

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. DOMINGO CRUCILLO Y CUATE, ACCUSED-APPELLANT.

Ponente: CARANDANG, J.

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CARANDANG, J.:

On February 8, 2009, accused-appellant Domingo Crucillo was charged before Regional Trial Court of Tabaco City, Branch 16 for the crime of Rape. The criminal case against him was docketed as Criminal Case No. T-4920. He was also charged with four (4) counts of Child Abuse under Section 5(b), Article III, of Republic Act No. 7610, otherwise known as the "Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act," under Criminal Cases Nos. T-4911, T-4912, T-4913, and T-4914, for foundling the private parts of the body of her minor daughters, "AAA" and "BBB." After trial on the merits the trial court promulgated its Decision[1] on February 17, 2010, the dispositive portion of which reads:

“WHEREFORE, foregoing premises considered, the Court hereby renders judgment as follows, to wit:

1) In Crim. Case No. T-4920, accused DOMINGO CRUCILLO Y CUATE is found guilty beyond reasonable doubt of the crime of Statutory Rape, defined in Article 266-A, par. 1(d), and penalized under Article 266-B, of the Revised Penal Code, as amended by Republic Act No. 8353, otherwise known as the Anti-Rape Law of 1997”. Accordingly, said accused is hereby sentenced to suffer the penalty of reclusion perpetua.

He is also ordered to pay complainant “AAA” the sums of Php75,000.00, as civil indemnity; Php50,000.00, as moral damages; and Php25,000.00, as exemplary damages.

2) In Crim. Case No. T-4911, said accused is found guilty beyond reasonable doubt of the crime of Acts of Lasciviousness, defined and penalized under Article 336 of the Revised Penal Code, as amended. Applying the provision of the Indeterminate Sentence Law, he is hereby sentenced to an indeterminate prison term ranging from six (6) months of arresto mayor, as minimum, to four (4) years and two (2) months of prison correccional, as maximum.

He is also ordered to pay complainant “BBB” the sum of Php20,000.00, as civil indemnity; and Php30,000.00, as moral damages.

3) In Crim. Case No. T-4912, said accused is found guilty beyond reasonable doubt of the crime of Acts of Lasciviousness, defined and penalized under Article 336 of the Revised Penal Code, as amended. Applying the provision of the Indeterminate Sentence Law, he is hereby sentenced to an indeterminate prison term ranging from six (6) months of arresto mayor, as minimum, to four (4) years and two (2) months of prison correccional, as maximum.

He is also ordered to pay complainant “BBB” the sum of Php20,000.00, as civil indemnity; and Php30,000.00, as moral damages.

4) In Crim. Case No. T-4913, said accused is found guilty beyond reasonable doubt of the crime of Acts of Lasciviousness, defined and penalized under Article 336 of the Revised Penal Code, as amended. Applying the provision of the Indeterminate Sentence Law, he is hereby sentenced to an indeterminate prison term ranging

from six (6) months of arresto mayor, as minimum, to four (4) years and two (2) months of prision correccional, as maximum.

He is also ordered to pay complainant “AAA” the sum of Php20,000.00, as civil indemnity; and Php30,000.00, as moral damages.

5) In Crim. Case No. T-4914, said accused is hereby ACQUITTED for insufficiency of evidence.

Costs against the accused.”

Accused-appellant is now before Us appealing only his conviction for Rape in Criminal Case No. T-4920[2] on Information[3] for Rape against accused-appellant was filed by the City Prosecutor's Office of Tabaco City before the Regional Trial Court of Tabaco City on February 10, 2009 and its accusatory portion reads –

“That at around 6:00 o'clock in the evening sometime in April to May 2005 in Barangay Cale, Municipality of Tiwi, Province of Albay, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design and by means of thereat and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of (sic) AAA, an 11-year old minor, against her will and consent and to her damage and prejudice.

That the crime was attended by the qualifying circumstances of minority and relationship, the private complainant, being eleven years of age and the daughter of teh above-named accused.

CONTRARY TO LAW.”

