

Title:

People of the Philippines vs. Zosimo Cantomayor y Tahum alias Jesus

Facts:

Step-by-step Events:

1. **1990:** The alleged crime occurred when Zosimo Cantomayor, the accused, purportedly raped his 9-year-old daughter, Liezl Cantomayor, multiple times in their home at Sitio Sumbang, Barangay Iba, Municipality of Cabanglasan, Bukidnon.

- Liezl testified that her father undressed her, touched her breasts, and inserted his penis into her vagina, causing her pain and threatening harm to silence her.

- Liezl sought her mother's help, but her mother advised her to physically defend herself next time.

2. **October 1995:** Liezl disclosed the abuse to her great uncle, "Lolo Aning," who lived in Cotabato City. Moved by her confession, he took her to Cotabato City and eventually, she moved to Manila for work.

3. **1998:**

- Liezl returned home upon learning that her father shot her brother, Rey.

- Liezl filed a parricide case against her father for shooting Rey.

- Subsequently, her sister Cristina revealed that she had also been raped by their father, Zosimo Cantomayor.

- Consequently, Liezl and Cristina filed separate rape charges against their father, though Cristina's case was dismissed due to her unavailability.

Procedural Posture:

- **January 21, 1999:** Accused was arraigned and entered a not guilty plea.

- **Trial:** The trial ensued where evidence and testimonies were presented.

- Liezl provided her testimony regarding the abuse.

- The accused denied the allegations and proposed a timeline defense, asserting he was not in the location of the alleged incidents during certain times.

- **August 18, 2000:** The Regional Trial Court of Malaybalay City, Branch 8, convicted Zosimo Cantomayor of rape and sentenced him to reclusion perpetua, alongside awarding P50,000 as civil indemnity and P50,000 as moral damages.

- **Appeal:**

- Accused-appellant challenged the conviction on the grounds that the Information failed to

specify the exact date of the alleged crime, asserting this rendered him unable to mount a full defense.

- Cited parallels with *People v. Ladrillo* to support this contention.

Issues:

1. **Whether the conviction should be overturned due to the lack of specific dates of the commission of the crime in the Information.**
2. **Whether the evidence presented sufficiently supports Liezl's allegations and the trial court's conclusions.**

Court's Decision:

Resolution of Legal Issues:

1. **Specific Dates in Information:**

Court's Analysis:

- The Supreme Court rejected the argument emphasizing that the exact date is not a material ingredient in the crime of rape.
- Distinction from *People v. Ladrillo* was noted, where the appellant's defense was alibi corroborated by the fact he was not in the location as claimed in the Information. Here, Zosimo Cantomayor admitted that he lived in the same house as the victim during the alleged incidents.
- The Court emphasized the precedence that failure to specify the exact date does not render the Information defective as long as the acts constituting the crime are clearly described.

2. **Sufficiency of Evidence:**

Court's Analysis:

- The credibility and consistency of Liezl's testimony were upheld.
- The lack of contradiction from Zosimo Cantomayor's timeline and his presence confirmed Liezl's allegations.
- The possibility of Liezl falsely accusing her father out of spite (for shooting her brother) was deemed less likely than the prolonged sexual abuse she reiterated with consistency.
- **Conclusion:** The Supreme Court affirmed the trial court's decision sentencing Zosimo Cantomayor to reclusion perpetua and upheld the monetary awards.

Doctrine:

- **Material Date Requirement:** The specific date of commission is not a material element

for the crime of rape. Conviction can rest on credible testimonies detailing the alleged acts sufficiently.

- **Gravamen of Rape:** The essence of rape is the carnal knowledge of a woman against her will through force or intimidation, and not the specific date of occurrence.

Class Notes:

- **Key Legal Elements of Rape:**

- **Carnal Knowledge:** Inclusion of the phrase “inserted his penis into the vagina”.

- **Against Will:** Through force, intimidation, or threat.

- **Statutory Provision:** Article 335 of the Revised Penal Code.

- **Application:** Sufficient description of acts without precise dates can substantiate allegations (People v. Espejon).

- **Affirmation Principle:** Concurrent credibility judgments regarding testimonies hold strong on appeal (People v. Magbanua).

Historical Background:

- The case reflects the Filipino jurisprudence’s approach towards the protection of minors against sexual offenses.

- It’s historically significant as it reinforces legal principles considering non-specific information on dates within criminal proceedings, demonstrating procedural flexibility in favor of substantial justice and the safety of vulnerable parties like minors.