

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ELEANOR DEJUCOS, ACCUSED-APPELLANT.

G.R. No. 73326. December 14, 1987

Ponente: NARVASA, J.

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NARVASA, J.:

On January 11, 1985, Eleanor Dejucos, a farmer, was convicted by the Regional Trial Court of Masbate¹ of the crime of rape committed against his mother-in-law, Elena Rejuso, and was sentenced "to DEATH penalty, to pay the offended party P20,000.00 as moral damages without subsidiary imprisonment in case of insolvency, together with all the accessory penalties provided for by law, and to pay the costs." The Court found that the prosecution had proven beyond reasonable doubt the veracity of the facts constituting the crime set out in the information, as well as those attendant upon its perpetration. These facts are succinctly narrated in the People's brief, viz:

"On November 15, 1983, Elena Rejuso, a simple provincial mother of thirteen children, was in the family farm preparing for the coming of the planting season. After having lunch, she went to lie down in her bedroom for a rest. Suddenly, her son-in-law, appellant Eleanor Dejucos, entered the room and approached her from behind. As she turned her head to see who came in, she saw appellant already naked from the waist down and holding a bolo. Appellant lost no time in revealing his evil desire. He immediately held the victim who began shouting for help and struggling to get free. In the process, the victim fell to the floor. Appellant put his knee on the pit of her stomach, forcibly pulled down her panties and then laid on top of her.

As he pinned the victim down, appellant hit and slapped her. Later, with the use of his hand, he inserted his private organ into the victim's organ. He tried to kiss her lips but she bit off part of his lips instead. She continued shouting for help while trying to get free. Appellant then placed the bolo against the victim's neck to stop her from struggling and calling out for help (pp. 17-23, tsn, Oct. 3, 1984).

Fortunately, her shouts were heard some 80 meters away by Uldarico Bajar who went to see why she was crying for help. As Bajar reached the victim's house, he called out to her, asking what was happening. Suddenly, he saw appellant jump out from the window, naked from his waist down, carrying a pair of short pants and a bolo. Appellant ran towards the cassava plantation. At this point, the victim, who sustained bruises and contusions, ran to Uldarico Bajar asking for his help. She, however, fainted and was brought to a tenant's house. Bajar went to inform the victim's husband and the authorities of the incident (pp. 13-15, tsn-Diano, Oct. 3, 1984). Appellant fled to Sitio Sug-Ong. It took the authorities six months to effect his arrest and bring him before the court (p. 23, tsn, Oct. 3, 1984)."

In the instant proceedings for the automatic review of his death sentence, Dejucos's counsel de oficio prays that this Court overturn the verdict because –

- 1) it is based on "conjectures and unfounded conclusions not borne by evidence sufficient to prove his guilt beyond reasonable doubt"; and
- 2) it was rendered in reliance "more on the weakness of the defense evidence, rather than on the strength of the prosecution evidence, which is lacking in this case."¹

Appellant argues that the Court a quo should have accepted his version of the occurrences, as "synthesized and summarized in the Decision appealed from,"² as follows:

"In exculpation, accused Eleanor Dejucos interposed the defense of denial. He denied having a bolo when he entered the room of Elena Rejuso and of having employed force, violence and intimidation in his sexual intercourse with the offended party, claiming that she consented thereto, being ** (his) former mistress.

Eleanor Dejucos testified that he went to the house of Elena Rejuso to drink water, and while drinking water inside the house, he saw the complainant, so he approached and kissed her but she did not say anything. He held her thigh but she did not likewise complain, then he laid on top of her but she did not make any noise. And considering that she was not then wearing her panty and her dress was already lifted upward, he had sexual intercourse with her for about 5 minutes. After their sexual intercourse, Uldarico Bajar arrived, so, he ran away because Elena Rejuso shouted, saying: 'Uldarico, help me.' Uldarico Bajar saw him wearing his short pants after their sexual intercourse. Eleanor said that Elena Rejuso sustained injuries because she stumbled down twice on the trail when she fainted; and that she filed this case because they were seen by Uldarico Bajar, and she is apprehensive that her husband might know what they have done. It took the peace officers 6 months before Eleanor Dejucos was arrested because he remained hiding at sitio Sug-ong, San Jacinto, Masbate. (pp. 3-4, Annex 'A')."

A review of the record impels rejection of the appellant's claim that his conviction was grounded on "conjectures and unfounded conclusions." The truth is that the Trial Court's conclusions were founded on the direct, positive assertions made by the offended party on the witness stand as regards the material occurrences, as well as the corroborative testimony of an impartial witness who admittedly was in the vicinity at the time, and of the physician who examined the victim on the day following her harrowing experience.

The victim, Elena Rejuso, emphatically declared that she had indeed been raped by her son-in-law, and narrated the events of which the brutal, brutish offense was comprised. She denied as emphatically that she had ever been the mistress of the appellant, whose wife was her own daughter.¹ The trial Court's assessment of her testimony bears stressing:

"The Court observed that the narration of the complainant on how she was raped was clear, concise and categorical. Her testimony flowed out in simple terms. It carries the impeccable imprimatur of sincerity and veracity. It cannot be believed that Elena Rejuso, a married woman, being the wife of Assistant Municipal Treasurer of Monreal, Masbate, could have fabricated facts which would seriously dishonor her and much less discuss them at a public trial, thus, giving rise to gossip and slander. As a provincial woman, and reared in provincial ways, she impressed the Court that she is unsophisticated and a modest woman. She has not been shown to be a woman of loose morals nor of an adulterous inclination. The fact is that her chastity has never been questioned. Thus, it is hard to believe that Elena Rejuso would expose herself publicly and in Court, airing acts constituting rape, unless she is urged by the impelling force of sincerity and the honest purpose of obtaining redress for her grievance. Indeed, her story that she was criminally abused in her house is not improbable as the place of the commission of the crime is isolated. It is located in the farm at sitio Calapi, Monreal, Masbate and during the incident, the victim was alone in her room, resting."²

