

FIRST DIVISION

[G.R. No. 148401, November 18, 2003]

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. REGINALD M. GUILLERMO ALIAS "REGIE," APPELLANT.

D E C I S I O N

AZCUNA, J.:

Reginald M. Guillermo appeals the April 18, 2001 Decision^[1] of the Regional Trial Court of Aparri, Cagayan, Branch 8, in Criminal Case No. 08-1087. The court a *quo's* decision found him guilty beyond reasonable doubt of rape, as follows:

WHEREFORE, the Court finds accused, Reginald M. Guillermo, guilty beyond reasonable doubt and is hereby sentenced to suffer the penalty of *Reclusion Perpetua* and to pay Renalyn Guartico and/or her parents the amount of Seventy Five Thousand Pesos (P75,000.00) as moral damages; Fifty Thousand Pesos (P50,000.00) as civil indemnity and Twenty Thousand Pesos (P20,000.00) as and by way of Attorney's fees.

SO ORDERED.^[2]

The Information,^[3] dated March 20, 1998, charged appellant in these words:

That on or about October 9, 1997, in the municipality of Gonzaga, Province of Cagayan, and within the jurisdiction of this Honorable Court, the above- named accused, with lewd design, by the use of force and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge of the offended party, a woman under twelve years of age, deprived of reason and/or demented, all against her will and consent.^[4]

During his arraignment on August 5, 1998, appellant, with the assistance of his counsel,^[5] pleaded not guilty to the charge.^[6] After trial on the merits, appellant was found guilty as aforementioned.

The prosecution presented witnesses whose testimonies are as follows:

Dr. Mila Maranta, the Municipal Health Officer of Gonzaga, Cagayan, who testified that she examined the complainant on October 10, 1997, approximately two hours after the alleged sexual assault. The examination revealed that complainant sustained full thickness lacerations with bleeding which appeared to have been caused by forceful penetration of a hard object, possibly a penis, indicating that complainant is a possible victim of sexual abuse. It was noted therein that there was still fresh blood and profuse bleeding during the examination.^[7] Her report reads thus:

#mentally retarded

Genital Examination: Positive active bleeding at the hymen; full thickness laceration with bleeding noted at 12, 01, 3, 5, 7, 9, and 11 o'clock positions.^[8]

Carmencita Omotoy Guartico, 50 years old and a resident of Baranggay Amunitan, Sta. Ana, Cagayan, testified that she is the mother of complainant. At around 4:00 p.m. of October 9, 1997, she was sitting at the terrace of their house together with her husband, Renato Guartico, and her sister-in-law, Josefina Omotoy. She noticed her daughter, complainant Renalyn, running after their dog outside their fence. Thirty minutes later, she again saw Renalyn in front of their gate, stooping and asking for her father. She asked her daughter where she had been, and Renalyn answered that she had been raped. This information was conveyed to her by her daughter by the latter holding her buttocks and making a pumping motion backward and forward. Carmencita then pulled down Renalyn's shorts and saw blood on the genital area and buttocks. Renalyn pointed to the direction of the house of the Guillemos, which was forty meters away. She motioned to her mother that someone covered her mouth, made a slashing gesture across her throat, and inserted his hands under her shorts.

Upon seeing her child in this condition, Carmencita ran towards the road to see if her husband had already arrived. She found her husband and told him that something happened to their daughter. Her husband followed her back to their house and likewise pulled down the shorts of Renalyn to see where the blood was coming from. Then, her husband put the child's shorts back on and carried her daughter to the house of the Guillemos. Upon reaching the said house, they saw a person asleep with his head on the table in front of the house. They did not recognize the person, so they asked Emelita Guillermo, the accused's mother, who this person was. They were told that the person's name is Joey Villegas and that he was dead drunk. Her husband then carried their daughter upstairs to where she was pointing. Carmencita testified that she remained downstairs and waited for her husband and daughter.

Thereafter, they brought their daughter to the Don Alfonso Ponce Enrile Memorial District Hospital in Gonzaga, Cagayan where she was examined. They arrived in the hospital before 6 p.m.. After their daughter was examined, they proceeded to the Gonzaga Police Station and reported that their daughter was raped. They returned home at around 7:00 p.m., accompanied by two policemen, and immediately went straight to the house of the Guillemos and asked Mr. and Mrs. Guillermo if the person named Joey Villegas was still there. The spouses Guillermo replied that Joey Villegas had already left at around 6:30 p.m. The two policemen then told the spouses Guillermo that they were inviting all those who were in the house during the alleged incident to the police station the next day.

