

FIRST DIVISION

[G.R. No. 124368, June 08, 2000]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. HENRY DE GUZMAN Y PASCUAL, ACCUSED-APPELLANT.

D E C I S I O N

KAPUNAN, J.:

Time and again, this Court has condemned in no unequivocal terms the bestial acts of rape perpetrated against women. Though our laws have imposed stiffer penalties, the influx of rape cases has not waned. The case before us now is no different.

This is an appeal from the decision^[1] of the Regional Trial Court of Cavite City, Branch 88, finding the accused-appellant guilty beyond reasonable doubt of the crime of Rape in violation of Art. 335 of the Revised Penal Code.^[2]

On January 17, 1995, accused-appellant HENRY DE GUZMAN y PASCUAL was charged of the crime of Rape. The information reads as follows:

That on or about the 30th day of October 1994, at Barangay Salcedo I, Municipality of Noveleta, Province of Cavite, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs, by means of force, violence and intimidation and taking advantage of his superior strength over the person of Rosario Lian who was then thirteen (13) years old, did, then and there, willfully, unlawfully and feloniously, have carnal knowledge of said Rosario Lian, against her will and consent, to the damage and prejudice of said victim.^[3]

Upon arraignment, accused-appellant pleaded not guilty. Thereafter, trial on the merits ensued.

The facts of the case are summarized by the trial court on the basis of the testimony of the complainant:

At around eight o'clock in the evening of October 30, 1994, complainant Rosario Lian, then 13 years old and a resident of Ligdong, Rosario, Cavite,^[4] passed by the house of her friend and neighbor, Mary Ann Paredes (Mary Ann), as previously agreed upon. Both then proceeded to the "Kamalig" at the Cuevas Subdivision in Noveleta, Cavite.^[5] The "Kamalig" is a rundown and abandoned house,^[6] to where Rosario usually went to sit and talk with her friends. They were going there that evening because Jay Bangsangan, who is a resident of that subdivision, invited them.^[7] As she had not seen Grace, (Jay's sister) for quite some time, she decided to accept the invitation.^[8]

They reached the "Kamalig" at about eight-thirty that evening, expecting to see Jay and Grace there, but they were not around. Complainant and Mary Ann waited for about thirty minutes, but Jay and Grace as well as their other friends failed to arrive.^[9]

Soon accused-appellant, Henry de Guzman (Henry), appeared at the scene, approached the two and asked Rosario Lian whether he could talk with her for a while. She agreed and the two of them proceeded to the yard outside Henry's hut just five meters away from the "Kamalig."^[10] Henry asked her who her boyfriend was. She told him that the name of her boyfriend is Marjon Pejeña.^[11] Later, she asked the accused-appellant for a glass of water. He told her to just go inside his hut a few meters away and get the water herself. She went inside his house and got water, but was not able to drink it because Henry suddenly closed the door and started kissing her. She tried to shout, but nobody responded. She struggled, but was overcome with fear when Henry got a bolo and pointed it at her neck and told her that if she resisted he would kill her. Henry then tied her hands behind her back with a piece of rag. Henry pulled her shirt up and removed her pants and panty. He also removed his clothing and made her lie on the floor. He kissed her and inserted his penis into her private parts. She felt pain. Henry was on top of her and doing push and pull movement.^[12]

After raping her, Henry untied her hands and told her to dress up. He threatened to kill her if she would tell anybody about the incident.

At this juncture, Henry called Marjon to join them in the hut. Marjon asked her why she was crying, but she did not answer.^[13] Henry asked her whether she and Marjon loved each other, but she just kept quiet. Henry then ordered Marjon and Rosario to have sexual intercourse, threatening to kill them if they did not obey.^[14] Despite the threat, the couple refused. Henry then asked both of them to sleep in the hut. The three lay on the floor, with Marjon between Rosario and Henry. She could not sleep. Henry allowed them to go home at about five o'clock the following morning.^[15]

When she arrived home, her mother asked her where she had gone, to which she replied that she attended a wake.^[16] Later, she told her grandmother what happened to her. Her grandmother advised her to file a case against the accused-appellant. On November 11, 1994, she was physically examined at the Dra. Salamanca Hospital, after which she, assisted by her grandmother, filed a case of rape against the accused-appellant.^[17]

The other prosecution witness, Dr. Remigio Camerino, testified that he is a resident physician of the Dra. Olivia Salamanca Memorial Hospital, Cavite City, since May 1991. On November 11, 1994, he examined private complainant Rosario Lian as she was complaining that she had been raped. He found that the victim's hymen had a healing laceration at the 5 o'clock position. This hymenal laceration could have been caused by the introduction into the vaginal canal of any hard object, instrument or an erect penis. On the basis of his findings, Dr. Camerino stated that it is possible that the victim had sexual intercourse on October 30, 1994. He further testified that there was no total penetration of the vagina, but there was penile penetration up to the superficial part of the vagina.^[18]

On the other hand, the defense presented Arnel Luna and the accused-appellant himself.

