

SECOND DIVISION

[G.R. No. 130524, June 20, 2001]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
RUDY MADIA, ACCUSED AND APPELLANT.**

DECISION

BUENA, J.:

This is an appeal from the decision dated March 19, 1997 of the Regional Trial Court, Fourth Judicial Region, Branch 81, Romblon, Romblon, in Criminal Case Nos. 2010, 2011, 2012 and 2013, the dispositive portion of which reads:

"WHEREFORE, this Court finds the accused RUDY MADIA GUILTY beyond reasonable doubt of four (4) counts of statutory rapes and is hereby sentenced to suffer the penalty of reclusion perpetua, with the accessory penalties of the law for each of the four (4) counts of rapes, to pay the victim and her family the amount of Php50,000.00 for each of the four (4) counts of rapes, or a total of Php200,000.00, and to pay the costs.

"The period of preventive imprisonment the accused had undergone shall be credited in his favor to its full extent pursuant to Article 29 of the Revised Penal Code."^[1]

The antecedents are as follows:

The victim, Maria Aurora Fortunato, is suffering from epilepsy or more popularly known in their locality as "gutas."^[2] In July 1995, she was ten (10) years old and was in grade four (4).^[3]

On the first day of that month, at around 9:00 in the morning, accused-appellant brought the victim to an uninhabited and dilapidated house in Barangay Agtongo under the pretext that he will cure the latter's ailment. At the house, appellant removed the victim's shorts and panty. Appellant removed his pants and lay beside the victim. Then, he inserted his penis into her vagina. She pleaded for appellant to stop but the latter persisted. After the sexual act, appellant wiped the victim's vagina and kissed her mouth and vagina. When appellant showed his penis to the victim, the latter saw a urine-like substance coming out of the same. The victim did not tell her mother about the incident because appellant threatened to beat her up.

^[4]

The second incident complained of happened the very next day. At around 2:00 in the afternoon appellant brought the victim to the dilapidated house anew. Again, he took off her shorts and panty, undressed himself, laid down beside her, and inserted

his penis into her vagina.^[5] Due to appellants renewed threats of bodily harm, the victim kept the incident to herself.^[6]

The third incident happened the following day, July 3, 1995. At around 2:00 in the afternoon, while the victim was defecating in a "not so forested area," appellant saw the victim. Just like in the two preceding incidents, appellant craftily brought the victim to the dilapidated house in Barangay Agtongo. There, appellant succeeded in having carnal knowledge with the victim for the third time. He took off the victim's shorts and panty. Next he took off his shorts and lay beside her. Then, he inserted his penis into her vagina.^[7] The victim was again threatened by appellant.^[8]

The last incident happened on July 9, 1995. This time, appellant brought the victim to a "wooded forested area." Thereafter, appellant spread a sack and made the victim lie down. He went on top of her and inserted his penis inside her vagina. After the sexual act, appellant brought the victim to the place where they gather *lumbay* leaves.^[9]

Later that day, a neighbor confided to the victim's mother that she once saw the victim with the appellant inside the dilapidated house.^[10] This prompted the mother to ask her daughter.^[11] The next day, they went to the police and to the doctor.^[12] After conducting a medical exam, the doctor found the victim's hymen to be ruptured at 6 o'clock, 9 o'clock and 12 o'clock.^[13]

On August 17, 1995, appellant Rudy Madia was charged with four (4) counts of rape in four (4) separate informations, the accusatory portions of which read:

"CRIMINAL CASE NO. 2010

"That on or about the 1st day of July 1995, at around 9 o'clock in the morning, in barangay Agtongo, municipality of Romblon, province of Romblon, Philippines, and within the jurisdiction of this Honorable Court, the said accused, did then and there wilfully unlawfully and feloniously had carnal knowledge of MARIA AURORA FORTUNATO, a 10 year old girl, against her will."

"CRIMINAL CASE NO. 2011

"That on or about the 2nd day of July 1995, at around 2 o'clock in the afternoon, in barangay Agtongo, municipality of Romblon, province of Romblon, Philippines, and within the jurisdiction of this Honorable Court, the said accused, did then and there wilfully, unlawfully and feloniously had carnal knowledge of MARIA AURORA FORTUNATO, a 10 year old girl, against her will."

"CRIMINAL CASE NO. 2012

"That on or about the 3rd day of July 1995, at barangay Agtongo, municipality of Romblon, province of Romblon, Philippines, and within the jurisdiction of this Honorable Court, the said accused, did then and there

wilfully, unlawfully and feloniously had carnal knowledge of MARIA AURORA FORTUNATO, a 10 year old girl, against her will.

