

SECOND DIVISION

[G.R. No. 113781, September 30, 1999]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
VERGILIO REYES Y LORESCA, ACCUSED-APPELLANT.**

DECISION

QUISUMBING, J.:

On appeal is the judgment of the Regional Trial Court of Santa Cruz, Laguna, Branch 26, in Criminal Case No. SC-4292, promulgated on November 28, 1991, which found appellant Vergilio Reyes guilty of rape and imposed upon him the penalty of *reclusion perpetua*.

The factual antecedents of this case, as gleaned from the records, are as follows:

On the evening of October 30, 1990, complainant Leticia Papa arrived home in a state of disarray, with her clothes muddy and streaked with blood. Questioning by her concerned parents led to the revelation that she had been abused sexually. She named appellant as the offender. That same evening, complainant, accompanied by her father, proceeded to the police station of Sta. Cruz, Laguna, to complain against appellant. Subsequently, complainant was medically examined at the Laguna Provincial Hospital. Dr. Gladys C. Javan, a physician of the OB-Gynecology Section thereat, conducted the examination. Her findings are as follows:

"PPE FINDINGS

HEENT – pink palpebral conjunctiva

Chest/Lungs – clear breath sounds

Heart – regular rhythm, no murmur

Abdomen – flat, soft, non-tender

Genitalia – pubic hair full

labia majora and minora – well-coaptated

hymen – fresh with blood, laceration at 3', 6',

and 9'o'clock position (s)

vaginal – admits two fingers with ease.

INTERNAL EXAM:

cervix – closed, soft

uterus – small

adnegae – negative

discharge – bloody

Presence of sperm at the vagina – NEGATIVE."^[1]

On October 31, 1990, the complainant filed a complaint for rape against appellant with the Municipal Trial Court of Santa Cruz, Laguna. A preliminary investigation was conducted, resulting in the filing before the Regional Trial Court there of an

information for rape against the appellant. The accusatory portion of said information reads:

"That on or about the 30th day of October, 1990, in the municipality of Sta. Cruz, province of Laguna, and within the jurisdiction of this Honorable Court, the above-named accused, conveniently armed with a bladed weapon, by means of force and intimidation, did then and there, willfully, unlawfully and feloniously have carnal knowledge of LETICIA E. PAPA, 20 years of age and single, at the coconut plantation owned by Mario Penpengco at Brgy. Gatid, this municipality, against her will.

"CONTRARY TO LAW."^[2]

Upon arraignment, appellant entered a plea of "Not Guilty." Trial immediately ensued. After the prosecution had presented its evidence, appellant, with leave of court, filed a demurrer to evidence. The trial court denied the demurrer. Thereafter, the accused presented his defense.

Appellant was lone witness for the defense. In his testimony, appellant admitted having had sexual relations with complainant. However, he vehemently denied raping her. Appellant insisted that what took place between them was with her consent and was the fruit of a long-smoldering mutual desire.

The trial court did not find appellant's defense credible or convincing. Appellant was adjudged guilty of the offense charged. The court's judgment states:

"WHEREFORE, FINDING the accused VERGILIO REYES y LORESCA guilty beyond reasonable doubt of the crime of Rape against Leticia E. Papa penalized under article 335 of the Revised Penal Code, the Court hereby sentences him to suffer the penalty of reclusion perpetua, to pay the complainant the amount of P20,000.00 as damages, without subsidiary imprisonment in case of insolvency, and to pay the costs.

"SO ORDERED."^[3]

The trial court reasoned thus:

"... If it were true that what transpired between them was their mutual desire, it is difficult to imagine why they chose a muddy spot for the purpose. Consenting adults who want to satisfy their mutual lust would have chosen a more comfortable environment conducive to their pursuit of happiness. In this case, the complainant and the accused would have taken care that no mud or blood would soil or smear their clothes.

x x x

"At the witness stand, the Court was able to observe the demeanor of the complainant and found no reason to doubt her account. Her testimony was narrated with all sincerity and candor expected of a girl truthfully recounting the shocking experience which had befallen her. Her straightforward recollection of events which occurred, before, during, and after the shameful act was unequivocal, displaying no hesitation, but only

forthrightness in the narration of her agony and anguish. She readily admitted that earlier that day, she requested the accused to help her fetch water and again saw him later at the billiard hall. This admission, however, is no confession of any consent. Neither can it be inferred from the same.”^[4]

On December 9, 1991, appellant filed a “Motion for New Trial and/or Reconsideration.” The trial court granted the same. Appellant then moved for an ocular inspection and presented an additional witness. This added testimony sought to prove the following: (a) that the complainant, whom she had known since childhood had “crushes” on almost all good-looking males in their locality; (b) that the complainant had a “crush” on the accused; (c) that the complainant had been made to stop schooling by her parents for frequently dating males; and (d) that private complainant is not normal and somewhat mentally retarded.^[5]

On April 20, 1993, the trial court issued a resolution denying the motion for reconsideration on the ground that the additional evidence adduced by the defense was unconvincing to warrant appellant’s acquittal. The court ruled:

“... In view of her mental deficiency which is apparent to everyone, it could not be said that she gave her consent to be deflowered or even if she did, the accused should not have taken advantage of such mental state.

“In any case, assuming her to be not a virtuous woman, such fact would not justify the act complained of. The rule is that ‘the fact that an offended party may have been of unchaste character constitutes no defense in a charge of Rape’ (citations omitted).

“Of no controlling significance either is the disagreement of the parties as to where the incident took place. The difference is only about 4 to 5 meters. The exact spot is not so material considering that the accused did not deny having relations with her.”^[6]

On May 21, 1993, appellant filed his appeal, anchored on the following lone assignment of error:

THE LOWER COURT ERRED IN GIVING CREDENCE TO THE TESTIMONY OF THE COMPLAINANT AND IN CONVICTING THE ACCUSED OF THE CRIME OF RAPE.^[7]

Simply stated, the issue before us is whether or not the testimony of complainant is sufficiently credible to maintain appellant’s conviction for rape beyond reasonable doubt.

In finding appellant guilty of rape, the trial court summarized complainant’s testimony as follows:

“On October 30, 1990, at 6:30 in the evening, she was alone walking towards her Ate Ila’s house across the basketball court at the Villa Flores Compound in Gatid, Sta. Cruz, Laguna, when she met the accused who pointed a knife on (sic) her neck and brought her to a muddy coconut plantation owned by one Mario Penpengco thirty meters away. That

before bringing her to the plantation, he kissed her on her lips and cheeks and then placed his arm over her left shoulder. She did not resist, attempt to run, scold the accused or even shout for help because the accused threatened to kill her. At the plantation, with the knife still poked on (sic) her neck, she was made to lie down by the accused who threatened to kill her and her mother if she would resist or shout. She was terrified and was unable to move. When the accused started removing her shorts, she kicked him. Despite her resistance, the accused was able to remove her panty also. Naked from the waist down, she was penetrated by the accused, felt pain and bled. The accused warned her not to report what had happened to anyone or else she and her mother would be killed. Thereafter, the accused promised her that he would leave his wife and live with her, but she replied that they have no relationship. She went home and upon arrival, her mother noticed her clothes not only muddy but with blood. When asked where she had come from, she replied that the accused Vergilio Reyes had sexually abused her. She was then examined by a lady physician in a hospital known to her father.

"On cross, she mentioned, among others, of having fetched water from the artesian well near the chapel that early evening of October 30, 1990. On the way home, the accused accompanied her. Later, she went to Lolo Apiong's place where the accused was then playing pool. She sat there and was seen by other players there. The accused is not courting her. When sexually abused, she did not cross her legs."^[8]

The trial court summed up appellant's version of the incident as follows:

"...Before he got married, Leticia Papa and he had been close friends, being classmates in the elementary grades. He courted her and they became engaged until he saw her being intimate with other males so he did not pursue marrying her.

"On October 30, 1990, in the afternoon, he was playing pool with his Pareng Orland Talabis, uncle Simplicio Floresca, Jr., Pareng Aber (Abelardo Guevara) and Dindo Calasicas in Lolo Apiong's house which serves as a billiard hall. At about 5:20 o'clock, Leticia Papa saw him and requested him to help her bring home two containers full of water. He agreed, and riding a tricycle, they went to her house about 50 meters away arriving at about 5:25 o'clock. He went home arriving at about quarter to six o'clock and rested lying on a bench. While doing so, he heard somebody calling him and, looking out, saw Leticia telling him that she was going to tell him something. They conversed wherein she mentioned about their past relationship which he told her to forget because he is already married with one child.

"Leticia left, but had not gone far when she returned. She huddled so close to him saying she could not forget him which act she found hard to resist so he told her if she really wanted to have sex with him, she should go alongside (sic) his mother's house. His mother was not in, his uncle was in the cockpit, and his wife was in his parents-in-law's house. Upon reaching the place which is a coconut plantation near a lighted poultry house owned by Nitang Flores, he laid his T-shirt where Leticia sat.

Leticia removed her blouse and they had intercourse. Nearby are the houses of his relatives. He did not employ force. Neither was he kicked, considering the complainant's size. Before leaving for their respective houses, they agreed to go to the town proper to see a movie which did not materialize because he was already arrested. He did not know who had caused his arrest or why he was detained."^[9]

The Revised Penal Code, prior to its amendment by Republic Act Nos. 7659 and 8353, defined and penalized the crime of rape as follows:

"Art. 335. *When and how rape is committed.* – Rape is committed by having carnal knowledge of a woman under any of the following circumstances:

1. By using force or intimidation;
2. When the woman is deprived of reason or otherwise unconscious; and
3. When the woman is under twelve years of age or is demented.

The crime of rape is punished by *reclusion perpetua*.

xxx"

Three guiding principles apply in the review of evidence in rape cases: (1) an accusation for rape can be made with facility; it is difficult to prove but even more difficult for the accused, though innocent, to disprove; (2) in view of the intrinsic nature of rape where often, only two persons are involved, the complainant's testimony must be scrutinized with extreme caution; and (3) the prosecution's evidence must stand or fall on its own merits and cannot be allowed to draw strength from the weakness of the defense.^[10] It is settled that a person accused of rape can be convicted solely on the testimony of the victim if the trial court finds said testimony to be credible, natural, convincing, and consistent with human nature and the course of things.^[11]

In his brief, appellant argues that, in the course of the new trial, the ocular inspection showed that facts upon which his conviction was based do not exist. First, he maintains that the place where the victim was allegedly raped is not a muddy place as concluded by the trial court, but is planted to root crops locally known as "*uraro*." Second, there were several houses between the pathway traversed by the accused and the victim from the basketball court up to the place where the victim was allegedly raped. It would have been impossible for appellant and the victim to travel that 30-meter distance without any person noticing appellant poking a knife at complainant's neck. Third, his additional witness did not discount the possibility of the victim consenting to the act because the latter is not normal. Appellant also points to complainant's testimony under cross-examination that she did not shout for help or make any resistance to his initial embrace or kisses, to wit:

"ATTY. CONSUNTO: Right then and there, when you met the accused, he approached you and kissed you already?

WITNESS: Yes, sir, he kissed me on the lips and on my cheeks.

Q: Thereafter he brought you to the coconut plantation of Mario