accused-appellant's mother, testified that complainant's parents, Rogelio and Marta, her brother and sister-in-law, respectively, got angry with her when she helped a granddaughter find a lawyer in 1993 after she was allegedly raped by Roger Paas, one of complainant's brothers. Since then, Rosita's relationship with her brother and sister-in-law turned sour.[10] Rodrigo Islabra, accused-appellant's brother, likewise testified that complainant's father told him when he went to speak to private complainant after Andres was arrested for the rape charges, that they will incur the same expenses that complainant's family incurred when it was Roger who

was accused of rape in 1993.[11]

On November 27, 2001, the trial court rendered a decision convicting the accused and sentencing him to suffer reclusion perpetua in Crim. Case No. 2522, and death in Crim. Case No. 2523. He was likewise ordered to pay private complainant P75,000.00 as civil indemnity, P50,000.00 as moral damages, and P25,000.00 as exemplary damages for each count of rape, and to pay the costs.

Hence, this automatic review.

Accused-appellant contends that the trial court erred in finding him guilty of the alleged rape committed in his house on July 4, 1998 considering that Rodelio Paas testified that he and his siblings left the same in January 1998. Moreover, private complainant's unbelievably composed behavior after the rape of turning on the light, coolly examining her vagina and observing the fluid oozing therefrom are inconsistent with that of a real rape victim. As to the second rape incident, accused-appellant contends that the inconsistencies in the testimonies of Hilda and Mary Jane Paas and the contradictory results of the medical examination justify an acquittal. Even if he was indeed guilty of the second rape, the death penalty should not have been imposed considering that use of a knife in the commission thereof was not alleged in the Information.

The Office of the Solicitor General (OSG), while maintaining that accused-appellant's guilt has been proven beyond reasonable doubt in both cases, agreed that the death penalty should not have been imposed in Crim. Case No. 2523.

We affirm the trial court's decision with modification.

The rule is well-settled that an accused in rape cases may be convicted solely on the basis of the uncorroborated testimony of the rape victim where such testimony is clear, positive, convincing and consistent with human nature and the normal course of things.[12] Her credibility is the single most important issue, and when her testimony meets the test of credibility, conviction inevitably ensues.[13]

In the instant cases, the court a quo found private complainant's account of how she was raped by the accused in the evening of July 4, 1998 and at noon of July 12, 1998 to be clear, positive and straightforward, viz:

"Q:-

At about 8:30 o'clock that evening of July 4, 1998 while your brother Rodelio and Rodolfo were watching tv on (sic) the neighbor's house and you were already sleeping in the house of your Kuyang Andres, do you remember what happened?

A:-

He went to the place where we were sleeping and he awakened me, sir.

Q:-

You said he, who was that he who went to your room where you are (sic) sleeping?

A:-

Andres Islabra, sir.

Q:-

Who was your companion or who were your companions in that room where you sleep (sic) where (sic) you were awakened by accused Andres Islabra?

A:-

The eldest and his second child, sir.

Q:-

Where (sic) they girls?

A:-

No, sir.

Q:-

How old is the eldest son who was sleeping in that room?

A:-

Still young, sir. He is a grade 3 pupil.

Q:-

How about the second to the eldest who were (sic) sleeping with you in that room, how old?

A:-

Maybe about eight years old.

x x x x x x x x

Q:-

When the accused went up and entered the room where you are (sic) sleeping and awakened you, what follows (sic)?

A:-

He told me not to make noise.

x x x x x x x x

Q:-

And after telling you don't be noisy, what happened next?

A:-

He kiss (sic) me, sir.

Q:-

Where did he kiss you?

A:-

On my face, sir.

Q:-

And what did you do when the accused kiss (sic) you on your face?

A:-

I asked "why are you kissing me Kuyang."

Q:-

And what did he tell you when you asked him?

A:-

He just told me not to be noisy.

Q:-

What happened after that?

A:-

After that he removed my panty.

Q:-

What were you wearing that evening?

A:-

A skirt.

Q:-

Your upper wear what were you wearing?

A:-

T-shirt, sir.

x x x x x x x x

Q:-

After he removed your panty or underwear, what else did he do?

A:-

He laid me down after that he mounted on (sic) me.

Q:-

What did he do with his shortpants (sic), you said he is wearing shortpants (sic)?

