

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ANTONIO S. SONICO, ACCUSED-APPELLANT.

G.R. No. 70308. December 14, 1987

Ponente: PADILLA, J.

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PADILLA, J.:

Appeal from the judgment* of the Regional Trial Court, Branch XXIV, Cabugao, Ilocos Sur, dated 3 December 1984, in Criminal Case No. 286-K, finding the accused-appellant Antonio S. Sonico guilty beyond reasonable doubt of the crime of rape, as defined and penalized under Article 335(3) of the Revised Penal Code, and sentencing him to suffer the penalty of reclusion perpetua, with the accessories of the law, to indemnify the offended party, Loida S. Baclig, in the amount of Twenty Thousand Pesos (P20,000.00), without imprisonment in case of insolvency, and to pay the costs[1].

The facts, as found by the court a quo, are as follows:

"The victim, Loida S. Baclig, testified that one day in July, 1975, after lunchtime, she went to the house of the accused who is her granduncle (the latter is the husband of the sister of the victim's grandmother) and whom she fondly calls "Lelong Anton", to get her pillow and blanket which she intended to use the night before; that after getting hold of the said articles in one of the rooms at the second floor of the house of the accused, the latter pulled her to another room on the northeastern part of the house, after which he closed the door and one of the windows which was then open; that the accused made her sit down on the bed with her feet touching the floor after which he lifted her buttocks a little and removed her panties while the accused was kneeling; that after having removed her panties, the accused removed his own pants and underwear while standing on the floor, after which he pushed her and made her lie down on the middle of the bed by raising her legs which were then hanging; after having pushed her towards the middle of the bed, he let her spread her legs, went on top of her and inserted his penis into her vagina by performing the "up and down motion" for about ten (10) minutes; that after having satisfied his lust, the accused got down and while smiling at the girl, warned her not to report the matter to anyone, otherwise, he would kill her. The accused was in possession of a kitchen knife at the time. Despite what happened, the girl picked up the pillow and the blanket, went home and reported to school late in the afternoon. When she went to urinate, she noticed blood stains on her skirt. On the following morning when she took a bath, blood stains were still in her garments.

Miss Mariana Pe Benito and Mrs. Francisca Suero, both teaching at the Cabugao North Elementary School, took the witness stand one after the other and testified about their lingering doubts and suspicions regarding the abnormal enlargement of the breast of Loida which they began to notice in July, 1975 and which prompted them to summon her parents in November, 1975 after the girl had revealed the violation of her honor by her "Lelong Anton" sometime in July, 1975. It was upon the proddings of said witnesses that a medical and physical examination was conducted on the person of the victim, Loida S. Baclig, by Dr. Soledad S. Pira of the Gabriela Silang General Hospital.

x x x In a medico-legal certificate issued by Dr. Pira, dated December 3, 1975, she indicated the following findings:

- markedly enlarged breast, bilateral which is warm to touch. No discoloration of the areola. Nipples indented.
- Movable 1 inch diameter palpable mass at left anterior axillary fold.

I. E. Findings:

- Pubic hair scarce.
- Hymen - old laceration at 9 o'clock
- Vaginal canal, admits one finger easily but two fingers with resistance.
- Cervix, small, hard, closed.

Bi-manual Exams:

- Uterus not enlarged.
- Adnaxae - palpable mass, no tenderness"[2]

The accused, Antonio S. Sonico, denied having committed the crime charged against him. He could not think of any reason why he was charged of such a crime nor could he ascribe any evil or ulterior motive to the offended party or her mother who filed the complaint for rape against him[3]. The accused testified also that his daughter, Trining Seguban, tried to persuade the complainants from proceeding with the case "to preserve domestic tranquility because we are related" and "because my daughter have pity on me as an old man"[4]. Leonila Baclig, mother of the offended party, rejected the proposal.