Accused-appellant, with the assistance of de oficio counsel, was arraigned on July 3, 2009, under the said Information and pleaded “Not Guilty” thereto.[4] A pre-trial was conducted thereafter wherein parties had agreed on the following stipulations of facts, thus:

- “Identity of the accused as the same person named in the Informations;
- That the accused Domingo Crucillo is the father of “AAA”, the victim in Crim. Cases Nos. T-4920; T-4913 and T-4914;
- That the accused Domingo Crucillo is the father of “BBB”, the victim in Crim. Cases Nos. T-4911 and T-4912;
- That sometime in April to May, 2005 said accused was in Barangay Cale, Tiwi, Albay;
- That in May to June, 2008 said accused was also residing in Barangay Cale, Tiwi, Albay;
- That on November 20, 2008 said accused was still living in Barangay Cale, Tiwi, Albay;
- That in June, 2006 up to May, 2008, said accused was still living in Barangay Cale, Tiwi, Albay;
- The existence of the Certificate of Live Birth of “AAA”;
- The existence of the Certificate of Live Birth of “BBB”;
- The existence of the Medical Certificate of “AAA” issued by Dr. Rosa Marie Cantes;
- The existence of the Medical Certificate of “BBB” issued by Dr. Rosa Marie Cantes;

In establishing its case, the prosecution presented “AAA”, her sister “BBB”, their mother “CCC”, their grandmother “DDD”, and Dr. Rosa Maria C. Cantes, the doctor who examined the “AAA” and “BBB”. From their collective testimonies and on the records of the case, the following facts of the case were established:

Sometime in 2005 at about 6:00 o'clock in the evening, "AAA" was alone inside the small room of their house changing her clothes. While her body was wrapped by just a piece of towel, her father, accused-appellant Domingo Crucillo, suddenly entered the room and pushed her toward the bed. While she was lying in bed, her father removed his clothes and laid on top of her and succeeded in inserting his penis into "AAA" vagina. After her father had finished her act, she told "AAA" not to tell anybody about the incident otherwise she would kill her. Thereafter, her father walked out of the room while she remained in bed and cried. Being just eleven (11) years old then and out of fear of her father's threat, she did not tell anybody about the incident. She remained quite for several years. However, in May or June 2008, her father fondled the sensitive part of her body while she was sleeping. She was suddenly awakened when she felt that somebody was caressing her body. Afraid that her father would again sexually abuse her and even kill all the members of her family, "AAA" called "DDD", her grandmother who was living in Antipolo City, and told her about her harrowing experience. Her grandmother arrived the next day and told her mother about the incident. They likewise found out that accused-appellant also fondled "BBB" while the latter was sleeping.

On November 20, 2008, "AAA" and "BBB" were brought to Dr. Rosa Maria C. Cantes, the Rural Health Pysician of Tiwi, Albay for physical examinations. Dr. Cantes found that the hymen of "BBB" was still intact. However, "AAA's" "Hymen reveals superficial, old healed lacerations noted at 1, 3, 4, and 9 o'clock positions before the face of the watch.[5]

The trial court did not believe the defenses invoked by accused-appellant. It ruled that ill-motive is too trivial a matter to consider and denial is inherently weak against the positive and categorical testimonies of the prosecution witnesses. Thus, it convicted him for the crime of Rape.

Accused-appellant is now before Us seeking redress and in his Brief,[6] assigned a lone error for Our consideration, viz:

THE COURT A QUO GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF RAPE AND ACTS OF LASCIVIOUSNESS DESPITE THE PROSECUTION'S FAILURE TO PROVE HIS GUILT BEYOND REASONALBE DOUBT.

In exculpating himself from his conviction of the crime of Rape, accused-appellant advances the postulate that if inculpatory facts and circumstances are capable of two or more interpretations, one in which is consistent with the innocence of the accused and the other consistent with his guilt, the evidence does not fulfill the test of moral certainty and is not sufficient to support conviction. To him, the none recollection of "AAA" about the date or the month and the facts of whether "AAA" was alone in their house or not when the alleged rape was committed and the failure of "AAA" to report the matter immediate to her close relative the alleged rape are inculpatory facts favorable to him to warrant his acquittal.

