

FIRST DIVISION

[G.R. No. 114058, July 10, 1996]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ZALDY FRANCISCO Y BARON, ACCUSED-APPELLANT.

D E C I S I O N

BELLOSILLO, J.:

Leonida B. Francisco, a 62-year old widow, still distraught and numb in disbelief from her harrowing experience, appeared at the Police Station of Bacoor, Cavite, to report that she was viciously raped. She must have wished she were somewhere else instead, and the revolting misdeed that visited her were only a bad dream that would vanish with the mists of daybreak. But, sadly, it was for real, and the act demanded supreme retribution. The perpetrator was her own flesh and blood! Not in her wildest imaginings did it ever occur to her that someday the infant she bore, suckled and caressed would in adulthood become a loathsome beast that would violate and devour her whole being sans the faintest remorse. Resolutely mustering whatever was left of her strength and courage, shunning all shame and humiliation, she narrated to the police her ordeal which she knew she would painfully reprise at the preliminary investigation and subsequent trial of her case.

Her story thus unfolds. On 17 April 1991, at around seven-thirty in the evening, she was walking home with a friend after conversing with a neighbor when Zaldy, her 29-year old son, told her she had a visitor waiting for her at home. Upon reaching her house, she saw nobody inside so she asked her son where the visitor was. Instead of answering her, Zaldy locked the door and told her to sit down because the visitor was upstairs. There was a knife lying on the table; she did not mind it. She asked Zaldy to call for her visitor but he refused, instead, he insisted that they go up to the second floor to talk. As she went up the stairs Zaldy followed her closely behind. She asked that the light be turned on but he ignored her request. This time Zaldy was already holding the knife and his eyes were wildly darting sideways. He accused her of having an affair with a man he once saw leaving her room. But Leonida swore he was not a lover. As she started to tell him that the man was a tenant who had just paid his rent to her, Zaldy suddenly pushed her into an empty room.

What transpired inside the room Leonida alone, and perhaps Zaldy, could describe. *Sabi po niya, papatayin niya ang lalaki; sabi ko, bahala ka basta ako walang lalaki; di pagkatapos inipit niya ang leeg ko, tapos sabi niya gigilitan niya ang leeg, hawak ang kutsilyo, sabi ko huwag mo akong patayin, gusto ko pang mabuhay, yuong anak mo, walang bubuhay sa anak mo. Inalis niya ang kutsilyo, hinablot ako at hinubaran na ako. Nagmakaawa ako pero para lamang akong papel, wala na akong lakas kasi inipit ang kamay ko, eh di paharang kami sa kama, ibinagsak ako sa kama, tapos nga yuon na nga ginawa na niya ang magagawa sa akin.*^[1]

Leonida abashedly described how her son kissed her on the lips until she could no longer breathe. According to her, he caressed her, kissed her private parts, then mounted her and did the inevitable. He had sexual intercourse with her. Now weak from the blows her son would let loose on her every time she resisted, terribly frightened and hardly able to comprehend the situation, she could only cry out in utter helplessness and desperation, *"My son, what are you doing to me?"* The fiend gloated, *"So that you will not look for another man, I will make you happy!"*^[2] Leonida tried to divert his attention by offering him money to buy pleasure somewhere else, but to no avail. All her pitiable entreaties were ignored. Thrice that evening in a span of one hour he lustfully raped his mother.

After satisfying his bestial instinct, Zaldy ordered his mother to put on her clothes. She pleaded to be released, but not until he made her promise at the point of a knife that she would not tell anyone about what he did to her. It was only then that he opened the door and allowed his mother to leave. Freed at last, Leonida proceeded to the residence of her daughters at Green Valley and told them of her misfortune. The following morning, accompanied by her daughters and some constabulary soldiers, Leonida proceeded to the Bacoor Police Station to charge her son with rape.

On 2 July 1991 the corresponding Information for rape was filed in court against Zaldy Francisco y Baron, docketed as Crim. Case No. B-91-246.

Zaldy denied having raped his mother. His version is that he lived in his mother's house after his wife left him and that on the night of the incident he only conversed with her briefly about the loss of some money which she was blaming on him. After that, according to him, he went out to "roam around."^[3]

Asked what could have motivated his mother to charge him with rape, Zaldy blandly answered that it was her tendency to blame him for just about anything that would happen in the house. But he admitted however that his mother loved him and always ran to his rescue whenever he found himself in trouble, which included his confinement for four (4) months as a drug dependent at the Tagaytay Rehabilitation Center, and his frequent brushes with the law for which he was jailed in Bacoor, Imus, Las Piñas and Tagaytay. He also admitted, albeit reluctantly, that he had not been completely cured of his drug addiction as he escaped from confinement at the rehabilitation center.

On 30 July 1993 the trial court found Zaldy guilty of raping his mother Leonida B. Francisco three (3) times but convicted him of just one (1) offense of rape as the Information charged him with only one rape. Accordingly, the court below sentenced him to *reclusion perpetua* and to indemnify her mother P50,000.00, and to pay the costs.

The accused assails the decision. He bewails that the trial court (a) gave undue weight to what he described as incredible, unreliable and inconsistent testimony of private complainant on certain material points; (b) did not give any weight to the evidence adduced in his defense; and. (c) rendered a verdict of conviction despite the fact that his guilt was not proved beyond reasonable doubt.

The accused maintains that he could not have raped his mother because granting