In the afternoon of October 10, 1997, Feliciano Guillermo, Reginald Guillermo, the barangay captain of Amunitan, Abraham Gallardo, Joey Villegas, and Nanding Taguba went to the police station in Gonzaga. Carmencita testified that she was also there together with her husband and daughter, Renalyn. Her daughter was then asked in Ilocano by the Chief of Police to point to the person who allegedly raped her. Carmencita saw her daughter approach the accused and hold his hand. Then, her daughter pointed to the accused and said in Ilocano that he was the one who

raped her.

Again, on October 11, 1997, another confrontation was held at the police station. Reginald Guillermo, Abraham Gallardo, Onioc Palor, Joey Villegas, Feliciano Guillermo, Randy Castillo, and two other persons who were allegedly at the house of the Guillemos on the day of the alleged incident were made to appear at the police station where the Chief of Police again asked the complainant to point to the person who raped her. According to Carmencita, her daughter once again pointed to Reginald Guillermo and allegedly even touched the latter.^[9]

Complainant **Renalyn Guartico** was 11 years old when she took the witness stand. The prosecution manifested before complainant was called to the witness stand that she will try her best to testify orally. Although, she will mostly testify through sign language. Complainant was first asked if she knew 'Egie', the appellant. Complainant answered by uttering, "Oh." She was then asked to step down from the witness stand and touch the accused, which she did. Upon being asked what the accused did to her, complainant caressed her legs and said, "*Daya*." The prosecution counsel then made some gestures indicating having sex and asked complainant if accused did that to her. Complainant responded by making a circle with her thumb and forefinger, then inserted her other forefinger into it. She then pushed and pulled the forefinger in and out of the circle. Then, prosecution counsel brought his forefinger at his neck, making a slashing motion, and asked complainant if the accused did that to her. Complainant nodded her head and imitated the prosecution counsel's gestures. The latter then put his forefinger on his lips and asked if the accused asked her to keep silent. Complainant nodded her head in answer. Finally, prosecution counsel held his hands behind him in a cross position and asked complainant if accused held her hands that way. Complainant again nodded her head in response to the question.^[10]

For its part, the defense presented the following witnesses, who testified, thus:

Emelita Guillermo, 38 years old and a housewife, testified that she is the mother of appellant. On October 9, 1997, she arrived at her house in Amunitan, Gonzaga at around 10:00 a.m. together with her children Reylife, Reygil, Reynold, and Reycis, having come from a wake. Her other son, Reginald, the accused in this case, was not with them. He was allegedly out fishing. Although appellant was enrolled for that school year, he did not go to school that day because he did not have any money for transportation going to school.

When Emelita and her children got home from the wake of a certain Andres Manuel, they saw some men drinking gin in front of their house. They were Randy Castillo, Ernesto Palor, Jr., Joey Villegas, and Rodel Manuel. These men also came from the wake. They stayed in the house of the Guillemos until 4:00 p.m. After the men had left, Emelita testified that Carmencita and Renato Guartico went to their house together with their daughter Renalyn. They started asking about the whereabouts of her son, Reginald. She told them that her son was not at home. Thereafter, Renato Guartico asked permission to go up the stairs of their house. She went upstairs with them and there, she saw Renato Guartico ask his daughter where she was molested. Renalyn responded by just waving her hand. Afterwards, they all proceeded downstairs and encountered a person sleeping in their yard. Carmencita and Renato asked the witness who that person was. She answered that the person was Joey

Villegas. The couple and their daughter thereafter left.

At around 6:00 p.m., appellant arrived home. She asked him where he came from. He answered that he had just come from fishing. She then told him that Carmencita and Renato Guartico had been looking for him earlier that day. He asked her why and she responded that the spouses Guartico claimed that he raped their daughter, Renalyn. Allegedly, her son responded, "Oh, I [should] be ashamed[d]."

The next morning, Reginald went to school. On that day, Carmencita Guartico again came to their house and said that they want to take appellant to the town proper. Emelita answered that they could not take appellant with them because he was in school. Eventually, her husband fetched their son from his school and brought him to the police station as requested by the Guarticos.

Finally, Emelita testified that her family and the Guarticos used to be in good terms with each other until the Guarticos started claiming that they own the land on which the Guillermos' house stands. According to Emelita, they were asked by the Guarticos to vacate the land, but her family refused. The land is allegedly the property of a certain Barangay Captain Bumanglag, from whom the Guillermos sought the permission to build their house on the said land.^[11]

The second witness for the defense was **Reginald M. Guillermo** himself. Appellant was 18 years old, single, and a student when he testified. He alleged that on October 9, 1997, at 10:00 a.m., he was fishing for freshwater fish at the ricefield of one Berto Julian. He was with his friend, Michael Esteban. Although it was a school day and he was enrolled for that school year, he did not attend his classes that day since he did not have any money for transportation going to school.

