

**SECOND DIVISION****[ G.R . No. 143704, March 28, 2003 ]****PEOPLE OF THE PHILIPPINES, APPELLEE, VS. ALEX MANALLO,  
APPELLANT.****D E C I S I O N****CALLEJO, SR., J.:**

Spouses [REDACTED] and [REDACTED] and their nine-year old<sup>[1]</sup> daughter AAA tenanted and lived in a coconut plantation located in Barangay [REDACTED]. AAA helped in the household chores by washing the family's dirty laundry every Saturday at the barangay reservoir. The route to the reservoir was uninhabited. Going there was quite a long trek. It usually took AAA fifteen minutes to negotiate the grassy path from the reservoir to their house.

In 1989, [REDACTED] engaged the services of Alex Manallo, as coconut gatherer.<sup>[2]</sup> Alex helped the Nabor couple gather coconut produce once a week.<sup>[3]</sup> He was paid P150.0 per day for his services.

In the early morning of March 30, 1992, [REDACTED] left their house for the market. AAA went to the reservoir to wash her clothes bringing with her a pail and a basin. She wore a t-shirt and a pair of short pants. After washing her clothes, AAA took a quick bath.<sup>[4]</sup> At around 11:00 a.m. AAA, who was drenched all over, left the reservoir and trekked the same route in going home. On her way, Alex suddenly appeared from the bushes and grabbed AAA from behind. Alex was completely naked. He covered her mouth and poked a knife on her neck. AAA dropped the basin and the pail she was carrying and fought with Alex to extricate herself from his clutches. However, he was too strong for her. Alex dragged her to a grassy portion, pulled her down and pinned her to the ground.<sup>[5]</sup> She cried and shouted for help, at the same time, resisting Alex's advances. However, when Alex boxed AAA on her thighs and on her abdomen, she lost consciousness. When she regained consciousness, AAA noticed that she was completely naked. She felt weak and tired. Her private parts and body ached all over. She noticed semen in her vagina.<sup>[6]</sup> Fearing for her life and completely devastated, she cried bitterly. Alex dressed up and warned her not to tell her parents, brothers and sisters of the incident, otherwise, he would kill them all. AAA put on her clothes and ran home. By then, [REDACTED] was already in the house. AAA related to her mother what had happened to her.<sup>[7]</sup> Stunned by the revelation of her daughter, [REDACTED] accompanied AAA to the house of the barangay captain, but the latter was out of the house. The distraught [REDACTED] and AAA proceeded to the house of barangay *kagawad* Elesio Obal to whom they related that Alex had raped AAA. [REDACTED], AAA and Elesio boarded a tricycle and went to the Camilig Police Station<sup>[8]</sup> where [REDACTED] and AAA had the incident reported in the police blotter.<sup>[9]</sup> The *trio* then proceeded to the Rural Health Unit of Camilig where Dr. Ma. Crispa Loria-Florece, the Municipal Health Officer, conducted a physical, including pelvic and

smear examination of AAA. Dr. Loria-Florece signed and issued a medico-legal certificate<sup>[10]</sup> which reads:

\*Physical findings:

- CONTUSSION – right cheek
- HEMATOMA – Distal 3<sup>rd</sup>, anterior aspect right thigh

I E findings:

- Hymen with fresh bleeding, lacerations at 3:00 o'clock, 5:00 o'clock, 6:00 o'clock, 8:00 o'clock positions.
- Cervix smooth, small and firm
- Adnexa (-)
- W/bloody & whitish stick mucous per examining Finger

\*Spec. exam: - cervix – pinkish w/whitish secretion at post fornix.

\*Vaginal smear – With motile sperm cells.

According to Dr. Loria-Florece, the contusion and hematoma sustained by the victim in the right cheek and right thigh could have been caused by fist blow or slapping of the victim. The fresh bleeding and multiple lacerations of the hymen could have been caused by sexual intercourse or the entry of a hard object. AAA was still a virgin when the doctor examined her but lost her virginity about an hour from her examination on the victim, since fresh hymenal bleeding usually stops in about one or two hours from laceration.

AAA and [REDACTED] went back to the police station and executed their respective sworn statements.

On April 27, 1992, an information was filed with the Regional Trial Court of Legaspi City, charging Alex with rape, the accusatory portion of which reads:

That on the 30<sup>th</sup> day of March 1992, at more or less 11:00 o'clock A.M. at Barangay [REDACTED], the accused with lewd design, armed with a knife, by means of violence and intimidation, poked the victim AAA with said knife and when the victim resisted, slapped her rendering her unconscious, and while in that stae (sic) accused have carnal knowledge with AAA, to the latter's damage and prejudice.

