PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JESUS DOCENA Y PAGAYANAN, ACCUSED-APPELLANT.

G.R. Nos. 131894-98. January 20, 2000

Ponente: DAVIDE JR., C.J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-nos-131894-98/

DAVIDE JR., C.J.:

Accused-appellant Jesus Docena (hereafter JESUS) is before us to seek a review of the joint decision in Criminal Case Nos. 121-97, 122-97, 123-97, 124-97, and 125-97, all for rape, rendered on 7 November 1997 by the Regional Trial Court of Cavite, Branch 88,[1] which found him guilty of raping his own daughter on five different occasions in 1996.

The accusatory portion of the information in Criminal Case No. 121-97 reads as follows:

> That on or about the 8th day of June 1996, at Barangay Magdiwang, Municipality of Noveleta, Province of Cavite, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs, by means of force, violence and intimidation, being then armed with a bladed weapon and taking advantage of his superior strength over the person of his own daughter, did, then and there, willfully, unlawfully and feloniously, have carnal knowledge of one Margie Docena against her will and consent, to her damage and prejudice.
>
> CONTRARY TO LAW.[2]

The Informations in Criminal Case Nos. 122-97,[3] 123-97,[4] 124-97,[5] and 125-97[6] are similarly worded, except as to the dates of the commission of the crime, which are, respectively, 20 June, 4 August, 27 October, and 25 December, all in 1996. Furthermore, in Criminal Case Nos. 121-97 and 125-97, the word "one" precedes the name "Margie Docena," and the phrase "with a bladed weapon" in Criminal Case No. 121-97 is not alleged in the Informations in Criminal Case Nos. 124-97 and 125-97.

Upon arraignment, JESUS entered a plea of not guilty in each of the five cases, which were consolidated and jointly tried.

Only complainant Margie Docena (hereafter MARGIE) testified for the prosecution, both on direct examination and on rebuttal. The witnesses presented by the defense were JESUS, Constancio Lumagui, Antonio Docena, and Clara Tinambacan.

The evidence for the prosecution shows that MARGIE, the 22-year old daughter of JESUS, has two younger brothers, Jessie, 18, and Julius, 11. She graduated from the Noveleta National High School on 25 March 1993,[7] but was not able to go to college because JESUS, a contract worker in Saudi Arabia, had stopped sending them money. Sometime in September 1994, she started to cohabit with a certain Rommel Castro. They eventually married in January 1995 but separated after only a month. The short union produced a son, who was three years old at the time of trial.[8] In the later part of 1995, MARGIE got involved with a certain Constancio Lumagui, a vegetable dealer, married, with three children.[9] When JESUS returned in December 1995 because his wife was

suffering from uterine cancer, it was the first time he learned that their daughter MARGIE had married, separated, and given birth. MARGIE was already five months pregnant with Lumagui's child when her mother succumbed to her ailment on 3 May 1996. At the wake, JESUS learned about MARGIE's relationship with Lumagui when the latter attempted to kiss his hand as a sign of respect, but he ignored him.[10]

At around 2:00 o'clock in the morning of 8 June 1996, while she was sleeping inside the room of their house at Barangay Magdiwang, Noveleta, Cavite, MARGIE felt a hand touching her thighs and then her private parts. It was her father JESUS. He immediately covered her mouth, pointed a knife at her neck, and told her to keep quiet so as not to rouse her brothers. JESUS removed her pajama and panty, as well as his own underwear, then went on top of her and had sexual intercourse with her. The act did not last long because JESUS was afraid that his sons might wake up. Afterward, JESUS warned MARGIE not to tell anybody about what had happened because he would kill her the moment she did. MARGIE only cried because she was already six months pregnant at the time.[11]

Twelve days later, on 20 June 1996, as MARGIE was cleaning the bathroom, JESUS suddenly pulled her into the bedroom. He choked her, demanding that she accede to his request for another sexual congress. MARGIE resisted and was able to free herself, but JESUS pulled her back, put her on the bed, removed their respective underwear, and proceeded to rape her.[12]

As MARGIE's womb grew, so did her father's bestial desire for her. On 4 August 1996, around 1:00 a.m., while in an inebriated state, JESUS insisted anew to have sex with MARGIE. When she refused, he pointed a knife at her neck again, and succeeded in satisfying his lust at the expense of his daughter. Barely a month later, on 8 September 1996, MARGIE gave birth to a baby boy.[13]

On 27 October 1996, after spending some time with his parents in Palawan, JESUS once more ached for his daughter's body. He bathed then sent his cousin Isidro on an errand. JESUS also told his son Julius to play basketball. When the two had gone, JESUS approached MARGIE in the bedroom and told her that he missed her very much. She rushed for the door but JESUS managed to pull her back in. For a fourth time, MARGIE was cowed into submission by her intense fear that JESUS might carry out his threat.[14]

MARGIE found an opportunity to leave their house on 23 November 1996, when JESUS was drunk. She and her children and brother Julius stayed at her friend Lilian Digma's house, where her uncle, Antonio Docena, and his wife Carmelita picked them up. MARGIE related to them the humiliation she suffered at her father's hands. The couple offered to help them get a place of their own. After staying at Antonio's house for three days, they returned home but eventually moved in with Lumagui in a rented house at Malabon, Gen. Trias, Cavite.[15]

It was Christmas 1996 when MARGIE decided to end her misery. Upon the request of JESUS, coursed through Antonio, and with an assurance that JESUS would not touch her, MARGIE agreed to spend Christmas at their old house.[16] Being tired, she slept early on Christmas Eve, but JESUS woke her at midnight to partake of the noche buena. She declined the offer, saying she would just eat in the morning. At about 3:00 a.m. on Christmas Day, JESUS demanded to have sex with MARGIE, promising that it would really be the last time. Despite MARGIE's warning that she would no longer endure the ignominy of his acts, JESUS proceeded to have carnal knowledge with her. MARGIE and her children left Barangay Magdiwang that Christmas afternoon.[17] On 3 January 1997, she finally decided to file a criminal complaint against JESUS.

On the other hand, the defense sought to depict MARGIE as an obstinate prevaricator.[18] For instance, while JESUS was working in Saudi Arabia, she allegedly sent him a graduation picture on 2 April 1993 to prove that she had graduated from high school when, in fact, she had not. MARGIE's name was certainly not in the list of 1990 graduates.[19] Even when MARGIE confided to her uncle, Antonio, that his brother JESUS had raped her,

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

she chose not to go to the police as suggested by Antonio.[20] Wishing to cast doubt on the motives of MARGIE in filing the complaint, JESUS claimed that it was her lover Lumagui who instigated the suit because he (JESUS) objected to their adulterous relationship. Moreover, Lumagui threatened MARGIE that he would end their relationship and stop supporting her and her children if she did not pursue the criminal action against her father.[21]

After trial on the merits, the trial court rendered a joint decision on 7 November 1997, decreeing as follows:

> WHEREFORE, all the foregoing premises considered, we find the accused JESUS DOCENA y PAGAYANAN GUILTY of raping his own daughter on five separate occasions, and there being no modifying circumstance, accordingly sentences him to reclusion perpetua in each of the five counts. Accused is also ordered to indemnify the victim by way of moral damages the amount of P50,000.00 in each case or a total of P250,000.00.
>
> Costs against the accused.
>
> SO ORDERED.[22]

In so ruling, the trial court accorded full faith and credence to MARGIE's narration that she was ravished five times on separate dates by her own father. MARGIE's failure to resist or shout for help, the court concluded, did not diminish her credibility, for physical resistance need not be established in rape when threats and intimidation are employed and the victim submits herself because of fear. In this case JESUS used a knife to threaten her to submit to his bestial lust and had moral ascendancy over her.

In his Appellant's Brief, JESUS insists that MARGIE is a perjurer and attempts to impugn her moral character by pointing out that at 22 years old, she had married, separated and cohabited with a married man 27 years her senior, with 2 children from different fathers. MARGIE, he stresses, is "no innocent babe in the woods," but an experienced woman with no "moral qualms." His moral ascendancy over MARGIE is more imagined than real. MARGIE has no respect whatsoever for her parents as shown by her consistent disobedience to their wishes and her congenital lying. She got married, begot children, and lived with Lumagui despite her parents' disapproval. She lied to them about her graduation from high school and even sold their house without her father's knowledge. As a whole, her testimony is doubtful, with inconsistencies too material to brush aside. For one, she contradicted herself that JESUS did not use a knife during the rapes committed on 8 and 20 June 1996. Another indication of her unreliability as a witness is her vacillation regarding the time of the commission of the rapes on 20 June 1996 and 4 August 1996.

JESUS further asserts that the following circumstances contradict the rape charges: (a) MARGIE did not submit herself to a medical examination, nor was there any medico-legal report to support her claim that she had been raped; (b) she did not suffer any injury resulting from the rapes; (c) the knife allegedly used to intimidate her was not presented; (d) her clothes were easily removed and were not torn; and (e) the bedroom was so small and there were children sleeping there.

JESUS likewise maintains that there was considerable delay in the filing of the charges, and MARGIE failed to seek help after any of the incidents or to report her concerns to anyone. She was also ill-motivated in filing the cases against her father. Her live-in partner, Lumagui, threatened to leave her should she desist from pursuing the cases.

Finally, JESUS alleges that there was no basis for the award of damages, and claims that the trial judge was biased and prejudiced against him.

We affirm JESUS' conviction.

When a woman says that she was raped, in effect, she says all that is necessary to show that she had been raped, and if her testimony meets the test of credibility, the accused may be convicted on the basis thereof.[23] The gravamen of the offense of rape is sexual intercourse with a woman against her will or without her consent.[24]

That there was no medical examination report presented, sign of resistance during the actual copulation, or proof of violence committed against MARGIE does not detract from our conclusion that she was raped. A medical examination is not indispensable in a prosecution for rape.[25] Medical findings or proof of injuries,[26] virginity,[27] or an allegation of the exact time and date of the commission of the crime[28] are not essential in a prosecution for rape. This is so because from the nature of the offense, the only evidence that can oftentimes be offered to establish the guilt of the accused is, as in the cases at bar, the complainant's testimony.[29]

Even the moral character of the victim is immaterial. Rape is certainly not confined to single women and children. Prostitutes have also been victims of rape,[30] so have middle-aged women,[31] married women, mothers, and even women who are on the fifth month of pregnancy.[32] The records reveal that MARGIE's testimony is believable, consistent and straightforward. Alternately confused and teary-eyed while covering her face with a face towel during her testimony in open court, MARGIE was a picture of credibility despite attempts by the defense to malign her character and rectitude.

Attacks on MARGIE's character notwithstanding, it is incomprehensible that she would impute odious charges on her father if such were false. A daughter, though of loose morals or poor judgment, could not be so depraved as to send her father to prison for the rest of his life. A rape victim's testimony against her father is entitled to greater weight, since reverence and respect for elders is too deeply ingrained in Filipino children and is even recognized by law.[33]

Likewise, JESUS' position is not bolstered by MARGIE's failure to put up a strong resistance or shout for help, nor by the fact that there was no sign of force and intimidation, which should be viewed in the context of the victim's perception and judgment at the time of the commission of the offense.[34] It is subjective; thus, lack of physical resistance cannot be considered consent.[35] In cases of rape by a father against his own daughter, the former's moral ascendancy and influence over the latter substitutes for violence and intimidation. By abusing the reverence and respect which children have for their parents, the rapist father can subjugate his daughter's will thereby forcing her to do whatever he wants.[36]

The defense contends that MARGIE had every opportunity to report the cases, yet she tarried in doing so. Delay in reporting cases is excusable in the light of constant threats on the life of the victim.[37] In this case, MARGIE did report the abuses committed by JESUS against her to her Uncle Antonio and his wife, but initially desisted from filing a complaint. Incestuous rape often causes deviant behavior and inflicts a stigma not only on the victim but on the family as well.[38] It is thus understandable why she was not keen on prosecuting her own father and that her uncle even endeavored to secure an affidavit of desistance from her.

We also agree with the trial court that the evil motive the defense imputes on MARGIE is "at best speculative." It is inconceivable for a daughter to fabricate a web of lies to implicate her parent in a heinous crime if her sole purpose is to live in sin with a married man. The trial court's finding of MARGIE's credibility based on her appearance and conduct and belied ill purpose on her part.

