

FIRST DIVISION

[G.R. No. 124393, January 31, 2002]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
RODOLFO SANCHEZ @ RUDY, ACCUSED-APPELLANT.**

DECISION

PARDO, J.:

The case is an appeal from the decision^[1] of the Regional Trial Court, xxx, Branch 45, xxx, finding accused Rodolfo Sanchez @ "Rudy" guilty beyond reasonable doubt of thirty-three (33) counts of rape and, in each case, sentencing him to *reclusion perpetua* and to indemnify the victim AAA in the sum of P50,000.00 as moral damages and to pay the costs.

On April 7, 1993, 2nd Assistant Provincial Prosecutor Jorito C. Peralta of xxx filed with the Regional Trial Court, xxx a manifestation^[2] adopting the criminal complaint^[3] filed by the victim, AAA, as basis of the prosecution for rape against accused Rodolfo Sanchez in Criminal Case No. U-8033.

The complaint reads:

"The undersigned, Miss AAA, 14 years old, single, 2nd year high school and a resident of Barangay xxx after having been duly sworn to in accordance with law, accuses Rodolfo Sanchez @ Rudy of the crime of "RAPE", committed as follows:

"That on or about 8:00 A.M. of February 6, 1993 and every Saturday thereafter the months of March, April, May, June, July, August, September and October 2, 1993 in Barangay Gueset Norte, municipality of xxx and within the preliminary jurisdiction of this Honorable Court, the above name-accused did then and there willfully, unlawfully and feloniously through the use of force and intimidation, succeeded in having sexual intercourse with the offended party AAA, an unmarried woman and against her will.

"Contrary to law.

"xxx, Philippines, 20 October 1993."

On June 21, 1994, 1st Assistant Provincial Prosecutor Laurencia N. Abelon of xxx filed with the Regional Trial Court, xxx thirty-two (32) other informations^[4] charging accused Rodolfo Sanchez with rape.^[5]

On August 29, 1994, the trial court arraigned accused Rodolfo Sanchez. He pleaded

not guilty.^[6] The cases were consolidated and tried jointly.

Complainant AAA is a stepdaughter of accused Rodolfo Sanchez @ "Rudy". Her mother, BBB, married the accused on August 24, 1988, two (2) years after the demise of AAA's natural father, Quirino Sanchez, a first cousin of Rudy Sanchez.^[7]

AAA testified that her mother was a fish vendor and went to market on Tuesdays, Thursdays and Saturdays. She left the house early in the morning. On February 6, 1993, a Saturday, accused Rudy, sitting on a bamboo bed, asked AAA to approach him and told her that he wanted to have sexual intercourse with her. She declined, and she went upstairs to change clothes. A few minutes later, when she was about to leave the house on her way to her aunt Paulina Collado, accused Rudy reiterated his desire for sexual intercourse. She again declined. Accused Rudy drew out a batangas knife, grabbed her and pulled her upstairs. With the knife still in his hand, he removed both their undergarments and succeeded in having carnal knowledge of AAA. After satisfying his lust, he threatened her that if she reported the incident to anyone, he would kill her and her mother. Frightened by his threats, she remained quiet and never told anyone about her harrowing experience.^[8]

On March 6, 1993, AAA's mother again left the house early in the morning to sell fish. Her nephews, aged 3 and 5, were outside playing. While she was cleaning upstairs, accused suddenly embraced AAA from behind. When AAA resisted, accused slapped and pushed her, removed both their undergarments, and forcibly inserted his penis into her vagina. After the act, he again threatened her that if she reported the rape to her mother, he would kill both of them.^[9]

On that same day, her mother arrived at around 12:30 in the afternoon. AAA told her about what accused had been done to her. Instead of taking side with her, her mother dismissed her and told her that may be she wanted it.^[10]

Accused's sexual assault on AAA became a ritual every Saturday morning thereafter until October 2, 1993. BBB, her mother, would leave the house between 7:00 and 7:30 in the morning while CCC (her stepbrother) and her two nephews would play outside. AAA would be washing the dishes, sweeping the floor or cleaning the house when accused would approach her and ask for sexual intercourse. AAA would refuse, but accused would have his way by dragging or pushing her upstairs. His lust satiated, he would order AAA to dress up and never to tell anyone about the incident. AAA, engulfed in fear, would go about her regular household chores.

