

## THIRD DIVISION

[ G.R. Nos. 135454-56, November 13, 2001 ]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. RODERICK SANTOS  
Y YAMAT, APPELLANT.**

### DECISION

**PANGANIBAN, J.:**

Delay in reporting a rape does not necessarily taint the victim's testimony, provided it is satisfactorily explained, as in this case.

#### Statement of the Case

Roderick Santos seeks the reversal of the August 11, 1998 Joint Decision<sup>[1]</sup> of the Regional Trial Court of Macabebe, Pampanga,<sup>[2]</sup> finding him guilty beyond reasonable doubt of two counts of statutory rape in Criminal Case Nos. 98-2027-M and 98-2028-M and for acts of lasciviousness in Criminal Case No. 98-2029-M. The assailed Decision disposed as follows:

"WHEREFORE, the Court finds the accused guilty beyond reasonable doubt of two counts of statutory rape penalized under Art. 335, par. 3 and acts of lasciviousness penalized under Art. 336 both of the Revised Penal Code. He is hereby sentenced to two (2) counts reclusion perpetua and imprisonment of 12 years and one (1) day of reclusion temporal and to pay the victim the sum of P150,000.00 and to pay the cost."<sup>[3]</sup>

Three separate Informations, all dated January 28, 1998, were filed by the Office of the Provincial Prosecutor, charging appellant as follows:

#### Criminal Case No. 98-2027-M

"That in or about and within the month of August, 1993, in the Municipality of Masantol, Province of Pampanga, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, RODERICK SANTOS y YAMAT, by means of force, violence and intimidation did then and there succeed in having carnal knowledge [of] Mila C. Bonifacio, an eight (8) year old, a minor, against her will and without her consent."<sup>[4]</sup>

#### Criminal Case No. 98-2028-M

"That on or about the 1<sup>st</sup> day of January, 1994, in the Municipality of Masantol, Province of Pampanga, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, RODERICK SANTOS y YAMAT, by means of force, violence and intimidation, did then and there

wilfully, unlawfully and feloniously succeed in having carnal knowledge [of] Mila C. Bonifacio, a nine (9) year old, a minor, against her will and without her consent."<sup>[5]</sup>

#### Criminal Case No. 98-2029-M

"That on or about the 24<sup>th</sup> day of March, 1995, in the Municipality of Masantol, Province of Pampanga, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, RODERICK SANTOS y YAMAT, with lewd design, did then and there wilfully, unlawfully and feloniously commit acts of lasciviousness upon the person of Mila C. Bonifacio, a nine (9) year old, a minor, by then and there kissing her face and neck, by means of force and against her will."<sup>[6]</sup>

Upon his arraignment on April 3, 1998, appellant, duly assisted by Atty. Venancio Viray, pleaded not guilty to all the charges. Trial on the merits proceeded in due course. Thereafter, the trial court rendered the assailed Decision.

#### The Facts

##### Version of the Prosecution

In its Brief,<sup>[7]</sup> the Office of the Solicitor General adopted the trial court's narration of facts as follows:

"From all the evidence presented, the Court finds that private complainant Mila Bonifacio was born on June 2, 1985 at Cambagi, Masantol, Pampanga [to] her parents, Alfredo Bonifacio and Juana Bonifacio. [Her u]ncle married accused'[s] sister. They are not related by consanguinity or affinity.

"Sometime in August of 1993, private complainant was 8 years and 2 months old then when, at about four o'clock in the afternoon, her father ordered her to deliver the hammer the former borrowed from the accused at the latter's house, which is just a house away from the house of the private complainant. Upon handing the hammer to Roderick Santos, the latter who was with his niece Kit-Kit at that time, asked her (Kit-Kit) to buy cigarettes at the store. When Kit-Kit left, accused closed the door of the house and dragged private complainant upstairs. There, accused kissed her on her body and despite her resistance, accused was able to remove her shorts and panty and after undressing himself too, forcibly raped her. She felt pain and she bled.

"After the accused had satisfied his lust, Mila tried to leave the house but accused instantly closed the door and window preventing her [from] leav[ing] for fear that she might report the incident to the authorities. He further told her not to report to anybody, otherwise, 'he will kill her.' Then he set her free.

"Similarly, on January 1, 1994, when private complainant was eight years and seven months old then, while she was in their house with her sister

Alma, she saw accused [go] to the house of his (accused['s]) sister, whose house is just near the house of the private complainant. When her sister Alma left their house, accused proceeded [to] the second floor, and there, he kissed her on her neck. Accused laid her on both hands, accused successfully inserted his penis into her vagina for a long time. Mila felt pain and was aware that she again bled for the second time. After that, accused left. Again, she did not tell her sister about the matter when the latter returned to their house nor her parents because of the threat on her life.

"For the third time, on March 24, 1995, complainant was then nine years and nine months old, she and her sister Alma were taking a bath at 10:00 o'clock in the morning. Again, she saw accused [go] to the house of his sister. At 12:00 o'clock high noon, while Mila was fixing their beddings at the second floor of their house, accused arrived, kissed her body and neck, this time for a while only. Aside from kissing her, accused removed her shorts and panty and thereafter, inserted his penis into her vagina. After that, accused went away.

"To date, because her friends ha[ve] known that she [had been] molested by the accused, `she became ashamed and suffered sleepless nights.'

"During the private complainant's elementary years, she studied at the Cambasi Elementary School at Masantol, Pampanga. One of her teacher[s] was Mrs. Engracia Bonifacio, who is likewise her relative and godmother. [O]n the afternoon of October 8, 1997, Mila Bonifacio narrated her ordeal to Mrs. Bonifacio. Immediately, the latter summoned her (private complainant's) father Alfredo Bonifacio and told him about the said rape incidents.

