

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. IGNACIO SECULLES ALIAS “ASIONG,” DEFENDANT-APPELLANT.

G.R. No. 52348. October 23, 1984

Ponente: MAKASIAR, J.

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MAKASIAR, J.:

A review of the decision dated October 30, 1979 of the then Court of First Instance of Isabela, sentencing Ignacio Seculles alias Asiong for rape to reclusion perpetua, with all the accessory penalties provided by law; to indemnify the offended party (his stepdaughter), Lolita Villegas, the amount of TWELVE THOUSAND PESOS (P12,000.00) as moral damages without subsidiary imprisonment in case of insolvency and to pay the costs.

On the basis of a verified complaint filed by Lolita Villegas on March 18, 1976, an information was filed on September 22, 1976 charging the accused of the crime of rape committed as follows:

"That in or about the month of August, 1975, in the municipality of Cordon, province of Isabela, Philippines, and within the jurisdiction of this Honorable Court, the said accused did then and there willfully, unlawfully and feloniously, by means of force and intimidation, have carnal knowledge with his stepdaughter Lolita Villegas, a girl of 15 years of age, against the latter's will and consent.

"Contrary to Law" (p. 5, rec.).

The People's evidence is summarized by the Solicitor General as follows:

"Sofia Lopez, a widow, had five (5) children with her first husband, namely: Romy, Rosalina, George, Lolita and Rufina, all sur-named Villegas (p. 2, tsn, October 11, 1978). When Lolita, the complainant in this case, was only four years old, Sofia married accused herein, Ignacio Seculles (p. 6, tsn, July 14, 1977). Sofia and Ignacio be-got six children of their own (pp. 3-4, tsn, October 11, 1978).

"All the children of Sofia live with them at Capirpiran, Cordon, Isabela (pp. 5-6, tsn, July 13, 1977). However, Seculles had a vegetable farm at Cacandungan, Cordon, Isabela where he usually stayed for short periods of time to plant vegetables and corn (p. 6, tsn, October 11, 1978). His two stepchildren, Rosalina and Lolita used to go with him to help cook his meals and to help him in his work (p. 5, October 11, 1978).

"Sometime in the third week of August, 1975, herein complainant Lolita who was at that time fifteen (15) years old, went with her stepfather, herein accused, to the latter's farm at Ca-candungan, Cordon, Isabela (p. 6, tsn, July 14, 1977). They stayed at the hut constructed by the accused Ignacio Seculles (p. 7, tsn, July 14, 1977). On their second night, Lolita woke up to find that a man without pants was on top of her (pp. 10, 11, tsn, July 14, 1977). The man, whom she later recognized as her step-father, herein accused, raised her dress and pulled down her panty (pp. 10, 11, 12, tsn, July 14, 1977). Sensing his evil intentions, she resisted and struggled but he threat-ened to kill her (pp. 12, 13, 23, tsn, July 14, 1977). Nevertheless, she continued to grapple with the accused, boxing and kicking him and biting his hand and left breast twice (pp. 13, 14, tsn, July 14, 1977). However, after sometime, she got tired and dizzy (p. 14, tsn, July 14, 1977). At this juncture, the accused was able to have carnal knowledge of the complainant (p. 14, tsn, July 14, 1977). As a result she felt severe pains in her private parts and her vagina bled (pp. 15, 17, tsn, July 14, 1977). After the intercourse, the

accused left her (p. 18, tsn, July 14, 1977).

"The following day, her mother, half-sister and half-brother arrived at their hut (p. 3, tsn, July 15, 1977). That night, the accused quarreled with her mother and attempted to kill the latter but complainant pre-vented him from doing so (p. 3, tsn, July 15, 1977). When her mother and the two children left the next day, she insisted on going with them but the accused did not allow her to do so (p. 5, tsn, July 15, 1977). He reiterated his threat to chisel her armpit if she would report the matter to her auntie (p. 5, tsn, July 15, 1977).

