

## FIRST DIVISION

[ G.R. No. 122473, June 08, 2000 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
ARTECHE ANTONIO Y PAYAGAN, ACCUSED-APPELLANT.**

### D E C I S I O N

**PARDO, J.:**

Accused Arteche Antonio y Payagan appeals from the decision<sup>[1]</sup> of the Regional Trial Court, Branch 7, Baganga, Davao Oriental finding him guilty beyond reasonable doubt of rape committed against his thirteen (13) year old daughter, Arnie S. Antonio, and sentencing him to *reclusion perpetua* and to pay his daughter P50,000.00 as moral damages, plus costs.

Based on the sworn complaint of Arnie S. Antonio,<sup>[2]</sup> on September 14, 1992, 2nd Assistant Provincial Prosecutor Nino A. Batingana, Davao Oriental filed with the Regional Trial Court, Branch 7, Baganga, Davao Oriental an information for rape against Arteche Antonio, alleging that:

"That on or about 15th day of January, 1992, in the Municipality of Cateel, Province of Davao Oriental, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, being the father of the complainant, by means of force, threats, violence and intimidation, did then and there wilfully [sic], unlawfully and feloniously have carnal knowledge with her (sic) daughter Arnie S. Antonio (minor) against her will.

"CONTRARY TO LAW."<sup>[3]</sup>

On November 25, 1992, accused Arteche P. Antonio pleaded not guilty during arraignment.<sup>[4]</sup> Trial ensued.

Complainant Arnie S. Antonio is the eldest of seven (7) children of spouses Arteche and Nieves Antonio. She was born on June 2, 1978<sup>[5]</sup> and lived with her parents and six (6) other siblings in Barrio Maglahus, Cateel, Davao Oriental.

The house of the Antonio's is a one-room dwelling. At night, the sleeping area of the children and their parents was divided by a curtain. In this sleeping arrangement, Arnie was twelve (12) feet away from her father.

At about 12:00 midnight of January 15, 1992, the family slept on the floor with a different sleeping arrangement. Arnie slept in one corner, beside her father and mother, and her younger siblings slept on the other side of the floor divided by the curtain. Arnie was awakened from her deep slumber by her father, accused Arteche Antonio. She tried to shout but her father covered her mouth and threatened her

with a *bolo*.<sup>[6]</sup> He removed her panty, and got on top of her. He pinned her body to the floor with his body. Using his knees and feet, accused forced open Arnie's crossed legs. Arnie struggled to free herself from her father's hold, but she was overpowered by her father's strength.<sup>[7]</sup> After the sexual assault, Arnie felt pain in her vagina.

Despite seeing her mother rouse from her sleep, Arnie could not shout for help because she was afraid of her father's violent temper and threat that he would cut her neck if she got near her mother. That night, she wept and suffered in silence.

The following morning, Arnie told her mother about her ordeal the previous night. Her mother said that she could not do anything about it, for she was afraid of the accused who always beat her.

On March 2, 1992, Arteche gave Arnie five hundred (P500.00) pesos and sent her to the *poblacion* to buy rice and uniform. At the store of Mr. Elin Go, she accidentally saw her maternal aunt, Myrna Sedodo, who was going to Davao City. She asked if she could go to Davao City with her. Myrna agreed. Arnie stayed for sometime with her aunt until she found a job as "yaya" in the house of an employer, whom she called Ate Jasmin

On June 18, 1992, Arnie's father, accused Arteche, together with an uncle and a policeman, went to Davao City to fetch her. Sensing that her father was bent on taking her back to Cateel, Arnie confessed her ordeal to her employer, Ate Jasmin. The latter brought her to the police station to file a complaint, and an investigation was conducted. She told the investigator that she would not go with her father because he raped her. The police investigator referred her case to the Department of Social Welfare and Development (DSWD), Davao City.

On March 24, 1992, Neneng Agdumad, a social worker from the DSWD, Davao City accompanied Arnie to the health center where she was physically examined by Dr. Ledesma, city health officer of Davao City. The medical examination of the victim revealed the following:

"GENITAL EXAMINATION:

"Pubic hair, fully grown, scanty. Labia majora, gaping. Labia minora, coaptated. Fourchette, tense. Vestibule, pinkish, smooth. Hymen, thick, short, with healed superficial laceration at 8 o'clock position corresponding to the face of a watch. Hymenal orifice, originally annular, admits a tube, 2.5 cms. in diameter. Vaginal walls, tight. Rugosities, prominent.

"CONCLUSIONS:

"1.) No evident signs of extragenital physical injuries noted on the body of the subject at the time of examination.

"2.) Healed hymenal laceration, present."<sup>[8]</sup>

Arnie positively identified her father as the rapist. She was thirteen (13) years old when her father sexually abused her. It was painful for her to file a case against her

own father, but she had to do it.

