

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. FRANCISCO BLANCAFLOR, APPELLANT.

G.R. No. 130586. January 29, 2004

Ponente: AUSTRIA-MARTINEZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-130586/>

AUSTRIA-MARTINEZ, J.:

Before us is the automatic review of the judgment,[1] dated August 9, 1997, of the Regional Trial Court of Tabaco, Albay (Branch 15) in Criminal Case No. T-2780, finding appellant Francisco Blancaflor guilty of Rape beyond reasonable doubt and sentencing him to suffer the penalty of death.

On December 4, 1996, an Information was filed before the Regional Trial Court of Tabaco, Albay (Branch 15), accusing appellant of the crime of rape, thus:

That sometime in the later part of July, 1995, at around 3:30 or 4:00 o'clock in the morning, more or less, at Barangay Igang, Municipality of Bacacay, Province of Albay, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd and unchaste designs and by means of force, threat and intimidation, did then and there willfully, unlawfully and feloniously have sexual intercourse with his own stepdaughter, MYLENE B. RUEDA, against her will and without her consent, to her damage and prejudice.

ACTS CONTRARY TO LAW.[2]

Upon arraignment, appellant pleaded not guilty to the foregoing charge. Trial ensued.

The facts of the case, as established by the prosecution, are as follows:

Fourteen-year old, high school student Mylene B. Rueda has been an average student. However, sometime in 1996, Mrs. Adelaida Corla, Mylene's class adviser in high school, noticed that Mylene became absent-minded in class and sometimes she even found her crying. Mylene began to get failing grades in one of her subjects, and so Mrs. Corla conferred with Mylene, asking her why she was failing when she used to be good in class. Mylene only cried. Mrs. Corla prodded on with more questions and was ultimately shocked to discover the gravity of Mylene's problem.[3] Mylene revealed to her class adviser that her "stepfather" had raped her.[4]

Mylene recounted that one very early morning sometime during the last week of July, 1995, her mother, a fish vendor who leaves their home at dawn everyday, woke her up and asked her to transfer from the floor where she (Mylene) was sleeping, to the bed where her four-year old brother slept. Mylene then transferred and slept on the bed.[5] At around 3:30 or 4:00 that same morning, she was again roused from sleep when she felt appellant on top of her, with his penis already at the entrance of her vagina. She could not do anything as her hands were pinned against appellant's chest and he was threatening to kill all of them with a gun that was then just beside him. Appellant went on to push his penis into her vagina, continuing to touch her breast and vagina.[6]

For at least a couple of days after the incident, she did not attend school.[7] She could not immediately overcome her fear of her stepfather. It took her three more weeks before she gathered the courage to tell her mother about

the incident. Mylene's mother and appellant quarreled about the matter, but soon after, the two were in talking terms again and the matter was resolved with a mere promise from appellant that he will not do it again. Appellant, however, went on touching or mashing Mylene's private parts whenever he had a chance but Mylene no longer reported the incidents to her mother as she was afraid.[8]

Thus, it was only when Mylene finally told her class adviser in high school about her traumatic experience that something was done about her predicament. When Mrs. Corla learned about the rape incident, she referred the problem to the school's guidance counselor, who in turn obtained help from COPE, an organization that helps rape victims. They assisted Mylene in reporting the crime to the National Bureau of Investigation (NBI) and the case was filed in court. Custody over Mylene was also turned over to the Department of Social Welfare and Development (DSWD).[9]

Appellant claims that Mylene is merely fabricating the charge against him out of vindictiveness; that she is only making up the story about the rape because she is mad at him for trying to discipline her.[10] He testified that when Mylene started going to high school, she began to form a habit of going out every evening and returning only at around 11:30 at night. He chastised Mylene about her conduct, but she only answered back, saying that he is "like a devil."

Both defense witnesses Antonio Bermundo, formerly the appointed Barangay Captain of the place where appellant and private complainant reside, and Leovigildo Barron, a resident of the same barangay and the neighbor of appellant, testified that as far as they know, appellant is a good person, with no derogatory record whatsoever in the barangay.[11]

The trial court rendered judgment, the dispositive portion of which reads as follows:

WHEREFORE, in view of the foregoing, judgment is hereby rendered finding accused, FRANCISCO BLANCAFLOR (sic), guilty beyond reasonable doubt of the crime of Rape defined under Sec. 11 of R.A. 7659 and sentencing him to suffer the supreme penalty of death and to indemnify Mylene Rueda the total amount of Fifty Thousand Pesos (P50,000.00) as actual, moral and exemplary damages and to finally pay the costs hereof.

