

[G.R. No. 123156-59, August 29, 2000]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
RENATO PUZON Y JUQUIANA, ACCUSED-APPELLANT.**

D E C I S I O N

PURISIMA, J.:

Appeal from the Decision^[1] of Branch 33, Regional Trial Court of La Union, finding appellant Renato Puzon y Juquiana guilty of statutory rape in Criminal Cases Nos. 1708-BG, 1709-BG, 1710-BG, and 1711-BG, for raping his own daughters, and sentencing him, thus:

"WHEREFORE, in view of all the foregoing, the Court finds accused Renato Puzon y Juquiana guilty beyond reasonable doubt of the crimes of Rape, as follows:

- 1. In Criminal Case No. 1708-BG., the Court sentences Renato Puzon y Juquiana to suffer the penalty of Reclusion Perpetua; and orders him to indemnify the offended party Maria Consuelo Puzon the sum of P30,000.00 as moral damages and P20,000.00 as exemplary damages;*
- 2. In Criminal Case No. 1709-BG., the Court sentences Renato Puzon y Juquiana to suffer the penalty of Reclusion Perpetua; and orders him to indemnify the offended party Maria Consuelo Puzon the sum of P30,000.00 as moral damages and P20,000.00 as exemplary damages;*
- 3. In Criminal Case No. 1710-BG., the Court sentences Renato Puzon y Juquiana to suffer the penalty of Reclusion Perpetua; and orders him to indemnify the offended party Maria Cristina Puzon the sum of P30,000.00 as moral damages and P20,000.00 as exemplary damages; and*
- 4. In Criminal Case No. 1711-BG., the Court sentences Renato Puzon y Juquiana to suffer the penalty of Reclusion Perpetua; and orders him to indemnify the offended party Maria Cristina Puzon the sum of P30,000.00 as moral damages and P20,000.00 as exemplary damages.*

The accused is ordered to pay the costs.

SO ORDERED"^[2]

Filed on March 21, 1994 by 4th Assistant Provincial Prosecutor Efren V. Basconcillo, the Informations indicting appellant allege:

In Criminal Case No. 1708-BG:

"That on or about the 5th day of November, 1993, in the Municipality of Bauang, Province of La Union, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation, did then and there willfully, unlawfully and feloniously have

sexual intercourse with one MARIA CONSUELO PUZON against her will and consent, to the damage and prejudice of the offended party.

CONTRARY TO LAW."^[3]

In Criminal Case No. 1709-BG:

"That on or about the 18th day of September, 1993 and several times thereafter, in the Municipality of Bauang, Province of La Union, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation, did then and there willfully, unlawfully and feloniously have sexual intercourse with one MARIA CONSUELO PUZON against her will and consent, to the damage and prejudice of the offended party.

CONTRARY TO LAW."^[4]

In Criminal Case No. 1710-BG:

"That on or about the 5th day of November, 1993, in the Municipality of Bauang, Province of La Union, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation, did then and there willfully, unlawfully and feloniously have sexual intercourse with one MARIA CRISTINA PUZON against her will and consent, to the damage and prejudice of the offended party.

CONTRARY TO LAW."^[5]

In Criminal Case No. 1711-BG:

"That on or about the 18th day of September, 1993, and several times thereafter, in the Municipality of Bauang, Province of La Union, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation, did then and there willfully, unlawfully and feloniously have sexual intercourse with one MARIA CRISTINA PUZON against her will and consent, to the damage and prejudice of the offended party.

CONTRARY TO LAW."^[6]

With appellant pleading not guilty upon arraignment on April 8, 1994, with the assistance of counsel, trial ensued, with the prosecution presenting Walditrudes Enriquez, PO3 Elbert de Castro and Dr. Bernardo Parado, and the complainants, as witnesses.

For the defense, appellant testified as the lone witness on his behalf.