The perceived inconsistencies in MARGIE'S testimony and the allegation that she is a congenital liar must also fail. Minor inconsistencies serve to strengthen the prosecution's cause as they signify that the witness was neither coached nor lying on the witness stand.[39] A scrutiny of MARGIE's statements reveals that she was genuinely confused and baffled at times during the cross-examination, but the discrepancies in her testimony did not directly relate to the circumstances surrounding the charge of rape. The defense harps on the time of the commission of

the first two rapes and if indeed a kitchen knife was used to cow her into submission. These matters, however, do not bear on the very fact of rape, which the defense failed to overcome.

MARGIE, indeed, may have lied to her parents by producing a fake diploma, but she sufficiently explained the reason for this when she testified on rebuttal. She apparently needed it for a job application at the Export Processing Zone. It was precisely because of this lie that she did not get the job.

JESUS' allegation that committing the rape was impossible in a small room where MARGIE's brothers and children slept is likewise not convincing. It is jurisprudentially recognized that lust is no respecter of time and place and may be committed even inside cramped quarters.[40]

Neither do we agree with the claim of JESUS that the trial judge was partial in favor of the prosecution. In People v. Edualino,[41] we declared thus:

> xxx. The number of times that a judge intervenes is not necessarily an indication of bias. It cannot be taken against a judge if the clarificatory questions he propounds happen to reveal certain truths which tend to destroy the theory of one party.
>
> As held in the case of Ventura v. Yatco (105 Phil. 287) 'Judges are not mere referees like those of a boxing bout, only to watch and decide the results of a game; they should have as much interest as counsel in the orderly and expeditious presentation of evidence calling attention of counsel to points at issue that are overlooked, directing them to ask questions that would elicit the facts on the issues involved, clarifying ambiguous remarks of witnesses, etc.'

However, we have doubts on the culpability of JESUS as to the alleged rape committed on 25 December 1996 and charged in Criminal Case No. 125-97. From the evidence adduced by the prosecution, JESUS employed neither threat nor intimidation when he demanded to have sex with MARGIE, which, he promised, would be the last. She did warn him that they will just "forgive each other for whatever happens," which in the vernacular translates to "pasensiyahan na lang." The fact remains, however, that MARGIE did accede to her father's advances without putting up a fight and without being threatened or intimidated like in the past incidents.

Accordingly, JESUS should be acquitted in Criminal Case No. 125-97.

As regards the civil aspect in these cases, we note that the trial court did not award any indemnity ex delicto, which case law has fixed at P50,000, and raised to P75,000 in rape cases effectively qualified by any of the circumstances under which the death penalty is authorized by present law.[42] Accordingly, JESUS should indemnify MARGIE in the amount of P50,000 for each count of rape.

The trial court's award of P50,000 as moral damages is in order. Moral damages in rape cases should be awarded without need of showing that the victim suffered trauma of mental, physical, and psychological sufferings constituting the basis thereof. These are too obvious to still require their recital at the trial by the victim, since we even assume and acknowledge such agony as a gauge of her credibility.[43]

Exemplary damages, which we hereby fix at P25,000 in each case, should likewise be awarded to MARGIE, to deter fathers with perverse tendencies and aberrant sexual behaviors, like JESUS, from sexually abusing their daughters.[44]

WHEREFORE, judgment is hereby rendered AFFIRMING the joint decision dated 7 November 1997 of the Regional Trial Court of Cavite City, Branch 88, in Criminal Cases Numbered 121-97, 122-97, 123-97, 124-97 and 125-97, finding accused-appellant JESUS DOCENA y PAGAYANAN guilty beyond reasonable doubt of the crime of rape in each case and sentencing him to suffer the penalty of reclusion perpetua, with all the accessory penalties, subject to the MODIFICATIONS that accused-appellant JESUS DOCENA y PAGAYANAN is:

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

(1)

ACQUITTED in Criminal Case No. 125-97 on ground of reasonable doubt; and

(2)

Ordered to pay the offended party MARGIE DOCENA the amounts of P50,000 as indemnity, P50,000 as moral damages, and P25,000 as exemplary damages in each of Criminal Cases Numbered 121-97, 122-97, 123-97 and 124-97.

Costs against accused-appellant.

SO ORDERED.

Puno, Kapunan, Pardo, and Ynares-Santiago, JJ., concur.

