

THIRD DIVISION

[G.R. No. 143658, April 17, 2002]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ROMEO PAGURAYAN, JR., ACCUSED-APPELLANT.**

D E C I S I O N

VITUG, J.:

Romeo Pagurayan, Jr., was charged with the crime of rape in an Information that read:

"The undersigned upon original complaint filed by offended party, accuses ROMEO PAGURAYAN of the crime of RAPE, committed as follows:

"That on or about 10:00 o'clock in the evening of the 5th day of June 1993 particularly at the house of the accused at Purok Matatag, Poblacion, Municipality of Banisilan, Province of Cotabato, Philippines, the above-named accused being then the employer of the herein offended party, FE VILLOTE, with the use of force and intimidation, with lewd design, did then and there willfully, unlawfully and feloniously have a carnal knowledge with the said victim against her will and consent."^[1]

Upon his arraignment, the accused entered a plea of "not guilty;" thereafter, trial ensued.

The Case for the Prosecution

Complainant Fe Villote testified that she was a housemaid working for the accused, Romeo Pagurayan, Jr., and his family at Banisilan, Cotabato. On 05 June 1993, Mrs. Pagurayan, along with another house helper, named Nora, and the couple's two children, left for Malaybalay, Bukidnon. At around nine o'clock that evening, Fe went to her room at the lower part of the house. Eager to retire from the day's chores, she lied down on her bed and was nearly asleep when a persistent knocking at the door startled her. It was her "*amo*," accused Pagurayan, asking her to allow him to get something for his firearm from the room. Pagurayan was a member of the CAGU at the time. As it was late, she instinctively declined and asked him to wait until morning. The accused, however, kicked the door and insisted in getting into the room. Fe opened the door. She was dumbstruck to see the accused holding a knife in his right hand. With no seconds to spare, the accused pulled the girl back to her bed with his left hand poking a knife at her neck. He covered her mouth to silence her, took off her pajamas, and then removed her underwear. She trembled in fear and cried in protest. Mustering all her strength, she tried to frustrate his evident intentions against her. But she was no match for his strength and his determination. At the point of a knife, the girl ultimately lost out and the accused succeeded in taking her. She felt pain. After satisfying his lust, he left her and went back to his room. Putting on her underwear and pajamas and wrapping her lower

body with a towel she fled and proceeded to the house of her aunt, Wennie Formacion, some 400 meters away.

The following morning, Fe Villote, in the company of Sgt. Armando De los Reyes and Ariel Carumba, went to the Banisilan Police Station to formally report the incident. From the police station, she proceeded to Wao, Lanao del Sur, to undergo medical examination. In Wao District Hospital, she was examined by Dr. Calico Hadji Ali who would later testify on the medical certificate^[2] he issued on 06 June 1993, to wit:

"I.E.: Hymen (vagina) = w/ lacerations at 3 o'clock, 6 o'clock and 8 o'clock.

"x x x x x x x x x

"Remarks: Examination of vagina revealed lacerations of hymen at 3:00 o'clock, 6:00 o'clock, and at 8:00 o'clock due to forcible penetration of her vagina."^[3]

The Case for the Defense

Accused Romeo Pagurayan, Jr., denied the accusation hurled against him. He declared that on the afternoon of 05 June 1993, about three o'clock, he and his first cousin, Aloni Valencia, decided to partake of beer at a nearby store. Before leaving the house, the accused told Fe Villote to go to the market and to buy chicken for supper. At around nine o'clock in the evening, they went back to the house only to find that Fe did not cook the chicken but was sulking around, mumbling about her not being able to go to school even when the other housemaid was already being enrolled by Mrs. Pagurayan. After the accused had scolded her, Fe went to her room, packed her clothes and was about to leave, when the accused asked her to wait until Mrs. Pagurayan would have come back from Bukidnon. Fe ignored him and left. Aloni Valencia corroborated the testimony of the accused insofar as his having been with the latter on the night of 05 June 1993 was concerned.

When the trial concluded, the trial court found the accused, Romeo Pagurayan, Jr., guilty of the offense with which he had been charged. The trial court held:

"WHEREFORE, IN VIEW of all the foregoing considerations and findings, the court declares and so holds that the guilt of the accused has been shown beyond doubt. The court, therefore, declares the accused ROMEO PAGURAYAN, JR., GUILTY as charged.

