

EN BANC

[G.R. No. 142900, August 07, 2002]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
CRISTITUTO**

DECISION

PUNO, J.:

This is another detestable case of incestuous rape of a young girl.

The complainant, MARY JANE C. GUARDIAN, is the daughter of the accused-appellant, CRISTITUTO GUARDIAN. The Information^[1] dated April 5, 1998, against the accused-appellant reads:

"UNDERSIGNED accuses CRISTITUTO GUARDIAN of the heinous crime of "Rape" (four counts) as penalized under Republic Act No. 7659, in relation to Republic Act No. 8353, committed as follows:

That in, about and during the month of September, 1996;

That on or about the 11th day of February, 1999;

That on or about the 13th day of February, 1999;

That on or about the 16th day of February, 1999;

all of which acts were committed in *barangay* Mabulo, municipality of San Fernando, province of Romblon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused CRISTITUTO GUARDIAN, did then and there, by means of intimidation, willfully, unlawfully and feloniously have carnal knowledge of the complainant MARY JANE GUARDIAN, his own minor daughter, against her will. (emphases supplied)

All contrary to law.

Romblon, Romblon, April 5, 1999.

(SGD.) FRANCISCO F. BENEDICTO, JR.

OIC/Senior State Prosecutor"

When arraigned, the accused-appellant pled "not guilty."^[2]

At the pre-trial conference, the prosecution and the accused-appellant, assisted by counsel, entered into the following stipulation of facts:^[3]

"A. Stipulation of Facts:

1. that the accused (appellant) is the father of Maryjane (sic) Guardian, the alleged victim and private complainant in these four (4) cases of rape;
2. that Maryjane (sic) Guardian was born on May 22, 1985, as shown by her certificate of live birth marked as Exhibit A;
3. that in September, 1996, Maryjane (sic) Guardian was eleven (11) years old;
4. that the accused and Maura Carmona Guardian have been living together continuously as husband and wife for the last sixteen (16) years as of today with their five (5) children, including Maryjane (sic) Guardian;
5. that during the month of February, 1999, Maura Carmona Guardian was in Metro Manila working as a housemaid;
6. that presently, Maryjane (sic) Guardian is attending school at Libertad *Barangay* High School, *barangay* Libertad, Odiongan, Tablas Island, Romblon, as third year student;
7. that in September 1996, Maryjane (sic) Guardian was a grade VI pupil at Mabulo Elementary School, *barangay* Mabulo, San Fernando, Sibuyan Island, Romblon, while in February, 1999, she was a second year high school at (sic) España National High School, *barangay* España, also in San Fernando;
8. that Maryjane (sic) Guardian executed a sworn statement on February 22, 1999, which is the complaint filed with the PNP San Fernando, Sibuyan Island, Romblon; that to further augment this complaint, Maryjane (sic) Guardian, assisted by her mother, Maura Carmona Guardian, filed on July 26, 1999, with the Office of the Provincial Prosecutor the complaint against the accused, her own father, Cristituto Guardian, and live-in partner of her mother, Maura Carmona Guardian, for four (4) rapes committed on her person during the months of September 1996, February 11, 1999, February 13, 1999 and February 16, 1999; and
9. that for the alleged incident that happened in September 1996, there was no complaint coming from Maryjane (sic) Guardian or from her mother until this year when the complaint was filed."

The trial against the accused-appellant ensued.

Mary Jane Guardian testified that in September 1996 and on February 11, 1999, February 13, 1999 and February 16, 1999, her mother, Maura Carmona Guardian, was working as a housemaid in Manila. Thus, she and her siblings were left with their father, the accused-appellant, in their house in *barangay* Mabulo, San Fernando, Romblon.^[4]

The complainant revealed that the first rape was committed in September 1996. She was then barely eleven (11) years old having been born on May 22, 1985.^[5] At about 10:00 p.m., she was roused from her sleep when she felt somebody undressing her. She discovered it was the accused-appellant. He took off her shorts and panty. Next, he mashed her breast and forced a sexual intercourse with her. She felt pain, cried and kicked him but to no avail. During the sexual assault, he threatened her not to reveal the incident to her mother or else he would kill them all. Afraid, she kept silent about the rape.^[6]

