

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ARTHUR MENDOZA AND DAVE MENDOZA, ACCUSED-APPELLANTS.

G.R. Nos. 145339-42. November 26, 2002

Ponente: YNARES-SANTIAGO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-145339-42/>

YNARES-SANTIAGO, J.:

This is an appeal from the decision[1] of the Regional Trial Court of Lingayen, Pangasinan, Branch 39, in Criminal Cases Nos. L-5973, L-5974, L-5975, and L-5976, convicting Arthur Mendoza and his son, Dave Mendoza,[2] of two counts of rape, sentencing them to suffer the penalty of reclusion perpetua in each case, and to pay the private complainant, Sheryll Gonzalez, in each case the sums of P50,000.00 as moral damages and P50,000.00 as civil indemnity, and to pay the costs.

The information reads as follows:

That on or about the months of September and December, 1998, in Barangay Domalandan Center, municipality of Lingayen, province of Pangasinan, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping each other by means of force and intimidation, did then and there, willfully, unlawfully and feloniously have sexual intercourse with Sheryl Malicsi Gonzalez, a minor under twelve (12) years of age, to her damage and prejudice.

Contrary to Art.335 of the Revised Penal Code as amended by Republic Act 8353.[3]

Upon arraignment on July 7, 1999, accused-appellants pleaded not guilty.[4] Trial thereafter ensued.

The prosecution sought to establish the following facts: Private complainant Sheryll Gonzalez is the daughter of Lolita Biata Cruz[5] and Apolonio Gonzalez. Sheryll's father died when she was a little girl.[6] Subsequently, her mother married Abraham Biata Cruz,[7] brother of Rosario Mendoza, who is the wife of Arthur Mendoza. Arthur and Dave Mendoza, together with their other relatives including private complainant, all lived together in a compound in Domalandan Center, Lingayen, Pangasinan.[8]

Sheryll claimed that sometime in September 1998, while she was with her siblings in their small hut, and their mother and stepfather were away, Arthur Mendoza asked her to buy cigarettes at a nearby sari-sari store. When she returned and handed him the cigarettes, Arthur pulled her into his room, switched on the betamax machine and removed her short pants and panties, after which he took off his clothes. He made her lie on the bed, mashed her breast, inserted his finger into her vagina, and had sexual intercourse with her. After a while, Arthur ordered her to dress up and leave. He threatened to kill her family if she told her mother what happened.[9]

Sheryll alleged that Arthur raped her again in December 1998, using the same ruse he employed the first time. Her mother was in town working while her stepfather was in Baguio City. She was sent by Arthur to buy cigarettes and, as she was handing them to him, he pulled her to his room and closed the door of their house. Then, he switched on the betamax machine and removed Sheryll's short pants and panties while she was lying on the bed. He lay on top of her, mashed her breast, inserted his penis into her vagina and imitated the pornographic

film playing on the betamax. Sheryll felt pain in her private parts. After Arthur finished, he ordered her to dress up. Sheryll cried as soon as she got home. She did not report the incident to her mother because Arthur threatened to kill her and her family.[10]

Two days after Arthur raped Sheryll in September 1998, his son, Dave Mendoza, also raped her while she was at home with her siblings and her parents were away. Dave Mendoza sent Sheryll's sister, Amelita, and her brother, Anthony, away to buy bread. Sheryll stayed behind with her baby sister, Abegail. Dave entered the hut, took Abegail and put her down on the bed. Then, he ordered Sheryll to lie down on the bed and undressed her. He went on top of her and inserted his hand and his penis into her vagina while making thrusting motions. She pushed him but her efforts were futile.

Sheryll felt pain in her private parts. When he heard Sheryll's siblings coming, Dave immediately ordered her to dress up and get Abegail. Before leaving, Dave gave some bread to Amelita and Anthony. Sheryll sat on the bed and cried. She did not tell her mother because Dave threatened to kill her family.[11]

Dave Mendoza raped Sheryll again in December 1998, two days after Arthur Mendoza raped her. This time, the rape took place inside the toilet, which was located five meters from her hut. While Sheryll was inside the toilet, Dave entered and removed her short pants and panties. He undressed himself and made Sheryll lean on the wall. He inserted his penis into her vagina and made thrusting motions. She pushed him but he had her pinned against the wall. Moments later, Dave heard Sheryll's sister calling her because the baby was crying, so he ordered her to get dressed. She then ran home to feed the baby.[12]

