

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. FELICIANO STA. AGATA, ACCUSED-APPELLANT.

G.R. No. 101309. June 01, 1995

Ponente: VITUG, J.

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VITUG, J.:

Appellant was convicted by the court below of having committed two counts of rape, one on 01 April 1988 and the other on 11 April 1988, against his own young daughter.

On 02 June 1988, Anecia Blanco Sta. Agata lodged a complaint, in behalf of her granddaughter Belinda Sta. Agata y Blanco, against Feliciano Sta. Agata (Anecia's own son and father of Belinda) for consummated rape. In due course, the Second Assistant Provincial Fiscal of Baybay, Leyte, filed with the court a quo an Information, dated 22 August 1988, that read:

"The undersigned Assistant Provincial Fiscal accuses Feliciano Sta. Agata of the crime of Rape, committed as follows:

"That on or about April 1 and 11, in the municipality of Baybay, Province of Leyte and within the jurisdiction of this Honorable Court, the above-named accused with lewd design, did then and there wilfully, unlawfully and feloniously lay on top of his daughter and with force, threats and intimidation succeeded in having carnal knowledge with her own daughter, Belinda Sta. Agata, a 16 year old and a second year student of Baybay High School, Baybay, Leyte, against the latter's will and consent."

"ACTS CONTRARY TO LAW."[1]

When arraigned, the accused pleaded not guilty. Trial ensued, and evidence was adduced by both the prosecution and the defense. The trial court, convinced of the merits of the prosecution's case, rendered judgment finding the appellant guilty and held:

"WHEREFORE, this Court finds the accused Feliciano Sta. Agata y Rebecca GUILTY beyond reasonable doubt of two crimes of rape -- committed on April 1 and April 11, 1988 upon his own daughter Belinda Sta. Agata y Blanco, and hereby sentences him to imprisonments of reclusion perpetua as to each of the two rapes in accordance with Article 335 of the Revised Penal Code, the Indeterminate Sentence Law not applied because not applicable, as to pay indemnity to the victim in the sum of P30,000.00 with the accessory penalties of the law, even as granted the benefit of Article 29 of the Revised Penal Code, as amended, it appearing that he has been in detention ever since his arrest, dependent on whether he signed an agreement to obey prison law, rules and regulations at the inception, otherwise only four-fifths (4/5) thereof.

"SO ORDERED."[2]

The facts, from the trial court's perspective, may be narrated thusly:

On the night of 01 April 1988, Belinda Sta. Agata y Blanco, who was then only fourteen years of age, together with her older brother William and younger brother Diony, were in their house in Barangay Buenavista, Baybay,

Leyte. Belinda went to sleep beside Diony near a window while William stayed about 8 to 10 meters away from the two. At around nine o'clock that evening, Belinda awoke to find her father - herein appellant - kissing and stroking her breast. Belinda resisted by attempting to push and kick appellant away from her but he persisted and she was no match for him. Appellant pinned down Belinda on the shoulders. He held her by the neck with his right hand to prevent her from screaming and threatened her with a bolo which he held on his left hand. Appellant succeeded in ravishing Belinda. Then, he stepped out of the house leaving Belinda in tears.

On 11 April 1988, Belinda went through a similar sexual abuse by appellant. Again, Belinda was in their house with William and Diony. At around eight o'clock in the evening, while sleeping beside her brother Diony, Belinda was awakened by appellant's advances. She struggled but to no avail. Appellant, while holding a bolo, pinned her two shoulders, knelt on her knees and pressed his legs and, after releasing the bolo at her side, he finally entered her. When it was over, appellant walked out of the house. Belinda could only cry in pain and, like the previous time, she was unable to go back to sleep.

In this appeal, appellant contends, by and large, that the trial court has erred in giving too much weight to the testimony of the complainant. He argues that Belinda's accusation is totally absurd and unbelievable. We, too, would have so wished that such a despicable story did not occur; regrettably, however, reality must here again be conceded. Belinda's declarations are clear, precise, positive and straightforward, and they include details which only she could so well testify to as she did. Here are portions of her testimony:

"Q

Now, that same evening, April 1, 1988, was there anything unusual that happened in which you were involved?

"A

Yes.

"Q

What was that unusual incident?

"A

Rape.

"Q

Who raped you?

"A

My father.

"Q

You mean, the accused in this case, Feliciano Sta. Agata?

"ATTY. ASTORGA:

"Leading, Your Honor.

"PROSECUTOR REALINO:

"For confirmation only. Identified already.

"COURT:

"Already answered?

"PROSECUTOR REALINO:

"Not yet.

"ATTY. ASTORGA:

"We made an objection, leading.

"COURT:

"Let the witness answer.

"A

Yes.

"PROSECUTOR REALINO:

"Q

About what time?

"A

About 9:00 o'clock.

"Q

Why? Why did it happen that your father had carnal knowledge with you?

"ATTY. ASTORGA:

"Objection, Your Honor please. There is no basis for the question because the witness said there was a rape but the witness did not categorically state that she was raped.

"COURT:

"Ask her what she means by 'rape.'

"PROSECUTOR REALINO:

"Q

All right. What do you mean when you said you were raped by your father?

"A

I was asleep and I did not know that he was on my side.

"Q

Only on your side?

"A

On the top of my body.

"Q

When you discovered that he was already on top of your body . . . By the way, when he was already on top of your body, what was he doing?

"A

He kissed me and touched my breast.

"Q

Now, what about your hands?

"A

(Witness demonstrating with the accused holding her two shoulders, pinning her down, and the right hand choking her neck).

