

SECOND DIVISION

[G.R. No. 150382, October 02, 2003]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. EDDIE BASITE,
APPELLANT.**

DECISION

BELLOSILLO, J.:

EDDIE BASITE was convicted by the trial court of simple rape, sentenced to *reclusion perpetua* and ordered to pay complaining witness P50,000.00 as civil indemnity and P50,000.00 as moral damages.^[1] He now appeals his conviction.

Sonia Pa-ay, a polio victim, was at the time of the rape nineteen (19) years old and a student of midwifery at the Cordillera College, Buyagan, La Trinidad, Benguet.

On 1 September 1996 at around 10:30 in the morning, Sonia was in Natuel, Buguias, Benguet, on her way to her parents' home in Tinoc, Ifugao, to get her allowance. As she was walking, she met Eddie Basite who was headed towards the opposite direction. They passed by each other. A few seconds later, Sonia heard footsteps behind her. When she looked back she saw Eddie Basite following her. He reached her, held her by both hands and told her to go down with him. Sonia resisted. But the accused Eddie Basite pulled out a knife from his waistband, thrust it at her neck and threatened to stab her if she continued to resist. He ordered her to lie down on the ground and out of fear she obeyed.

The accused undressed himself and forcibly removed Sonia's pants and underwear. He placed himself on top of her, inserted his penis into her vagina and made a push and pull movement. Sonia felt pain in her vagina. She resisted but the accused threatened to stab her. When he was through with the sexual assault, he warned her not to relate the incident to anyone or else he would stab her. Sonia pleaded with the accused to allow her to go home. Upon seeing that the accused had laid down his knife beside her head while he was putting on his clothes, Sonia grabbed the knife and stabbed him on the left shoulder. Wounded, the accused ran away.

Sonia tried to put on her clothes, but losing her balance she rolled down the cliff and lost consciousness. When she recovered, she felt pain all over her body and could not find her bearings in her weakened state. She fell asleep and woke up at around midnight. She made her way up the mountain by the light of the moon. She reached the place where she was raped and rested for a while until she decided to continue on her way to her parents' house in Tinoc, Ifugao.

Along the way she passed by a house where she was offered *camote* to eat. While she was eating some soldiers arrived and offered to accompany her home. On their way they met four (4) men, one of whom turned out to be a brother of the accused who identified Eddie Basite as the person described by Sonia. He proposed that they

go to the place where the rape allegedly took place. When they reached the crime scene Sonia found her bag and retrieved it. The brother asked Sonia to go with him to Abatan to see Eddie and talk to him and their relatives but she refused. Sonia proceeded instead to Monsoyohoy to wait for her uncle Nazario Habungan who, she learned earlier, was going home and would pass by Monsoyohoy.

As she was walking towards Monsoyohoy she met her uncle Nazario and other relatives on the way and she narrated her ordeal to them. Together with some companions they proceeded to the Abatan Police Station to report the incident and to file a complaint. As they were passing through Bot-oan on their way to Abatan they saw Eddie alighting from a yellow Ford Fiera. He appeared to have injured his right hand. Nazario approached the accused and held him by the shoulder and told him to go with them to Abatan. Eddie pushed Nazario's arm and ran away. Nazario and his companions gave chase and caught up with the accused.^[2]

Gilbert Sacla, testifying for the prosecution, said that he saw Nazario and his companions run after the accused. Since he was then the Barangay Captain of Bot-oan, Gilbert called a stop to the commotion. He learned that Eddie was being accused of having molested Sonia. Gilbert brought Eddie to the police station. The accused went with him willingly.^[3]

At the police station, Sonia was advised to undergo medical examination. She went to the Abatan Emergency Hospital for the physical examination, and to the Lutheran Hospital for the laboratory tests. She was issued a medical certificate. The following day, 3 September 1996, Sonia filed her Sworn Statement^[4] and a criminal complaint^[5] was formally lodged with the Fiscal's Office against Eddie Basite.

On 2 October 1996 an *Information* for Rape was filed against the accused^[6] who pleaded not guilty when arraigned. A *Motion for Bail* was filed but it was denied.^[7]

The prosecution presented Dr. Relante Raper of the Abatan Emergency Hospital who testified on the medical findings he made upon examination of Sonia Pa-ay. When Sonia presented herself for examination, Dr. Raper observed that her clothes were muddy. He found mud on her right breast and on her pubic hair. There were multiple healing scratches and contusions on her arms, legs and inner thighs which could have been caused by the application of an external force or the impact of a fall. Internal examination revealed that there were no lacerations, scratches or bleeding on the perineal area and her hymen was intact. The vagina admitted one (1) finger with difficulty. A whitish mucoid discharge found over the *labia minora* was sent to the Lutheran Hospital for microscopy.^[8] Examination of the discharge yielded negative for sperm.^[9] Dr. Raper clarified that it was possible, even for a married woman, to have an intact hymen since there are some hymen that are very elastic.^[10]

The accused denied having raped Sonia. To support his defense, the accused presented two (2) witnesses, Lidot Lacbao and Dr. Ronald Bandonill. Lidot Lacbao recalled that in the early morning of 2 September 1996 he received complainant Sonia Pa-ay in his home and offered her *camote* to eat. The girl was limping. She had scratches on her arms and legs and her clothes were muddy. The girl told him that she had slept in the forest and that she met a man who accosted her but that

she stabbed him. Lidot asked her if she had been raped. She replied that she had not been raped since she stabbed the man and if she did not, he would have done something to her.^[11]

