

## EN BANC

[ G.R. No. 128839, July 20, 1999 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
GODOFREDO TEVES Y LEMEN, ACCUSED-APPELLANT.**

### DECISION

**DAVIDE, JR., C.J.:**

This case is before us on automatic review<sup>[1]</sup> of the decision<sup>[2]</sup> of 14 March 1997 of the Regional Trial Court of Imus, Cavite, Branch 20, in four (4) criminal cases, finding accused-appellant Godofredo Teves y Lemen (hereafter GODOFREDO) guilty of the crime of multiple rape and sentencing him to suffer the penalty of death and to pay the victim the amount of P50,000.00 as compensatory damages.

On the basis of a sworn statement<sup>[3]</sup> executed by Cherry Rose Teves (hereafter CHERRY), daughter of GODOFREDO, a criminal complaint<sup>[4]</sup> for *multiple rape* committed "since the year 1993 up to the 1st, 8th and 3rd day of January 1995," was filed against GODOFREDO before the Municipal Trial Court (MTC) of Kawit, Cavite. Although not clear from the record, GODOFREDO was somehow arrested and detained.

Despite due notice, GODOFREDO did not file his counter-affidavit with the MTC. After due proceedings, the MTC found a *prima facie* case against GODOFREDO and thus forwarded the record of the case to the Office of the Provincial Prosecutor of Cavite.<sup>[5]</sup>

On 4 July 1995, the Office of the Provincial Prosecutor of Cavite filed four (4) separate informations for rape against GODOFREDO with the Regional Trial Court of Cavite, Branch 20, in Imus. The informations were docketed as Criminal Cases Nos. 3872-95,<sup>[6]</sup> 3873-95,<sup>[7]</sup> 3874-95<sup>[8]</sup> and 3875-95,<sup>[9]</sup> respectively.

The accusatory portion of the information in Criminal Case No. 3872-95, denominated as one for *multiple rape*, reads as follows:

That sometimes [*sic*] in the year 1993, in the Municipality of Kawit, Province of Cavite, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, taking advantage of his superior strength over the person of his thirteen (13) year old daughter, by means of force, violence and intimidation and with lewd designs, did then and there, wilfully, unlawfully and feloniously, have repeated carnal knowledge of Cherry Rose Q. Teves, against her will and consent, to her damage and prejudice.

CONTRARY TO LAW.

The accusatory portion of the information in Criminal Case No. 3873-95 reads as follows:

That on or about the 1st day of January 1995, in the Municipality of Kawit, Province of Cavite, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by means of force, violence and intimidation, with lewd designs and taking advantage of his superior strength over the person of his own daughter who is only thirteen years old, did, then and there, wilfully, unlawfully and feloniously, have carnal knowledge of Cherry Rose Q. Teves, against her will and consent, thereby causing her damage and prejudice.

CONTRARY TO LAW.

The accusatory portions of the informations in Criminal Case No. 3874-95 and Criminal Case No. 3875-95 are similarly worded as that in Criminal Case No. 3872-95, except as to the dates of the commission of the crimes, which were specified as 3 January 1995 and 8 January 1995, respectively.

The four cases were consolidated and jointly tried. At his arraignment on 9 October 1995, GODOFREDO entered a plea of not guilty in each case.<sup>[10]</sup>

At trial on the merits, the prosecution presented the offended party, CHERRY, but dispensed with the testimonies of the social worker, Leonida Ramos, and of the Medico-Legal Officer, Dr. Owen Lebaquin, as the parties stipulated on the substance of their testimonies.

On his part, GODOFREDO relied solely on his testimony, raising the defenses of denial and alibi. He further imputed ill motive on the part of CHERRY in having filed the case.

The trial court gave full faith and credence to the testimony of CHERRY, having been "given spontaneously and in a straightforward manner" and which stood "unrebutted." On the other hand, the trial court considered GODOFREDO's claim of ill motive "hollow and totally unworthy of belief."

