

SECOND DIVISION

[G.R. No. 123186, July 09, 1998]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ERIC MENDOZA AND ANGELITO BALAGTAS, ACCUSED, ERIC MENDOZA, ACCUSED-APPELLANT.

D E C I S I O N

PUNO, J.:

On May 18, 1995, the Regional Trial Court of Bulacan, 3rd Judicial Region, Branch 14, Malolos, found^[1] the two accused Eric Mendoza and Angelito Balagtas guilty beyond reasonable doubt of the special complex crime of robbery with rape in Criminal Case No. 1941-M-91. They were meted out a prison term of Reclusion Perpetua and ordered to indemnify the victim, Andrelita Sto. Domingo, the amount of P12,000 as actual damages and P100,000.00 as moral damages, plus costs. From this decision,^[2] only Eric Mendoza appealed.^[3] Mendoza was indicted under the following Information:^[4]

"The undersigned Assistant Provincial Prosecutor accuses Eric Mendoza and Angelito Balagtas of the crime of robbery with rape, penalized under the provisions of Art. 294, paragraph 2 of the Revised Penal Code, committed as follows:

"That on or about the 23rd day of August, 1991, in the municipality of Sta. Maria, province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with a knife, conspiring, confederating together and mutually helping each other, did then and there wilfully, unlawfully and feloniously, with intent of [sic] gain and by means of violence, threats and intimidation enter the house of one Andrelita Sto. Domingo and once inside, take, rob and carry away with them the following, to wit:

- "1. cash amounting to - - - -P 2,000.00
2. one (1) necklace - - - - - 2,000.00
3. one (1) set of earring - - - 2,000.00
4. one (1) ring - - - - - 1,500.00
5. one (1) wrist watch - - - - - 5,000.00

with the total value of P12,500.00, belonging to the said Andrelita Sto. Domingo, to the damage and prejudice of the latter in the total amount of P12,500.00 and that simultaneously or during the commission of robbery, the above named accused

Angelito Balagtas by means of violence, threats and intimidation have carnal knowledge of the said Andrelita Sto. Domingo against her will and by means of force.

"That in the commission of this crime the aggravating circumstances were present, to wit: (1) nocturnity, (2) superior strength and (3) with a [sic] use of a knife.

"Contrary to law."

At the trial, the prosecution presented private complainant Andrelita Sto. Domingo as its principal witness. She testified as follows:

In the evening of August 22, 1991, private complainant's husband went to San Jose del Monte, Bulacan to haul chicken. She retired to their bedroom. She was joined by her three (3) children, while their maid went down to the basement to sleep.^[5] The bedroom is on the elevated portion of their bungalow-type house in Tumana, Sta. Maria, Bulacan, while another room is located in the basement.^[6] The toilet and bath in the bedroom had a grill-less window with glass jalousies that open to the roof of the terrace.^[7] The lights in the bedroom and the bathroom were on^[8] at the time that she and her children fell asleep that evening.

Private complainant woke up when she felt her thighs being rubbed. Thereupon, she saw two (2) men in black jackets with their faces covered with handkerchiefs.^[9] She described one of them as medium built and the other as a small man. The medium-built man poked a 6-inch knife at her neck and ordered her to open the vault inside the room.^[10] The two men took the cash in the vault amounting to P2,000.00 and jewelry worth P12,000.00.^[11]

Upon orders of the medium-built man, the small man untied the curtain band and handed the same to him. While undoing the curtain, the handkerchief loosened, revealing the small man's face to be that of Eric Mendoza.^[12] Private complainant recognized him because he used to work in her uncle's steel factory in Tumana, Sta. Maria, Bulacan.^[13] After the medium-built man had tied her hands with the curtain band and gagged her with a torn t-shirt, the small man helped him carry private complainant to the bathroom. It was then that she noticed the missing jalousie blades on the window.^[14]

The medium-built man sent the small man out of the bathroom, through the window, to stand guard on the terrace roof.^[15] Alone with private complainant inside the bathroom, the medium-built man removed the handkerchief covering his face, raised her t-shirt and began sucking her breast. While keeping the knife pointed at her neck, he forcibly removed her jogging pants and underwear, laid her on the bathroom floor, and sexually abused her for about two minutes.^[16] In the meantime, private complainant could see the small man peeping through the window and watching her being raped.^[17]

After satisfying his lust, the medium-built man threatened to kill her and her family if she would tell anyone about what had happened. He went out through the bathroom window and joined the small man on the terrace roof.^[18]

In the early morning of August 23, 1991, private complainant's husband arrived and learned of the incident from her. At about 10:00 o'clock that morning, they reported the crime to Mr. Rico Jude Sto. Domingo, the Barangay Chairman of Tumana, Sta. Maria, Bulacan.^[19] On August 25, 1991, they also informed the Sta. Maria Police of the incident, but they deliberately left out the details regarding the rape to avoid public embarrassment.^[20]

They reconsidered later their decision to keep the rape a secret. On August 27, 1991, they went to the office of the National Bureau of Investigation (NBI) where private complainant was examined by Dr. Floresto Arizala, Jr., a medico-legal officer.^[21] On August 31, 1991, they returned to the Sta. Maria Police Station and reported the rape.^[22]

Other prosecution witnesses included Dr. Arisala, Jr., the NBI medico-legal officer; Mr. Rico Jude Sto. Domingo, the Barangay Chairman; and Mr. Rolando de Jesus, an uncle and neighbor of private complainant.

On the witness stand, Dr. Arisala, Jr. confirmed his signature on Living Case Report No. MG-91-863. He stated that there was no injury on private complainant's genital area. He made no conclusion, however, as to whether or not she was raped, since in cases like hers where the hymen has been thinned by several completed pregnancies, sexual intercourse no longer causes any injury or laceration to the hymen.^[23]

Mr. Rico Jude Sto. Domingo has known Mendoza for six (6) years. He testified that on August 23, 1991, private complainant and her husband went to his house to report the robbery and rape incident. He made the corresponding entry in the Barangay Blotter.^[24] On August 25, 1991, Mendoza's father presented his son to Mr. Sto. Domingo, who, thereupon, brought them to private complainant's house. There, a confrontation ensued. Mendoza eventually admitted to having pointed the private complainant's house to Balagtas as a possible object of robbery.^[25] He said that Balagtas was his uncle and identified him as the rapist.^[26] After the confession, Mr. Sto. Domingo turned Mendoza over to the Sta. Maria police before whom he revealed that Balagtas was from San Miguel, Bulacan. The Sta. Maria police coordinated with the San Miguel police to arrest Balagtas.

Mr. Rolando de Jesus testified that the house of private complainant, who happens to be his niece, is only one hundred (100) meters away from their house. Their houses are on the side of a private road. While negotiating this road on his car in the evening of August 20, 1991, at about 8:00 o'clock, Mr. de Jesus noticed two persons lingering at the back of private complainant's house. He recognized one of them to be Mendoza who was seemingly showing to his companion the location of the windows on the second floor of the house. Mendoza was specifically pointing at the window without iron grills above the terrace roof.^[27]

There were no other witnesses for the defense except the accused themselves both of whom put up similar claims of alibi.

Mendoza testified that he was in their house in Tumana, Sta. Maria, Bulacan with his

grandparents and cousins, Totoy, Rodel, Buboy and Ana in the early morning of August 23, 1991. He denied any confrontation with private complainant at her house where he allegedly confessed his complicity in the robbery incident. He claimed to have been brought by Mr. Sto. Domingo, the Barangay Chairman, to the municipal building in August, 1991 where he was detained in a cell, investigated and forced to admit his guilt after having been mauled for about fifteen (15) minutes.

Balagtas testified that in the early morning of August 23, 1991, he was in their house in Pinambaran, San Miguel, Bulacan.^[28] Less than a year after, he was brought to the municipal building of Sta. Maria where he was, like Mendoza, mauled and forced to make a confession.^[29] He also denied that Mendoza was his nephew.^[30]

The trial court paid no heed to the defenses of Mendoza and Balagtas. It gave full credence to the evidence of the prosecution which it found to have established their guilt beyond reasonable doubt. The trial court ruled, viz:

"In view of the foregoing evidence, the Court is morally convinced that the prosecution has established beyond reasonable doubt the guilt of the accused. Although Eric Mendoza did not participate in sexually abusing the victim, he and Angelito conspired and helped one another commit the crime of Robbery with Rape.

