

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RODOLFO VILLARUEL, ACCUSED-APPELLANT.*G.R. Nos. 110803-04. November 25, 1994*

Ponente: REGALADO, J.

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It was the cruel hand of fate, acting through the beast in man, that cut short the young lives of the siblings Adelina and Hayna Garcia, who were respectively thirteen and eleven years of age only. They were mercilessly strangled and found lifeless by their mother who, to add to her anguish and bitterness, would later learn that her daughters had been ravished as well. The evidence adduced pointed to accused-appellant Rodolfo Villaruel, maternal uncle of the ill-starred girls, as the depraved malefactor.

On August 6, 1991, the Office of the Provincial Prosecutor of Masbate indicted appellant in two separate informations, each charging the special complex crime of rape with homicide, before the Regional Trial Court, Branch 48, of Masbate, Masbate and docketed therein as Criminal Cases Nos. 6435 and 6436.[1] When arraigned with the assistance of counsel on January 1, 1992,[2] appellant entered a plea of not guilty. After a joint trial of the charges, on March 10, 1993 the court a quo[3] rendered judgment, to wit:

“Wherefore, the Court finds the accused, Rodolfo Villaruel, guilty beyond reasonable doubt of Two (2) special complex crimes of Rape with Homicide committed against the late Hayna Garcia and Adelina Garcia and hereby sentences said accused, Rodolfo Villaruel, to wit:

1. In Criminal Case No. 6435 to serve imprisonment of RECLUSION PERPETUA and to pay the heirs of the late Adelina Garcia in the amount of Fifty Thousand (P50,000.00) Pesos without subsidiary imprisonment in case of insolvency.
2. In Criminal Case No. 6436 to serve imprisonment of RECLUSION PERPETUA and to pay the heirs of the late Hayna Garcia the amount of Fifty Thousand (P50,000.00) Pesos without subsidiary imprisonment in case of insolvency.”[4]

As established by the evidence for the prosecution, the unfortunate sisters, Adelina and Hayna Garcia, had left their home at Barangay Nanipsan in Mandaon, Masbate in the early morning of July 22, 1991 to gather edible seashells together with their cousins, Margielyn and Arobil Villaruel who were the daughters of appellant. It was about 7:00 A.M. when the foursome, who were neighbors as well, set out toward the fishpond of Fortunato de la Este for that purpose. Thirty minutes thereafter, appellant was seen passing along the same route traversed by the four girls.[5]

At around 10:00 A.M. of the same day, Rosaleo Cagado, who was helping his father tend to the fishpond of Fortunato de la Este, was in their house when he suddenly heard the loud shout of a child calling for “Mamang,” or mother. Cagado forthwith ran to the place where the shout had come from and was shocked to see a naked Rodolfo Villaruel, with a bolo stuck into the ground nearby, having sexual intercourse with Adelina Garcia who

was struggling. Hayna Garcia, Adelina's younger sister, was floating apparently lifeless on the shallow waters of the pond a few meters away from the two.[6]

Struck with fear by the appalling scene, Cagado ran home and there continued to nervously watch appellant's sexual assault on Adelina Garcia. Moments later, appellant stood up and proceeded to carry the now limp body of Adelina which he then dumped into the fishpond. Appellant did the same thing with Hayna's body, after which he proceeded to the nearby house of his brother, Lolito Villaruel. Meanwhile, Rosaleo Cagado, unnerved by the horrifying events, kept to himself inside their house and waited for the return of his parents.[7]

At about 1:00 P.M. of the same day, Adela Garcia came around looking for her daughters. Cagado finally gathered enough courage to inform her of the whereabouts of the girls but, as he was still gripped with fear, he only told her that they had drowned in the fishpond and did not divulge what he had earlier witnessed. Adela Garcia then sought the help of other residents of the barangay in bringing back the bodies of Adelina and Hayna to their house. Appellant himself grudgingly helped in carrying Hayna's corpse when forced to do so by the barangay captain, Manuel Mortel.[8]

In his defense, appellant denied having perpetrated the ghastly deeds and interposed the defense of alibi in explaining where he was at the time. He claimed that he stayed inside their house in Barangay Nanipsan the whole morning of July 22, 1991 as he had to repair their kitchen and cook for his family. Also, he had to attend to his children, Rodolfo, Jr., Ginalyn and Jennylyn, since his two other daughters, Margielyn and Arobil, were earlier fetched by the Garcia sisters to gather seashells in the fishpond of Fortunato de la Este. It was only at ten o'clock of the same morning that Margielyn and Arobil returned. To buttress appellant's defense, Margielyn Villaruel was presented in court and she testified in corroboration of her father's testimony.[9]

