

THIRD DIVISION

[G.R. No. 132690, August 10, 1999]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JAIME IBAY Y DUCUSIN, ACCUSED-APPELLANT.

D E C I S I O N

PANGANIBAN, J.:

The resolution of rape cases hinges on the credibility of the victim. If her testimony does not meet the test of credibility or clearly establish the identity of the accused as the perpetrator of the crime, the acquittal of the latter is inevitable.

The Case

On December 9, 1996, Razel Cordero charged Jaime D. Ibay with rape in a sworn Complaint^[1] which reads as follows:

"That on or about the 5th day of October 1996, in the Municipality of Parañaque, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge of the complainant Razel Cordero against her will."^[2]

After a *prima facie* case against the appellant was certified by Second Assistant Prosecutor Elizabeth Yu-Guray, and approved by Provincial Prosecutor Gregorio A. Arizola, the Complaint was treated and filed as the Information on January 7, 1997, and docketed as Criminal Case No. 97-03.

On his arraignment on January 16, 1997, appellant, assisted by Counsel Esteban T. Fadullon Jr., entered a plea of not guilty before the Regional Trial Court of Parañaque.^[3] Thereafter, trial on the merits ensued. On September 2, 1997, the court a *quo* promulgated its assailed Decision,^[4] the dispositive portion of which reads:

"WHEREFORE, premises considered, finding accused Jaime D. Ibay "GUILTY" beyond reasonable doubt [of] the crime of rape as defined and penalized under Art. 335 of the Revised Penal Code as amended by Sec. 11 of RA 7659, this Court hereby sentences him to the penalty of reclusion perpetua considering the presence of [the] mitigating circumstances of voluntary surrender without any aggravating circumstances, and to suffer the accessory penalties under Art. 41 of the Revised Penal Code. For civil liability under Art. 345 of the Revised Penal Code, he is hereby further condemned to indemnify Ra[z]el Cordero the amount of P50,000 in line with existing jurisprudence; P100,000 for moral damages and P100,000 for exemplary damages."^[5]

On September 16, 1997, appellant filed a Motion for Reconsideration, which was subsequently denied in the Order dated January 13, 1998.

On January 27, 1998, appellant filed his Notice of Appeal. Thereafter, on October 2, 1998, this Court received his Brief.^[6] On April 19, 1999, the case was deemed submitted for resolution when the Office of the Solicitor General filed, in lieu of the appellee's brief, a Manifestation and Motion,^[7] praying for the reversal of the trial court's Decision.

The Facts

Version of the Prosecution>

The trial court summarized the evidence for the prosecution as follows:^[8]

"A. RAZEL Cordero, 22 years old, married, resident of 46 Russia St., Betterliving Subd., Parañaque, Metro Manila, 2nd year college, identified the accused and certified:

1. that she was married to Rolando Cordero o[n] December 29, 1995 and they rented a room located at 149 Doña Soledad Ave., Betterliving Subd., Parañaque, Metro Manila which is owned by the accused's mother, Felicidad Ibay;
2. that on the evening of October 4, 1996 while waiting for the arrival of her husband she fell asleep on the bed and left the door unlocked;
3. that a man entered said room whom she thought was her husband but it was the accused who held her chin, poked a knife [at] her and threatened her not to shout otherwise she would be killed;
4. that the accused started kissing her cheek, placed his knee on her stomach to force open her legs and remove her panty together with her shorts;
5. that she tried to struggle and pleaded to accused not to molest her but her pleas were in vain and it took about two minutes for accused to consummate his sexual desire;
6. that after she was raped, accused kissed her breast and touched her vagina and threatened her again to tell no one what happened;
7. that on October 8, 1996 when her husband wanted to have sex with her, she could not do it and she was constrained to reveal to her husband that she was raped by accused;
8. that they immediately left their rented room and proceeded to her aunt and they sought the help of Atty. Nonito Cordero who assisted them in filing a complaint against the accused;

9. on cross-examination, witness testified that she ha[d] known the accused for about nine months before the incident, being her neighbor and [that] she [was] familiar with his voice and there was a time when accused invited her to a Bible Study and [the] accused even played jokes when she was attending to her laundry;
10. that she was able to recognize that it was the accused who raped her because of his voice;
11. that after she was molested, she peeped [through] the window and she clearly recognized the accused coming out [of] the room.

B . DRA. ERLINDA M. MARFIL - 64 years old, married, psychiatrist of the NBI, testified:

1. that she is duly licensed to practice medicine and earned her degree in medicine in 1956 and she joined the NBI in 1977 and presently she is the Chief of Neuro-Psychiatric Services of said Bureau;
2. that the nature of her work [was] to conduct psychological evaluation of cases referred to her such as drug dependents, job applicants and other medical cases;
3. that Razel Cordero was referred to her by the Medico-legal Division for examination for a case of alleged rape;
4. that on October 11, 1996, she conducted an interview with the victim and she found out that Razel ha[d] low average intelligence and that Razel was suffering from depression due to [a] stressful situation;
5. that in her diagnosis, she concluded that subject, Razel, had past xxx traumatic [stress] reaction which may have been caused by the alleged sexual abuse;

C. BRENDA TABLIZO, 47 years old, married, [p]sychologist of the NBI, testified:

1. that she is presently connected with the NBI and employed thereat as psychologist II since 1973;
2. that the nature of her work is to give examination to patients referred to her office by the medico-legal division of the NBI and other government agencies;
3. that on October 8, 1996, she gave projective and intelligence test[s] to a certain Razel Cordero in order to measure Razel's intelligence, personality and sanity;
4. that she found out that Razel ha[d] low average intelligence and suffering from severe emotional disturbance as indicated by anxiety and tension in contact with reality;

5. that such emotional disturbance could be due to stress caused by the alleged rape;
6. on cross-examination, witness testified that a person with low average intelligence can still sustain anxiety and tension;

D. P/CHIEF INSP. MARIO DELA VEGA, 42 years old, married, a resident of Shanghai St., Betterliving Subd., Parañaque, Metro Manila, college graduate, identified the accused and testified:

1. that he is presently the commander of KABABAYAN Center No. 6;
2. that about 10:00 o'clock in the morning of October 8, 1996, Razel Cordero together with Atty. Nonito Cordero went to said center and asked for police assistance;
3. that he instructed the desk officer to put on the record the rape incident allegedly committed on October 4, 1996;
4. that he together with SPO1 Joseph Enriquez and PO3 Virgilio Hao proceeded to the residence of the accused and upon reaching the place, the husband of the victim started stoning the accused;
5. that he fired his gun to pacify the commotion and invited the accused to the Center;
6. that at the Center, the private complainant positively identified the accused as the perpetrator;
7. that he referred the case to the SID for further investigation;
8. that on cross-examination, he testified that he fired his gun to pacify the commotion and not to scare the accused;
9. that he formed a team in order to insure that the accused [would] not escape;
10. that he placed the accused under arrest after the victim had identified the accused as the rapist.

E. SPO2 ANGEL NIEVES, 43 years old, married, resident of Cabuyao, Laguna, police investigator, commerce graduate, testified:

1. that he took down the statement of private complainant who was allegedly raped by accused;
2. that he referred the case to the NBI for medical examination xxx after which, he filed a case against the accused for rape;
3. that he has been with the Parañaque Police Station for 20 years and has been in SID for seven (7) years;

8. that the private complainant voluntarily gave her statement before him.

F. DR. RENATO C. BAUTISTA, 45 years old, [s]enior [m]edico-legal [officer] of the NBI, Doctor of Medicine, testified:

1. that he is duly licensed to practice medicine and earned his degree in 1976 and he joined the medico-legal division of the NBI in 1979;
2. that the nature of his duties and function is to conduct examination on all medico-legal cases such as rape victims, victims of stabbing and shooting; that he conducts examinations, autopsies and xxx testif[ies] on his findings;
3. that on October 8, 1996, he received a request letter from Detective Angel Nieves asking for medico-legal assistance and he conducted [an] examination on the person of Razel Cordero[,] an alleged rape victim;
4. that he found an old healed deep laceration in the genitalia of Razel and there was no extra genital physical injuries noted;
5. that it [was] positive that there [would have been] no extra genital injuries if the rape [had] happened on [a] sofa or bed[;] there would be contusion or abrasion [if] the rape was consummated [o]n a rough surface;
6. on cross-examination, [the] witness clarified than an old healed deep laceration [would appear if] the laceration happened between the period of more than three to six months from examination."

Version of the Defense

In his 44-page brief, appellant presented the following version of the facts:^[9]

"The petitioner^[10] Jaime D. Ibay and respondent Razel G. Cordero were both residents of Barangay Better Living, Paranaque, Metro Manila, in a compound located at 149 Dona Soledad Avenue, where nine (9) other families have been residing in rooms or apartments. (TSN, January 27, 1997, p. 6; TSN, June 16, 1997, p. 2)

"The [appellant] resides in an apartment of his own, with his wife and two children at the far end of the compound. At the same time, he owns and operates a silk-screen printing shop for T-shirts which adjoins the apartment right in front. (TSN, May 14, 1997, pp. 17-18; Exhibit 14-3) His mother, Filipina D. Ibay, is the registered owner of the 324 square meter lot where the compound is located, and the main house thereon. She rents out some of the rooms in the main house. (TSN, May 14, 1997, pp. 3-6; Exhibit "12-1" & "12-2")

"Accused-appellant is a man who believes and teaches the Bible as the Word of God, a good husband and [a] devoted father to his two little girls. He was hired as a lay pastor of the Campus Crusade for Christ in