

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. GERARDO MOLAS Y CERDENA, ACCUSED-APPELLANT.

G.R. Nos. 88006-08. March 02, 1998

Ponente: ROMERO, J.

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ROMERO, J.:

The pervasiveness and escalating incidence of sexual crime in our society nowadays is a phenomenon that arouses the highest degree of revulsion in all but the most insensitive. What is even more disgusting is when the victim is a minor barely out of childhood and the offender is a virtual member of the family living under the same roof. For here there is rank betrayal of trust and confidence. Our numerous pronouncements denouncing what is now categorized as a “heinous crime” do not seem to have made an impact on those who give unfettered rein to their bestial instincts. The instant case eloquently shows that the possible dire consequences on their dastardly acts never cross the minds of those who are bent on violating the virginity and purity of young girls such as the accused-appellant.

Appellant Gerardo Molas y Cerdeña was charged with three (3) counts of rape before the Regional Trial Court, National Capital Judicial Region, Branch 93[1] in a complaint dated December 3, 1985 which reads as follows:

“I. Criminal Case No. Q-43220

The undersigned accuses GERARDO MOLAS Y CERDEÑA of the crime of RAPE, committed as follows:

That on or about the 12th day of July, 1985, in Quezon City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs and by means of force and intimidation, did, then and there, wilfully, unlawfully and feloniously, succeed in having carnal knowledge of the undersigned, below 12 years old, without her consent and against her will, to the damage and prejudice of the undersigned in such amount as may be awarded to her under the provisions of the Civil Code.

CONTRARY TO LAW.

Quezon City, Philippines, November 27, 1985.

II. Criminal Case No. Q-43221

The undersigned accuses GERARDO MOLAS Y CERDEÑA of the crime of RAPE, committed as follows:

That on or about the 19th day of July, 1985, in Quezon City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs and by means of force and intimidation, did, then and there, wilfully, unlawfully and feloniously, succeed in having carnal knowledge of the undersigned, below 12 years old, without her consent and against her will, to the damage and prejudice of the undersigned in such amount as may be awarded to her under the provisions of the Civil Code.

CONTRARY TO LAW.

Quezon City, Philippines, November 27, 1985.

III. Criminal Case No. Q-43222

The undersigned accuses GERARDO MOLAS Y CERDEÑA of the crime of RAPE, committed as follows:

That on or about the 22nd day of November, 1985, in Quezon City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs and by means of force and intimidation, did, then and there, wilfully, unlawfully and feloniously, succeed in having carnal knowledge of the undersigned, a minor below 12 years old, without her consent and against her will, to the damage and prejudice of the undersigned in such amount as may be awarded to her under the provisions of the Civil Code.

CONTRARY TO LAW.

Quezon City, Philippines, November 27, 1985.”

Upon arraignment, appellant entered a plea of not guilty, after which trial on the merits ensued.

The prosecution’s version of the commission of the crime, narrated through its witness, complainant Lealyne Simangan, reveals the following facts:

Complainant, born on July 5, 1978, was the daughter of the spouses Alejandro G. Simangan and Erlinda M. Simangan. The Simangans and the appellant, who is the half-brother of complainant’s mother, all resided under the same roof.

Upon attaining the age of seven (7) years, complainant was subjected to sexual abuse by the appellant who was her step uncle. The attack on her virtue started on July 12, 1985. On that day, while the complainant was alone watching television, the appellant suddenly emerged and started to make sexual advances on her. To consummate his bestial desire, the appellant undressed the complainant and succeeded in having his carnal desire sated.

Barely a week after the first incident or on July 19, 1985, appellant again molested the complainant. Under the same circumstances, he undressed the complainant and made her lie down on the floor and thereafter forcibly mounted her to satisfy his lust. As in the first incident, complainant did not reveal her traumatic ordeal to her parents for fear of being scolded.

Four months later or on November 22, 1985, appellant saw the complainant playing with her younger sister inside their house. Ostensibly, and as a means to fulfill his seemingly insatiable desire, he asked the complainant’s younger sister to run some errands. Convinced that the sister had left, appellant undressed the complainant and made her lie down. Thereafter, as in the first two instances, he mounted the complainant and was able to have coitus with her. Appellant, however, did not realize that the complainant’s sister witnessed the sexual congress and immediately narrated the incident to their mother.

In his defense, the appellant merely denied the accusations against him claiming that it was not possible for him to commit the crime, since his house was far from the complainant’s residence. Moreover, he insinuates that the injuries on the private parts of the complainant must have come about as a result of her falling from a stairway and hitting a hard object. Likewise, the appellant asserts that the filing of the complaints was due to ill-will by the complainant’s family against him.

After trial, the lower court rendered judgment[2] acquitting the appellant in Criminal Case No. Q-43220 and Q-43221 for insufficiency of evidence. However, it convicted the appellant in Criminal Case No. Q-43222, the dispositive portion of which reads as follows:

“WHEREFORE, the Court holds, that the prosecution has established the guilt of the accused beyond reasonable doubt in Criminal Case No. Q-43222 for RAPE, and therefore, sentences Gerardo Molas y Cerdeña, to Reclusion Perpetua, and to pay the costs.

He is likewise ordered to indemnify the offended girl in the sum of P30,000.00 without subsidiary imprisonment, in case of insolvency.

SO ORDERED.”

From the foregoing conviction, appellant is now before us insisting on his innocence. First, he harps on the failure of the trial court to consider Exhibit 1 and 1-A, a certification dated November 4, 1986 issued by one Dr. Romeo E. Ariola, attesting that the complainant was taken to V. Luna General Hospital on March 22, 1985 for treatment of her private parts resulting from her accidental fall from the stairs. Second, the rape charges against him were merely fabricated by the complainant’s family because of a previous misunderstanding.

The defense must fail as we are not impressed with appellant’s protestations.

It has always been our consistent ruling that when there are conflicting versions of the prosecution and the defense, the averments of the trial court are generally viewed as correct and entitled to great weight^[3] except when the trial court has overlooked certain facts which, if considered, could affect the result of the case.^[4] Appellant, however, has not presented any substantial argument, much less convincing material evidence, to buttress his defense which could have been overlooked by the trial court to justify a reversal of its conclusion.

Viewed in this light, the contention that the trial court did not consider Exhibits 1 and 1-A offered by the appellant is a misleading argument. A review of the record would reveal that the trial court did admit the said Exhibits in a ruling dated February 8, 1989.^[5]

Granting that Exhibits 1 and 1-A were indeed erroneously excluded by the trial court, the same were of little consequence for it is immaterial to the instant case. We note that the said Exhibits were certifications to the effect that the complainant was treated for injuries on her private parts resulting from an accident sometime in March 1985. However, the rape took place on November 22, 1985 or eight (8) months after the accident; therefore, the vaginal bleeding discovered when the medical examination was conducted on the complainant on November 23, 1985 could not have been the result of the supposed accident.

In fact, the medical report^[6] dated November 23, 1985, stated that the bleeding could have occurred only within the past 24 or 48 hours. This finding was supported by the testimony of the examining physician, Dr. Desiderio A. Moraleda.^[7] Evidently, appellant’s assertion that the vaginal bleeding was due to the complainant’s fall from the stairs, which happened eight (8) months prior to the commission of the crime, is utterly false.

In a desperate and futile attempt to escape liability, appellant claims that the complainant’s family merely concocted the rape charge against him.

The contention is far from persuasive. We have ruled that a young girl’s revelation that she has been raped, coupled with her voluntary submission to medical examination and willingness to undergo public trial where she could be compelled to give out the details of an assault on her dignity, cannot be so easily dismissed as mere concoction.^[8]

Considering the age of the complainant, who was seven years old when the crime was committed, it would be improbable for a girl of her age to fabricate a charge so humiliating to herself and her family had she not been truly subjected to the painful experience of sexual abuse.^[9]

In the case at bar, the complainant definitely does not have the gift of articulation and inventiveness; hence, it is not possible for her to have fabricated the charges against the appellant. Assuming that she was indeed tutored on what to say on the witness stand, it is worthy to note that when she testified, she was alone; hence, any traces of inconsistency would have easily been detected. More importantly, the complainant took the witness stand six

times to narrate her harrowing experience, and in all of those instances, she underwent intensive cross-examination from the defense[10]but her testimony never wavered nor faltered.

In other words, it is most improbable that a girl of tender years, innocent and guileless, would brazenly impute a crime so serious as rape to any man, if it were not true.[11] Certainly, complainant's testimony deserves utmost respect and credence.

In fine, there is not an iota of doubt in our mind that appellant is guilty of the crime charged, hence, we affirm his conviction. Inasmuch as banishment to Hades is not one of the penalties sanctioned by law, we shall just increase the indemnity from P30,000.00 to P50,000.00 consistent with prevailing jurisprudence.[12]

WHEREFORE, in view of the foregoing, the decision of the trial court dated February 20, 1989 in Criminal Case No. Q-43222 is hereby AFFIRMED, subject to the MODIFICATION that appellant indemnify the complainant in the amount of P50,000.00. Costs against appellant.

SO ORDERED.

Narvasa, CJ. (Chairman), Kapunan and Purisima, JJ., concur.

[1] Judge Jose C. De Guzman, presiding.

[2] Rollo, pp. 267-280.

[3] People v. Dinglasan, 267 SCRA 26 (1997); People v. Balamban, 264 SCRA 619 (1996); People v. Lazaro, 249 SCRA 234 (1995).

[4] People v. Samson, 244 SCRA 146 (1995).

[5] Original Record, p. 263.

[6] List of Exhibit, Exhibit "B."

[7] TSN, January 28, 1986, pp. 6-7.

[8] People v. Cabillan, 267 SCRA 258 (1997); People v. Gaban, 262 SCRA 593 (1996); People v. Derpo, 168 SCRA 447 (1988).

[9] People v. Vitor, 245 SCRA 392 (1995).

[10] TSN, January 29, 1986; TSN, February 3, 1986; TSN, February 11, 1986; TSN, March 10, 1986; TSN March 25, 1986 and TSN, April 7, 1986.

[11] People v. Sagarl, 267 SCRA 671 (1997).

[12] People v. Romua, G.R. No. 126175, May 29, 1997; People v. Malabago, G.R. No. 108693, April 18, 1997; People v. Galimba, 253 SCRA 722 (1996); People v. Dones, 254 SCRA 696 (1996); People v. Malunes, 247 SCRA 317 (1995); People v. Sabellina, 238 SCRA 492 (1994); People v. Joya, 227 SCRA 9 (1993).

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