The trial court faithfully summarized the evidence for the prosecution and the defense, as follows:

Taking the witness stand, the victim Cherry Rose Teves narrated how she was raped by her father on several occasions. She claimed that sometime in 1994 when she was only thirteen (13) years old and while washing dishes, her father touched her breast. A day before New Year of 1995, her father told her not to leave their house; that in a little while, her father laid her down, removed her panty and shorts, touched her breast and inserted his sex thing into her organ; that after a week, while she was taking a bath, her father asked her to hand him the dipper; that when she obeyed, he suddenly entered the bathroom and again sexually abused her; that she even noticed blood coming out of her organ. Continuing, she elucidated that on January 1, 1995, she was instructed by her father to clean the house and to take care of her younger brothers and sisters after sending her twelve (12) year old brother [on] an errand

to buy cigarettes; after her brother left, she was molested by her father. The assault on her virtue was always followed by a threat for her not to report the incident to her mother or else she [would] be killed; that during all those times that she was abused by her father, her mother who [was] a laundry woman, was out of the house.

When cross-examined, she declared that her father was then working as a carpenter and usually arrived home at around 5:00 o'clock in the afternoon or late in the evening. She, being the eldest among the six children in the family, was the one taking care of her little brothers and sisters because she already stopped schooling. Nobody knew of the abused [*sic*] heaped upon her by her father until she confided it to her friends who [resided] at Kaingin, Kawit, Cavite.

After presenting the victim, the parties entered into stipulations to wit:

1. That Social Worker Leonida Ramos was the one who assisted and brought the complainant to the PC Crime Laboratory for examination resulting in the issuance of a medico-legal report;
2. That said Social Worker knew the complainant because the latter came to see her and so, she brought her to the Kawit Police Station where her statement was taken.

In view of the above stipulations, the testimony of Social Worker Leonida Ramos was dispensed with.

Likewise, the testimony of Dr. Owen Lebaquin, Medico-Legal Officer of the PNP Crime Laboratory Service, was dispensed with after the defense admitted the findings of the said physician as contained in Medico-Legal Report No. M-0092-95 (Exh. "B"). As stated in the Report of the Medico-Legal Officer which was completed on January 31, 1995, the subject is in non-virgin state physically without external signs of application of violence.

Accused ... claimed that he knew of no reason why he was charged [with] rape, except that he did not approve of [his] daughter coming home late from her friend at the DSWD. And because of this, he maltreated her. He added that he only comes home on weekends, being a construction worker at the Arcontica on a "pakyawan" basis; that there were occasions that he and his daughter were the only ones left at their house.<sup>[11]</sup>

Applying Article 335 of the Revised Penal Code, as amended by Section 11 of Republic Act (R.A.) No. 7659, which imposes the death penalty in rape cases committed by a parent when the victim is under 18 years of age, the trial court then decreed:

WHEREFORE, premises considered, judgment is hereby rendered finding accused Guilty of Multiple Rape. He is thus sentenced to death for the rape of his 13 year old daughter and to indemnify her of the sum of P50,000.00 as compensatory damages.

SO ORDERED.

In his Appellant's Brief, GODOFREDO's lone error is that the trial court erred in finding him guilty beyond reasonable doubt of the crime of rape.

GODOFREDO asserts that since his conviction rests on the uncorroborated testimony of the complainant, there must be a careful and painstaking scrutiny of the latter; it should not be easily accepted and believed with precipitate credulity.<sup>[12]</sup> GODOFREDO contends that CHERRY's testimony contained "uncertain and conflicting answers" and that the following circumstances warrant a reversal of the challenged judgment: (1) CHERRY's testimony was tainted with uncertainties and implausibilities as evidenced by inconsistencies and her failure to recall the number of times and the dates she was allegedly raped by her father, as well as of the details thereof; (2) CHERRY's testimony did not prove existence of force and intimidation; (3) the evidence for the prosecution was purely speculative and conjectural; and (4) the unreasonable delay of two years in the filing of the complaint.

In the Brief for the Appellee, the People maintain that the alleged inconsistencies in CHERRY's testimony are not sufficient to cast serious doubt upon her credibility since victims of rape cannot be expected to remember every grisly detail of the fact of the commission of the offense and thereafter "keep an accurate account of her traumatic experience."<sup>[13]</sup> At any rate, the inconsistencies were only on minor matters which, instead of weakening CHERRY's credibility, all the more strengthened it as they eradicated the suspicion of rehearsed testimony.<sup>[14]</sup> Moreover, the assessment of credibility of witnesses is best left to the trial court whose judgment thereon is entitled to the highest respect by appellate courts, it having had the unique opportunity to observe the demeanor of the witnesses. This, the People observe, is especially true in the instant case where CHERRY, a young and unschooled barrio lass, had no evil motive to charge her father with a grievous offense.

Anent the issue of force and intimidation, the People assert that it was of no moment that the prosecution failed to show its presence in the commission of the offense, since in a rape case committed by a father against his daughter, the moral ascendancy and influence of the latter over the former substitutes for the force and intimidation.<sup>[15]</sup>

As to the delay in reporting the rape incident, the People contend it is settled that such delay neither diminishes complainant's credibility nor undermines the charges of rape where the delay can be attributed to death threats of the assailant upon the complainant.<sup>[16]</sup> Be that as it may, GODOFREDO's contention that the charges of rape were made known only two years thereafter was baseless, for as a matter of fact, it did not take two years before CHERRY finally broke her silence: the first rape incident happened sometime in 1994 before New Year's day of 1995, and that on 25 January 1995, a complaint charging GODOFREDO with rape was filed before the Municipal Trial Court of Kawit, Cavite.

In reviewing rape cases we are guided by the following well-entrenched principles: (1) an accusation for rape can be made with facility: it is difficult to prove but more

difficult for the person accused, though innocent, to disprove it; (2) in view of the intrinsic nature of the crime of rape where only two persons are usually involved, the testimony of the complainant must be scrutinized with extreme caution; and (3) the evidence for the prosecution must stand or fall on its own merits, and cannot be allowed to draw strength from the weakness of the evidence for the defense.<sup>[17]</sup>

Basic in every prosecution for rape is the determination of the credibility of the offended party's testimony, for the lone testimony of the victim, if credible, is sufficient to sustain the verdict of conviction.<sup>[18]</sup> On this note, when the issue is one of credibility of witnesses, appellate courts will generally not disturb the findings of the trial court, considering that the latter is in a better position to decide the question as it heard the witnesses themselves and observed their deportment and manner of testifying during trial.<sup>[19]</sup> The exceptions to the rule are when such evaluation was reached arbitrarily, or when the trial court overlooked, misunderstood or misapplied some facts or circumstance of weight and substance which could affect the result of the case.<sup>[20]</sup> We sustain the trial court's ruling as to the credibility of CHERRY and find that GODOFREDO miserably failed to demonstrate the existence of any of the exceptions aforementioned. Our review of CHERRY's testimony has us fully convinced of her sincerity, candor and truthfulness as to the fact of rape, to the extent that the only issue to be resolved is the number of times she was raped.

The following excerpt of CHERRY's testimony established with moral certainty GODOFREDO's guilt:

Q Do you remember when your father raped you?

A I cannot remember.

Q How many times were you raped by your father?

A Many times.

Q Miss Witness, how old were you when you were first raped by your father?

A 13 years old.

Q That would be sometime in 1994?

A Yes, mam [*sic*].

Q Can you tell the court what happened on the first occasion when you were raped by your father?

A Yes, mam [*sic*].

Q What were you doing on that day when you were first raped by your father?

A I was washing dishes.

Q Do you remember what time was it [*sic*]? Was it morning, afternoon or evening?

A I cannot recall. It happened quite some time.

Q While you were washing dishes, what did your father do?

A He touched my breast.