

SECOND DIVISION

[G.R. No. 115990, March 31, 2000]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
JOSELITO BALTAZAR Y ESTACIO @ "JOEY", ACCUSED-
APPELLANT.**

D E C I S I O N

QUISUMBING, J.:

On appeal is the decision dated May 16, 1994, of the Regional Trial Court of Agoo, La Union, Branch 31,^[1] convicting accused-appellant of the crime of rape, sentencing him to suffer the penalty of *reclusion perpetua*, and ordering him to indemnify the offended party the amount of P50,000.00.

Appellant Joselito Baltazar y Estacio was a 22 year-old resident of Baybay, Sto. Tomas, La Union, where he was accused of raping his neighbor, Josefina de Guzman, a 17 year-old high school student.

The facts are as follows:

On April 16, 1992, at around 7 o'clock in the evening, appellant and Josefina with some other guests attended the pasyon ritual at the house of the appellant's mother in Baybay.^[2] The ritual lasted until about 3 o'clock the following morning. Josefina was about to go home when Mrs. Baltazar prevailed upon her to sleep in their house since it was already late. Mrs. Baltazar pointed to a room where Josefina could sleep.^[3] As Josefina was about to enter the room, appellant suddenly grabbed her from behind and poked a knife at her neck.^[4] Josefina fearfully asked him, "why are you doing this to me?" But appellant ordered her to keep quiet. He pushed her towards the bed and with his right hand holding the knife, appellant mounted her while his left hand removed her short pants. Josefina struggled to push him away, but appellant ordered her not to shout or he would kill her. Appellant inserted his penis inside her vagina and made a push and pull movement, causing her vagina to bleed.

After satisfying his lust, appellant threatened her, telling her not to tell her mother or his own mother, otherwise, he would kill her. Appellant then abruptly left the room. Totally distraught at the assault, Josefina rushed home without asking permission from appellant's mother. Mindful of appellant's threats to her life, she kept quiet about the incident.^[5] About a month thereafter, appellant left for Manila to find work.

It was on May 13, 1992, when Josefina's mother chanced upon her despondently crying in her room. After much prodding, Josefina eventually broke down and told her mother of the rape. She cried that she felt so ashamed of what happened but

could not tell anyone for fear that appellant would kill her. The following day, Josefina, accompanied by her mother, reported the incident to the police authorities. Josefina was also brought to the Doña Gregoria Memorial Hospital at Agoo, La Union for a medical examination. Her family also hired a private prosecutor to prosecute the case.^[6]

On September 3, 1992, upon filing of the Criminal Complaint^[7] and after preliminary investigation, the Provincial Prosecutor filed the following Information^[8] for rape against appellant: Esmc

"The undersigned 2nd Assistant Provincial Prosecutor, upon the sworn criminal complaint of the seventeen-year-old offended woman JOSEFINA A. DE GUZMAN, accuses JOSELITO BALTAZAR y ESTACIO @ "JOEY", of the crime of RAPE, committed as follows:

That on or about the 17th day of April, 1992, in the Municipality of Sto. Tomas, Province of La Union, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused with lewd design being then armed with a knife, did then and there, by means of intimidation with the use of the said knife, willfully, unlawfully, and feloniously have carnal knowledge of the aforementioned offended woman against her will and without her consent, to her damage and prejudice."

CONTRARY TO Article 335 of the Revised Penal Code."

On July 6, 1993, upon arraignment, appellant entered a plea of not guilty.^[9]

Trial commenced and the prosecution presented the following witnesses: (1) Dr. Diana Imelda T. Palo, the physician who examined^[10] private complainant on May 15, 1992; (2) Josefina de Guzman, private complainant; and (3) Natividad de Guzman, her mother.

The defense, for its part, presented appellant himself, who denied the rape charges. He admitted, however, that he attended the *pasyon* and that he slept in his mother's house at the time of the incident. He claimed that he could not have possibly raped the victim "since he was a married man and it was the holy week." He said that he only learned of the accusation for rape when he was already working in Manila.^[11]

Appellant's mother, Mrs. Flora Baltazar, corroborated his denial of the rape charges. She stated that she did not invite Josefina to attend the *pasyon*, and in fact, the latter was not a participant therein but a mere spectator. She even testified that after the *pasyon*, Josefina went home with one Beatriz Estacio. Her son, appellant herein, went to his room to sleep. Thereafter, she prepared breakfast but did not notice any untoward incident in the house. At around 5:00 A.M., her son woke up and went out to drive their tricycle. She further testified that her family had been neighbors with the family of the victim, and that their relationship had always been cordial.^[12]

Other witnesses for the defense were Faustino Estacio, who merely testified he was

also present at the *pasyon*, but he had gone home at around 11:00 o'clock.^[13] Federico dela Cruz, another participant in the *pasyon*, identified the persons who attended the ritual, but he stated that he does not even know the victim.^[14]

On rebuttal, the prosecution presented the victim who clarified, as to who were actually present during the *pasyon*, and reiterated that the mother of appellant had actually invited her to attend it.^[15]

On May 16, 1994, the trial court rendered its decision,^[16] disposing as follows:

"IN VIEW OF THE FOREGOING, the Court finds the accused JOSELITO BALTAZAR guilty beyond reasonable doubt of the crime of Rape defined and penalized under Article 335 of the Revised Penal Code and hereby sentences the accused to suffer the penalty of RECLUSION PERPETUA and to indemnify the offended party Josefina de Guzman in the amount of FIFTY THOUSAND (P 50,000.00) Pesos.