CONTRARY TO LAW.<sup>[11]</sup>

No bail was recommended for the provisional liberty of Alex. He filed, on May 8, 1992, a motion for bail with no specific date and time for the hearing thereof.<sup>[12]</sup> Upon the filing of said motion, the Executive Judge issued an order granting the motion and fixing his bail bond at P50,000.00.<sup>[13]</sup> On the same day, Alex posted a property bond which was immediately approved by the court.<sup>[14]</sup> Alex was forthwith released from detention.

At his arraignment on June 17, 1992, Alex, duly assisted by counsel *de officio*, pleaded not guilty. Trial was set on June 18, 1992.<sup>[15]</sup> The prosecution prayed the trial court to cancel the bond of Alex considering that his petition for bail was granted without due hearing. However, the trial court held in abeyance resolution of the motion until after the prosecutor shall have presented its witnesses on June 18, 1992. The trial court stated that the evidence to be adduced by the prosecution would be its evidence in Alex's petition for bail and trial on the merits. On June 18, 1992, the trial court issued an order that Alex would remain free on his bond until June 22, 1992, the date set for the hearing on his petition for bail. However, Alex failed to attend the trial on said date. The trial court issued an order for his arrest. However, Alex could no longer be found at his address. It was only six years thereafter, or on January 22, 1998, that he was arrested.<sup>[16]</sup>

When Alex testified, he denied having sexually assaulted AAA on March 30, 1992. He claimed that they had been lovers engaging in sexual intimacies for over a year even before March 30, 1992. He said that whenever they had sexual intercourse, he gave her P100.00 to P150.00. He claimed that he came to know AAA in 1989 when he started working for the [REDACTED], and from that day on, they hit it off. He was then 26 years old and AAA barely in her teens. He testified that AAA gave him special attention by personally serving him lunch every time he gathered coconuts and she flirted with him. He, in turn, used to tease her by asking her to become his second wife. Every time he needed a smoke, AAA bought cigarettes for him and always kept the change. He used to give AAA pocket money for her schooling. Their relationship blossomed and in 1991 they started having sexual intercourse. Alex claimed that every time he gathered coconuts in the landholding of the [REDACTED], he and AAA invariably had sexual intercourse either at Honrado's nipa hut or in the grassy wilderness.

Alex recalled that on March 27, 1992, at around 7:00 a.m., he left his house and played basketball at the nearby basketball court. After an hour, he got thirsty and proceeded to the house of Laura. Thereat, Laura handed him water. While drinking water, AAA called him and asked for P300.00 for a new pair of shoes. He told AAA that he would give the P300.00 at their usual tryst after his routine rounds of his coconut plantation. AAA agreed. She then told Alex that she would first drop by her house to get some laundry clothes so that her parents may not get suspicious. The two met at the agreed place. She demanded that Alex give her the P300.00 but Alex refused. He insisted that they have sexual intercourse first. AAA agreed. However, after their sexual act, Alex still refused to give her P300.00, AAA got furious. She warned Alex that she would tell her mother about their relationship. Alex pacified AAA by promising to give her the money on Monday. He again sweet-talked AAA by assuring her that in case she got pregnant, he would leave his wife and they would settle in Manila. After appeasing AAA, they respectively went home. When he arrived home, he ate his lunch and subsequently went to sleep. At about 1:00 p.m. his wife woke him up and told him that four policemen were looking for him. He asked the policemen of their purpose and he was told that a complaint for rape had been filed against him. He went with the policemen to the police station where he was placed under arrest. He also told the court that when his wife Teresita visited him on that day, he admitted to her his relationship with AAA. He said that after hearing his confession, his wife Teresita cried and got angry.<sup>[17]</sup>

Teresita Manallo testified that when she visited her husband, Alex, in his cell after his arrest, he confided to her that he had already admitted the charge. She likewise testified that Alex had instructed her to talk to [REDACTED] and ask her forgiveness and if possible to settle the matter with the [REDACTED]. She claimed that on her way out of the municipal jail she chanced upon the [REDACTED] and relayed to them the instructions of Alex. However, the [REDACTED] rejected the offer of settlement. [REDACTED] was resolute in filing a case against Alex.

