

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. LUCIO MARTINEZ, ACCUSED-APPELLANT.

G.R. No. 95849. March 04, 1993

Ponente: NARVASA, C.J.

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NARVASA, C.J.:

Lucio Martinez was the "Supreme Minister" of a religious sect known as "Iglesia sa Buhi nga Diyos," the "Church of the Creator" established in Santa Fe, Cebu.[1]

During the period from August, 1986 to February, 1987, six (6) women instituted prosecutions for rape, and one, a case of acts of lasciviousness,[2] against Lucio Martinez, allegedly committed two or three years earlier. The women were apparently all former members of the "Iglesia." [3] The seven (7) cases landed in various branches of the Regional Trial Court of Cebu.

The six (6) who accused Lucio Martinez of rape were:

1) Aida Jumola, daughter of Emilio Jumola, Jr., at whose instance two (2) cases of rape -- supposedly committed on August 19, 1983 and April 9, 1986 -- were filed in the Cebu RTC (Branch 7), in August, 1986 and January, 1987, respectively docketed as Criminal Cases No. 10375 and 10376 -- both cases thereafter resulting in the acquittal of the accused on reasonable doubt in a joint judgment rendered on September 11, 1989;[4]

2) Imelda Batiancila, at whose instance one (1) case of rape -- allegedly committed on November 27, 1981 -- was filed on October 1, 1986 in the Cebu RTC, docketed as Criminal Case No. 10381 -- the case having thereafter been dismissed by Order dated July 4, 1990 for lack of proof, the direct testimony of the offended party having been stricken out on account of her failure to present herself for cross-examination despite several opportunities for her to do so, and no other evidence having been presented by the prosecution;[5]

3) Salvation Jumola (sister of Emilio Jumola, Jr., the father of the above-named Aida Jumola), on whose complaint a case of rape -- allegedly committed on April 11, 1982 -- was filed on June 25, 1987 in the Cebu RTC (Branch 18), docketed as Criminal Case No. 11121 -- the case being still on trial as of April, 1991;[6]

4) Margarita Santillan, on whose complaint a case of rape -- -allegedly committed on August 19, 1982 -- was filed on August 28, 1986 in the Cebu RTC (Branch 6), docketed as Criminal Case No. 10379, the case still being tried as of April, 1991;[7]

5) Concordia Cole, at whose instance a case of rape - -- supposedly committed on March 1, 1984 -- was filed on August 28, 1986 in the Cebu RTC (Branch 11), docketed as Criminal Case No. 10380 -- the case still being tried as of April, 1991;[8] and

6) Elvie Desabille, at whose instance a case of rape -- -allegedly committed on November 16, 1982[9] -- was filed on August 21, 1986 with the Cebu RTC (Branch 16), docketed as Criminal Case No. 10378, this case having resulted in the conviction of the accused by judgment dated January 5, 1990, now subject of the present appeal.[10]

The lawsuit for acts of lasciviousness, docketed as Criminal Case No. 10377 of the Cebu RTC (Branch 23) -- allegedly committed on August 21, 1986 -- was commenced on August 21, 1986 in said Court on complaint of Vivencia Jumola, the wife of the above-named Emilio Jumola, Jr. The case was still on trial as of April, 1991.[11]

Elvie Desabille's complaint was presented to the First Municipal Circuit Trial Court of Bantayan-Santa Fe-Madrirdejos on August 21, 1986. It charged Lucio Martinez with having raped her some four years earlier, or on or about the 16th day of November 1982. The complaint more specifically averred that Martinez had had "sexual intercourse with ** (her), an unmarried woman of good reputation and against her will by means of force and threats ** (while she) was then alone in the Bible Hall of the Church of the Creator, cleaning the vicinity of said Bible Hall," ** (the crime being attended by:) (1) abuse of superior strength and force; (2) abuse of confidence and authority; (3) the (isolated character of the) place of the commission of the crime ** ."[12]

The information which eventually initiated the case in the Regional Trial Court, dated February 6, 1987, simply stated that "on the 16th day of November, 1982 at 8:00 o'clock in the morning at Sitio Santa Fe Heights ** , the accused, by means of violence and intimidation, did then and there, had (sic) sexual intercourse with the said Elvie Desabille against her will."[13]

