

EN BANC

[G.R. No. 135517, October 18, 2000]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
EMELITO BRONDIAL Y CULAWAY, ACCUSED-APPELLANT.**

DECISION

PER CURIAM:

For review before us is the decision^[1] of the Regional Trial Court, Branch 13, Ligao, Albay, finding accused-appellant Emelito Brondial y Culaway guilty beyond reasonable doubt of the crime of rape of his 12-year old daughter, Imelda Brondial, and sentencing him to suffer the penalty of death and to indemnify the victim in the amount of P50,000.00 and to pay the costs.

The information^[2] against accused-appellant alleged -

"That in the early morning of June 2, 1997, at Barangay Rawis, Municipality of Libon, Province of Albay, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design, and with grave abuse of his parental authority, did then and there wilfully, unlawfully and feloniously had sexual intercourse with his daughter, Imelda Brondial, a 12-year old girl, against her will and consent, to her damage and prejudice.

"ACTS CONTRARY TO LAW."

When arraigned, accused-appellant pleaded not guilty to the charge, whereupon trial commenced.

The prosecution presented evidence tending to establish the following facts:

Complainant Imelda Brondial, then 12 years old, is the second eldest daughter of accused-appellant Emelito Brondial y Culaway by his wife Beverly Brondial. The couple has five other children, namely, Teresa, Junior, Allan, Jayson, and Loney.^[3] On January 15, 1997, accused-appellant's wife, Beverly, went to Manila to work as a laundrywoman. The children were left to the care of accused-appellant, although at times they would stay with accused-appellant's brother, Abad Brondial, and the latter's family.^[4]

In the evening of June 2, 1997, Imelda and her siblings slept on the floor beside their father accused-appellant, in their house in Rawis, Libon, Albay. Imelda lay near the wall of the house. To her left was Junior, followed by Loney, Allan, Jayson, and Teresa, the eldest. Accused-appellant slept near the door. Imelda was awakened when accused-appellant removed her short pants and underwear and lay on top of her. Imelda felt some pain as accused-appellant inserted his penis into her vagina.

She shouted and cried but her siblings, who were awakened, could do nothing to stop their father in abusing her.^[5]

Early the following day, while accused-appellant was still asleep, Imelda and her younger sister Loney left their house and decided to go to the house of their uncle Abad (Abad Brondial) in Cabugao, Pantao, Libon, Albay. As they did not know the exact location of their uncle's house, they waited for students of the school in Pantao to be dismissed from class and walked with them to go to Cabugao. Imelda and Loney reached their uncle's house at about 3:00 p.m. Imelda related her ordeal to Abad and his wife, Conching, who lost no time in taking Imelda to the Philippine National Police Crime Laboratory at Camp General Simeon A. Ola in Legazpi City for medical examination.^[6]

On June 9, 1997 Imelda, assisted by her uncle Abad, filed a criminal complaint (Exh. A)^[7] for rape against accused-appellant before the 6th Municipal Circuit Trial Court of Polangui-Libon, Albay.

Dr. Lilli-Melrose Pantua Camara, a police senior inspector and a medico-legal officer, conducted the examination on Imelda and her report (Exh. C)^[8] yielded the following results:

"FINDINGS:

GENERAL AND EXTRAGENITAL

Fairly developed, fairly nourished and coherent female child subject. Breasts are underdeveloped, slightly protruding. Abdomen is flat and tight.

GENITAL

Pubic hair is absent. Labia majora are full, convex and slightly gaping, with pinkish labia minora presenting in between. On separating the same is observed an elastic, fleshly-type hymen with deep, healed laceration at 6 o'clock and shallow healed laceration at 3 o'clock. External vaginal orifice offers slight resistance to the introduction of the examining index finger. Vaginal canal is narrow with slightly shallow rugosities.

CONCLUSION:

There are no external signs of recent applications of any form of trauma.

Subject is in non-virgin [state] physically.

REMARKS:

Vaginal and peri-urethral smears are negative for gram-negative diplococci and spermatozoa."

Dr. Camara testified that the lacerations in the hymen could have been caused by a blunt object or a man's penis. Based on her impression of the hymenal lacerations, she estimated that sexual intercourse could have taken place about a week prior to Imelda's examination.^[9]

Accused-appellant testified in his own behalf. He admitted that he is the father of the complainant Imelda Brondial and that Abad Brondial is his brother. He said he

had nine children by his wife, but only six were living. Of the six, only Junior, Allan, and Jayson were living with him because Imelda and Loney were staying with his brother Abad, while Teresa was staying in Polangui. His wife Beverly had been staying in Manila since March 26, 1997, working as a laundrywoman.