We find the arguments of accused-appellants bereft of merit.

The inculpatory facts accused-appellant mentioned cannot prevail over the testimony of "AAA" which the trial court found to be simple, plain and straight-forward deserving full weight and credence. We reiterate here the oft-cited doctrine that:

"In a prosecution for rape, the victim's credibility becomes the single most important issue. For when a woman says she was raped, she says in effect all that is necessary to show that rape was committed; thus, if her testimony meets the test of credibility, the accused may be convicted on the basis thereof.

The rule is settled that the trial court's findings on the credibility of witnesses and of their testimonies are entitled to the highest respect and will not be disturbed on appeal, in the absence of any clear showing that the court overlooked, misunderstood or misapplied some facts or circumstances of weight and substance which

would have affected the result of the case. This is because the trial court, having seen and heard the witnesses themselves, and observed their behavior and manner of testifying, is in a better position to decide the question of credibility.”[7]

We to agree with the findings of the trial on the issue of the credibility of “AAA’s” testimony. Indeed, her testimony was indeed straightforward and unequivocal. She declared without hesitation that her father, herein accused-appellant, was the one who sexually abused her. Her narration of her harrowing ordeal is clear and simple worthy of belief. “AAA” narrated thus–

Q Why did you file a case against your father?

A

Because he sexually abuse me when I was still in Grade V.

Q

When you were still in Grade V, how old are your at the time?

A

Eleven (11) years old.

Q

Can you tell us what year was that?

A

2005.

Q

Can you still recal the month and the date?

A

I cannot recall the exact date and month but it happened at about 6:00 o'clock in the evening when I was [changing] my clothes when my father went inside our small room.

Q

Where did it happened?

A

Inside our amall bedroom at Brgy. Cale, Tiwi, Albay.

x x x

Q

You said the your were inside the small room of your house. What happen when you were then inside the room?

A

While changing my clothes, my father suddenly entered our room and he pushed me towards the bed.

Q

You said that you were changing your clothes when your father suddenly arrived. Were you already wearing your clothes at the time your father pushed you towards the bed?

A

My body was only covered by a towel.

Q

After pushing you towards the bed with you wearing only towel, what did your father do, if anything?

A

He also removed his clothes and then laid on top of me and he inserted his penis into my vagina and instructed me not to tell anybody otherwise; he will kill me.

Q

When he laid on top of you, was he already naked at that time?

A

No.

Q

When did he lay on top of you, what was the first thing he did?

A

He inserted his penis into my vagina.

Q

How did he insert his penis inside your vagina?

A

While he was lying on top of me, he kept on pinning me down and he was trying to insert his penis into my vagina.

Q

How did he do that?

A

He kept on inserting his penis into my vagina.

COURT

Q

Was he able to insert his penis inside your vagina?

A

Yes, Your Honor. .

PROS. GOJAR

Q

What was your reaction when he inserted his penis to your vagina?

A

I was not able to escape from him because he was holding me tightly.

Q

Tell us what part of your body he held tightly?

A

Both my two hands.

Q

After he inserted his penis what did he do, if anything?

A

Nothing. That is all.

X x x

Q

How long did your father laid down on top of you while his penis was inside your vagina?

A

I do not know.

Q

After your father was successful in entering his penis to your vagina, where did he go?

A

He left the house.

Q

Where did he go?

A

I do not know?

Q

What about you, what did you do after your father left?

A

I stayed in our bed and cried.

Q

Why did you cry?

A

Because I never expected that he will do that to me.[8]

It is observed that there appears to be no mention about the elements of force and intimidation as alleged in the Information. In the prosecution of statutory rape cases, force, intimidation and physical evidence of injury are not relevant considerations; the only subject of inquiry is the age of the woman and whether carnal knowledge took place. The law presumes that the victim does not and cannot have a will of her own on account of her tender years; the child's consent is immaterial because of her presumed incapacity to discern good from evil.[9]

Against the positive testimony of “AAA” are the defenses of accused-appellant of denial and imputation of ill-motive. These defenses, however, must fail.