According to appellant, the ricefield was only three to four kilometers from their house. After fishing, he helped the mother of Michael Esteban with the threshing of the palay. He did not return to their house until 6:00 p.m. From 10:00 a.m. to 6:00 p.m., he never left the ricefield of Berto Julian. When he arrived at his house, he saw his parents and some visitors. One of these visitors is Joey Villegas. He was told by his parents that something happened to the daughter of their neighbor, Carmencita. He was likewise told by his parents that the Guarticos were accusing him of raping their daughter. He told his parents that he did not do it.

The next day, he went to school. After his classes, as he was on his way home, he was met by his father who told him that he must go to the police station since he was needed there to answer some questions. Hence, he proceeded to the police station accompanied by his father and two other men, including one Nanding Taguba. Upon their arrival there, he saw the other men who were at their house the previous day. These men were Randy Castillo, Rodel Manuel, Ernesto Palor, Jr., and Joey Villegas. He also saw there Renato Guartico, Carrnencita Guartico, and their daughter, Renalyn. The policemen first asked him and the other men to sit on a bench. Then, Renato Guartico asked his daughter, both orally and in sign language, who among them raped her. According to appellant, the complainant first pointed to the Chief of Police. Then, complainant pointed to the other policemen in the room. Renato Guartico then repeated his question. This time, complainant pointed to him. Thereafter, Renato Guartico said, "See, he is really the molester." Upon hearing these words, appellant cried and answered that he does not know anything about

the rape of his daughter. He denied ever raping complainant Renalyn.^[12]

Michael Esteban, 22 years old, single, and a resident of Amunitan, Gonzaga, Cagayan, testified that he and appellant Reginald Guillermo were together on October 9, 1997. He arrived at the ricefield of Berto Julian on that day at 10:00 a.m. to help his parents, Marcelino and Vina Esteban, thresh palay. When he got there, he saw appellant already fishing. Appellant and the witness know each other since they were classmates during their first year in high school. Michael then joined appellant in fishing while his parents started threshing the palay. The witness testified that appellant left at around 6:00 p.m. Before appellant left, however, he first helped Marcelino and Vina Esteban in threshing the palay. The witness allegedly did not leave the ricefield before 6:00 p.m. Neither did he see appellant leave the ricefield before the latter left for home.^[13]

Joey Villegas, 28 years old, married, and a farmer residing in Amunitan, Gonzaga, Cagayan, testified that he was one of the men having a drinking spree in the house of appellant on October 9, 1997. He knows appellant and his family since they live in the same barangay. The witness testified that he arrived at the house of Feliciano Guillermo on the day of the alleged incident at around 10:00 a.m. He was with several other companions and they had come from the wake of his uncle, Andres Manuel. They brought with them one bottle of gin. They usually go to the house of Feliciano Guillermo to drink. According to him, Feliciano Guillermo just took one shot of gin with them and thereafter left their group. The witness also saw Carmencita Guillermo there at the house since they met her in the yard when they arrived. He and the other men who were with him drinking left the house of the Guillermos at around 6:00 p.m..

The witness added that he did not see appellant in the house on the day of the alleged incident. He also did not see complainant Renalyn in the house of the Guillermos on that day. In fact, he claimed that he was not acquainted with complainant Renalyn until the next day, or on October 10, 1997, when he and the other men who were at the drinking spree were invited by a barangay councilman, at the request of Carmecita Guartico, to appear at the police station. At the station, a child was asked to point who among them raped her. The witness claimed that he later learned that this child was complainant Renalyn. The complainant, upon being asked that question, allegedly pointed to him. Then, she pointed to the Chief of Police and the other policemen standing in the room. Finally, she pointed to appellant Reginald Guillermo.^[14]

SPO3 Rolly M. Torres, 40 years old, married, and a policeman of Gonzaga, Cagayan, testified that at around 6:00 p.m., in the evening, Carmencita Guartico came and reported that her daughter, complainant Renalyn, was raped by a certain Joey Villegas. He immediately accompanied Carmencita Guartico, along with another policeman, to the house of the Guillermos where the alleged incident occurred. When they got there, they asked for Joey Villegas and the people who were drinking with him. They were told, however, that Joey Villegas and the other men had already left. The witness claimed that he did not see appellant Reginald Guillermo around the house when they came that day.

The next morning, the witness further said, he endorsed the case to another policeman, Wilfredo Cortez, who in turn, invited appellant, Joey Villegas, and the