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SECOND DIVISION

[G.R. No. 125689. October 23, 2003]

THE PEOPLE OF THE PHILIPPINES, *appellee, vs.* **ANTONIO SATIOQUIA,** *appellant.*

SYNOPSIS

The trial court convicted appellant of two (2) counts of rape and the Court found no reason to reverse the ruling. On the allegation that the victim was delayed in reporting the crime, the Court noted that at the time of the first rape, the victim was barely 15 years old and they lived in a secluded area near the mountains. She was a simple barrio lass with an unsophisticated mind. The appellant threatened to kill her and her family if she divulged the rape incident to the police authorities and to others. As against appellant's denial, the victim's straightforward and positive testimony must prevail. The aggravating circumstance of use of a bolo in committing the rape cannot, however, be appreciated as the same was not alleged in the Informations. Hence, the proper penalty of *reclusion perpetua* for each count of rape. Further, the victim was entitled to ₱50,000 civil indemnity, ₱50,000 moral damages and ₱25,000 exemplary damages, all for each count of rape.

SYLLABUS

1. REMEDIAL LAW; EVIDENCE; CREDIBILITY OF WITNESSES; NOT AFFECTED BY DELAY IN REPORTING THE CRIME. — This Court has held that delay or vacillation by the victims in reporting sexual assaults on them does not necessarily impair their credibility if such delay is satisfactorily explained. Fear of reprisal or social humiliation are sufficient explanations. Moreover, Filipinas, especially those in the rural areas, are by nature shy and coy, and rape stigmatizes the victim, not the perpetrator. A victim of rape cannot be expected to have the courage to immediately report a sexual assault committed against her especially when accompanied by a death threat. In *People v. Manggasin*, this Court held that even a delay of eight years is not a sign of fabrication. It is not uncommon for a young

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girl at the tender age of sixteen years to be intimidated and cowed into silence and conceal, for some time, the violation of her honor, even by the mildest threat against her life.

2. **ID.; ID.; ID.; UPHELD AS AGAINST ALLEGED FABRICATION OF CHARGES AND DENIAL.** — It bears stressing that the trial court gave credence and full probative weight to Margie's testimony on its finding that she testified in a straightforward and positive manner, as she narrated in detail how and when she was raped. It is improbable that Romeo would fabricate the charges against the appellant and expose his younger sister to the humiliation and stigma of a rape trial simply because he wanted to take custody of Margie. No woman in her right mind would cry rape, allow the examination of her private parts, or subject herself and her family to the humiliation concomitant to the prosecution of the case unless her charges were true. The appellant's bare denial is self-serving, negative evidence of the crimes charged. Such denial cannot and should not prevail over the positive and straightforward testimony of Margie.

3. **CRIMINAL LAW; RAPE; CIVIL PENALTIES.** — Current jurisprudence holds that the victim in rape cases is entitled to ₱50,000.00 as civil indemnity; ₱50,000.00 as moral damages; and ₱25,000.00 as exemplary damages for each count.

4. **REMEDIAL LAW; CRIMINAL PROCEDURE; AGGRAVATING CIRCUMSTANCES; MUST BE ALLEGED IN THE INFORMATION.** — The use by the appellant of a bolo in committing the crimes is an aggravating circumstance, warranting the imposition of the penalty of *reclusion perpetua* to death. There is, however, no allegation in the two informations that the appellant used a bolo in raping the victim, as mandated by Section 8, Rule 110 of the Revised Rules of Criminal Procedure which reads: SEC. 8. *Designation of the offense.* — The complaint or information shall state the designation of the offense given by the statute, aver the acts or omissions constituting the offense and specify its qualifying and aggravating circumstances. If there is no designation of the offense, reference shall be made to the section or subsection of the statute punishing it. Although the crimes were committed before the effectivity of the Revised Rules of Criminal Procedure, the same should apply to this case as it is favorable to the appellant.

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APPEARANCES OF COUNSEL

Solicitor General for plaintiff-appellee.
Ingersoll T. Ramirez for accused-appellant.

D E C I S I O N

CALLEJO, SR., *J.*:

This is an appeal from the Decision[1] of the Regional Trial Court of Albay, Branch 12, convicting appellant Antonio Satioquia of two counts of rape, and sentencing him to *reclusion perpetua* for each count.

