

## EN BANC

[ G.R. No. 145303, August 07, 2002 ]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE VS.  
EDUARDO T. OCAMPO, ACCUSED-APPELLANT.**

### DECISION

**AUSTRIA-MARTINEZ, J.:**

On automatic review is the decision of the Regional Trial Court of Pasig City (Branch 166) finding accused Eduardo T. Ocampo guilty beyond reasonable doubt of the crime of rape in Criminal Case No. 113837-H, sentencing him to suffer the penalty of death, to indemnify the victim in the amount of Fifty Thousand Pesos (P50,000.00) and to pay the costs of suit.

The Amended Information reads:

“The Prosecution, through the undersigned Public Prosecutor, upon sworn complaint of Suzette H. Ocampo, a copy of which is hereto attached as Annes (sic) “A” and forms an integral part of this information, charges Eduardo T. Ocampo with the crime of rape, committed as follows:

“On or about June 21, 1994, in Taguig, Metro Manila and within the jurisdiction of this Honorable Court, the accused, with lewd designs and by means of force and intimidation, did then and there willfully, unlawfully and feloniously have sexual intercourse with his daughter, Suzette H. Ocampo, against her will and consent.

Contrary to law.”<sup>[1]</sup>

The prosecution presented three witnesses: the complainant, Suzette H. Ocampo; her mother, Susie Ocampo; and Dr. Maximo Reyes, NBI Medico-Legal Officer.

Complainant’s narration of the events that precipitated the filing of the case against appellant is as follows:

Suzette is the eldest among four children of appellant Eduardo T. Ocampo. She recalls that upon waking up inside their house in Taguig, one early morning in February, 1994, she saw bloodstains in her blanket. Upon seeing the bloodstains and knowing that she did not have her menstrual period at that time, she concluded that she was raped. She claims that because she was a sound sleeper she was not awakened when she was violated. Nevertheless, she points to her father as the culprit. When asked how he knew that it was her father who raped her, Suzette said that the former has been raping her for a long time.<sup>[2]</sup>

In the early morning of June 21, 1994, while alone in her room in the same house in Taguig, she woke up to find out that she was naked and that her father, who was also naked, was on top of her. She said that she did not shout for help because she did not want other people to know what her father was doing. Her mother, at that

time, was in their canteen at Buting, Pasig while her brothers were in another room. She cried and pleaded to her father to stop what the latter was doing. After sometime, the father stopped and left. After her father left, the complainant put on her clothes and went back to sleep. When she woke up she went to school. It was only in the afternoon of the same day that she saw her mother and it was then that the latter talked to her. Her mother told her that her younger sister saw what her father did to her that early morning of June 21, 1994.<sup>[3]</sup>

The following morning, complainant and her mother went to her godmother in Sumilang, Pasig and told the latter what happened. Her godmother no longer allowed her to go home. Instead she was brought by her godmother to the house of the latter's sister in Sta. Mesa. Later, they went to the office of the National Bureau of Investigation (NBI) where complainant was medically examined. Afterwards, they filed a complaint against appellant. Two (2) Informations were filed charging him of Rape committed against her daughter Suzette, docketed as Criminal Case No. 113836-H and Criminal Case No. 113837-H.<sup>[4]</sup>

Susie Ocampo, complainant's mother, testified that she does not recall any unusual incident that happened in February, 1994. However, she said that on June 21, 1994, her youngest daughter told her that she saw her father rape her sister Suzette between 5:00 and 6:00 in the morning of the same day. After having knowledge of the said incident and fearing that appellant might do something against her and their children, Susie sought the help of Suzette's godmother who accompanied Suzette to the NBI office and helped her file her complaint against appellant.<sup>[5]</sup>

Susie likewise testified that on June 29, 1994, appellant was arrested and a case was filed against him, docketed as Criminal Case No. 106542, charging him of the crime of rape committed against Suzette. However, the case was provisionally dismissed because Suzette with the conformity of her mother Susie, filed an Affidavit of Desistance<sup>[6]</sup> declaring therein that the case does not warrant criminal prosecution and Suzette is forgiving her father, herein appellant.