SO ORDERED.[12]

In his appeal brief, appellant assigns the following errors of the trial court:

I

THE LOWER COURT SERIOUSLY ERRED IN HOLDING THAT, RANGED AGAINST THE DENIAL OF THE ACCUSED, THE TESTIMONY OF THE COMPLAINANT IS DECIDEDLY MORE CONVINCING AND RATIONAL.

II

THE LOWER COURT SERIOUSLY ERRED IN HOLDING THAT MYLENE RUEDA'S "FAILURE TO DIVULGE THE BESTIAL DEED AND DENOUNCE HER ATTACKER IMMEDIATELY AFTER IT TOOK PLACE IS NOT CONTRARY TO NORMAL BEHAVIOUR."

III

THE LOWER COURT SERIOUSLY ERRED IN FAILING TO CONSIDER THE FACT THAT MYLENE RUEDA WAS ACTUATED BY ILL-MOTIVE AND RESENTMENT IN FILING THE COMPLAINT

AGAINST APPELLANT.

IV

THE LOWER COURT LIKEWISE ERRED IN HOLDING THAT “ACCUSED’S DEFENSES OF ALIBI AND DENIAL DO NOT INSPIRE THE SLIGHTEST BELIEF AND CONSIDERATION.

Appellant points out that he never advanced the defense of alibi; that his only defense is denial; that there is no truth whatsoever to the claims of Mylene.

Thus, the main issue here is the credibility of private complainant and her testimony. Appellant points to several circumstances purportedly showing that Mylene’s testimony is not worthy of belief.

First, he points out that there is no evidence that Mylene put up any resistance. In fact, her younger brother who was sleeping beside her was not even roused from sleep when the alleged rape was taking place. Hence, appellant contends that it is not true that he had to resort to force, violence and intimidation to commit the alleged rape. Second, the delay of fourteen months before Mylene reported the alleged rape clouds her credibility. Lastly, Mylene’s filing of rape charges was merely motivated by her resentment against appellant’s efforts to instill discipline in her. Appellant therefore posits that the uncorroborated testimony of complainant is weak and cannot be considered more convincing and rational than the defense presented by him.

At the outset, we emphasize the settled rule that the testimony of a rape victim of tender or immature age deserves full credit.[13] At the time Mylene testified, she was a mere fifteen-year old girl. Furthermore, reading from the record, her testimony is clear, straightforward and bereft of material or significant inconsistencies. Hence, the trial court correctly found Mylene’s testimony to be deserving of full faith and credit.

The trial court’s findings on the credibility of witnesses carry great weight and respect and will be sustained by the appellate courts unless the trial court overlooked, misunderstood or misapplied some facts or circumstances of weight and substance which will alter the assailed decision or affect the result of the case.[14] We find nothing on record that would compel us to deviate from such well-entrenched rule or to overturn the trial court’s assessment of the credibility of Mylene.

Appellant’s contention that Mylene’s testimony that she was raped should not be trusted because there are no signs whatsoever that she put up any resistance, is untenable. In *People vs. Rodriguez*, [15] we held that it would be plain fallacy to say that the failure to shout or offer tenacious resistance makes voluntary the victim’s submission to the criminal act of the offender. In *People vs. Gutierrez*, [16] we enunciated that:

Physical resistance need not be proved in rape when intimidation is exercised upon the victim and she submits herself, against her will, to the rapist’s advances because of fear for her life and personal safety. It suffices that the intimidation produces fear in the mind of the victim that if she did not submit to the bestial demands of the accused, something worse would befall her at the time she was being molested.

In this case, it is true that Mylene did not put up a struggle, hence, her four-year old brother did not even notice what was happening between Mylene and appellant. However, it should be noted that Mylene testified that she was thinking of kicking and scratching him but she could not do so as the body of appellant pinned her down, her hands were pinned against appellant’s chest and appellant was threatening to kill all of them. She testified thus:

Q:

When Francisco Blancaflor did what you said he had done to you, what did you do?

A:

I was not able to do anything.

Q:

Why were you not able to do anything?