First, mere denial, if unsubstantiated by clear and convincing evidence, has no weight in law and cannot be given greater evidentiary value than the positive testimony of a rape victim.[10] Denial is intrinsically weak, being a negative and self-serving assertion.[11]

Second, accused-appellant's attempt to impute ill motives, not only on the victim, but also on her mother and grandmother must also fail. Accused-appellant claim that the victim accused him of raping her because he once scolded her for having for not going home once and his allegation that his wife and his mother-in-law has a grudge against him because he opposed their plan to give one of their children for adoption were never substantiated. and even if they were true, such a reason is too flimsy to be believed considering that no young woman, especially of tender age, would concoct a story of defloration, allow an examination of her private parts, and thereafter pervert herself by being subject to a public trial, if she was not motivated solely by the desire to obtain justice for the wrong committed against her. It is highly improbable that a girl of tender years, one not yet exposed to the ways of the world, would impute to any man a crime so serious as rape if what she claims is not true. Youth and immaturity are generally badges of truth. Indeed, AAA's testimony deserves full weight and credit. Having just entered her teen years, it is very unlikely for her to accuse her father of so heinous a crime if it were not true and no mother, or grandmother for that matter, would subject her own daughter or granddaughter, a child of tender years, to the rigors and the humiliation of a public trial for rape if she was not driven by an honest desire to have her daughter's transgressor punished accordingly.[12]

All told, the trial court did not commit an error in finding accused-appellant guilty of the crime of Rape.

We note that in the Brief of accused-appellant, the merits of the judgment of the trial court in Criminal Cases Nos. T-4911, T-4912, and T-4913 were discussed. However, We will not review the merits of the said cases since it is apparent that accused-appellant only intended to appeal Criminal Case No. T-4920. This is evident in the Notice of Appeal filed by the PAO lawyer of accused-appellant who handled the case before the trial court. It can be clearly seen at the right upper portion of the said notice that the docket numbers for Criminal Cases Nos. T-4911, T-4912, and T-4913 were “snowpaked”, leaving only the docket number of Criminal Case No. T-4920. Besides,

there is no basis for Us to review the said case since their records were not elevated to this Court, only the Records of Criminal Case No. T-4920 were sent by the Clerk of Court of the trial court. Also, it would be more beneficial and favorable to accused-appellant if We will not review that said cases. As We see it, based on existing law and jurisprudence, the penalty to be imposed against accused-appellant will surely increase if We review the said cases. Hence, We shall not disturb the same.

WHEREFORE, the decision of the Regional Trial Court, Branch 10, Tabaco City, is AFFIRMED.

SO ORDERED.

Gonzales-Sison and Sorongon, JJ., concur.

[1] Decision dated December 11, 2011, Record, pp. 74-101

[2] Notice of Appeal, Record, p. 105. It is apparent in the Notice of Appeal that accused-appellant only intended to appeal Criminal Case No. T-4920. It can be clearly seen at the right upper portion of the notice that the Nos. for Criminal Cases Nos. T-4911, T-4912, and T-4913 were “snowpaked”, leaving only Criminal Case No. T-4920. In fact, only the Records of Criminal Case No. T-4920 were elevated to this Court.

[3] Information dated January 12, 2009.

[4] Order dated July 3, 2009, Record, p. 29.

[5] Exhibit “B”, Record, p. 7.

[6] Rollo, pp. 52-71.

[7] People vs. Teodoro, G.R. No. 172372, December 4, 2009

[8] Transcript of Stenographic Notes, Series of February 2, 2010, pp. 28-32.

[9] People v. Teodoro, G.R. No. 172372, December 4, 2009

[10] People vs. Esperas, G.R. No. 128109, November 19, 2003.

[11] People vs. Agsaoay, Jr., G.R. Nos. 132125-26, June 3, 2004.

[12] People vs. Gopio, G.R. No. 133925, November 29, 2000.

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