In his appeal brief, appellant claims and imputes error on the part of the trial court (1) when it gave undue weight to the unreliable and conflicting testimonies of the witnesses for the prosecution; (2) in not giving evidentiary value to the evidence presented by the defense; and (3) in convicting him of the crime charged in spite of the failure of the prosecution to establish his guilt beyond reasonable doubt.[10]

Verily, as the matter of appreciating evidence and assessing the credibility of witnesses is an undertaking that rests primarily with the trial court, its findings thereon are entitled to great respect and accorded the highest consideration by appellate courts in the absence of a clear showing that said court had ignored, overlooked, or failed to properly appreciate matters of substance or significance likely to affect the eventual outcome of the case.[11] As no such exceptive circumstance to the rule appears on the record or has been demonstrated by the defense, we affirm the findings and conclusions of the court below.

Appellant anchors much of his defense on the testimony of Margielyn Villaruel who corroborated his testimony about his whereabouts on that fateful morning. He argues that the declarations in court of his daughter should have been given greater weight than those of the prosecution witnesses since, apart from the well-accepted rule that relationship between an eyewitness for the defense and the accused is not necessarily corrosive of that eyewitness' testimony, she is a child of tender years, hence her testimony is less susceptible of fabrication.

We are not persuaded, and not only because of the intrinsic weakness of the shopworn defense of alibi. For, at least four of the prosecution witnesses, namely, Barangay Captain Manuel Mortel, Jerry Cortes, Felix Mitra, and Rosaleo Cagado, categorically proved the presence of appellant at the fishpond of Fortunato de la Este and at the nearby seashore on the morning of July 22, 1994.

Barangay Captain Manuel Mortel, himself a relative of Villaruel, narrated that he met and in fact chatted briefly with appellant at the seashore while the latter was tending to his banca with the help of his daughters, Margielyn

and Arobil, and the Garcia sisters. This was at around 7:30 A.M. when Mortel was on his way to the poblacion of Mandaon. Later, at 11:30 A.M. when he had come back from the town proper, Mortel again saw and had a brief conversation with appellant, this time while Villaruel was at the house of his brother, Lolito Villaruel. The four girls were not around by then.[12]

Jerry Cortes, also a relative of Villaruel being the latter's nephew, recalled that at 7:30 A.M. of that day, appellant walked past his house which is located near De la Este's fishpond. This was after the four girls had passed by at 7:00 A.M. Then, at 10:00 A.M., he and Felix Mitra, both of whom are longtime residents of the area, saw appellant at the fishpond of Fortunato de la Este acting in a puzzling manner. At a distance of about two hundred meters, they saw appellant carry, one after the other, a couple of girls whom he laid down at the dike.[13] In their joint affidavit which Mitra affirmed at the trial, he and Cortes stated that they thought that said girls were appellant's own children.[14] The two then parted ways shortly thereafter.

Finally, there is Rosaleo Cagado. This nineteen year-old boy affirmed on the witness stand what was earlier narrated. He declared that at 10:00 A.M. of that day, he heard the shout of a child prompting him to run to where it came from. Cagado was categorical in stating before the court that he saw appellant having sexual intercourse with a struggling Adelina Garcia and that Hayna Garcia lay nearby motionless. He recalled that a bolo was embedded on the ground beside appellant. Fear then overcame him and he ran back to their house where, apparently still transfixed by the scene, he continued to watch appellant.[15] His testimony to the effect that appellant later placed the bodies of his victims one after the other in the fishpond jibes with the testimonies of Jerry Cortes and Felix Mitra.

The prosecution witnesses had known appellant very well even before the incident as they were residents of the same barangay in Mandaon. In fact, as aforementioned, eyewitnesses Manuel Mortel and Jerry Cortes are relatives of appellant. They could not, therefore, have been mistaken in their identification of appellant. Furthermore, while evidence as to the identity of the accused should be carefully analyzed, the Court has repeatedly ruled that where conditions of visibility are favorable and the witnesses do not appear to be biased against the accused, their assertion as to the identity of the accused should be accepted as worthy of credence.[16]

Appellant strongly assails Rosaleo Cagado's supposed unusual behavior in just watching appellant assault his victim instead of putting a stop to it or, at least, calling for help. He asserts that an eyewitness to a crime normally would have sought assistance. Also, he calls the attention of the Court to the failure of Rosaleo Cagado and Jerry Cortes to report at once to the authorities what they had witnessed.

