

SECOND DIVISION

[G.R. No. 183093, February 01, 2012]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
DIOSDADO TUBAT Y VERSOZA, ACCUSED-APPELLANT.**

DECISION

PEREZ, J.:

Before us for final review is the conviction^[1] of appellant Diosdado Tubat for the rape of a married woman.

Accused of the crime of rape,^[2] appellant entered a plea of not guilty on 29 July 2004 before the Regional Trial Court.^[3]

On trial, complainant AAA^[4] testified that, at around 3:00 o'clock in the morning of 10 March 2004, her husband left for the market to sell mussels. Shortly after, appellant, who slept in their house, went out to buy cigarettes. AAA stepped out to fetch a pail of water. While doing so, appellant came back with a bladed weapon and poked it at her neck. Upon reaching the house and still with the knife at her neck, appellant undressed himself, pulled down her shorts and underwear and forced her to lie down. He went on top of her, inserted his organ into hers, and mashed her breast. She pleaded with the appellant but that was all she could do. She could not fight back because he was too strong for her. She could not shout for help because he threatened to kill her four (4) children who were then fast asleep. Moreover, appellant kept the knife at her neck. After a while, she was able to grab a piece of wood and hit him on the neck. Appellant ran away.

AAA could not reveal the incident to her husband because of the appellant's threat against their children. However, six (6) days after the rape was committed, she learned that appellant had been telling her children that he would kill her husband. It was then that she mustered the courage to report the incident to the police authorities.

Appellant, gave a different version of the story. Appellant denied having committed the crime. Instead, he claimed that he could have earned the ire of AAA because he saw her being kissed by one Eddie Malicdem, her alleged lover. This, appellant believed, could have possibly motivated AAA to file the complaint against him. However, on cross examination, the appellant admitted that the rape committed on 10 March 2004 preceded the kissing incident that he allegedly witnessed on 3 April 2004.

On 30 June 2006, the trial court convicted the appellant.^[5] The dispositive portion of the decision reads:

WHEREFORE, in the light of the foregoing, the [c]ourt finds accused DIOSDADO TUBAT y VERSOZA GUILTY beyond reasonable doubt of the crime of Rape and is hereby sentenced to suffer the penalty of reclusion perpetua [and] to pay the complainant the amount of P50,000.00 by way of civil indemnity, plus the costs of suit.^[6]

Appellant filed a Notice of Appeal on 18 September 2006.^[7] On 30 January 2008, the Court of Appeals promulgated its decision^[8] in CA-G.R. CR HC No. 02517 upholding the conviction of appellant. It reads, in part:

WHEREFORE, premises considered, the appealed decision dated June 30, 2006 of the Regional Trial Court, Branch xxx, xxx, in Criminal Case No. 31344-MN, is hereby AFFIRMED with MODIFICATION. Accused-appellant DIOSDADO TUBAT is hereby sentenced to suffer the penalty of reclusion perpetua and to pay the complainant in the amount of P50,000.00, as civil indemnity and P50,000.00 as moral damages, plus costs of suit.^[9]

On further appeal to this Court on the repeated ground that the trial court erred in finding appellant guilty of rape, we required the parties to file their respective supplemental briefs^[10] but both manifested that they would no longer do so.^[11]

Our Ruling

We affirm the appellant's conviction.

In the determination of the innocence or guilt of the accused in rape cases, courts are guided by the following principles:

(1) an accusation for rape can be made with facility; it is difficult to prove but more difficult for the accused, though innocent, to disprove; (2) in view of the intrinsic nature of the crime of rape in which 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 for the defense.^[12]

Inasmuch as only two persons are usually involved in rape cases, the settled rule is that the lone uncorroborated testimony of the offended victim, so long as the testimony is clear, positive, and probable, may prove the crime as charged.^[13]

In his attempt to destroy the credibility of the testimony of AAA, the appellant touched even the most trivial of the matters testified to. We are compelled to reiterate established jurisprudence on rape.