"Pertinent thereto, the court imposes upon him the penalty of RECLUSION PERPETUA with all the accessories provided for by the law. The bail bond put up for the temporary liberty of the accused is hereby cancelled and he is hereby committed to the Provincial Warden of Cotabato, Amas, Kidapawan, Cotabato.

"The accused is further ordered to pay the sum of P50,000.00 as indemnity and P50,000.00 by way of moral damages to the complainant Fe Villote.

"To pay the cost."^[4]

In his recourse to this Court, appellant faults the trial court for, by and large, placing too much credence to the account given by Fe Villote.

Like in many rape cases appealed to this Court, the issue raised is one that attempts to put in doubt the credibility of the victim. The crime of rape is essentially, at least almost always, one committed in relative isolation or even secrecy; hence, it is usually only the victim who can testify in respect to the forced coitus. The case for the prosecution thus virtually depends on the credibility of the complainant. If found credible, the lone declaration of the facts given by the victim would suffice to sustain a conviction. Expectedly, an accused would assail the reliability of the complainant. The proper response to this question is made by the trial court which has the full chance to observe the deportment and demeanor of the witness. Not being in a position to enjoy that same opportunity, an appellate court would, naturally, respect the judgment of the trial court on the matter and disturb it only, as has been so often repeated by the Court, when there exists a fact or circumstance of weight and substance which has apparently been ignored or misconstrued.^[5]

After a careful look at the records, the Court finds no cogent reason to deviate from the rule.

Evidently, the trial court aptly accorded due credence to the testimony of Fe Villote. Amidst occasional sobs on the witness stand, Fe testified thusly:

"Q You said you went to sleep at about 9:00 in the evening, can you tell us after you went to sleep if there was anything unusual that occurred that evening?

"A Yes sir, there was something [that] happened, I was sexually used (iyot) by Romeo Pagurayan, Jr. sir.

"x x x

x x x

x x x

"ATTY. RABAYA:

The interpretation is sexually used because she said `gin-iyot ako'.

"PROS. BAYOG:

Anyway `iyot' is in Ilongo dialect.

"COURT:

`Iyot' in Ilongo is sexual intercourse.

"ATTY. RABAYA:

"Q Where?

"A In my room sir.

"Q Can you tell the court how it happened that Romeo Pagurayan, Jr. was able to enter your room and sexually use you?

"x x x

x x x

x x x

"ATTY. ADVINCULA:

There is no basis Your Honor.

"COURT:

"Q You said you were inside your room while you were sleeping, now, you are telling the court that the accused had sexual intercourse with you, tell the court where were you sexually abused, what part of the house?

"A In their house in that room which was given by his wife sir.

"COURT:

Next question?

"ATTY. RABAYA:

"Q Can you tell the court how did it happen that you were sexually used by Romeo Pagurayan, Jr. inside that room which was assigned to you?

"A At first he called at me to open the door sir.

"x x x

x x x

x x x

"Q You said Romeo Pagurayan, Jr. called for you to open the door, what did you do?

"A He called at me to open the door because he said he has important thing to get inside for his firearm.

"Q When he called for you were you able to answer him?

"A I answered him to just get tomorrow if it is very important.

"Q When you told him to just get tomorrow what did Romeo Pagurayan Jr. reply if he replied?

"A (He said it) is very important and that when I did not want to open the door he kicked the door sir.

"Q And when Romeo Jr. kicked the door what happened?

"A So I opened the door sir.

"Q Why did you open the door?

"A I opened the door because he kicked the door and it was opened.

"Q You said you opened the door, when you open the door where was Romeo Pagurayan, Jr.?

"A He was facing at me and handling a knife and he pointed (it) at my neck.

"ATTY. RABAYA:

We would like to place on record that at this juncture the witness has broken down emotionally and (is) crying.

"Q And when this Romeo Pagurayan, Jr., pointed that bladed weapon what happened next?

"A He pulled me towards the bed.

"Q What did he do with you in the bed?

"A He covered my mouth so that I will not be able to shout.

"Q When he covered your mouth was there any word that this Romeo Pagurayan, Jr. told you?

"A He told me that I will not tell to his wife because that will be a big quarrel.

"Q So when you were lying down on the bed with Romeo Pagurayan, Jr. covering your mouth what happened next?