

PEOPLE OF THE PHILIPPINES, PLAINTIFFS-APPELLEES, VS. FELIPE DE GUZMAN, ACCUSED-APPELLANT.

G.R. Nos. 102409-10. December 21, 1992

Ponente: PADILLA, J.

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PADILLA, J.:

Accused-appellant, Felipe de Guzman, appeals from the Joint Decision,[1] dated 25 July 1991, in Criminal Cases Nos. D-9793 and D-9794, of the Regional Trial Court, Branch 44, of Dagupan City, convicting him of the crime of Rape committed on two (2) separate occasions.

In Criminal Case No. D-9793, the Information reads as follows:

"That on or about December 13, 1989 at Barangay Talibaew, municipality of Calasiao, province of Pangasinan, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, armed with a dagger, by means of force and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge of one Marissa Suniega, 12 years of age, to her damage and prejudice.

"Contrary to Article 335, Revised Penal Code."

In Criminal Case No. D-9794, the crime of rape was allegedly committed as follows:

"That on or about December 1, 1989 at barangay Talibaew, municipality of Calasiao, province of Pangasinan, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge of one Marissa Suniega, 12 years of age, to her damage and prejudice."

Upon arraignment on 22 March 1990, the accused pleaded not guilty to the commission of the crime of rape on two occasions.

In finding the accused guilty of the crime charged, the trial court states:

"In an attempt to extricate himself from a stigma of conviction, accused Felipe de Guzman wanted the court to believe his version that he was, on December 1, 1989, at the house of his sister Milagros Landingin at Sitio Manga 1, Mata-talahib, Tarlac, Tarlac, where he stayed up to December 3, 1989. Milagros Landingin corroborated the testimony of her brother. The defense is alibi. It is unavailing as a defense since in this particular case, accused Felipe de Guzman was positively identified by the victim Marissa Suniega. The evidence leaves no room for doubt that the crimes of Rape which were perpetrated on December 1, 1989 and December 13, 1989 were, as the prosecution's evidence show, correctly ascribed to Felipe de Guzman. The court has painstakingly scrutinized the evidence on how the victim narrated in detail the horrifying incidents. It has been clearly proven that on December 1, 1989 at about 6:00 o'clock in the morning after the victim's mother and sister had left their house, the accused Felipe de Guzman entered the room. While inside, he clamped his hands on her (Marissa Suniega) mouth, removed her pantie and then lowered his brief and short pants to the level of his knees. Then he (accused) laid his weight against her thighs and spread her two legs, knelt down and then jerked his body (kinot lan kinot), made a push and pull, and uttered and warned the

victim, 'don't move or else I will kill you', during which time he inserted his penis inside the vagina of Marissa Suniega. The victim felt pain and cried. It is unquestionable therefore that accused employed force in accomplishing his vicious purpose when he laid his weight against the thighs of Marissa Suniega, spread her two legs, and intimidated the victim by saying, 'don't move or else I will kill you.' These led to the consummation of the crime of Rape falling squarely under Paragraph 1 of Article 335 of the Revised Penal Code. Again, on December 13, 1991 at around 6:00 o'clock in the morning, accused Felipe de Guzman entered the same room where he abused Marissa Suniega on December 1, 1989, and by means of a knife which he pointed to Marissa, said, 'don't say a word, or else I will kill you', at which time he inserted his penis to the vagina of the victim. The crime of Rape which was perpetrated on December 13, 1989 was accomplished by force and intimidation because accused pointed a knife on the neck of the victim.

"Dr. Casimero Escugan conducted a medical examination, evidenced by a medico-legal certificate, Exhibit A. In examining the hymen, he found out that there was a healed lacerated wound at 6:00 and 9:00 o'clock position, and there was an indentation which is not seen in normal hymen. The medico-legal officer declared that the healed lacerated wound was caused by a human penis. These are clear indicia that the crime of Rape during the incidents on December 1, 1989 and December 13, 1989 are consummated.

"The accused denied the charges saying that he does not know of anything wrong that he did. The only reason that he knows is that he and his wife quarreled because he sold their personal belongings. This defense is implausible. Marissa Suniega is a 12 year old first year high school student. She submitted herself to medical examination. She gave a statement and testified in Court narrating in detail the traumatic and unforgettable experience she went through on December 1, 1989 and December 13, 1989 under the callous hands of Felipe de Guzman. Marissa Suniega is a Filipina woman. In this connection, the ruling in the case of *People versus Mustacisa*, G.R. 51777, 25 March 1988, Second Division, is worth-stressing that, considering the inbred modestly and antipathy of a Filipino woman to air in public things that affect her honor, it is hard to conceive that complainant would assume and admit the ignominy she had undergone if this were not true. (Page 374, Summary of 1988 Supreme Court Rulings by Daniel T. Martinez)."