On April 25, 2000, the trial court rendered its decision<sup>[18]</sup> finding Alex guilty as charged, the dispositive portion of the decision reads:

**WHEREFORE**, premises considered, the accused **Alex Manallo** is hereby found **guilty** beyond reasonable doubt of the crime of rape by using force and intimidation as defined and penalized under Art. 335 (1) of the Revised Penal Code and he is hereby sentenced to suffer the penalty of imprisonment of **Reclusion Perpetua**, to pay complainant ₱75,000.00 as indemnity , ₱50,000.00 as moral damages and the costs.

SO ORDERED.<sup>[19]</sup>

Aggrieved by the decision, Alex appealed to this Court contending that:

THE TRIAL COURT GRAVELY ERRED IN CONVICTING ACCUSED-APPELLANT NOT ON THE BASIS OF THE STRENGTH OF THE PROSECUTION'S EVIDENCE BUT RATHER ON THE WEAKNESS OF THE EVIDENCE FOR THE DEFENSE"<sup>[20]</sup>

Appellant concedes, even as he assails his conviction, that his defense is inherently weak. He argues that the decision of the trial court dwelt mainly on the rationalization discrediting the evidence for the defense and that not much was said why it gave credence to the testimony of the private complainant. He claims that even assuming that his testimony is unbelievable, as the trial court put it, that alone could not sustain a verdict of conviction. He asserts that the prosecution must rest on the strength of its own evidence and not relieved of the onus of proving guilt beyond reasonable doubt by the weakness of the defense.<sup>[21]</sup>

The contention of appellant does not persuade.

Even a cursory reading of the decision of the trial court will readily show that it convicted appellant of the crime charged in light of the testimony of AAA and Dr. Loria-Florece and the physical evidence adduced by the prosecution:

After a careful scrutiny of the evidence adduced, the court finds that the accused did rape the complainant AAA on March 30, 1992. The court finds the testimony of complainant AAA credible, natural, convincing and otherwise consistent with human nature and the ordinary course of things. The conduct of AAA and the subsequent events that transpired immediately after the alleged sexual assault credibly established the truth of her charge.

After the accused left her, she came home running and shouting for help because she was raped. Upon arrival at her house she spontaneously told

her mother, she was raped by the accused. They immediately reported to the barangay authorities, then to the police.

The findings of Dr. Florece clearly supports complainant's story. She examined the complainant at 12:15 p.m. of March 30, 1992, which was about one hour after the rape. The external physical examination showed a contusion on her right cheek and a hematoma on her right thigh near the knee. These injuries is compatible with the complainant's testimony that she was slapped in her face and boxed in her thigh by the accused as a result of which she lost consciousness.

The internal examination showed fresh bleeding hymenal lacerations at 3:00, 5:00, 6:00 and 8:00 o'clock positions, meaning these lacerations were sustained about one or two hours before the examination because hymenal laceration stops bleeding after one or two hours says Dr. Florece. There were lacerations because complainant was still a virgin according to Dr. Florece. The motile sperm cells were moving and alive as found by Dr. Florece. These circumstances clearly show that the rape was committed on March 30, 1992 and that there was no such sexual intercourse on March 27, 2003. These lacerations also indicate that the penis was forcibly inserted into the vagina. (*People vs. Peñero*, 276 SCRA 564)

Dr. Florece, found a contusion on the right cheek of complainant, a reddish coloration of the skin, slightly elevated or inflamed, a hematoma on the right thigh near the knee, there was accumulation of clotted blood. The contusion on the right cheek and the hematoma on the right thigh could have been caused by a fistic blow or by slapping. The hymenal fresh bleeding lacerations could have been caused by a penis in a sexual intercourse about an hour and a half before her examination because hymenal laceration stops in one to two hours. There were lacerations because the complainant was a virgin. The motile sperm cells found in the cervix were alive indicating a recent sexual intercourse. All the foregoing facts and circumstances clearly and indubitably prove that complainant AAA was raped by the accused Alex Manallo on March 30, 1992 at about 11:00 a.m.<sup>[22]</sup>

The trial court considered appellant's flight from the scene of the crime, his having jumped bail and for eluding arrest for six long years as evidence of his guilt for the crime charged:

. ...Besides, the flight of the accused in jumping bail and going into hiding for (6) years is evidence of his guilt. He would not have fled if his story is true. The court noted that during the years that the accused was in hiding, the complainant was relentless in her efforts to locate the accused so that he may be arrested. Complainant's demeanor in court showed insincerity.<sup>[23]</sup>

AAA described how appellant waylaid her, forcibly dragged her to the grassy area, pinned her to the ground and when she resisted, he hit her with his fist, rendering her unconscious and when she regained consciousness, she discovered that she had been deflowered by the appellant, thus: