

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. CARLITO ESCOTO Y ARCEO, DEFENDANT-APPELLANT.

G.R. No. 106390. January 21, 1994

Ponente: MELO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-106390/>

MELO, J.:

From the decision of Branch 42 of the Regional Trial Court of the Third Judicial Region stationed in San Fernando, Pampanga, finding him guilty of the crime of rape, Carlito Escoto has interposed the instant appeal.

Nenita Escoto, the rape victim, aged 13, voluntarily signed her complaint (Exh. C). The corresponding Information dated September 25, 1991, (p. 7, Rollo) was filed by Villamor L. Dizon and Jesus Y. Manarang, Pampanga Provincial Prosecutor and Assistant Provincial Prosecutor, respectively, and reads as follows:

That on or about the 15th day of December, 1990, in Barangay Potrero, Municipality of Bacolor, Province of Pampanga, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused CARLITO ESCOTO y ARCEO, by means of force, threats and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge with his niece NENITA ESCOTO y SICAT, a 13 year old minor against her will and without her consent in the residential house of said victim.

Contrary to law and with the aggravating circumstances that said offense was committed in the residential house of the victim.

San Fernando, Pampanga, September 25, 1991.

(p. 7, Rollo.)

A plea of not guilty was entered by accused-appellant. Nonetheless, after trial on the merits, he was found guilty as charged, with the trial court pronouncing judgment, thus:

WHEREFORE, the court finds the accused Carlito Escoto y Arceo guilty of the crime of rape aggravated by relationship and sentences him to serve imprisonment with the penalty of reclusion perpetua and to indemnify the victim in the amount of P100,000.00 as damages.

(p. 22, Rollo.)

Dissatisfied, accused-appellant seeks reversal and would fault the trial court for giving full faith and credit to the testimony of the victim.

The facts of the case are as follows:

When Nenita's parents, Nardito and Evangeline, started working in Saudi Arabia sometime in 1990, Nenita and her brother, Jarvin, stayed alone at Potrero, Bacolor, Pampanga. However, their paternal grandparents, Lolo Dadok and Lola Sinyang, who have their own house located about 7 meters away (tsn, Jan. 22, 1992, p. 46) kept the brother and sister company at night. Nenita's paternal uncles, namely, accused-appellant Carlito Escoto, Willy, and Carlos and the latter's wife (Nora), reside with their parents in the house adjacent to the house of Nenita's

parents.

On March 25, 1991, Nenita and Jarvin were fetched by their maternal grandfather, Lolo Ricardo Sicat to spend vacation and Holy Week at Bo. Gugu, San Vicente, Bacolor, Pampanga, where Ricardo Sicat has his residence (tsn, Jan. 8, 1992, p. 8).

On April 8, 1991, Leni Z. Sicat, Nenita's maternal aunt, arrived at Bo. Gugu, from Manila, where she is employed. Susan, her younger sister, told her that Nenita had been constantly crying since she arrived from Bacolor, but that when questioned, Nenita would either keep quiet or say that she simply missed her parents.

Upon being questioned further, Nenita finally admitted to her Aunt Leni that she had been sexually abused by accused-appellant Escoto, her uncle, at their house at Potrero on December 15, 1990. Angry and in tears, Leni informed her mother, Racquel, (Nenita's maternal grandmother) who later accompanied Nenita in filing the criminal complaint. Nenita has since stayed at Bo. Gugu.

