

THIRD DIVISION

[G.R. Nos. 138650-58, April 22, 2003]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. IGNACIO SINORO,
APPELLANT.**

D E C I S I O N

PANGANIBAN, J.:

Delay in reporting a rape to the police does not taint the credibility of the victim. In the face of constant and credible threats of violence and death, the offended party may be excused for her tardiness in reporting her ravishment.

The Case

Ignacio Sinoro appeals the December 7, 1998 Decision^[1] of the Regional Trial Court (RTC) of Iloilo City, Branch 36, in Criminal Case Nos. 40309-40317. The RTC found him guilty beyond reasonable doubt of nine (9) counts of rape and imposed on him the penalty of *reclusion perpetua* for each count. In these cases, the dispositive portion of the challenged Decision was uniformly worded -- except for the case number -- as follows:

"WHEREFORE, in the light of the foregoing considerations, the Court hereby renders judgment, as follows:

'In Criminal Case No. x x x:

'Finding the accused Ignacio Sinoro GUILTY beyond reasonable doubt of the crime of Rape, as defined and penalized under Article 335 of the Revised Penal Code and sentencing him to suffer the penalty of Reclusion Perpetua and all the accessory penalties provided for by law; to indemnify the offended party AAA, the sum of P50,000.00 and to pay the costs.

x x x x x x x x x.'

"The property bond posted by the accused for his provisional liberty is ordered cancelled pursuant to Supreme Court Administrative Circular No. 12-94. Consequently, the property subject of the bond is ordered released and the [bondsman] likewise released of his/her obligations appurtenant thereto.

"Let the corresponding *mittimus* or commitment order issue immediately after promulgation of sentence."^[2]

In nine (9) separate criminal Complaints^[3] all dated April 13, 1993, appellant was accused of raping AAA on June 19; July 4, 11 and 18; September 11 and 12;

October 5; November 2; and December 5, 1992, allegedly as follows:

"That on or about x x x, in the [REDACTED], Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with deliberate intent and by use of force and intimidation, did then and there willfully, unlawfully and feloniously have sexual intercourse with the complainant, without her consent and against her will."

During his arraignment on July 28, 1993, appellant, assisted by his counsel *de parte*,^[4] pleaded not guilty to the charges.^[5] After trial in due course, he was convicted of nine (9) counts of rape.

The Facts **Version of the Prosecution**

In its Brief, the Office of the Solicitor General (OSG) narrates the factual antecedents of the case as follows:

"In 1992, private complainant AAA was 14 years old. She did not yet have her monthly menstruation. She was skinny. As a medico-legal officer described her, she is febrile. Appellant at that time was in his 50's.

"Around 2:00 in the afternoon of June 19, 1992, private complainant AAA was on the hill at the back of the house of appellant in Barangay Tigtig, Santa Barbara, Iloilo. She was unknotting the goat tied to a mango tree. The mango tree was about 50 meters from the house of AAA and about 30 to 35 meters from the house of appellant.

"While AAA was untying her goat, appellant came from behind her and put a scythe on her neck. AAA cried. Appellant threatened to kill her if she would shout.

"While holding the scythe close to the neck of AAA, appellant pushed her towards the bushes. When they reached the bushes, appellant took off the shorts and panty of AAA, while still holding the scythe close to her neck. AAA cried but could not do anything. Appellant pushed AAA to the ground. Appellant pushed down his pants and brief up to his knees and placed himself on top of AAA. Appellant inserted his penis in the sex organ of x x x AAA. Appellant made push and pull movements with his penis for about fifteen (15) to twenty (20) minutes. AAA felt severe pain in her vagina, while appellant was making the push and pull movements. Appellant's left hand held her right hand, while his right hand held the scythe. Appellant told AAA not to tell anybody otherwise he would kill her and her family.

"After appellant was through, he let AAA stand up. AAA saw blood in her sex organ. She also saw the semen of appellant. Appellant told AAA to put on her panty and shorts and then he dressed up himself. Appellant told AAA to go home and repeated his warning not to tell anybody, otherwise he would kill her and her family.

