

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. FELIX ESQUILA, ACCUSED-APPELLANT.

G.R. No. 116727. February 27, 1996

Ponente: MELO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-116727/>

MELO, J.:

Before us is the appeal of Felix Esquilla from the decision of Branch 21 of the Regional Trial Court of the 11th Judicial Region stationed in Bansalan, Davao del Sur, convicting him of the crime of rape and imposing on him the penalty of reclusion perpetua, and ordering him to indemnify the victim, Maribeth Esquilla, in the amount of P20,000.00 as moral damages.

Accused-appellant assails said judgment and ventilates his appeal on the general and catch-all argument that the court a quo erred in convicting him despite the absence of evidence required to prove his guilt beyond reasonable doubt.

Briefly, the facts, as presented by the prosecution and as given credence by the -lower court, are as follows:

Private complainant, Maribeth Esquilla, having been born on February 14, 1978 was 13 years old at the time of the commission of the crime charged on October 15, 1991. She and her younger brother, Bencio, 8 years old, lived with their paternal grandparents (their parents having separated in 1987), accused-appellant Felix Esquilla and his wife, in Surigao del Sur. After their grandmother died, Maribeth and her brother Bencio were left under the sole care of their grandfather, herein accused-appellant who thereupon moved to Managa, Bansalan,

Davao del Sur, bringing with him Maribeth and Bencio. There, they lived in a nipa hut in a small farm and slept together on the floor, side by side.

On October 15, 1991, at about 12 o'clock midnight, Maribeth was suddenly awakened when she felt someone on top of her. She was surprised when she saw it was her grandfather, accused-appellant herein, and noticed she was naked, her hands and legs spread apart tied with a rope. She could not shout because her mouth was covered with a piece of cloth and a knife was pointed at her. She tried to free herself but was unsuccessful. All she could do was to ask, in smothered and stifled supplications, why accused-appellant was doing this to her. He did not heed her pleas. He then sexually abused her. Her younger brother Bencio who slept with her was awakened and witnessed the sexual assault on his sister. He cried but to no avail. After satisfying his lust, accused-appellant untied Maribeth's hands and feet, left the house but without first threatening his victim and her brother with death if they reveal the incident to anybody.

On the afternoon of the next day, Maribeth left the house and proceeded to the house of one named Emiliana whose help Maribeth sought, narrating her agonizing experience. Emiliana brought Maribeth to the police station at Bansalan to report the incident and there had her medically examined. Dr. Anabelle Yumang, Municipal Health Officer of Banzalan, examined Maribeth and thereafter submitted the following:

Findings:

- hymen with a healed complete laceration at 6:00 o'clock position corresponding to the face of a watch.
- hymen orifice admits a tube 1.5 cm. in diameter with ease.

and concluded that the subject's "physical virginity is lost."

Consequently, on March 6, 1992, a complaint for rape against Felix Esquilla was formally filed before the Regional Trial Court of Bansalan, Davao del Sur.

As for the defense, its version of the incident is as follows:

On October 15, 1991, the date of the commission of the alleged crime imputed, accused-appellant was allegedly in his farm in Pananag. Maribeth was in Bansalan, having left the house sometime on September 15, 1991, after accused-appellant had beaten and punished her for gallivanting. From the time Maribeth left their house on September 15, 1991, she never returned and accused-appellant never saw her. He saw her only for the first time in court during the first hearing of the case.

Corroborating accused-appellant's story, Teresita Velasquez declared that Maribeth was under her employ as a domestic helper in her house in Bansalan, Davao del Sur from September 7 to November 15, 1991. During the entire period of her employment, Maribeth never left the household. She added that Maribeth said that she ran away from the house of her "Lolo" with whom she had been staying. Velasquez also declared that at one time she saw an old man, later identified by Maribeth as her Lolo, on the road near her house. This man was calling Maribeth who, however, refused to talk to the man.

It is to be noted that the defense centers on denial, with accused-appellant arguing that the testimony of Maribeth is incredible.

Thus, accused-appellant avers that the trial court erred in convicting him because the testimony of the victim, Maribeth, is uncertain, contradictory, and filled with inconsistencies and material discrepancies sufficient to destroy her credibility. He argues that in her direct testimony, Maribeth declared that the crime happened on October 15, 1991 at 12 o'clock midnight (tsn., August 3, 1992, p. 7) while under cross-examination on August 3, 1992, she stated that she left accused-appellant's house on October 11, 1991 for Poblacion, Bansalan to look for work and stayed thereat for 1-1/2 months, from October 11, 1991 (tsn., *ibid.*, pp. 28-29). Thereafter she returned to Pananag, Managa, Bansalan but she did not go to accused-appellant's house. Instead she proceeded to her cousin's house (tsn., *ibid.*, p. 29).

Indeed, the statements are contradictory. However, it should be remembered that the victim, Maribeth, was only 14 years old at the time she testified and, therefore, it is not unnatural should inconsistencies crop into her testimony as she is more prone to error than an adult person. In fact, minor inconsistencies may be expected of persons of such tender years.

The minor inconsistencies in Gloria's testimonies are to be expected. Protracted cross-examination of a 16-year old girl not accustomed to public trial would produce contradictions which nevertheless would not destroy her credibility. (*People vs. Gozum*, 135 SCRA 295 [1995]).

We will not deviate from the rule that "testimonies of rape victims who are young and immature are credible; the revelation of an innocent child whose chastity was abused demands full credence" (*People vs. Guibao*, 217 SCRA 64 [1993]; *People vs. Bruca*, 179 SCRA 64 [1989]; *People vs. San Buenaventura*, 164 SCRA 150 [1988]; *People vs. Remoto*, 244 SCRA 506 [1995]).

Too, the inconsistent statements Maribeth made as to the date and place of the commission of the crime are collateral or minor matters which do not at all touch upon the commission of the crime itself (*People vs. Jones*,

137 SCRA 166 [1985]; *People vs. Rosario*, 159 SCRA 192 [1988]) nor affect Maribeth's credibility.

This Court has time and again held that inconsistencies in the testimony of witnesses with respect to minor details and collateral matters do not affect either the substance of their declaration, their veracity, or the weight of their testimony (*People vs. Pacala*, 58 SCRA 370 [1974]; *People vs. Pacnis*, 165 SCRA 609 [1988]).

Maribeth's testimony that she was at the Bansalan Poblacion starting October 11, 1991 and stayed there for 1-1/2 months does not contradict her claim that she was raped by accused-appellant on October 15, 1991. She has narrated how the rape was committed. No contradictory statement was made by her as to how she was abused.

Inconsistency on matters of minor details do not detract from the actual fact of rape. Testimonial discrepancies would have been caused by the natural fickleness of memory which tend to strengthen rather than weaken credibility as they erase any suspicion of rehearsed testimony (*People vs. Cayago*, 158 SCRA 586 [1988]) and do not destroy the substance of her testimony (*People vs. Aragon*, 164 SCRA 78 [1988]).

When complainant left accused-appellant's house is not decisive of the latter's guilt or innocence. What is decisive in the rape charged is complainant's positive identification of the accused-appellant as the malefactor (*People vs. Mustacisa*, 159 SCRA 227 [1988]; *People vs. Ramilo*, 146 SCRA 257 [1986]).

The trial judge who had the opportunity to observe Maribeth's demeanor and deportment on the witness stand, was impressed with her manner of testifying and said "her testimony was straightforward, simple and bereft of any vacillation" (Decision, p. 3).

Accused-appellant next claims that there was ill motive on Maribeth's part in filing the rape charge because of the beatings inflicted upon her by accused-appellant for gallivanting and not coming home. Such argument is likewise without merit. No motive can be ascribed to complainant other than a desire for justice and redress for a terrible wrong inflicted on her (*People vs. Cayago*, 158 SCRA 586 [1988]). No young Filipina of decent repute would undergo the expense, trouble, inconvenience of a public trial, exposing herself to public shame and ridicule, suffer scandal, embarrassment and humiliation of a public trial and publicly admitting that she was criminally abused unless it is the truth (*People vs. Averro*, 165 SCRA 130 [1988]; *People vs. Pacnis*, 165 SCRA 609 [1988]; *People vs. Magdaraog*, 160 SCRA 153 [1988]). It is the victim's natural instinct to protect her honor (*People vs. Muñoz*, 163 SCRA 730 [1988]). The complainant here would not file a charge as serious as rape against her very own grandfather simply because she was maltreated. Being the granddaughter of accused-appellant, only the compulsive motive to seek justice could be strong enough for her to implicate her own flesh and blood.

Anent the claim that the guilt of accused-appellant was not proved beyond reasonable doubt, suffice it to say that the law requires only moral certainty or "that degree of proof which produces conviction in an unprejudicial mind" (*People vs. Bacalzo*, 195 SCRA 557 [1991]; *People vs. Gapasan*, 243 SCRA 55 [1995]). Proof beyond reasonable doubt does not mean certainty as to exclude the possibility of error.

We find no reason to depart from the trial court's judgment of conviction. The weight and quantum of evidence needed to prove the guilt of accused-appellant beyond reasonable doubt were met and established by the prosecution. An affirmance of the trial court's verdict is inevitable.

WHEREFORE, the decision appealed from is hereby AFFIRMED with the slight modification that the civil indemnity of P20,000.00 is increased to P50,000.00 in conformity with current or existing jurisprudence. -Costs against accused-appellant.

SO ORDERED.

Narvasa, C.J., (Chairman), Davide, Jr., Francisco, and Panganiban, 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.