A:

He threatened me, sir.

PROSECUTOR BERANGO: (To witness)

Q:

And how did he threatened (sic) you?

A: He told me that he will kill all of us.

xxx

xxx

xxx

COURT: (To witness)

Q:

And when you discovered that his sex organ was already inside your sex organ, what immediately did you do if ever?

A:

It occurred to me to kick him but I cannot do it because I was pinned by him and at the same time he was threatening me.

xxx

xxx

xxx

Q:

In your estimate, how long did this incident happen from the moment when you discovered that this man was on top of you?

A:

Fifteen (15) or twenty (20) minutes.

Q:

In all the while what particular thing was he doing to you within fifteen (15) or twenty (20) minutes?

A:

He was moving his body.

Q:

And all the while his sex organ was inside your sex organ?

A:

Not actually inside, his penis was just at the entrance of my vagina while he was moving.

Q:

And all the while it was hurting you too much?

A:

Yes, sir.

Q:

Where were your hands then, what was your position?

A:

I have my hands placed on his chest.

Q:

How about his hands, if you recall?

A:

His hands were placed on my vagina.

Q:

You did not even bother to scratch his face?

A:

I was not able to scratch his face with my hands because I had my hands on his chest and it was being pinned.[17]

Mylene strongly believed appellant could carry out his threat, as there was a gun beside him at the time he was raping her.[18]

Moreover, the fact that Mylene had been living with appellant since she was a very young child and she considered him as her “stepfather” who had considerable moral ascendancy over her, sufficiently explains why she did not offer physical resistance. In *People vs. Rodriguez*,[19] we held that:

The defense argument that the accused has not employed force upon his daughter in order to have sex with him does not at all persuade. The force or violence necessary in rape is a relative term that depends not only on the age, size, and strength of the persons involved but also on their relationship to each other. In a rape committed by a father against his own daughter, the former’s parental authority and moral ascendancy over the latter substitutes for violence or intimidation who, expectedly, would just cower in fear and resign to the father’s wicked deeds.[20]

In this case, appellant, who had been the common-law husband of Mylene’s mother for fifteen years, was practically the one exercising parental authority over Mylene, as he himself testified that he took it upon himself to try to discipline her. In *People vs. Labayne*,[21] we ruled that a child of tender years would blindly follow her “stepfather” who not only exercised strong, moral and physical ascendancy over her, but who made explicit threats on her life should she make any noise.

Thus, we find appellant’s contention that the delay of fourteen months in reporting the alleged rape clouded her credibility, to be unmeritorious. Mylene greatly feared appellant, believing him capable of carrying out his threat to kill them all. Because of this, it took her three weeks before she could muster the courage to tell her mother about the incident. But despite having been apprised of her daughter’s sad fate, Mylene’s mother failed to take any positive act to bring appellant to justice for his evil deed. In fact, as related by Mylene, which was not refuted by the defense, her mother and appellant fought about it but after a while, they were on speaking terms again.[22] As a child of fourteen years at the time the crime was committed, Mylene could hardly be expected to know how to go about reporting the crime to authorities without the help of an adult. Verily, we see how Mylene must have felt absolutely hopeless, believing that there is nobody who could help her if her own mother would not even lift a finger to vindicate her rights or to ensure that she would not be subjected to similar atrocity in the future. It took Mylene’s teachers who had enough concern for her well-being that impelled them to bring the matter to the attention of law enforcement agencies. Thus, the delay of fourteen months in reporting and filing the case against appellant has been sufficiently explained.

In *People vs. De Taza*,[23] the accused therein likewise used the argument that the victim’s delay in filing the rape case against him casts doubt on the victim’s credibility, but we found such argument unmeritorious, and stated thus:

Appellant posits that given the traumatic consequences of rape incidents, it is inconceivable for Jocelyn not to report or confide to anybody what she claims she went through, despite the fact that she was already far from his reach and was already within the secure confines of her other relatives.

Many victims of rape, however, never complain or file criminal charges against the rapist for they prefer to silently bear the ignominy and pain rather than reveal their shame to the world or risk the offender’s ire and drive him to carry out his threats.

...

...

...

To this Court, Jocelyn's delay in charging appellant does not infirm her credibility.