"When AAA reached home she cried. She washed herself. Only her grandmother, who was seventy (70) years old, was at home. She did not tell her grandmother about the incident because she was afraid. She also did not report the matter to her mother because she was afraid and because of appellant's threat.

"During the month of July 1992, appellant raped AAA three times. About 2:00 o'clock in the afternoon of July 4, 1992, appellant raped AAA near the bamboo groves in the hill in the lower portion of AAA's house. About 1:00 in the afternoon of July 11, 1992, appellant raped AAA in the banana plantation of the same hill. About 1:00 in the afternoon of July 18, 1992, appellant raped AAA in the same hill. In these three instances, appellant placed a scythe close to the neck of AAA. AAA could not shout because she was afraid appellant would kill her. She did not report these incidents to her mother because she was afraid of the threat of appellant to kill her and her family. Appellant would often come to see AAA in her house and warn her not to tell anybody otherwise he would kill her.

"AAA was raped by appellant five more times, on September 11 and 12, October 5, November 2 and December 5, 1992. About 2:00 to 3:00 in the afternoon on September 11, 1992, appellant raped AAA in the hill in the lower portion of her house. She was told by appellant to go to the hill otherwise he would kill her. Appellant placed a scythe on her neck and threatened her. About 2:00 to 3:00 in the afternoon of September 12, 1992, AAA was preparing to feed the pigs. Appellant approached her and placed a scythe on her neck. Appellant raped AAA in the lower portion of her house. AAA did not report the incidents to her mother, her relatives or the police because she was afraid of the threats of appellant.

"On October 4, 1992, appellant told AAA to go to the bamboo groves on the hill near her house on the next day, otherwise he would kill her. AAA did not resist the order of the appellant because she was afraid. About 1:00 in the afternoon of October 5, 1992, appellant raped her near the bamboo grove on the hill near her house.

"Around 9:00 in the morning of November 2, 1992, AAA was on her way to the house of her aunt but appellant stopped her. Appellant again raped her in the lower portion of the hill. AAA went home after she was raped but did not tell her mother about it.

"On December 5, 1992, AAA was at the back of their house weeding grass. Appellant approached her and placed a scythe at her throat and told her to go with him. Appellant again brought AAA to the bushes where appellant undressed her. Appellant took off his clothes and mounted AAA. At the same time, appellant placed a scythe close to her throat. Appellant then inserted his penis into the sex organ of AAA.

"After the rape incident on December 5, 1992, AAA cried and finally told her mother about the rape incidents because she could not longer bear the beastly acts of appellant. AAA's mother reported the matter to the Barangay Captain and to the police authorities, who had the incidents entered in the police blotter."^[6] (Citations omitted)

Version of the Defense

On the other hand, appellant relates his version of the facts thus:

