

## EN BANC

[ G.R. No. 131814, March 15, 2000 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
RODOLFO ARIZAPA, ACCUSED-APPELLANT.**

### D E C I S I O N

#### PER CURIAM:

RODOLFO ARIZAPA was charged with incestuous rape and found guilty by the trial court. He was sentenced to death. He is now before us on automatic review.

The Information alleged that in the evening of 4 June 1995, in Barangay Malatap, Labo, Camarines Norte, the accused Rodolfo Arizapa by means of force and intimidation willfully and feloniously had carnal knowledge of Rosita Encinas, his stepdaughter, a 12-year old minor, against her will.<sup>[1]</sup>

On 8 October 1997 the trial court found the accused Rodolfo Arizapa guilty of rape as defined under Art. 335 of the Revised Penal Code in relation to Sec. 11 of RA 7659, and sentenced him to the supreme penalty of death. The lower court also ordered him to pay his victim, Rosita Encinas, P50,000.00 for moral damages and P30,000.00 for exemplary damages.

These are the facts on which the judgment is based: At about midnight of 4 June 1995, 12-year old Rosita Encinas was sleeping with her younger brothers, aged three (3) and seven (7), and a sister, aged four (4), in their house in Barangay Malatap, Labo, Camarines Norte, when her stepfather, accused Rodolfo Arizapa, entered their room. Rosita's mother at that time was in Manila. Rosita woke up when the accused whom she called "Papa Rudy" went to her side. He was in shirt and shorts but wearing no underwear. He told Rosita to lie down and warned her not to shout. Then he removed her shorts and panty. Rosita could not put up any resistance as the accused held her thighs. He was stronger. He warned her again not to shout or else something would happen to her and her siblings. When Rosita was already lying down the accused stood up, undressed himself, went on top of her, separated her thighs and inserted his penis into her vagina. Rosita felt pain but did not bleed because according to her he had already raped her in the past. The next day Rosita reported the incident to her *Tiya Santa* and *Tiya Puring*, as well as to the barangay captain. She also sought the assistance of her teacher. She was finally accompanied by her aunt to the police station where she executed a sworn statement charging her stepfather with the crime of rape.

Dr. Marcelito Abas of the Camarines Norte Provincial Hospital in Daet conducted a medical examination of Rosita and found hematoma with slight swelling on her genitalia as well as hymenal lacerations at the 1 o'clock, 3 o'clock and 9 o'clock positions.<sup>[2]</sup>

When the turn of the accused came to testify alone in his defense on 4 June 1995 he readily admitted having raped his stepdaughter Rosita Encinas on 4 June 1995 as charged, thus -

*Q: Now this Rosita Encinas, filed a complaint against you, that according to her you sexually abused her on the evening of June 4, 1995 at Bgy. Malatap, Labo, Camarines Norte, what can you say about this?*

*A: I admit it sir x x x x*

*Q: Alright, questions from the Court. Do you know the consequence of your admission to that statement - that you abused this Rosita Encinas on June 4, 1995 in the evening at Malatap, Labo, Camarines Norte?*

*A: No, sir.*

*Q: Were you not advised by your lawyer Atty. Dizon? (Witness takes time to answer)*

*A: If I admit, your Honor, the penalty is death.*

*Q: That is tantamount to saying that he is not guilty.*

*Atty. Dizon: Your Honor, it would seem that, that is my advice to him because the question from the Court - is "Were you advised by your counsel before you admitted that offense?"*

*Actually I presented him for the purpose of denying the charges in the information. If he admits it, that is (of) his own volition, Your Honor.*

*Pros. Escaro: Yes. In fact, this case was tried, He was arraigned. He pleaded not guilty to the offense, that's why, we have a trial, your Honor. He had all the time to think of his complicity in the crime. And now, he testifies that he admitted the offense charged against him x x x x*

*Court: Are you admitting the offense charged against you of your own volition?*

*A: Yes, sir.*

*Atty. Dizon: We have no more witness other than the accused. And with the admission of the accused of the complaint against him, I think, I have no more to say and considering that we have no more witnesses other than the accused himself, we will now rest our case, Your Honor.*<sup>[3]</sup>

In his Brief, the accused contends that the trial court gravely erred in convicting him of rape as it failed to conduct before accepting his plea of guilt a searching inquiry into the voluntariness of his plea and his full comprehension of the consequences thereof as mandated by Sec. 3, Rule 116, of the 1985 Rules on Criminal Procedure,

which provides-

Section 3. - Pleas 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 of the consequences of his plea and require the prosecution to prove his guilt and the precise degree of culpability. The accused may also present evidence in his behalf.

The rationale behind the rule is that courts must proceed with caution where the possible punishment is in its severest form, *i.e.*, death, for the reason that the execution of such a sentence is irrevocable and experience has shown that innocent persons have at times pleaded guilty. The primordial purpose then is to avoid improvident pleas of guilt on the part of an accused when grave crimes are involved since he might be admitting his guilt before the court and thus forfeit his life and liberty without having fully comprehended the meaning, significance and consequences of his plea.

The record indeed discloses the failure of the lower court to fully comply with the requirements of Sec. 3, Rule 116, of the 1985 Rules of Criminal Procedure. It did not make a searching inquiry on whether the accused's admission of guilt was voluntarily made and whether he understood the legal implications of such admission. It must, however, be noted that the improvident plea of guilt by the accused was made after the prosecution had already rested its case, *i.e.*, after all the evidence for the prosecution had been presented. And the evidence, as scrutinized by the Court, adequately and convincingly demonstrated the guilt of the accused beyond any shadow of doubt.

The testimonies of complaining witness Rosita Encinas and Dr. Marcelito Abas who examined her physically, as well as the victim's aunt Flora Sena<sup>[4]</sup> were more than enough to convict the accused. The court *a quo* was correct when it declared the testimony of Rosita Encinas truthful and credible, her narration of the sexual assault on her by the accused being direct and straightforward. Thus-

*Q: How did Rodolfo Arizapa, the accused in this case sexually abuse you?*

*A: I was asleep at that time when Rodolfo Arizapa came near me and he told me not to shout.*

*Q: So after the accused, your stepfather told you not to shout what happened next?*

*A: He came near me, sir.*

*Q: What did he do when he came near you?*

*A: He undressed me, sir.*

*Q: What dress was removed from you by the accused?*

*A: My short and panty.*

*Q: After the accused removed your short and panty what more did*