On October 2, 1993, AAA finally had the courage to report her sexual ordeal to her aunt Paulina Collado, a sister of her biological father.^[11] On October 5, 1993, AAA, accompanied by her uncle Regalado Sanchez (cousin of accused) and aunt Paulina, reported the sexual assaults to the police station at xxx. The police invited^[12] accused to the station, who arrived with BBB. Upon seeing AAA, BBB slapped her and told her, "Vulva of your mother, you are [a] sex maniac (*malandi*)."^[13] After accused had been confronted with the charges, he ran away and the police failed to get him until after two (2) months.

AAA submitted herself to medical examination. Dr. Asuncion C. Tuvera prepared a report showing that AAA had "old hymenal lacerations at 3 o'clock and 9 o'clock

positions.”^[14]

The defense interposed was denial and *alibi* through the testimony of accused and his wife, Lilia. They both testified that accused was in Burgos, Ilocos Sur from January to April 1993 doing carpentry work. He went home only once for the town fiesta of San Manuel, Pangasinan on March 10, 1993.^[15] BBB first testified that accused was home on March 6, 1993, but later changed it to March 9, 1993.^[16]

After his work in Burgos, Ilocos Sur, accused was engaged as a carpenter by several other house owners near his place in San Manuel, Pangasinan. He claimed that he always left the house at 7:00 a. m. and arrived home at 6:00 p. m., including Saturdays.^[17]

On rebuttal, AAA asserted that accused was jobless from January to April 30, 1993. His subsequent jobs were in nearby places and it only took him a few minutes tricycle ride. He did not work during Saturdays. AAA maintained that accused raped her during the dates alleged in all the informations, thus:^[18]

Q: The accused maintain that he never raped you and that he never threatened you with a knife, what can you say to that?

A: It is not true, sir.

Q: So what is true then? (Place on record that the witness is now crying.)

A: Everytime he rape me, he threatened me with a knife, sir.

Court: Wait, place on record that the witness is now crying.

Q: In all the occasions, 33 or 34?

A: Yes, Your Honor.

Q: That was on February 6, 1993 to October 2, 1993?

A: Yes, Your Honor.

On December 8, 1995, the trial court promulgated a decision, the dispositive portion^[19] of which reads:

“WHEREFORE, the Court finds the accused RODOLFO SANCHEZ alias “Rudy” GUILTY beyond reasonable doubt of the crime of RAPE, on each of the thirty-three (33) criminal complaints filed against him, with the use of a deadly weapon and with abuse of confidence as generic aggravating circumstances but due to the suspension and/or prohibition of the imposition of death penalty under Section 19 (1), Article III of the Philippine Constitution, the crimes having been committed in 1993 which are prior to the effectivity of Republic Act No. 7659, hereby sentences him to suffer the penalty of RECLUSION PERPETUA, in each of the thirty-three (33) cases, with all the accessory penalties provided for by law; to pay the complainant AAA the amount of P50,000.00 in each case by way of moral damages; and, to pay the costs.

“In computing the penalty of Reclusion Perpetua, this Court makes reference to the Decision rendered by the Supreme Court in the case of

People vs. Lucas, G. R. Nos. 108172-73, May 25, 1994, providing a maximum penalty of forty (40) years, so that, the total imprisonment the accused shall suffer in these thirty-three (33) cases is ONE THOUSAND THREE HUNDRED TWENTY (1,320) YEARS and to pay the offended party moral damages in the amount of ONE MILLION SIX HUNDRED FIFTY THOUSAND PESOS (P1,650,000.00).

"It is said: 'Dura lex, sed lex.' Meaning, 'The law is harsh but it is the law.'

"SO ORDERED.

"Given at Urdaneta, Pangasinan, this 8th day of December, 1995.

"(Sgd.) JOVEN F.
COSTALES
"J u d g e"

Hence, this appeal.^[20]

In his brief, accused-appellant claimed that the trial court erred in finding him guilty beyond reasonable doubt of thirty-three (33) counts of rape; in relying on the testimony of the prosecution witnesses; in disregarding his defense of denial and *alibi*; in convicting him of qualified rape instead of simple rape; in appreciating the aggravating circumstance of abuse of confidence; in not applying the Indeterminate Sentence Law; and in awarding excessive civil damages.^[21]

We find the appeal without merit.

In reviewing rape cases, this Court is guided by the following principles: (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; (b) in view of the intrinsic nature of the crime of rape, where only two persons are usually involved, the testimony of the complainant is scrutinized with extreme caution; and (c) the evidence of the prosecution must stand or fall on its own merits and cannot be allowed to draw strength from the weakness of the defense.^[22]

We find that there is ample evidence to support the conviction. "In rape cases, the accused may be convicted solely on the testimony of the rape victim if her testimony is credible, natural, convincing, and consistent with human nature and the normal course of things. For, by its very nature, rape is committed with the least possibility of being seen by the public."^[23] Extreme caution is required in reviewing the prosecution's evidence, and at the core is the credibility of the victim/witness. In the case at bar, the trial court stated, thus:

"This court observes the demeanor of the offended party when she unhurled her emotional anguish and intense rage, that her testimony is candid, categorical, spontaneous, straightforward manner and bear the earmarks of truth. On the other hand, that of the accused is absurd, illogical and incredible. The complainant cried profusely many times when she testified in open court, her tears flowed and could melt one's heart if one is to imagine what she had experienced and undergone from

the hands of her own stepfather, who instead of being her defender and protector, became a sexual adder.

"In the case of People v. Joya, 227 SCRA 9, the Supreme Court said:

"The crying of the victim during her testimony is evidence of the credibility of the rape charge."^[24]

Time and again we have ruled that factual findings of the trial court are generally not disturbed on appeal unless substantial facts have been overlooked which, if considered, would materially affect the result of the case.^[25] We find no reason to depart from this rule. The victim's deportment during the trial, taken together with all the evidence on record, merits the badge of credibility. "It is improbable for a child of tender years and one not exposed to the ways of the world to impute a crime so serious as rape to any man, let alone her stepfather, if what she claimed was not true."^[26]

Accused-appellant imputes ill motive on complainant, claiming that the delay in filing the charges against him casts doubt on the veracity of the complaint. However, this Court has held that a delay in reporting an incident of rape does not create any doubt over the credibility of the complainant nor can it be taken against her.^[27] Accused-appellant is the stepfather and uncle of the victim. He exercised moral ascendancy over her. He also threatened her with a knife every time he molested her and told her not to tell anyone otherwise, he would kill her and her mother.^[28] It is not inconceivable that it took some time before she had the courage to expose his bestial acts.

The victim's deplorable situation was aggravated by the indifference of her own mother. After the second sexual assault, she sought refuge in her mother, but was told "Vulva of your mother, perhaps you like it also."^[29] Since then, she never talked to her mother about the other rape incidents.^[30]

Accused-appellant likewise tried to refute the rape charges by presenting pictures of the house^[31] and that, since the structure is such that there are no doors separating the different portions of the house, it would be impossible for the sexual assaults to go unnoticed. But lust is no respecter of time and place. "Rape has been committed and consummated in places where people congregate, like parks or school premises, and even in a house where there are other occupants."^[32]

The defense of denial and *alibi* has no leg to stand on. "No jurisprudence in criminal law is more settled than that alibi is the weakest of all defenses for it is easy to contrive and difficult to disprove, and for which reason it is generally rejected,"^[33] more so in this case where the testimonies of accused-appellant and his wife differ on material points. His wife testified in this wise:

Q: So, do we understand from you Madam Witness that in the month of May 1993 your husband Rodolfo Sanchez was jobless and there was no specific project or work he was engaged into?

A: None, sir.