

FIRST DIVISION

[G. R. Nos. 122550-51, August 11, 1999]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
WINEFRED ACCION, ACCUSED-APPELLANT.**

D E C I S I O N

PARDO, J.:

The case is an appeal from a decision^[1] of the Regional Trial Court, Makati, Branch 58, convicting accused-appellant Winefred Accion of two (2) counts of rape and sentencing him to suffer the penalty of *reclusion perpetua* for each count and to pay a total of P100,000.00, as civil indemnity.

The two (2) complaints^[2] filed against accused-appellant both dated March 7, 1994, which were signed by complainant Maricris Zanolria y Fabula and her mother Beatriz Liad Vda. de Zanolria, allege:

Complaint in Criminal Case No. 94-4898 -

"That on or about the 9th day of August, 1992 at around 4:00 a.m. in the Municipality of Makati, Metro Manila, Philippines, a place within the jurisdiction of this Honorable Court, the above-named accused, by means of force, violence and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of the undersigned Maricris Zanolria y Fabula who is a 14 year old girl, without her consent and against her will.

"CONTRARY TO LAW.
Makati, Metro Manila.
March 7, 1994.

"BEATRIZ LIAD VDA. DE
ZANORIA
(Assisted by her mother)

MARICRIS ZANORIA Y FABULA
Complainant

"SUBSCRIBED AND SWORN to before me this 9th day of May 1994 at Makati, Metro Manila.

"ELBA TAYO-CHUA
Assistant Prov'l. Prosecutor

"I hereby certify that a preliminary investigation has been conducted in this case; and that I have personally examined the complainant and her witnesses; that there is reasonable ground to believe that a crime has been committed and that the accused is probably guilty thereof; that the

accused was informed of the complaint and of the evidence submitted against him; that he was given an opportunity to submit controverting evidence; and that this complaint is filed with the approval of the Provincial Prosecutor having been first obtained.

"ELBA TAYO-CHUA

Assistant Prov'l. Prosecutor

"SUBSCRIBED AND SWORN to before me this 19th day of May 1994 at Makati, Metro Manila.

"HENRY M. SALAZAR

Asst. Provincial-Prosecutor."

Complaint in Criminal Case No. 94-4899 -

"That on or about the 9th day of August, 1992 at around 2:00 a.m., in the Municipality of Makati, Metro Manila, Philippines, a place within the jurisdiction of this Honorable Court, the above-named accused, by means of force, violence and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of the undersigned Maricris Zanoria y Fabula who is a 14 year old girl, without her consent and against her will.

"CONTRARY TO LAW.

Makati, Metro Manila.

March 7, 1994.

"BEATRIZ LIAD VDA. DE
ZANORIA
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MARICRIS ZANORIA Y FABULA
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"ELBA TAYO-CHUA

Assistant Prov'l. Prosecutor

"SUBSCRIBED AND SWORN to before me this 19th day of May 1994 at Makati, Metro Manila

"HENRY M. SALAZAR
Assistant Provincial Prosecutor"

At his arraignment on July 26, 1994, accused-appellant, assisted by Public Attorney William Uy, pleaded not guilty to the charges.^[3] In an order dated November 4, 1994,^[4] the trial court denied accused-appellant's petition for bail.

After due trial, on August 31, 1995, the trial court rendered decision, the dispositive portion of which reads:

"WHEREFORE, finding the accused GUILTY beyond reasonable doubt of two (2) counts of Rape defined and penalized in paragraph one (1) of Article 335, Revised Penal Code, accordingly, the accused is hereby sentenced as follows:

"I. In criminal case no. 94-4899:

To suffer the single and indivisible penalty of RECLUSION
PERPETUA.

"II. In criminal case no. 94-4898:

To suffer the single and indivisible penalty of RECLUSION
PERPETUA; and

"III. To indemnify private complainant Maricris Zanoria the amount of P50,000 for (sic) offense for a total of P100,000.00 for the two offenses as and for moral damages in accordance with Article 2219, new Civil Code.

"In the service of his sentence, the accused shall be credited with the full time of his preventive imprisonment upon a showing that he agreed to abide by the same disciplinary rules imposed upon convicted prisoners; otherwise, the accused shall be credited with 4/5 of the time of such preventive imprisonment.

"With costs against the accused.

"Furnish the accused thru counsel and the private complainant with a copy each, of this Judgment.

"IT IS SO ORDERED.

"Makati City, August 31, 1995.

"ESCOLASTICO U. CRUZ, JR.
Presiding Judge"

The facts are as follows:

The crime scene was in a small store inside a parking lot located at the corner of Rada and De la Rosa Streets, Legaspi Village, Makati City.^[5] The family of private

complainant Maricris Zanolis (hereinafter, Maricris) owns the store, while accused-appellant was formerly a parking attendant at the lot. Maricris' mother, Beatriz Liad, usually tended the store. But as Beatriz Liad was in the hospital for a check-up on the date in question, her daughter Maricris tended the store and slept there alone.

