

## EN BANC

[ G.R. NO. 168326, April 11, 2007 ]

### PEOPLE OF THE PHILIPPINES, PETITIONER, VS. PATRICIO PIOQUINTO, RESPONDENT.

#### DECISION

##### CORONA, J.:

This petition for review on certiorari<sup>[1]</sup> assails the May 9, 2005 decision<sup>[2]</sup> of the Court of Appeals (CA) in C.A.-G.R. CR-H.C. No. 00114 affirming, in turn, the June 5, 2002 decision<sup>[3]</sup> of the Regional Trial Court (RTC) of Lingayen, Pangasinan, Branch 68 in Criminal Case Nos. L-6520 and L-6521. The RTC found accused (respondent herein) Patricio Pioquinto @ "Patring" guilty of the crime of qualified rape.

Respondent was charged with two counts of qualified rape under the following Information:

L-6520

That on or about the 18<sup>th</sup> day of October, 2000 in the evening, at Baranggay Arellano Extension, Municipality of Mangatarem, Province of Pangasinan, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, armed with a knife, by means of force, threat and intimidation, did then and there willfully, unlawfully and feloniously have sexual intercourse with his daughter [AAA], a minor 12 years old, against the latter's will, and to her damage and prejudice.

Contrary to Article 266-A in relation to Article 266-B par. 6(1) of the Revised Penal Code, as amended by R.A. 8353.<sup>[4]</sup>

L-6521

That on or about the 3<sup>rd</sup> day of March, 2001 at around 1 o'clock in the afternoon in Sitio Tapao, Baranggay Caviernesan, Municipality of Mangatarem, Province of Pangasinan, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, armed with a knife, by means of force, threat and intimidation, did then and there willfully, unlawfully and feloniously have sexual intercourse with his daughter [AAA], a minor 12 years old, against the latter's will, and to her damage and prejudice.

Contrary to Article 266-A in relation to Article 266-B par. 6(1) of the Revised Penal Code, as amended by R.A. 8353.<sup>[5]</sup>

On arraignment, respondent pleaded not guilty to both charges.<sup>[6]</sup> Pre-trial followed and the parties stipulated on his identity and his relationship with the victim AAA.

During the joint initial reception of evidence, counsel manifested the respondent's willingness to change his plea from not guilty to guilty.<sup>[7]</sup> The trial court ordered him to file a motion in writing and to copy-furnish the prosecutor. Instead of a motion to change his plea, however, respondent filed a motion for reduction of penalty.<sup>[8]</sup> The prosecution opposed the motion on the ground that inasmuch as the crime committed by respondent was punishable by a single indivisible penalty, the mitigating circumstances of voluntary confession of guilt and intoxication could not be appreciated.<sup>[9]</sup> The trial court agreed with the prosecution and denied respondent's motion.<sup>[10]</sup> Trial on the merits followed.<sup>[11]</sup>

The prosecution presented three witnesses: the victim AAA, her mother and an expert witness, Dr. Conrado Villaceran.

AAA narrated that she was alone at home in the evening of October 18, 2000. She was busy preparing dinner while her siblings were out.<sup>[12]</sup> Her father arrived around 7:00 p.m. and forcibly pulled her inside the room of their house, forcing her to lie down on the bed. She struggled to free herself but he slapped her several times and ordered her to be silent. She noticed, with the light from a lamp, that her father was holding a knife. Her father undressed her then took off his clothes. When they were both naked, her father used his feet to spread her legs. Thereafter, he inserted his penis into her vagina and made push and pull movements.<sup>[13]</sup>

AAA felt helpless. She felt intense pain and her vagina bled profusely. She kept quiet, suffered in silence and told no one about what transpired. The evening progressed as if nothing happened. She finished preparing dinner and had supper with her father, brothers and sisters. Afterwards, they went to sleep.<sup>[14]</sup>

After October 18, 2000, AAA was molested repeatedly by her father whenever they were alone. The last, which she could vividly recall, took place on March 3, 2001. At around 1:00 p.m., she was alone with her father in an open field on their way to help relatives with their harvest. When they reached a granary, her father ordered her to undress and lie down on the hay. He removed his pants and underwear and again forced himself on her. Then, as in the past, father and daughter went about their business as if nothing happened. They helped with their relatives' harvest until 5 o'clock of that day.<sup>[15]</sup>

Because her father constantly threatened to kill her, AAA refrained from telling anyone of her plight. But soon, her belly began to grow bigger and she knew that she could no longer avoid the inevitable questions. She first admitted that respondent was sexually abusing her to a distant relative, her mother's cousin and co-worker, and subsequently, to her mother.<sup>[16]</sup> Her mother reported the incident to the police and submitted her to a medical examination.<sup>[17]</sup>

On June 15, 2001, AAA gave birth to a baby boy.