On March 13, 1998, Sheryll's mother saw her crying. When she asked what was wrong, Sheryll revealed her ordeal. In the afternoon of the next day, March 14, 1998, Sheryll and her mother went to the Lingayen Police Station to report the matter to SPO1 Jessie Galvez, the duty officer that time.[13]

The medical examination, which was subsequently conducted on private complainant by Dr. Luisa Cayabyab of the Region I Medical Center in Dagupan City on March 17, 1999, yielded the following findings:

xxx xxx xxx

GO: No menarche yet, conscious, coherent, ambulatory;

HEENT: Pinkish, palpebral, conjunctivae;

Chest: Developed breast

Abdomen: Soft, non-tender

Genitalia: Hymen with healed superficial lacerations at 3, 5, 7 o'clock positions, vaginal introitus admits 1 finger, cervix closed, uterus small, adnexae free, no bleeding.

Request for Vaginal Smear for Presence of Spermatozoa:

Result— NEGATIVE.[14]

On the other hand, accused-appellant Arthur Mendoza claimed that the charges leveled against him by private complainant are nothing but a pack of lies, the truth of the matter being that she is a liar ("ubod ng sinungaling"). Moreover, he is not capable of the bestial deed imputed to him inasmuch as he is a family man with two daughters of his own.[15]

Arthur Mendoza further alleged that private complainant's parents merely fabricated the charges against him and his son, Dave Mendoza, because of a feud between their respective families over Abraham Biata Cruz's share in

the property inherited among the latter's siblings, including Rosario Mendoza, Arthur's wife. It was established that Rosario and Abraham Biata Cruz, along with their other siblings, inherited a 376 square meter property from their parents.[16] The property was subsequently partitioned among the seven siblings, each getting 56 square meters. Arthur Mendoza's wife, Rosario, bought her brother Rogel's share,[17] thereby increasing her lot area to 112 square meters. Apparently, Abraham Biata Cruz resented the fact that he was not around when the property was partitioned. Since then, whenever Abraham Biata Cruz had too much to drink, he would shout and curse Rosario's family, telling them to leave their property.[18]

The dispute was aggravated when accused-appellants' family finally filed a complaint[19] with the barangay captain of Domalandan Center on February 28, 1999 for grave threats. Abraham Biata Cruz charged the Mendozas of stealing gravel and bamboo from him and of throwing their garbage into his property and threatened to kill Arthur Mendoza. The feuding families' barangay conciliation meeting on March 21, 1999 ended in a shouting match. As Abraham Biata Cruz and his family were walking out of the barangay hall, his wife, Sheryll's mother, cursed and threatened accused-appellants' family, saying she will do something that will make them shed tears of blood and which they will never forget as long as they live.[20]

Arthur Mendoza also refuted Sheryll's statement that he asked her to buy for him cigarettes on the occasion of the alleged rapes, claiming that he quit smoking in 1995 following his doctor's advice because of high blood pressure.[21]

Accused-appellant Dave Mendoza, for his part, maintained that it was not possible for him to have raped Sheryll because he was suffering from nervous breakdown, a condition he has had since childhood, and was thus on constant medication. This subjected him to periodic loss of consciousness. He averred that a person with his illness is not ordinarily possessed with the strength to have sexual intercourse in a standing position, much less do it with force. He further testified that Sheryll's allegations were all fabricated and impelled by ill-motives arising from the land dispute between her stepfather, Abraham Biata Cruz, and his mother, Rosario Mendoza.[22]

On August 8, 2000, the trial court rendered the assailed judgment finding accused-appellants guilty beyond reasonable doubt of two counts of rape each, the dispositive portion of which reads:

WHEREFORE, in view of the foregoing, judgment is hereby rendered finding accused ARTHUR MENDOZA guilty beyond reasonable doubt of the crime of Rape in Criminal Case Nos. L-5974 and L-5976. Accordingly, he is hereby sentenced to suffer the penalty of RECLUSION PERPETUA in each case, and to pay the private complainant Sheryll Gonzales in each case, the sum of P 50,000.00 as moral damages and the sum of P 50,000.00 as civil indemnity and to pay the costs.

In Criminal Case Nos. L-5973 and L-5975, the Court finds the accused DAVE MENDOZA, guilty beyond reasonable doubt of the crime of Rape, and is hereby sentenced, in each case, to suffer the penalty of RECLUSION PERPETUA. Said accused is also ordered to pay the private complainant Sheryll Gonzales, in each case, the sum of P50,000.00 as moral damages and P50,000.00 as civil indemnity, and, to pay the costs.

