

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. HENRY SOLIVERES, JR., ACCUSED-APPELLANT.[]*C.R. No. 29932, May 31, 2007*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/919fb1621442/>

This is an appeal from the January 5, 2006 Decision of the Regional Trial Court, Branch 42, Virac, Catanduanes, in Criminal Case No. 2757, finding accused Henry Soliveres, Jr. guilty beyond reasonable doubt of having committed the crime of Rape Through Sexual Assault against one Jesusa (Susan) Santelices. The Information indicting the accused reads:

INFORMATION

"The undersigned First Assistant Provincial Prosecutor accuses Henry Soliveres, Jr. of the crime of RAPE defined and penalized under Articles 266-A and 266-B of the Revised Penal Code as amended by R.A. No. 8353, committed as follows:

That on or about the 27th day of September 1999 in the afternoon in Barangay Sta. Elena, Municipality of Virac, Province of Catanduanes, Philippines within the jurisdiction of the Honorable Court the said accused by means of force and intimidation willfully, unlawfully and feloniously embraced, kissed and inserted his finger into the genital organ of Jesusa Santelices against her will and consent.

CONTRARY TO LAW."[1]

During the trial, the prosecution presented, as witnesses, Jesusa Santelices, the complainant herself; Marites Canon, a co-boarder of the victim; Evelyn Jose, her supervisor; Consolacion Santelices, her mother; and Dr. Lilian Olfindo, the examining physician. As stated in the "Counter-Statement of Facts" in the Appellee's Brief, the thrust of its evidence is as follows:

"On September 27, 1999, around 12:00 o'clock noon, Jesusa Santelices and Marites Canon were having lunch at their boarding house in Barangay Sta. Elena, Virac, Catanduanes. Suddenly, appellant arrived and entered the boarding house. He was hell-bent on winning Jesusa's heart after the latter broke up with him on December 31, 1998, to the point that he threatened to kill Jesusa's father, burn her boarding house and make trouble at Century Trading where she used to work. Upon the prodding of Marites, Jesusa entertained appellant at the sala but told him that they will be leaving for work by 12:45 o'clock in the afternoon. Immediately, appellant held Jesusa's hands. Jesusa resisted by boxing and kicking appellant but the latter prevailed. Appellant thereafter told Marites that Jesusa would not report for work as she was sick. When Marites was about to leave, Jesusa desperately tried to block the door but appellant pulled Jesusa away from the door and Marites was able to go out. Bothered, Marites reported the incident to her supervisor when she reached Century Trading.

Meanwhile, about 3:00 o'clock in the afternoon of that day, appellant got the key of Jesusa's room from her handbag. When appellant was opening Jesusa's room, the latter tried to run out of the boarding house but appellant pulled her back. Jesusa shouted and struggled to free herself from appellant, but to no avail. Appellant then locked the room.¹ Jesusa switched the light on but appellant switched it off. She opened the windows but appellant closed them. While holding Jesusa's hand, appellant kissed her lips but she bit him. Appellant thereafter attempted to forcibly remove Jesusa's panty. She closed her legs and kicked appellant but the latter inserted his legs between her legs. As Jesusa was already exhausted, appellant succeeded in removing

her panty and inserted his finger into her vagina. Jesusa felt pain. Appellant unzipped his pants and put out his penis. He then forced Jesusa to hold his penis but she resisted. Because of Jesusa's continued struggle to free herself from appellant, the latter's finger was removed from her vagina.

When appellant felt the call of nature, he opened a condom and urinated into it. Thereafter, he got another condom and inserted it into his penis. Realizing that appellant was bent on raping her, Jesusa pretended that she was willing to submit herself to protect her life. Jesusa kissed, embraced and made him believe that she would marry him. Fortunately, Jesusa was able to convince appellant that she would first take a bath as she was perspiring. Appellant allowed her to leave the room. Jesusa then hurriedly changed clothes in the comfort room and sneaked out of the boarding house, escaped through the garage, and went home.

When Jesusa arrived in their house at Timbaan, San Andres, Catanduanes, she was crying and shocked. Her hair was disheveled and her dress was torn.

