

## EN BANC

[ G.R. No. 130604, September 16, 1999 ]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
CELESTINO JUNTILLA Y ALLARCOS, ACCUSED-APPELLANT.**

### D E C I S I O N

#### PER CURIAM:

Before this Court is the decision of Branch 8 of the Regional Trial Court of Malaybalay, Bukidnon<sup>[1]</sup> sentencing accused-appellant, Celestino Juntilla y Allarcos to death for the horrible crime of raping his sixteen (16) year old daughter, Nena Juntilla.<sup>[2]</sup>

In an information dated January 10, 1997, accused was charged as follows:

“That on or about the 14th day of October, 1996, in the evening, at Purok 8 barangay Laligan, municipality of Valencia, province of Bukidnon, Philippines, and within the jurisdiction of this Honorable Court, the above named accused, with lewd design did then and there willfully, unlawfully and criminally have sexual intercourse with his daughter, NENA JUNTILLA, a 16 year old minor, against her will.”<sup>[3]</sup>

The relevant facts are undisputed.

Private complainant is the daughter of the accused, being the youngest of six children. When she was only two years old, her mother died. Thereafter, three of her siblings lived with their relatives in Davao. Private complainant however continued to live with her father, accused, Celestino Juntilla, in his farm in Agusan del Sur.<sup>[4]</sup>

In December 1995, private complainant and the accused transferred to Laligan, Valencia, Bukidnon.<sup>[5]</sup>

On the evening of October 14, 1996, while private complainant was sleeping in her room, she woke with a start to find that her father was on top of her and had already taken off her panties. She kicked him and tried to resist him, but to no avail. Accused was able to consummate the vile act of rape.<sup>[6]</sup>

The next day, private complainant reported the incident to her uncle, Julie Juntilla. Her uncle then promptly brought her to the barrio kagawad who accompanied her to the *barangay captain*.<sup>[7]</sup> Since she was a minor, her case was turned over to a local social worker of the Department of Social Welfare and Development.<sup>[8]</sup>

Nine (9) days after the rape, on October 23, 1996, private complainant was

examined by the municipal health officer of Valencia, Dr. Marilyn Agbayani.<sup>[9]</sup> Dr. Agbayani issued a medical certificate<sup>[10]</sup> with the following findings:

“External Genitalia - no physical change in color, no contusion, no hematoma.

Internal Exam: admits two fingers without resistance xxx hymen not appreciated.”

On the same day, October 23, 1996, private complainant, Nena Juntilla, filed a criminal complaint for rape against the accused.

In convicting the accused, the trial court held that it has “no reason to doubt that the crime of rape as charged had been committed.” The trial court gave full credence to the testimony of private complainant and relied on the “apparent sincerity” that private complainant displayed during her testimony. In its decision the trial court states:

“... It is most difficult to believe that she (i.e. the private complainant), at her young age and still immature mind, had lied on such a grievous crime against her own father. She has no motive to do it and the accused failed to adduce evidence of any.”

Regarding the results of the medical examination, the trial court held:

“The fact that the doctor’s findings of Nena’s external genitals showed ‘no change of color, no contusion, no hematoma’ is of no consequence. Nena was only examined nine (9) days after she was sexually abused. Outward signs of inflicted physical force could have already healed.”

Citing Republic Act No. 7659 as basis, the trial court imposed the maximum penalty of death on accused, Celestino Juntilla, to wit:

“Being the daughter of the accused and only 16 years of age when she was raped, the crime committed is punishable by death as provided for under Sec. 10 of Republic Act No. 7659, amending Article 335 of the Revised Penal Code, which provides that:

The death penalty shall also be imposed if the crime of rape is committed (under) any of the following attendant circumstances:

1. when the victim is under eighteen (18) years of age, and the offender is the parent, ascendant step-parent, guardian, relative by consanguinity or affinity with the third civil degree, or the common-law spouse of the parent of the victim.
2. x x x x

“WHEREFORE, judgment is hereby rendered finding accused Celestino Juntilla guilty beyond reasonable doubt of the crime of rape and is hereby sentenced to suffer the maximum penalty of DEATH as ordained under Section 10 of Republic Act No. 7659. Accused is also ordered to indemnify private complainant Nena Juntilla the sum of FIFTY THOUSAND

(P50,000.00) Pesos.”

SO ORDERED. (*Underscoring ours.*)

The judgment is now before this Court for automatic review pursuant to Art. 47 of the Revised Penal Code as amended by R.A. 7659.