The facts and circumstances sued upon are as follows:

Maria Cristina Puzon and Maria Consuelo Puzon, daughters of appellant, were ten (10) years and nine (9) years of age, respectively, when the incidents complained of occurred.^[7] When their mother died on January 17, 1992, Elizabeth Moffat, appellant's sister brought them, together with appellant to Pagdangalan Sur, Bauang, La Union. Since then, they lived in a bungalow-type house with two bedrooms. Occupying one of the bedrooms were Maria Cristina and Maria Consuelo,

with their four younger brothers and sisters. The other room was used by appellant. Elizabeth Moffat left for Canada.^[8]

At about midnight of September 18, 1993, the Puzon children, and the complainants were sleeping inside their room, when the appellant who was drunk, awakened the complainants and brought them to the room he was occupying. Without the slightest inkling of appellant's devious plan, Maria Cristina and Maria Consuelo unsuspectingly entered the room. Thereupon, appellant ordered them to undress. At first, the two refused to remove their clothes but when appellant started to count, they eventually obeyed sensing that he was already mad. After removing his clothes, appellant directed Maria Cristina to lie down on the bed. The room was lighted so that Maria Cristina saw the erect penis of appellant who placed himself on top of her. Maria Cristina felt an intense pain while the appellant made pumping motions in an effort to insert his penis into her sexual organ. Then, Maria Cristina felt a warm fluid (which she described as "kulay nana") coming out of the penis of appellant. Petrified with fear Maria Cristina neither complained nor even dared to ask appellant why he was sexually molesting her. She just kept on crying. The same was true with Maria Consuelo who was then sitting at the corner of the room and could do nothing but cry while witnessing the ordeal of her sister.^[9]

Thereafter, appellant turned to Maria Consuelo. She felt pain and cried while appellant tried to insert his penis into her vagina. She likewise felt a warm fluid emitted by appellant's penis. When appellant was devouring Maria Consuelo, Maria Cristina remained seated on the floor, crying with her head bowed. After satisfying his lust on his own daughters, appellant casually put on his clothes and ordered his daughters to return to their room and sleep.^[10]

At around midnight of November 5, 1993, Maria Cristina and Maria Consuelo were sleeping with their four brothers and sisters on the cemented floor of the 6x7 meter room with a single bed, when the two complainants were again suddenly awakened by the appellant, who they recognized despite the darkness of the room. On the bed, appellant removed Maria Cristina's panty, positioned himself on top of her and commenced the coital act. Maria Cristina felt pain. After appellant was through with her, she wiped off the fluid discharged by appellant's penis; and in tears, laid back on the floor pretending to be asleep.^[11]

Subsequently, appellant placed himself on top of Maria Consuelo as she laid on the bed. Fearful of the appellant Maria Consuelo just cried in pain when he was sexually abusing her while her younger brothers and sisters were in deep slumber. After appellant was through with her, Maria Consuelo laid down beside Maria Cristina and the two cried over their misfortune.^[12]

Both Maria Cristina and Maria Consuelo testified below that the appellant was not able to insert his penis into their vagina because they kept on moving in an effort to evade the sex organ of appellant. However, they recounted that the penis of appellant touched the lips of their vagina and they felt pain, in the process.^[13]

On November 7, 1993, when Elizabeth Moffat arrived from Canada, she visited the house occupied by the family of appellant. But she stayed in her house in Calumbaya, Bauang, La Union. The complainants failed to reveal the dastardly act of appellant because according to them, Elizabeth Moffat was very busy. It was only on December 4, 1993 that they mustered enough courage to tell their traumatic

experience to Aling Maria (Walditruedes Enriquez), the laundry woman who occasionally went to their house. The next day, Aling Maria told Elizabeth Moffat what the appellant did to the complainants. After learning what happened, Elizabeth Moffat lost no time in reporting the incident to the authorities and she submitted her nieces for medical examination.^[14]

In the case of Maria Cristina Puzon, the results of the examination conducted by Municipal Health Officer Dr. Bernardo E. Parado, on December 7, 1993, were as follows:

