

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. CANDIDO DE CASTRO, ACCUSED-APPELLANT.

G.R. No. 62945. September 30, 1983

Ponente: AQUINO, J.

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AQUINO, J.:

This involves a rape allegedly committed by a father against his daughter, a crime which in these times of moral decadence is no longer a rarity.

Candido de Castro has a daughter named Loyola who was born in 1950. She has a common-law husband, Valentin Bay. According to Loyola, at about nine o'clock in the morning of February 18, 1973, while she was in her house at Barrio Whitecliff, San Narciso, Quezon, lying on the floor, breastfeeding her infant child, her father, Candido, 41, suddenly entered the house in his underwear (kalson). Valentin was in the market at that time.

Candido closed the door. He held Loyola's left hand, grabbed the nipple being sucked by the baby and fondled it, raised her dress and inserted his middle finger into her private organ (she was not wearing any panty), then went on top of her and was able to have sexual congress with her despite her resistance and cries for help. Candido threatened to kill her if she continued shouting. After consummating the bestial, incestuous act, he warned her not to tell her husband or else he would kill them.

Braulio Bay, a neighbor and the father of her common-law husband Valentin, went near the house of Loyola and heard Candido threatening his daughter. When Candido came out of the house and saw Braulio, he asked the latter where he was going. Braulio answered that he wanted to find out why Loyola was shouting. Candido retorted that it was none of Braulio's business and that he should return to his place.

Candido went to his own home. Braulio, on entering Loyola's house, saw her still lying down with her dress torn in front and with a wound in her right arm. He gave her a glass of water. She told him that her father had raped her.

Four days later, or on February 22, Loyola wrote to her godmother in Batangas, "na noong ica - 18 - ng Pibriro - 1973" "ang aking ama na si Candido ay biglang dumating sa amin at napacahalay na bagay ang ginawa sa acin" (Exh. A). When her godmother did not answer the letter, Loyola complained on February 26, 1973 to Pre-sident Ferdinand E. Marcos.

The complaint was referred to Colonel Andres Ramos, provincial commander of Quezon Province. As a result, Loyola executed her statement of August 10, 1973 wherein she stated that her father Candido "bigla na lamang si-yang sumikbay sa aking tabi, sabay hatak sa aking kanang kamay kaya't ako ay napatihaya at naipit ng aking likod ang kanan kong kamay, samantalang ang kaliwa kong kamay ay ipit naman ng aking ulo, at noong ako ay nakatihaya na ay bigla na lamang siyang dumapa sa aking ibabaw at itinaas niya ang aking palda at sinabi niya sa akin ang ganito: 'huwag kang maingay at papatayin kita', sabay dakot sa aking pagaari, at pagkatapos noon ay naramdaman ko na lamang na pumasok ang kanyang pagaari sa aking pagaari" (Exh. D).

On September 25, 1973, Loyola's complaint for rape was filed in court. At the trial, Candido re-lied on alibi, corroborated by his wife, Concepcion Arellano, and Eutiquiano Aureada. He said that on February 18, 1973, when the alleged rape occurred, he left Barrio Whitecliff at seven o'clock in the morning and went to Barrio Busokbusokan, about six kilometers away. He was supposedly the "sentensiyador" in the cockfight in that barrio. He returned to Whitecliff at about six o'clock in the evening.

Felipe Pabon and Carlos Prieto testified that Braulio Bay became a prosecution witness because Candido and Braulio had a dispute over a parcel of land.

The trial judge disbelieved the alibi of Candido. He found that Loyola's testimony is more credible. He noted that it is not probable that a daughter would tell a lie to send her father to prison but it is probable that a wife would prevaricate in order to save her husband from imprisonment.

He found Candido de Castro guilty of rape beyond reasonable doubt, with the aggravating circumstances of dwelling and relationship, sentenced him to reclusion perpetua and ordered him to pay the offended party an indemnity of twelve thousand pesos.

In this appeal, appellant's counsel contends that the trial court disregarded the rule that in rape the testimony of the complainant must be "impeccable and should ring true throughout". He argues that the delay of 130 days in filing the complaint showed that Loyola concocted the case so that she would not be abandoned by her common-law husband whose father, Braulio Bay, allegedly instigated the charge as a result of the elopement of Loyola and Valentin and his quarrel with Candido over a parcel of land.

We have painstakingly scrutinized the evidence. Appellant's contentions are not well-taken. We find that the alleged motivations for Loyola to fabricate a rape charge against her own father are imaginary. The indubitable fact is that she was the victim of a grievous outrage perpetrated by her father who wanted to repeat the rape (Exh. A). Her mother sided with her father. She had to write to the highest magistrate of the land in order to bring her father to the bar of justice.

WHEREFORE, the judgment of the trial court is affirmed. Costs de oficio.

SO ORDERED.

Makasiar, (Chairman), Guerrero, Abad Santos, and Escolin, JJ., concur.
Concepcion, Jr., and De Castro, JJ., on leave.

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