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SECOND DIVISION

[G.R. No. 110554, February 19, 1999]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROMY SAGUN @ POKPOK, ACCUSED-APPELLANT.

D E C I S I O N

QUISUMBING, J.:

Accused-appellant Romy Sagun @ Pokpok assails the decision[1] dated April 23, 1993, of the Regional Trial Court, Branch 32,[2] of Cabarroguis, Quirino, in Criminal Case No. 891, finding him guilty of the crime of rape, and sentencing him to suffer the penalty of *reclusion perpetua*, and to pay private complainant the amount of P50,000.00 as damages without subsidiary imprisonment.

On September 25, 1991, the Provincial Prosecutor, Anthony A. Fox, filed with the court *a quo* an information,[3] charging accused-appellant of the crime of rape, allegedly committed as follows:

> "That on or about 12:00 o'clock midnight on November 5, 1990, in Barangay Bonifacio, Municipality of Diffun, Province of Quirino, Philippines, and within the jurisdiction of this Honorable Court, accused ROMY SAGUN alias POKPOK, armed with a bolo, by means of force and intimidation and lewd design, did then and there there (sic) willfully, unlawfully and feloniously have sexual intercourse with MARITESS A. MARZO against her will.
>
> CONTRARY TO LAW."

During arraignment on June 25, 1992, accused-appellant assisted by his counsel,[4] entered a plea of not guilty. Thereafter, trial of the case ensued.

The evidence for the prosecution, culled from the testimonies of the prosecution witnesses, succinctly synthesized in the Appellee's Brief submitted by the Office of the Solicitor General, established the following facts:

> "In the evening of November 5, 1990, Maritess Marzo, single and a third year high school student, was asleep in the room of her boarding house located at Bonifacio St., Diffun, Quirino (p. 2, tsn, July 9, 1992). Fronting said boarding house and separated by a road is the house of Romy Sagun where he and his family reside (p. 3, tsn, March 31, 1993).
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> At about midnight of November 5, 1990, Maritess was awakened by sounds of footsteps approaching her. Maritess shouted but a man whom she recognized as Romy Sagun, her neighbor, poked his bolo at her head (p. 4, tsn, Aug. 11, 1992) and uttered, `Do not shout or else I will kill

you and tomorrow you will not be living any more' (p. 5, supra). Then, Sagun shifted his bolo to the neck of Maritess, who was lying on her side, and started removing her skirt and panty (pp. 7-8, supra). Sagun took off his pants and laid on top of Maritess (p. 10, supra); opened her legs and inserted his organ into Maritess' (p. 12, supra) and started gyrating for about five minutes. Maritess struggled and pushed Sagun but to no avail. Thereafter, Sagun stood up, put on his pants and left (p. 13, supra). Maritess felt that Sagun's male genital partly penetrated her's (p. 15, supra).

After Sagun left, Maritess woke up her boardmates and informed them that somebody entered the boarding house but did not reveal that she was raped because of Sagun's death threat (p. 15, supra). The following morning, however, Maritess informed her landlord, Rudy Agsalud that Sagun entered her room and sexually abused her. Rudy Agsalud immediately reported the incident to the police authorities (p. 6, supra).

On November 6, 1990 (p. 9, tsn, Aug. 17, 1992), Maritess submitted herself to a medical examination. Dr. Moises Lazaro, the examining physician, testifying on the results of his examination, pertinently declared as follows:

`Q - Doctor, you were saying that there was a partial penetration on the vagina. How many centimeters was the deep of the penetration?

A - As I said from the opening to the hymen 1-1.5 cm. May be the tip of the penis penetrated the hymen but it did not break the hymen. Because we have to consider the circumstance whether there is resistance or force x x x'(p. 11, supra)"[5]

Accused-appellant denied having committed said crime. His counterstatement of the facts as tersely summarized by the trial court, is as follows:

"He knows Maritess Marzo, the complainant. She was boarding in the house of Mercedes Agsalud sometime in November 1990. Student at the Quirino State College. Complainant's boarding house is about 45 meters from their house. In the evening of November 5, 1990, he was in their house with his wife and children. Before 9:00 o'clock of the same evening, he had a drinking spree with his nephew. After consuming two bottles of beer grande, he went to buy cigarette. On his way home, he noticed that the door of the boarding house of complainant was opened. She was reviewing. His nephew at that time was already asleep. He entered the boarding house of the complainant, sat down on the chair about four meters from her. Complainant inquired why he entered the house. Told complainant that he just came for a visit because she is a neighbor. Because he was drunk, complainant had to go upstairs. Complainant told him to leave the house or else she will report him to Mrs. Agsalud. With that warning, he went home. He denied the testimony of the complainant to the effect that he threatened her with a bolo, undressed her, removed her panty, mounted at her and had sexual intercourse with her. That there is no truth about the testimony of the complainant because nothing had happened to her. That he does not

know why the complainant testified against him.