While it may be true that Rosaleo Cagado acted in a rather odd manner, he could not be faulted for being indecisive. There is no standard rule by which witnesses to a crime may react thereto.[17] A perfectly composed individual may lose his aplomb in the face of a startling event such as the unexpected occurrence of a crime, or one may rise beyond the call of duty to assume a hero's role, and bring the criminal to an ignominious end. Others would fly into hysterics in the excitement and confusion that such an event engenders, or be stunned into inexplicable silence by its shocking suddenness, while still others may even be morbidly fascinated by the grisliness of it all.

Cagado's initial reluctance to immediately report the incident was justified under the circumstances. He had, after all, more than sufficient reason to act reluctantly for, as he explained, he honestly feared for his life. Also, the natural reticence of most people to get involved in a criminal case is of judicial notice. The fear of eyewitnesses to a crime, especially when townmates are involved in the commission thereof, is understandable for they may provoke retaliation from the accused. Thus, the delay, when adequately explained, would not impair the credibility of the witness nor would it render his testimony biased as to destroy its probative value.[18]

On the other hand, the delay on the part of Jerry Cortes and Felix Mitra is explained by the fact they thought the girls whom appellant carried were his children. Hence, it may never have crossed their minds at that point that appellant had done any harm to the two, although Cortes admitted in court that he and Mitra were baffled by appellant's acts. In any event, as soon as the pieces of the puzzle came together, Cortes immediately divulged to Barangay Captain Mortel and to the father of the victims what he and Mitra saw that morning. There was, therefore, nothing strange about the actuations of these eyewitnesses. On the contrary, what would be unnatural was for Cortes and Mitra to falsely impute the commission of a crime to a person who may not be responsible therefor^[19] or, in their case, without even any knowledge or suspicion that a crime had been committed.

Appellant likewise belabors what he believes are major inconsistencies in the testimonies of Cagado, Cortes and Mitra. He asserts that Cagado contradicted himself when he stated that he first informed the mother of the girls about the incident and, later on, he said that it was their father to whom he first reported the matter. Moreover, Cagado's assertions on whether the girls had their clothes on are, according to appellant, inconsistent with the testimonies of Cortes and Mitra.

Again, said contentions are futile. A reading of the transcripts reveals no inconsistency on the matter of Cagado's relaying of information about the fate of the victims. He clearly stated that he first told their mother about the whereabouts of the girls in the afternoon of July 22, 1991 at around 1:00 P.M. when Adela went around looking for them. As already stated, Cagado only told her that they had drowned as he still could not get a grip on himself. When he spoke to the father of the victims, it was on the following day and, better composed and bolder this time, it was then that for the first time he divulged what had transpired in the fishpond.

On the alleged inconsistencies of the prosecution witnesses on whether the girls had any garments when the crime was committed, considering that they saw the victims on different occasions, we hold that the same are trivialities on inconsequential details that neither affect the credibility of said witnesses as to the facts they declared nor impair their identification of the accused.^[20] On the contrary, such minor discrepancies are indicative of their truthfulness and of the fact that they had not been coached or rehearsed.^[21]

Appellant's shabby defense of denial and alibi does not deserve any consideration by the Court. The rule, which we have interminably reiterated is that for the defense of alibi to prosper, it is not enough to prove by clear and convincing proof that the accused was somewhere else when the crime was committed, but it must further be demonstrated that it was physically impossible for him to have been at the scene of the crime at the time of its commission.^[22] By his own admission, the house of appellant is only about a kilometer away from the fishpond where the gruesome incident took place,^[23] and thus can be reached on foot in just a few minutes.

The Court holds that appellant was correctly convicted by the trial court of two special complex crimes of rape with homicide. While there was no direct evidence showing the actual killing of Adelina Garcia, and of the rape and killing of Hayna Garcia, the surrounding circumstances as gleaned from the testimonies of the prosecution witnesses indubitably conduce and point to the perpetration of said offenses by appellant.

