

## THIRD DIVISION

[ G.R. No. 123542, June 26, 2001 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
ROGELIO BULOS, ACCUSED-APPELLANT.**

### DECISION

**GONZAGA-REYES, J.:**

Elevated for our review is the conviction of the accused-appellant for the crime of rape, for which he was sentenced to *reclusion perpetua*.<sup>[1]</sup> Pertinent portions of the information accusing him of the crime are as follows:

Upon a complaint filed by the offended party Nancy P. Cordero, the undersigned accuses ROGELIO BULOS of the crime of Rape under Article 335 of the Revised Penal Code, committed as follows:

That on or about December 3, 1992, in the Municipality of Panabo, Province of Davao, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, employing force and intimidation while holding a knife, willfully, unlawfully, and feloniously had carnal knowledge of Nancy P. Cordero against her will, to the damage and prejudice of the latter.

CONTRARY TO LAW.<sup>[2]</sup>

Both the offended party and the accused are working for spouses Mario and Delia Fariolan, who reside in Barangay Dujali, Panabo, Davao. The offended party was the cook and general househelp while the accused worked as a truck helper for the business of Mario Fariolan; they both stayed in the house of the Fariolans.

As testified to by Nancy Cordero, at about 3:00 in the afternoon of December 3, 1992, she was in her room folding laundry when the accused suddenly entered, locked the door from inside, and closed the window. At the time, the Fariolans were out of the house. She attempted to flee but the accused grabbed her and threatened her with a hunting knife. Nancy shouted for help, but the accused told her to stop shouting or he will kill her. She lost consciousness and when she came to, she found him on top of her and having carnal knowledge of her. Soon after, a certain "Bong" or "Bobong", the accused's uncle who allegedly served as a lookout, knocked on the door and warned that the Fariolans might be returning anytime soon. Before he left her, the accused threatened the victim not to report the incident to anyone. After he had gone, Nancy examined herself and discovered that she was bleeding. She did not dare tell anyone but wept alone in pain and anger.<sup>[3]</sup>

At 5 o'clock the next morning, Nancy left the Fariolan residence for her house, also in Barangay Duwali, where she told her mother of what happened. Immediately they reported the incident to the barangay captain.<sup>[4]</sup> On the same day, the accused also left the house of the Fariolans and was nowhere to be located.<sup>[5]</sup> He only turned up on December 14, 1992, Upon which he was immediately arrested.<sup>[6]</sup>

The medical examination on Nancy Cordero conducted on December 14, 1992 revealed the following findings:

Physical no findings noted in any part of her body.

External Examination of Perenium:

- 1) normal vaginal contour
- 2) moderate pubic hairs
- 3) hymen -noted healed lacerations at 2 o'clock and 9 o'clock positions
- 4) with moderate vaginal bleeding
- 5) inserted 2 fingers easily

Note: For referral to Regional Hospital for evaluation of vaginal bleeding and further management.

Under normal conditions and proper treatment and barring any untoward complications that may arise as a result of the injury and or deeper involvement w/o may not be apparent at the time of the examination, the above mentioned physical injuries may heal in about \_\_\_days.<sup>[7]</sup>

The examining doctor, Dr. Emelda T. Bendijo, testified that the lacerations could have been caused by the introduction of a male penis into the vagina of the complainant.<sup>[8]</sup>

The defense sought to refute the accusations of Nancy Cordero, and presented witnesses to prove alibi. The combined testimonies of Mario Fariolan, the employer of both the offended party and the accused, and Conrado Perido, sought to establish that the accused was not at the Fariolans' house on the afternoon in question but was vacationing in Tampakan, South Cotabato where he stayed at Perido's house. Fariolan further testified that Nancy Cordero had indeed worked as a cook at their house but had left their employ on November 16, 1992;<sup>[9]</sup> thus, the alleged rape on December 3, 1992 could not have happened because Nancy Cordero and the accused were not in their house at said date. Fariolan also disputed Nancy's statement that no one else was in the house on the afternoon of December 3, 1992 since they had another maid; moreover, he and his wife and child were in fact in the house at the time.<sup>[10]</sup>

The accused himself also took the witness stand to refute the accusations of Nancy Cordero. He claimed that he left the Fariolans house on November 18, 1992, to go with Roberto Perido or "Bobong" (the person Nancy accused of acting as the

lookout, and Conrado Perido's son to the latter's house in Tampakan, South Cotabato. He said that he only returned to the Fariolans on December 7, 1992.

