

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. EUFEMIO EGAS ALYAS DODONG, ACCUSED-APPELLANT.

G.R. No. 65676. June 24, 1985

Ponente: GUTIERREZ, JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-65676/>

GUTIERREZ, JR., J.:

This is an appeal from the decision of the Regional Trial Court of Oroquieta City, 10th Judicial Region, Branch XII convicting defendant-appellant Eufemio Egas of the crime of rape. The dispositive portion of the decision reads:

"WHEREFORE, and in view of all the foregoing, this Court finds the accused Eufemio Egas alyas Dodong guilty beyond reasonable doubt of the crime of Rape as defined in Article 335 (2) of the Revised Penal Code, as amended, and is hereby sentenced to suffer the penalty of RECLUSION PERPETUA, to indemnify the offended party Nazarita Baluyos Suan in the sum of P12,000.00, to acknowledge and support Joel Suan, the child born to Nazarita Suan as a result of the crime, with the accessories of the law and to pay the costs."

The information dated January 12, 1979 filed against the accused-appellant alleged that:

"That on or about the 3rd day of June, 1978, at barangay Bolangog, in the municipality of Lopez Jaena, province of Misamis Occidental, Philippines, and within the jurisdiction of this Honorable Court, said accused, by means of violence and intimidation and by first making offended party Nazarita Baluyos Suan unconscious, did then and there wilfully, unlawfully and feloniously have carnal knowledge of said offended party Nazarita Baluyos Suan, against her will, and in her house.

"ALL CONTRARY TO LAW and with aggravating circumstance that the said offense was committed in the dwelling of the offended party, the latter not having given provocation for the offense."

The evidence for the prosecution is summarized in the People's brief as follows:

"Complainant Nazarita Suan and appellant are third cousins living in separate houses in Bolangog, Lopez Jaena, Misamis Occidental. At about 1:30 p.m. of June 3, 1978, complainant was alone in the kitchen of her house, listening to the radio. Her parents and elder brother Jaime were then in Senote, Oroquieta City attending to some business. Appellant stealthily entered the house through the kitchen door, immediately hugged complainant and pulled her towards the sala. Complainant vigorously resisted appellant's advances. When she shouted for help, appellant boxed her on the chest, rendering her unconscious. In that state, complainant was ravished by appellant.

"When complainant woke up, she found herself naked and her vagina bleeding. She saw appellant seated in the kitchen. Appellant warned her not to tell her parents about the incident. Otherwise, he will kill her and her parents. There-after, appellant left and complainant cried. Because of appellant's threat of harm, complainant, who was then only 14 years old, did not immediately inform her parents about the incident.

"However, in the evening of August 5, 1978, Nazarita complained of stomach ache. It did not subside until the following morning. So her mother, Laureta, massaged her abdominal region and discovered that she was

pregnant. When her mother inquired on what happened, only then did complainant reveal for the first time appellant's assault on her. Laureta immediately informed her husband, Sulpicio, about the incident. Sulpicio ordered Laureta to invite appellant's parents to their house for a confrontation regarding the incident. In that confrontation, appellant's parents suggested that appellant and complainant be married. Sulpicio replied that he still has to find out from complainant if she will agree to marry appellant. Appellant's parents promised to return on August 8, 1978 to know complainant's decision. Complainant refused to marry appellant. At any rate, appellant's parents failed to return. On August 14, 1978, Dr. Jose P. Libunao examined complainant and found her to be three to four months pregnant (Exh. A).

"Hence, complainant filed rape charges against appellant. After due investigation, appellant was charged with rape in an information dated January 12, 1979. As a result of the rape, a baby boy was born on February 27, 1979 (Exh. D). [tsn., pp. 8-9, 14, July 2, 1979; pp. 2-13, Oct. 10, 1979; pp. 14-18, Dec. 6, 1979; pp. 14-32, Dec. 7, 1979; pp. 2-14, Feb. 4, 1980]."

