

EN BANC

[G.R. No. 144634, December 18, 2002]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
AURELIO CRUZ Y RAMOS, ACCUSED-APPELLANT.**

DECISION

CARPIO MORALES, J.:

Does inebriation render a man amnesic of what he is doing or cause him to lose control of his senses? Or does it enfeeble him to render it difficult or impossible to commit coital assault?

Before us for automatic review is the March 28, 2000 Decision¹ of the Regional Trial Court, Branch 76, of San Mateo, Rizal in Criminal Case No. 4163 convicting accused-appellant Aurelio Cruz y Ramos of raping his then sixteen (16) year old daughter Marivic Cruz and imposing upon him the supreme penalty of death.

The Information dated May 20, 1999 charged accused-appellant with rape allegedly committed as follows:

That on or about the 15th day of May, 1999, in the Municipality of San Mateo, Province of Rizal, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, having moral ascendancy over complainant MARIVIC CRUZ Y ORE, the latter being his daughter, by means of force, coercion and intimidation and with lewd design or intent to cause or gratify his sexual desire or abuse, humiliate and degrade complainant, while armed with a knife, did then and there willfully, unlawfully and feloniously have sexual intercourse with said complainant, a minor, sixteen (16) years old, without her consent and against her will.²

When arraigned on June 17, 1999, accused-appellant entered a plea of not guilty.³

Culled from the testimony of five witnesses for the prosecution, namely: Marivic, her mother Juliet, her aunt Susana Quigaman – sister of accused-appellant, a medico legal officer, and a policeman, are the following facts:

Marivic, the eldest of six children of accused-appellant and his common-law-wife Juliet Ore, and her young twin siblings resided with their parents at Doña Pepeng Subdivision, Banaba, San Mateo Rizal.⁴

On May 15, 1999, at about 2:00 p. m., after accused-appellant, his wife Juliet, Marivic and the twins had returned home following their attendance of a fiesta in neighboring barangay Nangka in Marikina City, Juliet left for her usual weekly visit to her ailing mother in Bulacan.

Right after her mother Juliet departed for Bulacan, the then 16 year old Marivic sat teary eyed in front of the house of her aunt-neighbor Susana⁵ who, noting her expanding buttocks,⁶ asked her what her problem was. Marivic reluctantly revealed to Susana that she had been molested by her father-accused-appellant since she was 12⁷ but that she was afraid to disclose it because he threatened to kill her and her family.⁸

Marivic's tale upset Susana who echoed it to her (Susana's) other siblings.⁹

At around 7:00 p. m., also of May 15, 1999, while inside their house, accused-appellant ordered Marivic to lie down and sleep beside him.¹⁰ He then took off his clothes and asked her to undress.¹¹ As accused-appellant poked a "Rambo" knife¹² at her neck and threatened to kill all of them,¹³ Marivic complied.

Although Marivic tried to shout for help, accused-appellant covered her face with a pillow,¹⁴ after which he inserted his penis into her vagina and made a push and pull movement.¹⁵ Marivic could not do anything but cry.¹⁶

After satisfying his lust, accused-appellant warned Marivic not to tell anyone about the incident under pain of death.¹⁷

On May 17, 1999, Susana and her relatives, after reflecting on what to do about Marivic's plight, had accused-appellant arrested and detained.¹⁸

On Juliet's return from Bulacan, Susana informed her of Marivic's tale.¹⁹ Juliet lost no time in confronting the already detained accused-appellant²⁰ whom she slapped.

On May 18, 1999, Marivic, accompanied by Juliet and Susana,²¹ was examined by Dr. James Margallo Belgira, Medical Legal Officer of the PNP Crime Laboratory Services in Camp Crame, Quezon City,²² whose findings were incorporated in Medico Legal Report No. M-1032-99.²³

The doctor found that there was a deep healed laceration in Marivic's hymen at 5 o'clock position, which laceration he opined to be caused by the insertion of a hard blunt object in the vagina, possibly an erect male penis; that the insertion could have been done on May 15, 1999; and that from the pregnancy test he conducted on her *viz a viz* her last menstrual period, Marivic was 12 - 13 weeks pregnant.²⁴

Accused-appellant, confronted with Marivic's claim that he poked a knife at her and "forcibly abused" (the phrase used by defense counsel) her, replied that he did not know because he was drunk:

Q You heard her testify that you forcibly abused her with the use of a bladed weapon?