The trial court narrates the incident, based on Nenita's testimony, as follows:

. . . On December 15, 1990, while she was inside the house studying her lessons at about 7:00 p.m., the accused (identified in Court), who was then wearing a towel wrapped around his waist covering his brief, held her hands and pulled her. (Witness was crying). She resisted by telling him not to do that and she started punching him but he kept on pulling her and told her not to make any noise or else he will kill her. He dragged her upstairs while she shouted to him not to do it to her. Then, he covered her mouth. She was alone in the house and Jarvin was playing outside the house. (She started menstruating in October, 1990). Upon reaching the second storey, he squeezed her legs and forced her to lie down. She was then wearing shorts, T-shirt and panty. He removed her shirt and panty and then he removed his brief. He inserted his penis inside her vagina and he made a pounding motion after he was able to open her legs with his legs while his hands were holding hers. She said, "don't do that" but he did not stop. She felt pain in her vagina and clitoris. Then he squeezed her breasts with one hand while the other held her hands. She did not bleed but warm, watery fluid came out from her organ. He threatened to kill her and her brother if she will reveal what happened. Afraid that he will kill her brother, she cried when he left. She did not reveal what happened to her grandparents because of fear...

(pp. 18-19, Rollo.)

Nenita was 12 years and 10 months at the time. The OB-Gyne Report (Exh. B) conducted at the instance of Nenita's grandparents on April 15, 1991, by Dra. Cecilia B. Tuazon, Resident Physician, Central Luzon Regional Hospital, San Fernando, Pampanga, Department of Health, states:

Hymen: Old deep lacerations at 12:00 o'clock position, x x x superficial lacerations at 8:00, 5:00, 10:00 and 11:00 o'clock positions.

Raquel Z. Sicat, Nenita's maternal grandmother, declared that she learned about the rape through her daughter, Leni. (tsn, Jan. 15, 1992, p. 14).

She further declared that she noticed that since Nenita's arrival on March 25, 1991, Nenita ". . . during the night would be crying and at daytime she does not like to go out and sometimes she (Racquel) would see her crying and she does not want to eat. . ."; that when questioned, Nenita would answer that she was ". . . just thinking of her parents . . ." (tsn, Jan. 15, 1992, p. 37-38); that she signed the criminal complaint dated April 17, 1991 with Nenita and wrote Nenita's parents about the rape; that both parents advised Nenita never to forgive her uncle Carlito; and that her harmonious relationship with her "balaes" soured after the rape incident (tsn, Jan. 15, 1992, pp. 22-25; Jan. 22, 1992, p. 40; Exhs. D, E, & F).

Jarvin, Nenita's brother, testified that they used to eat their meals at their Lola Sinyang's house; that

accused-appellant Escoto, their uncle, joins them for breakfast that, however, at night they would sleep in their own home with their grandparents (tsn, May 26, 1992, p. 5 & 7). He also confirmed accused-appellant Escoto's presence at Potrero on the night of December 15, 1990 as, the witness, Jarvin, was playing at the back of his "Lola Sinyang's house and saw accused-appellant arrive at around 6:00 o'clock in the evening (tsn, May 26, 1992, p. 8).

Accused-appellant, for his part, declared that on December 15, 1990, the day of the alleged rape, he was working at the San Miguel Corporation warehouse at De La Paz, San Fernando, Pampanga from 8 a.m. to 12 o'clock midnight; that during the week, he did not go home to Potrero, as his daily work schedule is from 7 or 8 a.m. to 6 or 7 p.m; that he instead stayed with his older sister at La Paz, San Fernando which is located 100 meters away from the San Miguel Corporation compound; that he went home only on the 15th or 30th of the month after receiving his salary. Parenthetically, it may be noted, even this early, that the above allegations remained unilateral declarations of accused-appellant, unable as he was to submit the documents he allegedly signed each time he received his salary. Supposedly, Florencia David, his manager, had informed him that these documents got lost. Notwithstanding this hiatus, accused-appellant presented no SMC employee to corroborate his averments. Accused-appellant, of course, denied raping his niece and attributed the rape charge against him to a misunderstanding between his parents, Sinyang and Dadok, his brother, Nardito and the latter's in-laws, Racquel and Ricardo Sicat, over the custody of the children, Nenita and Jarvin.