The victim's mother testified that respondent was her husband and the victim AAA

their 14-year-old daughter.<sup>[18]</sup> She said that she only learned that her husband was molesting their daughter when AAA admitted that her father had impregnated her.<sup>[19]</sup> As a result, she felt anger towards her husband.<sup>[20]</sup> She also stated that she made AAA undergo a medical examination.<sup>[21]</sup> She told the Court that her daughter had given birth to a baby boy.<sup>[22]</sup>

Dr. Conrado Villaceran was presented as an expert witness. He said that AAA came to see him, accompanied by an aunt, on March 14, 2001. He was told that she was a rape victim but was not informed of the perpetrator's identity. At that time, AAA was 13 years old and was 21 weeks pregnant.<sup>[23]</sup> Dr. Villaceran estimated that she first had intercourse on October 23, 1999 and continuously thereafter until about March 3, 2001. He also surmised that she must have had sexual intercourse during that period at least thrice a week.<sup>[24]</sup>

After the prosecution rested its case, respondent reiterated his desire to change his plea from not guilty to guilty.<sup>[25]</sup> This time, he was called to the witness stand. *There was, however, no record of what transpired when he took the witness stand.*

In a decision dated June 5, 2002, the RTC found respondent guilty of two counts of qualified rape. It found that not only did respondent confess his guilt, the prosecution was also able to establish his guilt with moral certainty:<sup>[26]</sup>

WHEREFORE, in view of the foregoing, the Court finds and holds the accuse[d], PATRICIO PIOQUINTO @ Patring, by his own admission, guilty beyond reasonable doubt for two (2) counts of Rape filed against him, contrary to Article. 266-A in relation to Article 266-B, par. 6(1) of the Revised Penal Code, as amended by R.A. 8353, and hereby sentences him to suffer the penalty of Death for each of the instant criminal charges.

Accused PATRICIO PIOQUINTO is hereby furthered ordered to pay the complainant [AAA] the civil indemnity of P75,000.00, moral damages of P50,000.00 and exemplary damages of P25,000.00 for each count of Rape.<sup>[27]</sup>

The case was forwarded to this Court for automatic review but we subsequently referred it to the CA per *People v. Mateo*.<sup>[28]</sup> As stated earlier, the CA affirmed the RTC decision.

Respondent now assails the findings of the CA.

Respondent asserts that the RTC convicted him of two counts of qualified rape despite the fact that his guilt was not proven beyond reasonable doubt. He argues that if he really raped his daughter, the other members of the family would have immediately known about it.<sup>[29]</sup> His daughter was not one who would simply yield to his desires.<sup>[30]</sup> Moreover, the considerable lapse of time between the commission of the offenses and the filing of the charges raised serious doubt on the truthfulness of AAA's story.<sup>[31]</sup>

Respondent also points out that the trial court convicted him on the basis of an

improvident plea of guilt. It allegedly failed to conduct a searching inquiry to determine whether his plea was voluntary and with full comprehension of its consequences.

The Court finds no merit in the appeal.

### **ACCUSED'S GUILT WAS PROVEN BEYOND REASONABLE DOUBT**

Both the trial and appellate courts gave credence to

AAA's testimony (as corroborated by the testimonies of her mother and Dr. Villaceran). Both courts found that AAA's straightforward testimony was enough to support the conviction of respondent. The testimony of a child witness is given full weight and credit. When a woman or a girl-child says that she has been raped, she says in effect all that is necessary to show that rape has indeed been committed.<sup>[32]</sup> Thus, respondent's belated attempt to controvert the prosecution's evidence will not prosper.

In *People v. Erardo*,<sup>[33]</sup> the Court gave credence to the victim's testimony that her father raped her even if her stepmother, who was sleeping in the same room where the rape took place, did not corroborate her testimony. As stated in that case:

[C]omplainant did not make an outcry or put up a determined resistance due to fear of her own father. It is not surprising that the act could have been consummated in the same room where a sleeping common-law wife was.<sup>[34]</sup>

The circumstances in *Erardo* were in fact more astonishing than in this case. As AAA stated in her testimony, she was afraid of her father and he molested her whenever they were alone. That explained why the other members of the family were not aware that he was sexually abusing his daughter.

The Court recognizes the respect and reverence Filipino children have for their elders.<sup>[35]</sup> For this reason, great weight is given to an accusation a child directs against a close relative, specially the father. A rape victim's testimony against her father goes against the grain of Filipino culture as it yields unspeakable trauma and social stigma on the child and the entire family.<sup>[36]</sup>

This Court also recognizes the moral ascendancy and influence of a father over his child. When a father rapes his daughter, violence and intimidation supplant such moral ascendancy and influence. As a consequence, the rapist father can easily subjugate his daughter's will, allowing him to coerce the child to do his every bidding.<sup>[37]</sup>

AAA was coerced to conceal her father's bestiality. AAA testified that not only did her father warn her not to tell anyone about the molestation, he also threatened to kill her.<sup>[38]</sup> The consequent delay in the filing of the charges was clearly attributable to the fear respondent succeeded in instilling in his daughter.

The silence of a rape victim or her failure to immediately disclose her plight to the