

EN BANC

[G.R. No. 155511-22, April 14, 2004]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. MARIO ODEN,
APPELLANT.**

DECISION

VITUG, J.:

The Court is confronted with yet another case where a home ceases being an abode of safety and protection, this time to a motherless daughter who has accused her own father, herein appellant, of having repeatedly had carnal knowledge of her "by means of force and intimidation."

Appellant Mario Oden was charged with twelve (12) counts of "rape," defined and penalized under Article 266-A, paragraph 1, in relation to Article 266-B, sixth paragraph of No. 1, of the Revised Penal Code, as amended by Section 5(b) of Republic Act No. 7610, Republic Act No. 8353, and Section 5(a) of Republic Act No. 8369, before the Regional Trial Court of Antipolo City. The corresponding Informations were docketed Criminal Case No. 01-20356, Case No. 01-20724 to Case No. 34, inclusive.

"Criminal Case No. 01-20356

"`That on or about the 8th day of January 2001, in the City of Antipolo, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs and by means of force and intimidation, did, then and there wilfully, unlawfully and feloniously have sexual intercourse with one Anna Liza Oden y Ailes, who is [his] daughter and a fifteen year old minor, against the latter's will and consent.

`CONTRARY TO LAW.'

"Criminal Case No. 01-20724

`That on or about the 9th day of November 2000, in the City of Antipolo, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs and by means of force and intimidation, did, then and there wilfully, unlawfully and feloniously have sexual intercourse with one Anna Liza Oden y Ailes, who is [his] daughter and a fifteen year old minor, against the latter's will and consent.

`CONTRARY TO LAW.'

"Criminal Case No. 01-20725

`That on or about the 25th day of December 2000, in the City of

Antipolo, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs and by means of force and intimidation, did, then and there wilfully, unlawfully and feloniously have sexual intercourse with one Anna Liza Oden y Ailes, who is his daughter and a fifteen year old minor, against the latter's will and consent.

` CONTRARY TO LAW.'

"Criminal Case No. 01-20726

` That on or about the 8th day of November 2000, in the City of Antipolo, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs and by means of force and intimidation, did, then and there wilfully, unlawfully and feloniously have sexual intercourse with one Anna Liza Oden y Ailes, who is his daughter and a fifteen year old minor, against the latter's will and consent.

` CONTRARY TO LAW.'

"Criminal Case No. 01-20727

` That on or about the 3rd day of November 2000, in the City of Antipolo, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs and by means of force and intimidation, did, then and there wilfully, unlawfully and feloniously have sexual intercourse with one Anna Liza Oden y Ailes, who is his daughter and a fifteen year old minor, against the latter's will and consent.

` CONTRARY TO LAW.'

"Criminal Case No. 01-20728

` That on or about the 17th day of October 2000, in the City of Antipolo, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs and by means of force and intimidation, did, then and there wilfully, unlawfully and feloniously have sexual intercourse with one Anna Liza Oden y Ailes, who is his daughter and a fifteen year old minor, against the latter's will and consent.

` CONTRARY TO LAW.'

"Criminal Case No. 01-20729

` That on or about the 16th day of October 2000, in the City of Antipolo, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs and by means of force and intimidation, did, then and there wilfully, unlawfully and feloniously have sexual intercourse with one Anna Liza Oden y Ailes, who is his daughter and a fifteen year old minor, against the latter's will and consent.

` CONTRARY TO LAW.'

"Criminal Case No. 01-20730

`That on or about the 15th day of October 2000, in the City of Antipolo, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs and by means of force and intimidation, did, then and there wilfully, unlawfully and feloniously have sexual intercourse with one Anna Liza Oden y Ailes, who is his daughter and a fifteen year old minor, against the latter's will and consent.

`CONTRARY TO LAW.'

"Criminal Case No. 01-20731

`That on or about the 12th day of September 2000, in the City of Antipolo, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs and by means of force and intimidation, did, then and there wilfully, unlawfully and feloniously have sexual intercourse with one Anna Liza Oden y Ailes, who is his daughter and a fifteen year old minor, against the latter's will and consent.

`CONTRARY TO LAW.'

"Criminal Case No. 01-20732

`That on or about the 11th day of September 2000, in the City of Antipolo, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs and by means of force and intimidation, did, then and there wilfully, unlawfully and feloniously have sexual intercourse with one Anna Liza Oden y Ailes, who is his daughter and a fifteen year old minor, against the latter's will and consent.

`CONTRARY TO LAW.'

"Criminal Case No. 01-20733

`That on or about the 26th day of August 2000, in the City of Antipolo, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs and by means of force and intimidation, did, then and there wilfully, unlawfully and feloniously have sexual intercourse with one Anna Liza Oden y Ailes, who is his daughter and a fifteen year old minor, against the latter's will and consent.

`CONTRARY TO LAW.'

"Criminal Case No. 01-20734

`That on or about the 10th day of September 2000, in the City of Antipolo, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs and by means of force and intimidation, did, then and there wilfully, unlawfully and feloniously have sexual intercourse with one Anna Liza Oden y Ailes, who is his daughter and a fifteen year old minor, against the latter's will and consent.