"From that time on, she tried to evade going with her stepfather to the farm but her mother always scolded her when-ever she expressed her refusal to go with him (pp. 20, 22, tsn, July 14, 1977; p. 8, tsn, July 15, 1977).

"As a consequence, she was forced to go with her stepfather to the farm in the months of October and December of the same year (pp. 19,20, tsn, July 14, 1977). On those two occasions, she was again forcibly raped by her stepfather despite the resistance she put up (pp. 19, 20, 23, tsn, July 14, 1977).

"As a result, she became pregnant, hence she informed the accused but the latter warned her not to reveal the same to anybody or else he would kill her (pp. 10-11, tsn, July 15, 1977). He further told her that the moment her pregnancy becomes evident, he will hide her (p. 11, tsn, July 15, 1977).

"Sometime in March, 1976, Lolita refused to go with her family to a picnic claiming that she was not feeling well (p. 12, tsn, July 15, 1977). Her brother, George and the latter's wife asked if she was pregnant (p. 12, tsn, July 15, 1977). She was hesitant at first to tell the truth but upon the insistence of her brother, she narrated how her stepfather raped her (pp. 12--13, tsn, July 15, 1977).

"On March 18, 1976, her uncle Paulino Lopez brought her to Dr. Inecita Javonillo at Cordon, Isabela for medical examination (p. 13, tsn, July 15, 1977). After the examination, Dr. Javonillo issued a Medical Certificate (Exh. 'A') which shows the following findings:

"Findings on external and geni-tal examinations; Hymen with 2 healed lacerations at 7:00 - -11:00 positions. Hymenal opening admits 2 fingers easily and without pains. Uterus ret-roverted and en-larged to about 2½ mos. pregnancy size.

"Conclusions: Patient examined showed signs of having had sexual intercourse and is pregnant 2½ months.'

"That same day, complainant Lolita Villegas filed a complaint for rape (Exh. 'B') in the Muni-cipal Court of Cordon, Isabela against accused Ignacio Seculles.

"After about a week, com-plainant Lolita Villegas had a miscarriage (p. 10, tsn, July 15, 1977)" [p. 104, rec.; pp. 2-5, Brief for the Appellee].

Accused-appellant admits having sexual intercourse with his stepdaughter, herein com-plainant Lolita Villegas, but maintains that it was with her consent. His version of the incident is that the sexual intercourse was not only with Lolita's consent, but, in fact, it was Lolita, his stepdaughter, who seduced him. The trial court depicted his story as follows:

"His version of how he and Lolita Villegas had sexual inter-course sometime in August, 1975 at his farm is: From June to August of 1975, he worked in his vegetable farm (bangcag) and only left it in the latter part of August to work at Capirpiri-wan. He left behind his step-daughters, Lolita and Rosie. On the 26th day of that month, he returned to Cacandungan to bring them home to Capirpiriwan because Rosie (or Rosalina) was going to be married the follow-ing month. They all went home on August 27, 1975. In the morn-ing of the 28th, he went back alone to the farm. Lolita in-sisted to go with him but he did not permit her. However, that afternoon, Lolita arrived. In the following night, only the two of them slept in the hut. While he was lying down for the night, Lolita went to him and embraced him, telling that she was feeling cold. He answered her by saying that she is still young to feel the cold while he, being already old, does not feel the cold anymore.

But Lolita took her blanket and spread it over them and, at the same time, placing her hand on his left shoulder and her legs over his thighs. He did not mind her and he just went to sleep. At about midnight he woke up thinking that he was at their home at Capirpiriwan with his wife, Sofia, beside him. With that feeling, he instinctively performed the marital act with Lolita who was sleeping beside him. In the process, he realized that it was Lolita who was beside him and not his wife and so he inquired why she did not utter anything at all. Lolita merely kept silent.

"They stayed for three more days in Cacandungan. He worked in his farm the whole day and only went to the hut to take his meals. Lolita refused to leave the farm, despite his bidding (her) to go home and get some rice. Nothing else happened between them during that period. Afterwards, they went home to Capirpiriwan.