The prosecution's last witness was Dr. Maximo Reyes, the NBI medico-legal officer who examined Suzette. He found no external injuries in the body of the complainant. However, complainant's genital examination revealed the presence in her hymen of an "old-healed deep laceration at 6:00 o'clock position corresponding to the face of a watch, edges of which are rounded and non-coaptable." He also testified that the laceration could have been inflicted not later than March, 1994 and that the same might have been caused by a fully erect penis or any other hard instrument inserted in complainant's vagina.<sup>[7]</sup>

Defense, on the other hand, presented appellant as its sole witness who testified that the charges against him are fabricated; that complainant's mother is his common-law wife; that the latter convinced the complainant to file the case against him because the former is jealous of appellant's girlfriend; that his daughter also filed a case against him to prevent him from getting his share in the income of the canteen that they own.

After trial, the lower court rendered judgment finding appellant innocent of the rape allegedly committed in February 1994 (Criminal Case No. 113836-H) but guilty of the rape allegedly committed on June 21, 1994 (Criminal Case No. 113837-H).

Accused-appellant assails the trial court's judgment of conviction raising the following Assignment of Errors:

"I

"THE LOWER COURT ERRED IN CONVICTING THE ACCUSED OF THE CRIME OF RAPE AS CHARGED IN CRIMINAL CASE NO 113837-H DESPITE THE FAILURE OF THE PROSECUTION TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.

"II

"THE LOWER COURT GRAVELY ERRED IN IMPOSING THE SUPREME PENALTY OF DEATH NOTWITHSTANDING THE FAILURE OF THE PROSECUTION TO ALLEGE THE AGE OF THE VICTIM IN CRIMINAL CASE NO. 113837-H."<sup>[8]</sup>

As to the first assigned error, appellant claims that the testimony of complainant was inconsistent and lacks the element of truthfulness and spontaneity. He contends that complainant's failure to recall the details of the incident complained of is contrary to the normal reaction of a rape victim.

We disagree. Minor lapses in a witness' testimony should be expected when a person recounts the details of an experience so humiliating and so painful to recall as rape, for rape, as a harrowing experience, is usually not remembered in detail.<sup>[9]</sup> Moreover, records show that the acts complained of were committed when complainant was still at a tender age of fourteen. As such, ample margin of error and understanding should be accorded to the young complainant who, naturally, would be seized with fear much more than adults when required to relive an experience she would most definitely rather forget.<sup>[10]</sup> The long-standing rule is that when an alleged victim of rape says she was violated, she says in effect all that is necessary to show that rape has been inflicted on her, and as long as her testimony meets the test of credibility, the accused may be convicted thereof.<sup>[11]</sup>

Appellant claims that the testimony of the complainant is incredible and inconsistent. However, it is settled that when credibility is in issue, the Supreme Court generally defers to the findings of the trial court considering that it is in a better position to decide the question, having heard the witnesses themselves and observed their deportment during trial.<sup>[12]</sup> In the instant case, we find nothing on record to convince us to depart from the findings of the trial court.

Furthermore, complainant's testimony is corroborated by the findings of the NBI medico-legal officer who discovered a healed laceration in her hymen.<sup>[13]</sup> When the victim's testimony of her violation is corroborated by the physical findings of penetration, there is sufficient foundation for concluding that there was carnal knowledge.<sup>[14]</sup>

We are not convinced by appellant's defense that his wife was moved by jealousy that she prevailed upon their daughter to file the complaint against appellant. No mother in her right mind would expose her daughter to the disgrace and trauma resulting from a prosecution for rape if she was not genuinely motivated by a desire to incarcerate the person responsible for her daughter's defilement.<sup>[15]</sup>