

EN BANC

[G.R. Nos. 131867-68, July 31, 2002]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
LAUREANO SISTOSO Y DEFRANCO ALIAS "YAYAN," ACCUSED-
APPELLANT.**

DECISION

BELLOSILLO, J.:

LAUREANO SISTOSO y DEFRANCO alias Yayan was convicted by the trial court of qualified rape on two (2) counts, sentenced to death for each count and ordered to indemnify complaining witness Rosita Gomomit, his stepdaughter, P100,000.00 in damages. He now seeks a reversal of his conviction.

The first rape for which the accused Laureano Sistoso was charged happened, according to Rosita Gomomit, in the morning of 13 November 1995 in Cambailan, Catigbian, Bohol. It was the family's practice to have 12-year old Rosita stay away from school every Monday so that her mother, Aniceta Sistoso, could go to the market for their weekly provisions. On that particular Monday morning of 13 November, Rosita watched over her two (2) siblings, one of whom was three (3) years of age while the other was only a year old. Her stepfather Laureano Sistoso kept them company while Aniceta was away.

At around 9:00 o'clock that morning while Rosita was putting her siblings to sleep, Laureano suddenly approached her from behind and with a scythe on hand ordered her to take off her clothes. She pleaded to her stepfather to stop molesting her but he was pitiless. But her diminutive size could not deter Laureano from forcing himself on her. He succeeded in having sexual intercourse with Rosita with facility. After satiating his lust, he threatened to hurt her and her whole family if she reported the incident to anyone.

The following day Rosita secretly tried to leave for Tagbilaran City where her grandmother lived but her mother and Laureano learned of her plans and foiled her escape. She was promptly taken back home where Laureano repeatedly threatened her and told her not to squeal on him.

Sometime in January 1996 or almost a month after the incident Rosita summoned enough courage to confide to her mother. But Aniceta refused to believe her and sided instead with Laureano. With such indifference of her mother to her plight, Rosita kept her ordeal to herself.

The rape was repeated a few weeks later. One early Monday morning in February 1996 while Aniceta was out on her usual marketing chores, Laureano again sexually assaulted Rosita. Although she initially resisted her stepfather, the presence of his scythe cowed her into complete submission. She could only bemoan her misfortune.

[1]

There was relative calm after that incident in February until September 1996 when Laureano who was under the influence of alcohol again suddenly flared up, raged and chased everyone in the family with a slingshot. Perhaps realizing that what her daughter Rosita confided to her earlier was true, Aniceta finally accompanied her daughter to the municipal hospital for medical examination. There it was learned that Rosita already had an old hymenal laceration at 6:00 o'clock position.^[2] Mother and daughter then proceeded to the police station where Aniceta filed two (2) criminal complaints for rape against Laureano in behalf of her minor daughter Rosita. Pending preliminary investigation, Laureano was arrested and placed behind bars by the Catigbian police.

The two (2) criminal complaints for rape were jointly tried upon agreement of the prosecution and the defense.^[3]

The sight of Laureano in prison drew sympathy from Aniceta. She changed her mind. She recanted her testimony and filed an affidavit of desistance and denied the truth of her daughter's story thus absolving her husband Laureano from blame. She also caused an affidavit of desistance to be prepared for Rosita's signature but before Rosita could sign the affidavit, the Department of Social Welfare and Development intervened and took the child under its protective custody. Thereafter, Rosita was taken to Tagbilaran City to live with her maternal grandmother Consorcia Aniniput.

The distance between Catigbian where Aniceta lived and Tagbilaran City where Rosita was now living with her grandmother Consorcia did not deter Aniceta from hounding Rosita to withdraw the charges against Laureano. While Rosita was attending classes in school, Aniceta went to see her and threatened her with a bolo. But Rosita scampered to the principal's office for safety and Aniceta was arrested by the police for causing trouble in school.^[4] Weeks after her release, Aniceta again appeared with a letter written by Laureano to Rosita bragging that his uncle being the chief of police in Cagayan he was capable of decimating Rosita's entire family.^[5]

But Rosita could not be prevailed upon by her mother to desist from prosecuting Laureano nor was she terrified by his threats of physical harm to her and her family. She resolutely pursued the cases she filed against her stepfather Laureano and on the witness stand stood firm on her accusation that he robbed her of her chastity at an early age.