At around 2:00 in the morning of August 9, 1992, accused-appellant, clad in mere sando and intoxicated, entered the store and poked his knife on the breast of the sleeping Maricris. She woke up and sensing the lustful intent of accused-appellant, she pushed, kicked and scratched him but to no avail. Accused-appellant ordered Maricris to undress, and repeatedly punched Maricris Zanolis in the stomach whenever she refused. The continuous beating finally took its toll on Maricris who later on succumbed to the beastly desires of accused-appellant. The forced coition lasted for about two (2) minutes. After accused-appellant had satisfied his lust, he stood up, and threatened to kill Maricris should she disclose the incident to anybody. Maricris could not escape since accused-appellant was sitting on top of a table near the door, smoking a cigarette.^[6]

Accused-appellant forced himself upon Maricris a second time at around 4:00 a.m. of the same morning. As in the first encounter, he repeatedly punched Maricris until he succeeded in having sexual intercourse with her. After satisfying his lust anew, accused-appellant reiterated his death threats on Maricris. He went behind the store to put on his underwear and pants, then headed to the guardhouse to get his clothes and the key of the parking lot gate. Maricris was left alone inside the store, weeping in fear and dejection.^[7]

Maricris did not tell anyone of the incidents for more than a year because accused-appellant persistently followed and threatened her with death. December 19, 1993, however, was the last day accused-appellant would stalk Maricris. As she, accompanied by her younger brother and a neighbor, was making a phone call in a store a kilometer away from their house in Fairview, accused-appellant who was holding a bladed weapon and a companion approached and asked her: Sinong pinagsusumbungan mong pulis o kamag-anak mo?" (Who are you reporting to, a policeman or a relative?) Maricris and her companions lost no time in heading for home. As Maricris looked pale and frightened, her mother Beatriz asked her what happened. Maricris was hesitant at first, but when Beatriz slapped her, she finally revealed her sexual ordeal in the hands of accused-appellant. The next day, they reported the rape incidents to the police.^[8]

On December 19, 1993, accused-appellant was arrested and brought to the Makati Police Station where he knelt before Maricris and her mother Beatriz to ask for forgiveness.^[9]

Accused-appellant anchored his defense on alibi and a "sweetheart story". At the time the alleged rapes were committed on August 9, 1992, he could not exactly recall where he was but he knew he was at home with his small sister.^[10] Accused-appellant also claimed that he and Maricris were lovers from September of 1991 up to May of 1992. They went out on dates on occasions, but they never had any intimate sexual encounters.^[11] He ended the relationship when he saw her talking to another man. Accused-appellant thereafter cohabited with Imelda Catacutan in September of 1993. That was the reason why Maricris fabricated the rape charge

against him.^[12]

Imelda Catacutan confirmed the amorous relationship between accused-appellant and Maricris which lasted from 1991 to around April of 1992.^[13] Sometime in December of 1993, the mother of Maricris (Beatriz Liad) confronted her at the accused-appellant's house and informed her that Maricris was no longer a virgin. Beatriz turned her ire on accused-appellant and held him responsible for Maricris' loss of virginity. Upon Beatriz' prodding, accused-appellant and Imelda went to Maricris' house where Beatriz asked her daughter if it was accused-appellant indeed who deflowered her. Maricris, however, denied it. Beatriz then warned accused-appellant that she would file a complaint against him if Maricris' medical examination would confirm that she was no longer a virgin.^[14]

On the basis of the foregoing facts, the trial court convicted accused-appellant.

Seeking reversal of his conviction, accused-appellant challenges the credibility of complainant Maricris' story and reiterates his defense of alibi and amorous relationship with Maricris.

We find the appeal unmeritorious.

We will not disturb the trial court's conclusion on the credibility of Maricris and the truthfulness of her version. So often repeated by the Court is that the matter of assigning values to declarations on the witness stand is best and most competently performed by the trial judge who had the unmatched opportunity to observe the witnesses and to assess their credibility by the various indicia available but not reflected in the record.^[15] And in a prosecution for rape, the complainant's credibility becomes the single most important issue.^[16] The trial court, in passing upon the credibility of Maricris, has provided a vivid description of how she conducted herself on the witness stand which validated her charges of rape. Thus:

"On the witness stand, private complainant Maricris Zanoia, by her frank and open manner and prepossessing appearance, convinced the Court that she is truthful, unbiased and worthy of confidence. She is reliable because her answers in general were prompt, concise, responsive to the interrogatories, outspoken, and entirely devoid of evasion or any semblance of shuffling. There were no hesitations, no labored or confused explanations, no parrying of uncomfortable inquiries, or partial statements of occurrence. The narration of facts contained in the testimony of the principal witness for the prosecution was delivered in a straightforward, natural style, without hesitation or embarrassment, and although upon minor points she was in error, her story was in no material point falsified or discredited despite a very lengthy and exhaustive cross-examination. Her testimony is sufficient in connection with other evidence to support conviction. The private complainant narrated her ordeal that fateful dawn of August 9, 1992 with reasonable detail."^[17]

On the other hand, the accused-appellant failed to impress the trial judge who made the following observations on his demeanor in the courtroom, viz: