

## THIRD DIVISION

[ G.R. Nos. 144495-96, March 12, 2002 ]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. LEONARDO S. PASCUAL, APPELLANT.**

### DECISION

**PANGANIBAN, J.:**

The testimony of a rape victim, if credible and convincing, may be the sole basis of a judgment of conviction. Furthermore, the *exact* date and time of the commission of the crime need not be alleged in the information.

### The Case

Leonardo S. Pascual appeals the Decision<sup>[1]</sup> of the Regional Trial Court (RTC) of Laoag City (Branch 16) dated June 30, 2000, in Criminal Cases Nos. 8384-16 and 8395-16, convicting him of two (2) counts of rape. The dispositive portion of the assailed judgment reads as follows:

"WHEREFORE, after meticulously weighing the evidence presented by the prosecution and the defense, the Court is morally convinced beyond reasonable doubt the accused Leonardo Pascual committed the crimes of rape as charged in the two Criminal Cases. He is hereby sentenced to each of the crimes committed the penalty of RECLUSION PERPETUA with all its accessory penalties; to pay the private complainant civil indemnity in the amount of FIFTY THOUSAND PESOS (P50,000.00) and moral damages in the amount of FIFTY THOUSAND PESOS (P50,000.00); and to pay costs."<sup>[2]</sup>

Two Complaints, both dated February 18, 1998,<sup>[3]</sup> charged appellant with rape, allegedly committed as follows:

Criminal Case No. 8384-16

"That sometime the month of August, 1997, in the City of Laoag, Philippines, and within the jurisdiction of the this Honorable Court, the herein accused by means of force and intimidation and with a knife, wilfully, unlawfully and feloniously have carnal knowledge of the herein complainant, against her will and in their own residence."<sup>[4]</sup>

Criminal Case No. 8385-16

"That sometime the month of June, 1997, in the City of Laoag, Philippines, and within the jurisdiction of this Honorable Court, the herein accused by means of force and intimidation and with a knife, wilfully,

unlawfully and feloniously have carnal knowledge of the herein complainant, against her will and in their own residence.”<sup>[5]</sup>

Assisted by his counsel, Atty. Felix Salvador, appellant pleaded not guilty to the rape charges during his arraignment on April 14, 1998.<sup>[6]</sup> After a joint trial of the cases, the court *a quo* rendered the assailed Decision.

### **The Facts**

#### **Version of the Prosecution**

The Office of the Solicitor General, in its Brief,<sup>[7]</sup> presents the prosecution’s version of the facts as follows:

“Virginia Pascual, fourteen (14) years old, single, student and presently under the custody of the Department of Social Welfare and Development (DSWD), testified that in June, 1997, she was living in their house with her brothers, sisters, her father and a cousin at Barangay 18, Laoag City. She is the seventh (7th) among nine (9) children, three (3) boys and six (6) girls. Four (4) of them are living with her in the family home: Lorna, seven (7) years old, Susan, nine (9) years old, Emy, twelve (12) years old, and Leonardo, Jr., seventeen (17) years old. Their mother was living in Hawaii with the other children. She would usually sleep with Lorna; while Susan, with Emy.

“Their father worked as a driver of a passenger jeepney plying the route from Laoag City to Vintar, Ilocos Norte and vice-versa. The passenger jeepney is owned by the barangay captain of Barangay No. 18, Laoag City, Onofre Gaspar whose wife is the cousin of her mother.

“One evening, in June, 1997, she was in her room at the second floor of their house with sister Lorna, doing her assignment on a table near the bed when her father came and told her to stop working on her assignment. He was holding a knife. He sent her sister Lorna to get a glass of water from the refrigerator at the ground floor.

“After Lorna had left, appellant covered Virginia’s mouth with a pillow and laid her down. She saw him tuck the knife on his waist. She was afraid and was not able to shout because her mouth was covered by a pillow. While she was lying down, her father removed her shorts and panty. He spread her legs apart, went on top of her and inserted his penis into her vagina (it was on record that tears were rolling down the cheeks of the witness). While the penis of his father was inside her vagina, she felt warm liquid. Thereafter, her father stayed on top of her for a while. He was still in that position when her sister Lorna holding a glass of water, entered the room. When her father noticed the presence of Lorna, he stood up and put on his pants. She felt pain in her vagina. He told her and Lorna, ‘If people will come to know about this matter, I will kill you.’

“Again, on the night of August 25, 1997, Virginia slept with her sisters: Emy, Susan and Lorna in the room of their father because her room with Lorna was occupied by the visitors of her cousin Ellaine Guerrero.

"She was awakened when her father entered the room where she was sleeping side by side with her sisters on the floor. He switched on the light and he laid beside Lorna. After a while he transferred Lorna and laid beside her (Virginia). He then removed his pants and proceeded to remove her shorts and panty. She was afraid and crying. Her sisters were not awakened. He went on top of her, inserted his penis into her vagina, and moved his buttocks up and down. After satisfying his lust, he stood up and put on his pants.

"Because of her experience, she lost her appetite. She could not eat for a long time. She could not concentrate on her studies. She left their house in January, 1998 and stayed in the house of her 'barkada' Rowena Balantac at Balatong, Laoag City. She revealed to Rowena Balantac what her father did to her on June, 1997 and in August, 1997. Rowena informed her that her father was looking for her and that she (Rowena) would be blamed if something would happen to her. Virginia told Rowena that she did not want to return home because her father would rape her again. Her aunt Lolita Gaspar learned from Rowena what happened to her. After returning to their house at Barangay 55, Bulangon, Laoag City, Virginia was asked by her aunt Lolita Gaspar if the information she got from Rowena was true. Virginia told her aunt it was true. Barangay Captain Onofre Gaspar, the husband of Lolita, also asked her if what his wife told him was true. Virginia told him it was true.

