

SPECIAL THIRTEENTH DIVISION

[CA-G.R. CR-H.C. NO. 01084, August 31, 2006]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
RONALD RIVAS Y GARCIA, ACCUSED-APPELLANT.**

D E C I S I O N

CRUZ, J.:

For the alleged ravishment of Janice Bautista y Villanueva (or "complainant"), Ronald Rivas y Garcia (or "appellant") was indicted before the Regional Trial Court of Rizal (San Mateo, Branch 76) for the crime of rape purportedly committed as follows:

"That on or about the 23rd day of March, 2002, in the Municipality of San Mateo, Province of Rizal, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, by means of force, coercion and intimidation, with lewd design, did then and there willfully, unlawfully and feloniously have carnal knowledge of complainant JANICE BAUTISTA Y VILLANUEVA against her will and without her consent.

Contrary to law."

When arraigned, appellant pleaded not guilty to the charge; hence, trial ensued.

As its witnesses, the prosecution presented complainant, her mother Editha Mumar and Dr. Winston Tan (or "Dr. Tan"), medico-legal officer of the PNP Crime Laboratory.

The versions of the prosecution and the defense, as capsulized in the appealed decision, are as follows:

1) Prosecution version. –

"The private complainant testified that she went with the accused to buy junkfood. After going to a birthday party and dropping by the house of the accused, they headed home. While at the gate of Filinvest I, the motorcycle where they were riding stopped because it allegedly ran out of gasoline. The area where they stopped was woody and grassy and does not have houses. A couple passed by and gave them a liter of gasoline but still the motorcycle did not start. The accused asked permission from her and she saw him going towards the direction of a storeroom (bodega). When the accused returned, he held her hands and professed his love for her at the same time saying that he is ready to face the consequences of his acts. She was able to run but Ronald caught up with her. Ronald placed his hand on top of her chest and lie on top of her. She shouted but the accused covered her mouth and warned her not to make noise. The accused succeeded in having sexual intercourse with

her.”

2) Defense version. –

“x x x. On March 23, 2002, he came back to fetch Janice. They went to Marang at the house of his friend’s mother because it was the latter’s birthday. They sang and drank and stayed in the house of Juti up to 4:00 p.m. From the house of Juti, they proceeded to (appellant’s) house. Juti was with him when he fetch Janice. He introduced Janice to his parents and she even kissed the hands of his parents. His parents got excited and even teased Janice that they would soon have a daughter-in-law. They stayed in the house for about half an hour. They asked permission to go to Pintong Bocaue. On their way while in Maarat, the motorcycle ran out of gasoline. They pushed the motorcycle. They rested for a while alongside the road. He narrated to her the history of his life. He came to know that both of them were heartbroken. He became so emotional and he cried and Janice even asked for forgiveness from him. They fell in love with each other and he held her shoulder and they kissed lips to lips. Both of them lied down. Janice held his back and vise-versa. Janice was the one who removed the button of her pedal pants and then lowered the same. He also removed his pants and briefs. Janice embraced him and they had sexual intercourse.”

On May 5, 2003, the trial court rendered a decision, the decretal portion of which reads:

“WHEREFORE, premises considered, judgment is hereby rendered finding herein accused Ronald Rivas y Garcia guilty beyond reasonable doubt of the crime of Rape, as defined and penalized under Art. 266-A, par.1(a) in relation to Art. 266-B, par. (1) of the Revised Penal Code, as amended, and sentencing him to suffer the penalty of Reclusion Perpetua, and to indemnify the private complainant Janice Bautista in the amount of P50,000.00 as indemnity ex delicto in addition to the amount of P50,000.00 as moral damages and to pay the costs.

SO ORDERED.”

Appealing his conviction, appellant faults the trial court –

“IN CONVICTING (HIM) DESPITE THE FACT THAT HIS GUILT WAS NOT PROVEN BEYOND REASONABLE DOUBT.”

The appeal is devoid of merit.

Rape is committed by having carnal knowledge of a woman under any of the following circumstances: (i) by using force or intimidation; (ii) when the woman is deprived of reason or otherwise unconscious; and (iii) when the woman is under twelve (12) years of age (People vs. Leonor, 431 SCRA 223).

Appellant admits having carnal knowledge of complainant. Nevertheless, he asserts that there is no showing that the sexual intercourse was committed through force, threat or intimidation or that complainant was deprived of reason or otherwise unconscious during the commission of the purported rape. We are not persuaded.

The trial court dismissed appellant's protestations of innocence on the basis of these findings:

"x x x. Janice Bautista testified that she was raped by Ronald Rivas. The testimony of the complainant was plain, clear and straightforward on how she was raped by the accused. She was detailed in her narration and remained consistent even on rigid cross-examination. Moreover, 'the conduct of the complaining witness immediately following the assault clearly established the truth of her charge that she was raped by accused' (Peo. vs. Ulzoron 286 SCRA 742, 748 [1998]). In this case, Janice Bautista immediately narrated to her mother what the accused did to her upon her initial inquiry as to why she was crying (T.S.N. June 27, 2002 pp. 8-9; T.S.N. July 25, 2002, p.6). At the barangay, the complainant was crying and shouting at the accused (T.S.N. October 24, 2002, p. 9). If the victim consented to have sexual intercourse with accused, her natural reaction would have been to conceal it or keep silent instead of reporting the crime committed upon her chastity to her mother immediately upon her questioning. There is no reason for the complainant to squeal just to save her honor since the accused already professed his love and is now on the verge of asking for the hand of the complainant in marriage.

x x x

To justify the alleged concurrence or consent of the victim with their sexual congress, he even chided that the complainant was being bruited around as a 'prostitute' (T.S.N. October 10, 2002 pp. 6-8, 11-12). The accused even goes to the extent of maligning the reputation of the complainant as a woman of loose morals or a prostitute in order to exonerate himself from criminal liability.

The bare allegation of the accused cannot stand over the positive assertion of the victim. In prosecution for rape, 'if the testimony of the rape victim is accurate and credible, a conviction for rape may issue upon the sole basis of the victim's testimony because no decent and sensible woman will publicly admit being a rape victim and thus run the risk of public contempt unless she is, in fact, a rape victim' (Peo. vs. Mendoza 292 SCRA 168, 178 [1998]). Likewise, 'a woman will not expose herself to the humiliation or a rape trial, with its attendant publicity and the morbid curiosity it will arouse, unless she has been truly wronged and seeks atonement for her abuse' (Peo. vs. Cañada 253 SCRA 278, 284 [1996])."

Well-entrenched is the doctrine that the evaluation of the testimonies of witnesses by the trial court is received on appeal with the highest respect because it has the direct opportunity to observe the witnesses on the stand and determine if they are telling the truth or not (People vs. Baccay, 284 SCRA 296). Thus, the factual findings of a trial judge are accorded high respect and are generally not disturbed by the appellate court unless found to be clearly arbitrary or unfounded (People vs. Sumalpong, 284 SCRA 464). The exception is not obtaining in the case at bench.