The trial court's findings on the credibility of witnesses and of their testimonies are accorded the highest respect

Once again, we recite the time-honored principle that the findings of the trial court as to the credibility of witnesses and their testimonies deserve the highest respect absent a showing that the court would have ruled otherwise had it not overlooked, misunderstood or misapplied material facts or circumstances.^[14] As none of the exceptions is present in this case, there is no reason to overturn the findings of the trial court thereon.

***The credibility of a rape victim
is not diminished nor impaired
by minor inconsistencies in her testimony***

AAA initially testified that, in the early morning of the day she was raped, the appellant asked her husband to get up so that they could go to the market to sell mussels. On cross examination, however, it was clarified that it was her mother-in-law who woke her husband up. Appellant, thus, posited that if she could give two (2) inconsistent statements during the examination, it is with more reason that her recollection of the event that transpired years ago would be unreliable.

We are not convinced.

In the case of *People v. Laog*,^[15] where the appellant also raised the inconsistencies in the testimony of the victim, this Court declared:

Nonetheless, this matter raised by appellant is a minor detail which had nothing to do with the elements of the crime of rape. Discrepancies referring only to minor details and collateral matters -- not to the central fact of the crime -- do not affect the veracity or detract from the essential credibility of witnesses' declarations, as long as these are coherent and intrinsically believable on the whole.^[16] For a discrepancy or inconsistency in the testimony of a witness to serve as a basis for acquittal, it must establish beyond doubt the innocence of the appellant for the crime charged.^[17] It cannot be overemphasized that the credibility of a rape victim is not diminished, let alone impaired, by minor inconsistencies in her testimony.^[18]

***No woman would go through the process and humiliation
of trial had she not been a victim of abuse
and her only motive is to seek and obtain justice;
When she says she has been raped, she says, in effect, all
that is necessary to prove that rape was, indeed, committed***

Appellant was given the opportunity to show the court that AAA was driven by some ill motive to falsely testify against him. Evidently, there was none that he could validly impute against her. As it turned out, his allegation that he saw AAA being kissed by the alleged lover in the morning of the rape incident, which, he claimed, would give AAA reason to file the case against him, is not true. He himself admitted on cross examination that he witnessed the kissing incident in April 2004 long after the rape was committed in March of the same year.

The following pronouncements of the Court, therefore, apply in this case:

As it has been repeatedly held, no woman would want to go through the process, the trouble and the humiliation of trial for such a debasing offense unless she actually has been a victim of abuse and her motive is but a response to the compelling need to seek and obtain justice.^[19]

It is settled jurisprudence that when a woman says that she has been raped, she says in effect all that is necessary to show that rape was indeed committed.^[20]

***Physical resistance need not be established
when threats and intimidation are employed***

We are also convinced that AAA was not able to fight back not only because appellant was strong but because a knife was poked on her neck. He also threatened to kill her children. These also explained why she did not shout for help. As held in *People v. Fernandez*:^[21]

Physical resistance need not be established in rape when threats and intimidation are employed, and the victim submits herself to her attackers because of fear. xxx The use of a weapon, by itself, is strongly suggestive of force or at least intimidation, and threatening the victim with a gun is sufficient to bring her into submission.^[22] Thus, the law does not impose upon the private complainant the burden of proving resistance.^[23]

***Delay in the filing of a complaint,
if satisfactorily explained, does not
impair the credibility of a witness***

Appellant would have us believe that AAA's testimony is not credible considering that she could have immediately shouted for help if, indeed, appellant fled after he was hit by a piece of wood. Instead, she waited for several days before filing the complaint.

The credibility of a witness, however, is not impaired if the delay in making a criminal accusation has been satisfactorily explained.^[24] In the instant case such delay is understandable. AAA was afraid of appellant's threats.^[25] Since individuals react differently to emotional stress, no standard form of behavior can be expected of them after they have been raped.^[26]

Defense of denial and alibi cannot prosper

As to appellant's defense of denial and alibi, we completely agree with the ruling of