Accused-appellant denied that he committed the crime and claimed that he was in his house in Rawis, Libon, Albay on June 2, 1997, the date of the commission of the crime. He averred that he could not have raped Imelda on the night of June 2, 1997 because Imelda was then in the custody of her uncle Abad in Cabugao, Pantao, Libon, Albay, about five kilometers away from where he was, the distance of which could be covered only by motorboat in about half an hour. According to accused-appellant, Imelda had been staying with Abad since she was four years old. Abad had agreed to spend for Imelda's schooling. Accused-appellant said that from the time Imelda was taken away from him by Abad, Imelda never visited him.^[10]

Accused-appellant declared that Abad was quite mischievous with women. He was once hit on the face by Melita Quideng, the reason he has a scar on his left cheek. He claimed that he and Abad had a misunderstanding over a two-hectare land in Rawis which their father owned. Abad allegedly sought to deprive accused-appellant of the produce despite the fact that it was accused-appellant and their father who cultivated the land. He surmised that Abad had instigated Imelda to file the case against him so that Abad could have the land and its produce.^[11]

On August 27, 1998, the trial court rendered a decision finding accused-appellant guilty of raping Imelda. The dispositive portion of its decision reads:^[12]

"WHEREFORE, in view of the foregoing consideration and finding the accused Emelito Brondial y Culaway guilty beyond any reasonable doubt of the crime of rape against his 12-year old daughter Imelda Brondial, [accused is sentenced] to suffer the penalty of DEATH and to indemnify the offended party the amount of P50,000.00, and to pay the cost.

"Pursuant to the constitutional provision for automatic review, the records of this case, together with all the exhibits and stenographic notes, are hereby ordered immediately elevated to the Supreme Court."

"SO ORDERED."

Accused-appellant seeks reversal of his conviction on the ground that his guilt was not proved beyond reasonable doubt.

In prosecutions for rape, this Court has been guided by the following principles in its review of trial court decisions: (1) 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; (2) in view of the nature of the crime of rape where only two persons are usually involved, the testimony of the complainant is scrutinized with extreme caution; and (3) the evidence for the prosecution stands or falls on its own merits and cannot be allowed to draw strength from the weakness of the defense.^[13]

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. In fact, the presence of an

eyewitness, other than the victim, could even raise serious doubts of its commission.^[14]

In this regard, our review of the evidence adduced by both parties confirms the finding of the trial court that accused-appellant is guilty of sexually abusing complainant Imelda. The trial court had the opportunity to observe complainant's demeanor, particularly her scorn and outrage against her own father, and it gave full credence to her testimony.^[15] The trial court's appreciation of the evidence will not be disturbed on appeal unless there is good reason for doing otherwise. Accused-appellant failed to adduce evidence that the trial court misappreciated the evidence.^[16] Imelda told the court in a categorical and straightforward manner how she was violated by her very own father, thus:

"PROSECUTOR:

Q You said you are only 12 years old?

A Yes, sir.

Q Now, while sleeping, was there any unusual incident that happened?

A Yes.

Q What was that unusual incident that happened?

A Papa undressed me.

Q As you said your father undressed you, what did he undress from you?

A My panty and short pants.

Q After your father removed your short pants and panty, what did your father do?

A He also undressed himself.

Q What did he undress himself?

A His pants and his brief.

Q After undressing, he removed his pants and brief, what did your father do?

A He [lay] on top of me.

Q And after lying on top of you, what did he do?

A He had sex with me.

Q What do you mean your father had sex with you?

COURT:

I think that is already understood.

PROSECUTOR:

Q Now, what did you feel when your father had sexual intercourse with you?

A Painful.

Q And when you felt pain, what did you do?
A I shouted.
Q After you shouted, what happened next?
A I cried.
Q Now, aside from shouting and crying, what did you do, if any?
A The following morning, I ran away.
Q Were you alone when you ran away?
A I was with Loney.
Q Is Loney a boy or a girl?
A A girl.

xxx xxx xxx xxx

Q After arriving, what did you do, if any?
A I told him what happened.
Q Exactly, what did you tell your Pay Abad?
A About my father [who] had sex with me.
Q What did your Pay Abad do when he received your information that you were sexually abused by your father?
A We went to Pantao.
Q Who was with you when you went to Pantao?
A May Consing and Pay Abad.
Q Why did you go to Pantao?
A To have me medically examined.
Q Were you medically examined in Pantao?
A There was no doctor there during that time.
Q And when you and your Pay Abad and May Consing found [out] that there was no doctor there, what did you do?
A We went to Libon.
Q Where in Libon?
A In Libon.
Q What was your purpose in going to Libon?
A In order to submit myself for examination.
Q Were you medically examined in