"He did not tell anybody, most especially his wife, of what happened in the farm between him and Lolita. After the lapse of three days, he went back alone to Cacandungan but Lolita followed him at noon of that same day. In the evening when they went to sleep, Lolita again told him to embrace her because she was cold, but because he was ashamed, he placed a pillow between them and went to sleep. The following night, Lolita continued to tempt him by again lying down beside him and kissing him. He told her that she was too much a temptress, which Lolita countered by saying that it 'already happened anyway' (nalpas la ngaruden). She continued to kiss him until his resistance broke down. So, he kissed her in return. But that was all which happened that night. The next night, Lolita again taunted him by kissing him until he was aroused, leading finally to their having sexual intercourse. That was the beginning of their illicit affair which continued for about eight months. At any rate, he told his wife not to send Lolita anymore to the farm in Cacandungan because she was flirting with the men who were panning gold in the mountains. His wife agreed to his proposal. But notwithstanding the parental prohibition, Lolita kept on coming back to the farm.

"The accused denied having forced Lolita to have sexual intercourse with him. On the contrary, he maintained that it was she who was always following him and tempting him to copulate with her. He also denied threatening to kill her as he could not even have the heart to kill a chicken" (pp. 10-12, rec.).

The trial court did not believe his story and accordingly convicted him of the crime charged.

WE find the appeal devoid of merit.

It is admitted by the appellant that he had sexual intercourse with his stepdaughter, herein complainant Lolita Villegas, on that fateful night of August, 1975. The question is whether or not it was with her consent.

Where the issue is one of credibility of witnesses, it is a settled rule that Appellate Courts will generally not disturb the findings of the trial court, considering that it has un-equalled competence to consider and determine the credibility of witnesses, in view of its unique opportunity to observe the demeanor of the witnesses on the stand, an opportunity not afforded to Appellate Courts; unless it has plainly overlooked certain facts of substance and value that, if considered, might affect the result of the case (*People vs. Lucas Ramos y Macasiray*, No. 50450, March 16, 1984; *People vs. Elizaga*, 73 SCRA 529 [Oct. 26, 1976]; *People vs. Espejo*, 36 SCRA 400 [Dec. 19, 1970]; *People vs. Dorado*, 30 SCRA 53 [Oct. 31, 1969] *People vs. Ablaza*, 30 SCRA 173 [Oct. 31, 1969]; *People vs. Jaravata*, 20 SCRA 1014 [Aug. 15, 1967]; *People vs. Sarmiento*, 8 SCRA 263 [May 31, 1963]; *People vs. Cristobal*, 1 SCRA 151 [Jan. 28, 1961]). In the case at bar, We find that the trial court has not overlooked any fact of substance or value which might affect the result of the case.

In evaluating the credibility of the complainant's testimony, the court a quo said:

"And the court, in giving full credence to the testimony of Lolita, was not solely guided by the possibilities and impossibilities of the conflicting versions of the parties. For one other vital factor which convinced the court in arriving at a guilty verdict is the deportment and actuation in court of the complainant. She sounded sincere, appeared candid and honest and was direct to the point in her answers. She never equivocated and hedged in

cross-examination. It could not be imagined, then, that she might be telling lies.

xx xx xx

"The court could not find any flaw or infirmity in Loli-ta's testimony. It was given in a firm, categorical and straightforward manner although she actually spoke sometimes in a low, hardly audible voice, indicating shyness, at times shame and embarrassment. As a matter of fact, she shed tears in court when she recounted the lurid story of how she was deflowered by her stepfather. Indeed, it was not at all pleasant for her to narrate what the accused did to her person and honor. It was truly an ordeal to her to do so. And it is understandably so. After all, it is unthinkable and unimaginable that she should be telling such a revolting and repulsive story if it were not true. xx" (pp. 14, 19-20, rec.).