Accused-appellant's defense of alibi was sought to be corroborated by his mother, Sinyang, who claimed to have been cooking at Nenita's house from 6 to 7 o'clock on the early evening of December 15, 1990 (tsn, April 1, 1992, p. 7). She stated that accused-appellant did not arrive that day to turn over his salary. In her testimony, however, Nenita stated that her uncle Carlito left at around 6:30 p.m. (tsn, Jan. 25, 1992, p. 47) and that her Lola Sinyang arrived much later, at around 7 o'clock p.m. (tsn, Jan. 22, 1992, p. 48).

Ernesto, a brother of accused-appellant, also testified that he was with accused-appellant the whole day of December 15, 1991, working at the bottling division of SMC.

The defense faults the trial court for giving full credence to Nenita's testimony which they find incredible, and points out:

. . . The mouth of the girl was not closed but she did not shout or cry for help. Her feet were not tied but she did not run away. The grip was not tight but she did not fight back.

The lower court said: "She resisted by telling him not to do that and she started punching him but he kept on pulling her and told her not to make any noise or else he will kill her."

These incidents could hardly be true.

There are at least three vital incidents narrated here:

1. "She resisted by telling him not to do that". She could talk; she could shout. FOR ASSISTANCE. For the evil was already there. Jarvin was just a few yards away. The neighborhood could easily be alerted.

But she did not.

2. She "started punching him". She could move freely. She was not manacled.

Therefore, she could run away.

But she did not.

3. "x x x but he kept on pulling her and told her not to make any noise or else he will kill her".

"Kill her" - - - that is the message.

It is loud and clear. But not true.

But the lower court believed it.

(Appellant's brief, pp. 51-52, Rollo.)

In sum, the contention of the defense is that there were instances wherein Nenita could have shouted for help, but did not, for her mouth was not covered when she was dragged up the stairs, or when accused-appellant used his hands to remove his briefs and the towel wrapped around his waist.

Nenita's testimony (translated from the Pampango dialect) refutes the points raised by accused-appellant, to wit:

Q.

You said that he (appellant) dragged you up, how did he do that?

A.

He held my hands and he pulled me, sir.

Q.

What did you say when he started doing that?

A.

I told that, don't do that, don't do that to me.

Fiscal

May I make of record that the witness is crying.

Q.

Then, what did you do when you said that to him?

A.

Then, I started punching him, sir.

Q.

And did you hit him?

A.

Yes, sir.

Q.

What happened, after you punched him?

A.

None, sir, he kept on pulling me upstairs.

Q.

And did he say anything?

A.

Yes, sir, he said do not make any noise, otherwise, I will kill you.

Q.

What did you say to that when he said that to you?

A.

Then, I said that, don't do that to me, don't do that to me, my brother will be in a pitiful state.

Q.

Why did you say that your brother will be in a pitiful state?

A.

Because my mother was not around.

Q.

When you said that to your uncle Tito, what did he do to you?

A.

Nothing, sir, he did not listen to me.

Q.

And then, what did he do?

A.

And then, he removed my short, sir.

Q.

Where were you then when he started removing your short?

A.

I was then on the second storey, sir.

Q.

How did you reach the second storey?

A.

He dragged me upstairs, sir.

Q.

What did he used in dragging you?

A.

His hands, sir.

Q.

And who reached the second storey first, you or your uncle Toti?

A.

He, sir.

Q.

While he was dragging you, did you shout?

A.

Yes, sir.

Q.

What were you shouting?

A.

I told him don't do this to me, don't do this to me.

Q.

And were you shouting very loudly?

A.

He was covering my mouth, sir.

Q.

With what?

A.

His hands, sir.

Q.

I thought his hands were holding your hands in dragging you up, how could he hold your mouth?

A.

He removed his hands from my hands and then he used his feet to drag me. One of his hands were holding my hands while the other one was covering my mouth.

Q.

And your uncle Toti, was able to drag you to the second storey, am I correct?

A.

Yes, sir.