Substantial corroboration of Elena's declarations was furnished by Uldarico Bajar, who has not been shown to be other than a disinterested witness. He confirmed that Elena had in fact been shouting for help on that day. He had heard her outcries, had gone to her house and once there, had called out to her, asking what was wrong. He also confirmed Elena's statement -- having himself seen the event -- that when he called out to Elena, the appellant had really jumped out of the window of Elena's house, naked from the waist down.³ He further verified Elena's declaration of injuries inflicted on her by Eleanor Dejucos; according to him, when the victim ran to him, he noticed that "her face suffered bruises and contusions and that the shoulder of her dress was torn out."¹

Confirmation of Elena's account of Eleanor's assault on her also came from Dr. Rosario P. Mores. The latter deposed that she had found no less than twelve (12) injuries on Elena's person which could have been caused by blows, this finding being consistent with Elena's statement to her that she had been raped by the appellant and that, in the process, the latter had slapped her and wrestled with her.²

An additional indication of the appellant's guilt is his unexplained flight from his home and having gone into hiding after his mother-in-law had reported the offense to the police. No less than six months elapsed before he could be apprehended to face criminal prosecution.³ This abrupt abscondence, which is uncontroverted, gives the lie to his protestations of innocence. If he and his mother-in-law were indeed lovers, as he claims, there would have been no need for him to jump out of the window without putting his pants on, even after they had become aware of Uldarico Bajar's presence. Uldarico was after all calling from outside the house. He could simply have dressed himself and gone out to talk to Uldarico. There would have been no necessity for Elena to denounce the appellant for rape since Uldarico had not seen anything anyway, and there could of course be nothing remarkable about the appellant's being in the house of his mother-in-law. Had they really been lovers, they could both have very easily dissembled and pretended that nothing out of the ordinary was taking place or had happened between them. So, too, there was also no necessity for the appellant to stay away from his home for months. His flight under the circumstances could not but signify an awareness of guilt on his part and a consciousness that he had no defense to the accusation of rape.⁴

Appellant sought to substantiate his claim that Elena had concocted the charge of rape to save herself from the ire of her husband and public embarrassment that would result from the discovery of their illicit relationship, by adverting to her supposed omission to inform Uldarico Bajar of the rape and explain where she got her wounds.⁵ In the first place, there had been no discovery of the claimed relationship; as above pointed out, Uldarico had not gone inside the house, but had called out from outside. In the second place, in referring to the record of the victim's testimony which allegedly demonstrates her failure to immediately inform Uldarico of the rape, the appellant omitted portions of that record which satisfactorily explain the omission. The omitted parts disclose that Elena swooned right after she had run to and reached Uldarico; that the latter had thereupon brought her to a tenant's house and then proceeded to the town to inform her husband of the incident; and that when he left her, Elena was still unconscious.⁶ She was thus in no condition to report or explain anything to anyone. This citation of testimony out of context denotes a paucity of exculpatory argument; it signifies a clutching at straws on the appellant's part, as it were.

Also indicative of a lack of valid argument against the People's case is the appellant's reference to the seeming paradox that Uldarico had heard Elena's outcry although he was about 80 meters away whereas a certain Tiya Elen, who was nearer the house, and of whom Uldarico had in fact inquired as to what was happening, had not heard anything. Appellant omits to mention that this Tiya Elen was in truth the victim herself, Elena Rejuso.¹

The foregoing considerations also demonstrate the untenability of the appellant's other contention that the Court a quo had relied more on the weakness of the defense evidence, rather than on the strength of that of the prosecution. The reality of the situation is that the State's proofs are of an affirmative, unequivocal, and convincing character, mutually corroborative, consistent. They inspire belief. Against them, the appellant has presented nothing but feeble denials and postulations of imagined or contrived inconsistencies in the testimony of the offended party. The Trial Court is shown by the record to have indeed placed reliance on the demonstrated and demonstrable strength of the prosecution's evidence; and properly spurned the palpably poor proofs adduced by the defense.

The appellant's conviction for the detestable crime of rape therefore rests on very firm evidentiary foundations. It will have to be sustained, except that the penalty will be reduced to reclusion perpetua, the penalty of death

having been abolished by the 1987 Constitution, and the award of damages to the offended party increased to P30,000.00 pursuant to established doctrine.

WHEREFORE, except for the modification set out in the immediately preceding paragraph, the judgment of the Trial Court is affirmed in toto.

Teehankee, C.J., Cruz, and Gancayco, JJ., concur.

Paras, J., designated a Special Member of the First Division.

1 In Criminal Case No. 4485, of Branch XLVI, Hon. Zosimo Z. Angeles, presiding

1 Rollo, pp. 37, 38

2 Rollo, p. 38: Appellant's Brief, p. 2

1 TSN, Oct. 26, 1984, p. 29

2 Rollo, p. 52

3 TSN, Oct. 3, 1984, pp. 13-14

1 TSN-Diano, Oct. 3, 1984, p. 15

2 TSN, Oct. 3, 1984, pp. 6-8, 6 and 11

3 TSN, Oct. 26, 1984, p. 23

4 Peo. v. Calubag, 141 SCRA 371

5 Appellant's Brief, p. 9

6 TSN-Diano, Oct. 3, 1984, pp. 15, 16, 19

1 TSN, Oct. 3, 1984, p. 18

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