Though Arnie could have filed the complaint in Cateel on the day she left for Davao City on March 2, 1992, she did not do so because she was afraid of her father. She was apprehensive that her complaint would suffer the same fate as her mother's complaint for physical injuries against her father, filed in 1990. She did not tell her aunt either for fear that the latter would not allow her to go to Davao City.<sup>[9]</sup> She told her aunt Myrna that she has been boxed and manhandled by her father on February 27, 1992. Moved by pity, her aunt allowed her go to Davao City.<sup>[10]</sup>

The accused Arteche Antonio denied the charge against him. He said that he did not do anything against his daughter Arnie.

Arteche admitted that on the night in question, he and his family were sleeping on the floor of their one-room dwelling. He and his wife slept on one side of the room, while his seven (7) children were on the other side separated by a blanket. Contrary to the claim of his daughter Arnie, he did not sleep beside her. In fact, he was twelve (12) feet away from her. It was his wife, Nieves, who slept beside him that night.<sup>[11]</sup>

When asked why his eldest daughter would file the instant case against him, Arteche said that he had a misunderstanding with Arnie when he hit her with a notebook on the head because she lost the one hundred fifty (P150.000) pesos he gave her to buy milk for her younger siblings.<sup>[12]</sup>

Roselyn Antonio, Arnie's younger sister testified for their father. She said that on the night of January 15, 1992, the family slept at the *sa/a* of their house, which also served as the sleeping area at night. Her parents slept on one side of the one-room house, while she and her other siblings slept at the other side. Since there was no partition in the one-room dwelling to separate them from their parents, a blanket was hanged and served as a divider. She did not notice anything unusual that night. Arnie slept beside her. No one among her siblings slept beside her parents. The place where she slept was about four (4) meters away from where her parents were. She slept at around 8:00 in the evening and woke up around 5:00 in the morning. Arnie was still sound asleep beside her.<sup>[13]</sup>

Roselyn said that she loved her sister Arnie and that she missed her very much. Arnie is a good sister and a good and loving daughter. It was very painful for her that her sister filed the instant case for rape against their father.<sup>[14]</sup>

On March 14, 1995, the trial court promulgated a decision finding accused Arteche P. Antonio guilty of rape as charged and sentenced him, to wit:

"IN VIEW OF THE FOREGOING, this Court finds the accused guilty beyond reasonable doubt and hereby sentences him to punishment by reclusion perpetua.

"He shall suffer as well the accessory penalties prescribed by law.

"Furthermore, he shall indemnify the offended party the amount of P50,000.00 for moral damages, and to pay the costs.

"SO ORDERED.

"Baganga, Davao Oriental, Philippines, January 12, 1995.

"MONICO G. CABALES

J u d g e"[15]

Accused Arteche Antonio immediately filed a motion for new trial; however, the trial court denied the motion on April 7, 1995. On April 18, 1995, accused filed a notice of appeal.

Accused-appellant claims that the trial court erred in giving credence to the improbable testimony of the complainant. He alleged that complainant falsely attributed to him the crime of rape because that was the only way by which she can escape life in the mountains and continue her stay in Davao City.[16]

Accused-appellant cited inconsistencies in the testimony of complainant which cast doubt on the veracity of her charge: (1) complainant claimed that she saw her mother wake up while her father was sexually abusing her, but her mother did not do anything contrary to the natural reaction of mothers as "fierce and fearless protectors of their children"; (2) if he in fact planned the sexual abuse against his daughter, he would have done so in a place and time less likely to be discovered, and not when his whole family was sleeping in the same room; and (3) complainant vacillated in reporting the rape to the authorities.[17]

The contention is untenable. The alleged inconsistencies are inconsequential considering that they refer to trivial matters which have nothing to do with the essential fact of the commission of rape, that is carnal knowledge through force or intimidation.[18] Discrepancies and inconsistencies in the testimony of a witness referring to minor details, and not in actuality touching upon the central fact of the crime, do not impair her credibility.[19] If at all, they serve as proof that the witness is not coached or rehearsed. Furthermore, whatever doubts the alleged inconsistent statements might have created have been adequately explained by the prosecution.

As regards the allegation that the mother's reaction is contrary to human experience, considering the factual milieu of the case at bar, there is nothing out of the ordinary in the mother's silence and indifference that night. It is an established fact that complainant's mother cowed in fear and was powerless in the presence of accused Arteche, who used to beat her up. Arnie confirmed that accused Arteche is "very brave when" it comes to their family.[20] "The workings of a human mind placed under emotional stress are unpredictable and people react differently--some may shout, some may faint, and some may be shocked into insensibility while others may openly welcome the intrusion." [21]

Neither could accused negate the commission of the rape in light of the presence of his whole family inside the same room and the likelihood of being discovered. "We have held that for rape to be committed, it is not necessary for the place to be ideal, or the weather to be fine, for rapists bear no respect for locale and time when they