"The evidence of the prosecution and defense show that in the morning of January 30, 1992[,] Mrs. [REDACTED] complained to the Barangay Captain of their [REDACTED] regarding a 'rumor' existing in their barrio regarding the relationship of her daughter AAA with herein accused Ignacio Sinoro. Mrs.[.] [REDACTED] was alone in lodging that complaint arising from 'rumor' allegedly existing in their community regarding the 'relationship' existing between her daughter AAA and Ignacio Sinoro. This [REDACTED] when asked by the Barangay Captain what was really her complaint answered that she heard much talk or rumor in the community regarding that alleged relationship. And she further added in her narration to the Barangay Captain that Ignacio Sinoro used to give her daughter money to keep secret that continuing relationship. In the afternoon of that day January 30, 1992, Ignacio Sinoro, together with his wife, responding to summon of Barangay Captain, arrived at [the] house of Barangay Captain which served as his [o]ffice, and when asked regarding that alleged relationship he vehemently denied that alleged relationship. When AAA arrived she was asked repeatedly regarding that relationship and each time she was asked she vehemently and loudly answered 'NO' to all those repeated questions. These questions directed to AAA and her negative answers were done in the presence of the mother [REDACTED] and her aunt. Then, after these questions x x x were asked to her, Ignacio Sinoro likewise was asked by Barangay Captain and he answered in the negative. Then after that the mother of AAA kept on insisting regarding that relationship while AAA and Ignacio Sinoro kept on denying the so-called relationship. Then the Barangay Captain Ignacio Subong in order to solve their predicament told her, referring to Mrs. [REDACTED], to bring her daughter to the hospital for examination in order to determine whether there was really [a] sexual relationship between her daughter and Ignacio Sinoro. Mrs. [REDACTED] brought her daughter to Ramon Tabina Memorial Hospital where she was examined in said hospital by the Chief of Hospital in the person of Dra. Restituta Kilay[k]o. The said Doctor issued a Medical Certificate exhibited as Exhibit 1 finding her x x x 'negative' of having undergone sexual intercourse at the time she was examined. In court, the doctor concerned testified at the lower court and at the RTC that her finding is that AAA has not undergone sexual intercourse as borne by her examination. This doctor is an Obstetrician-[Gynecologist], besides, she was the Chief of the Hospital at the time of her examination of AAA. Besides, it was the first examination of the subject AAA. Mrs. [REDACTED] did not submit the findings of the examining doctor to the barangay captain despite her promise. She brought the said Medical Certificate to Station Commander Soldevilla of [REDACTED] National Police. The Station Commander told her that Medical Certificate containing negative findings would not support their case for Rape against Ignacio Sinoro. She advised her to proceed to NBI in order that AAA would be examined for the second time. The Station Commander upon request of [REDACTED] prepared a letter to be sent to NBI requesting for the examination of AAA. AAA was examined by Dr.

Jaboneta in his clinic at [the] NBI headquarters. According to [REDACTED] and AAA before the examination was conducted the second time they separately informed Dr. Jaboneta and the NBI that the first examination was already conducted by Dr[a]. Kilay[k]o, a government doctor and chief of the hospital but Dr. Jaboneta and Agent No. 1 Lim testified that they were never informed that AAA was ever examined before her examination was conducted by Dr. Jaboneta of the NBI. The NBI doctor even testified that had he known the fact that if only he knew that AAA was examined already by another government doctor he would not have conducted the second examination without the written request by a prosecutor. And, it should be noted [sic] that in this particular incident there was no written request on the part of any prosecutor. And it should be further noted that just imagine the first doctor to examine was the Chief of the Hospital, the examination was done in the hospital, the examination was done by Obstetrician-[Gynecologist], and it was the first examination. Immediately after securing the Medical [C]ertificate of the NBI, the Station Commander and [REDACTED] saw to it that nine cases of rape were filed against the herein Accused Ignacio Sinoro. Regarding the Medical Certificate issued by Dr[a]. Kilay[k]o the same was conveniently hidden by the Station Commander Soldevilla in the steel cabinet and it was only through the insistence of the Honorable Judge of Honorable Municipal Circuit Judge of [REDACTED] which caused the said Exhibit 1 to be taken out of the [Archive] where it was kept by the Station [Commander] upon request of [REDACTED] who was obsessed in accusing Ignacio Sinoro despite her original Complaint regarding alleged 'rumor' of relationship of her daughter and Ignacio Sinoro. Thus, after Exhibit 1 or the [M]edical [C]ertificate was conveniently hidden in the alleged steel cabinet at the office of the Station Commander the prosecution filed the nine cases of Rape at the Municipal Circuit Trial Court based at [REDACTED]. Thereafter, after Preliminary Investigation conducted at said court, the Honorable Municipal Circuit Court issued a Resolution declaring the existence of a prima facie evidence of Rape and recommending a bond of P70,000.00 and sending the records to office of the Provincial Prosecutor.”^[7]

Ruling of the Trial Court

Rejecting appellant's denial, the RTC ruled that the victim's testimony was credible and sufficiently corroborated by other witnesses and the medical findings. According to the court a quo, the victim rendered a clear and convincing narration of how appellant had committed the dastardly acts by using force and intimidation.

Hence, this appeal. ^[8]

The Issues

In his Brief, appellant submits the following errors allegedly committed by the RTC:

“I

The lower court erred in not finding that prosecution miserably failed to