

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. WINEFRED ACCION, ACCUSED-APPELLANT.

G.R. Nos. 122550-51. August 11, 1999

Ponente: PARDO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-122550-51/>

PARDO, J.:

The case is an appeal from a decision[1] of the Regional Trial Court, Makati, Branch 58, convicting accused-appellant Winefred Accion of two (2) counts of rape and sentencing him to suffer the penalty of reclusion perpetua for each count and to pay a total of P100,000.00, as civil indemnity.

The two (2) complaints[2] filed against accused-appellant both dated March 7, 1994, which were signed by complainant Maricris Zanoria y Fabula and her mother Beatriz Liad Vda. de Zanoria, allege:

Complaint in Criminal Case No. 94-4898 -

"That on or about the 9th day of August, 1992 at around 4:00 a.m. in the Municipality of Makati, Metro Manila, Philippines, a place within the jurisdiction of this Honorable Court, the above-named accused, by means of force, violence and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of the undersigned Maricris Zanoria y Fabula who is a 14 year old girl, without her consent and against her will.

"CONTRARY TO LAW.

Makati, Metro Manila.

March 7, 1994.

"BEATRIZ LIAD VDA. DE ZANORIA

MARICRIS ZANORIA Y FABULA

(Assisted by her mother)

Complainant

"SUBSCRIBED AND SWORN to before me this 9th day of May 1994 at Makati, Metro Manila.

"ELBA TAYO-CHUA

Assistant Prov'l. Prosecutor

"I hereby certify that a preliminary investigation has been conducted in this case; and that I have personally examined the complainant and her witnesses; that there is reasonable ground to believe that a crime has been committed and that the accused is probably guilty thereof; that the accused was informed of the complaint and of the evidence submitted against him; that he was given an opportunity to submit controverting evidence; and that this complaint is filed with the approval of the Provincial Prosecutor having been first obtained.

"ELBA TAYO-CHUA

Assistant Prov'l. Prosecutor

"SUBSCRIBED AND SWORN to before me this 19th day of May 1994 at Makati, Metro Manila.

"HENRY M. SALAZAR
Asst. Provincial-Prosecutor."

Complaint in Criminal Case No. 94-4899 -

"That on or about the 9th day of August, 1992 at around 2:00 a.m., in the Municipality of Makati, Metro Manila, Philippines, a place within the jurisdiction of this Honorable Court, the above-named accused, by means of force, violence and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of the undersigned Maricris Zanolria y Fabula who is a 14 year old girl, without her consent and against her will.

"CONTRARY TO LAW.
Makati, Metro Manila.
March 7, 1994.

"BEATRIZ LIAD VDA. DE ZANORIA

MARICRIS ZANORIA Y FABULA

(Assisted by her mother)

Complainant

"SUBSCRIBED AND SWORN to before me this 19th day of May, 1994 at Makati, Metro Manila.

"ELBA TAYO-CHUA
Assistant Prov'l. Prosecutor

"I hereby certify that a preliminary investigation has been conducted in this case; and that I have personally examined the complainant and her witnesses; that there is reasonable ground to believe that a crime has been committed and that the accused is probably guilty thereof, that the accused was informed of the complaint and of the evidence submitted against him; that he was given an opportunity to submit controverting evidence; and that this complaint is filed with the approval of the Provincial Prosecutor having been first obtained."

"ELBA TAYO-CHUA
Assistant Prov'l. Prosecutor

"SUBSCRIBED AND SWORN to before me this 19th day of May 1994 at Makati, Metro Manila

"HENRY M. SALAZAR
Assistant Provincial Prosecutor"

At his arraignment on July 26, 1994, accused-appellant, assisted by Public Attorney William Uy, pleaded not guilty to the charges.[3] In an order dated November 4, 1994,[4] the trial court denied accused-appellant's petition for bail.

After due trial, on August 31, 1995, the trial court rendered decision, the dispositive portion of which reads:

"WHEREFORE, finding the accused GUILTY beyond reasonable doubt of two (2) counts of Rape defined and penalized in paragraph one (1) of Article 335, Revised Penal Code, accordingly, the accused is hereby sentenced as follows:

"I. In criminal case no. 94-4899:

To suffer the single and indivisible penalty of RECLUSION PERPETUA.

"II. In criminal case no. 94-4898:

To suffer the single and indivisible penalty of RECLUSION PERPETUA; and

"III.

To indemnify private complainant Maricris Zanoia the amount of P50,000 for (sic) offense for a total of P100,000.00 for the two offenses as and for moral damages in accordance with Article 2219, new Civil Code.

"In the service of his sentence, the accused shall be credited with the full time of his preventive imprisonment upon a showing that he agreed to abide by the same disciplinary rules imposed upon convicted prisoners; otherwise, the accused shall be credited with 4/5 of the time of such preventive imprisonment.

"With costs against the accused.

"Furnish the accused thru counsel and the private complainant with a copy each, of this Judgment.

"IT IS SO ORDERED.

"Makati City, August 31, 1995.

"ESCOLASTICO U. CRUZ, JR.
Presiding Judge"

The facts are as follows:

The crime scene was in a small store inside a parking lot located at the corner of Rada and De la Rosa Streets, Legaspi Village, Makati City.[5] The family of private complainant Maricris Zanoia (hereinafter, Maricris) owns the store, while accused-appellant was formerly a parking attendant at the lot. Maricris' mother, Beatriz Liad, usually tended the store. But as Beatriz Liad was in the hospital for a check-up on the date in question, her daughter Maricris tended the store and slept there alone.

At around 2:00 in the morning of August 9, 1992, accused-appellant, clad in mere sando and intoxicated, entered the store and poked his knife on the breast of the sleeping Maricris. She woke up and sensing the lustful intent of accused-appellant, she pushed, kicked and scratched him but to no avail. Accused-appellant ordered Maricris to undress, and repeatedly punched Maricris Zanoia in the stomach whenever she refused. The continuous beating finally took its toll on Maricris who later on succumbed to the beastly desires of accused-appellant. The forced coition lasted for about two (2) minutes. After accused-appellant had satisfied his lust, he stood up, and threatened to kill Maricris should she disclose the incident to anybody. Maricris could not escape since accused-appellant was sitting on top of a table near the door, smoking a cigarette.[6]

Accused-appellant forced himself upon Maricris a second time at around 4:00 a.m. of the same morning. As in the first encounter, he repeatedly punched Maricris until he succeeded in having sexual intercourse with her. After satisfying his lust anew, accused-appellant reiterated his death threats on Maricris. He went behind the store to put on his underwear and pants, then headed to the guardhouse to get his clothes and the key of the parking lot gate. Maricris was left alone inside the store, weeping in fear and dejection.[7]

Maricris did not tell anyone of the incidents for more than a year because accused-appellant persistently followed and threatened her with death. December 19, 1993, however, was the last day accused-appellant would stalk Maricris. As she, accompanied by her younger brother and a neighbor, was making a phone call in a store a kilometer away from their house in Fairview, accused-appellant who was holding a bladed weapon and a companion approached and asked her: *Sinong pinagsusumbungan mong pulis o kamag-anak mo?*" (Who are you reporting to, a policeman or a relative?) Maricris and her companions lost no time in heading for home. As Maricris looked pale and frightened, her mother Beatriz asked her what happened. Maricris was hesitant at first, but when Beatriz slapped her, she finally revealed her sexual ordeal in the hands of accused-appellant. The next day, they reported the rape incidents to the police.[8]

On December 19, 1993, accused-appellant was arrested and brought to the Makati Police Station where he knelt before Maricris and her mother Beatriz to ask for forgiveness.[9]

Accused-appellant anchored his defense on alibi and a "sweetheart story". At the time the alleged rapes were committed on August 9, 1992, he could not exactly recall where he was but he knew he was at home with his small sister.[10] Accused-appellant also claimed that he and Maricris were lovers from September of 1991 up to May of 1992. They went out on dates on occasions, but they never had any intimate sexual encounters.[11] He ended the relationship when he saw her talking to another man. Accused-appellant thereafter cohabited with Imelda Catacutan in September of 1993. That was the reason why Maricris fabricated the rape charge against him.[12]

Imelda Catacutan confirmed the amorous relationship between accused-appellant and Maricris which lasted from 1991 to around April of 1992.[13] Sometime in December of 1993, the mother of Maricris (Beatriz Liad) confronted her at the accused-appellant's house and informed her that Maricris was no longer a virgin. Beatriz turned her ire on accused-appellant and held him responsible for Maricris' loss of virginity. Upon Beatriz' prodding, accused-appellant and Imelda went to Maricris' house where Beatriz asked her daughter if it was accused-appellant indeed who deflowered her. Maricris, however, denied it. Beatriz then warned accused-appellant that she would file a complaint against him if Maricris' medical examination would confirm that she was no longer a virgin.[14]

On the basis of the foregoing facts, the trial court convicted accused-appellant.

Seeking reversal of his conviction, accused-appellant challenges the credibility of complainant Maricris' story and reiterates his defense of alibi and amorous relationship with Maricris.

We find the appeal unmeritorious.

We will not disturb the trial court's conclusion on the credibility of Maricris and the truthfulness of her version. So often repeated by the Court is that the matter of assigning values to declarations on the witness stand is best and most competently performed by the trial judge who had the unmatched opportunity to observe the witnesses and to assess their credibility by the various indicia available but not reflected in the record.[15] And in a prosecution for rape, the complainant's credibility becomes the single most important issue.[16] The trial court, in passing upon the credibility of Maricris, has provided a vivid description of how she conducted herself on the witness stand which validated her charges of rape. Thus:

"On the witness stand, private complainant Maricris Zanoria, by her frank and open manner and prepossessing appearance, convinced the Court that she is truthful, unbiased and worthy of confidence. She is reliable because her answers in general were prompt, concise, responsive to the interrogatories, outspoken, and entirely devoid of evasion or any semblance of shuffling. There were no hesitations, no labored or confused explanations, no parrying of uncomfortable inquiries, or partial statements of occurrence. The narration of facts

contained in the testimony of the principal witness for the prosecution was delivered in a straightforward, natural style, without hesitation or embarrassment, and although upon minor points she was in error, her story was in no material point falsified or discredited despite a very lengthy and exhaustive cross-examination. Her testimony is sufficient in connection with other evidence to support conviction. The private complainant narrated her ordeal that fateful dawn of August 9, 1992 with reasonable detail." [17]

On the other hand, the accused-appellant failed to impress the trial judge who made the following observations on his demeanor in the courtroom, viz:

"Right from the arraignment, the Court keenly observed how he stared at the private complainant as if he would swallow the latter alive. If only looks could kill, the dagger looks he gave the private complainant could have erased the latter from the face of the earth. The accused's countenance, tone of voice, and manners while testifying contradicted and denied the truth of the words that came from his lips. Certainly, the law does not require that the court shall believe the testimony of one thus self-impeached. His quibbling, his reluctance and his hesitation, not expressed in words, discredited him. In such case, the Court is at liberty to refuse to find in accordance with his statements. The appearance and manner of the accused indicated that he is crafty, cunning, unfair and unreliable. The note of insincerity in the voice of the accused, the furtive glance of his eyes, the shrug of his shoulders weakened the value of his testimony." [18]

We have consistently adhered to the rule that where the culpability or innocence of an accused would hinge on the issue of credibility of witnesses and the veracity of their testimonies, findings of the trial court are given the highest degree of respect. These findings will not ordinarily be disturbed by an appellate court absent any clear showing that the trial court has overlooked, misunderstood or misapplied some facts or circumstances of weight or substance which could very well affect the outcome of the case. The reason for the rule is an excellent chance on the part of the trial court, an opportunity that is not equally open to an appellate court, of being able to personally observe the expression of declarants on the witness stand and their demeanor under questioning. [19] And the Court agrees with the observation of the trial court that the testimony of Maricris was straightforward, guileless and credible. [20] She gave a plain and candid account of her harrowing experience in a manner reflective of honest and unrehearsed testimony. [21] The rule is well settled that when the question of credence as to which of the conflicting versions of the prosecution and the defense where a rape was committed is in issue, the trial court's answer is generally viewed as correct. [22]