In this appeal, accused Felipe de Guzman avers that the trial court erred:

- "1. In giving credence to the fabricated story of private complainant and her witnesses that she was allegedly raped by accused--appellant on December 1, 1989 at about 6:00 o'clock in the morning;
- "2. In giving credence to the fabricated story of private complainant and her witnesses that she was allegedly raped by accused--appellant on December 13, 1989 at about 6:00 o'clock in the morning;
- "3. In convicting the accused-appellant without proof beyond reasonable doubt."

Obviously, the principal issue raised by the accused is the credibility of complainant's testimony and those of her witnesses.

The accused finds it quite strange and unnatural for a twelve-year-old girl to be articulate as to vividly describe the act of rape committed against her by the accused; that she did not offer any form of resistance while she was allegedly being sexually abused by the accused; and there-after not reporting the incidents to her parents, sister Mildred, barangay officials or to police authorities. He finds it even more surprising and strange that after the alleged rape, she acted normally - went about her usual activities at home and in school and could even sleep soundly from 1 December 1989 up to 27 December 1989.

Finally, accused-appellant posits that the strong driving force that compelled the private complainant to file the complaint was the concerted action of complainant her-self, her parents, her sister Mildred (wife of the accused) in retaliation for his previous act of selling his sander motor in the amount of P1,000.00, but giving only P500.00 to his wife, and in selling his Betamax set in the amount of P4,000.00 - "that fanned the flame of hatred and

aggravated the worsening relationship between the accused and his wife and his in-laws." [2]

We find no merit in this appeal.

There is nothing strange or unnatural in the behavior of the complainant when she did not shout for help while being sexually abused by the accused. She testified that the accused clamped his hand on her mouth. Moreover, she repeatedly testified that the accused threatened to kill her if she reported the incident. According to her, during the second assault, on 13 December 1989, the accused pointed a dagger at her. As for the apparent normal behavior of Marissa Suniega after the commission of the two (2) rapes, this can be explained by the fact that she did not want any member of her family to suspect that something wrong had happened to her. She repeatedly stated during the trial that she was afraid the accused would kill her if she reported what happened to her.

As for the alleged articulateness of the complainant in describing the rape on two (2) occasions committed against her, we do not find anything so articulate or graphic in the victim's testimony which stated simply and clearly the sexual assaults upon her. Besides, she was already thirteen (13) years old when she testified before the court. A person of that age can already express her feelings or observations in comprehensible language.

A witness who testifies in a categorical, straight-forward, spontaneous and frank manner and remains consistent on cross-examination is a credible witness. (People vs. Clores, 184 SCRA 638.)

The last-ditch defense of the accused that the compelling reason why complainant filed the complaint was because of the acts of the accused of selling his sander motor and the Betamax set is bizarre and unacceptable. We must not lose sight of the fact that Marissa Suniega is a "barrio lass." It is hard to believe that she would risk the ignominy that would befall her if she were to expose the humiliating incidents, and for what? Because she was deprived of the pleasure of watching TV or Betamax? No young, decent Filipina woman would publicly admit that she had been criminally ravished unless that is the truth, for the natural instinct is to protect her honor. (People vs. Pasco, 181 SCRA 233.)

We have carefully examined the records of these cases and read the transcripts of the hearings. We do not find any abuse of discretion or error in the conclusions arrived at by the trial judge based on the evidence presented as to call for a reversal of the appealed joint decision.

It is settled that the findings of the trial court pertaining to the credibility of a witness are entitled to great respect since it had the opportunity to examine his demeanor as he testified on the witness stand, and, therefore, it could discern if such witness was telling the truth or not. (People vs. Clores, G.R. No. 82362, April 26, 1990, 184 SCRA 638, citing People vs. Amancio, 122 SCRA 686.)

WHEREFORE, the joint decision of the court a quo which found Felipe de Guzman guilty beyond reasonable doubt of the crime of rape on two (2) counts is hereby AFFIRMED, with costs against the appellant.

Cruz, (Chairman), Grino-Aquino, and Bellosillo, JJ., concur.

[1] Penned by Judge Crispin C. Laron

[2] p. 27, Brief for Accused-Appellant

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