Appellant denies the charge and claims that “the reason why a case was filed against him is that she (private complainant) wanted to live with other people.”<sup>[11]</sup> Insisting on his innocence, appellant raised the lone assignment of error that:

“THE COURT A QUO GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF RAPE.”<sup>[12]</sup>

Appellant contends that during private complainant’s cross-examination, she testified that she did not make an effective resistance; rather, she only made a “token” resistance. Appellant also points out that it was only during her cross examination that private complainant made the belated claim that he had a bolo by his side at the time of the rape. Appellant claims that this is inconsistent with her testimony on direct examination.<sup>[13]</sup>

Appellant also argues that private complainant’s credibility is impaired by her failure or delay to report the alleged acts of rape committed against her by the appellant since she was 10 years old. Appellant alleges that she “had ample opportunity to report the incidents” but did not do so. He argues that such failure or delay to report the rape incidents is an unnatural reaction on the part of private complainant, and casts doubt on the credibility of her present accusation.<sup>[14]</sup>

We find appellant’s claim that the charge was brought against him by private complainant because she “wanted to live with other people”<sup>[15]</sup> to be flimsy and incredible. It is contrary to human experience to charge one’s own flesh and blood with so grave an offense only because of such a whim or a caprice.

In fact, we find that the alleged reluctance of private complainant to live with her own father is, rather, indicative of the veracity of her charges. It is more consistent with normal human behavior for one who is sexually abused by her own father to want to leave the family home, the place of her disgrace. Truly, the fact that private complainant wanted so badly to live away from her father bolsters her claim of repeated sexual abuse by him.

Moreover, appellant’s denials are not supported by clear and convincing evidence. His denials are self-serving statements which deserve no weight in law and cannot be given greater evidentiary weight over the testimony of private complainant, who testified on affirmative matters.<sup>[16]</sup>

We affirm the finding of the trial court not only because of the settled rule that the trial court’s assessment of the credibility of witnesses is entitled to great respect on appeal because it had the opportunity to observe the witnesses’ demeanor and deportment on the witness stand,<sup>[17]</sup> but more so because it is unnatural and highly improbable that a young girl would come out with such serious an accusation,

risking not only her honor and reputation, but her family's as well.

We have held time and time again that no woman especially one who is of tender age would concoct a story of defloration, allow an examination of her private parts and thereafter permit herself to be subjected to public trial, if she is not motivated solely by the desire to have the culprit apprehended and punished.<sup>[18]</sup> In a nutshell, "a rape victim will not come out in the open if her motive is not to obtain justice."<sup>[19]</sup>

Considering further that "youth and immaturity are generally the badges of truth and sincerity,"<sup>[20]</sup> we find no reason to doubt the trial court's finding that private complainant's testimony deserved more credence than that of appellant's.

Private complainant's testimony taken on November 22, 1996 was candid, straightforward and honest. She did not waver during the direct and cross examinations conducted.

On November 22, 1996, she testified before the Municipal Trial Court of Valencia, Bukidnon as follows:<sup>[21]</sup>

Q: Why did you file this complaint for "Rape" against your father?

A: Because he raped me and what he did to me sir, is not good.

Q: When was the first time when he raped you?

A: When I was yet ten (10) years old sir, I cannot remember what year was that sir.

Q: Where was your mother at that time when your father raped you?

A: When my father did the raping to me, my mother was at that time dead already sir.

x x x                      x x x                      x x x

Q: Did not your father ask forgiveness to you for what he did?

A: He did not, sir.

Q: Are you going to forgive him?

A: No, sir.

Q: Why?

A: I just not forgive him, sir.

Q: Did you suffer so much from the (hands) of your father since you were then 10 years old?

A: Yes, sir.

On April 23, 1997, before the Regional Trial Court she remained steadfast. During her direct examination she testified:<sup>[22]</sup>

Q: Now on October 14, 1996, in the evening, can you recall where you were?

A: Yes ma'am.

Q: Where were you?

A: There at our residence.

Q: Where is your residence located?

A: At Laligan, Valencia, Bukidnon.

Q: Now who were with you in your house during that time on October 14, 1996?

A: My father.

Q: Your father Celestino Juntilla?

A: Yes ma'am.

Q: Now what time did you go to sleep, Nena on October 14, 1996?

A: At 7:00 o'clock.

Q: Do you usually sleep in your house, you have a room?

A: Yes ma'am.

Q: How about your father where does he sleep?

A: There at his room.

Q: While you were sleeping Nena, can you recall if you were awakened in that particular evening?

A: Yes ma'am.

Q: Why were you awakened? You said he "removed my panty", who removed your panty?

A: My father.

Q: Celestino Juntilla?

A: Yes ma'am.

Q: After he removed your panty, what did he do next if any?

A: He inserted his penis to my vagina.

x x x                      x x x                      x x x

Q: Was that the first time that you were raped by your father, Nena?

A: For several times already.

Q: How old were you when your father raped you for the first time?

A: I was ten (10) years old.

x x x                      x x x                      x x x

Q: Now, Nena, you have charged your own father for rape, are you really sincere and honest in charging of the rape against your father?

A: Yes, ma'am.

Q: Now will you resent later on if your father will be convicted because