

SECOND DIVISION

[G.R. No. 137967, April 19, 2001]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. PEDRO DE LA CRUZ, ACCUSED-APPELLANT.

DECISION

MENDOZA, J.:

This is an appeal from the decision,^[1] dated January 26, 1999, of the Regional Trial Court, Branch 57, San Carlos City, Pangasinan, finding accused-appellant Pedro De la Cruz guilty of rape and sentencing him to suffer the penalty of *reclusion perpetua* and to pay the victim, Sinclair De Guzman, P50,000.00 as civil indemnity.

The information against accused-appellant alleged:

That on or about July 13, 1998, in the afternoon in Barangay Dumpay, municipality of Basista, province of Pangasinan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, by means of force or intimidation, did then and there, wilfully, unlawfully and feloniously have sexual intercourse with Sinclair C. de Guzman, a minor of 14 years old against her will and consent and to her damage and prejudice.^[2] The prosecution presented as its witnesses the victim, Sinclair De Guzman, her mother, Emelita De Guzman, her father, Pedro De Guzman, Dr. Casimiro Bacugan, Jr., SPO2 Rodrigo Seguin, and Dr. Policarpio Manuel, whose testimonies show the following:

Sinclair De Guzman is the seventh child of Emelita and Pedro De Guzman. Accused-appellant is a cousin of Pedro De Guzman, the latter's father being the brother of accused-appellant's mother.^[3] Emelita De Guzman worked as a basket weaver,^[4] while Pedro De Guzman was a driver of a freight truck making trips to any point in Luzon at least three times a week.^[5] Sinclair finished only the second grade of elementary school because of meningitis. When she testified on December 22, 1998, she was already 14 years old.

Sinclair testified that at around 3 o'clock in the afternoon of July 13, 1998, she had a stomach ache. For this reason, she went to the house of accused-appellant, whom she called *Tiyo Ado*, for some oil of wintergreen. She said that when she asked accused-appellant for the liniment, the latter told her to go upstairs where the bottle of oil of wintergreen was. According to Sinclair, she went downstairs after finding the bottle and then applied the liniment on her stomach. She said she bade accused-appellant good-bye, but he called her and told her to come near him. Sinclair claimed that when she got near accused-appellant, the latter grabbed her by the shoulders, forced her to lie down on a wooden bed, and removed her

trousers. He then proceeded to remove his own pants, went on top of her, and succeeded in having sexual intercourse with her. Sinclair said she told him to stop because she was getting hurt, but accused-appellant did not stop until he reached climax. Afterwards, he told her that he would give her money if she did not tell her parents what he had done to her. Sinclair said she stood up from the bed and walked home crying. When she reached home, she went upstairs to wipe her private parts and saw that it was bloodied.

Sinclair could not remember when for the first time she was raped by accused-appellant. Nor did she tell her parents about the first time she was raped by accused-appellant.^[6] However, because this had been the second time accused-appellant had raped her, she decided to tell her mother, Emelita De Guzman, about her misfortune. Together, they told Pedro De Guzman, Sinclair's father, what had happened. Thus, the following morning, they went to the office of the National Bureau of Investigation in Dagupan City and reported the incident. Sinclair was taken to the provincial hospital in Dagupan City for physical examination. Afterwards, she was taken to the police station in Basista, where she filed a complaint against accused-appellant.

SPO2 Rodrigo Seguin, member of the Philippine National Police assigned to the Basista Police Station, testified that on July 18, 1998, he took down the statements of Sinclair and Pedro De Guzman and entered Sinclair's complaint in the police blotter.^[7] Dr. Casimiro Bacugan, Jr., the medico-legal officer who examined Sinclair De Guzman, issued a medical certificate, dated July 16, 1998, containing the following findings:

GO, IMP : July 1st week, 98 4 days
PMP : June 1st, 98 4 days
Conscious, coherent, ambulatory, not in C-P distress
Abdomen : Flat, soft, nontender
Genitalia : Hymen with healed laceration at 2, 3, 7 o'clock position, Admits 1 finger with ease
I.E. : Cervix closed, uterus small, adnexae free, bleeding negative with whitish vaginal discharge
Cervico vaginal smear for presence of spermatozoa.