Circumstantial evidence is sufficient to convict if (a) there is more than one circumstance, (b) the facts from which the inferences are derived are proven, and (c) the combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.^[24] All the facts and circumstances involved in the crime are to be considered as a whole and once the circumstances proven have been shown to be consistent with each other or with one another as to lead to the reasonable hypothesis that the accused is guilty, his conviction thereof must be sustained.^[25] In the case at bar, the facts established by the direct and positive testimonies of the prosecution witnesses, with the other evidence on record, amply establish appellant's guilt with moral and legal certainty.

Firstly, appellant was seen by prosecution witnesses Manuel Mortel, Jerry Cortes and Rosaleo Cagado following

his two daughters and the victims at around 7:30 A.M. of that morning. Later, as already noted, Mortel had a brief talk with appellant while the latter was already with the four girls near the seashore. Secondly, Rosaleo Cagado testified to the fact of appellant's actual rape of Adelina Garcia, with the latter's sister, Hayna Garcia, lying nearby apparently already dead. Thirdly, Cagado's testimony that after appellant was through raping Adelina Garcia, he then dumped his victims in the fishpond one after the other, was corroborated by the other prosecution witnesses, Jerry Cortes and Felix Mitra.

Lastly, Dr. Luis Aguirre, Municipal Health Officer of Mandaon, Masbate testified that, indeed, the victims had been raped as shown by the number of perineal lacerations in their genital organs and the presence of spermatozoa therein, and that they had not drowned but were in fact strangled to death.[26] In sum, the prosecution has firmly established the guilt of appellant of the crimes charged on the basis of strong, clear, and convincing evidence. The constitutional presumption of innocence vouchsafed to appellant must consequently yield and he must now fully expiate for his unpardonable and horrendous crimes which, but for the constitutional prohibition at the time they were committed, would have warranted the capital punishment.

ACCORDINGLY, the judgment of the court a quo in Criminal Cases Nos. 6435 and 6436 is hereby AFFIRMED in all respects, with costs against accused-appellant Rodolfo Villaruel.

SO ORDERED.

Narvasa, C.J., (Chairman), Puno, and Mendoza, JJ., concur.

[1] Original Record, Criminal Case No. 6435, 1; Criminal Case No. 6436, 1.

[2] Ibid., Criminal Case No. 6435, 19.

[3] Judge Ricardo B. Butalid, presiding.

[4] Original Record, 359.

[5] TSN, April 27, 1992, 3-5; January 6, 1992, 5-6; January 7, 1992, 18-20.

[6] Ibid., December 12, 1991, 22-25.

[7] Ibid., 26-29.

[8] Id., December 13, 1991, 11-13; January 7, 1992, 25-26.

[9] Id., June 2, 1992, 9-11, 26-28; April 27, 1992, 9, 15, 23.

[10] Brief for the Accused-Appellant, 1; Rollo, 38.

[11] People vs. Anciano, et al., G.R. No. 88937, September 13, 1990, 189 SCRA 519; People vs. Yeban, et al., G.R. Nos. 90279-81, October 11, 1990, 190 SCRA 409.

[12] TSN, January 7, 1992, 18-21.

[13] Ibid., January 6, 1992, 2-10; January 7, 1992, 3-4.

[14] Original Record, Criminal Case No. 6435, 6; Exhibit B-2.

[15] TSN, January 12, 1991, 22-26.

[16] People vs. Alvarez, et al., G.R. No. 70446, January 31, 1989, 169 SCRA 730.

- [17] People vs. Biago, G.R. No. 54411, February 21, 1990, 182 SCRA 411.
- [18] People vs. Pugal, et al., G.R. No. 90637, October 29, 1992, 215 SCRA 247.
- [19] People vs. Pama, G.R. Nos. 90297-98, December 11, 1992, 216 SCRA 385.
- [20] People vs. Castillo, G.R. No. 32864, March 8, 1989, 171 SCRA 30.
- [21] People vs. Bustos, G.R. No. 35475, March 16, 1989, 171 SCRA 243.
- [22] People vs. Villanueva, et al., G.R. Nos. 97144-45, July 10, 1992, 211 SCRA 403; People vs. Pasiliao, et al., G.R. Nos. 98152-53, October 26, 1992, 215 SCRA 163.
- [23] TSN, June 2, 1992, 32.
- [24] Section 4, Rule 133, Rules of Court; People vs. Lapan, G.R. No. 88300, July 6, 1992, 211 SCRA 337.
- [25] People vs. Evardo, et al., G.R. No. 100724, December 1, 1992, 216 SCRA 159.
- [26] TSN, April 1, 1992, 6-15.

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