

TWENTY-SECOND DIVISION

[CA-G.R. CR HC NO. 01088-MIN, February 24, 2015]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RUDY PANISALES ALIAS "RICAL", ACCUSED-APPELLANT.

D E C I S I O N

INTING, J.:

Before Us is accused-appellant Rudy Panisales' Appeal^[1] assailing the Decision^[2] of Branch 25, Regional Trial Court (RTC), Koronadal City, convicting him of Rape. The dispositive portion of the Decision states:

WHEREFORE, the foregoing premises considered, the accused Rudy Panisales alias "Rical" is hereby CONVICTED as principal of the felony of RAPE and he is hereby sentenced to a penalty of imprisonment of *reclusion perpetua* with all its accessories. The accused is also ordered to pay the victim, Marilou Lagos y Chavez, the amount of fifty thousand pesos (P50,000.00) by way of moral damages, and thirty thousand pesos (P30,000.00) by way of exemplary damages. Nevertheless, the accused shall be credited in the service of his sentence with full time during which he has undergone preventive imprisonment if he had agreed voluntarily in writing to abide by the same disciplinary rules imposed upon convicted prisoners pursuant to the provisions of Article 29 of the Revised Penal Code.

SO ORDERED.

The facts of the case are as follows:

Version of the Prosecution^[3]

At around 9:30 in the morning of May 26, 2000, Marilou Lagos (Marilou) was suddenly awakened by Rudy Panisales (Rudy), who was pointing a bolo at her chest. Rudy dragged her to a room, pushed her to a bed, and ordered her to undress. When Marilou refused, Rudy pinned her down and undressed her himself. Marilou struggled and begged Rudy to stop but her efforts and pleas were in vain. Rudy succeeded in copulating with her. After about three minutes of Rudy's penis thrusting inside her vagina, Marilou felt something wet in her vagina.

After the incident, Rudy warned Marilou not to tell her parents or else she will be killed.

Marilou put on her clothes and fixed herself. She then saw Rudy walking towards the highway. Shortly thereafter, she saw Rudy heading back to their house. To avoid

Rudy, she jumped over a structure and ran towards the house where the wake of her cousin was held. Rudy chased and tried to catch up with Marilou but failed.

Upon reaching the house, Marilou told her mother of the incident. Her mother told their relatives of what happened prompting the latter to go after Rudy. The relatives were unsuccessful.

They reported the incident to the authorities. They brought Marilou to the hospital for examination and the results revealed that there was penetration with the presence of sperm in her vagina.

Consequently, an Information for Rape was filed against Rudy, to wit:

That on or about the 26th day of May, 2000, at about 9:30 o'clock in the morning, at Upper Paredes, Barangay Zone IV, Municipality of Koronadal, Province of South Cotabato, Philippines, and within the jurisdiction of this Honorable Court, the said accused did then and there, willfully, unlawfully, and feloniously have carnal knowledge of MARILOU CHAVEZ LAGOS by means of force and intimidation and with the use of a deadly weapon, a bolo, against her will.

CONTRARY TO LAW.

Version of the Defense^[4]

At around 6:00 in the evening of May 25, 2000, Rudy was at the STM Terminal in Koronadal City working as dispatcher. At that time, Patok, the brother of Marilou, fetched and informed him that Marilou's father wanted to talk to him at the house where the wake of Neneng Fagutao (Neneng) and her daughter was held.

Rudy went to the wake. While consuming some liquor, Patok and his father discussed with Rudy the brutal death of Neneng and her daughter perpetrated by Oscar Fagutao (Oscar). Marilou's father then broached the idea to Rudy, who has been incarcerated a couple of times, that he will file a case against Rudy so that Rudy would go to jail where Oscar is being detained and exact revenge by killing Oscar. Rudy did not accede to the plan contending that he is now a reformed man and has a family to take care of.

Rudy decided to sleep at a nearby house which is also owned by Marilou's father. At around 8:00 in the morning of May 26, 2000, he left the house and headed to STM Terminal for his work. On his way to work, he met Marilou who asked him for some money to buy food. He gave Marilou P50.00 instructing her to buy him a pack of More cigarettes and use the excess amount for the food.

He then took a tricycle and proceeded to the terminal. At the terminal, another dispatcher informed him to proceed to Alabados Terminal because a certain Rutsel Azarcon was looking for him. Shortly after arriving in Alabados Terminal, policemen arrested him based on the complaint of rape filed against him by Marilou.

While being detained, Marilou's father visited him three (3) times. In all these visits, Marilou's father offered to withdraw the case against him if he would kill Oscar, who happened to be detained in the same cell. As a result of Rudy's refusal to participate