"EXTERNAL EXAMINATION OF THE FEMALE REPRODUCTIVE ORGAN:

1. The mons veneris is not covered with pubic hair.
2. Labia Majora is noted to have abundant secretion. No hematoma noted. The mucosal lining is erythematous.
3. Labia Minora is moist and reddish in appearance.
4. No abnormality noted at the clitoris.
5. The vaginal opening is abundant with secretion, with erythematous mucosa. The hymen is fimbriated. No bleeding noted.
6. Vagina, noted to have abundant secretion.

INTERNAL EXAMINATION OF THE FEMALE REPRODUCTIVE ORGAN:

1. The vagina admits tip of finger.
2. Lacerations noted at 6 o'clock position with reddish erythematous mucosa.

LABORATORY EXAMINATION:

1. Negative for gram stain for gonococcus. No other laboratory procedure done."^[15]

With respect to Maria Consuelo Puzon, the results were the following:

"EXTERNAL EXAMINATION OF THE FEMALE REPRODUCTIVE ORGAN:

1. The mons veneris is not covered with pubic hair.
2. Labia Majora is noted to have abundant secretion. No hematoma noted. Slight erythematous mucosal lining noted.
3. Labia Minora is noted to be moist, reddish appearance.
4. Clitoris, no abnormality noted.
5. Vaginal opening and hymen
 - a. The vaginal opening is noted to have abundant secretions with erythematous mucosa.
 - b. Hymen is fimbriated (sic). No bleeding noted.

6. Vagina, noted to have abundant secretion.

INTERNAL EXAMINATION OF THE FEMALE REPRODUCTIVE ORGANS:

1. The vagina admits tip of finger.
2. Lacerations noted at 3 o'clock position with reddish erythematous mucosa.

LABORATORY EXAMINATION:

1. Negative for gram stain for gonococcus. No other laboratory procedure done."^[16]

Appellant vehemently denied the accusations against him; theorizing that it was impossible for him to rape his daughters on September 18, 1993 because he was then very drunk and he fell asleep at the balcony of their house. As regards the alleged November 5, 1993 rape, he theorized that he could not have perpetrated it considering that his sister, Elizabeth Moffat, was in their house, after arriving from Canada at around 10:00 o'clock in the morning of November 5, 1993.

On October 25, 1995, after trial, the lower court found the People's version credible and handed down the judgment of conviction under review.

Dissatisfied therewith, appellant found his way to this Court; contending, that:

I

THE TRIAL COURT ERRED IN FINDING ACCUSED-APPELLANT RENATO PUZON Y JUQUIANA GUILTY BEYOND REASONABLE DOUBT OF THE CHARGES OF RAPE DESPITE THE CONTRADICTING EVIDENCES FOR THE PROSECUTION.

II

THE TRIAL COURT ERRED IN FINDING ACCUSED-APPELLANT RENATO PUZON Y JUQUIANA GUILTY BEYOND REASONABLE DOUBT OF THE CHARGES OF RAPE DESPITE THE FAILURE OF THE PROSECUTION TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.^[17]

The trial court convicted appellant of the crime of statutory rape, defined by paragraph 3 of Article 335 of the Revised Penal Code, ratiocinating thus:

"The accused was charged with the crime of statutory rape under paragraph 3 of Article 335 of the Revised Penal Code. The gravamen of this offense is the carnal knowledge of a woman below twelve years of age. In these cases, the fact of carnal knowledge by the accused was established by their testimonies to the effect that Maria Cristina Puzon was 11 years old and that Maria Consuelo Puzon was 10 years old when the crimes were perpetrated and more importantly is the fact that the accused is their father.

In view of the foregoing circumstances, it is clear that first and third paragraphs of Article 335 of the Revised Penal Code are present in these cases. First, the accused had carnal knowledge of a woman; the offended parties in these cases are his two