"Q

When you had awakened and discovered what your father was doing to you, what did you do?

"A

I pushed him over. I pushed him and I was about to kick him, but I was not able to kick him because he was heavy.

"Q

What about to shout, did you not shout?

"A

I was not able to shout because he was holding my neck.

"x x x x x x x x.

"PROSECUTOR REALINO:

"Q

And will you tell the Court if the accused, your father, Feliciano Sta. Agata, succeeded in having his organ penetrated your organ?

"A

Yes.

"Q

Now, you said that your brother, Diony, was lying beside you, when your father was abusing you, was your brother, Diony, still there?

"A

No more, sir.

"Q

Do you know why he was no longer there?

"A

Yes, sir.

"Q

Please tell the Court why?

"A

My father transferred my younger brother, Diony, to his bed.

"Q

Now, after ... By the way, when your father abused you, did he have with him any weapon?

"A

Yes.

"Q

What was it?

"A

Bolo.

"Q

Now, did he ever speak to you?

"A

Yes.

"Q

What did he tell you?

"A

That if I will shout, he will kill me.

"Q

And you said your father, indeed, succeeded in having..

"COURT:

"Why don't you pronounce that.

"PROSECUTOR REALINO:

"...sexual intercourse with you, after he had succeeded in having intercourse with you, what did he do?

"A

He walked.

"Q

He went where?

"A

He went out from our house. I don't know where he was going.

"Q

And what about you, what did you do?

"A

I was crying.

"Q

You said your father left your house after succeeded in having intercourse with you, did he ever return?

"A

He returned about after two days.

"Q

All right. On April 11 . . . I am going to the incident of April 11."[3]

Recounting the second rape committed on 11 April 1988, she continued with her narration thusly:

"Q And about what time did you go to sleep that evening of April 11, 1988?

"A 8:00 o'clock.

"Q Who was with you or beside you, if any?

"A My younger brother Diony.

"Q And will you tell the Court if there was any untoward incident that happened to you that evening?

"A Yes, there was.

"Q What was that incident?

"A The same. I was raped.

"Q By whom?

"A My father.

"Q Feliciano Sta. Agata?

"A Yes, sir.

"Q Now, how did he accomplish the rape?

"A The same act, sir.

"Q By the way, did you not struggle as hard as you can in order to prevent him?

"A I tried to struggle --- I struggled, but he was bigger than me, because I was still small at that time. Then, he was also holding a bolo.

"Q By the way, how old were you then on April, 1988?

"A 14 years old, sir.

"Q And on the same occasion that your father raped you, did you not ever shout for help?

"A I shouted but there was no voice that came out.

"Q What about your hands, did you not box him?

"A I boxed him, but he held me.

"Q How did he hold you, will you please demonstrate that to the Court?

"A (Witness demonstrating accused holding the two shoulders of the victim and with one knee above the knee of the victim, pressing her down).

"Q You have two feet, did you not use your feet?

"A I was not able to use my two feet, because they were pressed down by the legs of my father --- knees of my father.

"Q Now...

"COURT:

"Q Both knees?

"Yes, both knees."[4]

The court a quo is convinced, and so also are we, of the sincerity of Belinda. The established rule, in any case, is that findings and conclusions of a trial court, upon whom the responsibility of assessing the credibility of rape victims primarily rests, deserve great weight and our respect (*People vs. Partulan*, 156 SCRA 489; *People vs. Dominguez*, 217 SCRA 170).

Appellant, in what appears to be a desperate attempt to exculpate himself, attributes evil motive on the part of Belinda. He asseverates that Belinda and her sister Violeta have both hated him for his stern ways. Even assuming that strong animosity did exist between them, we find it inconceivable, nonetheless, that their resentment could have reached such a point as to make them conspire and concoct a charge for so ignominious a crime as rape against their own father. In any case, motive, on the part of either the complainant or the accused, becomes material only when the evidence is circumstantial or inconclusive and there is real doubt on whether or not a crime is committed or that the accused has committed it (see *People vs. Cayetano*, 223 SCRA 770). It should be totally irrelevant when ample direct evidence exists to sustain beyond reasonable doubt an accused's culpability (see *People vs. Magpayo*, 226 SCRA 13; *People vs. Joya*, 227 SCRA 9).

All given, the Court sees no cogent grounds that can justify a disturbance of the findings and conclusions of the trial court, except for the award of moral damages which should be increased from thirty thousand pesos (P30,000.00) to fifty thousand pesos (P50,000.00), in consonance with our latest rulings (see *People vs. Bondoy*, 222 SCRA 216 and *People vs. Tismo*, 204 SCRA 535), for each offense (*People vs. Sartagoda*, 221 SCRA 251; *People vs. Calixtro*, 193 SCRA 303; *People vs. Cayago*, 158 SCRA 586).

WHEREFORE, the appealed decision is hereby **AFFIRMED** and modified only with respect to the award of moral damages which is **INCREASED** to fifty thousand pesos (P50,000.00) for each crime of rape or a total of P100,000.00.

Costs against the appellant.

SO ORDERED.

Feliciano, (Chairman), Romero, Melo, and Francisco, JJ., concur.

[1] Rollo, p. 5.

[2] Hon. Teofilo R. Redubla, RTC Judge Presiding.

[3] TSN, Belinda Sta. Agata - Direct, pp. 24-28, February 28, 1990.

[4] TSN, Belinda Sta. Agata,- Direct, February 28, 1990, pp. 28-30.

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