

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. CARLOS L. ALCANTARA, ACCUSED-APPELLANT.

G.R. No. 137660. March 28, 2001

Ponente: PARDO, J.

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PARDO, J.:

Defilement of a child causes trauma that not only destroys her future, it painfully mars a youth of this country.

We are faced with a crime committed by a stepfather against his wife's daughter by a prior marriage, violating the trust reposed in him and robbing an innocent child of her future.

Rosalie Gonzales was a Grade 5 student of Pangpang, Sorsogon, Sorsogon. On February 13, 1996, she testified that her stepfather, Carlos L. Alcantara, had been sexually abusing her since 1988, when she was six (6) years old.[1] The last incident occurred on November 19, 1991.

She recounted that while the rest of the family slept at night, the accused would go to where she was sleeping, and then rape her.

Rosalie tried to call for help but Carlos covered her mouth and threatened to kill her if she would tell anyone about the incident. She felt severe pain all over her body and would wake up the following morning with a swollen sexual organ.

The sexual abuse was repeated several times. Rosalie did not inform her mother because she was afraid of the threats.

Sometime in 1994, Rosalie's sister, Daisy, told Rosalie that accused intended to abuse her as well. Rosalie decided to inform her mother, Salvacion, about the sexual abuse. On October 13, 1994, Rosalie submitted herself to a medical examination by Dr. Salve Bermundo Sapinoso of the Castilla Rural Health Unit. Dr. Sapinoso found that Rosalie's vaginal opening admitted two fingers freely and had old lacerations at 9:00 o'clock to 1:00 o'clock position,[2] compatible with rape involving the insertion of a hardened penis into the private organ of the victim.

On November 17, 1994, Maximino R. Ables, Assistant Provincial Prosecutor of Sorsogon, filed with the Regional Trial Court, Sorsogon an information for rape against Carlos L. Alcantara, as follows:

"The undersigned Assistant Provincial Prosecutor accuses CARLOS ALCANTARA of La Union, Castilla, Sorsogon, of RAPE, defined and penalized under Article 335 of the Revised Penal Code, committed as follows:

"That sometime in the year 1988, while the victim was only 6 years old, and the following years thereafter up to 1991 at Barangay La Union, Municipality of Castilla, Province of Sorsogon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused with lewd design, did then and there, willfully, unlawfully and feloniously, by means of force and intimidation, have sexual intercourse with one Rosalie Gonzales, his step daughter against her will and consent."[3]

Upon arraignment on February 13, 1995, the accused pleaded not guilty.[4]

The facts are as follows:

Salvacion Alcantara had five children with her deceased husband. Rosalie Gonzales was one of them.

Sometime in 1986, Salvacion started living with accused Carlos L. Alcantara.[5]

Sometime in 1988, when Rosalie was just about six (6) years of age, Carlos started the series of abuse against Rosalie in a small nipa hut owned by Carlos' father in law.

Rosalie did not report the rape to her mother because Carlos threatened to kill her if she told anyone.

Sometime in 1990, Salvacion and Carlos got married.

In the evening of November 19, 1991, Carlos raped Rosalie for the last time at their house in La Union, Castilla, Sorsogon. Rosalie was beside her elder sister, Daisy, when Carlos went to where they were sleeping, held her hand, placed his other hand on her mouth and went on top of her, preventing her from waking up his sister. While undressing her, he covered her mouth with his hand, preventing her from calling for assistance.

He then placed his finger in her sex organ and then subsequently inserted his penis into her private part.[6]

Carlos threatened Rosalie with death if she told anybody what happened.[7]

Sometime in October 1994, Daisy (Rosalie's elder sister) informed Rosalie that Carlos threatened to abuse her too. Rosalie informed her mother immediately.[8]

When Salvacion learned about the incident, she could not believe that her husband was capable of abusing her child so she approached Rosalie's schoolteacher, Teresita Yumol. Yumol suggested that they go to the doctor so that Salvacion would believe that the abuse was real.

On October 13, 1994, at about 1:45 p.m., Yumol brought Salvacion and Rosalie to Cumadcad to see a doctor.[9]

Dr. Salve Sapinoso examined Rosalie and found that her hymen in the genitalia had an old laceration. In examining the hymen as compared to the face of a watch, the old laceration was at 9:00 o'clock to 1:00 o'clock position. The vaginal opening admitted of two (2) fingers freely without feeling pain possibly due to the insertion of a hardened object to her private part.[10]

On the same day, October 13, 1994, Salvacion filed with the Municipal Trial Court, Castilla, Sorsogon a criminal complaint[11] against her husband.

During the trial, Daisy left their house and could not be served with subpoena. Thus, she was not presented as a witness.

On July 27, 1998, the trial court rendered a decision the dispositive portion of which reads:

"WHEREFORE, based on the foregoing premises, the guilt of the accused Carlos Alcantara having been proved by evidence beyond reasonable doubt, this court hereby sentenced (sic) the accused to suffer an imprisonment of Reclusion Perpetua, to indemnify the complainant the amount of P50,000.00 without subsidiary imprisonment in case of insolvency and to pay the costs.

"SO ORDERED.

"Given in Chamber this 27th of July 1998, at Sorsogon, Sorsogon, Philippines.

"HONESTO A. VILLAMOR

"Judge"[12]

On August 27, 1998, the accused filed a notice of appeal.[13]

On July 12, 1999, we accepted the appeal.[14]

Accused Carlos maintains that the trial court erred in not acquitting him on the ground that his guilt has not been proved beyond reasonable doubt.

Carlos' argument hinged on three points.