`CONTRARY TO LAW.'"[1]

On his arraignment, appellant, assisted by counsel *de officio*, Atty. Harley Padolina of the Public Attorney's Office (PAO), pleaded "guilty" to the charges.

The Solicitor General summed up the case for the prosecution; *viz*:

"Private complainant Anna Liza Oden is a fifteen (15) year old girl who lived with her siblings and father x x x at Senora Dela Paz, Brgy. Sta. Cruz, Antipolo City. Her mother [has] already [passed away].

"On 26 August 2000, about 2:00 o'clock in the morning, Anna Liza - - then only about fourteen (14) years old - - was sleeping with her younger sister in bed, when her father woke her up. Accused told her that he is going to `use' her for a while. Hurriedly, he undressed Anna Liza, and, in an instant, inserted his penis in her vagina. As he was doing so, accused kissed Anna Liza's breast. Anna Liza fought back and resisted such bestiality by kicking him, but to no avail. She even pushed her younger sister who was asleep just to wake her up. Anna Liza's resistance, however, was in vain as accused successfully penetrated his penis inside Anna Liza's vagina. This caused Anna Liza to bleed in pain. Accused stopped only when he had satisfied his lust. Thereupon, accused threatened Anna Liza not to tell others what happened between them; otherwise, he would kill her and her siblings. Helpless, Anna Liza acceded to her father's threat and never reported the incident to anyone.

"On September 10, 11, and 12, 2000, about 11:00 o'clock in the evening, accused repeated what he had done to Anna Liza on 26 August 2000. On all of those three (3) occasions, accused succeeded in inserting his penis inside Anna Liza's vagina against her will and consent. Similar sexual assaults were made on October 15, 16, and 27, 2000 in their house.

"On November 3, 8, and 9, 2000, accused-appellant again repeated his sexual molestation of Anna Liza. On those dates at early morning, accused entered Anna Liza's vagina against the latter's will.

"On December 25, 2000, around 10:00 o'clock in the evening, accused-appellant - for the eleventh (11th) time - sexually assaulted private complainant (Anna Liza). After the molestation, Anna Liza could only cry in helplessness.

"On January 8, 2001, around 9:00 o'clock in the evening, while Anna Liza was sleeping with her sister Josephine in their bedroom, accused woke her (Anna Liza) up, and again sexually assaulted her.

"Due to fear, Anna Liza did not report to anyone all the twelve (12) incidents of sexual molestation.

"However, unknown to Anna Liza, her Ate Mercy (wife of the complainant's brother - Arnold Oden) witnessed the rape that took place

on 08 January 2001. Ate Mercy saw through a small hole on the wall inside the house - separating her bedroom from that of Anna Liza's - what accused had done to her (Anna Liza). And it was not only Ate Mercy who witnessed the rape. Arnold Oden (brother of Anna Liza) also saw what the accused had done to Anna Liza. Arnold was mad at accused; however he was not able to do anything because he, together with the rest of the siblings, were afraid of their father (accused) - the reason being that everytime accused would get angry, he would beat all of them.

"Nonetheless, Ate Mercy reported to a neighbor, Nanay Ludy, Anna Liza's harrowing experience on 08 January 2001. In turn, Nanay Ludy talked to Anna Liza and directed her to report the incident to the barangay. Anna Liza heeded Nanay Ludy's directive. She proceeded to the barangay - together with her Ate Mercy and Ate Marilou (wives of Anna Liza's older brothers) - and reported her father's outrageous wrongdoings. On 28 January 2001, based on Anna Liza's sworn statement, the barangay officials, together with the police, arrested accused-appellant."^[2]

After the prosecution had rested its case with the testimony of its lone witness (the private complainant), Atty. Harley Padolina (PAO) manifested that the defense would not present any evidence.

On 18 March 2002, the trial court rendered a decision finding appellant guilty beyond reasonable doubt of twelve counts of rape; it adjudged:

"WHEREFORE, after a careful cursory on the case, the evidences presented by the prosecution which have remained unassailed by the defense due to the voluntary plea of guilty by the accused to all the offense charged, this Court finds said accused guilty beyond reasonable doubt and is hereby ordered to suffer the extreme penalty of death through lethal injection for each case. That said penalty shall be enforced upon the accused after a year and a half from the date said judgment shall have become final and executory or on the month of October 30, 2003 at 3:00 p.m.

"The court hereby award to private complainant as civil indemnity the amount of P75,000.00 as compensatory damages and the amount of P50,000.00 as moral damages."^[3]

In the review of his various cases by this Court, appellant asserts that his plea of guilty has been improvidently made on the mistaken belief that he would be given a lighter penalty with his plea of guilt.^[4] On this particular score, the Solicitor General agrees.

There is merit in the observation.

Section 3, Rule 116, of the 2000 Rules of Criminal Procedure is explicit on the procedure to be taken when an accused pleads guilty to a capital offense, *viz*:

"SEC. 3. Plea of guilty to capital offense; reception of evidence. - When the accused pleads guilty to a capital offense, the court shall conduct a searching inquiry into the voluntariness and full comprehension