---

[1] Original Record (OR), 125-97, 11-131; Rollo, 27-40. Per Judge Christopher O. Lock.

[2] 1 Original Record (OR) 1; 2 OR, 1; 3 OR 1; 4 OR, 1; and 5 OR, 1.

[3] OR, Criminal Case No. 122-97, 1.

[4] Id., Criminal Case No. 123-97, 1.

[5] Id., Criminal Case No. 124-97, 1.

[6] Id., Criminal Case No. 125-97, 1.

[7] TSN, 23 May 1997, 36, 39-40; 28 May 1997, 47.

[8] Id., 43-44, 47-49.

[9] Id., 62-63, 67-68.

[10] TSN, 2 July 1997, 22-24, 27-28.

[11] TSN, 23 May 1997, 12-14, 91; 28 May 1997, 9, 31, 37-39, 41,51.

[12] TSN, 23 May 1997, 15-18.

[13] TSN, 23 May 1997, 18-21; 11 June 1997, 15-16.

[14] Id., 22-24; id., 15-22, 36.

[15] Id., 29-31; id., 44-48, 53, 58-59.

[16] Id., 25, 84-85; id., 76-78, 87.

[17] TSN, 23 May 1997, 25-27; 11 June 1997, 79-86.

[18] TSN, 27 June 1997, 31, 33.

[19] TSN, 23 May 1997, 41-45; 11 July 1997, 21. See Exhibits "2" and "2-A."

[20] TSN, 27 June 1997, 38.

[21] TSN, 2 July 1997, 9-10, 32-33, 39, 42-43; 11 July 1997, 22-23.

[22] Rollo, 40.

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

[23] People v. Cristobal, 252 SCRA 507, 516 [1996]

[24] People v. Igat, 291 SCRA 100, 107-108 [1998].

[25] People v. Delovino, 247 SCRA 637, 650 [1995]; People v. Venerable, 290 SCRA 15, 26 [1998]

[26] People v. Bantisil, 249 SCRA 367, 378 [1995].

[27] See People v. Delovino, supra note 25.

[28] People v. Bernaldez, 294 SCRA 317, 327 [1998].

[29] People v. Lao, 249 SCRA 137, 146 [1995].

[30] People v. Edualino, 271 SCRA 189 [1997]; People v. Alfeche, 294 SCRA 352 [1998], citing People v. Rivera, 242 SCRA 26, 37 [1995] and People v. Barrera, 262 SCRA 63, 77 [1996].

[31] People v. Venerable, 290 SCRA 15 [1998].

[32] People v. Mostrales, 294 SCRA 701 [1998].

[33] See People v. Burce, 269 SCRA 293, 314 [1997].

[34] People v. Edualino, supra note 30, at 200. See People v. Bantisil, 249 SCRA 367 [1995]; People v. Bayani, 262 SCRA 660 [1996]; People v. de Guzman, 265 SCRA 228 [1996].

[35] People v. Mostrales, supra note 32, at 711.

[36] People v. Matrimonio, 215 SCRA 613, 631[1992]. See People v. Burce, supra note 33.

[37] In People v. Bayani, supra note 34, we recognized that a 6-month delay in reporting a rape committed by a "father-figure" is justified in the light of threats. See People v. Alib, 222 SCRA 517 [1993]; People v. Lagrosa, Jr., 230 SCRA 298 [1994]; People v. Matrimonio, supra note 36.

[38] People v. Burce, supra note 33, at 311.

[39] See People v. Padilla, 242 SCRA 629 [1995]; People v. Cristobal, 252 SCRA 507 [1996].

[40] People v. Leoterio, 264 SCRA 608 [1996]; People v. Escala, 292 SCRA 48 [1998].

[41] Supra note 30, at 196.

[42] See People v. Victor, 292 SCRA 186, 200 [1998]; People v. de los Santos, G.R. No. 121906, 17 September 1998; People v. Ayo, G.R. No. 123540, 30 March 1999; People v. Sacapaño, G.R. No. 130525, 3 September 1999.

[43] People v. Prades, 292 SCRA 411, 431 [1998]; People v. Sacapaño, supra note 42.

[44] People v. Matrimonio, supra note 36.

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.