The Indictment

The appellant was charged with rape in two separate Informations docketed as Criminal Case Nos. 3323 and 3324, respectively. The accusatory portion of the Information in Criminal Case No. 3323 reads:

> That in the year 1992 and subsequently thereafter, at Barangay Cadawag, Municipality of Oas, Province of Albay, Philippines and within the jurisdiction of the Honorable Court, the above-named accused with lewd design, having carnal knowledge of a woman who is a minor and by using force and intimidation did then and there willfully, unlawfully and feloniously embraced, forcibly lie down and raped the herein victim, MARGIE RETUERMA *Y* REANTASO for many times as shown in the hereto attached Medical Certificate mark[ed] as Annex "A" and made an integral part of this complaint, to the damage and prejudice of the victim to the Court may decide.
>
> That the accused is her stepfather and an incumbent *Barangay Kagawad.*
>
> ACT[S] CONTRARY TO LAW.[2]

The accusatory portion of the Information in Criminal Case No. 3324 reads:

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[1] Penned by Judge Romulo SG. Villanueva.

[2] *Rollo*, p. 19.

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That in the year 1992 and subsequently thereafter, at Barangay Cadawag, Municipality of Oas, Province of Albay, Philippines and within the jurisdiction of the Honorable Court, the above-named accused with lewd design, having carnal knowledge of a woman who is a minor and by using force and intimidation did then and there willfully, unlawfully and feloniously embraced, forcibly lie down and raped the herein victim, MARGIE RETUERMA *Y* REANTASO for many times as shown in the hereto attached Medical Certificate mark[ed] as Annex "A" and made an integral part of this complaint, to the damage and prejudice of the victim to the Court may decide.

That the accused is her stepfather and an incumbent *Barangay Kagawad.*

ACT[S] CONTRARY TO LAW.[3]

The appellant, assisted by counsel, was arraigned in both cases and entered a plea of not guilty.[4]

The Evidence of the Prosecution

When Antonio Satioquia and Justina Retuerma, a widow, started living together as husband and wife in Barangay Cadawag, Oas, Albay, Romeo Retuerma, Justina's eldest child from her first marriage, vehemently objected. Romeo left Barangay Cadawag and worked as a farmer in Sta. Cruz, Laguna. His siblings Margie, Sandy, Ronil and Rowena remained with their mother.

Margie was barely five years old then and Antonio was very strict with her. He would not even allow Margie to go to the store alone. Antonio brought Margie along with him to their *kaingin* in the mountains when he went there to till the land. Margie and her sister Rowena slept with Justina and Antonio, while her siblings Ranil and Sandy slept in the sala.

At about 2:00 p.m. in May 1992, Margie, who was by then fifteen years old, was asleep in the bedroom. She was startled when she felt someone undressing her. She opened her eyes and saw Antonio, with only his underwear on, holding a bolo

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[3] *Id.* at 20.

[4] Records, p. 15.

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with his left hand. He was taking off her pants and t-shirt with his right hand. Margie struggled, pushing Antonio away with her hands and feet. Antonio put his bolo down, and lay on top of her. Margie wanted to shout but because Antonio was covering her mouth with his left hand, she could not do so. He kissed her on her lips and face. Margie tried in vain to stand up. Antonio then inserted his penis into her vagina.

After satiating his evil desire, Antonio stayed in the room and rested for two hours. Margie wanted to run away, but Antonio prevented her from doing so. Thereafter, Antonio again inserted his penis into her vagina. Antonio warned her that if she told anyone what he had just done to her, he would kill her and her family.

After that first harrowing incident, Antonio raped Margie at least twice a month. Because she feared for her life and that of her family, Margie kept her ordeal to herself.

At around 8:00 p.m. in August 1994, Margie and Antonio were alone in the house. Margie's mother and her siblings went to Pantao, Libon, to buy things in the market. Antonio was armed with his bolo when he again inserted his penis into her vagina. He again warned Margie not to reveal to her mother what he did to her, otherwise, he would kill all of them. At about 9:00 a.m., Justina and her children returned from Libon.

In the meantime, Romeo was informed that Antonio had been raping Margie. Romeo forthwith went to Oas and confronted his sister. She admitted that Antonio had been raping her for so many times already. Romeo, together with Margie, went to Municipal Health Officer Dr. Lyndon Jose R. Realuyo who conducted a genital examination on Margie. Dr. Realuyo issued a medical certificate which contained the following findings:

> Pertinent Physical Findings:
>
> External Examination: Normal looking external genitalia. There is no gross physical findings except for whitish, mucoid vaginal discharge.
>
> Speculum Examination: Hymen is corrugated, no physical signs of abrasions nor lacerations nor hyperemia of

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> the hymen and the vaginal wall. Whitish, mucoid discharge on the vaginal wall.[5]

On August 14, 1994, Margie signed two criminal complaints for rape against Antonio and gave a sworn statement to the police authorities.[6] Romeo Retuerma, likewise, executed an affidavit.[7] Over Antonio's objection, Romeo brought Margie to Laguna.

