

## FIRST DIVISION

[ G.R. No. 142416, February 11, 2003 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
FRANCISCO SORONGON ALIAS "TOTO", ACCUSED-APPELLANT.**

### D E C I S I O N

**YNARES-SANTIAGO, J.:**

Accused-appellant Francisco Sorongon was charged with rape in an Information<sup>[1]</sup> which reads:

That on or about February 14, 1996, in the Municipality of ██████, Province of ██████, Philippines, and within the jurisdiction of this Honorable Court, the said accused, with lewd designs, did then and there willfully, unlawfully and feloniously, by means of force, violence and intimidation, that is, by then and there pulling the offended party by the hand towards a grassy field, boxing her abdomen, covering her mouth, pressing a knife at her abdomen and threatening to kill her should she resist, mashing her private parts, did then and there willfully, unlawfully and feloniously lie with and have carnal knowledge of the said offended party, AAA, against her will and consent.

Complainant AAA left her workplace on February 14, 1996 at around 6:00 in the evening. While walking towards her home in ██████, she became aware of someone following her. She looked back and saw accused-appellant Francisco Sorongon. Before she could make any move, accused-appellant suddenly grabbed her left hand and pressed a knife against her abdomen. AAA tried to attract attention by repeatedly shouting for help but accused-appellant silenced her by punching her in the abdomen, covering her mouth and pressing a knife at her.

Accused-appellant pushed AAA to a grassy field beside the road where she was made to lie down. In that position, accused-appellant touched her breasts and private parts. Despite resistance, accused-appellant easily overpowered AAA and rendered her unconscious when he stepped on her face.

When AAA recovered consciousness, she felt pain all over her body including her private parts. She found accused-appellant lying on top of her repeatedly thrusting his organ into her vagina. It was at this point that her neighbors, Francisco Ontalan and Nonoy Rosima, arrived and caused accused-appellant to flee. Her neighbors took her home.

Dr. Salud dela Cruz, Rural Officer of Digos, Davao del Sur, conducted a genital examination two days later and found a fresh lacerated wound about 0.5 cm. in diameter in the fourchette and a fresh lacerated wound on the hymen at the 6:00

o'clock position.<sup>[2]</sup>

Accused-appellant, on the other hand, claims that AAA was his sweetheart. Because it was Valentine's day, he fetched her from her workplace. As they were walking home, they were carried away by their emotion. They started kissing and hugging each other. The foreplay was suddenly interrupted by a flashlight trained on them. To cover up AAA's embarrassment, she pretended that she was raped by accused-appellant. She allegedly tried to show some resistance and even bit his small finger which caused some blood to drip. She then filed charges of rape against him.

The trial court gave credence to the prosecution's version and rendered a decision,<sup>[3]</sup> the dispositive portion of which reads:

WHEREFORE, in conformity with all the foregoing and considering that the crime of rape was committed with the use of bladed weapon, and in order to serve the ends of justice, the Court is left with no other alternative but to impose upon the accused the penalty of *RECLUSION PERPETUA* with the accessory penalties provided for by law and to indemnify the victim the amount of P100,000.00 as moral and exemplary damages.

Accused FRANCISCO SORONGON, being detained is entitled to full credit of the preventive imprisonment he had undergone provided he has signed his conformity to abide by the rules and regulations imposed upon inmates by the provincial jail authorities of Davao del Sur, otherwise he shall be entitled to only 4/5 of the preventive imprisonment he had undergone.

Hence this appeal, raising the following errors:

- I. The trial court erred in believing private complainant's allegation of rape contrary to what she reported at the Kapatagan Police Detachment that the accused merely attempted to rape her.
- II. The trial court erred in not finding that complainant lied when she testified that a sharp knife was used and pressed on her stomach contrary to what the medical certificate shows that there was no stomach injury and that her t-shirt showed no tear or perforation.
- III. The trial court erred in not finding that private complainant lied and her testimonies were incredible when she claimed that accused-appellant boxed her at the epigastric part of the stomach 30 to 35 times.
- IV. The trial court erred in not believing that they were sweethearts.<sup>[4]</sup>

In fine, accused-appellant assails the trial court's assessment of the credibility of AAA.

Credible witness and credible testimony are the two essential elements for the determination of the weight of a particular testimony. This principle could not ring any truer where the prosecution relies mainly on the testimony of the complainant,

corroborated by the medico-legal findings of a physician. Be that as it may, the accused may be convicted on the basis of the lone uncorroborated testimony of the rape victim, provided that her testimony is clear, convincing and otherwise consistent with human nature.<sup>[5]</sup>

In his first assignment of error, accused-appellant noted that AAA testified in open court that she was raped whereas she claimed before the Kapatagaan police that accused-appellant only attempted to rape her. Hence, AAA did not present the PNP blotter book in evidence.

On this score, we agree with the trial court when it held:

The minor inconsistencies in the private complainant's statements during the time she was investigated by the Barangay Captain of Kapatagan and at the time she was investigated by the police in Digos, Davao del Sur are quite understandable for a barrio lass who was there present to air the acts of the accused which are repugnant to her modesty. These inconsistencies pointed by the defense, however, were not made during the trial proper or during the time she was presented in Court but "inconsistencies" which were simply placed or put in writing in the blotter book by persons other than herself.

Entries in a police blotter, though regularly done in the course of the performance of official duty, are not conclusive proof of the truth of such entries for they are often incomplete and inaccurate. They, therefore, should not be given undue significance or probative value as to the facts stated therein. Blotter entries are merely prima facie proofs of the facts stated therein.<sup>[6]</sup>

On the other hand, the trial court doubted the testimonies of the defense witnesses when it observed that:

The testimonies of the defense witnesses, Barangay Captain Gidel Romero, Barangay Kagawad Benjamin Benzuelo and Barangay Kagawad Cornelio Cometa (whose desire for acquittal is understandable considering the fact that the barangay captain is related to the accused) which were all geared towards attacking the credibility of the private complainant, appear to be fabricated, not credible and are not enough to successfully assail the credible and straightforward testimony of the private complainant whose deportment, behavior and manner of testifying during trial has been fully observed by this Court. The private complainant even shed tears when asked to recount the harrowing experience she has had with the accused and who even bit her lips when asked to identify the man who brutally ravished her body.<sup>[7]</sup>

The victim's act of crying during her testimony bolsters the credibility of the rape charge with the verity born out of human nature and experience.<sup>[8]</sup>

Well-settled is the rule that findings of facts and assessment of credibility of witnesses is a matter best left to the trial court because of its unique position of having observed that elusive and incommunicable evidence of the witnesses' deportment on the stand while testifying, which opportunity is denied to the appellate courts. For this reason, the trial court's findings are accorded finality,