

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. FRANCISCO DACOBA, ACCUSED-APPELLANT.

G.R. Nos. 121995-96. April 20, 1998

Ponente: MELO, J.

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MELO, J.:

An accusation for rape can be made with facility; it is difficult to prove but more difficult for the person accused to disprove. The evidence for the prosecution must stand or fall on its own merits and cannot be allowed to draw strength from the weakness of the evidence for the defense.

These doctrines become material and pertinent in resolving the instant appeal from the October 27, 1994 Joint Decision of the Regional Trial Court of the Fourth Judicial Region (Mabuan, Quezon, Branch 64) in Criminal Cases No. 1408 and 1409, finding accused-appellant guilty of two counts of the crime of rape upon Jonalyn Andaya. Francisco Dacoba's conviction for said crime arose from two complaints both dated November 20, 1992, which charged him with raping his then 13-year old sister-in-law on November 7 and November 12, 1992.

Upon agreement of the prosecution and the defense, a joint trial on the merits ensued, following which, a judgment of conviction was rendered, disposing:

WHEREFORE, the Court finds the accused Francisco Dacoba guilty beyond reasonable doubt of having committed the crime of rape, defined and punished under Article 335 of the Revised Penal Code, upon the person of Jonalyn Andaya, on two (2) occasions, and therefore, sentences him to suffer the penalty of reclusion perpetua for each of the two (2) offenses and the disqualifications attached thereto under the law and to indemnify the offended party in the sum of P60,000.00 and to pay the costs.

SO ORDERED.

(pp. 31-32, Rollo.)

The trial court's statement of the background facts was quoted by the Office of Solicitor General, with the proper references to the transcript of stenographic notes supplied. The same being supported by the evidentiary facts, we likewise adopt, to wit:

Complainant Jonalyn Andaya recounted that she was living with her sister Ana and the latter's husband, accused Francisco Dacoba, at Barangay Sto. Angel, Mabuan, Quezon.

On November 7, 1992, while her sister Ana was in town to buy viand, the accused asked her to go with him to the mountain to gather firewood (tsn, March 2, 1993, p. 13). Upon reaching the mountain, the accused forced himself upon her and inserted his penis in her private parts and succeeded having carnal knowledge with the complainant.

On cross examination, complainant testified that prior to the act of rape, accused boxed her below the right armpit. (Ibid., p. 30)

The second occasion occurred on November 12, 1992. While complainant and accused were left in the house at Barangay Sto. Angel, Mauban, Quezon, accused pulled her in a room, undressed her and then placed himself on top of her and inserted his penis in her private part. Accused succeeded in undressing complainant by punching her below the ribs which rendered complainant weak and defenseless. (Ibid., pp. 14-15)

Thereafter, accused ordered the complainant to put on her clothes and not to tell anyone otherwise he would kill her. (Ibid.)

Complainant reported the incident to her aunt, Josie Andaya, after the second rape incident. (Ibid., pp. 15-16)

Prosecution witness Josie Andaya testified that on November 15, 1992, while she was in her store in the public market of Mauban, Quezon, Jonalyn came to her crying. When she asked the complainant what happened, the latter told her that accused raped her twice. (tsn, March 30, 1993, p. 40)

On the following day, November 16, 1992, she brought Jonalyn Andaya to the Mauban District Hospital at Barangay Polo, Mauban, Quezon, for physical examination where she was examined by Dr. Dante R. Diamante, Jr. Jonalyn Andaya related to Dr. Diamante that she was “pinagsamantalahan.” (tsn, June 23, 1993, p. 3)

After examination, Jonalyn and Josie Andaya proceeded to Barangay Lincutan, Mauban, Quezon, to see Jonalyn’s father, Jose Andaya. Josie Andaya told Jose Andaya the incident that befell her daughter. (tsn, March 30, 1993, pp. 40-41)

The following morning, November 17, 1992, Jonalyn Andaya, Jose Andaya and Josie Andaya went to the police headquarters and filed the complaints charging Francisco Dacoba of the crime of rape.

(Ibid., pp. 41-42)

In defense, accused-appellant pleads denial, insisting that he never committed the crime charged.

Ana Andaya-Dacoba, wife of accused-appellant and sister of complainant, tried to establish that on November 7, 1992, she was at home weaving hats, while her husband was making sticks for nipa shingles and complainant was attending to the couple’s 10-month old child. She then invited accused-appellant to go to the mountain to gather pili nuts but since complainant wanted to go with them, they all went to the mountain. She claimed that during such time, all of them were together and within sight of each other (tsn, September 1, 1993, pp. 6-8).

In further defense of her husband, Ana also claimed that on November 12, 1992, there was a flood and she and her husband, together with complainant, removed rice stalks under their house. After their chore, Ana said that she asked complainant to go to town to buy food for lunch but the latter refused because of the flood. This angered accused-appellant who told Ana to go instead and to pack complainant’s belongings and to send her back to their father (Ibid., pp. 13-14).

Continuing, Ana narrated that she and accused-appellant left the house, taking with them all of complainant’s belongings. Complainant was left behind because she refused to go back to her father. They delivered Jonalyn’s belongings to her father and asked the latter to fetch Jonalyn in their house in Sto. Angel (Ibid., pp. 14-19).

Ana further added that the reason for the filing of the rape cases against her husband was for the purpose of causing their separation because her family does not approve of accused-appellant. She also claimed that her family was demanding P50,000.00 from them (Ibid., pp. 24-25).

Accused-appellant echoed the testimony of his wife that they, with their child, as well as complainant, were at home on November 7, 1992, and that the four of them went to the mountain and gathered pili nuts for four hours (tsn, August 17, 1994, pp. 25-26).

Likewise, accused-appellant claimed that on November 12, 1992, he was in their house with his wife and complainant, and that he and his wife went to see his father-in-law, Jose Andaya, and gave him complainant's clothes and belongings indicating they would like to return complainant to her father's care (*Ibid.*, pp. 27-28).

In the instant appeal, accused-appellant raises the sole assigned error that the prosecution failed to prove his guilt beyond reasonable doubt.

We are not persuaded.

It is a well-settled doctrine that in a prosecution for rape, the complainant's credibility becomes the single most important issue. Thus, if her testimony meets the test of credibility, the accused may be convicted on the basis thereof (*People vs. Gagto*, 253 SCRA 455 [1996]).

The trial court was convinced that the testimony of the offended party was given with sincerity and candor as revealed by complainant's demeanor on the witness stand. Her testimony, as found below, unquestionably proves the act of rape on two occasions, when she candidly and spontaneously declared:

Q. You were shown your affidavit which has been marked as Exh. "C" and "C-1" for the prosecution. Do you remember having been asked this question: "T: Bakit ka nagsadya dito sa Tanggapan ng Pulisya dito sa Mauban, Quezon?" and you answered, "S: Dahil ako po ay maghahabla."

A. Yes, sir.

Q. Do you remember having been asked this question, "T: Sino naman ang iyong ihahabla?" and have given this answer, "S: Ang bayaw ko po na si Francisco Dacoba."

A. Yes, sir.

Q. Do you remember having been asked this question, "T: Bakit mo siya ihahabla?" and having given this answer, "S: Ako po ay kanyang ginahasa."

A. Yes, sir.

Q. Do you remember having been asked this question, "T: Ilang beses kang ginahasa ng iyong bayaw? and having given this answer. "S: Dalawang beses po ang una ay noong ika 7 ng Nobyembre 1992 humigit kumulang sa ika 8:00 ng umaga at ang ikalawa po ay noong ika 12 ng Nobyembre 1992 humigit kumulang po sa ika 4:00 ng hapon?"

ATTY. RIVERA:

I object on the line of questioning of the prosecutor. He is impeaching his own witness.

FISCAL ALPAJORA:

I am just rectifying from the record.

COURT:

Witness may answer.

WITNESS:

Yes, sir.

(Brief for the Appellee, pp. 18-20)

The defense suggests that the accusations of Jonalyn Andaya are mere concoctions purportedly to alienate her

sister, Ana, from accused-appellant or to extort P50,000.00 from him.

The argument is shallow.

Not a few accused in rape cases have attributed the charges brought against them to family feuds, resentment, or revenge. But such alleged motives have never swayed the Court from lending full credence to the testimony of a complainant who remained steadfast throughout her direct and cross-examination (*People vs. Saballe*, 236 SCRA 365 [1994]), especially a minor as in the case at bench.

It is quite unthinkable that complainant would file a charge as serious as rape against her own brother-in-law simply because her family does not approve of him as husband for her sister. Certainly, complainant, an unmarried teenage lass, would not subject and expose herself to the humiliation of a rape trial, with its attendant publicity and the morbid curiosity it will arouse merely to force her sister to separate from accused-appellant. Rather, only the compulsive motive to seek justice could be strong enough for complainant to implicate her own brother-in-law.

Time and again, this Court has taken judicial notice of the fact that it is highly inconceivable for a young barrio lass, inexperienced with the ways of the world, to fabricate a charge of defloration, undergo a medical examination of her private parts, subject herself to public trial, and tarnish her family's honor and reputation unless she was motivated by a potent desire to seek justice for the wrong committed against her (*People vs. Esguerra*, 256 SCRA 657 [1996]).

On this score, it is an accepted precept that testimony of rape victims who are young and immature deserve full credence (*People vs. Galimba*, 253 SCRA 722 [1996]). Further, findings of the trial court anent the credibility of witnesses are generally accorded the highest respect unless there appears in the record — and there is none in this case — some fact or circumstance of weight and influence which has been overlooked or the significance of which has been misinterpreted. (*People vs. Obzunar*, 265 SCRA 547 [1996]; *People vs. Lagrosa, Jr.*, 230 SCRA 298 [1994])

The fact that the victim was sexually assaulted is patently established by the medical certificate later confirmed on the witness stand, issued by Dr. Dante Diamante, Jr. who physically examined the victim. The medical certificate clearly states that the victim's vagina was lacerated and there was hematoma adjacent to urethral meatus which could only be caused by any hard object or any flesh part of the body which is hardened, like an erect penis.

Finally, all that accused-appellant could offer by way of defense are denial and alibi. Well-entrenched is the rule that alibi and denial are inherently weak and have always been viewed with disfavor by the courts due to the facility with which they can be concocted (*People vs. Danao*, 253 SCRA 146 [1996]). They warrant the least credibility or none at all (*People vs. Paragua*, 257 SCRA 118 [1996]) and cannot prevail over the positive identification of the accused by the prosecution witnesses (*People vs. Pano*, 257 SCRA 274 [1996]; *People vs. Panlilio*, 255 SCRA 503 [1996]).

We thus agree with the trial court that the evidence for the prosecution has established beyond reasonable doubt the guilt of accused-appellant for the crime charged.

WHEREFORE, the decision appealed from is hereby AFFIRMED in toto.

SO ORDERED.

Regalado, (Chairman), Puno, Mendoza, and Martinez, JJ., concur.

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