

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ANSELMO GERMINO AND EDUARDO GERMINO,
ACCUSED-DEFENDANTS, ANSELMO GERMINO,
DEFENDANT-APPELLANT.**

G.R. No. 65424. December 26, 1984

Ponente: MELENCIO-HERRERA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-65424/>

MELENCIO-HERRERA, J.:

Appeal from the Decision in Criminal Case No. 2789 of the Regional Trial Court in Cabanatuan City convicting accused ANSELMO Germino of the crime of Rape and sentencing him to suffer the penalty of reclusion perpetua, with the accessory penalties of the law; to indemnify Lucila Muncal (hereinafter called the COMPLAINANT) in the sum of P6,000.00 as moral damages, plus the sum of P1,500.00 as attorney's fees, and litigation expenses, and to pay the costs.

Quoting from the appellee's Brief, substantially re-iterating the Trial Court's narration, the incident complained of occurred as follows:

"On April 5, 1981, complainant Lucila Muncal and her father were residing in the house of the latter's married daughter, Pacita Muncal, at Barangay San Gregorio, Municipality of Sta. Rosa, Province of Nueva Ecija (p. 3, tsn, Feb. 17, 1982). She was then less than 16 years old, having been born on August 15, 1965 (Exhs. 'A' & 'B'), and was under the sole parental care of her father because her mother had died when she was yet a little girl. She was then first year high school at the Holy Cross Academy as shown by her school record (Exh. 'G').

"At about 2:00 o'clock in the afternoon of that day, April 5, 1981, Lucila Muncal went to the house of her brother about 100 meters away from her residence because the latter's wife had a miscarriage, and she stayed there up to about 10:00 o'clock in the evening (pp. 25--26, tsn, Feb. 17, 1982).

"On her way home, she came upon accused Anselmo Germino and Eduardo Germino on the road near the house of the latter's sister, Feliciano Germino. Said two accused intercepted Lucila Muncal, and Eduardo Germino kidded her, saying 'Come here for a little while.' Lucila Muncal ignored him and tried to evade them, by going straight ahead. She was not able to go any further, however, as both accused grabbed her by the arms, covered her mouth with one hand, and dragged her towards the house of Feliciano Germino. She struggled and tried to free herself, but her efforts proved futile (pp. 5-6; 35, tsn, Feb. 17, 1982). And although she kept trying to get loose from their hold, she did not succeed. Her resistance was no match to their superior strength. Soon, the two accused who smelled of liquor succeeded in bodily taking her into the ground floor of the house. Once, in-side, Anselmo Germino held Lucila Muncal with one arm and covered her mouth with his other hand, and as Eduardo Germino held her legs, he forcibly laid her on a wooden bed (papag) near the kitchen (pp. 6-8, ibid.). Anselmo Germino then lay on top of her, with his right hand firmly covering her mouth. At that point, Eduardo Germino left, while Lucila Muncal was struggling with Anselmo Germino. She tried to remove his hand from her mouth but she failed. Anselmo Germino then raised her skirt and ripped her panty as he pulled it down to her knees. Then he opened the zipper of his pants, even as Lucila Muncal kept on trying to free herself. She attempted to shove off Anselmo Germino by pushing his breast away from her body, but it was an

exercise in futility. He was too big and strong for her, and her continuous struggle with him had taxed her strength and weakened her. Soon, she felt the pain in her private part. She realized that Anselmo Germino had forcibly inserted his organ into her vagina, causing it to bleed. And despite the further resistance she put up, Anselmo Germino succeeded in having sexual intercourse with her (pp. 8-13, *ibid.*). Although greatly weakened by the exhaustion she suffered from such physical struggle and assault upon her honor, Lucila Muncal tidied herself and went home as soon as Anselmo Germino let loose his hold on her. Her father was not yet in the house at the time as he was then busy irrigating his ricefields in the evening (pp. 13-14, *ibid.*). So she changed her skirt (Exh. 'E') and the torn panty (Exh. 'F') she was wearing and washed then. However, even after her father came, she did not have the nerve to reveal to him that she had been ravished by Anselmo Germino. She was afraid that he would punish her if he found out that she had been deflowered. Neither was she able to confide her misfortune to her sister and her brother, for after the incident, the accused had been seeing her and threatening her not to do so (p. 37, *ibid.*). As a result, her mind was confused and did not know what to do. She just stayed in the house for almost one month. She realized, nevertheless, that sooner or later other people will come to know that she had been raped. Hence, she made a firm resolve to cause the arrest of the accused and have them punished for what they had done to her.

