

FIRST DIVISION

[G.R. No. 118918, September 27, 1996]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ANGELITO TALLEDO, ACCUSED-APPELLANT.**

D E C I S I O N

VITUG, J.:

Accused-appellant Angelito Talledo was charged with, and convicted of, the crime of rape, under an information that read:

"The undersigned Asst. Provincial Prosecutor on complaint of the offended party Rosario Mariano y Brojas accuses Angelito Talledo of the crime of rape, penalized under the provisions of Art. 335 of the Revised Penal Code, committed as follows:

"That on or about the 22nd day of July, 1992, in the municipality of San Miguel, province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the said accused Angelito Talledo, by means of force, threats and intimidation and with lewd design (had) carnal knowledge of the said offended party against her will.

"Contrary to law."^[1]

Accused-appellant, when arraigned, pleaded "not guilty" to the charge.

At the trial, the prosecution presented its version, hereunder summarized, of the facts that gave rise to the accusation.

The private complainant, Rosario (Charito) Mariano, is a young housewife with three children. The husband works in Manila.

At around two o'clock in the afternoon of 22 July 1992, while Rosario was alone^[2] at home washing the dishes, the accused, Angelito Talledo, arrived purportedly to buy some ice. He was drunk. Rosario told the accused that they had none available and, since he somewhat appeared to tarry, she begged him to leave. He refused. After a while, Rosario left to ask the relatives of the accused (whose residence was about twenty houses away) for their help. Talledo's grandmother accompanied Rosario back to the latter's house. They found the accused taking a nap on a wooden bed ("*papag*"). He was awakened and requested to go home but, again, he refused.

Talledo's grandmother left but not before she had assured Rosario that the accused would not do her any harm. Rosario continued with her work and did the chore outside the house. She was still washing the dishes when Talledo suddenly grabbed

her and forced her back inside the house. She struggled to free herself until she accidentally bumped her head on the wall that made her almost lost consciousness. When she recovered, she found herself already being raped by the accused. She shouted but the din of the rain muffled her cries. Talledo succeeded in satisfying his bestial desire. His mind evidently still befuddled by alcohol, Talledo went outside the house and, in a loud voice, proclaimed his "success." Rosario promptly reported the matter over to Roger Pineda, the *barangay* captain, whose wife later accompanied Rosario to the San Miguel Emergency Hospital. The physical examination^[3] disclosed that Rosario suffered from -

"Superficial laceration, Right cheek.
Contusion, neck, lateral, Right.
Contusion to anterior-posterior chest.
Contusion to upper extremities, Left and Right.
Hematoma, occipital area, Right.
Vaginal smear = positive for sperm cells."^[4]

The accused did not deny having had sex with private complainant; indeed, he asserted that, being "lovers," the two had indulged in the act in not a few occasions.

On 14 December 1994, the trial court found for the prosecution and held Talledo guilty beyond reasonable doubt of rape. The Regional Trial Court^[5] held:

"WHEREFORE, in view of the foregoing, judgment is hereby rendered finding the accused ANGELITO TALLEDO guilty beyond reasonable doubt of the crime of rape and hereby sentences him to suffer the penalty of reclusion perpetua.

"SO ORDERED."^[6]

A notice of appeal was filed by Talledo. His thesis:

"THE TRIAL COURT ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF RAPE BY GIVING FULL FAITH AND CREDENCE TO THE TESTIMONY OF COMPLAINING WITNESS."^[7]

The defense attempts, by and large, to discredit private complainant due to supposed inconsistencies in her testimony narrated before the court below.

Regrettably, the Court does not see it that way.

Appellant would bewail the fact that Rosario said that she was sleeping when Talledo arrived at her house but that in her later testimony she stated that she was not sleeping but washing the dishes. Rosario explained the matter rather well when cross-examined.

"Q	During your direct testimony you said that about 2:00 o'clock in the afternoon on the date of the incident the accused knocked at your door buying some ice and you told there was no ice, so this is not true?
"A	Yes, sir.