

## EN BANC

**[ G.R. Nos. 142901-02, July 23, 2002 ]**

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JIMMY MANLOD, ACCUSED-APPELLANT.**

### DECISION

#### PER CURIAM:

Before the Court on automatic review is the Decision dated March 16, 2000 of the Regional Trial Court (RTC) of Oroquieta City, Branch 12, in Criminal Cases Nos. 1386 and 1387 finding accused-appellant Jimmy Manlod guilty of two counts of qualified rape.

On May 29, 1999, two informations were filed against accused-appellant in the RTC of Oroquieta City. The informations alleged:

Criminal Case No. 1386 –

That sometime in the month of June 1998, in Taboc Sur, Oroquieta City and within the jurisdiction of this Honorable Court, the said accused who is the natural father of Jimmalou Manlod, a minor of 14 years having been born on January 13, 1984, with force and intimidation and with the use of a bladed weapon, did then and there wilfully, unlawfully and feloniously have carnal knowledge of his said daughter Jimmalou Manlod against the latter's will and consent.

CONTRARY to law with the commission of the offense attended by the aggravating circumstances of age and relationship, the private offended party being under 18 years of age and the offender being her natural father.<sup>[1]</sup>

Criminal Case No. 1387 –

That sometime in the month of June 1998, in Taboc Sur, Oroquieta City and within the jurisdiction of this Honorable Court, the said accused who is the natural father of Jimmalou Manlod, a minor of 14 years having been born on January 13, 1984, with force and intimidation and with the use of a bladed weapon, did then and there wilfully, unlawfully and feloniously have carnal knowledge of his said daughter Jimmalou Manlod against the latter's will and consent.

CONTRARY to law with the commission of the offense attended by the aggravating circumstances of age and relationship, the private offended party being under 18 years of age and the offender being her natural father.<sup>[2]</sup>

When arraigned, accused-appellant entered a plea of not guilty to both charges. Thereafter, a joint trial of the cases ensued.

The prosecution presented as it witnesses the victim Jimmalou Manlod, and Mrs. Lucita Chavez-Manlod, the victim's mother and spouse of accused-appellant.

The prosecution established that accused-appellant and his wife Lucita have seven children, the youngest being complainant Jimmalou, who was born on January 13, 1984.<sup>[3]</sup> The Manlod spouses lived together with their children Junior and Jimmalou, and their daughter-in-law Melissa, who is married to Junior<sup>[4]</sup>.

Jimmalou testified that accused-appellant raped her one evening in June, 1998, while she was left at home with him. Jimmalou's mother had earlier left their house to visit her daughter Marivic in Taboc Sur. Junior was out fishing and brought his wife Melissa with him. While accused-appellant was outside their house, Jimmalou went to the house of their neighbor Boy Masayon to watch television. Masayon's house was about 15 meters from the house of the Manlods. Not long thereafter, accused-appellant went to Masayon's house, whipped Jimmalou's back with a belt and commanded her to go home. At around 6:00 p.m., Jimmalou went home and laid out a mat in their living room where she, her mother and sister-in-law slept every night. While the rest of her family was still out, she went to sleep.<sup>[5]</sup>

Later that evening, she woke up because she felt someone kicking her. She saw that it was accused-appellant who kicked her and then commanded her to look for his short pants. Jimmalou said that accused-appellant looked drunk and smelled of liquor. She went inside accused-appellant's room to look for the latter's short pants when she noticed that accused-appellant had followed her and was closing the door of the room. Accused-appellant poked a double-bladed knife in Jimmalou's neck with his right hand and warned not to make any noise. He then pushed her towards the bed and made her lie down. Still poking the knife in Jimmalou's neck with his right hand, accused-appellant ordered her to remove her short pants. Thereafter, he ripped off her panty with his left hand. Accused-appellant knelt down, placed his knees beside her thighs, ripped off her panty and inserted his penis into Jimmalou's vagina by doing push and pull movements. Jimmalou said that she felt pain in her private part and in her abdomen. She added that she could not shout for help because each time she tried to do so, accused-appellant would press the pointed end of the knife to her neck and threaten her that he would kill her and her mother if she resisted.<sup>[6]</sup>

While accused-appellant was sexually abusing her, they heard someone walking outside the house. Accused-appellant released Jimmalou and instructed her to put on her short pants. After she left the room, Jimmalou placed her torn panty in the trash can then lay down on the mat in their living room and cried herself to sleep. Jimmalou was awakened later that night by the arrival of her mother and sister-in-law, but for fear of accused-appellant, she did not tell them what had happened earlier that evening.<sup>[7]</sup>

