

THIRD DIVISION

[G.R. No. 109618, May 05, 1999]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ANTONIO BEA, JR., ACCUSED-APPELLANT.**

DECISION

ROMERO, J.:

Accused-appellant Antonio Bea, Jr. was charged with the crime of rape in Criminal Case No. 177 before the Regional Trial Court^[1] of Irosin, Sorsogon, Branch 55, in an information dated July 2, 1984, which reads as follows:

"That on or about the second week of the month of September, 1983, in the Municipality of Bulan, Province of Sorsogon, Philippines and within the jurisdiction of this Honorable Court, the above-named accused with lewd design and armed with a deadly weapon and by means of force, violence and intimidation, did then and there, wilfully, unlawfully and feloniously have carnal knowledge of Jocelyn Borral, a 16 year old against her will and without her consent, to her damage and prejudice.

CONTRARY TO LAW."^[2]

Upon arraignment, appellant, assisted by his counsel *de officio*, Atty. Fred Jimena, entered a plea of not guilty.

The evidence for the prosecution establish the sequence of event, thus:

Jocelyn Borral, 17 years old and a resident of Danao, Bulan, Sorsogon, testified that she was employed by the spouses Bea for four months as househelper from February up to the month of June 1983.^[3] Sometime in September 1983, with the employment already terminated, appellant's wife, Yolanda, requested through Jocelyn's mother if she could take care of their four children as she was going to Sorsogon on such date for medical treatment.^[4] As Yolanda was due to return the following day, she was advised to spend the night at the former's place to which she acceded. While asleep, however, appellant forcibly went on top of her and with a knife poked at her neck, proceeded to consummate his bestial act. In the course of the sexual assault, she lost consciousness. With the accused no longer in the house and before leaving the same the following day, Jocelyn fed the children their noon meal after which she went home. Upon reaching her house, she saw her mother but never told the latter of her ordeal in the hands of the accused. As they were residents of the same barangay, she kept this harrowing experience to herself for fear that the accused might carry out the veiled threats made upon her. Her seeming helplessness dragged on for five months until her mother noticed her enlarging abdomen. Hence, she was accompanied to Drs. Luzurriaga and Villareal both of whom confirmed her pregnancy. Compelled to explain the cause of her

condition, she admitted that she was sexually violated by the accused.

The defense, on the other hand, presented Beverly delos Santos, Shiela Bea and the appellant himself.

Beverly delos Santos, 13 years old and a resident of Danao, Bulan, Sorsogon, testified that sometime in September 1983, she frequented the accused's residence to play with the latter's children. In one of those days, at around 1:00 p.m., she allegedly saw Gerry Borris^[5] climb over the fence and enter the house to see Jocelyn who works as a housemaid of the spouses Bea. Thereupon, Gerry invited Jocelyn inside the bedroom where they had carnal knowledge. Beverly declared that, together with her playmates, they witnessed the coitus which lasted until 3:00 p.m. as they peeped through a hole. On the other hand, Shiela Bea, a daughter of the accused, merely corroborated the testimony of Beverly.

In his defense, appellant Bea, 45 years old and a fisherman by occupation, denied the charge against him and declared that such grave imputation was a means employed by Jocelyn to get back at him for ejecting her as househelper. Defending his action for terminating the latter's employment, he explained that he cannot countenance the immoral acts done by Jocelyn and Gerry in his house, allegedly in full view of his minor children, while he was away at sea. When Jocelyn became pregnant by her boyfriend who, upon knowledge thereof, absconded to Manila, the former, accompanied by the barangay captain, purportedly threatened him with a rape charge unless he extend financial support to her.

In a decision dated January 6, 1992, the trial court found the accused guilty beyond reasonable doubt of the crime charged, the dispositive portion of which reads:

"Wherefore, the Court finds the accused guilty beyond reasonable doubt of the crime of rape as defined under Article 335 of the Revised Penal Code and hereby sentences him to suffer the penalty of reclusion perpetua. Accused is further ordered to indemnify the complainant Jocelyn Borral the sum of P50,000.00 and to support her offspring in accordance with law. With costs against the accused.

SO ORDERED."^[6]

Appellant filed the instant appeal and raised the following assignment of errors:

I

"THE TRIAL COURT ERRED IN GIVING WEIGHT AND CREDENCE TO THE UNCONVINCING AND IMPROBABLE TESTIMONY OF COMPLAINANT JOCELYN BORRAL.

II

THE TRIAL COURT ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME CHARGE(D) DESPITE THE ABSENCE OF FORCE AND INTIMIDATION."^[7]

As the two assigned errors are interrelated, the same shall be discussed jointly.

Appellant maintains that Jocelyn Borral's version of the events is replete, not only with improbabilities, but is likewise contrary to human nature and experience. He claims that her failure to report the incident to her mother or to the police authorities for a period of five (5) months is fatal to the rape charge, as the record is devoid of any showing that threats to her life could be effectively carried out, notwithstanding that they are residents of the same barangay. On the contrary, no evidence was allegedly established that during such period, complainant was prevented from disclosing her misfortune to anyone. Further, he contended that, assuming without admitting, appellant had sexual intercourse with Jocelyn, the same was consummated without force or intimidation, implying therefor that it was consensual. To further bolster his point, he asserted that "the resistance put up by the latter was not tenaciously made as expected or natural behavior of a woman being sexually abused."^[8]

The issues raised by the appellant do not persuade us.

The three guiding principles in the review of evidence in rape cases are: (1) an accusation for rape can be made with facility; it is difficult to prove but more difficult for the person accused, though innocent, to disprove; (2) in view of the intrinsic nature of the crime of rape where two persons are usually involved, the testimony of the complainant must be scrutinized with extreme caution; and (3) the evidence for the prosecution must stand or fall on its own merits, and cannot be allowed to draw strength from the weakness of the evidence for the defense.^[9] Thus, the testimony of a single witness, if found convincing and credible by the trial court is sufficient to support a finding of guilt beyond reasonable doubt.^[10]

In the instant case, the trial court found Jocelyn's testimony to be clear, convincing and straightforward. It must be noted that in several stages^[11] of the trial where Jocelyn took the witness stand, the trial court observed that she became hysterical, causing the court, upon agreement of both counsel, to defer the proceedings to a later date. Thus, in *People v. Gecomo*,^[12] it was correctly observed that "the crying of the victim during her testimony is evidence of the credibility of the rape charge with the verity born out of human nature."

The contention that Jocelyn's failure to report the sexual assault until after five (5) months is fatal to the crime imputed is likewise unfounded. In a similar rape case^[13] involving a 16-year old victim, the Court held that it is not uncommon for a young girl at the tender age of 16 years to be intimidated into silence and conceal for some time the violation of her honor, even by the mildest threat against her life. Contrary to appellant's assertion, there is nothing in the record which indicates her testimony to be improbable or incredible. As specifically pointed out by the appellant in his brief:

"Complainant failed to shout for help when accused was on top of her. Complainant testified on cross-examination that she was not able to resist the alleged sexual assault on her because the accused was holding a pointed instrument.

ATTY. GABRENTINA: