

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. SOPRIANO DURAN (ALIAS SOPI), DEFENDANT AND APPELLANT.

G. R. No. 43929. November 06, 1935

Ponente: ABAD SANTOS, J.

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ABAD SANTOS, J.:

Appellant was convicted by the Court of First Instance of Samar of the crime of rape and sentenced to suffer not less than six years and one day of prision mayor and not more than fourteen years, eight months and one day of reclusion temporal, to recognize and support the offspring, should there be any, and to pay the costs.

This appeal involves only a question of fact. Appellant contends that the evidence is insufficient to sustain the finding of the trial court that the appellant was guilty of the crime of rape.

This is a rather unusual case. The record shows that complaining witness was an ignorant, weak-minded, peasant girl. She was deaf and had difficulty in relating what happened to her. Part of her testimony was given by means of gestures and signs. Two other witnesses, her father and a neighbor, were presented to corroborate her testimony. Appellant, testifying in his own behalf, denied having committed the crime attributed to him, contradicting the witnesses for the prosecution and claiming that he was the object of persecution by the chief of police and the father of the complaining witness, because of alleged personal and political differences. Appellant's testimony stands alone and uncorroborated. After hearing the evidence the trial court found the appellant guilty of the crime with which he was charged.

The rule laid down by this court that it will not interfere with the judgment of the trial court in passing upon the credibility of the opposing witnesses, unless there appears in the record some fact or circumstance of weight and influence which has been overlooked or the significance of which has been misinterpreted, finds peculiar application in this case. The trial court was in a singularly favorable position to determine the guilt of the appellant, because of the advantage he had, which is denied to this court, of seeing the witnesses and observing the manner in which the testimony was given. In the absence of a clear showing that the trial court acted unjustly or arbitrarily in weighing the evidence, we do not deem it proper to disregard its conclusions.

The judgment appealed from is affirmed with costs against the appellant. So ordered.

Avanceña, C. J., Hull, Vickers, and Recto, JJ., concur.

Judgment affirmed.

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