The complainant was abused by the accused-appellant from October 1996 until February 1999. She lost count of the number of times she was sexually assaulted, but she declared it happened almost every month, at nighttime, in their house. Sometimes, the accused-appellant was drunk and beat her up when she refused to

accede to his bestial desires. Due to the accused-appellant's cruelty, the complainant's eldest brother ran away from home in 1997.^[7]

She tried to avoid the sexual advances of the accused-appellant. On several occasions, she slept in the house of her paternal grandmother, Nardita Guardian, and her paternal aunt, Sarita de Asis, situated some fifty-five (55) meters and six hundred (600) meters away, respectively, from their house. She did not tell them about the rapes for fear that they, too, might be killed by the accused-appellant. Neither did she disclose the incidents to the relatives of her mother because they were in Manila.^[8]

The second incident happened on **February 11, 1999**. The accused-appellant was intoxicated. Armed with a bolo, he undressed the complainant and forcibly had carnal knowledge of her. He was rough on her. The act was allegedly repeated in the same fashion on **February 13, 1999**.^[9]

The fourth incident took place on **February 16, 1999**. Again, the accused-appellant undressed her. She cried, but he was unmoved.^[10] He forced himself on her. On February 20, 1999, the complainant saw that the accused-appellant was, again, inebriated. Grippled with fear, she did not go home but instead, went to a dance party. However, she felt that the accused-appellant would hurt her younger siblings as he was drunk. She decided to get them. Unfortunately, the accused-appellant also went to the dance. When he saw her, he brought her to their house and mauled (binugbog) her. She sustained bruises.

Complainant could no longer bear the beatings. The next day, at 1:00 a.m., she escaped from their house and sought refuge in the residence of her aunt Marlene. When Marlene's sister, Aileen De Asis, saw the bruises of the complainant, she accompanied her to *barangay* chairman Ireneo Bersaba and reported the maltreatment.

Barangay Chairman **Ireneo Bersaba** corroborated the story of the complainant. He testified that she was brought to his house in the afternoon of February 21, 1999. She was crying and had bruises on her upper limb. She revealed that the accused-appellant had mauled her because she refused to have sexual intercourse with him. She also declared that she was first raped when she was in Grade VI and, since then, he had been abusing her. Bersaba endorsed the complainant to the DSWD.

On February 22, 1999, **Dr. Leticia Chan**, Rural Health Physician of San Fernando, Romblon, conducted a medical examination on the complainant. The complainant was crying as she related that she was physically and sexually abused by her father, the accused-appellant. During the physical examination, the doctor found a bluish contusion on the complainant, below the left armpit, extending from the back left side of the body to the left breast. It was 2.5 inches wide and seven (7) inches long. The doctor opined that the contusion was consistent with her claim that the accused-appellant used a belt in hitting her. There were also reddish and blackish contusions on the outer side of the left arm, on the forearm, and below it and on the left side of the forehead of the complainant. The doctor explained that it was possible that the contusion on the forehead was caused by the belt's buckle. Considering the colors of the contusions, the doctor estimated that the injuries were inflicted less than four (4) or five (5) days from the date of the examination.^[11]

On the results of the internal examination, the doctor revealed that the complainant's hymen was lacerated in several scattered directions. She also found a whitish discharge (sticky fluid) on the vaginal cavity of the complainant akin to seminal fluid. When she checked her vaginal opening, it easily admitted two (2) fingers, indicating that it is lax, possibly due to repeated sexual intercourse.^[12] The doctor's findings were reflected in a medical certificate,^[13] dated February 23, 1999.

Maura Carmona Guardian testified that she and the accused-appellant lived continuously as common-law husband and wife since November 14, 1982. They have five (5) children, namely, Michael, 16 years old; **Mary Jane, 14;** Rezan, 10; Rose Ann, 8 and Mary Kaye, 5. **Her daughter Mary Jane was born on May 22, 1985.**^[14]

On February 23, 1999, Maura received a phone call from the accused-appellant. At that time, she was in Manila, working as a household helper. He told her that he beat their daughter, Mary Jane, and that she was sick. However, after the said call, somebody rang her up and informed her that the accused-appellant did not only beat Mary Jane but also raped her. Maura rushed to Romblon to verify the information.

At their house, she had a confrontation with the accused-appellant. She grabbed him and gave him several blows. She cried hysterically and asked why he raped their daughter. The accused-appellant remained silent. When she repeatedly asked whether he raped their daughter, he finally broke down and said "yes."^[15]

The defense was a mere denial.

The accused-appellant testified that he was in *barangay* Mabulo the whole month of September 1996. Sometimes he stayed in the mountains in their plantation, and at other times, in their house. He denied raping the complainant. He claimed he whipped her on February 16, 1999 because she slept in another person's house. He denied the confrontation that took place between him and his wife when she arrived from Manila. He claimed that they did not have an occasion to talk because the DSWD immediately took his wife into custody.

Charita de Asis, younger sister of the accused-appellant, testified that the complainant was beaten up by the accused-appellant because the complainant lied about her whereabouts at nights when she did not sleep in their house. Charita claimed that the victim would watch betamax shows without asking permission from the accused-appellant and, after the shows, she would sleep in other houses because she feared the accused-appellant. Charita denied that the complainant slept in her house as she claimed.^[16] Nonetheless, Charita admitted that she did not know if the accused-appellant really raped the complainant because their house is about ½ kilometer away from hers.^[17]

The trial court found the accused-appellant guilty as charged of four (4) counts of rape. The dispositive portion of its judgment^[18] reads:

"WHEREFORE, this Court finds the accused (appellant) CRISTITUTO GUARDIAN GUILTY beyond reasonable doubt of four (4) counts of rape and is hereby sentenced to suffer the supreme penalty of death for each count of rape, as well as to pay MARY JANE GUARDIAN P50,000.00 for

each count of rape, or a total of P200,000.00 as civil indemnity, and an additional amount of P100,000.00 as moral damages.

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SO ORDERED.”

The case is with this Court for automatic review. The accused-appellant assigns one error:

“THE TRIAL COURT ERRED IN CONVICTING ACCUSED-APPELLANT OF FOUR (4) COUNTS OF RAPE WHEN HIS GUILT HAS NOT BEEN PROVEN BEYOND REASONABLE DOUBT.”

The decision is affirmed with modifications.

The accused-appellant claims that it is incredible that the complainant would remain silent about the sexual assaults for a long period of time, i.e., from September 1996 up to February 1999. She had several opportunities to reveal the rapes to her relatives, but she kept silent. She reported the rapes only after she was beaten up. He surmises that the complainant fabricated the rape charges to get even with him.

We are not persuaded. It is not unnatural for young rape victims to conceal for some time their ordeals.^[19] Most of the time, they choose to suffer silently due to the threats made by their assailants, especially when the molesters are their own ascendants.^[20] Parent molesters have moral ascendancy over their children that could lead them to bear in silence their defilements.^[21]

In the case at bar, the complainant is a young naive girl. She was even, at first, unaware that the sexual violations committed against her by the accused-appellant were wrong. The evidence shows that he threatened to kill her and her family if she would report the rapes to anyone. She had reason to fear him for her mother was then in Manila-too far to protect her. Her eldest brother had ran away from home due to the cruelty of the accused-appellant. Her only companions were her younger siblings who could not protect her. Trapped in a seemingly hopeless situation, it would be too much to expect the young complainant to act like an adult and do what is expected of mature people.^[22]

It is inconceivable that the complainant would fabricate the rape charges against the accused-appellant just to get even with him. Even when consumed with revenge, it would take a certain amount of psychological depravity for a young woman to concoct a story that would put her own father for most of his remaining life in jail, if not put him to death, and drag herself and the rest of her family to a lifetime of shame.^[23] In charging the accused-appellant, she simply told the truth. She testified as follows:^[24]

“Q: Do you realized (sic) that by filing this case against your father, he may go to prison?

A: Yes, sir.

Q: And you also know that he is now in prison?

A: Yes, sir.