Laureano Sistrosa denied the accusations and swore that he never subjected his stepdaughter Rosita, whom he claimed he treated as his own daughter, to sexual abuse. According to him, the charges were nothing but the product of his wife's malicious imagination. He recounted that sometime in September 1996 he told his wife that he planned to work as a singer in Cebu. She disagreed and they fought hard over the issue. In fact, to show that he was serious about his plan, he packed his things and slept in a friend's house. But several days later, and even before he could leave for Cebu, he was arrested by the police.

He denied ever threatening Rosita. He explained that his letter to Rosita was not meant to frighten her. He theorized that Rosita pursued her complaints so that she could live with her grandmother in the big city.^[6]

Aniceta betrayed her daughter and supported Laureano's defense. Aniceta claimed that she hatched the plan to falsely accuse her husband to stop him from leaving.

She admitted having stooped so low when she subjected her daughter to the shame and scandal that went with the prosecution for rape purportedly to thwart her husband's dream of being a singer which she did not approve of. She even went to the extent of accusing her own mother Consorcia of sexually abusing Rosita by supposedly inserting her fingers in Rosita's vagina while the girl was asleep. This, according to Aniceta, could have caused the hymenal laceration in Rosita's vagina.
[7]

Quite incredibly, Aniceta led her daughter Rosario, Rosita's younger sister, to support her (Aniceta) explanation that Rosita's defloration was not caused by Laureano but by her own masturbation, supposedly witnessed twice by Rosario, and done even in her presence.^[8] Obviously, this is another version of Aniceta's fantastic story that the breaking of Rosita's hymen was caused by her own grandmother, Aniceta's mother, who supposedly inserted her two (2) fingers into Rosita's vagina!

We are far from persuaded by the version of the defense, just as accused-appellant failed to convince the trial court. On the basis of the evidence for the prosecution, the lower court found accused-appellant Laureano Sistoso guilty of two (2) counts of qualified rape, sentenced him to death and ordered him to indemnify his stepdaughter Rosita Gomomit with P100,000.00.^[9] The court a quo branded the testimony of accused-appellant as self-serving and rejected those offered by his wife and stepdaughter Rosario for being biased. In rejecting his bid for an acquittal, the trial court likewise took into consideration the pattern of harassment perpetrated by Laureano and his wife Aniceta upon the 12-year old complainant.

Forthwith, the cases were elevated to this Court for automatic review.

In this appeal, accused-appellant Laureano Sistoso argues that Rosita's accusations of rape should not be taken as conclusive in the face of the testimonies offered by her mother Aniceta and her sister Rosario. He also seeks refuge in his wife's desistance from pursuing the cases as well as her disclosure that it was her idea to falsely accuse him of rape.^[10]

Consistent with giving due deference to the observations of the trial court on the credibility of witnesses, we agree with the court a quo when it believed Rosita more than Aniceta and Rosario. Nothing is better settled in our jurisprudence than that the conclusions of the trial court with respect to the credibility of witnesses are generally not disturbed on appeal unless the court a quo is perceived to have overlooked, misunderstood or misinterpreted certain facts or circumstances of weight which if properly assessed would warrant a reversal of the questioned decision.^[11]

Certainly, Rosita's testimony is straightforward, categorical and convincing. When asked to recount her first harrowing experience in the hands of her stepfather, tears freely fell from her eyes.^[12] The young Rosita could not have given a more convincing reply than this simple display of unspoken anguish. It is indeed inconceivable that Rosita, a wisp of a lass when she took the witness stand, would reveal her family's shame to the small town where they lived, hale her stepfather to court and suffer her mother's wrath, if her accusations were not true. Truly, her tenacity in pursuing the cases was not done out of mere caprice or unfounded hatred against her stepfather but was impelled by her desire to speak the truth and seek justice for the grievous wrong done to her by her stepfather.