Arnel Luna testified that he is a resident of Salcedo St., Cuevas Subdivision, Noveleta, Cavite. He is a carpenter and also a caretaker of a fishpond located inside the Cuevas Subdivision. He knows the complainant Rosario Lian and her boyfriend Marjon because he often sees the couple near the fishpond, Marjon being his neighbor on Salcedo Street. He has known accused-appellant since their childhood days because he resides near the fishpond where he (Arnel) stays. On October 30, 1994, between five o'clock in the afternoon and ten o'clock in the evening, he and his friends Bernardo Lopez and Boy Marmol had a drinking spree in front of his house near the fishpond. He did not see Rosario and Marjon nor accused-appellant Henry de Guzman that day. His (Arnel's) house is about 4 houses away from the hut of Henry.^[19]

Accused-appellant declared that he is a laborer, and resides with his aunt, Loida Gatdula at Salcedo St., Noveleta, Cavite.^[20] At about seven o'clock in the evening of October 30, 1994, he slept in the house of his auntie. At around eleven that evening, he decided to go to his aunt's hut near the fishpond which they used as a resthouse.^[21] Upon reaching the hut, he noticed that the door's hook was not in its proper place. He pushed the door and entered the hut. When he lighted his lamp, he saw his neighbor Marjon Pejeña on top of a girl.^[22] He got mad, and as soon as the couple got dressed, he drove them away. After they left, he slept inside the hut.^[23] At about four o'clock in the afternoon of November 11, 1994, he was arrested by the police in his hut and brought to the police station. There, he was shown the statement of the complainant accusing him of raping her on October 30, 1994.^[24] He did not tell the police that it was on that day that he saw his neighbor Marjon having sexual intercourse with the complaining witness.^[25] Rosario Lian was, likewise, present at the police headquarters and pointed to him as the person who raped her.^[26]

After trial, the regional trial court found the accused-appellant guilty of the crime of rape and sentenced him as follows:

WHEREFORE, in view of all the foregoing, this Court hereby finds the accused HENRY DE GUZMAN y PASCUAL GUILTY beyond reasonable doubt of the crime of rape as charged in the Information, without any modifying circumstance and accordingly hereby sentences him to a penalty of reclusion perpetua with the accessory penalties provided for by law; to indemnify ROSARIO LIAN the amount of P50,000.00 by way of moral damages; and to pay the costs.

SO ORDERED.^[27]

Accused-appellant now seeks the reversal of his conviction, raising the following errors:

ASSIGNMENT OF ERRORS

I. THAT THE HONORABLE TRIAL COURT ERRED IN FINDING

- THE APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE OFFENSE CHARGED, CONSIDERING THAT THE PIECES OF EVIDENCE (DOCUMENTARY AND TESTIMONIAL) ADDUCED BY THE PROSECUTION IN THE HEARING OF THIS CASE ARE REplete OF IRRECONCILABLE INCONSISTENCIES AND CONTRADICTIONS; CONTRARY TO NORMAL HUMAN BEHAVIOR, CONDUCT AND EXPERIENCE.
- II. THAT THE HONORABLE TRIAL COURT ERRED IN CONVICTING THE ACCUSED MAINLY ON THE UNCORROBORATED SOLE TESTIMONY OF THE COMPLAINANT, DESPITE THE FACT THAT SHE NAMED NAMES WHO WERE PRESENT AND OUGHT TO BE PRESENT AT THE PLACE WHERE THE ALLEGED RAPE TOOK PLACE. A CASE OF SUPPRESSION OF EVIDENCE.
 - III. THAT THE HONORABLE TRIAL COURT ERRED IN NOT FINDING THAT THE APPELLANT WAS ILLEGALLY ARRESTED BY THE ELEMENTS OF THE PNP OF NOVELETA, CAVITE, ON NOVEMBER 11, 1994 WITHOUT A WARRANT OF ARREST, IN VIOLATION OF THE APPELLANT'S CONSTITUTIONAL RIGHT.
 - IV. THAT THE HONORABLE TRIAL COURT ERRED IN TOTALLY DISREGARDING THE TESTIMONY OF THE APPELLANT AND HIS WITNESS GIVEN IN DIRECT, STRAIGHTFORWARD MANNER DEVOID OF CONTRADICTIONS AND INCONSISTENCIES.
 - V. THAT THE HONORABLE TRIAL COURT ERRED IN AWARDING MORAL DAMAGES TO THE COMPLAINANT, CONSIDERING THAT IT HAS NO BASIS IN FACT, LAW AND EVIDENCE ADDUCED IN THIS CASE.^[28]