On the other hand, the incredible defense put up by the appellant that he was seduced by Lolita, his stepdaughter, deserves scant consideration. In a similar case where a 60-year-old man, charged with raping a 14-year-old girl, put up the defense that it was the complainant who seduced him, this Court held:

"xx xx WE find appellant's narration unworthy of credence. It is highly incredible for a fourteen-year-old girl, in the third year of high school, admittedly a virgin and without any previous record of aberrant sexual behavior, to have, without any reason whatsoever, seduced a sixty-year-old man by literally forcing herself upon him and compelling him to perform lascivious acts on her person, in the manner of a nymphomaniac. It is equally contrary to reason and human experience for complainant, a decent young Filipina, to have done such purported immoral acts brazenly in broad daylight in the middle of the sala of a house in which she is not too familiar. Indeed, appellant is married to the aunt of complainant and he has ten children, four of whom are grown-up daughters, and no explanation has been made why he could have evoked such unnatural action on the part of the girl. The law, in the absence of proof to the contrary, presumes persons to be sane and normal, subject to be moved by substantially the same motives. Thus, the law presumes every person to be mentally competent and to take ordinary care of his concerns. WE cannot assume, in the absence of any credible and competent evidence, that complainant is a sexually perverted woman, or one of extremely loose morals. On the contrary, the trial court found in complainant, who testified with candor and sincerity, the artlessness, simplicity and innocence of a young Filipina. WE find, in the light of these facts, the testimony of appellant to be so manifestly against reason and common sense, and to be so incompatible with every reasonable probability, that it is unworthy of belief" (People vs. Elizaga, 73 SCRA 529-530 [October 26, 1976]).

Appellant alleged that the inconsistencies in the testimony of the complainant cited by the trial court such as, the sequence of events involving the raising of her dress, the removing of her panty and the accused going on top of her, are inconsistencies which defeat her charge (p. 71, rec.). The trial court correctly explained these inconsistencies as follows: "xxx x That she was confused as to what happened first -- the accused going on top of her or the raising of her dress or the pulling down of her panty by her ravisher -- is quite natural under her then half-asleep condition and the sudden shock generated in her discovery of a man on top of her" (p. 22, rec.). Moreover, where, as in this case, trial was had several months after the offense was committed, it is but natural that the victim might not remember such minor details as to how she was ravished. In fact, as the trial court again correctly observed, "xxx x It would be more suspicious if she could pinpoint with clarity, describe with exactitude and recite with rote the sequence of events at precise times. Then will the court seriously entertain doubts as to the veracity of her testimony. But she was not. And consequently, there is no ground to doubt her story" (Ibid.).

Appellant likewise alleged that had it not for the discovery of her pregnancy, complainant would not have told it to anyone. He further alleged that the willingness of the complainant to testify in court shows that she is taking the opportunity to explain her pregnancy and lay the blame on him (pp. 72-73, rec.; Brief for the Appellant).

Lolita did not report the criminal assault on her person by appellant until the discovery of her pregnancy; because

appellant threatened to kill her if she did. But this does not detract Us from the fact that the rape was indeed committed. Moreover, Lolita cannot be expected to denounce her stepfather immediately after the incident. Appellant is her stepfather since she was four years old, and she naturally have that respect, deference and fear felt by a child to a father. This is especially true in the rural areas where the father, or stepfather for that matter, lords it over his family. It would be too much to expect of Lolita, a 15-year old barrio lass, to denounce her stepfather right there and then since such will definitely cause irreparable conflict in the family. Consequently, the delay of seven months in reporting her defloration by her own stepfather, does not imply that Lolita consented to having sexual intercourse with him.

WHEREFORE, THE JUDGMENT APPEALED FROM IS HEREBY AFFIRMED, WITH THE MODIFICATION THAT THE INDEMNITY IS HEREBY INCREASED TO THIRTY THOUSAND PESOS (P30,000.00). WITH COSTS AGAINST APPELLANT.

Aquino, Guerrero, Abad Santos, Escolin, and Cuevas, JJ., concur.

Concepcion, Jr., J., no part.

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