A week after the aforementioned incident, also in June 1998, Jimmalou was again sexually abused by accused-appellant. She recalled that this took place one morning at about 11:00 a.m. Jimmalou narrated that this occurred when she was alone with accused-appellant in their house. She had just arrived from her classes at the Misamis Occidental National High School. Her mother was attending a party at

Barangay Pines, where she was employed as a health worker. Junior was fishing at sea while Melissa went to her parents' home in Plaridel, Bulacan. Because she was feverish and felt pain on her abdomen, Jimmalou lay down on the bench in their living room and fell asleep. Subsequently, she noticed that somebody was opening the door. When she saw that it was accused-appellant, Jimmalou tried to go back to sleep but was kicked by accused-appellant and ordered to look for the receipt of the karaoke which was allegedly kept by her mother inside their bedroom.<sup>[8]</sup>

Jimmalou obeyed accused-appellant and proceeded to look for the receipt inside her parents' bedroom but could not find the same. She was about to tell accused-appellant that she could not locate the receipt when accused-appellant entered the room and closed the door behind him. He poked a double-bladed knife in Jimmalou's neck, pushed her toward the bed and warned her not to tell her mother of what was going to happen. Jimmalou fell with her back on the bed. Accused-appellant lifted her skirt, removed her panty, then mounted on top of her. Jimmalou tried to free herself from her father's clutches to avoid being raped again, but could not do so because accused-appellant pressed the knife down her neck. Accused-appellant made push and pull movements while inserting his penis into Jimmalou's vagina. Thereafter, she felt pain in her private part and abdomen. Jimmalou cried and told accused-appellant, "you are a senseless father, you can afford to do it only to your own daughter."<sup>[9]</sup> Accused-appellant warned Jimmalou not to tell her mother about what happened or else he would kill them both, then he left the room and went to the kitchen. Jimmalou cried as she returned to the bench in their living room. Later, she wrapped her panty which was full of blood, in a cellophane bag and threw it away. She was unable to go back to school in the afternoon because she felt like vomiting and felt pain in her body. Her mother came home at about 5:00 p.m. that day but Jimmalou was unable to tell her what accused-appellant did for fear that he would make good his threats.<sup>[10]</sup>

Accused-appellant left their home in August 1998 and lived with his son, Angging Manlod, whose house was located at Taboc Norte.<sup>[11]</sup>

On February 1, 1999, about eight months after accused-appellant last sexually abused Jimmalou, the latter noticed that her stomach had grown unusually large. She was accompanied by her mother to an arbularyo (quack doctor) who advised Jimmalou to have her stomach subjected to an x-ray examination because she had a tumor therein. Jimmalou went to another arbularyo who confirmed the findings of the first arbularyo.<sup>[12]</sup>

Heeding the advice of the arbularyos, Jimmalou went to a hospital for an ultrasound examination. The resident physician informed her that she did not have a tumor in her stomach, but that she was pregnant. However, she did not divulge the identity of her child's father to anyone.<sup>[13]</sup>

On March 24, 1999, Jimmalou gave birth to a baby boy. Thereafter, on April 1, 1999, she met her friend Ethel Molato at the house of her neighbor Boy Masayon and there revealed to Ethel that the father of her child was her own father.<sup>[14]</sup>

Outraged, Ethel told a certain Gina Albios what Jimmalou told her earlier. Albios in turn told Jimmalou's mother on April 2, 1999 that her husband was the father of their daughter's baby.<sup>[15]</sup>

Mrs. Lucita Manlod ("Mrs. Manlod") testified that she was angered by what she learned so she accompanied Jimmalou to the police authorities on April 5, 2000 and filed two criminal complaints charging accused-appellant of having raped Jimmalou.  
[16]

Mrs. Manlod corroborated Jimmalou's testimony and narrated that in the evening of April 2, 2000, while she was at the house of Gina Albios asking for leftover food to feed their pigs, Gina told her to ask Jimmalou who the father of her child was, because she was informed by Ethel Molato that it was accused-appellant who sired Jimmalou's child. Mrs. Manlod said that she could not immediately confirm the information from Jimmalou because she was shocked, but she finally mustered the courage to ask her daughter in the evening of April 2, 2000.  
[17]

She further stated that Jimmalou then related to her the details of the first rape incident where accused-appellant asked their daughter to look for his short pants, and ravished her when he found her looking for the same inside his room. Mrs. Manlod was told by Jimmalou that accused-appellant raped her (Jimmalou) twice in June 1998.  
[18]

Accused-appellant, the lone witness for the defense, denied the accusations against him. He said that he was hardly at home during the month of June 1998, and thus, he could not have sexually abused Jimmalou.