Verily, the denial/alibi interposed by accused-appellant must fail. Maricris could not have mistakenly identified accused-appellant as her rapist considering their familiarity with one another - they being neighbors in Fairview and friends, not lovers. Positive identification of the accused as the rapist prevails over his defense of alibi. [23]

The Court also rejects the "sweetheart story" espoused by accused-appellant. Not only does Maricris vehemently deny any amorous relationship with the accused-appellant, he presented no credible evidence to prove such special relationship such as love letters and gifts. [24] Accused-appellant presented a picture of him and Maricris taken at a park sometime in 1991 to prove that they were sweethearts. Maricris explained that the picture shown by accused-appellant was only one among several pictures taken by pairs when he, she and other friends had a group outing at the Quezon City Memorial Circle. [25] Clearly, accused-appellant's "sweetheart story" is purely self-serving which carries no evidentiary weight at all. This argument based on the much abused "sweetheart story" in rape cases rashly derides the intelligence of the Court and sorely tests its patience. [26]

The testimony and medical findings [27] of Dr. Annabelle Soliman who conducted a genital examination on Maricris support her charges of rape. Her written report revealed that Maricris' genital bore a healed hymenal laceration at 6:00 o' clock position. She stated that the laceration was possibly due to sexual intercourse and that her description of the hymenal laceration is compatible with the date of the alleged rape. [28]

Accused-appellant cannot validly claim that his kneeling down before Maricris' mother (Beatriz Liad) at the police station is inadmissible against him because he was merely forced to do so. On the contrary, accused-appellant's testimony reveals that he knelt voluntarily without being denied the option to do so or not. Thus:

"Q:

But what compelled you to kneel down?

A:

I just followed what was asked by the policewoman.

Q:

In short, you are telling that (sic) Court that you knelt voluntarily, is that so?

A:

Yes, your Honor.

Q:

You will agree with the Court that you had the opportunity to stand up when your photograph was taken and you did not agree or disagree?

A:

Because the police officer was beside me.

Q:

Was the police officer beside you holding you on (sic) pinning you down?

A:

She was just standing beside me.

Q:

Let me repeat the question, when your photograph was taken, was there anybody holding on you and pinning you down?

A:

No, your Honor.

Q:

In other words, you had the opportunity to stand up when your photograph was taken, true or false?

A:

That is right, your Honor.

Q:

In other words, nobody prevented you from standing when your photograph was taken at that time, true or false?

A:

That is correct, your Honor." (Underscoring ours.)[29]

Even assuming arguendo that they were lovers, rape can still be committed if accused-appellant had carnal knowledge with the complainant against her will.[30]

The fact that it took Maricris and her mother more than a year before reporting the rape incidents to the authorities does not destroy the case against accused-appellant. Being only fourteen (14) years old when Maricris was sexually violated, she was understandably cowed into silence as accused-appellant repeatedly warned her not to divulge the incidents to anybody, otherwise she would be killed. Delay or vacillation in making a criminal accusation does not necessarily impair the credibility of witnesses if such delay is satisfactorily explained. Fear of reprisal, social humiliation, familial considerations and economic reasons have been considered as sufficient explanations.[31] It was also understandable for Maricris not to immediately report the rape as Filipino women are known to be affectedly shy and coy, and rape stigmatizes the victim, not the perpetrator.[32]

The Court cannot consider Maricris' charges of rape as purely fabricated or maliciously motivated. A young girl's revelation that she has been raped, coupled with her voluntary submission to medical examination and willingness to undergo public trial where she could be compelled to give out details of an assault on her dignity, cannot be easily dismissed as mere concoction.[33] For, it is difficult to imagine that she would undergo the indignities and hardships concomitant to a prosecution for rape unless motivated by a desire to have the offender apprehended and punished.[34] Moreover, no mother would sacrifice her own daughter, a child of tender years at that, and subject her to the rigors and humiliation of a public trial for rape if she were not motivated by an honest desire to have her daughter's transgressor punished accordingly.[35]