First, he was innocent because he "denies strongly the accusation"[15] and that it was unlikely for him to commit such a serious charge against Rosalie whom he treated as his own dear child.[16] He contended that the allegations of the prosecution are well-nigh fabrications. He pointed out that the prosecution failed to present Daisy Gonzales in court.

Second, Rosalie testified that accused Carlos ravished her when her siblings were around. Carlos argued that Rosalie must have been telling a lie since he could not have done the crime when they were not alone.[17]

Third, his wife's motive in filing the complaint against him was jealousy. Accused Carlos alleged that his wife always fought him due to ill feelings against him.[18]

We are not convinced.

All the defenses of accused Carlos L. Alcantara are self-serving. We cannot discount the evidence presented by the prosecution just because of his denial, uncorroborated by any other evidence. His allegations cannot stand against the solid testimony of the victim.

A child of tender years narrated a story worthy of belief since her account of the details of her abuse was well supported by the testimony of the doctor who examined her. She was not concocting a story about her own defloration. Only one who has been subjected to such ravishing could give a testimony like that of Rosalie.

The testimony of Rosalie's sister, Daisy Gonzales, was not necessary to convict the accused beyond a reasonable doubt.

Time and again we have ruled that the testimony of the victim alone, if credible, will suffice to sustain a conviction.[19] Further, the doctrine is well settled that testimonies of child-victims of rape are given full weight and credit,[20] since when a child says she has been raped, she says in effect all that is necessary to show that rape was indeed committed.[21]

Lust is no respecter of time and precinct and is known to happen in most unlikely places such as in parks, along roadsides, within school premises or even in occupied or small rooms.[22] There is no rule that rape can be done only in seclusion.[23] It is a common judicial experience that rapists are not deterred from committing their odious act by the presence of people nearby.[24] In one case, we said that rape was committed in the same room while the rapist's spouse was asleep, or in the same room where other family members also slept.[25] Thus, it is not unlikely that accused could rape his stepdaughter in the same room where the victim's siblings were also sleeping.

The claim that his wife charged him with rape of her own child because she had ill feelings against him is not worthy of belief. We find it unthinkable that a mother would sacrifice her own daughter, concoct a story about her defloration, allow an examination of her daughter's sexual organs and subject her to public trial just because she was jealous of her husband or she felt bad about something her husband did. The Court has held that this act was unnatural since no mother in her right mind would stoop so low.[26]

As to the award of indemnity, moral damages may be awarded to the victim of rape in addition to the civil Indemnity.[27] Civil indemnity, which is mandatory upon the finding of rape, is distinct from and must not be denominated as moral damages which are based on different jural foundation.[28] In *People vs. Baygar*,[29] we held that the grant of moral damages is automatically made in rape cases without need of proof for it is assumed that the complainant has sustained mental, physical and psychological sufferings.

WHEREFORE, we AFFIRM the decision of the Regional Trial Court, Sorsogon, Sorsogon, Branch 53 in Criminal Case Number 94-3820 finding accused-appellant Carlos L. Alcantara guilty beyond reasonable doubt of RAPE defined and penalized under Article 335 of the Revised Penal Code, and sentencing him to reclusion perpetua with modification that the accused-appellant shall pay the additional amount of fifty thousand pesos (P50,000.00) as moral damages.

Costs against accused-appellant.

SO ORDERED.

Davide, Jr., C.J., Kapunan, and Ynares-Santiago, JJ., concur.
Puno, J., on official business abroad.

[1] TSN, February 13, 1996, pp. 2-7.

[2] TSN, July 9, 1998, p. 4.

[3] Rollo, pp. 9-10.

[4] Certificate of Arraignment, Original Record, p. 38.

[5] TSN, March 31, 1998, pp. 3-4.

[6] TSN, February 13, 1996, p. 10.

[7] TSN, February 13, 1996, p. 5.

[8] TSN, February 13, 1996, p. 4.

[9] TSN, August 15, 1995, p. 5.

[10] TSN, July 9, 1996, pp. 4-6.

[11] Original Record, p. 1.

[12] In Criminal Case No. 94-3820, Rollo, pp. 116-120.

[13] Rollo, p. 21.

[14] Rollo, p. 24-A.

[15] Reply Brief, Rollo, p. 90.

[16] Reply Brief, Rollo, p. 91, citing TSN, March 31, 1998, pp. 10-11

[17] Appellant's Brief, Rollo, p. 50.

[18] Ibid.

[19] *People vs. Geromo*, 321 SCRA 355 (1999); *People vs. Tayaban*, 296 SCRA 497 (1998).

[20] People vs. Saban, 319 SCRA 36 (1999); People vs. Perez, 319 SCRA 622 (1999); People vs. Apostol, 320 SCRA 327 (1999); People vs. Villamor, 297 SCRA 262 (1998); People vs. Abangin 297 SCRA 655 (1998).

[21] People vs. Emocling, 297 SCRA 214 (1998).

[22] People vs. Ramon, 320 SCRA 775 (1999); People vs. Torio, 318 318 SCRA 345 (1999); People vs. Cabanela, 299 SCRA 153 (1998).

[23] People vs. Batoon, 317 SCRA 545 (1999), People vs. Perez, 296 SCRA 17 (1998).

[24] People vs. Ramos, 296 SCRA 559 (1998).

[25] People vs. Perez, 296 SCRA 17 (1998).

[26] People vs. Perez, 319 SCRA 622 (1999).

[27] People vs. Villamor, 297 SCRA 262 (1998).

[28] People vs. Emocling, 297 SCRA 214 (1998).

[29] 318 SCRA 358 (1999).

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