On August 14, 1978, Dr. Jose P. Libunao III, a resident physician at the Misamis Occidental Provincial Hospital, Oroquieta City, examined complainant Nazarita Suan. Dr. Libunao issued the following medical certificate which contained the following findings:

"=

NORMAL EXTERNAL GENITALIA

=

VAGINA ADMITS TWO FINGERS WITH EASE

=

OLD HYMENAL LACERATION AT 4:00 O'CLOCK AND 6:00 O'CLOCK

=

INTERNAL OS EXUDING WITISH MILKY FLUID INTO POSTERIOR FORNIX

=

CERVIX CLOSED, SOFTISH ON PALPATION

=

UTERUS MIDLINE, ENLARGED WITH FUNDI HEIGHT ABOUT 3-4 CM. INFERIOR TO UMBILICUS IMPRESSION:

=

PREGNANCY UTERINE ABOUT 3-4 MONTHS GESTATION

=

CERVICITIS, CHRONIC"

xxx xxx xxx

The accused-appellant on the other hand claims that the alleged complainant, Nazarita Suan was his sweetheart and that she consented to the sexual act, basis of the complaint. The defense evidence is summarized in the accused-appellant's brief as follows:

"Eufemio Egas testified that he and the offended party were sweethearts. They kept their relationship secret because their parents were against it considering that they were blood relatives. While their relationship as sweethearts was existing, he visited the offended party regularly at their house and even have sexual relations with her especially when her parents were not around. He started having sexual relations with her in December 1977. During the latter part of July 1978, the offended party informed him that she was pregnant. Although he was a little frightened of the thought of her being pregnant, nonetheless he assured her that she need not worry because he was going to marry her anyway. On August 8, 1978, the mother of the offended party went to his house and inquired into the truth of their daughter's pregnancy. The accused admitted having impregnated Nazarita Suan and intimidated to them of his plan to marry her considering that they were sweethearts. Thereafter, his parents went to the Suan's residence for a talk and when they returned home, they told him that they would apply for a marriage license on 8 August 1978. However on the date agreed upon, accused failed to go to the office of the Local Civil Registrar of Lopez Jaena to apply for marriage license because on said date, he played in the basketball tournament in Hasaan, Lopez Jaena, Misamis Occidental where he was the captain ball of their barangay's basketball team and that he had previously asked his mother to inform the Suan's about his inability to go to the Local Civil Registrar's Office on the said date. After the said basketball tournament, he returned home on August 9, 1978 and he learned that his mother had a quarrel with the mother of the offended party on August 6, 1978. Several days later, he was charged with the crime of rape. (TSN, pp. 2-26, November 12, 1980)."

The accused-appellant raises the following assignments of errors in his brief:

I

THE TRIAL COURT GRAVELY ERRED IN HOLDING THAT THE ACCUSED-APPELLANT COMMITTED THE CRIME OF RAPE THROUGH VIOLENCE AND INTIMIDATION.

II

THE TRIAL COURT GRAVELY ERRED IN GIVING MORE WEIGHT AND CREDENCE TO THE EVIDENCE ADDUCED BY THE PROSECUTION AND IN TOTALLY DISREGARDING THE EVIDENCE ADDUCED BY THE DEFENSE.

III

THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF RAPE.

The assigned errors raised by the accused-appellant revolve around the issue of credibility of witnesses. A careful examination of the records shows that this case furnishes another occasion to reiterate the settled doctrine that when the issue is one of credibility of witnesses, we have always accorded the highest degree of respect to the findings of the trial court. The lower court was in a better position to decide the question, having heard the witnesses themselves and having observed their deportment and manner of testifying during the trial. Unless the court has plainly overlooked certain facts of substance and value, that if considered, might affect the results of the case we do not disturb its factual findings. We have considered the arguments of the accused-appellant on appeal

in the light of the evidence and we see no reason to depart from this established doctrine.

