

Title: People of the Philippines vs. Cresencio Tabugoca

Facts:

- On January 20, 1995, two informations were filed against Cresencio Tabugoca, charging him with raping his daughters Jacqueline and Jinky in two separate incidents.
- Criminal Case No. 2386 alleged that on March 28, 1992, in Naguilian, Isabela, Tabugoca raped his 14-year-old daughter Jacqueline with force and intimidation.
- Criminal Case No. 2387 alleged that on December 9, 1994, Tabugoca raped his 12-year-old daughter Jinky under similar circumstances.
- During arraignment with a counsel de oficio, Tabugoca pleaded not guilty to both charges.
- A consolidated trial took place, and on March 15, 1996, the Regional Trial Court of Ilagan, Isabela found Tabugoca guilty in both cases.
- The court sentenced him to reclusion perpetua for the first case and death for the second, noting the aggravating circumstances of relationship and intoxication.
- Jacqueline testified that her father raped her after their mother's death, which led to her becoming the object of gossip at school.
- Jinky also testified that her father attempted to rape her, but she resisted after initially succumbing.
- Medical examination supported their testimonies, with findings of multiple healed lacerations on Jacqueline and swelling on Jinky's genitalia.
- Tabugoca claimed he was unaware of the incidents due to intoxication and alleged that the charges were a result of his daughters' disgruntlement over disciplinary actions.
- The defense argued for exemption based on insanity due to intoxication.

Issues:

1. Whether the guilt of Tabugoca was proven beyond reasonable doubt.
2. Whether intoxication can be considered a valid defense or mitigating circumstance.
3. Whether the delay in reporting by the victims affects the credibility of the accusations.
4. Whether the absence of physical resistance and lack of hymenal laceration negated the charge of rape.

Court's Decision:

1. The Supreme Court upheld the trial court's findings, emphasizing the credibility of the victims' testimonies corroborated by medical evidence. The delay in reporting was justified by intimidation from a parental figure.
2. Intoxication was ruled out as a mitigating circumstance since it was not involuntary or

unexpected but rather habitually induced, and there was no evidence of complete deprivation of intelligence.

3. The Court reiterated that delay due to fear in reporting does not discredit rape accusations. For children, especially victims of incest, revealing the crime is difficult due to familial ties and fear of repercussions.

4. The Court declared that full vaginal penetration was not necessary to establish rape. Penetration into the labia suffices, and the moral ascendancy of a parent constitutes intimidation even in the absence of physical force.

Doctrine:

- The moral influence of a parent over a child in incestuous rape cases substitutes for violence or intimidation.
- In crimes punishable by indivisible penalties, the presence of mitigating circumstances does not alter the penalty.
- Delays in reporting rape, especially incestuous, do not affect the victim's credibility if fear and intimidation were factors.
- Rape can be established with penetration to the labia, with or without hymenal laceration, refuting claims that lack of laceration negates the charge.

Class Notes:

- Key Elements in Rape: Force/intimidation, lack of consent, and carnal knowledge (penetration sufficient if to labia).
- Article 335 of the Revised Penal Code: Defines rape, its elements, and circumstances elevating it to qualified rape.
- Intoxication as a Defense: Requires involuntariness for mitigation; habitual intoxication may aggravate.
- Credibility Assessment: Consideration of threats, delayed reporting, and family dynamics in evaluating victim testimony.

Historical Background:

This case arose during the period when criminal penalties, especially the death penalty, were subject to comprehensive judicial review following amendments to Article 335 by Republic Act No. 7659. The ruling reflects the judiciary's strict interpretation favoring victim testimony in cases involving family members, reflecting socio-legal shifts towards protecting minors and penalizing parental sexual abuse.