Appellant, in his brief, raises the following assignment of errors:

- "1. THE TRIAL COURT ERRED IN GIVING CREDENCE TO THE COMPLAINANT AND THE COMPLAINING VICTIM WHO EXECUTED THEIR SWORN STATEMENT AND FILED THE INSTANT COMPLAINT FOR RAPE AFTER ALMOST FIVE (5) MONTHS FROM THE DATE OF THE ALLEGED CRIME;
2. THE TRIAL COURT ERRED IN FINDING CREDIBILITY TO THE TESTIMONIES OF THE COMPLAINING VICTIM AND HER WITNESSES DESPITE THE TESTIMONY OF THE MEDICO-LEGAL OFFICER TO THE CONTRARY AFTER THE EXAMINATION OF THE ALLEGED VICTIM FOUR TO FIVE MONTHS AFTER THE ALLEGED COMMISSION OF THE OFFENSE; and
3. THE TRIAL COURT IN FINDING THE ACCUSED GUILTY OF THE CRIME CHARGED BEYOND REASONABLE DOUBT WHEN THERE IS NO MORAL CERTAINTY THAT RAPE WAS ACTUALLY COMMITTED ON THE ALLEGED DATE"[5].

According to the accused, "it is not only apparent but clearly appreciable that there has been grave and serious doubt in the credibility of the complaining witness when it took her so long a time (four to five months) to make her revelations only after she was confronted of a suspected pregnancy arising out of the enlargement of her breasts"[6].

The delay of four (4) months in the filing of the complaint does not cast a doubt on the credibility of the charge. It should be noted that the accused threatened to kill the victim should she report the incident to her parents. The threat directed at an eleven (11) year old girl is enough reason for the delay in exacting the truth from her. It is not uncommon for young girls to conceal, for sometime, the assaults on their honor because of the rapists' threat on their lives[7]. In *People vs. Oydoc*, the Court said:

"One should not expect a fourteen-year old girl to act like an adult or mature and experienced woman who

would know what to do under such difficult circumstances and who would have the courage and intelligence to disregard a threat on her life and the members of her family and complain immediately that she had been forcibly deflowered. It is not uncommon for young girls to conceal for sometime the assaults on their virtue because of the rapists' threat on their lives, more so when the rapist is the child's own stepfather living with her"[8].

In support of his second assignment of error, accused contends that the finding of the trial court that the presence of an old laceration at 9:00 o'clock shows that the victim was "ravished by the accused" is all too sweeping, and does not find conclusive confirmation in the testimony of the medico-legal officer. Accused further claims that even the medico-legal officer could not make any conclusion on the presence of said laceration.

The contentions of accused deserve scant consideration. The testimony of the medico-legal officer is consistent with, and confirms the testimony of the victim that she was raped. But, even without a medical certificate which is not essential to prove the commission of rape, the testimony of Loida Baclig alone is sufficient to convict the accused of the crime charged[9].

We are here confronted with a situation where there was only one witness to the commission of the crime, the victim herself. Loida Baclig's testimony clearly and categorically pointed to the accused as the author of the crime. Her testimony is herein quoted:

"x x x

Q I see that you are shedding tears, Why? Will you please tell the Court?

A I felt pains, sir.

Q Why? Why do you feel pains?

A Because of the wrongdoing committed by my grandfather against me, sir.

Q Who is that grandfather of yours who committed wrongdoing to you?

A Antonio Sonico, sir.

x x x

Q If that grandfather of yours whose name is Antonio Sonico is in the courtroom, will you please point at him?

A That one, sir. (Witness pointing to a person inside the courtroom, and when his name was asked, he answered Antonio Sonico).

Q You said that he committed wrongdoing to you. What is that wrongdoing he has committed?

A He besmirched my reputation, sir.

Q You said that he besmirched your reputation. What did he do to you?

A He raped me, sir.

Q Where did he rape you?

A Right in their house, sir.

Q Where is his house located when he raped you? In what barrio and municipality?

A At barrio Quezon, Cabugao, Ilocos Sur, sir.

Q When did he rape you?

A In July, 1975, sir.

Q Can you still remember the date in the month of July 1975 when Antonio Sonico raped you?

A No more, sir.

x x x

Q You said that sometime in the month of July, 1975, that was a day which you could no longer remember now, was the date when Antonio Sonico, the accused in the case raped you. What time of the day did he rape you?

A After lunch, sir.

Q Will you please tell the court why you went to the house of Antonio Sonico after lunch on that day when he raped you?

A I went to get my blanket and my pillow, sir.

x x x

Q When you went to the house of Antonio Sonico after lunch on that date when he raped you, who was the person in the house of Antonio Sonico when you entered the house?

A. He was alone, sir. (Witness pointing to the accused, Antonio Sonico).

Q When you saw him for the first time, where was he?

A He was lying down on the ground floor of their house, sir.

Q On what was he lying then?

A On a bed, sir.

Q Did he see you.

A Yes, sir.

Q Upon entering the house and you saw him lying down on a bed on the ground floor of their house, where did you go after you entered the house?

A I went upstairs, sir.

Q Why did you go upstairs?

A Purposely to get my blanket and my pillow, sir.

x x x

Q When you went up to the house of Antonio Sonico, going to the second floor, to what particular place or room in the second floor did you go?

A I went to the room of "Auntie Lita", sir.

Q Who is this "Auntie Lita" you mentioned in relation to Antonio Sonico?

A His daughter, sir.

Q Did you enter the room of your "Auntie Lita"?

A Yes, sir.

x x x

Q When you entered the room of your "Auntie Lita", what did you do?

A I took my blanket and my pillow, sir.

Q After taking your blanket and your pillow, what did you do?

A I wanted to go home then, sir.

Q When you wanted to go home, what happened? Will you please tell the court?

A My grandfather, Antonio Sonico pulled me, sir.

Q What did you do also, if any, when he pulled you?

A I tried to cling on a "set" which was then upstairs, sir.

Q Was he able to pull you?

A Yes, sir.

x x x

Q And when he pulled you, to where, in what place did he pull you?

A He brought me to the room of "Auntie Trining", sir.

x x x

Q How is she related to Antonio Sonico, the accused in this case?

A "Auntie Trining" is the daughter of Antonio Sonico.

Q That room of your "Auntie Trining" whom you mentioned and to where the accused pulled you, is it also in the second floor of the house?

A Yes, sir.

Q Was he able to pull you inside the room of your "Auntie Trining"?

A Yes, sir.

Q After he was able to pull you inside the room of your "Auntie Trining", what did he do?

A He made me sat down on the bed, sir.

Q On what part of the bed did he place you to sit?

A On top of the bed, sir.

x x x

Q After he was able to pull you inside the room, what did he do with respect to the door of the room?

A He closed the door, sir.

x x x

Q After the accused has pulled you inside the room, closed the door and closed the window on the northern

side, what did he do next?

A He removed his pants and also his underwear, sir.

Q How far was he from you when he removed his pants and his underwear?

A He was near, sir.

x x x

Q When Antonio Sonico was doing those things you have narrated, namely: he pulled you inside the room; closed the door of that room behind you and closed the window on the northern side and removed his pants and his underwear, will you please tell the court what were your feelings then at that time, if any?

A I was in fear, sir.

Q After he removed his pants and his underwear, what did he do next?

A He removed my panty, sir.

Q Did you not resist when he removed your panty?

A I was afraid, sir.

Q Why were you afraid of him?

A x x x when he pulled me, he warned me not to talk. That if I will talk, he will kill me, sir.

x x x

Q After Antonio Sonico had removed your panty, what did he do next to you?

A He forced me to lie down, sir.

Q On the bed where you were seated?

A Yes, sir.

Q And after he was able to force you to lie down, what did he do next?

A I was made to move my legs apart, sir.

Q And after that, what did he do?

A He went on top of me, sir.

Q After he went on top of you, what did he do?

A He performed the up and down movement.

x x x

Q Was he able to insert his private parts into your private parts?

A Yes, sir.

Q What did you feel after he has inserted or when he inserted his private parts into your private parts?

A I felt pains, sir.

Q Why did you not resist when he went on top of you before performing that sexual intercourse with you?

A Because he warned me, sir.

