

EN BANC

[G.R. No. 132136, July 14, 2000]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROLANDO BAYBADO, ACCUSED-APPELLANT.

D E C I S I O N

PUNO, J.:

Accused Rolando Baybado stands charged with the crime of Rape in an Information^[1] dated August 15, 1995, committed as follows:

"That on or about the 14th day of May, 1994, in the Municipality of Ramon, Province of Isabela, Philippines, and within the jurisdiction of this Honorable Court, the said accused, did then and there, willfully, unlawfully and feloniously, by means of force and intimidation and with lewd designs, have carnal knowledge with his own daughter Helen O. Baybado, against the latter's will and consent.

CONTRARY TO LAW."

Upon arraignment, appellant pleaded not guilty to the offense charged, hence, trial ensued.

Evidence for the prosecution shows that on the night of May 14, 1994, appellant Rolando and his children, namely, Rudy, Ronald, Remigio, Cristina, Teresita, and herein complainant, Helen, had just finished eating supper at their house at Bugallon Norte, Ramon, Isabela. Aurelia Obra Baybado, wife of appellant and mother of complainant, was not home at that time because she was harvesting palay at Munoz, Nueva Ecija where she has been staying for the past two weeks. The family watched TV for a while and at 10:00 p.m., they all went to sleep on a mat spread out in the sala. Helen stayed between her two sisters, Cristina and Teresita, while appellant slept at the far end beside his youngest son Remigio.

At about 12:00 midnight, Helen felt appellant transfer beside her, and then shared her blanket and raised her dress. At that point, Helen tried to push appellant away from her but could not because she was lying flat on her back. Appellant removed her panty and then he removed his shorts, mashed her breasts and had sexual intercourse with her. Helen struggled with appellant but the latter repeatedly pinched her. She cried but she could not shout because appellant was kissing her on the lips. After satisfying his lust on Helen, appellant warned her not to tell anyone about the incident otherwise he would kill her and her mother, brothers and sisters. Then appellant moved back to his place and slept. Helen could only cry herself to sleep.

On May 16, 1994, Helen was at the house of her employer, Mrs. Sagun, where she worked as a baby sitter during Saturdays and Sundays, when appellant arrived,

apparently drunk, and ordered her to go home. Afraid of what he might do to her again, Helen refused. Visibly irked, appellant scolded Helen and started to pinch her as she clung to Mrs. Sagun. After a while, appellant was forced to leave when he realized that he could not convince Helen to go with him. Unable to keep her silence any longer, Helen revealed to Mrs. Sagun that her father had raped her. That same day, Mrs. Sagun informed Helen's grandmother, Concepcion Obra, about the incident. Concepcion then talked to her daughter Aurelia, but the latter simply ignored her.

The medical report submitted by Dra. Roselyn Dadural who examined the victim on May 17, 1994 shows the following findings:

- IE = Hymen old lacerations at 3:00, 5:00, 7:00, 1:00 & 11:00 position
- = Hematoma posterior aspect arm left
- = Admits two fingers easily without pain
- = Abrasions left hand."^[2]

Dra. Dadural explained that the old healed lacerations on different positions could mean that Helen has been abused several times in the past, although it is possible that multiple lacerations on different positions could also be inflicted on a woman having her first sexual encounter. The abrasions and hematoma on Helen's posterior left arm could have been caused by force used during the intercourse while the victim was in a lying position.

On May 18, 1994, Helen, accompanied by her grandmother and Mrs. Sagun, went to the police station at Bugallon West, Ramon, Isabela where she executed a sworn statement.^[3] As soon as appellant came to know that Helen had filed a complaint against him, he hurriedly left for Munoz, Nueva Ecija. A week later, his entire family, except Helen, followed. Helen was brought by her grandmother to PAMANA, an orphanage at La Salette, Santiago City, where she continues to stay up to the present.

Helen, who was 15 yrs. old at the time of the incident,^[4] testified on cross that appellant raped her several times in the past starting when she was only 13 or 14 years old, but that she failed to disclose this to her mother because of appellant's threat that he would kill them. Nevertheless, when her mother came to know about the May 14 rape incident, she refused to believe Helen's story and even threatened to disown Helen.

Appellant, on the other hand, denied that he was at their house at Bugallon, Ramon, Isabela on that fateful day. He testified that he worked as a farm helper at the farm of a certain Boyet Fernando in Munoz, Nueva Ecija from 1992 up to 1996; that not once did he go home to Bugallon, Ramon, Isabela during this entire period because he had so much work to do and it was his wife who visited him in Nueva Ecija; that he went back to Bugallon only in 1996 after his wife told him that a case had been filed against him; that he surrendered to Kagawad Cesario Pempil of Bugallon who accompanied him to the Municipal hall; and that Helen filed a rape case against him upon the prodding of his in-laws who did not like him because he was poor and could not provide for his family.

Appellant's wife, Aurelia, and daughter, Cristy, sought to corroborate his testimony and alleged that on May 14, 1994, Helen was staying at Mrs. Sagun's house where she worked as a baby sitter. Aurelia further testified that Helen filed this case against appellant because he whipped and scolded her every time she came home late.

On November 24, 1997, the Regional Trial Court, Second Judicial Region, Santiago City, Branch 21, rendered a decision finding appellant Rolando Baybado guilty beyond reasonable doubt of the crime of rape and sentenced him to the extreme penalty of death and to indemnify the victim in the amount of P50,000.00.^[5]

By reason of the death penalty imposed, the case was elevated to this Court on automatic review, under the lone assignment of error that the trial court erred in finding the appellant guilty beyond reasonable doubt of the crime of rape.