On May 3, 1981, she left Sta. Rosa and went to Cabanatuan City where she sought the aid of her uncle, Toribio Muncal, who, upon learning that she had been abused by Anselmo Germino, summoned her father. The following day, they took Lucila Muncal to the Dr. Paulino J. Garcia Memorial Research and Medical Center for medical examination. She was examined in the morning of May 4, 1981 by Dr. Placerina Mauricio who issued and indicated her findings in the medical certificate (Exh. 'C'), as follows:

'Findings -

External genitalia -

Labia majora and minora are well coaptated.

No sign of external physical injury.

Mons pubis - pubic hair are evenly distributed.

Vaginal orifice - no sign of fresh laceration, however, healed hymenal laceration noted on 12, 3, 6, 9 o'clock,.

I.E. -

Vagina admits 1 finger easily.

Cervix - soft

Uterus - not enlarged

LMP - April 1-3, 1981

Breast - symmetrical in shape and contour. Nipples are slightly pigmented.

Sperm detection - negative for spermatozoa."

The story related by the defense, on the other hand, presents an entirely different version. Appellant ANSELMO testified that he was a driver-helper in his brother-in-law's business on April 5, 1981. His brother-in-law was engaged in the sale and delivery of onions in the Bicol area. After their Bicol trips, ANSELMO would usually stay in the house of his cousin, FELICIANA Germino and the latter's family located at San Gregorio, Sta. Rosa, Nueva Ecija, because ANSELMO's parents' house, which is a few meters away, was undergoing repair.

In the evening of April 5, 1981, past 10:00 o'clock, ANSELMO arrived in said house of FELICIANA from a

Bicol trip. He went straight to the ground floor and lay on the papag (wooden bed) that is near the kitchen for he was so tired from his day's work. Shortly thereafter, the COMPLAINANT came and called FELICIANA. ANSELMO claimed that COMPLAINANT is his neighbor and girlfriend whose love he won on February 14, 1981 at that very house of FELICIANA. At the time COMPLAINANT arrived, FELICIANA was lulling her sick baby boy to sleep on the second floor of the said dwelling. FELICIANA responded to COMPLAINANT's call and told the latter to go up. The COMPLAINANT, however, did not go up the house and instead, sat on the papag where ANSELMO was resting. COMPLAINANT asked ANSELMO why he was late in coming home. ANSELMO replied that there was no fixed hour of coming home for a trader like him. As they were conversing, a neighbor by the name of SIMPLICIO Lopez arrived to fetch his two daughters who stay regularly with FELICIANA nightly while said SIMPLICIO is away working as a tricycle driver. FELICIANA, upon hearing SIMPLICIO's call, woke up SIMPLICIO's children who were then asleep and proceeded downstairs, carrying her baby. After SIMPLICIO and his children had left, FELICIANA placed her baby in the hammock on the ground floor and then joined the COMPLAINANT and ANSELMO in their conversation. FELICIANA and ANSELMO advised the COMPLAINANT to go home as it was already late but the COMPLAINANT refused for fear of her father. FELICIANA offered to accompany COMPLAINANT but the latter declined. When FELICIANA went upstairs, the COMPLAINANT proposed to ANSELMO that they elope. ANSELMO disagreed due to his financial difficulties. COMPLAINANT threatened that she would commit suicide if the latter would not give in to her plea. Then, FELICIANA joined them again in their conversation. Later on, ANSELMO fell asleep as FELICIANA and the COMPLAINANT were conversing. ANSELMO claimed that it was already almost dawn when he woke up and saw that FELICIANA and the COMPLAINANT were still there. When FELICIANA left them, ANSELMO pleaded once more to the COMPLAINANT to forget her desire of eloping. ANSELMO was able to persuade her to go home when he promised that he would marry her as soon as he arrived from his next working-trip. That very morning, he was fetched by his brother-in-law and they left for the town of Laur in Nueva Ecija. After more than a month of absence, he returned home only to find out that the COMPLAINANT had filed a complaint against him and his cousin, Eduardo, for Rape.

After trial, ANSELMO was convicted and sentenced, as aforesaid, while Eduardo was acquitted, the Trial Court having concluded that Eduardo "cannot be held liable insofar as the rape perpetrated x x x is concerned".

The defense is thus one of absolute denial, ANSELMO's testimony having been substantially corroborated by his cousin FELICIANA[1] and by a neighbor SIMPLICIO.[2] SIMPLICIO further testified that when he arrived at FELICIANA's house to fetch his children, he saw ANSELMO and the COMPLAINANT sitting close together on the papag and the former kissing the latter on her cheek.

In appellant's Brief, it is further argued that:

"1. The Lower Court erred in holding that Lucila Muncal was grabbed her (sic) by the arms, covered her mouth with one hand and dragged her towards the house and Feliciano Germino by the accused and there and then accused Anselmo Germino succeeded in having sexual inter-course with her.