(tsn, Jan. 22, 1992, pp. 21-24)

From the foregoing, it appears that accused-appellant at first used both hands to drag Nenita upstairs. When Nenita struggled to free herself from his clutches and to shout for help, accused-appellant placed himself behind Nenita and used one hand to cover Nenita's mouth and the other hand to hold both arms of Nenita. When she continued to struggle and fight him, Nenita testified that her uncle used his legs to keep her within his clutches. Thus, while initially accused-appellant was ahead of Nenita as he held her hands while he dragged Nenita up the

stairs, this time he placed Nenita in front of him and situated himself at the back, using his legs, knees, and thighs to prevent Nenita from disengaging herself. One hand covered Nenita's mouth, the other gripped Nenita's arms to prevent her from struggling or freeing herself.

During the rape, the defense also claims that Nenita could have freed herself if she really wanted to, or if she had tried hard enough. But there was a threat to kill, a threat which overwhelmed Nenita with fear and rendered her pliant, almost docile and immobile.

One cannot ignore the fact that Nenita was barely past her 12th year at that time, having been born on February 15, 1978, [Exh. A]. When her uncle began undressing her, a mixed feeling of fear, shame and defilement must have confronted and overwhelmed her. This assault on her person, her virginity, is something she could not understand, coming as it did from her uncle, one she could have turned to for protection. Instead a close relative turned into a beast, satisfying his basic urges and threatened to kill her if she resisted. Dear as her life was to her, it was her brother Jarvin's welfare over which Nenita was concerned most, thinking that Jarvin would be left alone to fend for himself. She then pleads instead:

"... don't do that to me, my brother will be in a pitiful state.

x x x because my mother was not around. x x x

(tsn, Jan. 22, 1992, p. 22)

The trial court's reliance on Nenita's testimony shall, therefore, be upheld, for indeed, her statements and narration of events are worthy of credence. Her positive identification of accused-appellant as her rapist negates alibi. (People vs. Hangdaan, et. al., 201 SCRA 568 [1991] and leaves Us no choice but to uphold his conviction by the trial judge who pointed out:

After going over the testimonies and evidence presented, the Court believes that the defense of alibi set up by the accused cannot prevail over the positive identification by the victim. The accused is the uncle of the victim, being the brother of her father, for which reason the Court cannot believe that she could have contrived, fabricated and lied about the rape by her own uncle. She has no reason to lie. The allegation that there seems to be a misunderstanding between her maternal and paternal grandparents is too irrelevant to be considered as a sinister motive for the victim, who is barely a teenager, to lie with impunity in order to send her own uncle to jail for the rest of his natural life. A young girl, and still possessed of the modesty of a Filipina, she would not have charged her own uncle with rape and suffer the ignominious consequences in a trial and in her private life, unless he was not truly raped. Her only purpose must be to exact the full measure of justice for the wrong inflicted upon her by the accused.

(p. 21, Rollo)

Moral indemnification is likewise proper, for as observed in People vs Guibao, (G.R. No. 93517, Jan. 15, 1993):

...This case involves the crime of rape committed against a very young girl who has been further denied thereby of her right to grow up and discover the wonders of womanhood in the normal way. As we have heretofore declared, uncompromising judicial sanctions should stem the growing tide of paraphilia that seeks the youth for its victims, leaving inevitable traumatic and psychological scars on their young and innocent lives.

However, the amount of P100,000.00 awarded by trial court should be reduced to Fifty Thousand Pesos (P50,000.00) in line with current jurisprudence. (People vs. Botabara, G.R. No. 106493, Sept. 8, 1993, citing People vs. Alegado, 201 SCRA 37 [1991]).

WHEREFORE, the decision appealed from is hereby **AFFIRMED**, except for the reduction, as above indicated,

of award of indemnification.

Costs against appellant Carlito Escoto.

SO ORDERED.

Feliciano, Bidin, Romero, and Vitug, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.