The accused presented Dr. Ronald Bandonill of the NBI-CAR, Baguio City, as an expert witness to dispute the findings of prosecution witness Dr. Relante Raper. Based on Dr. Raper's findings that there was no bleeding or scratches inside the genitalia and that the injuries were only outside the genital area and on the upper and lower extremities of Sonia, Dr. Bandonill opined that there was no insertion into the vagina and there was no physical contact or sexual intercourse.^[12] Otherwise, the genital area would have shown signs of trauma such as inflammation, redness, swelling and even bleeding if the hymen was the type that was easily lacerated. Dr. Bandonill added that the Medico-Legal Certificate issued by Dr. Raper was incomplete and incomprehensive and not compatible with standard Medico-Legal Reports of the NBI in rape cases.^[13]

The trial court agreed with Dr. Bandonill that the Medico-Legal Certificate issued by Dr. Raper was insufficient to conclude that sexual intercourse actually took place, since it failed to indicate whether the labia and vagina of private complainant were thoroughly examined to determine sexual contact.^[14] However, it still found the accused guilty beyond reasonable doubt of the crime charged based on Sonia's spontaneous, forthright and positive testimony identifying the accused as the person who raped her.

Accused-appellant assails the decision of the trial court. He argues that the trial court already entertained reasonable doubt as to his guilt when it ruled that the Medico-Legal Certificate issued by Dr. Raper was incomprehensive and inconclusive as to the occurrence of sexual contact between him and complainant. Accused-appellant reasons that the court *a quo* should have taken this point in his favor and acquitted him. Furthermore, the credibility of private complainant is suspect as her testimony is inconsistent with the testimonies of the other witnesses, particularly Lidot Lacbao and Dr. Raper. Sonia's testimony, if related to the testimonies of these two witnesses, would supposedly establish the untrustworthiness of her version of the events.

Sonia allegedly confessed to Lidot Lacbao that she had not been raped by accused-appellant, and that she had stabbed her assailant before he could do anything wrong to her. Sonia's declarations that she felt pain and blood in her vagina are belied by the medical finding that her hymen is intact. Dr. Raper also found that there were multiple healed scratches and contusions on her arms and legs which may have been caused by her fall, but it is doubtful that these wounds would have been healed the very next day when she was examined by the doctor.

The trial court allegedly erred in not taking these testimonies into consideration and relying solely on the declarations of Sonia, and in disregarding Dr. Bandonill's expert testimony, especially in view of its ruling that the Medico-Legal Certificate was inadequate to prove the alleged sexual intercourse.

The accused fails to persuade us. In rape offenses, the lone testimony of the complainant, if credible, straightforward, convincing and otherwise consistent with human nature and the ordinary course of things, may stand to convict the accused.

[15] The credibility of the complainant's testimony is of utmost significance. In this case the trial court gave credence and full probative weight to the testimony of Sonia Pa-ay.

We have consistently held that this Court will not disturb the findings of the trial court as to the credibility of witnesses. The trial court can best evaluate the credibility of witnesses and their testimonies because of its opportunity to observe the witnesses and their demeanor, conduct and attitude especially under cross-examination. Its assessment is respected unless certain facts of substance and value were overlooked which, if considered, might affect the result of the case.[16]

There is nothing on record that would impel us to deviate from the findings and conclusion of the trial court. Sonia Pa-ay testified in a categorical, straightforward and consistent manner. As observed by the trial court, she tearfully narrated the details of the sexual abuse she suffered at the hands of accused-appellant and the circumstances leading and subsequent thereto.[17] She unwaveringly and positively identified Eddie Basite as her defiler without any purpose other than to seek justice for the crime committed against her.[18] Accused-appellant failed to impute any motive against complainant that would tarnish her credibility at the witness stand.

Accused-appellant harps on the fact that the trial court discounted the Medico-Legal Certificate issued by Dr. Raper. This allegedly shows reasonable doubt as to the fact of sexual intercourse between accused-appellant and private complainant. On this matter, jurisprudence holds that even without a medical examination, the accused may still be convicted of rape as long as the testimony of the complainant meets the test of credibility and resolutely points to the accused as the author of the crime. A medical certificate is not indispensable to prove rape.[19]

The defense further avers that Sonia's testimony of rape is inconsistent with the findings of Dr. Raper that there were no lacerations in her vagina and that her hymen was intact. But the absence of fresh lacerations in the vagina does not prove that private complainant was not sexually abused. For rape to be consummated, rupture of the hymen is not necessary, nor is it essential that the vagina sustains a laceration. Research in medicine even points out that negative findings are of no significance, since the hymen may not be torn despite repeated coitus. Entry of the labia or lips of the female organ, without rupture of the hymen or laceration of the vagina, is sufficient to warrant conviction.[20] In this case, Sonia categorically testified that accused-appellant inserted his penis into her vagina and she felt pain when he did so.[21]

Sonia's testimony is also alleged to be inconsistent with Lidot Lacbao's statement that she denied having been abused by the man who accosted her. If we look at the records however, Lidot Lacbao's statement would be inconsistent with the attitude of disclosure that Sonia so far had with the other people she met after the rape incident. Sonia related what had happened to her, *i.e.*, she had been raped by accused, to the soldiers who came to the house and who offered to accompany her home to report the incident to the barangay, and to the four (4) men she and the soldiers met while on their way.[22] One of the four (4) men was accused's brother, who himself identified the accused and offered to bring Sonia to his relatives to talk things over.[23] She later met her uncle and told him she had been raped.[24] Lidot