

## EN BANC

[ G.R. Nos. 141189-141202, July 23, 2002 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
DOMINGO D. PATANAYAN JR., ACCUSED-APPELLANT.**

### DECISION

**KAPUNAN, J.:**

Fourteen (14) separate informations for rape were filed against accused-appellant Domingo D. Patanayan Jr. Each information reads as follows:

Criminal Case No. IR-4769

That sometime in the month of December 1997 in their house in San Vicente Sur, Iriga City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, being the father of the complainant, did, then and there, willfully, unlawfully and feloniously, with abuse of confidence, by means of threats and intimidation, and taking advantage of complainant's youth and weakness, have carnal knowledge of the said CHERRY GRACE PATANAYAN Y MOLINA, 18 years of age, for the 12th time against her will and consent, to the damage and prejudice of the said Cherry Grace Patanayan y Molina in such amount as may be proven in court.

ACT CONTRARY TO LAW.<sup>[1]</sup>

Criminal Case No. IR-4770

That sometime in the month of October 1997 in their house in San Vicente Sur, Iriga City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, being the father of the complainant, did, then and there, willfully, unlawfully and feloniously, with abuse of confidence, by means of threats and intimidation, and taking advantage of complainant's youth and weakness, have carnal knowledge of the said CHERRY GRACE PATANAYAN Y MOLINA, 17 years of age, for the 11th time against her will and consent, to the damage and prejudice of the said Cherry Grace Patanayan y Molina in such amount as may be proven in court.

ACT CONTRARY TO LAW.<sup>[2]</sup>

Criminal Case No. IR-4771

That sometime in the month of July 1997 in their house in San Vicente Sur, Iriga City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, being the father of the complainant, did, then and there, willfully, unlawfully and feloniously, with abuse of

confidence, by means of threats and intimidation, and taking advantage of complainant's youth and weakness, have carnal knowledge of the said CHERRY GRACE PATANAYAN Y MOLINA, 17 years of age, for the 10th time against her will and consent, to the damage and prejudice of the said Cherry Grace Patanayan y Molina in such amount as may be proven in court.

ACT CONTRARY TO LAW.<sup>[3]</sup>

Criminal Case No. IR-4772

That sometime in the month of May 1997 (middle part) in their house in San Vicente Sur, Iriga City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, being the father of the complainant, did, then and there, willfully, unlawfully and feloniously, with abuse of confidence, by means of threats and intimidation, and taking advantage of complainant's youth and weakness, have carnal knowledge of the said CHERRY GRACE PATANAYAN Y MOLINA, 17 years of age, for the 9th time against her will and consent, to the damage and prejudice of the said Cherry Grace Patanayan y Molina in such amount as may be proven in court.

ACT CONTRARY TO LAW.<sup>[4]</sup>

Criminal Case No. IR-4773

That sometime in the month of February 1997 (after Valentine's Day and before Barangay Fiesta, February 20 1997) in their house in San Vicente Sur, Iriga City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, being the father of the complainant, did, then and there, willfully, unlawfully and feloniously, with abuse of confidence, by means of threats and intimidation, and taking advantage of complainant's youth and weakness, have carnal knowledge of the said CHERRY GRACE PATANAYAN Y MOLINA, 17 years of age, for the 8th time against her will and consent, to the damage and prejudice of the said Cherry Grace Patanayan y Molina in such amount as may be proven in court.

ACT CONTRARY TO LAW.<sup>[5]</sup>

Criminal Case No. IR-4774

That sometime in the month of December 1996 in their house in San Vicente Sur, Iriga City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, being the father of the complainant, did, then and there, willfully, unlawfully and feloniously, with abuse of confidence, by means of threats and intimidation, and taking advantage of complainant's youth and weakness, have carnal knowledge of the said CHERRY GRACE PATANAYAN Y MOLINA, 17 years of age, for the 7th time against her will and consent, to the damage and prejudice of the said Cherry Grace Patanayan y Molina in such amount as may be proven in court.

ACT CONTRARY TO LAW.<sup>[7]</sup>

Criminal Case No. IR-4775

That sometime in the month of November 1996 in their house in San Vicente Sur, Iriga City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, being the father of the complainant, did, then and there, willfully, unlawfully and feloniously, with abuse of confidence, by means of threats and intimidation, and taking advantage of complainant's youth and weakness, have carnal knowledge of the said CHERRY GRACE PATANAYAN Y MOLINA, 17 years of age, for the 6th time against her will and consent, to the damage and prejudice of the said Cherry Grace Patanayan y Molina in such amount as may be proven in court.

ACT CONTRARY TO LAW.<sup>[7]</sup>

Criminal Case No. IR-4776

That sometime in the month of April 1996 (Summer) in their house in San Vicente Sur, Iriga City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, being the father of the complainant, did, then and there, willfully, unlawfully and feloniously, with abuse of confidence, by means of threats and intimidation, and taking advantage of complainant's youth and weakness, have carnal knowledge of the said CHERRY GRACE PATANAYAN Y MOLINA, 16 years of age, for the 5th time against her will and consent, to the damage and prejudice of the said Cherry Grace Patanayan y Molina in such amount as may be proven in court.

ACT CONTRARY TO LAW.<sup>[8]</sup>

Criminal Case No. IR-4777

That sometime in the month of January 1996 (a week after New Year), in their house in San Vicente Sur, Iriga City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, being the father of the complainant, did, then and there, willfully, unlawfully and feloniously, with abuse of confidence, by means of threats and intimidation, and taking advantage of complainant's youth and weakness, have carnal knowledge of the said CHERRY GRACE PATANAYAN Y MOLINA, 16 years of age, for the 4th time against her will and consent, to the damage and prejudice of the said Cherry Grace Patanayan y Molina in such amount as may be proven in court.

ACT CONTRARY TO LAW.<sup>[9]</sup>

Criminal Case No. IR-4778

That sometime in the last week of November 1995 in their house in San Vicente Sur, Iriga City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, being the father of the complainant, did, then and there, willfully, unlawfully and feloniously, with abuse of confidence, by means of threats and intimidation, and taking advantage of complainant's youth and weakness, have carnal knowledge of the said Cherry Grace Patanayan y Molina, 16 years of age,

for the 3rd time against her will and consent, to the damage and prejudice of the said Cherry Grace Patanayan y Molina in such amount as may be proven in court.

ACT CONTRARY TO LAW.<sup>[10]</sup>

Criminal Case No. IR-4779

That sometime in the month of October 1995 in their house in San Vicente Sur, Iriga City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, being the father of the complainant, did, then and there, willfully, unlawfully and feloniously, with abuse of confidence, by means of threats and intimidation, and taking advantage of complainant's youth and weakness, have carnal knowledge of the said CHERRY GRACE PATANAYAN Y MOLINA, 15 years of age, for the second time against her will and consent, to the damage and prejudice of the said Cherry Grace Patanayan y Molina in such amount as may be proven in court.

ACT CONTRARY TO LAW.<sup>[11]</sup>

Criminal Case No. IR-4780

That sometime in the month of September 1995 in their house in San Vicente Sur, Iriga City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, being the father of the complainant, did, then and there, willfully, unlawfully and feloniously, with abuse of confidence, by means of threats and intimidation, and taking advantage of complainant's youth and weakness, have carnal knowledge of the said CHERRY GRACE PATANAYAN Y MOLINA, 15 years of age, for the first time against her will and consent, to the damage and prejudice of the said Cherry Grace Patanayan y Molina in such amount as may be proven in court.

ACT CONTRARY TO LAW.<sup>[12]</sup>

Criminal Case No. IR-4781

That sometime in the month of February 1998 in their house in San Vicente Sur, Iriga City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, being the father of the complainant, did, then and there, willfully, unlawfully and feloniously, with abuse of confidence, by means of threats and intimidation, and taking advantage of complainant's youth and weakness, have carnal knowledge of the said CHERRY GRACE PATANAYAN Y MOLINA, 18 years of age, for the 13th time against her will and consent, to the damage and prejudice of the said Cherry Grace Patanayan y Molina in such amount as may be proven in court.

ACT CONTRARY TO LAW.<sup>[13]</sup>

Criminal Case No. IR-4782

That sometime in the month of April 1998 (before Good Friday) in their house in San Vicente Sur, Iriga City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, being the father of the complainant, did, then and there, willfully, unlawfully and feloniously, with abuse of confidence, by means of threats and intimidation, and taking advantage of complainant's youth and weakness, have carnal knowledge of the said CHERRY GRACE PATANAYAN Y MOLINA, 18 years of age, for the 14th time against her will and consent, to the damage and prejudice of the said Cherry Grace Patanayan y Molina in such amount as may be proven in court.

ACT CONTRARY TO LAW.<sup>[14]</sup>

The cases were raffled to, and consolidated for trial before, Branch 37 of the Regional Trial Court in Iriga City.

On October 16, 1998, the accused-appellant was arraigned in all cases; and in all of them, he pleaded not guilty.<sup>[15]</sup>

Trial ensued.

On November 18, 1998, the trial court rendered a decision, the dispositive portion of which reads:

WHEREFORE, in view of the foregoing, this Court finds the evidence of the prosecution to have established the guilt of accused Domingo D. Patanayan, Jr. of the crime charged in the 14 informations, beyond reasonable doubt, as principal thereof, and although the nature and the number of the penalty that may be imposed is physically impossible of execution as a person has only one life but same is legally proper in imposition, the Court hereby sentences accused to suffer the supreme penalty of death in each case, or 14 death penalties in the 14 cases, to indemnify Cherry Grace P75,000.00 in each case as actual damages (People vs. Victor, G.R. No. 127903, July 9, 1998) which is, however, awarded only in compliance with the law.

SO ORDERED.<sup>[16]</sup>

The relevant antecedents are as follows:

At around ten o'clock in the morning sometime in September, 1995, private complainant Cherry Grace M. Patanayan was busy sweeping their yard at San Vicente Sur, Iriga City. At that time, her mother was preparing firewood for cooking, her younger siblings were playing, and the accused-appellant was inside their house.<sup>[17]</sup> After a while, the accused-appellant requested his wife to go to the poblacion to buy some goods.<sup>[18]</sup> As soon as his wife departed, the accused-appellant instructed his eldest son to buy some cigarettes and then, directed his younger children to play at their grandmother's house. Moments later, he summoned Cherry Grace inside a room in the house.<sup>[19]</sup> As soon as Cherry Grace entered the room, the accused-appellant, who was then sitting on the bed, told her to yield (pagbigyan) to his request. Cherry Grace could not understand what he meant.<sup>[20]</sup> Then, to her horror, the accused-appellant forcefully dragged Cherry Grace and pinned her against the wall. He whacked her head against the wall, then,