The Evidence of the Accused

Antonio testified that the charges filed against him were instigated by Romeo, who wanted to bring Margie to Laguna over his vehement objection. Romeo threatened to file a case against him if he opposed his taking custody of Margie. Antonio further testified that he and Justina had been living as husband and wife for fourteen years already, since Margie was five years old. He and Justina had no child of their own. Antonio averred that Margie, as the chairman of the *Sangguniang Kabataan* in their area, could freely move around the *barangay*. He pointed out that despite her claim that he had been raping her since 1992, she failed to report any of the incidents to the police authorities.

Justina corroborated Antonio's testimony. She claimed that she was with Margie when the latter was brought to the police station. When asked by the police investigator, Margie denied that she was raped by Antonio, and Margie did not even want to be examined by a doctor. According to Justina, her daughter even cried and held on to the door when she was being forced to be examined. Justina also stated that she testified for Antonio since there was no truth to the charges against him.

On September 29, 1985, the trial court rendered judgment against Antonio. The decretal portion of the decision reads:

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[5] Exhibit "D," Records, p. 2.

[6] Exhibit "B", *id.* at 3.

[7] Exhibit "E", *id.* at 4.

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WHEREFORE, premises considered, finding the guilt of the accused ANTONIO SATIOQUIA, beyond reasonable doubt, he is hereby sentenced to suffer the penalty of *Reclusion Perpetua* twice (2) and to suffer the accessory penalties provided for by law and to indemnify the aggrieved party the total amount of One Hundred Thousand (₱100,000,00) Pesos as moral and exemplary damages.

No costs.

SO ORDERED.[8]

On appeal, the appellant avers that Margie's testimony is incredible and is barren of probative weight. She failed to report to the police authorities that the appellant had raped her as early as May 1992 and on to August 1994. She could have easily reported the incident to the police authorities considering that she was a *Sangguniang Kabataan* chairperson.

The appeal is not meritorious.

This Court has held that delay or vacillation by the victims in reporting sexual assaults on them does not necessarily impair their credibility if such delay is satisfactorily explained. Fear of reprisal or social humiliation are sufficient explanations. Moreover, Filipinas, especially those in the rural areas, are by nature shy and coy, and rape stigmatizes the victim, not the perpetrator.[9] A victim of rape cannot be expected to have the courage to immediately report a sexual assault committed against her especially when accompanied by a death threat. In *People v. Manggasin*,[10] this Court held that even a delay of eight years is not a sign of fabrication. It is not uncommon for a young girl at the tender age of sixteen years to be intimidated and cowed into silence and conceal, for some time, the violation of her honor, even by the mildest threat against her life.[11]

The credibility of Margie and her testimony cannot be discredited merely because she failed to immediately divulge

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[8] *Rollo*, p. 24.

[9] *People v. Accion*, 312 SCRA 250 (1999).

[10] 306 SCRA 228 (1999).

[11] *People v. Bea, Jr.*, 306 SCRA 653 (1999).

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to her mother and her brother Romeo, and to the police authorities the bestial acts of the appellant. It bears stressing that when the appellant first raped her, she was barely fifteen years old. Her elder brother Romeo, was in far away Sta. Cruz, Laguna. She and her younger siblings lived with her mother and the appellant in a rural area — a secluded place near the mountains. She was a simple barrio lass with an unsophisticated mind. The appellant threatened to kill her and her family if she divulged the incident to the police authorities and to others that he had been raping her. Margie testified, thus:

> Q – And did you not immediately tell your mother as to what your stepfather did to you?
> A – No, because he told me that if ever I will squeal to anybody, he will kill us, he was threatening me.[12]
>
> . . . . . .
>
> Q – And did you not inform your mother or sister as to what happened to you again?
> A – No, because that is what he told me, that if I tell anyone, he will kill us all.[13]

Even when Romeo decided to bring Margie with him to Sta. Cruz, Laguna, away from the lecherous clutches of the appellant, the latter even threatened to have her and her brother killed by the New People's Army:

> Q – Why did you not stay with him?
> A – Because my stepfather is holding me, telling me not to go. I was being pressured by my stepfather not to go.
>
> Q – Were you afraid of your stepfather in the presence of your brother?
>
> A – Yes, sir because I was told by my stepfather that if I will go with my brother he will have all of us killed by the NPAs.[14]

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[12] TSN, 27 January 1995, p. 14.