As to the penalty of reclusion perpetua imposed on accused-appellant for each count of rape, the Court finds the same to be in accord with Article 335 of the Revised Penal Code. The indemnity of P50,000.00 per offense, or a total of P100,000.00, awarded to Maricris is also correct since civil indemnity of P50,000.00 is automatically given to the offended party without need of further evidence other than the commission of the rape.[36] Maricris is also entitled to moral damages because under prevailing jurisprudence, moral damages are imposed in rape cases involving young girls between thirteen (13) and nineteen (19) years of age, taking into account the immeasurable havoc wrought on their youthful feminine psyche.[37] An additional P50,000.00 for each count of rape, or a total of P100,000.00 to be given Maricris by way of moral damages, seems proper under the circumstances.

WHEREFORE, except for the MODIFICATION awarding complainant Maricris Zanoria y Fabula an additional amount of P100,000.00, as moral damages, the appealed decision is hereby AFFIRMED in all other respects.

Costs against accused-appellant Winefred Accion.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Puno, Kapunan, and Ynares-Santiago, JJ., concur.

- [1] Penned by Judge Escolastico U. Cruz, Jr., Records, pp. 173-208.
- [2] Records, p. 2, 4.
- [3] Records, p. 22.
- [4] Records, pp. 73-74.
- [5] TSN, August 16, 1994, p. 7.
- [6] TSN, August 16, 1994, pp. 9-21.
- [7] TSN, August 16, 1994, pp. 24-28.
- [8] TSN, August 16, 1994, pp. 33-39.
- [9] TSN, November 29, 1994, p. 25
- [10] TSN, November 22, 1994, p. 33.
- [11] TSN, November 22, 1994, pp. 23-27.
- [12] TSN, November 22, 1994, p. 37.
- [13] TSN, November 29, 1994, pp. 38-39.
- [14] TSN, November 24, 1994, pp. 44-47.
- [15] *People vs. Mayor Antonio Sanchez*, G. R. Nos. 121039-45, January 25, 1999; *People vs. Sarabia*, 266 SCRA 471 [1997]; *People vs. Tacipit*, 242 SCRA 241 [1995].
- [16] *People vs. Dacoba*, 289 SCRA 265 [1998]
- [17] RTC Decision, p. 29.
- [18] RTC Decision, p. 33.
- [19] *People vs. Malagar*, 238 SCRA 512 [1994]; *People vs. Manual*, 234 SCRA 532 [1994].
- [20] *People vs. Tulop*, 289 SCRA 316 [1998].
- [21] *People vs. Gementiza*, 285 SCRA 478 [1998].
- [22] *People vs. Erardo*, 277 SCRA 643 [1997].
- [23] *People vs. Escobar*, 281 SCRA 498 [1997].
- [24] *People vs. Tismo*, 204 SCRA 535 [1991].
- [25] TSN, January 11, 1995, p. 19, 26.
- [26] *People vs. Cabel*, 282 SCRA 410 [1997].
- [27] Records, p. 12.

[28] TSN, September 27, 1994, p. 22, pp. 18-19.

[29] TSN, November 29, 1994, pp. 25-26.

[30] *People vs. Vallena*, 244 SCRA 685 [1995]; *People vs. Tacipit*, 242 SCRA 241 [1995].

[31] *People vs. Lusa*, 288 SCR 296 [1998]; *People vs. Viovicente*, 286 SCRA 1 [1998]; *People vs. Astorga*, 283 SCRA 420 [1997]; *People vs. Fuensalida*, 281 SCRA 452 [1997].

[32] *People vs. Luzorata*, 286 SCRA 487 [1997].

[33] *People vs. Molas*, 286 SCRA 684 [1998].

[34] *People vs. Balmoria*, 287 SCRA 687 [1998].

[35] *People vs. Tumala*, 284 SCRA 436 [1998]; *People vs. Oliva*, 282 SCRA 470 [1997].

[36] *People vs. Pili*, 289 SCRA 118 [1998].

[37] *People vs. Erese*, 281 SCRA 316 [1997]; *People vs. Sabellina*, 238 SCRA 492 [1994].

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.