The primordial issue in this case devolves on the credibility of the testimonies of the witnesses. Appellant contends that the trial court erred in not considering the defense evidence that Helen was not in their house on that particular night, and that Helen was angry with appellant for scolding and whipping her every time she came home late, which accounts for the rape charge she filed. It is likewise averred that a mother would not testify against her daughter and deny the rape charge if it were true. Also, the fact that appellant voluntarily surrendered upon learning about the case filed against him is an indication of his innocence. Appellant argues that it would have been impossible for him to have raped Helen who was lying between her sisters Cristina and Teresita without waking them up; and that it was unlikely for appellant to have pinched Helen repeatedly for that is characteristic only of a woman.

We affirm the judgment of conviction.

Appellant basically seeks to discredit the testimony of Helen. This Court has remained steadfast to the rule that the trial court's assessment of the credibility of complainant's testimony is entitled to great weight, absent any showing that some facts were overlooked which, if considered, would affect the outcome of the case.^[6] The trial court in this case found the testimony of complainant Helen to be persuasive although it lacked in details. It observed that "she was able to convey a clear message that she was raped against her will. She testified haltingly, ashamedly, but in a forthright manner even breaking into tears. It showed that it was really very painful and embarrassing for her to narrate what happened. And there is nothing incredible in her narration."^[7] We have carefully scrutinized the testimony of the complainant and we find no compelling reason to disturb the trial court's assessment of her credibility. Her testimony was clear and convincing, to wit:

Q On the night of May 14, 1994, do you recall if there was anything unusual that happened to you?

A There was, sir.

Q Tell us what was that that happened to you?

A That was about in the evening of May 14 after we have eaten our supper we watched t.v. then about

10:00 o'clock then we went to bed and then about 12:00 he came close to me and lay down beside me. He bring (sic) my brothers and sisters a little bit away and then he came close to me and he is (sic) trying to start a conversation, sir.

x x x

x x x

Q Now, when your father went near you and he tried to start conversation with you, what did he tell you?

A Nothing, sir. He shared with my blanket and raised my dress.

Q By the way, what were you wearing that night when you slept?

A I was wearing a dress, sir.

Q When your father tried to raise your dress, what did you do?

A I pushed and pushed him but he also pinched me, sir.

Q And then after your father pinched you, what did you do?

A .I cried and then he removed my panty, sir.

Q And then after that, what did your father do to you?

x x x

x x x

ATTY. CHANGALE:

We would like to make it on record that the witness could hardly answer, your Honor.

A He removed his shorts and then placed his penis on (sic) my vagina, sir.

Q After your father placed his penis to your vagina, what happened?

A He mashed this, sir.

INTERPRETER:

Witness holding her breasts.

Q After that, what happened?

A After that he returned to where he previously laid and went to sleep, sir.

Q What about you, what did you do?

A I was just crying, sir."^[8]

Appellant tries to impute ill-motive on complainant alleging that she filed this rape charge against him because he often scolded and whipped her whenever she came home late. We are not persuaded. Parental punishment is not a good reason for a daughter to falsely charge her father with rape.^[9] Even when consumed with revenge, it takes a certain amount of psychological depravity for a young woman to fabricate a story which would put her own father for the most of his remaining life in jail and drag herself and the rest of her family to a lifetime of shame.^[10]

Just as in other rape cases, appellant raises the argument that rape could not have happened because complainant's siblings were sleeping beside them when the alleged crime was committed. Yet, it is common judicial experience that rapists are not deterred from committing their odious act by the presence of people nearby.^[11] Rape is not always committed in seclusion.^[12] Rape may take only a short time to consummate, given the anxiety of discovery, especially when committed near sleeping persons oblivious to the goings-on. Thus, the Court has repeatedly ruled that rape is not impossible even if committed in a small room where other family members also slept.^[13]

The testimony of the victim that appellant repeatedly pinched her when she tried to wrestle with him is substantially corroborated by the medical findings of prosecution witness Dra. Roselyn Dadural who conducted an examination on the victim. This witness testified that the victim sustained abrasions on the left hand at the back of the palm near the elbow, and that at the time of examination these were just beginning to heal. As keenly observed by the trial court, "Dra. Dadural said that contusions and abrasions heal within three to four days. Thus, the contusions and abrasions on her arms are compatible with her statement that she had been pinched in the evening of May 14, 1994."^[14]

Appellant's main line of defense consists of denial and alibi. He testified that he stayed in Munoz, Nueva Ecija where he worked as a farm helper of a certain Boyet Fernando from 1992 up to 1996; that during all those years not once did he go home to Bugallon, Ramon, Isabela; and that he returned to Bugallon only in 1996 after his wife informed him about the rape charge. We find the testimony of appellant incredulous and unbelievable.

In trying to exculpate himself from liability, appellant insists that from 1992 up to 1996, he never went home to Bugallon; that during the Christmas of 1992, he did not go home because he was working and that no one in his family went to Munoz to visit him; that they never wrote letters to each other; that he had no communication at all with his children from the time he went to Munoz in 1992; that although he missed his wife and children, he could not leave the farm because his employer would get mad; that in 1993 he never went to Bugallon because of financial hardship although his wife visited him twice that year to get provisions;