On rebuttal, Merson Cordero refuted the accused's claim that he was not with the Fariolans but in South Cotabato on December 3, 1992. Cordero, a brother of the offended party, also worked as a helper at the rice mill owned by the Fariolans. Cordero testified that the accused in fact left the Fariolans' house only on December 4, 1992, after he had already raped his sister;<sup>[11]</sup> he returned only on December 14, 1992, the day he was also arrested.<sup>[12]</sup> Cordero also said that the accused in fact offered marriage to Nancy,<sup>[13]</sup> that the Fariolan spouses actively persuaded Nancy to accept the offer of marriage,<sup>[14]</sup> and that Nancy refused. Because Nancy turned down the accused's offer of marriage, the Fariolans informed Cordero that he cannot work for them anymore.<sup>[15]</sup>

Two sur-rebuttal witnesses, Luna Tabayay and Delia Fariolan, reiterated the defense's position that Nancy Cordero left work by November 16, 1992, and not December 4, 1992 as she alleged.

In rendering its decision, the trial court upheld the version of the offended party, finding that her acts immediately after the incident attest to the truth of her accusations.<sup>[16]</sup> Although she told no one in the Fariolan household about the rape, she left that house first thing in the morning after the incident and reported the matter to her mother. They then sought the help of the barangay captain. When they looked for the accused he was suddenly nowhere to be found.

In contrast, the testimonies of the defense witnesses struck the trial court as instructed and rehearsed,<sup>[17]</sup> and contrived merely to cover up for the crime of the accused. The trial court found it unusual that Mario Fariolan would allow the accused to take an extended vacation leave when the latter had worked no more than five months with him; moreover, Mario Fariolan simply accepted the accused's word that he was leaving "to take a rest" without questioning where he was going. The corroborating accounts of Delia Fariolan, Mario's wife, and Luna Tabayay, an employee of the Fariolans, were met with the same incredulity. Conrado Perido was a relative of the accused by affinity; the trial court also gave scant consideration to his testimony that the accused was at his farm and left only on December 4, 1992.

Citing decided cases that the sole testimony of the rape victim, even if uncorroborated but delivered in a clear, straightforward, sincere, and convincing manner, is sufficient to convict, the trial court meted out a judgment of conviction and declared:

WHEREFORE, consistent with all the foregoing premises, this Court finds the accused Rogelio Bulos guilty beyond reasonable doubt of the crime of rape penalized under Article 335 of the Revised Penal Code, as charged in the information, and is hereby sentenced to suffer the penalty of *reclusion perpetua*, with all the accessory penalties provided by law, to indemnify the offended party, Nancy Cordero, by way of moral damages in the amount of P30,000.00; and by way of exemplary damages in the amount of P10,000.00, and to pay the costs.<sup>[18]</sup>

This appeal imputes the following errors to the decision of the RTC:

1. The trial court erred in failing to consider the fact that the initial criminal complaint filed by the complainant was against two (2) accused (Rogelio Bulos and alias "Bong") supported by her sworn statement apparently showing conspiracy by the duo in the commission of the crime.
2. The trial Court erred in failing to consider the inconsistencies of complainant in her testimony in order to properly assess her credibility.
3. The trial court erred in failing to properly consider the testimonies of defense witnesses especially the spouses Fariolan who are the employers of both the complainant and the accused-appellant.<sup>[19]</sup>

The criminal complaint filed by Nancy Cordero recounts that a certain "Bong" acted as the lookout while accused-appellant assaulted and raped her in her room. Accused-appellant would convince us that the failure of Nancy to pursue the charges against "Bong" is inconsistent with the allegations of her complaint and should seriously undermine the credibility of her accusations.

This argument is threadbare and deserving of scant consideration. The non-inclusion of "Bong" as one of the accused does not diminish accused-appellant's individual culpability, nor does it preclude the subsequent filing of charges against the said "Bong" as an accomplice to the rape. If the intention of defense counsel was to make it appear that Nancy changed her story since the filing of the complaint, he is proven wrong by the transcripts which show that Nancy testified that "Bong" acted as the lookout during the rape.

Accused-appellant would also want us to examine the details of Nancy's testimony which he claims to be fraught with inconsistencies, and to reconsider accused's alibi in the light of the testimony of the defense witnesses, whom the trial court dismissed as biased witnesses. The alleged inconsistencies refer to the exact time when the victim lost consciousness, whether the rape was committed before or after she lost consciousness, and the presence of other people in the house when the rape was committed.

We find these so-called inconsistencies too inconsequential to merit the reversal of the trial court's findings. A rape victim cannot be expected to remember or recount in utmost clarity and consistency the details of her harrowing and humiliating experience.<sup>[20]</sup> If anything, inconsistencies on minor details project a spontaneity and earnestness which render greater credibility to a rape account.

Contrary to accused-appellant's contentions, Nancy Cordero's testimony was straightforward, clear and convincing.