Two witnesses gave evidence for the prosecution, Elvie Desabille and her father, Jerill Desabille. Their testimony is summed up by the Trial Court as follows:

" * * . Complainant Elvie Desabille and her parents used to be members of the Church of the Creator, a religious sect established in Santa Fe, Cebu, of which the accused Lucio Martinez is the head and Supreme Minister. In the morning of 16 November 1982 complainant went to clean their chapel. It was really her father's turn but since he could not make it, complainant had to pinch-hit for him. While she was sweeping in one of the buildings the accused arrived and instructed her to go to another building, which she did. The accused followed her there and as soon as they got in he closed the door. Upon telling the complainant that he would give something to make her strong, the accused suddenly pulled her hair and forced her to lie on the floor. Thereafter, he kissed her and touched her breast but not before he had pulled complainant's blouse up to her neck. Then the accused who had already removed his pants laid on top of her and succeeded in penetrating her private part. She felt pain and all the while she tried to shout, but the accused covered her mouth with his hand. Not contented with what he had done, the accused inserted his fingers into complainant's private part. It was then that she lost consciousness. When she came to, the accused was already putting on his pants. Thereupon, the accused threatened to kill her and her family if she reported the incident to her parents. Owing to such threat and fearing further that her parents would be drawn to a fight with the accused, complainant who was then only 14 years and 5 months old, chose to suffer in silence. This must have emboldened the accused for about 3 months later, another carnal assault on the already intimidated girl was consummated right in his own house where at one time the complainant and her younger brother were benighted. Again, complainant kept the unpleasant experience to herself, although she already avoided the accused.

Certain other details, culled from the record of Elvie's testimony, are germane and should be mentioned to complete the narrative. According to Elvie, after the accused had laid himself on top of her body, he lifted her blouse with his right hand and "mashed" her breasts with his left.[14] Although her mouth was no longer covered, she could not shout for help because she already felt weak; and the accused raised her skirt and pulled down her panties.[15] While she could not say precisely when the accused undressed himself, it seemed them he did so while he was lying atop her. She then felt the head of his penis being inserted into her vagina and a whitish substance being discharged therefrom, after which it became soft. The accused next inserted two fingers into her vagina, these being his index and middle fingers; and she lost consciousness when the accused withdrew his fingers after a while. When she came to, the accused was already putting on his trousers. He told her not to reveal what happened to her parents, otherwise all of them will die,[16] a threat he uttered only once[17] Admittedly, the

accused had no weapon of any sort at the time.[18]

Still other relevant circumstances gleaned from Elvie's evidence deserve to be mentioned. After her avowed ravishment, she put on her panties and went home. She told no one of her horrifying experience. She gave two reasons for this omission: one, she was afraid that "they (her parents and the accused) might have a quarrel with each other,"[19] and two, she was fearful of the threat of the accused to kill her and her family.[20] The events of the day following her supposed defloration were quite pedestrian: she had lunch with her family, did her usual chores in the afternoon, had supper in the evening, went to bed and woke up as usual at about 6 o'clock in the morning although she says did not have a good night's sleep as she was thinking of the incident.[21] Her church activities in the succeeding days also were commonplace, unexceptional: she continued attending services and meetings at the defendant's church although she says she tried to avoid him.[22] Some three months afterwards, the accused asked her to go to his house so she could receive a handkerchief to which was ascribed extraordinary powers of some sort. Apparently without a second thought, she accepted the invitation and went to the home of the accused in the evening, at around 7 o'clock, accompanied by her brother. Elvie states that after talking with the Martinez, she decided that she and her brother spend the night at his home, because of the lateness of the hour, there being no more pedicabs plying the route at the time. She further states that it was on this occasion that for a second time, Martinez forced her to have sexual intercourse with her, in the room where she was sleeping with her brother, the family of the accused being in another room.[23] As regards this second alleged rape, the record shows that no complaint was ever filed by her or anyone in her behalf.

The delay of almost four (4) years before the accused was haled before the Court for the rape allegedly perpetrated on November 16, 1982, was explained by the Trial Court as follows:

"As to how and why the complainant finally decided to file her complaint was explained by her father, Jerill Desabille. Aside from corroborating complainant's testimony about their membership in the Church headed by the accused, he testified that her (sic) daughter revealed the incidents to them for the first time in 1986 after some other rape victims of the accused had filed their own complaints."