In *People vs. Gutierrez*,^[24] we further held:

Complainant's failure to immediately report the rape does not diminish her credibility. The silence of a victim of rape or her failure to disclose her misfortune to the authorities without loss of material time does not prove that her charge is baseless and fabricated. It is not uncommon for young girls to conceal for some time the assault on their virtues because of the rapist's threat on their lives, more so when the offender is someone whom she knew and who was living with her. The delay in this case was sufficiently explained and, hence, did not destroy complainant's credibility.

Lastly, we find appellant's assertion that Mylene falsely testified against him out of revenge as she resented his efforts to discipline her, not plausible. We held in *People vs. Viajedor*^[25] that family resentment, revenge or feud had never swayed the Court from giving full credence to the testimony of a complainant for rape, especially a minor who remained steadfast in her testimony, throughout the direct and cross-examinations, that she was sexually abused. In *People vs. Cariñaga*^[26] we further observed that not a few accused convicted of rape have attributed the charges filed against them to family feuds, resentment, or revenge. However, such alleged motives have never swayed us from lending full credence to the testimony of a complainant who remained steadfast throughout her direct and cross-examination.

Thus, we do not believe that she would willingly go through the traumatic experience of narrating the sordid details of a rape just to vex appellant who she considered as her stepfather. It is truly inconceivable for a girl of such tender years to be able to concoct a story, provide details of a rape and ascribe such wickedness to her "stepfather" just because she resents being disciplined by him, since by thus charging him, she would also expose herself to extreme humiliation, even stigma. Mylene's credible testimony is unshaken by appellant's weak claim that she was motivated by ill-will in accusing him of rape.

The credibility of complainant Mylene having been firmly established, the trial court did not err in finding appellant guilty of rape beyond reasonable doubt.

As to the proper penalty to be imposed on appellant, the applicable provision of the Revised Penal Code at the time of the commission of the crime was Article 335, as amended by Republic Act No. 7659 which took effect on December 31, 1993, the pertinent portions of which read as follows:

Art. 335. When and how rape is committed. – Rape is committed by having carnal knowledge of a woman under any of the following circumstances:

- By using force or intimidation;

XXX

XXX

XXX

The crime of rape shall be punished by reclusion perpetua.

xxx

xxx

xxx

The death penalty shall also be imposed if the crime of rape is committed with any of the following attendant circumstances:

- when the victim is under eighteen (18) years of age and the offender is a parent, ascendant, stepparent, guardian, relative by consanguinity or affinity within third civil degree, or the common-law-spouse of the parent of the victim.

xxx

xxx

xxx.

.

The Information did not allege the qualifying circumstance of minority of complainant and the fact that appellant is the common-law spouse of the mother of the victim. Evidence show that the appellant is actually not the stepfather of Mylene as it was duly proven in the trial court that appellant is merely the common-law spouse of Mylene's mother, not having been legally married.[27] The correct allegation should have been that appellant is the common-law spouse of the parent of the victim, as contemplated by law, so that appellant may be fully apprised of the exact charge against him.

There was also no competent evidence presented below to establish the age of the victim. In *People vs. Viajedor*,[28] we held:

The minority of the victim and the offender's relationship to the victim, which constitute only one special qualifying circumstance, must be alleged in the Information and proved with certainty. Recent rulings of the Court relative to the rape of minors invariably state that in order to justify the imposition of the penalty of death, there must be independent evidence proving the age of the victim, other than the testimonies of prosecution witnesses and the absence of denial by the accused. xxx xxx xxx The prosecution has the burden of proving all the elements of a crime, including the qualifying circumstances, especially in death penalty cases.

For failure of the prosecution to properly allege in the Information the qualifying circumstance that the victim is under eighteen years of age and that the offender is a common-law-spouse of the parent of the victim, the special qualifying circumstance of minority and relationship could not be taken into consideration and appellant could only be found guilty of simple rape which is punishable by reclusion perpetua. Thus, the trial court erred in imposing the penalty of death on appellant.

As to damages, the trial court erroneously awarded the amount of P50,000.00 only for actual, moral and exemplary damages. Our recent ruling in *People vs. Viajedor*,[29] should provide guidance to trial courts, as follows:

The trial court correctly awarded civil indemnity in the amount of P50,000.00. This award is in the nature of actual or compensatory damages, and is mandatory upon a conviction for rape. The trial court, however, erred is not separately awarding moral damages, which is distinct from the civil indemnity awarded to rape victims. Private complainant is entitled to moral damages in the amount of P50,000.00 pursuant to Article 2219 of the Civil code, without the necessity of additional pleading of proof other than the fact of rape. Moral damages is granted in recognition of the victim's injury necessarily resulting from the odious crime of rape.