On cross examination, witness testified that he went to the boarding house of the complainant on the alleged night of the incident after a drinking spree with his nephew. That it was only when he was already drunk that gave him the idea of going to the boarding house of the complainant. At that time, he entered the boarding house, complainant was reviewing, she was alone. He went near the complainant to talk to her being a neighbor. That he used to go to the boarding house. He was asking complainant why she was reviewing at that late hour of the night. He was seated near the door of the house while Maritess Marzo was reviewing in the sala of the house. That in the first floor of the house, there are no rooms while the second floor, it has rooms. That the drinking spree took place in his house. That after buying cigarette he did not go home directly because he dropped by at the boarding house of the complainant. He talked with the complainant. After he was warned that she is going to report his coming in the house of Mrs. Agsalud, he left and that was the time he went home. He told complainant that he was visiting her being a neighbor and sensing that she was mad, he left.

On clarificatory question of the court, accused testified that he knows that complainant was alone at that night, and that he entered the house to talk with her considering that she is a neighbor. He entered the boarding house of the complainant because he could not get his sleep that night. He just wanted to talk with the complainant. That he entered the boarding house of Maritess Marzo past 9:00 o'clock that evening. That he does not know of any reason why the complainant filed the case against him. Before November 5, 1990, he never visited Maritess Marzo because she used to go home in their barangay except on November 5, 1990. That he did not have any misunderstanding between Maritess Marzo and her parents before November 5, 1990 neither has he any misunderstanding before November 5, 1990 with Mrs. Agsalud. That he left Quirino sometime on November 9, 1990 in order to have a driving job in Tondo, Manila because his former employer Engr. Valido went abroad. That he came to know for the first time that he was charged for rape when his wife went to Manila before Christmas in 1990."[6]

In its decision dated May 10, 1993, the trial court found the accused-appellant guilty beyond reasonable doubt of the crime of rape as charged, and rendered judgment as follows:

"IN VIEW OF ALL THE FOREGOING, the guilt of the accused of the crime charged has been proven beyond reasonable doubt. Accordingly, the accused is hereby sentenced to RECLUSION PERPETUA plus all the accessory penalties provided for by law and to indemnity the complainant Maritess Marzo the amount of FIFTY THOUSAND (P50,000.00) PESOS without subsidiary imprisonment in case of insolvency, and to pay the cost. The detention of the accused shall be fully credited in his favor.

SO ORDERED."[7]

Hence, this appeal from the lower court's decision. Significantly, accused-appellant makes only one assignment of error:

> "THAT THE TRIAL COURT COMMITTED GRAVE ABUSE OF DISCRETION AND ERRED IN GIVING CREDENCE TO THE TESTIMONY OF THE PRIVATE COMPLAINANT AND, ON THE BASIS THEREOF, IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME CHARGED AGAINST HIM AND IN AWARDING DAMAGES AGAINST HIM."

In his brief, accused-appellant contends that the trial court gravely erred in giving credence to the testimony of the complainant because it is tainted with inconsistencies and improbabilities. Drawing our attention to the medico-legal findings, he avers that the medical certificate issued by the physician who conducted the physical examination negates complainant's claim of carnal knowledge as her hymen remains intact. He likewise bewails the fact that complainant's acts and deeds the day after the alleged rape was committed are simply incredulous, as no rape victim could have easily recovered from the effects of such a traumatic experience.

Thus, at the outset, it may be noted that accused-appellant places at issue the credibility of private complainant, upon whose testimony he was convicted. Once again, however, we have to stress that the matter of assigning values to the testimony of witnesses is best performed by the trial judge who, unlike appellate magistrates, can weigh such testimony in the light of the demeanor, conduct and attitude of the witnesses presented at the trial. The trial judge is thereby placed in a vantage position to discriminate finely between what is true and what is false[8] in the versions given by the witnesses of the opposing parties. Appellate courts will not disturb the findings on the credibility, or lack of it, accorded by the trial court to the testimony of witnesses, unless it be clearly shown that the trial court had overlooked or disregarded arbitrarily certain facts and circumstances of significance in the case. [9] On this score, accused-appellant's plea that it was error to rely on the testimony of the complaining witness is less than persuasive.

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 the forced coitus.[10] As a result, conviction may be based justifiably on the plausible testimony of the private complainant herself.

In the present case, we find the trial court's reliance on the testimony of the complainant based on solid evidentiary grounds. She had no improper motive whatsoever, as admitted by accused-appellant himself,[11] to impute such a very serious offense to him. It is accepted doctrine, that in the absence of evidence of improper motive on the part of the victim to falsely testify against the accused, her testimony deserves credence.[12]

The spontaneity of complainant's testimony could not be discredited by mere denials of accused-appellant. For an affirmative testimony is far stronger than a negative testimony, especially so when it comes from the mouth of a credible witness.[13] Denial is an intrinsically weak defense which must be buttressed by strong evidence of nonculpability to merit credence.[14] Furthermore, in the light of the complainant's positive identification of accused-appellant as the perpetrator of the