A:-

He did not remove his shortpants (sic) he just have his penis out.

Q:-

Has (sic) his short pants a (sic) zipper?

A:-

It has no zipper it has only a cord.

Q:-

How did he have (sic) his penis out when there was no zipper on (sic) his short pants but only a cord?

A:-

He had his penis out through his thigh or he just raise (sic) his short pants and had his penis out thru the hemline of his short pants.

Q:-

Now, what happened after his penis out (sic) of his short pants?

A:-

After that, sir, he mounted on (sic) me and inserted his penis on (sic) my vagina.

Q:-

Was his penis erecting (sic) at that time?

A:-

Yes, sir.

Q:-

And were you not complaining why he was doing that to you?

A:-

I was complaining, sir.

Q:-

How were you complaining?

A:-

I asked him, “Kuyang why are you doing this to me.” He just told me not to make any noise because he will kill me.

Q:-

Was he able to insert his penis into your vagina?

A:-

Only a portion that (sic) was inserted, sir.

Q:-

Why?

A:-

Because of pain, sir.

Q:-

In other words, you were complaining of pain?

A:-

Yes, sir.

Q:-

And because you were complaining of pain and could not penetrate only a portion, what happened?

A:-

He just left and after that, sir, I felt wet.

Q:-

Where did you feel wet in your body?

A:-

On (sic) my vagina, sir.

x x x x x x x x

Q:-

Now, what did he tell you if he told you any when he left?

A:-

He told me not to report this matter to anybody because he will kill all of us, sir.

Q:-

Did you not shout while he was doing this (sic) to you?

A:-

I did not, sir, because I was afraid.

Q:-

And after he left what did you do?

A:-

I cried, sir.[14]

x x x x x x x x

Q:-

At about 11:30 o'clock in the morning of July 12, 1998, where were you?

A:-

I was in the house built by my older brother.

Q:-

Where was your older brother Rodelio at that time?

A:-

He was in his farm, sir.

Q:-

Where was Margielyn your sister?

A:-

She was with me, sir, in that house.

Q:-

At 11:30 in the morning, do you remember what happened?

A:-

At that time, sir, Andres went to our house and asked if we had taken our meal.

x x x x x x x x

Q:-

And when this Andres Islabra arrived in your house asking whether you have taken your meal, what did you tell him?

A:-

We told him we have not yet taken our meals.

x x x x x x x x

Q:-

Now, where was Marg(i)elyn at that time?

A:-

She went outside and play (sic), sir.

Q:-

Now what did Andres Islabra do after Marg(i)elyn went outside to play?

A:-

He went inside, sir.

x x x x x x x x

Q:-

After Andres Islabra entered the house, what happened?

A:-

At that time, sir, he told me not to shout because he will kill me and at that time he was bringing (sic) with him a knife.

x x x x x x x x

Q:-

Now, what was he doing to you when he said don't make any noisy (sic) and bringing (sic) with him a knife?

A:-

He ordered me to get inside the room and I followed him because I was afraid.

x x x x x x x x

Q:-

What happened after you entered the room?

A:-

He followed me inside, sir.

X X X X X X X X

Q:-

After you entered the room and he followed, what else transpired, what did he do?

A:-

He ordered me to remove my panty.

Q:-

And did you follow him?

A:-

Yes, sir, because I was afraid.

Q:-

After you removed your panty what did he do?

A:-

He also removed his short pants.

Q:-

Did he have a brief?

A:-

Yes, sir.

Q:-

What did he do with his brief?

A:-

He also removed his brief.

Q:-

You saw his penis?

A:-

Yes, sir.

Q:-

Now, after that what did you do?

A:-

I was crying at that time, sir.

Q:-

What was the appearance of his penis? Was it erecting (sic)?

A:-

Yes, sir.

Q:-

Now, what happened next?

A:-

After that, sir, he was kissing me and he mounted on (sic) me.

Q:-

Where was he kissing you?

A:-

On my neck and face.

Q:-

And what was your position at that time?

A:-

He laid me down, sir.

Q:-

While you were in that position lying in (sic) that bed, kissing you on your neck and cheek, what did you do?

A:-

His penis was inserted in (sic) my vagina.

Q:-

How did you feel?

A:-

Still pain (sic), sir.

Q:-

He forcibly inserted his penis in (sic) your vagina?

