

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RUBEN REPOLLO, ACCUSED-APPELLANT.

G.R. No. 108872. October 07, 1994

Ponente: KAPUNAN, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-108872/>

KAPUNAN, J.:

One man's bestiality is another's misfortune. This best exemplifies the instant case involving the sexual defilement of Jackie Lemon Lazaga, a six (6) year old child, by herein accused.

At around four o'clock in the afternoon of July 29, 1991, Jackie Lemon Lazaga, then only six (6) years old, was asleep in her parents' bedroom located on the second floor of the St. Vincent Medical Clinic at Cagba, Masbate, Masbate.

Jackie suddenly awoke to find the accused Ruben Repollo, their houseboy, beside her. The accused removed her panty and likewise disrobed himself of his short pants. He placed his hand on Jackie's private part and then inserted his penis into her vagina. As she felt the pain, she cried out in agony and protest but she stopped when the accused frightened her to silence.[1]

In the meantime, Paquita Lazaga, Jackie's aunt and foster mother, arrived from the store and asked for her. She was told that the child was upstairs studying. She proceeded to Jackie's room but did not find her. She went directly to their room but found the door locked. When she knocked, she got no response, thus, prompting her to get a chair and peek through a window. She saw Jackie, pale and perspiring, putting on her panty. Accused was with her in the room. When the accused opened the door, she asked him what he did to Jackie but the latter uttered no reply. When she entered the room, Paquita found semen on their bed and on Jackie's private part. Paquita washed Jackie and notified her husband of the incident. Jackie was brought to the hospital for medical examination.[2] At the Masbate Provincial Hospital, she was examined by Dr. Anthony Clores. The examination revealed hymenal laceration at two o'clock and nine o'clock positions and erythema on the right labia majora. Speculum examination yielded negative results.[3]

Moments later, the accused was arrested.

On November 21, 1991, Ruben Repollo was charged with rape. The indictment reads:

That on or about July 29, 1991 in the afternoon thereof at Sitio Cagba, Barangay Tugbo, Municipality of Masbate, Province of Masbate, Philippines, within the jurisdiction of this Honorable Court, the above-named accused, did then and there, by means of force and intimidation willfully, unlawfully and feloniously have carnal knowledge with one JACKIE LAZAGA, a Six (6) year old child, against her will and without her consent.

Committed with the aggravating circumstance of Grave Abuse of confidence.

CONTRARY TO LAW.[4]

Upon his arraignment on January 17, 1992 with the assistance of counsel, accused pleaded not guilty to the charge against him.[5] The trial court thereafter set and conducted the trial of the case on the merits.

In time, the court a quo rendered judgment, the decretal portion of which reads:

WHEREFORE, premises considered, the Court finds accused Ruben Repollo guilty beyond reasonable doubt of the crime of rape and hereby sentences him to suffer the penalty of reclusion perpetua and to pay the offended party, Jackie Lemon Lazaga the sum of P30,000.00 as moral damages.

It appearing that accused Repollo is detained, in the service of his sentence, he shall be credited the full period of his detention.

SO ORDERED.[6]

In this appeal, accused-appellant insists that the trial court committed a grave error in according more credibility and weight to the testimonies of the witnesses for the prosecution, particularly the testimony of the victim herself, Jackie Lemon Lazaga, than to the version of the defense. He reiterates his defense of alibi and in the alternative, contends that the victim failed to offer resistance, hence the act was not vitiated by force and intimidation.

After a careful and thorough review of the records, we are fully convinced of the untenability of the theory of the defense.

As a rule, rape is committed against a woman only if carnal knowledge of her is done either by using force or intimidation, or when she is deprived of reason or is otherwise unconscious.[7] However, when the offended party is a woman under twelve years of age, the mere fact of sexual intercourse with her constitutes said crime. This is known in legal jargon as statutory rape defined under Article 335(3) of the Revised Penal Code.

The gravamen of statutory rape is the carnal knowledge of a woman under twelve years of age.[8] Violence, force or intimidation is not required.[9] In the case at bench, it is beyond dispute that Jackie Lemon Lazaga was six (6) years old when she was raped, hence, proof of use of force or intimidation against her is not necessary to establish the guilt of accused-appellant. Therefore, a mere showing that he had carnal knowledge of Jackie on the specified date would justify his conviction.

As in most criminal cases, the issue here revolves on the trial court's appreciation of the testimonies proffered before it. In this case, the court a quo gave more weight and credence to the declarations of the witnesses for the prosecution. Said findings must be respected as it is axiomatic that findings of trial courts on credibility of witnesses are given great weight and accorded high respect by appellate courts, given the natural advantage that a trial judge has in the appreciation of such evidence.

As earlier stated, the victim was only six years old at the time of the rape. At such a young age, she could not be expected to fabricate such a complicated tale as sexual defilement unless she experienced the same. Records show that she spontaneously narrated her ordeal to her foster mother, and ultimately to the court. Her declaration characterized by spontaneity, brevity and clarity reveals:

x x x

Q While you were sleeping at the room of your parents at Cagba, Masbate, Masbate, Ruben Reppolo (sic) got inside that room and closed the door?

A Yes, sir.

Q After closing the door, this Ruben Repollo went to you where you were sleeping?

A Yes, sir.

Q You said this Ruben Repollo was inside the room, closed the door, what did he do to you after he closed the door?

A He removed...

Q What did he remove from you?

A My panty.

Q Could you tell us what was the attire Ruben Repollo was wearing during that time?

A Short pants.

Q After removing your panty what did he do with his short pants?

A He also removed his short pants.

Q Will you tell us what did this Ruben Repollo do after removing his short pants and after removing also your panty? ..what did he do to you?

A Ruben Repollo placed his hand on my private part.

Q What did he do with your private part?

A No more.

Q How about him, what did he do with his private part?

A He placed his penis to my vagina.

Q What did you do when he placed his penis to your vagina?

A I cried.

Q And when he placed his penis on your vagina did he tell you anything?

A Yes, sir.

Q What did he tell you?

A When I made a noise he told me to stop.

Q Why did you stop?

A Because I was afraid.

Q When Ruben Repollo placed his penis in your private part, what did you feel, if any?

A It is painful.[10]

It is evident from the foregoing that Jackie Lemon Lazaga clearly and unequivocally testified that she felt pain when accused-appellant forced his penis into her genitals. Her narration before the court of when and how the accused-appellant did it was so clear and convincing as to leave any doubt that hers was not a contrived or false story. Verily, the court a quo was correct in believing her. Courts usually lend credence to testimonies of young girls, especially where the established facts indubitably point to their having been sexually assaulted.[11] Besides, it is inconceivable that a young girl would invent such a sordid tale as her being defiled by accused-appellant unless it was the plain truth. Time and again, this Court has held that when an alleged victim of rape says that she was violated, she says in effect all that is necessary to show that rape has been inflicted on her and so long as her

testimony meets the test of credibility, the accused-appellant may be convicted on the basis thereof.[12] In addition, it is clear that the charge was not motivated by any grudge, malice or ill-will against Repollo, who apparently had treated Jackie well until that fateful day.

In his brief, the accused-appellant reiterates his defense of alibi and denial. He claims that Dr. Ricardo Lazaga, foster father of the child, caused his arrest on account of a broken pail and to avoid payment of his wages. Accused-appellant's audacity and effrontery shock and annoy this Court. It is hard to imagine that parents would stamp their child with the stigma of rape[13] just to avoid paying the wages of a houseboy and to get even with him for a broken pail. Accused-appellant's defense must likewise fail, not only because it is incredible and inherently weak but also because it is totally unsubstantiated as he failed to rebut the positive testimonies of the prosecution witnesses. His bare denial of culpability and self-serving assertion that he was not at the place of incident at the time the crime was committed do not inspire the slightest belief and consideration in view of his clear and positive identification by the victim and the other prosecution witnesses.

We, therefore, hold that the trial court did not commit a reversible error in convicting the accused. However, in view of the Court's policy with regard to the amount of indemnity that may be awarded in rape cases of this nature, the indemnification to the victim and her family should be increased to P50,000.00.[14]

ACCORDINGLY, the judgment convicting accused-appellant of the crime of rape is hereby **AFFIRMED**, with the **MODIFICATION** that said accused-appellant is hereby ordered to pay the victim and her family the amount of P50,000.00 as and by way of indemnification.

SO ORDERED.

Cruz, (Chairman), Davide, Jr., Bellosillo, and Quason, JJ., concur.

[1] TSN, June 9, 1992, pp. 6-7.

[2] Id., June 10, 1992, pp. 2-5.

[3] Original Records, p. 34; Exhibit "A."

[4] Id., at p. 1.

[5] Id., at p. 17.

[6] Id., at p. 57; Decision, p. 5.

[7] Article 335, Revised Penal Code.

[8] People v. Espino, G.R. No. 104948, March 7, 1994; People v. Palicte, G.R. No. 101088, January 27, 1994; People v. dela Cruz, 56 SCRA 84 [1974].

[9] People v. Bacani, 181 SCRA 393 [1990]; People v. Gonzales, 58 SCRA 265 [1974]; People v. Celis, 35 SCRA 129 [1970].

[10] TSN, June 9, 1992, p. 7.

[11] People v. Sueta, 225 SCRA 219 [1993]; People v. Abuyan Jr., 221 SCRA 662 [1992].

[12] People v. Tismo, 204 SCRA 535 [1991]; People v. Yambao, 193 SCRA 571 [1991]; People v. Abonada, 169 SCRA 530 [1989].

[13] People v. Rio, 201 SCRA 702 [1991]

[14] People v. Obejas, G.R. No. 102336, January 27, 1994; People v. Sueta, supra; People v. Guibao, 217 SCRA 64 [1993].

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.