

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ANECITO ESTEBAL Y LAPIDANTE, ACCUSED-APPELLANT.

G.R. No. 82768. May 05, 1989

Ponente: CORTES, J.

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CORTES, J.:

The instant case involves the sad tale of a young girl, just at the threshold of womanhood, deflowered and repeatedly abused by an older relative.

The case unfolded as follows.

By sheer chance, Thelma Legaspi discovered that her thirteen year old daughter Wilma's abdomen was suspiciously enlarging. When confronted, Wilma divulged that she had been raped by her uncle and neighbor, Anecito Estebal, the accused-appellant herein. When Wilma was examined by a physician, Mrs. Legaspi's suspicions were confirmed, as the examination showed that Wilma was by then six months pregnant.

A complaint for rape was filed against the accused before the Municipal Trial Court and a warrant of arrest was issued by the municipal judge. After preliminary investigation, the case was forwarded to the Provincial Fiscal and the accused was charged in the Regional Trial Court with the crime of rape under the following information:

* * *

That at about 12:00 o'clock highnoon sometimes (sic) in the month of January 1986 at Barangay Dalangin, Titay, Zamboanga del Sur, Philippines, and within the jurisdiction of this Honorable Court, the above named accused Anecito Estebal y Lapidante, with intent to have carnal knowledge of Wilma Legaspi, did, then and there wilfully, unlawfully and feloniously with use of force and intimidation, while armed with a sharp bolo forcibly pulled Wilma A. Legaspi into the hagonoy bushes and with the use of same bolo threatened to kill Wilma A. Legaspi if she will refuse to have sexual intercourse with him, and thereafter accused forcibly took off her skirt and panty, force (sic) her to lie down and have sexual intercourse with her against the will of the latter and thereafter threatened to kill her if she would report the incident to any person, her parents, or any authority.

* * *

[Rollo, p. 7.]

Upon arraignment, the accused pleaded not guilty. The case was tried and Wilma and her mother testified for the prosecution, while the accused was the sole witness for the defense. In essence, their respective testimonies were as follows:

1. Wilma Legaspi. The complainant testified that sometime in January 1986, when she was thirteen (13) years of age and a Grade VI student at the Dalangin Elementary School, on her way back to school after taking her lunch at home, the accused stopped her and pointed a bolo at her breast. He then dragged her to the hagonoy bushes and threatened to kill her if she resisted. He took off her panty and then his pants and thereafter laid on top of her and

forcibly had sexual intercourse with her. She felt pain in her private parts and noticed blood oozing therefrom. After performing the sexual act, the accused walked away. The complainant went home, but did not tell her parents or anybody else about the incident, for fear that the accused would make good the threat to kill her if she did. She testified that she was raped five (5) times by the accused, in the same manner, during the months of February and March, 1986. She said that her mother only came to know about what befell her when her pregnancy became apparent. The matter was reported to the barangay captain who caused the investigation of the case and the arrest of the accused. That the complainant was pregnant was confirmed when she was examined by a doctor. She later gave birth to a baby boy. [TSN, April 6, 1987, pp. 6-30.]

2. Thelma Legaspi. The complainant's mother testified that her daughter was born on August 20, 1972 and is the third among six (6) children. She described how she was surprised to discover in July 1986 that Wilma's abdomen had enlarged. Suspecting that Wilma was pregnant, she confronted the latter who told her how she was raped by Anecito Estebal. She and her husband brought Wilma to the barangay captain to enlist his assistance. The barangay captain caused the arrest of the accused and the investigation of the case by the police. When she and her husband brought Wilma to the doctor to be examined, they were told that Wilma was already six (6) months pregnant. She also said that Wilma gave birth to a baby boy named Jorge Legaspi, but who died during the pendency of the case after contracting an illness. [TSN, May 25, 1987, pp. 3-15.]

3. Anecito Estebal. The accused, who testified that he had known the complainant for a very long time since they were neighbors and he was a distant relative, said that sometime in January 1986, while he was helping the complainant with her assignment, she started caressing him and he responded by kissing her and touching her private parts. They then proceeded to do the sexual act in the hagonoy bushes. He said that he never forced Wilma into the sexual act as they subsequently had several more sexual encounters during the next few months. He estimated that they probably had sexual intercourse at least one hundred and fifty (150) times. He testified that they usually had sexual intercourse in the hagonoy bushes after lunch when he was on his way back to work and she was returning to school. [TSN, July 27, 1987, pp. 3-7.]

On the basis of these testimonies and the documentary evidence, the trial court found the accused guilty beyond reasonable doubt of having raped the complainant and sentenced him to suffer the penalty of reclusion perpetua and to pay her the amount of P20,000.00 as damages, and to pay the costs.

Pleading his innocence, the accused interposed the instant appeal, assigning the following errors:

I

THE TRIAL COURT ERRED IN GIVING CREDENCE TO THE TESTIMONY OF COMPLAINANT WELMA LEGASPI.

II

THE TRIAL COURT ERRED IN CONVICTING THE ACCUSED DESPITE THE FAILURE OF THE PROSECUTION TO PROVE HIS GUILT BEYOND REASONABLE DOUBT. [Rollo, p. 30.]

The assigned errors shall be discussed seriatim.

1. That accused-appellant had sexual intercourse with the complainant on the date subject of the information [TSN, July 27, 1987, p. 5] and on several other instances is admitted, as in fact the former even claimed in an obvious exaggeration of his sexual prowess that he and the complainant had sexual intercourse about one hundred and fifty (150) times [Ibid., p. 6.] The question that had to be resolved therefore was whether the intercourse was attended by force and intimidation. [See Art. 335, Revised Penal Code], as claimed by the complainant [TSN,

April 6, 1987, pp. 9-10] and alleged in the information.

As against the complainant's positive assertion that accused-appellant pointed a bolo at her chest and threatened to kill her [Ibid.] is the latter's denial thereof [TSN, July 27, 1987, p. 6] and his claim that she seduced him through caresses [Ibid., at p. 5.]

Thus, as in most rape cases, the primary issue is the credibility of the victim. The truism that the charge of rape is easy to fabricate, hard to prove and harder still to disprove [U.S v. Flores, 26 Phil. 262 (1913); People v. Barbo, G.R. No. L-30988, March 29, 1974, 56 SCRA 459; People v. Reyes, G.R. Nos. L-36874-76, September 30, 1974, 60 SCRA 126] finds an added significance in this case, as the only witness to the alleged rape is the complainant.

The trial court apparently found the complainant's version of the events worthy of belief. Thus, it said:

. . . [I]t will be inconsistent with human experience that a woman who is thirteen (13) years old and a virgin would initiate a desire for sex (sic) intercourse, since she is without experience and an innocent neophyte, unless she is a child prostitute or a corrupted child. If there were kisses and caress (sic) made by the complainant, Welma Legaspi when her assignment is being work (sic) on by the accused, which is interpreted by him in his fertile mind as lewd, to the mind of the court, this could be an expression of gratitude for being help for (sic) her assignment and for the love of an uncle, but nothing less, she being a very young virgin and at the flower of youth. . . .

* * *

[RTC Decision, p. 7; Rollo, p. 19.]

Moreover, the trial court was evidently impressed by the manner in which the complainant testified in court:

* * *

. . . The victim is very young and shy, and while testifying, she was in tears but she answers responsibly and testified strait (sic) forward in assertion. . . .

* * *

[RTC Decision, p. 6; Rollo, p. 18.]

The rule is that appellate courts will not disturb the trial court's findings as to the credibility of the witness, the latter court having heard the witness and having had the opportunity to observe closely her deportment and manner of testifying, unless the trial court had plainly overlooked facts of substance or value which, if considered, might affect the result of the case [People v. Espejo, G.R. No. L-27708, December 19, 1970, 36 SCRA 400; People v. Mercado, G.R. No. L-39511, April 28, 1980, 97 SCRA 232; People v. Macayan, G.R. Nos. 61572-73, December 21, 1983, 126 SCRA 323.] The Court finds no cogent reason to depart from the rule, there being no showing that material facts were overlooked by the trial court. To ascertain the credibility of the complainant's testimony and to ensure that there is no miscarriage of justice, the Court painstakingly went over the transcript of her testimony. After doing so, the Court is more than ever convinced that she had been truthful in her answers to the questions propounded to her. The answers were straightforward and coherent, further made believable by the complainant's display of youthful candor and naivete as exemplified by her innocently describing in detail the progression of the physiological reactions of accused-appellant's organ before and after the consummation of the intercourse and the difficulty he encountered in penetrating her private parts [TSN, April 6, 1987, pp. 11-13.]

Moreover, as oft-repeated by the Court in rape cases, it is difficult to believe that young unmarried women would tell a story of defloration, allow the examination of their private parts and thereafter permit themselves to be the subject of a public trial, if they were not motivated by an honest desire to seek justice [People v. Selfaison, G.R.

No. L-14732, January 28, 1961, 1 SCRA 235; People v. Gan, G.R. No. L-33446, August 18, 1972, 46 SCRA 667.]

2. Accused-appellant advances the view that his guilt for the crime charged had not been proved beyond reasonable doubt. The trial court thought otherwise. This Court, after reviewing the record, likewise finds that his guilt has been so proved.

The prosecution, through the testimony of the complainant as corroborated by that of her mother, and the documentary exhibits, had established to a moral certainty that the accused-appellant had succeeded in having carnal knowledge of her through force and intimidation. Pitted against this is the admission of the accused-appellant of carnal knowledge with the complainant, coupled with the incredible tale about the thirteen-year old complainant, his niece, acting like a tramp and seducing him, and the two of them habitually having sexual intercourse during her lunch break some one hundred and fifty (150) times in a span of a few months. That truth is often stranger than fiction may be a proven adage, but certainly there are limits to human credulity.

3. Considering that the Court in several recent decisions has increased the award of damages in rape cases to P30,000.00 [People v. Villanueva, G.R. No. 50299, June 20, 1988; People v. Viray, G.R. No. L-41085, August 8, 1988; People v. Paragoso, G.R. No. 50872, October 18, 1988], the trial court's award should be adjusted accordingly.

WHEREFORE, in view of the foregoing, the appealed decision rendered on January 14, 1988 is hereby AFFIRMED, with the modification that the damages awarded to Wilma Legaspi is increased to P30,000.00.

SO ORDERED.

Fernan, C.J., Gutierrez, Jr., Feliciano, and Bidin, JJ., concur.

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