"CRIMINAL CASE NO. 2013

"That on or about the 9th day of July 1995, at around 10 o'clock in the morning, in barangay Agtongo, municipality of Romblon, province of Romblon, Philippines, and within the jurisdiction of this Honorable Court, the said accused, did then and there wilfully, unlawfully and feloniously had carnal knowledge of MARIA AURORA FORTUNATO, a 10 year old girl, against her will."^[14]

Upon arraignment on September 15, 1995, appellant, assisted by Atty. Manuel R. Recto, pleaded not guilty.^[15]

Appellant denies the charges. His defense as found by the trial court is reproduced in the Appellant's brief, thus:

"In defense, accused Rudy Madia denied the charges. He testified that on July 1, 1995, at around 9 o'clock in the morning, he was in his house watching out (sic) his one (1) year old grandchild Lorena, the elder daughter of his daughter-in-law Leonila Coreng Madia and her husband Renato Madia, who was then breast feeding inside the house her other newly delivered baby girl who was delivered on June 29, 1995. At that time, Renato Madia, the accused's son, went to the place where he was working as a marble worker. Accused' wife was sin (sic) town delivering tuba. She went to town at 9 o'clock that morning. He gathered tuba at 7 o'clock and finished it at 9 o'clock. After gathering tuba, he went home and stayed there to watch his grandchild after taking breakfast.

"On July 2, 1995, at around 2 o'clock in the afternoon, he was making table to be used for eating because they had no table. He was also a carpenter with tools. His wife was the one watching their grandchild.

"On July 3, 1995, at around 2 o'clock in the afternoon, he was also in his home making the table which was not yet finished. He finished it in three afternoons. He started making the table on July 2. He finished it on July 4. He first made only one long chair for the table. His wife was the one watching their grandchild while he was working.

"On July 9, 1995, at around 10 o'clock in the morning, he was in his house still watching over his grandchild Lorena. He started watching Lorena at 9 o'clock, after gathering tuba, until 11 o'clock. When his wife arrived, he cooked their viand and she replaced him in watching their grandchild. His wife delivered tuba in town that morning at around 9 o'clock. That was her regular job with the tuba loaded in the jeep with her. At 10 o'clock, his wife was still in town, while his daughter-in-law with the newly delivered baby were in his house."^[16]

After trial, appellant was found guilty beyond reasonable doubt of the crimes charged and was sentenced accordingly.

Appellant raises a lone assignment of error:

"LONE ASSIGNED ERROR

"THE TRIAL COURT ERRED IN CONVICTING ACCUSED-APPELLANT OF FOUR (4) COUNTS OF RAPE DESPITE FAILURE OF THE PROSECUTION TO SUBSTANTIATE HIS GUILT BEYOND REASONABLE DOUBT."^[17]

The appeal is devoid of merit.

In support of his lone assigned error, appellant argues that the victim's failure to report the rape incidents to her mother casts doubt on the former's charges of rape. According to appellant, the common and spontaneous reaction of a rape victim would be to relay her ordeal to someone close to her.^[18]

We disagree. Not all rape victims can be expected to act conformably to the usual expectations of everyone.^[19] Different and varying degrees of behavioral responses is expected in the proximity of, or in confronting, an aberrant episode. It is well settled that,

"different people react differently to a given situation or type of situation and there is no standard form of human behavioral response when one is confronted with a strange, startling or frightful experience."^[20]

In fact, it is quite understandable for a victim not to immediately report the rape as Filipino women are known to be affectedly shy and coy, and rape stigmatizes the victim rather than the perpetrator.^[21]

In the case at bar, the victim - a naïve ten (10) year old - could not possibly possess the discernment to take the proper course of action. The delay will not be taken against her for, unlike a mature woman, a rape victim of tender years will not have the same courage and intelligence to immediately report the sexual assault.^[22] Besides, the records also reveal that the victim's failure to report the sexual assaults to her mother was due to appellant's threats of bodily harm.^[23]

In addition, we have had occasion to consider as justified the filing of complaints for rape months, even years, after the commission of the offense.^[24] In the present case, the charges were brought to the attention of the proper authorities on the same month that the rapes were committed.^[25]

The appellant's snide point that the victim even accompanied appellant to gather *lumbay* leaves,^[26] is misplaced. The record is clear, she was brought there by appellant.^[27] Similarly, appellant's claim of inconsistency between the victim's