

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. REYNALDO DESUYO Y DIGOL, DEFENDANT-APPELLANT.

G.R. No. 71173. August 09, 1988

Ponente: CRUZ, J.

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CRUZ, J.:

The crime: rape. The victim: an eight-year old girl. The offender: the dregs of depravity even hell would reject.

Was it Reynaldo Desuyo? The prosecution said so and the trial court agreed.[1] The accused-appellant demurs, claiming it was a case of mistaken identity.

The incident occurred on January 2, 1980, at about two o'clock in the afternoon, in Pasay City. Suitably, the nauseous offense happened in a garbage dump, where the offender had dragged the frightened Aileen Olisco. Earlier, he had pretended they were going to his house to get money for the turon he had ordered from her sister, but now his evil intentions were revealed. There among the rubbish, this unspeakable person ravished the little girl, threatening her with a knife, as if his age and his lust were not enough to terrify her. Then, the despicable deed done, he left her with one final deception, that he would get medicine for her bleeding loins.[2]

So there she was, the bewildered broken girl. A bud so ruthlessly crushed before it could blossom. Only eight years old and her virginity already gone forever. For her the discovery of womanhood would be not a pleasurable experience but an ugly and hateful memory that would disgust her the rest of her life.

With her shocked and angry mother, she reported the matter to the authorities that same day. She was medically examined at the National Bureau of Investigation and thereafter sent to the Philippine General Hospital for treatment, including suturing of her genital lacerations. There she stayed for more than a week. Two weeks later, at the police station, she picked Desuyo's picture from among several others to identify the person who had raped her. On April 23, 1982, the accused-appellant was arrested and she pointed to him at a line-up as her attacker. She was as certain when she again accused him during the trial of this case.[3]

Besides Aileen herself, who recounted in court her traumatic ordeal, the prosecution presented her mother[4] and the medico-legal expert who conducted the examination of the victim.[5] The physical evidence of her defloration was not controverted and in fact was never in issue.

The only question we must resolve is the identity of the person who raped Aileen Olisco.

As against the victim's clear and forthright testimony pointing to Desuyo as the person who had ravished her, the accused-appellant offered the defense of alibi, supporting it with his own testimony and that of six other witnesses.

On the date and hour in question, according to him, he was working in a repair shop at the corner of Algeciras and España in Manila some twelve kilometers from the scene of the crime.[6] He stayed there the whole day and repaired a stove belonging to Anunciacion Mendoza, who, seeking to support him, testified that she did bring a

stove to him for mending but affirmed twice on direct examination that it was in 1978.[7] More definite was Rogelio Gabuyo, the owner of the shop, who declared that Desuyo was in his shop all day on January 2, 1980, and left only the following day.[8]

The three other women who also testified for Desuyo are hardly believable and offered at best only circumstantial evidence. Consejo Pasion claimed to have seen the man who had presumably raped Aileen (because he was coming from the garbage dump) and was positive it was not the accused-appellant.[9] Cresencia Butron's direct examination was disjointed and mostly irrelevant and ineptly handled. She says that at the time and place in question, a running man bumped into her, spilling all the fish she was carrying, and causing her to shout at him in anger. She learned later he was running because he had just committed the rape although, like the other defense witnesses, she did not see the actual rape. Magdalena Pablo, who supported Butron, said she heard the latter shouting angrily at a man who had spilled her fish and it turned out later he was running because he had just raped a girl. But she, too, had not witnessed the rape being committed.[10] All three women said the fleeing man was short, curly haired and robust and was not Desuyo.[11] There was a fourth woman who testified for the defense but her testimony was practically useless and mostly immaterial.[12]

Faced with these conflicting declarations of the witnesses from both sides, the Court inclines, as the trial judge did, in favor of the prosecution. The only eyewitness in the case is the victim herself, and we see no reason to disbelieve her testimony. She described her assailant as thick-haired and bemoustached,[13] which is how Desuyo looked in the picture[14] she picked before his arrest although he might have tried to change his appearance later. She positively identified him at the trial. There is no reason - and the defense has not given any - to question her motives in pointing to Desuyo, whom she had not known before the incident. It is not likely either that she would have forgotten the face of the person who dirtied her chastity that afternoon for his lust must be forever imprinted in her mind as a sordid and revolting recollection.

Against the evidence of the prosecution, the feeble defense of alibi must fail for the testimony offered to support it is at best unconvincing and at worst fabricated. None of the women who claimed the man they saw fleeing the scene of the crime was not Desuyo actually witnessed the rape being committed and could not positively tell it was not he who had raped Aileen. Moreover, these women's motives and credibility do excite suspicion in view of their close association with Desuyo's mother, who was their friend and neighbor.[15] Significantly, both Butron and Pablo declared under oath that they had not talked to the defense counsel before they actually testified - hardly a convincing indication, indeed, that they were not lying.[16] By contrast, Aileen was the one who was raped, saw the man who raped her and could categorically identify him. She is the one we should believe.

As for Desuyo himself, his defense of alibi, which was an inherently poor excuse, to begin with, has been completely discredited by the victim's testimony. Worse, he has further weakened his own testimony by submitting his counter-affidavit[17] where he made the self-serving statement, among others he also could not prove, that a police officer had offered to drop the charge against him in consideration of the sum of P50,000.00 and provided his mother cohabited with such officer. Demanding this amount from a lowly wage earner working in a small shop, let alone the other allegations, is a clearly preposterous charge that immediately rejects belief. If at all, it only emphasizes the falsity of the other declarations made by the accused-appellant and proves that he is not only a rapist but also a liar.

Defilers of women are an especially despicable ilk of evil men, and more so those who would inflict their lasciviousness upon innocent and defenseless children. They are filthier than the slime where they belong. Whatever punishment is imposed on them can never expiate their loathsome offense, for which forgiveness itself, from a mortal court at least, would be a sin.

WHEREFORE, the appealed decision sentencing the accused-appellant to reclusion perpetua is AFFIRMED in toto except that the moral damages are increased to P30,000.00. It is so ordered.

Narvasa, (Chairman), Gancayco, Griño-Aquino, and Medialdea, JJ., concur.

[1] Trial Court's Decision penned by Judge Sofronio G. Sayo.

[2] Rollo, pp. 16-17.

[3] Id., pp. 17-18; TSN, pp. 2-3.

[4] Yolando Olisco.

[5] Dr. Orlando V. Salvador.

[6] TSN, p. 49.

[7] Ibid., p. 46.

[8] Id., pp. 41-42; Exh. "D" for the Prosecution.

[9] Id., pp. 34-36.

[10] Id., pp. 63-64; 73-74.

[11] Id., pp. 34; 64; 74.

[12] Antonia Alota.

[13] TSN, p. 81.

[14] Exh. "A-1."

[15] Trial Court's Decision, p. 9 (Rollo, p. 24); TSN, pp. 37, 68-69; 76.

[16] TSN, pp. 67-68; 79.

[17] Exh. "I."

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