The defendant-appellant first questions the credibility of the offended party by pointing out that she made no outcry immediately after the defendant-appellant left their house but instead talked with the defendant-appellant who tried to comfort her.

The accused-appellant's contention has no merit. The 14-year old Nazarita could not have shouted immediately after the accused-appellant left their house because she and her family were under threat of death by the latter. She testified that:

"Q What else transpired between you and Eufemio Egas on that occasion?

"A He told me further that not to tell my parents because I might be mauled, or if I insist in telling my parents he will bring away from the place where I am living and kill me including my parents.

"Q Did you comply with the instruction given by Eufemio Egas for you not to tell your parents, otherwise, you will be brought away and killed including your parents?

"A

I did it because I was afraid of his instruction to me."

(TSN., p. 7, October 10, 1979)

xxx xxx xxx

And under grueling cross-examination, the following testimony remained unimpeached:

"Q Now, did I get you correctly that when the accused after committing the act charged in the complaint he threatened you or intimidated you in order that you will not tell the act to your parents?

"A Yes, sir.

"Q

Will you please tell this Honorable Court the exact words uttered which Eufemio Egas, regarding the threatening allegedly committed by him?

"A

He said, don't tell this to your mama because if you are going to tell this to your mama, you will be mauled and that you will be taken out from your house upon a distance then I will bring you outside and I will kill you.

"Q

Now, when he uttered you that parti-cular statement you were afraid of that?

"A Yes, sir."

(TSN., p. 15, December 6, 1979)

The accused-appellant also submits that the rape charge was filed by Nazarita only because she felt jilted by the accused-appellant when the latter failed to show up on the date agreed upon by them to go to the Office of the Local Civil Registrar to secure a marriage license.

The accused-appellant's arguments are not supported by the facts. The complainant, consistently denied in her direct and cross-examinations that she was the sweetheart of the accused-appellant. She testified that although she knows Eufemio, she is not engaged nor intimately related with him. She testified that:

"Q Were you sweethearts?

"A No, sir.

"Q The accused is your neighbor?

"A Yes.

"Q Where?

"A In Bulangog.

"Q He never courted you?

"A Never."

(TSN., p. 3, July 2, 1979).

xxx xxx xxx

"Q You also declared that the accused sometimes sleep in your house, did he ever offered his love to you?

"A No, he never courted me.

(TSN., p. 12, October 30, 1979)

xxx xxx xxx

"Q But he visited you three times a month?

"A But his visiting me three times a month is just to listen to the radio.

"Q Not to see you?

"A

No, that was not the purpose.

COURT:

"Q Not to make love to you?

"A No.

"Q Nor to court you?

"A No.

"Q Did he ever tell you that he was attracted to you during the period that he often goes to your house?

"A No, he did not tell me that.

"Q

For this whole period since you know him in 1972 he never express his love for you?

"A No.

"Q About you, you have not express your love to him?

"A I have not shown.

"Q Do you have any feeling for him?

"A Nothing."

(TSN., pp. 12-13, October 30, 1979).

Moreover, the accused-appellant did not present any letters, mementoes and pictures to attest to his pretensions that the complainant was his sweetheart and that he usually goes to the house of the complainant to have sexual inter-course with her. We apply the rule laid down in *People v. Tumaliuan* (129 SCRA 682), that:

xxx xxx xxx

"x x x Appellant has not presented a single letter, note or any piece of evidence to support his claim that she was his sweetheart. Not having presented any evidence other than appellant's testimony that the act of sexual intercourse was voluntary, the declaration of the offended party, corroborated by the testimonies x x x assumes more weight and importance and to which We give full credit. x x x"

Furthermore, the claim of the accused-appellant that he had several acts of sexual intercourse with Nazarita is belied by the medical findings that the complainant had only two hymenal lacerations.

Thus, the submission of the defendant-appellant that the rape charge was filed only because the complainant felt jilted when he failed to show up on the date they were supposed to get a marriage license, deserves scant consideration. The defendant-appellant was never the sweetheart of the complainant nor could she have agreed to marry him. She testified that:

"Q Do you want to marry him?