A No, sir.

Q Why are you saying so?

A **I really did not do it, sir?**

Q Which act you did not commit? Please specify.

A The poking of the Rambo knife, sir.

Q What about the fact of abusing her?

A **That I do not know because I was very drunk, sir.**

Q Earlier you testified that it is not true that you poked a bladed weapon upon Marivic Cruz and now you testified that the incident of abusing is also not true because when it really happened, you were not in your right senses?

Pros. Ramolete:

That question is misleading, your Honor, because his answer is I do not know.

Atty. Garillo:

Let us clarify, Mr. Witness, which fact is that you do not know?

A **The poking of Rambo knife, sir.**

Q **What about the fact of abusing her?**

A **I also do not know because I was drunk, sir.**²⁵
(Emphasis supplied).

He eventually admitted "abusing" Marivic, but in February 1999.

Q You were also here when Marivic Cruz testified that you were abusing her since her tender years as early as March 1995, did you hear that?

A Yes, sir.

Q And what can you say about that allegation of Marivic Cruz?

A It is not true, sir.

Q **And what is the truth about it?**

A **Only in February but I cannot remember the date but that was last year, sir.**

Q **February of 1999?**

A **Yes, sir.**

x x x

Q You claimed that the February incident between you and your daughter Marivic Cruz happened when you were dr[u]nk. My question is, do you usually or occasionally take alcoholic beverages?

A Only sometimes, sir.

Q How often?

A Once or twice a week, sir.

Q And what alcohol do you usually partake?

A Gin, sir.

Q And how many bottles do you usually consume?

A The maximum is four (4) bottles, sir.

Q And you are the only one who consume those bottles?

A Yes, sir, while cooking.

Q **And in that February incident, how many bottles did you consume or partake?**

A **Two (2) gins and one (1) grande, sir.**

Q **And with those quantity you claimed that you were already drunk?**

A Yes, sir.

Q You have experienced being drunk?

- A Yes, sir.
- Q **And what was your feeling when you considered yourself drunk?**
- A **I felt dizzy, sir.**
- Q **What about your mental faculty?**
- A **I could not understand myself and I lost control of my senses.**²⁶ (Emphasis supplied).

In fine, accused-appellant admitted having had sexual intercourse with Marivic, but on a date different from that subject of the case at bar, while in a state of drunkenness during which he could not, so he claimed, "understand himself" and "lost control of [his] senses."

Finding for the prosecution, the trial court convicted accused-appellant of rape and sentenced him to death by the decision under review the dispositive portion of which reads:

WHEREFORE, premises considered, judgment is hereby rendered finding accused Aurelio Cruz y Ramos guilty beyond reasonable doubt of the crime of Rape (Violation of Art. 266-A, par. 1 in relation to Art. 266-B, par. 6, RA 8353 in relation to RA 7610 and par. (a), Sec. 5 of RA 8369) and sentencing him to suffer the Penalty of Death, and to indemnify the private complainant Marivic Cruz y Ore in the amount of P75,000.00 and P50,000.00 as moral damages and to pay the costs.²⁷

In his Brief, accused-appellant proffers this lone assignment of error:

THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED-APPELANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF RAPE,²⁸

he assailing the credibility of Marivic.

Accused-appellant argues that Marivic's failure to report to her mother Juliet that she was being molested by him, and her going back home in the afternoon of May 15, 1999 even after she had confided to her aunt Susan²⁹ what she claimed to have gone through, infirm her credibility. And he reiterates his claim that he was drunk on May 15, 1999 and concludes that it was hard for him to rape Marivic.³⁰

It is doctrinally settled that a rape victim who, like Marivic, testifies in a categorical, straightforward, spontaneous and frank manner, and remains consistent, is a credible witness and her testimony must be given full weight and credit.³¹

And the victim's credibility is enhanced when she accuses her own father.³² For it is unthinkable, if not completely preposterous, that a daughter would audaciously concoct a story of rape against her father in wanton disregard of the unspeakable trauma and social stigma it may generate on her and the entire family.³³

Marivic's failure to report the previous incidents of rape to her mother does not dent her credibility, there being no standard form of behavior expected of rape victims who react differently to emotional stress. Accused-appellant's moral ascendancy could have led Marivic to suffer in silence and restrain her from reporting the crime.³⁴ Besides, in rape cases, young girls usually conceal for some time their