"When confronted by her father who immediately arrived at the said school, Mila confessed that she was indeed raped by the accused. Alfredo reported the matter to the Barangay Captain and subsequently to the Masantol Police Headquarters, where the private complainant was investigated.

"Thereafter, on October 23, 1997, Mila together with her father, uncle and an aunt, sought the assistance of CIS at Camp Olivas, San Fernando, Pampanga where she (Mila) was again investigated. A medical examination was conducted upon the person of Mila Bonifacio by Dra. Marie Antonette Golding, a resident on duty assigned [to] the Department of OB-Gyne. Dra. Golding confirmed that on October 21, 1997, at the JBL Hospital, she examined the private complainant anent her complaint that she was sexually abused. The findings show that there was already a healed laceration at [the] six o'clock position or injury to the hymen existed."<sup>[8]</sup>

#### Version of the Defense

On the other hand, appellant, in his Brief,<sup>[9]</sup> narrates his version of the events as follows:

"The Office of the Provincial Prosecutor of Pampanga filed the Information charging the accused [of] two (2) counts of Rape and one (1) count of Act of Lasciviousness.

"It is stressed that even before the Statement of the complainant Mila Bonifacio was taken by [a] CIS Investigator, and prior to the issuance of Resolution of Judge Serafin B. David of the Municipal Circuit Trial Court of Masantol-Macabebe, Pampanga, accused was already arrested at about 7:30 a.m. of 23 October 1997, by x x x P/SI Dominador Limin Cunan and Roger A. Valez, Joseph F. Carreon and PO3 William A. Felarca, *without any warrant of arrest*.

"These three (3) cited criminal cases - 2 counts of RAPE and one (1) count of Acts of Lasciviousness [--] were jointly tried, [and] hereunder are the undisputed facts:

"Accused and private complainant are neighbors; residents of Brgy. Cambasi, Masantol, Pampanga. x x x [T]hey know each other.

Rape victim informed Mrs. Engracia Bonifacio of the said incidents for the first time on October 8, 1997, or more than four (4) years [from] the first alleged commission of the offense of Rape.

"There is no record that this alleged offenses were brought to the attention of the Barangay Officials of the Barangay where both accused and complainant [reside] or to the PNP Masantol, Pampanga before October 23, 1997.

"Accused-Appellant since August 29, 1992, left Brgy. Cambasi, Masantol, Pampanga, to work at a Balutan in Calamba, Laguna. Accused-Appellant never returned to Brgy. Cambasi, Masantol, Pampanga in the month of August 1991 and 1993. Accused-Appellant went to Brgy. Cambasi, Masantol, Pampanga on January 1, 1994.

"Accused-Appellant denied he rape[d]/molested private complainant [i]n August 1993 [and on] January 1, 1994, [or committed] Acts of Lasciviousness on March 24, 1995, respectively.

"On August 11, 1998, a Joint Decision o[n] these criminal offense[s], was rendered, adverse to accused-appellant. Accused-appellant interposed an appeal[;] hence, this Appeal praying that [the] questioned decision be recalled/reversed, acquitting accused of all the criminal charges."<sup>[10]</sup>

#### Ruling of the Trial Court

Giving credence to the victim's testimony, the trial court, in its Decision, brushed aside the protestations of innocence interposed by appellant. It disbelieved his alibi that he could not have committed the offenses being imputed to him, because he was working as a laborer in Calamba, Laguna, from May 29, 1992 up to October 20, 1997. It ruled thus:

"The Court believes that indeed accused committed the crime of statutory rape against the person of complainant Mila Bonifacio, who at the time x x x the sexual abuse was committed, x x x was only eight years and two (2) months old [i]n August 1993; eight years and seven months old on January 1, 1994; and nine years and nine months old on March 24, 1995."<sup>[11]</sup>

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

### Issues

Appellant submits the following assignment of errors for this Court's consideration:

"I

The honorable trial court gravely erred in finding credence in the testimony of private complainant Mila Calara Bonifacio.

"II

The honorable trial court gravely erred in convicting the accused despite lack of evidence to sustain a conviction beyond reasonable doubt."<sup>[13]</sup>

### The Court's Ruling

The appeal is not meritorious.

#### First Issue:

#### *Credibility of Complainant*

Appellant faults private complainant for her unreasonable and unjustified delay in reporting the alleged crimes. He casts serious doubts on her true motive by pointing out that she filed<sup>[14]</sup> the three charges more than four years after the first rape had supposedly taken place. He likewise questions her credibility by citing material inconsistencies in her testimony.

We disagree. We have consistently held that the assessment of the credibility of witnesses and their testimonies is best left to the trial court because of its unique opportunity to observe them firsthand and to note their demeanors and attitudes on the witness stand. Hence, its findings are accorded great weight and deemed binding and conclusive on appellate courts, unless some facts or circumstances of weight and substance have been overlooked or misinterpreted.<sup>[15]</sup>

In this case, the trial court had the opportunity to hear and examine the testimony of the victim and was convinced of her credibility. Futile is the attempt of appellant to cast serious doubts on her credibility by citing delay in the reporting of the incidents and by pointing to certain inconsistencies in her testimony.

*First*, delay in reporting a crime of rape has not always been construed as an indication of a false accusation.<sup>[16]</sup> In fact, this Court has repeatedly held that it is not uncommon for young girls to conceal for some time the assault on their virtue