"2. The Lower Court erred in holding that the accused Anselmo Germino succeeded in having sexual intercourse with the complaining witness."

We are unmoved by the foregoing submissions. Of note is the fact that the incident occurred at the late hour of 10 o'clock at night in an eskinita in Barangay San Gregorio, Municipality of Sta. Rosa. And although the area is surrounded by several houses, it is of common knowledge that rural folks retire earlier than city dwellers so that the incident need not necessarily have caused a "commotion" in the neighborhood. Moreover, ANSELMO, assisted by his cousin, Eduardo, was covering COMPLAINANT'S mouth as they were dragging her to FELICIANA's kitchen thus preventing COMPLAINANT from making an outcry. The combined strength of

ANSELMO and Eduardo forced upon COMPLAINANT, who was barely 16 years of age, sufficient-ly overcame any resistance that she could have possibly put up. This would explain why the sexual assault passed unnoticed.

The claim that it was "impossible for ANSELMO to pull the panty and skirt by his left hand at the back of COMPLAINANT when at the same incident the right hand of the accused was placed on her mouth" and that "by simply moving her body she could easily free herself and escape, considering that at the position the accused has no hand within which to hold her tightly", is not convincing. It should be recalled that EDUARDO had helped lay COMPLAINANT forcibly on the papag and had even held her legs. Then, too, COMPLAINANT was pinned down to the papag by the sheer weight of ANSELMO. No matter how COMPLAINANT struggled she could not free herself. It was not too difficult then for ANSELMO to have raised her skirt and, pulled down her panty to her knees so forcibly that it got torn (Exhibit "F").

In weighing the conflicting versions, the issue actually boils down to gauging the credibility of witnesses, on which point, the Trial Court, which had the better opportunity to see, hear and observe the witnesses' behavior and manner of testifying, pointed out:

"xxx this Court was morally convinced that the offended girl in this case was not actuated by any sinister motive in charging the accused. Aware that in rape cases the Court is left to choose between the conflicting versions from the offended and the offender who are usually the only two persons who knew and can testify as to what really happened, this Court had keenly observed the deportment of complainant Lucila Muncal and was satisfied, after hearing her testimony, that her declarations are worthy of credence. As may readily be seen from examination of her testimony, her answers to the questions propounded to her are short, candid and direct to the point, and given in a straight forward manner. Her description of the ordeal she suffered in the hands of the accused is clear and convincing.

x x x x x x

x x x Indeed, after listening to such testimony of the complainant and after having observed her demeanor which manifested her apparent sincerity and honest purpose of obtaining a redress for her grievance, this Court finds no reason to doubt the veracity of her declaration that she was raped. x x x

x x x x x x"[3]

In contrast, the Trial Court made the following obser-vation in respect of ANSELMO's declarations:

"x x x this Court finds the defense put up by the accused to be unworthy of any credence. The stance taken by accused Anselmo Germino that he and the complainant were in love with each other, and that Lucila Muncal was the one who came to the house of Feliciano Germino to rendezvous with him on the night of April 5, 1981 does not inspire belief. His faltering answers on the witness stand regarding this points lack candor and plausibility. x x x "[4]

Upon the facts and the evidence, we thus find the charge of rape against ANSELMO successfully proven. COMPLAINANT's testimony finds corroboration in the torn panty and confirmation in the four healed lacerations that were subse-quently found by the examining physician in her vaginal canal.

And, as we have ruled in many a case brought before us, it is difficult to believe that a young country girl like the COMPLAINANT would concoct a story of rape if such were not a fact considering the dishonor, the shame and the social humiliation that accompany the accusation and the adverse effect on her future as a woman. She could have been motiva-ted only by her strong desire to bring the culprit who had wronged her to the bar of justice.[5]

WHEREFORE, the judgment appealed from is hereby affirmed, except with respect to the indemnity to the offended party, which is hereby increased to P20,000.00. Costs against accused-appellant, Anselmo Germino.

SO ORDERED.

Plana, Relova, Gutierrez, Jr., and De la Fuente, JJ., concur.

Teehankee, J., (Chairman), took no part.

[1] T.s.n., pp. 2-21, May 21, 1982.

[2] T.s.n., pp. 4-21, April 22, 1982.

[3] Rollo, pp. 62-63.

[4] Ibid., p. 65.

[5] People vs. Felipe, 115 SCRA 88[1982]; People vs. Francisquite, 56 SCRA 764[1974]; People vs. Gan, 46 SCRA 667[1972]; People vs. Selfaison, et al., 110 Phil. 839[1961].

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.