A:-

Yes, sir.

Q:-

Has (sic) his penis entirely entered (sic) your vagina?

A:-

Yes, sir.

Q:-

After it entered your vagina what did he do?

A:-

He removed it, sir.

Q:-

Then he entered it again?

A:-

Yes, sir.

Q:-

What motion did he do to (sic) his penis when it entered your vagina?

A:-

He was doing a push and pull motion.

Q:-

Push and pull motion while his penis was inside your vagina?

A:-

Yes, sir.

x x x x x x x x

COURT:

Q:-

He did not utter any words while he was doing the push and pull motion?

A:-

I told him to stop it, or “that’s enough Kuyang.”

x x x x x x x x

Q:-

How about the two arms of Andres, what was he doing at that time?

A:-

I was pushing him, Your Honor, but his two arms were holding my arms.

x x x x x x x x

Q:-

For how long did Andres Islabra do the push and pull motion on you?

A:-

About seven minutes, sir.

Q:-

After that seven minutes push and pull (sic) and sticky fluid came out what did Andres Islabra do?

A:-

After that, sir, Andres Islabra stood up and wear (sic) his short pants at that time my younger sister Margielyn arrived and she was able to see Andres wearing his short pants.

Q:-

What did Margielyn do when he saw Andres in the act of wearing or putting on his short pants?

A:-

My sister Margielyn asked him “Kuyang what are you doing there.”

Q:-

Was (sic) the accused answered (sic) Margielyn of that query (sic)?

A:-

He did not, sir.

Q:-

And instead he left?

A:-

He answered, sir, but he told us “do not report this to anybody.”[15]

Accused-appellant contends that complainant’s claim that he raped her on July 4, 1998 in his house was tainted by her brother Rodelio’s testimony that they were no longer staying there at the time, having already left in January 1998.

We do not agree. A careful review of Rodelio’s testimony reveals that he was not unequivocal on this point. During his direct-examination, Rodelio testified that he and his siblings stayed in accused-appellant’s house until they moved on July 6, 1998 into their own house. However, in another breath, he said that they were no longer staying there on July 4, 1998.[16] But during his cross-examination, he again affirmed that they were still staying in the house of their cousin on the date in question[17] and reiterated the same during his re-direct examination on October 7, 1999. The trial judge perceived Rodelio’s vacillation as arising from his ignorance as to the proper order of the months in a year, whether January or July comes first, prompting him to ask about Rodelio’s educational attainment, viz:

Q:-

Tell the Court once more, until when did you stay with your sibling in the house of Andres Paas and transferred to your house?

A:-

It was sometime in the month of January, your Honor.

Q:-

What year?

A:-

In 1998, your Honor.

Q:-

Earlier you said in your answer to the question of the Provincial Prosecutor that on July 4, 1998 you were still residing in the house of Andres Paas, and now you are telling the court that you left the house of Andres Paas on July 4, 1998, which is which now?

A:-

I cannot remember anymore the date, your Honor.

Q:-

What is your educational attainment?

A:-

Only Grade VI, your Honor.

Q:-

Do you know how many months (sic) in a year?

A:-

Yes, sir.

Q:-

What is the first month of the year?

A:-

January, your Honor.

Q:-

So, you are now telling the Court that on January 4, 1998 you have already left the house of the accused together with your brothers and sisters and transferred to your newly built (sic) house?

A:-

On that date January 4, 1998 we have not yet transferred to our new house, your Honor.[18]

In light of the above, we cannot consider Rodelio's testimony as having dented private complainant's positive and straightforward testimony that she was raped by accused-appellant on the evening of July 4, 1998 in his own house. There is another reason for Rodelio's apparent vacillation in his testimony. It can be due to the fact that he and brother Rodolfo slept in their own house from time to time, leaving their sister in accused-appellant's house, even while their house was still undergoing construction, as testified to by accused-appellant himself, viz:

Q:-

The construction of the house of her brothers was finished in the month of October 1997?

A:-

The construction of the house was not immediately finished, Your Honor, because of lack of materials to be used for the construction of their house, Your Honor.

Q:-

In other words, because of lack of materials the house was only completed the following year 1998?

A:-

Actually what happened they (sic) built a new house and they only put roofing and in completing that they only used a tent which serves (sic) as walling of the house and the two were already sleeping in that house, I am referring to Balong and Sandy.[19]

Q:-

Only the two of them?