SO ORDERED.[23]

Hence the present appeal, raising the following errors:

I

THE LOWER COURT GRAVELY ERRED IN COMPLETELY GIVING CREDENCE TO THE PROSECUTION WITNESS HER TESTIMONY BEING NOT ONLY PURE PREVARICATIONS BUT CONSISTENTLY SHOTFUL OF GLARING AND IRRECONCILABLE CONTRADICTIONS ON MATERIAL AND SUBSTANTIAL POINTS.

II

THE LOWER COURT GROSSLY ERRED IN CONVICTING FATHER AND SON ARTHUR AND DAVE MENDOZA OF HAVING RAPED SHERYLL GONZALEZ, THE TWO HAVING BEEN FALSELY ACCUSED OF COMMITTING AN OFFENSE THEY ARE BOTH INNOCENT OF.

III

THE LOWER COURT GRAVELY ERRED IN ORDERING ACCUSED-APPELLANTS TO PAY P50,000.00 MORAL DAMAGES AND P50,000.00 AS CIVIL INDEMNITY, IN EACH CASE, AND TO PAY THE COSTS.[24]

The appeal is meritorious.

It is the primordial duty of the prosecution to present its case with clarity and persuasion, so that conviction becomes the only logical and inevitable conclusion. What is required of it is to justify the conviction of the accused with moral certainty.[25]

In reviewing rape cases, we are guided with three settled principles, namely: (a) An accusation for rape can be made with facility; it is difficult to prove but more difficult for the person accused, though innocent, to disprove the same; (b) In view of the intrinsic nature of the crime of rape where only two persons are usually involved, the testimony of the complainant must be scrutinized with extreme caution; and (c) 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. By the very nature of the crime, judgments in rape cases turn on the credibility of the complainant as only the participants can testify as to its occurrence.[26]

The testimony of the complainant should not be received with precipitate credulity but with utmost caution. The test for determining the credibility of complainant's testimony is whether it is in conformity with common knowledge and consistent with the experience of mankind. Whatever is repugnant to these standards becomes incredible and lies outside of judicial cognizance.[27] The court a quo describes the testimony of the complainant as "firm and consistent, despite lengthy and grueling cross examination;"[28] hence, sufficient to convict the accused-appellants of rape.

We believe otherwise.

We are not unmindful of the general rule that the findings of the trial court regarding the credibility of witnesses are generally accorded great respect and even finality on appeal.[29] However, this principle does not preclude a reevaluation of the evidence to determine whether material facts or circumstances have been overlooked or misinterpreted by the trial court.[30] In the past, we have not hesitated to reverse judgments of conviction, where there were strong indications pointing to the possibility that the rape charge was false.[31]

After a thorough examination of complainant's testimony, we find that no conviction can arise from it on the following grounds:

First. Private complainant testified that about five days after she was raped by accused-appellant Dave Mendoza, she finally told her mother about her ordeal when the latter discovered her bloodied panties. According to her, they immediately went to the police the very next day to report the incident. When asked when this occurred, private complainant said it was in December 1998. The "Sinumpaang Salaysay"[32] that private complainant gave before SPO3 Jaime Bonuan at the Lingayen Police Station was executed on March 24, 1999, or three months subsequent to the alleged discovery of the rape sometime in December 1998. Even granting that what private complainant was referring to was the original complaint before SPO1 Jessie Galvez on March 14, 1999, said date

would still mean three months after, and not the very next day, as she categorically declared in court. This material point was not clarified during the hearing.

Second. Private complainant's mother, Lolita, went with her to the Lingayen Police Station on March 14, 1999 to file a complaint for rape. In said sworn statement before SPO1 Jessie Galvez, Lolita identified the perpetrator as Abraham Biata Cruz, her husband. One week later, or on March 21, 1999, Lolita went back to the police station to ask SPO1 Jessie Galvez to strike out the name of Abraham and replace it with the names of accused-appellants Arthur Mendoza and Dave Mendoza as the alleged rapists.[33] What is even more disconcerting is that Lolita went to the police station straight from the unsuccessful barangay conciliation meeting with accused-appellants' family.

The witness failed to explain this seeming anomaly during the trial. SPO1 Jessie Galvez categorically stated that Lolita went back to the police station on March 21, 1999, or one week after she initially filed the complaint and asked him to strike out the name of her husband as the accused and replace it with the names of accused-appellants.