The accused-appellant points to the following pieces of evidence of the prosecution which he claims as "highly improbable and contrary to human conduct and behavior:"

- 1. That at the time and place the complainant was allegedly raped, her companion, Mary Ann Paredes, was only five (5) meters away from the alleged place of rape--at a hearing and seeing distance, where complainant claimed also that said companion could see them (complainant and appellant) in the same way that they could also be seen or heard by the said Mary Ann Paredes (t.s.n., 59, 3/13/95). In effect, complainant claimed that she was raped in the presence of another person, her friend Mary Ann Paredes.
- 2. That the complainant after she was allegedly raped by the appellant, which according to her lasted for about thirty (30) minutes the appellant told her to fix herself and dress up; then the appellant allegedly went out of the "Kubo" where she was left alone. Later, the appellant allegedly called for Marjon (her boyfriend) whose house was far from that of Henry (appellant); then and there the appellant allegedly told them (complainant and Marjon) to have sex relationship, otherwise they would be killed. But when asked whether the appellant made good his threat, the complainant just said "I do not know, your Honor." (t.sn., pp. 15, 16, 32, 33, 34, 36, 37 and 38, 4/26/95). That after

the appellant called for the boyfriend of the complainant, the appellant allegedly asked them (complainant and her boyfriend Marjon) to sleep in the house of the appellant from the late evening of October 30, 1994 up to 5:00 A.M. the following day. (t.s.n., pp. 38, 39, 4/26/95).^[29]

At the onset, the issue of the illegal arrest has become moot and academic because of the arrest pursuant to a valid warrant of arrest and, hence, will not anymore be dealt with. Hence, in essence, the only issue before us is whether or not the trial court erred in finding the evidence sufficient to prove the guilt of the accused-appellant beyond reasonable doubt.

The theory of the prosecution, which rests mainly on the testimony of the offended party, is that the accused committed the alleged crime when Rosario went into the house of the accused to get a drink of water. On the other hand, the accused's defense is one of denial. He instead claims that on the alleged night of the crime, he was the one who caught the complainant and her boyfriend making love at the supposed scene of the crime.

The appeal is without merit.

Our courts have been traditionally guided by three settled principles in the prosecution of the crime of rape: (1) an accusation for rape is easy to make, difficult to prove and even more difficult to disprove; (2) in view of the intrinsic nature of the crime, the testimony of the complainant must be scrutinized with utmost caution; and (3) the evidence of the prosecution must stand on its own merits and cannot draw strength from the weakness of the evidence of the defense.^[30]

Indisputably, rape is a reprehensible crime and all those who are guilty must be severely punished. More often than not, the woman is a victim twice: first, of the sexual assault, and, second, of the social stigma that attaches to the victim, though undeserved. Nonetheless, the records of the case must be examined with due care and caution, the exacting standard of proof beyond reasonable doubt acquires more relevance in rape charges which are easy to make but harder to prove and harder still to defend by the party accused-appellant who may be innocent.^[31]

Credible witness and credible testimony are the two essential elements for the determination of the weight of a particular testimony. One without the other will seriously impair the credibility of any testimony. This principle could not ring any truer in this case where the case for the prosecution hinges mainly on the testimony of the complainant as corroborated by medico-legal findings of a physician.

While we find nothing wrong with rape convictions obtained mainly on the basis of the complainant's testimony, the testimony should be clear and consistent and supported by the physical evidence. That determination is made by the court which has the opportunity to observe the demeanor of the complainant and the witnesses first hand and this Court will not, in the absence of a palpable misperception or misapprehension of facts, interfere with such court's original findings.^[32] Generally, when it comes to the issue of credibility, the trial court's assessment is entitled to great weight, even conclusive and binding, if not tainted with arbitrariness or oversight of some fact or circumstance of weight and influence. The reason is