Exemplary damages may be awarded in criminal cases as part of civil liability if the crime was committed with one or more aggravating circumstances Hence, complainant is entitled to the award of exemplary damages in the amount of P25,000.00 in order to deter fathers with perverse tendencies and aberrant sexual behavior from preying upon their younger daughters.

Herein appellant's commission of the crime of rape against Mylene, the daughter of his common-law spouse, has been established beyond reasonable doubt. Insofar as the civil aspect of the case is concerned, this entitles complainant Mylene to civil indemnity and moral damages.

As to exemplary damages, appellant admitted being the common-law spouse of complainant Mylene's mother and that Mylene had lived with them since she was a very young child. Appellant was regarded as a stepfather by complainant Mylene. Furthermore, appellant raped Mylene in their own home, a place where the latter should have been protected and care for. Instead, their home became the most fearful place for Mylene. The act was thus committed with abuse of confidence and in the dwelling of the offended party, which are aggravating circumstances under Article 14, paragraphs 3 and 4 of the Revised Penal Code. Although these circumstances could not be used to increase the penalty because the same were not alleged in the Information, they are sufficient basis to award exemplary damages in the civil aspect of the case.

WHEREFORE, the Decision of the Regional Trial Court of Tabaco, Albay (Branch 15) dated August 9, 1997 in Criminal Case No. T-2780, finding appellant Francisco Blancaflor guilty beyond reasonable doubt of the crime of rape and ordering him to pay private complainant Mylene B. Rueda civil indemnity in the amount of Fifty Thousand Pesos (P50,000.00) is **AFFIRMED** with the **MODIFICATIONS** that the death penalty imposed is reduced to reclusion perpetua and that appellant is further ordered to pay private complainant Mylene B. Rueda, moral damages in the amount of Fifty Thousand Pesos (P50,000.00) and exemplary damages in the amount of Twenty-Five Thousand Pesos (P25,000.00).

Costs de oficio.

SO ORDERED.

Davide, Jr., C.J., Puno, Vitug, Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Corona, Carpio-Morales, Callejo, Sr., and Tinga, JJ., concur.

Azcuna, J., on official leave.

[1] Penned by Judge Arnulfo B. Cabredo.

[2] Rollo, p. 7.

[3] TSN, Testimony of Adelaida Corla, January 21, 1997, pp. 6-7.

[4] Complaint, Exhibit "A"; Sworn Statement, Exhibit "B", Original Records, pp. 1 and 3; TSN, Testimony of

Mylene B. Rueda, January 17, 1997, p. 24.

[5] TSN, January 17, 1999, pp. 20, 51-53.

[6] Id., pp. 17-20, 29-32, 45-48, 53-56.

[7] Id., p. 39.

[8] Id., pp. 21-24,

[9] TSN, Testimony of Adelaida Corla, Jan. 21, 1997, pp. 7-9.

[10] TSN, June 19, 1997, pp. 4-10.

[11] TSN, March 11, 1997, pp. 5-7, Testimony of Antonio Bermundo; TSN, May 15, 1997, pp. 4-5, Testimony of Leovigildo Barron.

[12] Rollo, pp. 25-26.

[13] People vs. Cariñaga, G.R. Nos. 146097-98. August 26, 2003

[14] People vs. Johnny Viajedor, G.R. No. 148138, April 11, 2003.

[15] 375 SCRA 224, 233 [2002].

[16] G. R. Nos. 147656-58, May 9, 2003.

[17] TSN, Jan. 17, 1997, pp. 17-18, 55-56.

[18] Id., pp. 46-47.

[19] See Note 15.

[20] Ibid.

[21] 357 SCRA 184, 199 [2001]

[22] TSN, Jan. 17, 1997, p. 22

[23] G. R. Nos. 136286-89, September 11, 2003

[24] G. R. Nos. 147656-58. May 9, 2003

[25] Supra.

[26] Supra.

[27] TSN, Testimony of Francisco Blancaflor, June 19, 1997, pp. 4-5.

[28] See Note 14.

[29] See note 14.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.