Declaring that "the bottom line issue is one of credibility," the Trial Judge resolved that issue in favor of the prosecution, rejecting the denials of the accused, and his proffered defenses of absence of resistance by the offended party to the assault on her chastity, the lack of medical examination on her person, the long delay in the institution of the criminal proceeding against the accused, and the circumstances indicating that the complainants were instigated by Martinez's rival for the leadership of the Iglesia sa Buhi nga Diyos, Emilio Jumola, Jr.. The Trial Court's Decision of January 5, 1990 pronounced "the accused Lucio Martinez guilty beyond reasonable doubt of the crime of rape as defined in paragraph 1, Article 335 of the Revised Penal Code" and sentenced him to "the penalty of reclusion perpetua ** (and) to indemnify the complainant Elvie Desabille in the sum of P20,000.00." [24]

From this judgment an appeal was seasonably taken to this Court in Lucio Martinez's behalf. Here, Martinez ascribes to the Trial Court several errors, to wit:

- 1) "concluding that truth pervades in the entire dimension of complainant's testimony;"
- 2) "not giving due significance to the failure of the prosecution to submit medical findings on the complainant;"
- 3) "minimizing the effects of complainant's delay in filing the case against accused-appellant;"
- 4) "disregarding the role of Emilio Jumola, Jr. in instigating the filing of the present case;"
- 5) "not giving credence to the defense's evidence." [25]

Over the years, certain principles have been laid down in decisions involving the analysis and assessment of evidence in cases of rape; and, having been so often invoked and applied, have become so completely familiar and prosaic as to seem platitudinous. Such propositions as that rape is not normally perpetrated in the presence of third persons; hence, in prosecutions therefor, the only evidence against the accused is usually the testimony of the offended woman herself, her sole testimony being sufficient for conviction if it rings true and is otherwise credible; and that no decent Filipina would make a public disclosure of her seeming disgrace and allow interrogation and revelation of the prurient details of her debasing ordeal unless her charges are true, this being specially true of young, unsophisticated and artless lasses in rural communities, are now accepted precepts of case law. To be sure, the intrinsic validity of these propositions may not be gainsaid, and should indeed find application in appropriate cases. On the other hand, there is a not unreasonable ground for some apprehension that the invocation of these familiar principles could indicate a conveniently tenable approach to the study and adjudgment of rape cases and a strong temptation be generated, perhaps even sub-consciously, to simply make the facts come within their scope and in this manner bring about a quick disposition of the action. Because the principles very easily come to mind, may indeed be described as jurisprudential cliches readily available, there is no little danger of a lessening of that thoroughness in the study and assessment of evidence that should otherwise be observed when considering an offense of so grave a nature as rape. This Court does not wish to believe that something like this might have occurred in this case.[26]

Be this as it may, there are circumstances which create a reasonable doubt in the Court's mind about the appellant's pronounced guilt, not only as to the Elvie Desabille's narration of the manner by which the crime was committed, but also as regards her conduct subsequent to the alleged rape.

The Court cannot bring itself to believe that there was force or intimidation of such character as to render Elvie helpless to resist the assault against her virtue. The accused admittedly had no weapon with him. He did not box her, hit her or otherwise inflict any bodily injury on her. And before or during the act of bestial depravity supposedly perpetrated by the appellant, he uttered no threat to kill her or her family (a threat of that sort having been made only after the sexual congress, as Elvie herself admits). Neither did the accused make any pronouncement that submission to his sexual advances would be in accord with the discipline of their sect. The only act of physical violence imputed by Elvie to appellant Martinez was the pulling of her hair which caused her to recline in the bed in the room of her supposed defloration. The appellant then allegedly raised Elvie's dress and removed her panties; and this he did without ripping them apart or otherwise tearing them, and while he was "mashing" one of her breasts. Also at about this time, the appellant supposedly undressed himself. While all this was taking place, Elvie did not try to scream for help. She made no sound, in fact, despite the fact that her mouth was not covered.

Elvie also testified that the appellant laid himself atop her after which she felt the head of his penis being inserted into her vagina, a whitish substance was discharged therefrom, and then it became soft. She does not explain how she could have seen this "whitish substance" emitted by the appellant's organ unless she was looking down to see how he was trying to penetrate her with his organ, a circumstance clearly at odds with forceful sexual congress. She also does not explain how she came to know that the appellant's private part became soft, unless, she had looked at it, or touched it. She also deposed that the accused next inserted his index and middle fingers into her vagina, another incongruous detail, for she could not have known this unless, to repeat, she was looking down to observe this act of insertion.