Result : Negative for spermatozoa.^[8] Dr. Bacugan testified that he examined Sinclair De Guzman at the Medical Center in Dagupan City on July 15, 1998. He said he found Sinclair not to be pregnant and to have never been pregnant before. Sinclair's hymen showed healed lacerations at the 2, 3, and 7 o'clock positions, which Dr. Bacugan stated were caused more than one week prior to the examination. He clarified that he could not say that the lacerations were only a few days old because there was neither congestion nor bleeding in the hymen and the edges were already healed.^[9] Dr. Policarpio Manuel, on the other hand, testified on the physical, mental, and emotional well-being of Sinclair De Guzman. He stated that Sinclair De Guzman was taken to the San Carlos Provincial Hospital on August 27, 1998 for medical treatment. She was suffering from epilepsy granmal, a convulsive seizure characterized by drooling of saliva and rolling of the eyeballs. According to Dr. Manuel, epilepsy granmal affects the mental and behavioral functions of the patient. Behavioral changes means that the patient exhibited disorientation or suffered from hallucinations. Mental malfunction means that the

patient had a poor memory or was unable to have good perceptions. Motor dysfunction means that the patient was physically weak, unable to stand or hold things. Sensory dysfunction means that the patient would lose consciousness. Lastly, autonomic dysfunction means that the patient would urinate or defecate unknowingly. Dr. Manuel explained that these dysfunctions are symptoms of an epileptic disorder. In an epileptic state, the patient would have a poor memory and her perception would be altered. In other words, because of her physical and mental dysfunctions, Sinclair was both physically and emotionally weak. On cross-examination, however, Dr. Manuel stated that the patient's memory or comprehension would be affected only if she was having an epileptic attack. It was thus possible that her memory would not be affected at all if she was not suffering from an attack at any given time. Sinclair's epileptic attacks would vary, from once a week to every other day.^[10] For its part, the defense presented as witnesses accused-appellant himself, his sons, Carlo and Peter De la Cruz, and Dr. Anthony Castro, an ophthalmologist.

Accused-appellant denied the allegations against him. He testified that he used to work as a machine operator in a printing press, but he had to stop working in 1976 because an eye ailment rendered him blind.^[11] In the afternoon of July 13, 1998, Sinclair went to his house to ask for coffee. He told her to go upstairs because his son, Peter, was there. Peter, however, told her that there was no more coffee. Sinclair then went back to him and asked him for money. When he told her that he had no money, she put her hand in his pocket because she did not believe what he had told her. At that point, Carlo, another son of accused-appellant, arrived home and saw them. Carlo asked what was going on and accused-appellant said that Sinclair was trying to get money from him. Sinclair then left the house. Accused-appellant said he did not rape Sinclair De Guzman.^[12] He claimed that Sinclair's family filed the rape case against him because they had many debts to pay and they knew that he was expecting to receive his Social Security System (SSS) benefits in the amount of P70,000.00 to P80,000.00.^[13] Carlo and Peter De la Cruz, sons of accused-appellant, corroborated their father's testimony. Carlo De la Cruz, 22 years old, testified that he arrived home at around 3 o'clock in the afternoon of July 13, 1998 and found Sinclair embracing his father with her hand inside his pocket. When he asked what was going on, accused-appellant explained that Sinclair was trying to get money from him.^[14] Peter De la Cruz, 21 years old, testified that at 3 o'clock in the afternoon of July 13, 1998, while he was resting upstairs in their house, Sinclair De Guzman arrived and asked for coffee. After he told her that there was no more coffee, she proceeded downstairs where accused-appellant was seated. She asked accused-appellant for money, but the latter said that he had no money. Peter then heard his *Kuya* Carlo asking what was going on and his father replying that Sinclair was asking for money. Sinclair then left.^[15] Carlo and Peter De la Cruz testified that their father, accused-appellant, had been blind ever since they could remember.^[16] Dr. Anthony Castro, an ophthalmologist, also testified for the defense. On direct examination, he stated that he examined accused-appellant's visual acuity and found the patient to be totally blind. Dr. Castro explained that accused-appellant could not perceive visual stimuli, such as light. Only with the assistance of a very strong light could accused-appellant discern such stimuli. On cross-examination, he testified that blindness could be total or partial and a totally blind patient could not perceive even a single slit of light. Visual acuity would be the maximum vision that a patient could perceive. For example, if at one

foot the patient could perceive hand movements, he would be considered to have a visual acuity of hand movement. If the patient could not recognize hand movements, a test would be made on his light perception. If the patient could recognize light, he would be asked whether the light was on the upper or lower quadrant. If he could determine where the light was, he would be considered to have good light perception. If he could not distinguish the light, then the patient would be considered to have poor light perception. On the basis of his examination of accused-appellant, Dr. Castro concluded that the latter was totally blind. He surmised that the blindness had taken place more than two to three years before the examination. He explained that if the patient became blind less than two to three years prior to the examination, there should have been a hardening of the eyeball. In the case of accused-appellant, his eyeballs were soft. Thus, Dr. Castro concluded that accused-appellant had been blind for more than five years.^[17]

On January 26, 1999, the trial court rendered a decision, the dispositive portion of which reads:

WHEREFORE, premises considered, the Court finds the accused Pedro De la Cruz guilty beyond reasonable doubt of the crime of RAPE as defined under Article 335 of the Revised Penal Code, as amended by R.A. 7659 and hereby imposes upon said Pedro De la Cruz the penalty of Reclusion Perpetua and to pay civil indemnity in the amount of P50,000.00 to the victim Sinclaire De Guzman.

