

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ADOLFO MANLABAO, DEFENDANT-APPELLANT.

G.R. No. L-43888. June 29, 1982

Ponente: RELOVA, J.

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RELOVA, J.:

This is a case of rape. The trial court convicted the accused Adolfo Manlabao and sentenced him to suffer the penalty of reclusion perpetua and to pay the costs.

About two o'clock in the afternoon of June 8, 1969, Consolacion Ascaño asked permission from her sister Gloria dela Cruz to go to Sta. Cruz, Manila to buy a birthday gift for a friend. Adolfo Manlabao, her town-mate at Malay, Aklan and neighbor at No. 8 15th Avenue, Cubao, Quezon City volunteered to accompany her because she did not know how to get there. After buying the item, Manlabao invited her to go to Caloocan City to visit a mutual friend, Eduardo Ramolarco. Upon reaching Caloocan City, they entered an alley and proceeded to an old house where Manlabao told Consolacion that Ramolarco lived there. They went up to the upper floor of the house, into a room where she saw a bed and wash bowl. Appellant left the room to look for Ramolarco. In the meantime, complainant sat on a chair. Moments later, appellant returned, suddenly embraced and kissed her. She shouted "saklolo" but Manlabao gave her fist blows causing her to lose consciousness. Upon regaining consciousness, she saw appellant on top of her, pressing her shoulders with his hands. Despite her struggle to free herself from appellant's hold, the latter succeeded in having carnal knowledge of her. Feeling very weak and unable to push appellant, Consolacion cried and pleaded to stop abusing her. Unmoved, he continued for about two or three minutes more. Thereafter, appellant stood up, and Consolacion noticed blood and sperm cells in her private parts. She cried and exclaimed: "Hudas, why did you do that thing to me," to which the accused did not say anything. Consolacion then dressed up, went down and proceeded to Rizal Avenue Extension where she took a jeepney and alighted near the Bonifacio Monument. She transferred in a bus going to Cubao, Quezon City. Reaching the place, she boarded a jeepney and went home. During all these times, appellant was following her.

Upon reaching her residence, Consolacion closeted herself in a room until about 12:00 midnight when she related her sordid experience to her brothers and sisters. The following morning, her relatives confronted Manlabao who asked that he be allowed to accompany his sister to her place of work and would return to talk things over. When he failed to return in the evening, Consolacion accompanied by her relatives, reported the incident to the police authorities in Caloocan City.

In the evening of June 9, 1969, the complainant, accompanied by Assistant Fiscal Enrique Cube and some police officers, went to the place of the incident which turned out to be one of the rooms of the Great Eastern Hotel at 3rd Avenue, Rizal Avenue Extension, Caloocan City. In the registry book of the hotel for June 8, 1969 appeared the names of Mr. and Mrs. Manlabao.

On June 10, 1969, Consolacion was examined by Dr. Plaridel Vidal, medico-legal officer of the National Bureau of Investigation who issued a medical certificate (Exhibit "B") with the following conclusions:

"1. No sign of extra-genital physical injury noted on the body of the subject at the time of examination.

"2. Genital findings present compatible with sexual intercourse with man on or about June 8, 1969."

Manlabao contends that the trial court erred: (1) in finding that force had been exerted in the commission of the sexual act when the complaining witness' own version of the incident hardly invites belief from being encountered with the use of force; (2) in finding that rape was committed when the very evidence for the prosecution indicates otherwise; (3) in convicting the accused on the basis of the weakness of his defense, and not on the strength of the prosecution's evidence; and (4) in not acquitting the accused on the grounds of reasonable doubt.

