

EN BANC

[G.R. No. 125313-16, July 31, 1998]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
GREGORIO PAGUPAT, ACCUSED-APPELLANT.**

D E C I S I O N

Per Curiam:

By mandate of Article 47 of the Revised Penal Code, as amended by Section 22 of Republic Act No. 7659, otherwise known as the Death Penalty Law, this Court is once more called upon to discharge its duty to review the death sentence imposed upon accused-appellant by Branch 38 of the Regional Trial Court of the Tenth Judicial Region stationed at Cagayan de Oro City for charges of rape under four Informations, reading as follows:

Criminal Case No. 95-85

That on or about the month of May, 1994, at Sitio Li-ang, Barangay Napaliran, Municipality of Balingasag, Province of Misamis Oriental, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, armed with a knife, and being then the step-father of the offended party, Girlie Oliveros, did then and there, willfully, unlawfully, and feloniously and by the use of force, intimidation and threats pinned her down and succeeded in having carnal knowledge with Girlie Oliveros, 14 years old, against her will and without her consent.

Contrary to and in violation of Article 335, as amended of the Revised Penal Code.

(Records, p. 4)

Criminal Case No. 95-86

That on or about June 16, 1994 at 9:00 o'clock in the morning, more or less at Sitio Li-ang, Barangay Napaliran, Municipality of Balingasag, Province of Misamis Oriental, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, armed with a knife, and being then the step-father of the offended party, Girlie J. Oliveros, did then and there, willfully, unlawfully and feloniously pinned her down and succeeded in having carnal knowledge with Girlie Oliveros, 14 years old, against her will and without her consent.

Contrary to and in violation of Article 335, as amended of the Revised

Penal Code.

(Records, p. 32)

Criminal Case No. 95-87

That on or about the last week of June, 1994, at Sitio Li-ang, Barangay Napaliran, Municipality of Balingasag, Province of Misamis Oriental, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, armed with a knife, and being then the step-father of the offended party, Girlie J. Oliveros, did there, willfully, unlawfully and feloniously pinned her down and succeeded in having carnal knowledge with Girlie Oliveros, 14 years old, against her will and without her consent.

Contrary to and in violation of Article 335, as amended of the Revised Penal Code.

(Records, p. 36)

Criminal Case No. 95-88

That on or about the month of July 10, 1994 at 9:00 o'clock in the morning, more or less, at Sitio Li-ang, Barangay Napaliran, Municipality of Balingasag, Province of Misamis Oriental, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, armed with a knife, and being then the step-father of the offended party, Girlie J. Oliveros, did there, willfully, unlawfully and feloniously pinned her down and succeeded in having carnal knowledge with Girlie Oliveros, 14 years old, against her will and without her consent.

Contrary to and in violation of Article 335, as amended of the Revised Penal Code.

(Records, p. 40)

The relevant facts on record may be summarized as follows:

During the month of May 1994, private complainant Girlie Oliveros, a 14-year old schoolgirl, together with her mother, was residing at the house of her stepfather, accused-appellant Gregorio Pagupat, a 55-year old farmer, in Liang, Napaliran, Balingasag, Misamis Oriental. Sometime on the second week of that said month, at around 10 o'clock in the morning, she was inside the house and her mother was away, selling vegetables at Balingasag. Accused-appellant pulled Girlie upstairs into a room and made her lie down. Accused-appellant removed his clothes and took off Girlie's skirt and panties. He forced his penis into her vagina, then made push and pull motions. After the sexual intercourse which lasted about 3 minutes, Girlie noticed that her vagina was bleeding. Accused-appellant put on his clothes and told Girlie that he will kill her if she reports the incident to her mother. Accused-appellant left her in the room, crying.

On three more occasions, namely, sometime on the second or third week of June 1994, sometime on the last week of June, 1994, and on July 10, 1994 accused-appellant again raped Girlie. As what happened the first time, Girlie's mother was out selling vegetables at Balingasag. Girlie was ravished in a similar manner: while poking a knife at her, accused-appellant brought her upstairs, made her lie down, removed his and her clothes, lay on top of her, inserted his penis into her vagina and thereafter made pumping motions. On all three occasions, she was threatened with death should she tell anyone about the incident.

Girlie's mother came to know about these events through Girlie's sister, Sofia Ladia, who sometime in October 1994, noticed that Girlie was pregnant. It was only then that Girlie gathered the courage to inform her sister that she had been repeatedly raped by their stepfather.

Thus, on February 17, 1995, four criminal complaint-informations were filed against accused-appellant.

During the trial, accused-appellant admitted having had carnal knowledge of private complainant, but claimed that this was the result of mutual consent. He now claims that if ever he would be convicted of any crime arising therefrom, it may only be for qualified seduction, Girlie having been only 14 years old during the incidents and he being her stepfather.

In his brief, accused-appellant assigns the lone error, shotgun type of argument, that his guilt has not been proved beyond reasonable doubt.

Accused-appellant assails the credibility of Girlie as a witness on account of her almost exactly identical narration of how she was raped on all four occasions, which portrayal, he claims, is far from plausible and persuasive. Withal, the manner in which Girlie testified should, at the very least, accused-appellant claims, generate reasonable doubt in his favor, resulting in his acquittal.

After a thorough examination of the evidentiary record, a duty imposed upon this Court in all kinds of cases, but more so heavy and grave in death penalty cases, we vote to affirm.

The lone error assigned concerns credibility of complainant-witness Girlie J. Oliveros. After deliberate consideration of accused-appellant's arguments in his brief and the entire record of the case, we find no cogent reason to take exception to the generally binding factual findings of the trial court on the matter.

Verily, the uniform manner in which private complainant declared she was raped by accused-appellant on four different occasions does not render her account incredible per se. Understandably, but quite erroneously, accused-appellant would demand greater elaboration from Girlie on how each of the four events took place. He would look for details and thorough description of each harrowing encounter. Had this been his desire, he should have tried to elicit the same on cross-examination. He did attempt to do that, but pulling up short, he cannot now shift the burden upon Girlie at this point. And, of course, there is no rule in our jurisprudence which requires the victim of rape to describe her experience with all its tormenting details. On the contrary, the Court has repeatedly ruled that when a woman says that she has been