

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. LOPE ANDAYA, ACCUSED-APPELLANT.

G.R. No. 86364. May 06, 1991

Ponente: CRUZ, J.

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CRUZ, J.:

The accused-appellant was convicted of the rape of Irene Pilapil, a 14-year old girl. He was sentenced to reclusion perpetua and all accessory penalties and to indemnify the victim in the amount of P30,000.00.[1] He now faults the decision as based on insubstantial evidence that has not proved his guilt beyond reasonable doubt.

The complainant is in effect if not legally his step-daughter, being the daughter of Milagros Bareja, with whom he started cohabiting when the girl was only three years old. It is not denied that he supported her, along with the rest of his family, including his own daughter, Analyn.

The prosecution alleged that on February 19, 1987, Milagros sent her two daughters to Lope Andaya at his work place at Hybrid Farm, Pinugay, Baras, Rizal, to get money from him for household expenses. Instead of sending them back that same day to San Juan, Darangan, Binangonan, Rizal, where they were living, he asked them to stay overnight.

Andaya and the two girls slept in his quarters that night. According to Irene, she was awakened when she felt her pajama trousers and panty being removed. She recognized Andaya, who placed himself on top of her and began to penetrate her. She said she could not shout or resist because he covered her mouth with one hand, at the same time threatening her with a knife. Her maidenhead bled.

Her assailant warned her not to report the incident to anyone. Irene and Analyn remained with Andaya for one week, during which she claimed she was raped three more times. It was only five months later that she revealed her violation to her grandmother, who immediately reported the matter to the authorities. The complainant was medically examined on July 27, 1987, and filed a criminal complaint for rape against Andaya on August 6, 1987.

The other prosecution witnesses were Milagros Bareja, who corroborated her daughter's testimony, and Dr. Desiderio A. Moraleda, a medico-legal examiner in Camp Crame, who affirmed his written report[2] of the complainant's examination. He declared that at the time she was examined Irene's lacerated hymen had already healed and there were no signs of recent trauma on her person.

Testifying for himself, the 39-year old Andaya flatly denied the accusation, insisting that on the day of the alleged rape Milagros had come with the two children to join him at Hybrid Farm. They all slept together in his quarters that night and he never touched Irene except that when he woke up early in the morning and saw her with her skirt raised he covered her with a blanket. He averred that she filed the complaint against him because he had talked to her mother about her going out with boys and her mother had scolded and slapped her.

The trial court, after assessing the evidence, chose to believe the prosecution witnesses. In his brief, the accused-appellant says that the complainant's testimony is flawed with inconsistencies, besides being inherently

incredible.

The defense stresses that at the time of the alleged rape, Analyn, the other girl, was sleeping in the other bed only one meter away from Irene. It is unbelievable that she could not have been awakened by the coupling of Irene and Andaya. Moreover, Irene, by her own admission, did not put up any resistance at all. Much is made also of the undenied fact that despite the alleged rape, Irene remained with Andaya for one whole week, during which she said she was attacked three more times. It is argued that she could and should have left immediately when the first outrage was committed, as befitted a violated victim. The defense also considers it no less incredible that she waited for more than five months before it finally occurred to her to report the claimed rapes to her grandmother.

The People argue, on the other hand, that Analyn, being then only seven years old, was a sound sleeper and was not disturbed by the rape, which was after all not accompanied by any violence. Irene could not make an outcry because of the hand on her mouth and she was otherwise subdued by the immediate threat to her life. As for her staying on for another week at Hybrid Farm, the Solicitor General points out that she had no transportation fare for going back and in fact had gone there precisely to ask for money from Andaya, who asked her to wait until payday. The explanation for her delay in reporting the rapes was Andaya's warning, which together with his moral ascendancy over her as the head of their family, deterred her from revealing her shame.

It is the policy of this Court to defer to the factual findings of the trial judge, who has the advantage of directly observing the witnesses on the stand and to determine by their demeanor whether they are telling or distorting the truth. Unless they come within the accepted exceptions, such findings are regarded as conclusive even upon this Court, which can examine only the inanimate record and does not have the chance to meet the witnesses face to face.

In rape cases especially, much credence is accorded the testimony of the complaining witness, on the theory that she will not choose to accuse her attacker at all and subject herself to the stigma and indignities her accusation will entail unless she is telling the truth. The rape victim who decides to speak up exposes herself as a woman whose virtue has been not only violated but also irreparably sullied. In the eyes of a narrow-minded society, she becomes a cheapened woman, never mind that she did not submit to her humiliation and has in fact denounced her assailant. At the trial, she will be the object of lascivious curiosity. People will want to be titillated by the intimate details of her violation. She will squirm through her testimony as she describes how her honor was defiled, relating every embarrassing movement of the intrusion upon the most private parts of her body. Most frequently, the defense will argue that she was not forced to submit but freely conjoined in the sexual act. Her motives will be impugned. Her chastity will be challenged and maligned. Whatever the outcome of the case, she will remain a tainted woman, a pariah because her purity has been lost, albeit through no fault of hers.

This is why many a rape victim chooses instead to keep quiet, suppressing her helpless indignation rather than denouncing her attacker. This is also the reason why, if a woman decides instead to come out openly and point to her assailant, courts are prone to believe that she is telling the truth regardless of its consequences.

The Court is not saying that the testimony of every woman who complains she has been raped is invariably accepted without question. On the contrary, our jurisprudence is replete with cases where the tearful accusations of the supposed victim have been rejected as no more than scripted and rehearsed histrionics. More often than not, however, we have found that when the complainant voluntarily visits her secret shame upon her head, she has not invented a malicious tale but is crying out to express her revulsion and anger over the brutal affront to her virtue. Such is the case that is now before us.

We find that despite the minor inconsistencies in Irene's testimony, it is believable on the whole as a coherent narration of what actually happened to her on February 19, 1987. We do not think her charges are mere

concoctions from an ungrateful and inventive child against a person who had helped rear her for many years. We are convinced that on that fateful night, the accused-appellant, whom she had always regarded and trusted as a stepfather, forced himself upon her and impaled her with his lust.

The offense committed by Andaya is doubly condemnable not only because of the victim's age but, more so, because he had supported her since she was three years old and she for herself looked upon him as a foster parent resolved to protect rather than despoil her. It is a pity that along with the rupture of her innocence, her filial illusions have also been shattered.

WHEREFORE, the appealed decision is **AFFIRMED** in toto, with costs against the accused-appellant. It is so ordered.

Narvasa, (Chairman), Gancayco, Griño-Aquino, and Medialdea, JJ., concur.

[1] Decision penned by Judge Eugenio S. Labitoria, RTC of Morong, Rizal, Branch 79.

[2] Exhibit "C," original record, p. 118.

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