[13] *Id.* at 17.

[14] *Id.* at 30.

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Even though she ran for and was elected chairperson of the *Sangguniang Kabataan*, Margie opted to conceal the sexual assaults she suffered at the hands of the appellant because of the consequent social humiliation. It was only when she was assured of the moral support of her older brother did Margie come out into the open and reveal that the appellant had been raping her since she was fifteen years old.

It bears stressing that the trial court gave credence and full probative weight to Margie's testimony on its finding that she testified in a straightforward and positive manner, as she narrated in detail how and when she was raped. It is improbable that Romeo would fabricate the charges against the appellant and expose his younger sister to the humiliation and stigma of a rape trial simply because he wanted to take custody of Margie.[15] No woman in her right mind would cry rape, allow the examination of her private parts, or subject herself and her family to the humiliation concomitant to the prosecution of the case unless her charges were true.[16]

The appellant's bare denial is self-serving, negative evidence of the crimes charged. Such denial cannot and should not prevail over the positive and straightforward testimony of Margie. Justina's claim that Margie adamantly refused to have herself examined by a doctor, and that the latter even held on to the door when she was to be examined is incredible. The appellant even failed to present the doctor who examined Margie to corroborate Justina's testimony.

The Crimes Committed by the Appellant

The trial court correctly ruled that the appellant is guilty of two separate crimes of simple rape, defined in and penalized by Article 335 of the Revised Penal Code:[17]

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[15] *People v. Almacin*, 303 SCRA 399 (1999).

[16] *People v. Alfanta*, 320 SCRA 357 (1999).

[17] The crimes were committed before the effectivity of Republic Act No. 7659.

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ART. 335. *When and how rape is committed.* — Rape is committed by having carnal knowledge of a woman under any of the following circumstances:

1. By using force or intimidation;
2. When the woman is deprived of reason or otherwise unconscious; and
3. When the woman is under twelve years of age, even though neither of the circumstances mentioned in the two next preceding paragraphs shall be present.

The crime of rape shall be punished by *reclusion perpetua.*

Whenever the crime of rape is committed with the use of deadly weapon or by two or more persons, the penalty shall be *reclusion perpetua* to death.

When by reason or on the occasion of the rape, the victim has become insane, the penalty shall be death.

When the rape is attempted or frustrated and a homicide is committed by reason or on the occasion thereof, the penalty shall be, likewise, death.

When by reason or on the occasion of the rape, a homicide is committed, the penalty shall be death.

The use by the appellant of a bolo in committing the crimes is an aggravating circumstance, warranting the imposition of the penalty of *reclusion perpetua* to death. There is, however, no allegation in the two informations that the appellant used a bolo in raping the victim, as mandated by Section 8, Rule 110 of the Revised Rules of Criminal Procedure which reads:

SEC. 8. *Designation of the offense.* — The complaint or information shall state the designation of the offense given by the statute, aver the acts or omissions constituting the offense, and specify its qualifying and aggravating circumstances. If there is no designation of the offense, reference shall be made to the section or subsection of the statute punishing it.

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Although the crimes were committed before the effectivity of the Revised Rules of Criminal Procedure, the same should apply to this case as it is favorable to the appellant.[18]

The Civil Liabilities of the Appellant

The trial court directed the appellant to pay the victim moral and exemplary damages in the amount of ₱100,000.00. Current jurisprudence holds that the victim in rape cases is entitled to ₱50,000.00 as civil indemnity; ₱50,000.00 as moral damages; and ₱25,000.00 as exemplary damages for each count.[19] The decision of the trial court shall thus be modified.

IN LIGHT OF ALL THE FOREGOING, the Decision of the Regional Trial Court of Albay, Branch 12, convicting appellant Antonio Satioquia for two counts of simple rape, is *AFFIRMED* with *MODIFICATION*. The appellant is directed to pay the victim Margie Retuerma y Reantaso the amount of ₱50,000.00 as civil indemnity; ₱50,000.00 as moral damages; and ₱25,000.00 as exemplary damages for each count of rape.

SO ORDERED.

Bellosillo (Chairman), Quisumbing, Austria-Martinez, and *Tinga, JJ.,* concur.

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[18] *People v. Caabay*, G.R. Nos. 129961-62, August 25, 2003.

[19] *People v. Catubig*, 363 SCRA 621 (2001).