The crime having been committed before the enactment of R.A. 7659 restoring death penalty, the court can only impose the penalty of Reclusion Perpetua.

WHEREFORE, the Court finds the accused Eric Mendoza and Angelito Balagtas guilty beyond reasonable doubt of the crime of Robbery with Rape. The Court imposes upon the accused the penalty of Reclusion Perpetua.

To pay the offended party P12,000.00 actual damage and P100,000.00 moral damage with costs.

SO ORDERED."

The records show that only Mendoza filed a notice of appeal. As to Balagtas, therefore, the trial court judgment has become final and executory.

Mendoza assigns the following errors:

"I

"THE COURT A QUO ERRED IN FINDING THAT CONSPIRACY EXISTED IN THE COMMISSION OF THE CRIME OF ROBBERY WITH RAPE.

"II

"THE COURT A QUO ERRED IN FINDING THAT THE GUILT OF THE ACCUSED-APPELLANT ERIC MENDOZA HAS BEEN PROVEN BEYOND

REASONABLE DOUBT.

III

"THE COURT A QUO GRAVELY ERRED IN NOT APPRECIATING THE PRIVILEGED MITIGATING CIRCUMSTANCE OF MINORITY IN FAVOR OF THE ACCUSED-APPELLANT ERIC MENDOZA."^[31]

This Court affirms the conviction of Mendoza for the crime of robbery with rape.

First. We are in accord with the trial court's evidentiary findings, largely based on private complainant's testimony, that Mendoza participated as a principal in robbing her of the cash and jewelries in their house vault. She was a veracious witness whose testimony was forthright, consistent and credible. In a long line of cases, we have held that if the testimony of the rape victim is accurate and credible, a conviction for rape may issue upon the sole basis of the victim's testimony because no decent and sensible woman will publicly admit being a rape victim and thus run the risk of public contempt unless she is, in fact, a rape victim.^[32] In the instant case, private complainant's credibility can not be doubted, not only because her testimony is corroborated by other prosecution witnesses, but also because she had absolutely no motive to falsely implicate the accused.^[33] A married woman with a husband and three daughters would not publicly admit that she had been criminally abused unless that was the truth.

Significantly, too, the private complainant made her statements to the Barangay Chairman and the Sta. Maria Police immediately after the commission of the crime when she hardly had time or opportunity to fabricate a falsehood.

Nonetheless, Mendoza assails the testimonies of Rico Jude Sto. Domingo and Rolando de Jesus as biased because they are relatives of private complainant. But mere relationship to the victim is not a ground to exclude a witness or reject his testimony, absent a showing of evil motive on his part to testify falsely against the accused.^[34] The defense, in this case, made no such showing, hence, the testimonies of Sto. Domingo and de Jesus are worthy of full faith and credit.^[35] In fact, as relatives of the victim, they are naturally interested in implicating only the real culprits, for otherwise, the latter would thereby gain immunity.^[36] While revenge is a normal reaction in a person who has lost loved ones because of a crime, it does not follow that the revenge would be directed aimlessly so as to include innocent persons.^[37]

Second. We do not believe Mendoza's alibi. He insists that he was at home in the early morning of August 23, 1991 with his grandparents and four (4) cousins. The defense, however, failed to put them on the witness stand. Neither did they execute any statement under oath to substantiate Mendoza's alibi. At any rate, we have consistently ruled that where an accused's alibi can only be confirmed by his relatives, his denial of culpability deserves scant consideration, especially in the face of affirmative testimonies of credible prosecution witnesses as to his presence in the crime scene.^[38] For his alibi to be considered favorably, Mendoza must prove not only that he was somewhere else when the crime took place but also that it was physically impossible for him to have been at the scene of the crime when it was