He testified that on June 1 or 2, 1998, he went to Sinian, Baliangao, Misamis Occidental to sell seven trunks of coconut trees. He returned to Taboc Sur on June 7, 1998 at around noontime to fetch Jimmalou and buy her school uniform. However, he did not go home with his daughter. Instead, he proceeded to his son Angging Manlod's house at Taboc Norte and spent the night there. The next day, he left Oroquieta City and went to the house of a relative in Ozamiz City where he stayed for three days. On June 12, 1998, accused-appellant and a nephew left for Iligan City. Upon his arrival there, he worked in the house of a certain Jose Batbatan for three days. Subsequently, he worked for three weeks as part of a construction team headed by a certain Khadi for the building of a mosque. On or about July 12, 1998, accused-appellant went to Oroquieta City to look for additional laborers for the construction of the mosque, and remained in Angging Manlod's home for four days. He did not return to his family's residence in Taboc Sur, because he found out that his wife was angry at him for reasons he did not know. On July 16, 1998, accused-appellant returned to Iligan City together with two men whom he was able to recruit for the construction of the mosque. He stayed in Iligan City until the end of July 1998. Accused-appellant intended to go home to Taboc Sur, but he first engaged in a drinking spree with a neighbor. When he arrived at his house to eat supper, he was met by his wife who called him evil, satan and other similar names. Accused-appellant said that he did not know that his daughter had filed complaints for rape against him. He added that he learned of Jimmalou's pregnancy from several persons in their neighborhood.  
[19]

On March 16, 2000, the trial court promulgated its Decision in the two cases, the dispositive portion of which reads:

WHEREFORE, finding accused JIMMY MANLOD guilty beyond reasonable doubt of the crime of rape aggravated by relationship in both cases, the Court sentences said accused to suffer the penalty of DEATH in Criminal Case No. 1386 and another DEATH in Criminal Case No. 1387, to be implemented in the manner provided by

law. Accused is likewise ordered to pay victim Jimmalou Manlod the amount of P75,000.00 moral damages plus P20,000.00 as exemplary damages in each of the two cases.

Pursuant to Section 10 of Rule 122 of the 1985 Rules of Criminal Procedure, the records of the two (2) cases including the transcript are hereby ordered forwarded to the Honorable Supreme Court for automatic review and judgment within the reglementary period.

SO ORDERED.<sup>[20]</sup>

In his Appeal Brief, accused-appellant asserts that the trial court erred in finding that his guilt had been proven beyond reasonable doubt. He argues that there was a significant delay between the time when the alleged rape incidents occurred and the time when Jimmalou reported the matter to the police authorities diminishes the credibility of private complainant's testimony. Accused-appellant points out that Jimmalou's explanation for the delay, that she did not inform the police authorities at once regarding her father's sexual abuses because he had threatened to kill her or her mother, was not satisfactory considering that accused-appellant had left their home as early as August 1998. Jimmalou could have reported the incidents to the police at that time. However, she kept everything to herself even during her pregnancy and after she had given birth. Worse, accused-appellant contends, Jimmalou chose to reveal her secret to her friend Ethel, whom she had known for only two years and whose surname she could not even remember. Accused-appellant claims that Jimmalou filed charges against him to cover-up her relationship with a certain Carlito Lacia, which relationship was disapproved by her parents.<sup>[21]</sup>

The Court finds that the trial court did not err in finding accused-appellant guilty beyond reasonable doubt of raping his daughter Jimmalou twice in June 1998.

In reviewing the cases at bar, the Court observed the following guidelines it had previously formulated for the review of rape cases: (1) an accusation of rape can be made with facility, but it is difficult to prove, and even more difficult for the accused to disprove; (2) in view of the intrinsic nature of the crime of rape where only two persons are usually involved, the testimony of the complainant must be scrutinized with extreme caution; and (3) the evidence for the prosecution must stand or fall on its own merits and cannot be allowed to draw strength from the weakness of the evidence of the defense.<sup>[22]</sup>

In a prosecution for rape, the complainant's credibility is the single most important issue.<sup>[23]</sup> The trial court's evaluation of the credibility of the victim's statements is accorded great weight because it has the unique opportunity of hearing the witnesses testify and observing their deportment and manner of testifying. The trial court judge is indisputably in the best position to determine the truthfulness of the complainant's testimony. Thus, unless it is shown that the trial court overlooked, misunderstood or misapplied some facts or circumstances of weight or substance that would otherwise affect the result of the case, its findings will not be disturbed on appeal.<sup>[24]</sup>

The Court has adhered to the rule that when the testimony of a woman who states under oath that she had been raped meets the test of credibility, the accused may be convicted on the basis of such testimony. This is so because by its very nature,