"A No.

"Q Why?

"A I don't love him."

(TSN., p. 4, July 2, 1979)

xxx xxx xxx

"Q Did I get you correctly Is it not a fact that after you supposedly revealed the matter to your parents, the parents of the accused have visited your house?

"A Yes, sir.

"Q

And as a matter of fact it was agreed that you and Eufemio Egas will be married soon?

"A No, sir.

"Q Is it not a fact that your father expected the accused and his parents to go to your place on August 9, 1978?

"A No. sir."

(TSN., p. 18, December 6, 1979).

Sulpicio Suan, corroborated the testimony of Nazarita. He testified that:

"Q What else did the parents of Eufemio Egas tell you if any when they were already there in your house upon summoning them?

"A Then the mother of the accused told me that because there was already the incident that happened between the two, we better marry the two but I answered it cannot be because it is against the local customs and traditions that closely related cannot be married."

(TSN., p. 19, December 7, 1979)

xxx xxx xxx

"Q Going back to that report made by your daughter on August 5, 1978 was there any agreement made between you as parents of Nazarita and the parents of Eufemio Egas the accused in this case?

"A There was none, because there was an offer of the mother of the accused that since the incident had already happened she wanted that they will be married but I said you do what you can and I will ask my daughter about it.

"Q

Did you ask your daughter?

"A Yes.

"Q What did you ask your daughter?

"A Then I asked her why did you con-sented to what your uncle did to you and my daughter answered me No, he boxed me.

(Witness demonstrated by using his right hand purportedly boxes the stomach of her daughter)

"Q

Did you ask your daughter whether she would agree to marry the accused?

"A Yes, I asked her.

"Q What was the answer of your daughter?

"A My daughter answers me back by telling me she cannot because he boxed me if he did not boxed me I should not be like this now."

(TSN., pp. 23-24, December 7, 1979)

Laureta Baluyos, the mother of the complainant likewise testified to the same effect. She testified that:

"Q After that conversation with the parents of Eufemio Egas in your house, what else did they do?

"A Luciana Baluyos told us that because something did happened between our son and daughter so we better marry them.

"Q And did you agree on the proposal of the parents of Eufemio Egas?

"A My husband answered them back by telling them, you do what you want, but before that, I will confront my daughter if it is really true that they are sweetheart or if she really love the said accused.

"Q Did you confront your daughter as to the proposal of the parents of Eufemio Egas?

"A

She did not consent to do it or agree to the proposal.

"Q Do you know the reason why your daughter did not agree on the proposals of the parents of Eufemio Egas?

"A The reason was that, she was forced and raped by Eufemio Egas against her will.

COURT:

"Q The question is, you were asked whether your daughter was in love with the accused, did she answer that?

"A She told us that she did not love Eufemio Egas."

(TSN., pp. 6-7, February 4, 1983).

If the complainant yielded to the accused-appellant because they were sweethearts, as claimed by him, Nazarita would have agreed to the proposals of the appellant's parents and married him. Instead, she chose to undergo the rigors of a public trial which subjected her to shame and ignominy (*People v. Senon, Jr.*, 121 SCRA 141). In *People v. Alcantara* (126 SCRA 425), we held that:

xxx xxx xxx

"x x x Further, COMPLAINANT's father testified that APPELLANT's mother came to their house proposing that APPELLANT marry his daughter with the promise that they will support her studies but COMPLAINANT refused an indication that in filing the complaint it was her sincere and unadulterated desire to seek justice."

That the defendant-appellant indeed had sexual intercourse with Nazarita through force and intimidation is evidenced from the following testimony of the complainant:

"Q Sometime on June 3, 1978 have you met the accused Eufemio Egas?

"A He was at home.

"Q What time was that?

"A One o'clock in the afternoon.

"Q. What was he doing in your house?

"A He embraced me.