Her behavior after her alleged ravishment can only be described as paradoxical: it was so strangely normal as to be abnormal. During the days and weeks that followed she went about her usual, ordinary pursuits, telling no one of the terrible wrong that Martinez had done to her. She continued to take part in the religious services in

Martinez's church and to listen to his preachings and sermons, although, of course, she says she tried to avoid him. When, about three months afterwards, she was invited by Martinez to come to see him, she unhesitatingly went to his house, and what is worse, she did so in the evening, at about seven o'clock! What is even worse is that she opted to sleep in the house of her ravisher, with the result, she says, that she was again violated by Martinez, this time in a room in which her brother was also sleeping, a result, it might be added, that could not have been entirely unexpected by her under the circumstances. Surely, a chaste female, who had already been victimized by a rapist, would have made every effort to avoid sleeping in her violator's house, even if it meant having to walk to her home 2 or 3 kilometers away in the darkness of the night, with her brother. It bears noting that even this story of a second rape does not entirely induce belief, since it supposedly occurred in the house where the appellant's wife and family were also sleeping, and in a room she shared with her brother.

Yet another singularly uncommon circumstance is Elvie's omission, over a period of four (4) years, to tell anyone whomsoever of the two rapes allegedly perpetrated by the appellant. Moreover, the reasons given for her finally breaking her silence are contradictory. The explanation of her father, Jerill Desabille, which the Trial Court believed, is that Elvie finally divulged her rape "after some other rape victims of the accused had filed their own complaints." Implicit in such an explanation is that Elvie would not have filed any complaint if others had not. On the other hand, Elvie's explanation is different: she was afraid that "they (her parents and the accused) might have a quarrel with each other," or, alternatively, she was fearful of the appellant's threat to kill her and her family, neither of which explanations is consistent with the observations just made. Apart from these materially inconsistent reasons, there, too, is the unexplained failure of Elvie or her parents to initiate prosecution for the supposed second rape.

There are simply too many questions respecting the evidence of the prosecution to which no rationally acceptable answers may be gleaned from the record. The evidence, in fine, does not suffice to overcome the constitutional presumption of innocence in the appellant's favor. He should therefore be acquitted on reasonable doubt.

WHEREFORE, the judgment of conviction rendered on January 5, 1990 against the appellant Lucio Martinez by the Regional Trial Court of Cebu, Branch 16, in Criminal Case No. 10377, is hereby REVERSED and the appellant ACQUITTED, with costs de officio.

IT IS SO ORDERED.

Padilla, Regalado, Nocon, and Campos, Jr., JJ., concur.

[1] Rollo, pp. 36, 79, 113. N.B. The record contains no indication of whether he continues to be Supreme Minister of the sect to this day.

[2] By executing sworn statements or complaints, five in the residence of Emilio Jumola, Jr., one at the Police Headquarters of Sta. Fe, Cebu, and one in the Office of the Provincial Fiscal of Cebu (Idem.)

[3] Rollo, p. 80

[4] Rollo, pp. 70, 85-98

[5] Id., pp. 36, 70, 101

[6] Id., pp. 36, 70

[7] Idem.

[8] Idem.

[9] A second rape was supposedly perpetrated three months later although no complaint for this was ever filed, *infra*.

[10] Rollo, pp. 70, 79-83

[11] *Id.*, p. 70

[12] *Id.*, p. 9

[13] *Id.*, pp. 33-34

[14] TSN, May 18, 1988, pp. 38-39

[15] *Id.*, p. 40

[16] *Id.*, pp. 41-44

[17] TSN, June 9, 1987, p. 22

[18] TSN, May 18, 1988, p. 37

[19] TSN, June 9, 1987, p. 22

[20] TSN, May 18, 1988, p. 46

[21] *Id.*, p. 47

[22] *Id.*, p. 33

[23] *Id.*, pp. 48-49

[24] Rollo, pp. 79, 83

[25] *Id.*, pp. 32-33

[26] SEE Trial Court's relevant disquisition, at p. 82, rollo.

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