Appellant claims that on June 8, 1969 he and Romita Rustia, who became his wife, were at Sta. Cruz Church from which place they proceeded to Grace Park, Caloocan City to invite Eduardo Ramolarco for their wedding. From the house of Ramolarco, they went to Rizal Avenue Extension, Caloocan City and registered at the Eastern Hotel where they stayed from 1:00 to 5:00 in the afternoon. In other words, on June 8, 1969, he was not with Consolacion, his sweetheart from 1967 to 1969. It was on June 5, 1969 when he and complainant were at the Victory Hotel in Pasay City where they had carnal knowledge like the many times they have had before. Consolacion, on his birthday, gave him a card entitled: "to my friend" (Exh. 1) and a cursillo guide book (Exh. 3).

We find the conclusion of the trial court rejecting appellant's version to be correct and plausible:

"The defense of the accused cannot be given credence by this Court. It will be remembered that with respect to the Exhibits presented to prove the relationship of sweethearts between the accused and the complainant, the complainant in this case denied the signatures appearing on the very exhibits presented. Except self-serving testimony of the accused that the handwriting on the exhibits belong to the complainant, there is nothing in the records to invite belief that said handwriting on the various exhibits really belonged to the complainant. Respecting the picture (Exh. 2) taken of the complainant and the accused, the very picture itself is not evidence of the existence of a romantic relationship between the parties.

"With respect to the no-intercourse on June 8, 1969 between the accused and the complainant, the evidence show that the accused registered his name in the Eastern Hotel on June 8, 1969. If indeed the accused did not have any sexual intercourse with the complainant on June 8, 1969 at the Eastern Hotel in Caloocan City, it takes ones credulity how the complainant was able to so testify as to the place where the accused was on June 8, 1969, particularly the hotel where the accused proceeded and how the complainant was able to point to the police the place where the allege commission of the crime took place. In this regards, the accused, to the mind of the Court, has lied. Another significant lie which, to the mind of the Court, the accused committed is that part of his testimony when he said that because of the fact that he gave a wedding invitation to Eduardo Ramolarco, the complainant got mad. He testified that he gave Eduardo Ramolarco that wedding invitation on June 8, 1969. However, when asked how come the complainant knew that he gave Eduardo Ramolarco wedding invitation, he answered that the latter went to the complainant's house about five days after. Clearly, the accused here was lying. How could she (complainant) get mad upon learning that the accused is soon to get married to another woman when on June 9, 1969, the very next day, she was sexually abused, she went to report the matter to the Caloocan City Police Department, and how could she have known the alleged wedding on that day of June 8, 1969 when it was only about five days from June 8 when Eduardo Ramolarco related to her the message. All these considerations reflect against the credibility of the defense proffered by the accused and for this reason, rejects his testimony as reflective of the truth in the instant case."

Indeed, the testimony of the victim finds corroboration in the testimony of a disinterested and expert witness - Dr. Ernesto Brion, a medico-legal officer of the National Bureau of Investigation. This Court has time and again observed that "it is hard to believe that an unmarried woman, like the complainant, would publicly disclose that she had been raped, thereby practically foreclosing the probability of a happy married life, exposing herself to the

ordeal and embarrassment of a public trial, submitting her private parts to examination, allowing her honor and reputation to be sullied, and heaving upon herself untold humiliation, unless she is motivated by a strong desire to bring to justice the culprit who have grievously wronged her. Such considerations lead US to the ineluctable conclusion that the guilt of the defendant-appellant of the crime charged has been proved beyond reasonable doubt." (People vs. Gargoles, 83 SCRA 282).

In view of all the foregoing, WE hold that the trial court committed no error in convicting the accused, Adolfo Manlabao, of the crime of rape and in sentencing him to suffer the penalty of reclusion perpetua and to indemnify the offended party the sum of P5 ,000.00 as moral damages and to pay the costs.

WHEREFORE, the decision appealed from is hereby AFFIRMED, with costs against the appellant.

SO ORDERED.

Plana, Vasquez, and Gutierrez, Jr., JJ.,concur.

Teehankee, J., (Chairman), no part.

Makasiar, J., concurs but P10 ,000.00 should be decreed as moral damages.

Melencio-Herrera, J., on leave.

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