SO ORDERED.^[18]

Hence this appeal. Accused-appellant makes the following assignment of errors:

1. THE HONORABLE COURT A QUO ERRED IN ITS FINDINGS OF FACTS WHICH, HAD THEY BEEN IN ACCORDANCE WITH THE EVIDENCE ADDUCED, WILL SUFFICE TO SUPPORT A JUDGMENT OF ACQUITTAL FOR ACCUSED-APPELLANT.
2. THE HONORABLE COURT A QUO ERRED IN CONVICTING ACCUSED-APPELLANT FOR RAPE.^[19]

Accused-appellant contends that Sinclaire De Guzman's story is incredible and difficult to believe. He stresses the fact that he has been blind for 20 years and that complainant could have simply pushed him away or easily escaped from his clutches had he really tried to rape her. That she did not means that he did not even attempt to molest her.^[20] We agree with accused-appellant. Courts are guided by the following principles in adjudging rape cases: (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 the same; (b) In view of the intrinsic nature of the crime of rape where only two persons are usually involved, the testimony of the complainant must be scrutinized with extreme caution; and (3) The evidence for the prosecution must stand or fall on its own merits and cannot be allowed to draw strength from the weakness of the evidence for the defense.^[21] By the very nature of the crime, judgments in rape cases turn on the credibility of the complainant as

only the participants can testify as to its occurrence.^[22] In several cases,^[23] we have held that the lone uncorroborated testimony of the complainant is sufficient to warrant a conviction, provided that such is credible, natural, convincing, and consistent with human nature and the normal course of things. However, we have also held that the testimony of the complainant should not be received with precipitate credulity but with the utmost caution.^[24] The test for determining the credibility of complainant's testimony is whether it is in conformity with common knowledge and consistent with the experience of mankind. Whatever is repugnant to these standards becomes incredible and lies outside of judicial cognizance.^[25] While we are mindful of the rule that the findings of the trial court regarding the credibility of witnesses are generally accorded great respect, and even finality, on appeal, this does not preclude a re-evaluation of the evidence to determine whether a fact or circumstance has not been overlooked or misinterpreted by the trial court.^[26] We have not hesitated to reverse judgments of conviction where there are strong indications pointing to the possibility that the rape charge is false.^[27] In this case, several circumstances lead us to doubt complainant's claim that she was raped by accused-appellant.

First. Complainant Sinclair De Guzman testified that accused-appellant grabbed her shoulders, forced her to lie on a wooden bed, removed her trousers, and, after removing his own trousers, inserted his penis into her vagina.^[28] It should be noted, however, that accused-appellant is blind and has been so for several years prior to the commission of the alleged rape. Dr. Anthony Castro, an ophthalmologist, testified that accused-appellant is totally blind^[29] and issued a certification, dated December 30, 1998, to this effect.^[30] Emelita De Guzman, complainant's own mother, likewise admitted this fact.^[31] Considering the foregoing, complainant's claim that accused-appellant grabbed her by the shoulders, threw her on the bed, removed her pants, and raped her becomes doubtful. There is no claim that accused-appellant removed complainant's trousers and then removed his pants while he was on top of her. If that were the case, however, she could easily have tried to wiggle out of accused-appellant's clutches. On the other hand, if it were true that accused-appellant forced her to lie on the wooden bed, then complainant could have tried to escape while accused-appellant was removing his trousers. It is doubtful that complainant could not have fled while accused-appellant was removing his pants. Indeed, complainant could have fled as soon as she sensed accused-appellant's intentions because there was no way accused-appellant could have run after her as he was totally blind.

Complainant maintains that she tried to push accused-appellant away when he was already on top of her.^[32] As already stated, however, complainant could have tried to escape from accused-appellant when he was trying to remove his trousers. Furthermore, complainant's father, Pedro De Guzman, testified that the distance between their house and that of accused-appellant is only 10 meters.^[33] She could thus have shouted for help, but she did not. Instead of making an attempt to escape, complainant said she lay on the wooden bed while accused-appellant removed his trousers. Such conduct is inconsistent with the behavior of someone who had been forced to submit to an unwanted sexual act.

In several cases,^[34] we held that the failure of the complainant to even attempt to