"Dr. Lorna Castillo, Medical Officer of the Governor Roque Ablan, Sr. Memorial Hospital, Laoag City, examined Virginia Pascual on February 2, 1998 and reduced her findings in writing. She found that the victim's hymen had old healed lacerations at 3:00 o'clock and 10 o'clock positions. A laceration is considered old when it happened ten (10) days or more before examination. The insertion of a penis into the victim's vagina in June, 1997 and August 1997 would be sufficient to cause the lacerations."<sup>[8]</sup> (Citations omitted)

### **Version of the Defense**

Appellant denies the charges and presents his version of the facts in his Brief,<sup>[9]</sup> as follows:

"In the months of the alleged commission of the subject incident, he was working as a driver plying the route of Laoag-Vintar and vice versa. He starts driving every 7:00 o'clock in the morning and usually stops at around 9:00 o'clock in the evening. During his trips, his daughter Virgie would ride along until she reaches Ilocos Norte National High School where she is a first year high school student. There was no day in June nor August that herein accused-appellant failed to ply his usual route.

"Being the eldest among his daughters, he expected herein private complainant to be the one responsible for doing the household chores such as cooking and taking care of her younger sisters. However, herein private complainant preferred to hang around with friends and go to other places instead of staying home and helping in the household

chores. Thus, the accused usually whipped her and bumped her head. This disciplinary method had been inflicted upon her since she was in Grade IV. Whenever he punished her, she would say, "Fuck your mother, I wish you would be dead".

"Jimmy Guerrero took the witness stand to corroborate the version of the accused.

"Jimmy is twenty nine (29) years old and the first cousin of Virgie, their respective mothers being sisters. He knows the accused Leonardo Pascual being the father of herein private complainant because they resided in the same house in June 1997 and even before he was fifteen (15) years old.

"They all resided in the same house where there are three (3) rooms upstairs and four (4) rooms downstairs. In June 1997, the accused was staying in one (1) room together with his three (3) daughters while herein private complainant stayed in a separate room.

"Jimmy surmises that the instant charged were hatched on account of the constant punishment imposed by the accused upon his children every time they committed mistakes."<sup>[10]</sup> (Citations omitted)

### **The Trial Court's Ruling**

The trial court explained its ruling as follows:

"The testimony of the private complainant was simple and forthright. She appeared very confident without any hesitation in declaring in court that she was raped by her father-accused on the two occasions alleged in the two criminal complaints, though she was aware that if convicted her father would be sentenced to death thru lethal injection. She must be telling the truth.

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"The defense tried to prove that the motive of the private complainant is to take revenge against the accused for all the maltreatment she received from her father. The court cannot believe that a daughter could prevaricate just to take revenge knowing that her accusations would certainly lead to the penalty of death to a father who reared her for 14 years. Again, the accusation must be true."<sup>[11]</sup>

Hence, this appeal.<sup>[12]</sup>

### **The Issue**

In his Brief, appellant submits the following assignment of errors for our consideration:

"I.

The trial court gravely erred in convicting the accused-appellant of the crimes charged despite the failure of the prosecution to prove his guilt beyond reasonable doubt.

“II.

Granting arguendo that accused is guilty of a crime, the court a quo erred in convicting him despite the failure of the prosecution to state the facts constituting the crime charged in the criminal complaint in violation of his constitutional right to be informed of the charges against him.”<sup>[13]</sup>

### **The Court’s Ruling**

The appeal has no merit.

### **Main Issue**

### **Sufficiency of Prosecution Evidence**

Challenging the sufficiency of the prosecution evidence, appellant avers that the non-presentation of the eyewitnesses who allegedly saw the rape incidents renders the testimony of the victim highly dubious. He argues that it is imperative for the prosecution to produce these eyewitnesses to corroborate the charges of private complainant and to establish his guilt beyond reasonable doubt. On this basis, he claims that the testimony of the complaining witness will not suffice to sustain a conviction.

We are not convinced. In a rape case, the prosecution is not bound to present witnesses other than the victim herself, as the accused may be convicted solely on her testimony, provided it is credible, natural, convincing and otherwise consistent with human nature and the course of things.<sup>[14]</sup> To be sure, corroborative testimony is not essential to warrant a conviction for rape.<sup>[15]</sup>

The long-standing rule is that when a victim of rape says she was violated, she says in effect all that is necessary to show that it was inflicted on her. So long as her testimony meets the test of credibility, the accused may be convicted on the sole basis thereof.<sup>[16]</sup>

In view of the intrinsic nature of the crime, oftentimes the only evidence that can be offered to prove the guilt of the perpetrator is the testimony of the offended party herself. Thus, her lone declaration of facts, if found credible, would be sufficient to sustain a conviction.<sup>[17]</sup>

In this regard, we may well point out the time-tested doctrine that a trial court’s assessment of the credibility of a witness is entitled to great weight. It may even be conclusive and binding if not tainted with arbitrariness or oversight of some fact or circumstance of weight and influence.<sup>[18]</sup> We have carefully perused the records of the case and found no such material fact or circumstance as would obscure, much less reverse, the factual findings of the trial court.

As correctly observed by the RTC, the testimony of the victim on the alleged rape