Lolita, on the other hand, could only offer bare denials on the witness stand. SPO1 Jessie Galvez's testimony was corroborated by documentary evidence[34] showing that, indeed, the name Abraham Biata Cruz was stricken out and replaced by the names Arthur and Dave Mendoza written in the same hand with the same ballpen as in the original complaint.[35] As between these two witnesses, one of whom displayed patent animosity toward the accused-appellants and another who is apparently disinterested, we are inclined to believe the latter.

Third. Although it is settled that the accused may be convicted of rape simply on the basis of the complainant's testimony,[36] this however, holds true only if such testimony meets the test of credibility.[37] This requires that the testimony be straightforward, clear, positive and convincing. Although the trend in procedural law is to give wide latitude to the questioning of a child witness,[38] we must not lose track of the basic tenet that the truth must be ascertained.

Upon close scrutiny, private complainant's testimony seems to be perfunctory. We find that her narration seemed to come from memorization by rote, rather than genuine recollection. She cannot remember the exact dates of the incidents but she does remember that accused-appellant Dave Mendoza raped her exactly two days after accused-appellant Arthur Mendoza does. She also stated that when she was raped by accused-appellant Arthur Mendoza, the latter switched on the betamax and imitate the action of the couple shown in the pornographic film.[39] On the dates when accused-appellant Arthur Mendoza allegedly raped her, there was no electricity in Domalandan Center because of typhoon Gading, which hit Lingayen around September 18, 1998, a fact established during the trial. As an aftermath of said typhoon, Lingayen was without electrical power from September 18, 1998 up to January 1, 1999.[40]

Private complainant, however, stated that accused-appellant Arthur Mendoza was able to switch on the betamax despite the lack of electricity because he used the generator of his neighbor Marcelina Adonis. When this disinterested witness was presented in court, she categorically denied ever lending her generator to accused-appellant Arthur Mendoza or to any member of his family.[41] Her denial was not refuted by the defense.

Owing to the character of the crime of rape, the testimony of the victim is the focal point around which the charge naturally revolves. Therefore, the degree of reliability, consistency and adequacy of her testimony on material points — as well as the very manner in which she gives such testimony — can either sustain or negate conviction.[42]

Fourth. Sometime in March 1999, Lolita told two of her long-time customers, Nancy Arguiza and Josie Joguilon,

that she caught her husband, Abraham, in the act of molesting private complainant.[43] The categorical declaration of these two witnesses as to Lolita's stories against her husband was neither refuted nor clarified by the defense. Another witness, Arturo Catingil, a longtime neighbor and friend of the Biata Cruzes, corroborated the testimonies of Nancy Arguiza and Josie Joguilon by testifying that it is common knowledge in their neighborhood that Abraham molested private complainant.[44] In fact, upon learning that his wife filed a complaint against him for rape on March 14, 1999, Abraham dismantled his shanty and left. Nothing has been heard about him since.[45] When confronted, Lolita could only give evasive answers during the trial.

In a litany of cases, we have ruled that when there is no showing of any improper motive on the part of the victim to testify falsely against the accused or to falsely implicate the latter in the commission of the crime, the logical conclusion is that no such improper motive exists, and that the testimony is worthy of full faith and credence.[46] Further, we have reiterated time and time again that it is most unlikely for a young girl like complainant, or even her family, to impute the crime of rape to no less than relatives and to face social humiliation, if not to vindicate her honor.[47] However settled these principles, they do not apply to the case at bar for the reasons aforesated.

We are not unmindful of the general rule that the findings of the trial court regarding the credibility of witnesses are generally accorded great respect and even finality on appeal.[48] However, this principle does not preclude a reevaluation of the evidence to determine whether material facts or circumstances have been overlooked or misinterpreted by the trial court.[49] In the past we have not hesitated to reverse judgments of conviction, where there were strong indications pointing to the possibility that the rape charge was false.[50]

All told, we are not morally convinced that accused-appellants raped private complainant. The prosecution was not able to establish their guilt by proof beyond reasonable doubt, or that quantum of proof sufficient to produce a moral certainty that would convince and satisfy the conscience of those who are to act in judgment.[51]

WHEREFORE, in view of the foregoing, the decision of the Regional Trial Court of Lingayen, Pangasinan, Branch 39, in Criminal Cases Nos. L-5973, L-5974, L-5975 and L-5976, finding accused-appellants Arthur Mendoza and Dave Mendoza, guilty beyond reasonable doubt of two counts each of rape, is REVERSED and SET ASIDE. Accused-appellants are ACQUITTED of the charges of rape and are ordered RELEASED unless they are being detained for some other lawful cause.

SO ORDERED.

Vitug, (Acting Chairman), Carpio, and Azcuna, JJ., concur.

Davide, Jr., C.J., (Chairman), on official leave.

[1] Dated August 8, 2000; penned by Judge Emilio V. Angeles.

[2] Also referred to as Deb Mendoza in the Records.

[3] Record, pp. 1-4.

[4] Ibid., p. 82.

[5] Also referred to as Violeta Diata Cruz in the Records.

[6] TSN, September 29, 1999, p. 5.

[7] Also referred to as Abraham Diata Cruz in the Records.

[8] Record, p. 68.

- [9] TSN, September 29, 1999, pp. 10, 14-15.
- [10] Ibid., pp. 26-32.
- [11] Id., pp. 17, 19-24.
- [12] Id., pp. 33-38.
- [13] TSN, October 13, 1999, p. 8.
- [14] Records, Exhibit “B”, p. 17.
- [15] TSN, January 19, 2000, p. 4.
- [16] TSN, December 15, 1999, pp. 5-8.
- [17] Deed of Absolute Sale dated February 2, 1996, Exhibit “4”, Record, p. 146.
- [18] TSN, December 15, 1999, pp. 10-11.
- [19] Barangay Blotter, Exhibit “6”, Record, pp. 148-147.
- [20] TSN, December 15, 1999, pp. 12-14.
- [21] Ibid., at 6-7.
- [22] TSN, February 16, 2000, pp. 4-12.
- [23] Record, p. 48.
- [24] Ibid., p. 32.
- [25] Rules of Court, Rule 133, Section 2.
- [26] People v. De la Cruz, G.R. No. 137967, April 19, 2001.
- [27] Supra.
- [28] Record, p. 40.
- [29] People v. Plana, G.R. No. 128285, November 7, 2001; People v. Villanos, 337 SCRA 78 [2000]; People v. De Guzman, 333 SCRA 269 [2000]; People v. Palma, 308 SCRA 466 [1999].
- [30] People v. De la Cruz, G.R. No. 137967, April 19, 2001; People v. Domogoy, 305 SCRA 75 [1999].
- [31] Ibid.; People v. Medel, 286 SCRA 567 [1998].
- [32] Record, pp. 23-26.
- [33] TSN, October 14, 1999, pp. 10-21.
- [34] Police Blotter, Record, p. 112, Exhibit “2”.
- [35] TSN, October 13, 1999, pp. 9-16.
- [36] People v. Taño, 331 SCRA 449 [2000]; People v. Ambray, 303 SCRA 697 [1999].
- [37] Ibid.
- [38] People v. Daganio, G.R. No.137385, January 23, 2002.

[39] TSN, September 29, 1999, pp. 10-12.

[40] TSN, October 8, 1999, pp. 13-16.

[41] TSN, October 15, 1999, pp. 9, 15.

[42] *People v. Pajarillo*, G.R. No. 143755-58, February 20, 2002.

[43] TSN, October 27, 1999, pp. 12-24; October 29, 1999, pp. 9-15.

[44] TSN, October 25, 1999, pp. 10-12.

[45] *Ibid.*

[46] *People v. Sansaet*, G.R. No. 139330, February 6, 2002; *People v. Quezada*, G.R. No. 135557-58, January 30, 2002; *People v. Lanita*, G.R. No. 134101, September 5, 2001; *People v. Alay-ay*, G.R. No. 137199-230, August 23, 2001; *People v. Banela*, 301 SCRA 84 [1999].

[47] *People v. Libo-on*, G.R. No. 136737, May 23, 2001; *People v. Villadares*, G.R. No. 137649, March 8, 2001.

[48] *People v. Plana*, G.R. No. 128285, November 27, 2001; *People v. Villanos*, 337 SCRA 78 [2000]; *People v. De Guzman*, 333 SCRA 269 [2000]; *People v. Palma*, 308 SCRA 466 [1999].

[49] *People v. De la Cruz*, G.R. No. 137967, April 19, 2001; *People v. Domogoy*, 305 SCRA 75 [1999].

[50] *Ibid.*, *People v. Medel*, 286 SCRA 567 [1998].

[51] *People v. Villanueva*, G.R. No. 131773, February 13, 2002.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.