

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. CRISPIN YPARRAGUIRRE, ACCUSED-APPELLANT.

G.R. No. 117702. February 10, 1997

Ponente: PUNO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-117702/>

PUNO, J.:

Accused-appellant Crispin Yparraguirre was charged with the crime of rape in an Information that reads as follows:

"That on or about July 6, 1990, in the Municipality of Panabo, Province of Davao, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a hunting knife, by means of force and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge of Rosita Bacaling, against her will." [1]

The prosecution established that Rosita Bacaling was a housemaid of appellant and his wife; that on or about 7:00 in the evening of July 6, 1990 at the spouses' room in Panabo, Davao, Rosita was cooking porridge for the spouses' two children, one aged four years old and the other nine months old. Accused-appellant arrived from work and found the two children asleep. He approached Rosita and gave her a small white envelope said to contain medicine for her skin disease. Rosita was afflicted with rashes on her thighs and stomach which she allegedly contracted from one of the children. Rosita opened the envelope and counted fifteen (15) tablets inside. As instructed by appellant, Rosita took all the tablets. A few minutes later, she felt weak and fell down. Suddenly, she realized that appellant was dragging her to the spouses' bed. She tried to get up but appellant pushed her down the bed and pointed a hunting knife at her neck. He ordered Rosita not to move or he would kill her. Then he removed her clothes and went on top of her. He kissed her face, breasts, stomach and private parts and then entered her. Rosita cried out in pain but appellant continued entering her. After satisfying his lust, appellant pulled out and punched Rosita in the stomach. She lost consciousness. Exsm

A few minutes later, Rosita woke up and saw blood in her private parts. She wiped the blood and changed her clothes. Seeing her awake, appellant threatened to kill her should she report the incident to her parents. Appellant then left the house. [2]

Rosita did not say a word about the incident. She continued serving the Yparraguirres for one month before leaving them to return to her mother's house in Barrio Cagangohan. Her mother found Rosita in a state of shock. She could not eat nor talk, neither could she perform ordinary daily functions such as dressing herself. In short, Rosita became helpless. She was brought to the Municipal Health Officer by her mother for examination. On August 22, 1990, the Municipal Health Officer, Dr. Imelda T. Bendijo, interviewed the girl and found her unresponsive and unable to talk. She conducted a physical examination and also found that:

"x x x Physical examination externally no abnormal findings;

Pelvic examination -- normal vagina with old laceration found at 2:00 [position]; hymen not intact;

Internal examination -- admits one finger;

Advised for pregnancy test and for consultation by [sic] psychiatrist.

x x x."[3]

Upon the Municipal Health Officer's advice, Rosita was confined at the Davao City Mental Hospital for observation and treatment. After a week of treatment, Rosita began to talk and revealed that she was raped by appellant.[4]

Accused-appellant pled not guilty to the crime charged. He claimed that on the night of the alleged rape he was selling fish at the public market. Allegedly, he was at the market at 4:00 in the morning, and worked straight until 8:00 in the evening. He never left the fish stall until after 8:00 in the evening because of his many customers.[5]

The trial court found accused-appellant guilty and sentenced him to reclusion perpetua. It also ordered him to indemnify Rosita Bacaling P50,000.00 as moral damages and pay P5,000.00 as attorney's fees, thus:

"WHEREFORE, IN LIGHT OF THE FOREGOING, the court finds accused Crispin Yparraguirre guilty beyond reasonable doubt of the crime of rape punishable under Article 335 of the Revised Penal Code. Correspondingly, the court hereby sentences the said accused to suffer and undergo the penalty of RECLUSION PERPETUA with all the accessory penalties provided for by law and to pay the costs.

Accused Crispin Yparraguirre is also ordered to indemnify the victim Rosita Bacaling the amount of P50,000.00 as moral damages, plus payment of P5,000.00 as attorney's fees.

SO ORDERED."[6]

In this appeal, accused-appellant contends that:

I

"THE COURT ERRED IN HOLDING THE ACCUSED-APPELLANT GUILTY OF THE CRIME OF RAPE;

II

THE COURT ERRED IN HOLDING THAT WITNESS MARY ANN YPARRAGUIRRE WENT TO THE MOTHER OF THE ACCUSED ON NOVEMBER 23, 1990 TO NEGOTIATE FOR THE DROPPING OF THE CASE."[7]

The appeal has no merit. After reviewing the records, we find that the prosecution evidence, which rests mainly on the testimony of Rosita Bacaling, is credible, reliable and trustworthy. Rosita testified in a straightforward, spontaneous and candid manner and never wavered even on cross-examination and rebuttal. The inconsistencies in her testimony are minor which tend to buttress, rather than weaken, the conclusion that her testimony was not contrived.[8]

The question of whether Rosita contracted the skin disease from the children of appellant is not important. The undisputed fact is that she was afflicted with the disease and that appellant gave her tablets for treatment of the disease. Appellant's allegation that Rosita should have fallen asleep for hours after ingesting the tablets is speculative. There is no evidence that the tablets were sleeping tablets. They, however, weakened Rosita and prevented her from making any resistance to appellant's lewd acts.[9] The delay in filing the complaint does not in any way affect Rosita's credibility.[10] She was afraid of appellant's threat to her life. The complaint was filed three months after Rosita told her mother of the incident, and three months is not too long a period to file a complaint for rape.

Rosita was a seventeen-year old barrio lass and a high school dropout. She was also the breadwinner of the family.[11] It is hard to believe that Rosita would fabricate a story of defloration, open herself to public trial and place her family, who depended on her, in a very humiliating and compromising situation for no reason at all.[12] Rosita suffered psychologically from the incident. Before the rape, she had been working for the Yparraguirres for two months[13] and the spouses actually found her to be a good worker.[14] When Rosita returned to her family, however, she lost her speech and could not perform ordinary daily functions that she had to seek psychiatric treatment. Indeed, Rosita's psychological condition could not have been the product of ill-motive and fabrication.

Anent the second assigned error, there is evidence that after Rosita revealed the rape to her mother, appellant's wife, Mary Ann Yparraguirre, offered the victim's mother, Merlyn Bacaling, fifteen thousand pesos (P15,000.00) to dissuade her from filing the complaint.[15] When Merlyn refused, Mary Ann increased the offer to twenty-five thousand pesos (P25,000.00). Still Merlyn refused to accept it.[16]As pointed out by appellant, no criminal complaint had been filed at the time the compromise offer was made. Nevertheless, the rape incident was already known to appellant's wife. Mary Ann herself testified that Merlyn told her about it on November 3, 1990, the day when Mary Ann first offered the money.[17]An offer to compromise does not require that a criminal complaint be first filed before the offer can be received in evidence against the offeror.[18] What is required is that after committing the crime, the accused or his representative makes an offer to compromise and such offer is proved.

The positive identification of accused-appellant as the rapist prevails over his defense of alibi.[19] It was not physically impossible for appellant to have been at the scene of the crime. The public market was merely a ten-minute walk from their rented room[20] and during work breaks, appellant would sometimes go home to bring food to his children.[21]

IN VIEW WHEREOF, the decision dated May 10, 1994 of the Regional Trial Court, Branch 4, Panabo, Davao is affirmed. Costs against appellant.

SO ORDERED.

Regalado, (Chairman), Romero, Mendoza, and Torres, Jr., JJ., concur.

[1]Information dated July 8, 1991, Rollo, p. 3.

[2] TSN of October 22, 1991, pp. 7-19.

[3]Exhibit "A," Records, p.12.

[4] TSN of October 22, 1991, pp. 20-22.

[5] TSN of May 7, 1993, pp.10-11; TSN of February 3, 1993, pp.5-9.

[6]Decision dated May 10, 1994, p. 19, Rollo, p. 29.

[7] Appellant's Brief, p.1, Rollo, p.76.

[8] People v. Ching, 240 SCRA 267 [1995]; People v. Querido, 229 SCRA 745 [1994]; People v. de la Cruz, 224 SCRA 506 [1993]; People v. Caco, 222 SCRA 49 [1993].

[9] TSN of October 23, 1991, pp. 15-16.

[10]People v. Cabresos, 244 SCRA 362 [1995]; People v. Plaza, 242 SCRA 724 [1995]; People v. Casil, 241 SCRA 285 [1995].

[11] Rosita had three sisters and one brother -- TSN of October 23, 1991, p.12.

[12]People v. Vitor, 245 SCRA 392 [1995]; People v. Dado, 244 SCRA 655 [1995]; People v. Querido, 229 SCRA 745 [1994]; People v. Codilla, 224 SCRA 104 [1993].

[13] TSN of October 22, 1991, pp. 6-7.

[14]TSN of May 7, 1993, p.18; TSN of December 20, 1993, p.8.

[15] TSN of October 19, 1993, pp. 6-7.

[16] TSN of October 19, 1993, pp. 6-8.

[17] TSN of December 20, 1993, pp. 4-5.

[18] Revised Rules on Evidence, Rule 130, Section 27, paragraph 2 reads:

"Sec. 27. x x x

In criminal cases, except those involving quasi-offenses (criminal negligence) or those allowed by law to be compromised, an offer of compromise by the accused may be received in evidence as an implied admission of guilt.

xxx."

[19]People v. Umali, 242 SCRA 17 [1995]; People v. Miranday, 242 SCRA 620 [1995]; People v. Cabresos, 244 SCRA 362 [1995].

[20] TSN of May 7, 1993, pp. 11-12.

[21] Id., p. 14.

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.