Q Did you see anything from him during that time?

A There was, sir.

Q What did you see? Please tell the court?

A A small knife (kutsillo), sir.

Q When you said "kutsillo", what do you mean?

A It is kitchen knife used for slicing, sir.

x x x

Q Can you tell the court where did he place that kitchen knife before he went on top of you?

A He placed it in his pants, sir.

Q In what place in his pants did you see him placed that kitchen knife?

A At the pocket of his pants, at the back, sir.

x x x

Q Can you tell the court how long, more or less, did Antonio Sonico stay on top of you performing sexual intercourse on you?

A Ten (10) minutes, perhaps, sir.

Q After raping you, what did he do?

A When I glanced at him, I saw him laughing, sir.

Q Laughing at what or whom?

A When I was crying, sir.

Q What did you do also after he had raped you?

A I put on my panty, sir.

Q How about his pants and his underwear which he had earlier removed from his body? What did he do with them?

A He also put on his pants and his under-wear, sir

Q After putting your panty after he had raped you, where did you go?

A When I was about to leave, he warned me not to report the matter to my father and my mother, sir.

Q After that, where did you go?

A I went to get my blanket and my pillow, sir.

Q Where did you get your pillow and your blanket before you went home?

A In the sala of their house, upstairs, sir.

Q Why were they in the sala?

A When he pulled me, I lost hold of them, sir.

Q After getting the blanket and your pillow, where did you go?

A I went home, sir.

Q Did you ever enter school?

A Yes, sir.

x x x

Q Who were the persons in your house when you reached your house after the accused had raped you?

A Only my grandmother, sir.

Q Did you not report the wrongdoing committed on you by the accused to your grandmother?

A No, sir.

Q Why?

A I was then afraid because I have been warned, sir.

x x x[10]".

The afore-quoted testimony was corroborated by Dr. Soledad Pira who examined the victim. The medical certificate issued by said witness, shows the existence of an old laceration in the girl's hymen at 9:00 o'clock[11].

There is no doubt that rape was committed on the victim and that the accused committed it. The defense of denial interposed by the accused is not sufficient to over-throw the declaration of the offended party that she was raped by the accused[12]. Against such denial, the version of the prosecution deserves more consideration and is worthy of full faith and credence. In the case of *People vs. Bocasas*, we said:

"Firstly, his mere denials, constituting self-serving negative evidence, cannot obtain greater evidentiary weight than the declarations of a credible disinterested witness x x x"[13].

The offer of settlement by the daughter of the accused, for reasons already stated herein, points to no other conclusion than that the accused was really guilty of the crime charged.

A girl less than twelve (12) years old would be incapable of narrating such story in a straight-forward manner against one considered as her granduncle, unless the wrongdoing was actually committed by him against her honor.

This is a case of statutory rape. Loida Baclig was less than twelve (12) years old at the time of the commission of the crime. Under paragraph 3 of Article 335 of the Revised Penal Code, the imposable penalty for the crime of rape committed on a minor less than twelve (12) years old is reclusion perpetua.

WHEREFORE, the decision appealed from is hereby AFFIRMED, with costs against the accused-appellant.

SO ORDERED.

Yap (Chairman), Melencio-Herrera, Paras, and Sarmiento, JJ., concur.

* Penned by Judge Florencio A. Ruiz, Jr.

[1] Decision, pp. 11-12

[2] Decision, pp. 2-5

[3] Tsn, June 22, 1984, pp. 19-20

[4] Tsn, June 22, 1984, pp. 15-17, 21-23

[5] Brief for the appellant, p. 4

[6] Id. at p. 8

[7] People vs. Alcid, 135 SCRA 280, 292

[8] 125 SCRA 250, 256

[9] People v. Aragona, 138 SCRA 569, 577-578; People v. Pielago, 140 SCRA 418, 422

[10] Tsn, August 16, 1976, pp. 4-18

[11] Exhibit "A", Original Records, p. 4

[12] People v. Canoy, 137 SCRA 124, 128

[13] 137 SCRA 531, 539

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