

THIRD DIVISION

[G.R. No. 141782, December 14, 2001]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. RENATO FLORES
A.K.A. "ATONG," AND PATERNO PARENO A.K.A. "PATTER,"
ACCUSED.**

RENATO FLORES A.K.A. "ATONG," APPELLANT.

DECISION

PANGANIBAN, J.:

In a rape case, the force or intimidation employed need not necessarily be shown to be objectively irresistible. Rather, it must be viewed from the victim's perception that unless she yielded to the ravisher's demand, some injury or evil would befall on her during the commission of the offense or even thereafter.

The Case

On appeal before this Court is the Decision,^[1] dated November 16, 1999, issued by the Regional Trial Court (RTC) of Valenzuela City (Branch 171)^[2] in Criminal Case No. 6367-V-97, in which Renato Flores, also known as "Atong," was convicted of rape.

The Information^[3] filed against appellant and his co-accused, Paterno Pareno, also known as "Patter,"^[4] reads as follows:

"That on or about February 2, 1997 in Valenzuela, Metro Manila, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring together and mutually helping one another and by means of force and intimidation employed upon the person of REMEDIOS RENORIA y BANDOJO, did then and there wilfully, unlawfully and feloniously have sexual intercourse with her, against her will and without her consent."^[5]

During the arraignment, Appellant Renato Flores pleaded not guilty.^[6] His co-accused, Paterno Pareno, was at large.^[7] After trial in due course, the lower court rendered its Decision, the dispositive portion of which reads as follows:

"WHEREFORE, accused RENATO FLORES alias Atong, [having been found g]uilty beyond reasonable doubt of the crime charged. x x x is hereby sentenced to reclusion perpetua and to pay the costs.

"He is ordered to indemnify the minor complainant [in] the amount of P50,000.00."^[8]

The Facts

Prosecution's Version

In its Brief,^[9] the Office of the Solicitor General presents the prosecution's version of the facts as follows:

"On February 2, 1997, around 9:00 o'clock in the evening, Paterno (Pater) Pareno arrived at the house of Remedios Renoria in Ulingan St., Lawang-Bato, Valenzuela. Immediately upon his arrival, Paterno Pareno asked Remedios Renoria to accompany him to the nipa hut located about fifty (50) meters away from their (*Remedios Renoria's*) house. Remedios Renoria acceded because she [knew] Paterno.

"When Paterno Pareno and Remedios Renoria reached the place, appellant was already inside the nipa hut obviously waiting for them. Paterno Pareno suddenly dragged Remedios Renoria inside the nipa hut. Then, appellant and Paterno Pareno immediately covered her mouth and removed her clothing. However, it was appellant who removed her underwear. This was quickly followed by appellant discarding his own underwear.

"Remedios Renora was then made to lie down on a wooden bed. Thereafter, appellant positioned himself on top of her and immediately inserted his penis inside her vagina. She felt pain. Afterwards, appellant grasped her breasts. She could not cry for help because appellant and Paterno Pareno were covering her mouth.

"Having satisfied his lust, appellant left immediately. Remedios Renoria, thereafter, stood up, got dressed and went home.

"On April 24, 1997, Remedios Renoria went to see her uncle, Larry Frias, to report the ordeal she suffered in the hands of appellant. In turn, Larry Frias told Remedios Renoria's mother [about] the incident. Thereafter, Remedios Renoria's mother asked Larry Frias to do what [was] best for her daughter.

"Out of genuine concern for his niece who was only thirteen (13) years old at the time she was ravished, and because Remedios Renoria and her [were] both unlettered Larry Frias took the initiative to go to the Office of the Bantay Bata in Quezon City to ask for help.

"At the Office of the Bantay-Bata, Larry Frias narrated what happened to Remedios Renoria. He was then given referral letters to the Department of Social Welfare and Development (*DSWD*) and the National Bureau of Investigation (*NBI*).

"Larry Frias and Remedios Renoria went to the Valenzuela Police Station on April 28, 1997. PO2 Virginia Viacrusis took the statement of Remedios Renoria.

"The following day, or on April 29, 1997, they went to the NBI for

medico-legal examination. Dr. Armie Soreta-Umil, an NBI Medico-Legal Officer, conducted a physical examination on the victim and submitted a medical report which reads:

Living Case No. MG-97-626

Findings

Conclusions:

1. *No evident sign of extra-genital physical injuries noted on the body at the time of examination. Hymen, intact but distensible and its orifice wide (2.5 cms. in diameter) as to allow complete penetration by an average-sized adult Filipino male organ in full erection without producing any genital injury.*"^[10] (Citations omitted)

Defense's Version

Appellant, on the other hand, argues that his guilt was not proven beyond reasonable doubt. His statement of facts is as follows:^[11]