(TSN., p. 2, October 10, 1979)

xxx xxx xxx

"Q

What part of the house did Eufemio Egas pass?

"A In the kitchen.

"Q Did he ask permission when he entered the kitchen?

"A No, he did not ask permission."

(TSN., p. 2, *ibid*).

xxx xxx xxx

"Q How did Eufemio Egas hug you, will you kindly demonstrate to the court?

"A Yes, sir.

COURT

"Alright you go down.

(witness went in front of the bailiff who was seated and grabbed his both sides with both hands and pulled him towards her).

COURT"

"Q Was he able to stand up when he pulled you?

"A Yes, I was able to stand.

"Q What did he do when you were standing, was he still holding you?

"A Yes, sir.

"Q What position now?

"A

(witness demonstrate each other holding the bailiff with her two hands around the waist).

"Q What did he do in that position?

"A He wanted me to drag upstairs.

Q "Did he drag you?

"A Yes, sir."

(TSN., p. 3, October 10, 1979).

xxx xxx xxx

COURT:

"Q How did he bring you upstairs?

"A Dragged me.

"Q He dragged you by the use of his hands?

"A Yes, sir.

"Q Did you shout?

"A Yes, sir.

Q "What did you shout?

"A Help.

"Q

How many times?

"A Only once.

"Q Did you shout loud?

"A Yes, sir.

"Q What happened when you shouted?

"A I was boxed by the accused.

"Q

Where?

"A On my abdomen."

(TSN., p. 4, October 10, 1979).

xxx xxx xxx

FISCAL CONOL:

"Q

Why were you boxed by Eufemio Egas, did you not willingly go with him when you were accordingly dragged according to you?

"A I did not willingly go.

"Q

What did you do when you were dragged beside shouting when you were dragged by Eufemio Egas?

"A At the time when I was dragged by Eufemio Egas I wanted to extricate myself from his hold.

"Q Were you able to extricate yourself from the hold of Eufemio Egas?

"A I was not.

"Q Why?

"A Because he is stronger than me.

"Q And to what place were you brought by Eufemio Egas?

"A Upstairs.

"Q

Is that a sala or a room?

"A Room.

"Q When you were dragged to the sala by Eufemio Egas, what else did Eufemio Egas do to you?

xxx xxx xxx

"A That I don't know what he did because at that time when he boxed me I lost consciousness.

"Q When did you lose consciousness, at the kitchen when he boxed you or when you were already at the sala when you were dragged forcibly?

"A At the time when I was boxed by him.

"Q You mean to say that you had no more knowledge when you were dragged to the sala?

"A

Yes, sir.

"Q Did you regain consciousness?

"A Yes, sir.

"Q What did you notice after having regained consciousness?

"A My dress was already removed. I found out that my dress is removed already.

"Q Beside your dress what else was removed?

"A I felt pain on my part of my body and specially so my vagina."

(TSN., pp. 5-6, October 10, 1979)

xxx xxx xxx

"Q

You said you felt pain on what part of your body did you feel the pain?

"A

My legs as well as my vagina.

(TSN., p. 6, *ibid*).

xxx xxx xxx

FISCAL CONOL:

"Q What did you notice about your vagina beside having felt the pain?

"A It was wet and bloody.

"Q Did you verify what or why it was wet, is it by blood only or any other else?

"A It was a blood and sperm cell of a male.

(TSN., pp. 6-7, October 10, 1979).

The lower court stated that it carefully scrutinized the complainant's testimony for improbabilities. It found nothing to doubt the truthfulness and sincerity of the fourteen-year old complainant.

WHEREFORE, the decision appealed from is AFFIRMED with the modification that the indemnity of TWELVE THOUSAND PESOS (P12,000.00) is INCREASED to TWENTY THOUSAND PESOS (P20,000.00).

SO ORDERED.

Melencio-Herrera, Plana, Relova, De la Fuente, and Alampay, JJ., concur.

Tehankee, J., (Chairman), no part.

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.