SO ORDERED."

Hence, the present appeal. Appellant contends that the trial court erred:^[17]

a)..... IN HOLDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT ON THE BASIS OF INCREDIBLE AND SUSPICIOUS DECLARATIONS OF THE COMPLAINANT.

b)..... WHEN IT FAILED TO CONSIDER THE TESTIMONY OF DRA. DIANA PALO THAT THE LACERATIONS FOUND IN THE PRIVATE PARTS OF THE COMPLAINANT WERE OLD LACERATIONS ABOUT THREE (3) MONTHS OLD AT THE TIME OF EXAMINATION WHICH NEGATES THE ASSERTION OF COMPLAINANT THAT SHE WAS RAPED ON APRIL 17,1992.

c).....IN RENDERING JUDGMENT OF CONVICTION NOT ON THE BASIS OF THE STRENGTH OF PROSECUTION EVIDENCE BUT ON THE BASIS OF THE WEAKNESS OF THE DEFENSE.

Appellant belittles the rape charge considering that the victim's story on the whole is incredible and unbelievable. He claims that the scene of the alleged rape renders its commission impossible, there being other occupants of the house, including appellant's own mother. Further, he faults the victim for not making any tenacious physical resistance to the alleged rape by "pulling down the curtains and kicking the aparador, which she could easily do to call the attention of the other occupants of the house that she is in danger." He contends that the victim's conduct after the alleged rape is highly unnatural, since she did not even report the incident to the members of her own family and even continued with her daily chores at home. Appellant points out inconsistencies between the victim's statement before the police, that she did not have companions in going to the *pasyon*, and her testimony in court, that the other members of appellant's family were present at the ritual. Appellant contends that applying the maxim of *falsus in onus, falsus in omnibus*, the

other portions of the victim's testimony should be disregarded. Appellant insists that he could not have raped the victim since her own Physician even opined that the lacerations were about three (3) months old at the time of examination, when the alleged rape allegedly occurred only a month prior to her physical examination. Finally, appellant makes the assertion that sexual intercourse, if it did occur, was consensual.

The Office of the Solicitor General, for the State, contends that rape can be committed almost anywhere, even inside a house where there are other occupants. The failure of the victim to call out to the other occupants of the house can be attributed to her fear for her life. Further, delay in reporting a rape incident does not indicate that the charge was fabricated, nor does it cast doubt on the credibility of the complainant. The alleged inconsistencies between the sworn statement and testimony of the victim pertain to details which have nothing to do with the commission of the rape and do not necessarily render the testimony not credible, and therefore the maxim of *falsus in onus, falsus in omnibus* need not be applied. Finally, the OSG asserts that the physician's testimony regarding the possible date of the rape cannot prevail over the victim's own testimony.

In sum, appellant questions the credibility of private complainant and the sufficiency of the evidence to convict him of the crime charged.

The peculiar nature of rape is that "conviction or acquittal depends almost entirely upon the word of the private complainant."^[18] The crime of rape is essentially one committed in relative isolation or even secrecy, hence it is usually only the victim who can testify with regard to the fact of forced coitus.^[19] In the assessment of credibility of witnesses, we have laid down the following parameters :^[20]

"First, the appellate court will not disturb the factual findings of the lower court unless there is a showing that it had overlooked, misunderstood, or misapplied some fact or circumstance of weight and substance that would have affected the result of the case;

Second, the findings of the trial court pertaining to the credibility of witnesses are entitled to great weight and respect since it had the opportunity to examine their demeanor as they testified on the witness stand; and

Third, a witness who testified in a categorical, straightforward, spontaneous and frank manner and remained consistent on cross-examination is a credible witness."

The victim herein bravely recounted her story before the police investigators, submitted herself to a medical examination by a physician, took to the witness stand no less than three (3) times and was subjected to rigorous cross-examination. Her actuations and her testimony bear the earmarks of a credible witness for no woman would subject herself to the humiliation of a rape trial, the attendant embarrassment of a medical examination, and suffer the stigma of a sexual assault for no motive at all, unless the accusation be true.^[21]

Appellant contends that private complainant's testimony is inconsistent as to who were her actual companions during the *pasyon*. In her sworn statement she stated that there were other people during the *pasyon* while in her testimony, she stated