"Evidence for the defense shows that on February 2, 1997, at about 7:00 in the evening, accused-appellant Renato Flores was ordered by his father to get the latter's salary in Ulingan, Valenzuela City. His father worked for Rudy Frias, private complainant's grandfather. He testified that private complainant [was] his girlfriend and that their marriage was being arranged by her mother and her uncle. On the night the crime charged allegedly occurred, accused-appellant recalled that it was private complainant's mother, Rowena Frias, who invited him to sleep in their house. He slept in the sofa together with private complainant. The following morning, accused-appellant's parents were summoned by Rowena Frias and Larry Frias. Private complainant's mother asked accused-appellant if he love[d] her daughter to which he an[s]wered in the affirmative. Thereafter, they talked about their plan of getting married and Rowena even allowed her daughter to go with accused-appellant the following day, bringing with her a bag of clothes. Since then, the couple lived together as husband and wife for more or less three months until May 28, 1997 when private complainant was fetched by her mother. She never returned since then. The next time they saw each other was when private complainant visited him in jail. She informed him that she was in fact merely forced by Larry Frias to file a complaint."

Ruling of the Trial Court

After a careful study and a judicious assessment of the evidence submitted by both parties, the RTC ruled that the guilt of appellant was proven with moral certainty. It added that his denial could not prevail over the victim's positive assertions, which were convincing and credible.^[12] It brushed aside his defense that he and the victim were sweethearts, and that they lived together as husband and wife.

Hence, this appeal.^[13]

The Issue

Appellant assigns a sole alleged error for our consideration:

"The Court a-quo gravely erred in finding that the guilt of the accused-appellant for the crime charged has been proven beyond reasonable doubt despite the insufficiency of the evidence presented by the prosecution."^[14]

The Court's Ruling

The appeal is devoid of merit.

Main Issue: **Sufficiency of Evidence**

In reviewing rape cases, the Court is guided by the following principles: (1) to accuse a man of rape is easy, but to disprove the accusation is difficult, though the accused may be innocent; (2) inasmuch as only two persons are usually involved in the crime of rape, the testimony of the complainant should be scrutinized with great caution; and (3) the evidence for the prosecution must stand or fall on its own merit and should not be allowed to draw strength from the weakness of the evidence for the defense. Corollary to the foregoing legal yardsticks is the dictum that when a victim of rape says that she has been defiled, she says in effect all that is necessary to show that rape has been committed against her. So long as her testimony meets the test of credibility, the accused may be convicted on the basis thereof.^[15]

Based on the foregoing principles, we have carefully scrutinized the testimony of Remedios Renoria, who was 13 years old at the time the rape was committed, as follows:

"Q: Now, Madam Witness, when Renato Flores removed his brief and after he removed your panty, what did he do?

A: He inserted, sir.

Q: What did he insert?

A: His penis, sir.

Q: Where did he insert that?

A: [Into] my vagina.

Q: Now, madam witness, what was your position when the accused Flores inserted his penis into your vagina?

A: I was lying, sir.

Q: On what part [were] you lying?

A: [O]n a wooden bed.

Q: What about the accused Flores, what was his position when he inserted his penis into your vagina while you were lying?

A. He was standing.

Q: While you were lying?

A: Yes, sir.

Q: What do you mean standing, was he on top of you?

A: Yes, sir.

Q: Was he able to have his penis penetrated into your vagina?

A: Yes, sir.

Q: What was the movement of the accused when he was inserting his penis into your vagina, particularly his buttocks, was he pumping it?

A: Yes, sir.

Q: What was your feeling when he inserted his penis into your vagina, did you feel pain?

A: Yes, sir.

Q: What happened to your vagina, did it bleed?

A: No, sir.

Q: Now, how long did he do that to you?

A: It was quite a long time, sir."

Q: Now will you kindly tell this court the reason why you were able to go to that nipa hut?

A: I was dragged by Pater.

x x x x x x x x x

Q: Now when Pater dragged you inside the nipa hut, was Renato Flores already inside?

A: Yes, sir.

Q: And what was he doing, was he waiting for you?

A: Yes, sir.

x x x x x x x x x"[16]

A careful review of the evidence adduced by both parties leads us to the conclusion that the RTC did not err in finding appellant guilty of rape. The lone testimony of the victim, if credible, is sufficient to sustain a conviction. This is so because, from the nature of the offense, her sole testimony is oftentimes the only evidence that can be offered to establish the guilt of the accused.^[17] As correctly observed by the lower court:

"x x x. Minor complainant was forthright. She narrated how she was sexually abused by accused Renato Flores. She was straight forward in pin pointing to the accused as her abuser. There [are] no facts and/or circumstances from which it could be reasonably inferred that the minor complainant falsely testified or she was actuated by improper motive. The absence of clear and convincing evidence of the existence of improper motive sustain[s] the conclusion that no improper motive