A:-

During nighttime only, your Honor.

Q:-

When was that when Balong and Sandy were already sleeping on (sic) their unfinished newly constructed house?

A:-

After they finished putting the roofing of their house that's the time they started sleeping in their unfinished house.

x x x x x x x x

Q:-

And because their house was not yet walled they only used temporary walling only Sandy and Balong can be accommodated in that house?

A:-

Yes, sir.

Q:-

It does (sic) not fit for a woman to sleep there?

A:-

Sometimes the other siblings were also sleeping (sic) in that house.

Q:-

And that house was only completed sometime in January or February 1998, was it not?

A:-

No, sir.

Q:-

When was it completed?

A:-

In my own, as far as I can remember about December 5, 1997.

Q:-

And they all transferred in their house on December 5, 1997, is that what you mean?

A:-

I could not say, sir, that they transferred in that house on that date, December 4, 1997, because after they slept on that day in their own house they again (sic) sleep in my house and again they transferred to their newly built (sic) house and that's the time they stayed in their house.[20]

The defense likewise denounces private complainant's actuations after the alleged first rape of turning on the light, coolly examining her vagina and observing the fluid oozing therefrom, as not befitting that of a real rape victim. We do not agree. It is not accurate to say that there is a typical reaction or norm of behavior among rape victims.[21] On the contrary, people react differently to emotional stress and no standard form of behavior can be anticipated of a rape victim following her defilement.[22]

On the alleged inconsistencies between the testimonies of Hilda and Mary Jane Paas on whether Hilda was laid on the bed by accused-appellant as claimed by Hilda or on the floor as testified to by Maryjane, and whether it was Margielyn who reported what happened to Rodelio, as testified to by Hilda, or whether Rodelio learned about it during the drinking spree in Jun Movilla's house, as claimed by Mary Jane, suffice it to say that inconsistencies on minor or trivial matters do not affect the credibility of prosecution witnesses and are, on the contrary, badges of truth and safeguards against coached testimony.[23]

Finally, the defense takes exception to the alleged contradictory results of the medical examination conducted on private complainant. That is, while Dra. Divinagracia Factora, Medical Officer III of the Sultan Kudarat Provincial Hospital, testified that private complainant's labia majora and minora are well-coaptated or "magkadikit" which indicates virginity, she likewise testified that private complainant's vaginal canal sustained healed superficial lacerations at 2:00 and 6:00 positions.

The medico-legal certificate issued by Dra. Factora showed the following findings:

PERTINENT PHYSICAL EXAMINATION:

-

Labia majora and minora are well coaptated.

-

Healed superficial laceration at 2:00 and 6:00 o'clock positions of the vaginal canal.[24]

Although Dra. Factora indeed testified in the beginning that coaptated or "magkadikit" labia majora and minora indicates virginity,[25] in the latter part of her testimony, however, she clarified that the same may or may not actually be a sign of virginity.[26] In the particular case of private complainant, she could not definitely say that private complainant was a virgin or not. On the contrary, superficial healed lacerations at 2:00 and 6:00 positions were definitely found on her, one of the causes of which may be a hardened human penis.[27] Thus, while Dr. Factora's explanation of "coaptated" labia may be a bit nebulous, it cannot be said that it contradicted private complainant's testimony of the rapes committed against her. At any rate, a medical examination or certificate has never been considered an indispensable element in the prosecution of rape cases[28] being merely corroborative in nature.[29]

We come to the penalty imposed in Crim. Case No. 2523: The death penalty was imposed by the trial court considering that the second rape incident was accomplished with the use of a knife. Under the second paragraph of Art. 266-B[30] of the Revised Penal Code, as amended by Republic Act No. 8353, the proper imposable penalty is reclusion perpetua to death. The death penalty was imposed after the trial court further considered that complainant was raped in her own house, hence, the aggravating circumstance of dwelling was appreciated in her favor.

We reduce the penalty to reclusion perpetua. Qualifying circumstances which increase the penalty by degree rather than merely affect the period of the penalty as in the case of aggravating circumstances must be properly pleaded in the information consistent with the constitutional right of the accused to be informed of the charges against him.[31] Thus, when the use of a deadly weapon in the commission of a rape was not alleged in the information, the penalty would be that prescribed for simple rape only, which is reclusion perpetua, to be imposed regardless of the presence of any mitigating or aggravating circumstances, pursuant to Art. 63 of the Revised Penal Code. [32]

Since the use of a knife was not alleged in the information in Crim. Case No. 2523, accused-appellant may be

held liable for simple rape only and accordingly sentenced to reclusion perpetua. His conviction and sentence in Crim. Case No. 2522 are affirmed. The civil indemnity of P75,000.00 awarded by the trial court must likewise be reduced to P50,000.00, consistent with jurisprudence.[33]

IN VIEW WHEREOF, the decision under review is MODIFIED in that accused-appellant is held guilty of simple rape only in Crim. Case No. 2523, and accordingly sentenced to suffer the penalty of reclusion perpetua. The civil indemnity awarded by the trial court in both Crim. Case Nos. 2522 and 2523 are reduced to P50,000.00. The decision is AFFIRMED in all other respects.

SO ORDERED.

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

[1] Original Record, Crim. Case No. 2522, pp. 108-149; Rollo, pp. 23-64.

[2] Id. at 14-15; Id. at 4-5.

[3] Original Record, Crim. Case No. 2523, pp. 1-2; Rollo, pp. 6-7.

[4] TSN, Hilda Paas, Cross-examination, August 10, 1999, pp. 11-12.

[5] Id. at 10-17.

[6] Id. at 17-29.

[7] Id. at 18.

[8] TSN, Andres Islabra, September 22, 1999, pp. 5-10.

[9] Id. at 10-11.

[10] TSN, Rosita Calla, September 7, 1999, pp. 3-6, 12.

[11] TSN, Rodrigo Islabra, September 22, 1999, p. 31.

[12] People v. Purazo, G. R. No. 133189, May 5, 2003; People v. Malaya, 351 SCRA 707, 713 (2001); People v. Sale, 345 SCRA 490, 497 (2000); People v. Brondial, 343 SCRA 600, 607-608 (2000); People v. Flores, 322 SCRA 779, 784 (2000).

[13] People v. Palero, 357 SCRA 724, 736 (2001); People v. Awing, 352 SCRA 188, 201 (2001); People v. San Agustin, 350 SCRA 216, 223 (2001); People v. Tundag, 342 SCRA 704, 711 (2000).

[14] TSN, Hilda Paas, Direct-examination, August 10, 1999, pp. 11-16.

[15] TSN, Hilda Paas, Direct-examination, August 10, 1999, pp. 17-25.

[16] TSN, Rodelio Paas, Direct-examination, August 12, 1999, p. 11.

[17] Id. at 17.

[18] Id. at 4.

[19] Nicknames of Rodolfo and Rodelio Paas, respectively.

- [20] TSN, Andres Islabra, September 22, 1999, pp. 20-23.
- [21] *People v. Santos*, 366 SCRA 52, 59 (2001).
- [22] *People v. Iluis*, G. R. No. 145995, March 20, 2003.
- [23] *People v. Soriano*, G.R. No. 131636, March 5, 2003; *People v. Emilio*, G. R. Nos. 144305-07, February 6, 2003; *People v. Agravante*, 372 SCRA 64, 76 (2001).
- [24] Exh. “D”; Original Record, p. 64.
- [25] TSN, Dr. Divinagracia Factora, August 24, 1999, pp. 2-3.
- [26] *Id.* at 4.
- [27] *Id.* at 3.
- [28] *People v. Agustin*, 365 SCRA 667, 674 (2001); *People v. Blazo*, 352 SCRA 94, 103 (2001); *People v. Dichoson*, 352 SCRA 56, 67-68 (2001); *People v. Adajio*, 343 SCRA 316, 332 (2000).
- [29] *People v. Gutierrez*, G.R. Nos. 147656-58, May 9, 2003.
- [30] “Whenever the rape is committed with the use of a deadly weapon or by two or more persons, the penalty shall be reclusion perpetua to death.”
- [31] *People v. Bernaldez*, 322 SCRA 462, 574 (2000).
- [32] *People v. Caniezo*, 354 SCRA 298, 309 (2001); *People v. Siao*, 327 SCRA 231, 261 (2000).
- [33] *People v. Manallo*, G. R. No. 143704, March 28, 2003; *People v. Iluis*, G. R. No. 145995, March 20, 2003.

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