Marites was surprised upon arriving at their boarding house when she found their room in disarray. She found the victim's sandal's heels detached and a wrapper of trust condom inside their room.

On September 28, 1999, Jesusa revealed her horrifying experience to her family. She was accompanied by her mother in reporting the incident to the police. On September 29, 1999, Jesusa submitted herself for medical examination. Dr. Gilberto S. Bernardo, Medical Officer III of the Provincial Health Office of Virac, Catanduanes found an abrasion and laceration in the victim's hymen measuring one (1) centimeters at 11:00 o'clock position. Dr. Bernardo concluded that the laceration and abrasion in the victim's hymen could have been caused by a finger."^[2]

Those who testified for the defense were accused Henry Soliveres himself and Rosabella Azul. The defense of the accused is that he and Susan were sweethearts from May, 1998 to December, 1998. They did not formally break up. In August, 1999, they become lovers again and they frequently went out for a date but she cautioned him that her parents should not know about their relationship because she would be reprimanded.^[3]

As to what happened on September 27, 1999, he related that he went to her boarding house because she asked him. When he was there, she told him not to frequent her boarding house because her parents might learn about it. When he answered that it was not a problem because if his petition to go to U.S. would be approved, he would be leaving. At this point, she got angry and hysterical crying that, after all her sacrifices, he would just leave her. To avoid making a scene, he dragged her inside her room because of the presence of her co-boarders and neighbors. While inside her room, he took her key and locked her inside the room. He opened the door only when she stopped making noise.^[4]

He denied removing her panty and inserting his middle finger inside her vagina.^[5]

His witness, Rosabella Azul, informed the court that he knows the accused and Susan. She averred that Susan is a girlfriend of Henry Soliveres because she saw them going together at Blossom's Restaurant sometime in the third week of August, 1999.^[6]

On January 5, 2005, the trial court handed down the subject decision, the dispositive portion of which reads:

"WHEREFORE, the Court finds the accused Henry Soliveres, Jr. guilty beyond reasonable doubt of the crime of rape by sexual assault, as defined and penalized under Articles 266-A (2) and Article 266-B, respectively, of the Revised Penal Code and sentences him to suffer the indeterminate prison term ranging from 2 years, 4 months and 1 day of prison correctional, as minimum, to 8 years and 1 day of prison mayor, as maximum. The accused is also ordered to pay the victim Jesusa Santelices P25,000.00 as civil indemnity and P25,000.00 as moral damages.

SO ORDERED."

In reaching said determination, the trial court gave credence to the evidence of the prosecution as it rejected the sweetheart defense of the accused. The trial court's ratiocination of its decision reads:

"THE RULING OF THE COURT

"In the case at bar, the victim, Jesusa Santelices, categorically testified that the accused defiled her on September 27, 1999. Her testimony was positive, straightforward and unhesitating. She maintained her testimony despite the lengthy and grueling cross-examination by the defense counsel. She vividly narrated how the accused overpowered her and how he succeeded in inserting his finger into her vagina. Jesusa's testimony is corroborated by physical evidence. The hymenal laceration suffered by her is the best physical evidence of forcible defloration. When, the victim's testimony is corroborated by the physician's finding of sexual assault, as in this case, there is sufficient foundation to conclude the existence of the essential requisite of carnal knowledge (People vs. Malones, G.R. Nos. 124388-90, March 11, 2004). The sole testimony of the credible victim which is supported by physical evidence of hymenal laceration, as in this case, seals the fate of the accused.

* * *

Thus, any physical overt act manifesting resistance against the rape in any degree from the victim is admissible as evidence of lack of consent. Tenacious resistance is not required. Neither is a determined and persistent physical struggle on the part of the victim necessary (People vs. Gondaway Dulay, G.R. Nos. 144344-68, July 23, 2002). In the case at bar, the victim has sufficiently established that she resisted and never consented to accused' sexual assault. Thus, when the accused prevented her from leaving for work, she boxed and kicked him; when he was opening her room, she tried to run out of the house; she shouted for help; when he kissed her, she bit him; when he tried to remove her panty, she pinned her legs together, when he inserted his finger into her vagina, she struggled to remove his finger and when she had the opportunity, she escaped and, the following day, she reported the incident to the police authorities.

The Court cannot sustain the accused' claim that he and the victim had several intercourse prior to September 27, 1999 as this is inconsistent with the single laceration found on the victim's hymen. Granting that Jesusa was his sweetheart, the accused cannot definitely demand sexual submission and worse, employ violence upon her on mere justification of love (People vs. Lasay, 253 SCRA 654 [1996], Love is not a license for carnal intercourse through force or intimidation (People vs. Geromo, 254 SCRA 82 [1996])).

Accused' denial is essentially weak. A denial unsubstantiated by clear and convincing evidence is negative, self-serving and merits no weight in law, and cannot be given greater evidentiary value than the testimony of a credible witness who testify on affirmative matters. In this case, Jesusa has positively identified the accused as the one who raped her on September 27, 1999. She has no motive to testify falsely against him. The Court gave credence to her testimony. The testimony of a rape victim is credible where she has no motive to falsely testify against the accused (People vs. Apila, 263 SCRA 582 [1997])."[8]

Dissatisfied, accused Henry Soliveres, Jr. interposed this appeal praying for the reversal of the subject decision anchored on the following:

ASSIGNMENT OF ERRORS

I

THAT THE TRIAL COURT GROSSLY ERRED IN NOT CONSIDERING THE VERSION OF THE ACCUSED-APPELLANT WHICH IS CONSISTENT AND IN HARMONY WITH TRUTH AND HUMAN EXPERIENCE.

II

THAT THE TRIAL COURT GROSSLY ERRED IN NOT FINDING THAT THERE WAS MUTUAL CONSENSUAL SEX BETWEEN THE ACCUSED-APPELLANT AND THE PRIVATE COMPLAINANT.

III

THAT THE TRIAL COURT GROSSLY ERRED IN NOT FINDING THAT THE PROSECUTION MISERABLY FAILED TO PROVE THE GUILT OF THE ACCUSED-APPELLANT BEYOND REASONABLE DOUBT OF THE OFFENSE OF RAPE OF SEXUAL ASSAULT.[9]

In advocacy of his position, the accused contends that in convicting him, the trial court perfunctorily brushed aside his version without any justification or explanation. He asserts that his evidence is entitled to a greater consideration and credibility being logically consistent and in harmony with truth and human experience.

He stresses that it is an unquestioned fact that he and the complainant were sweethearts from May, 1998 to December, 1998. They did not formally break up. In August, 1999, they became lovers again and they frequently went out for a date but the complainant informed him that her parents should not know about their relationship because she would be reprimanded.[10]

On the September 27, 1999 incident, he explained that he went to her boarding house because she told him so. He reiterated that when he reached the boarding house, she told him not to frequently go to there because her parents might know. When he answered that it was not a problem because if his petition to go to U.S. would be approved, he would be leaving. At this, she became angry and hysterical and cried that, after all her sacrifices, he would just leave her. She then tried to create trouble and went in and out of her room. He then pulled her inside the room to avoid any embarrassment in view of the presence of her co-boarders and neighbors. While inside her room, he got her key and locked her inside her room. He stayed outside until she stopped creating noise. If ever he held her hand and pushed her inside the room, it was to stop her from making trouble.[11]

He denied having zippered off his pants and let her hold his penis because he was outside the room. Neither was it true that he removed her panty and inserted his middle finger inside her vagina.[12]

The accused claims that the version of the complainant is absurd and does not deserve credence as it is belied by the following circumstances, to wit:

"a. The fact that the complainant allowed Marites Canon to leave her while the accused was still holding her both hands;[13]

b. The fact that she did not tell Marites Canon to get the assistance of the Barangay captain or police authorities;

c. The fact that when Jesusa Santilices executed her Affidavit in support of her complaint, she never mentioned that she made an outcry or called for help from her neighbors and boarders;[14]

d. The fact that she (Jesusa) never called and received any assistance from her co-boarders;[15]

e. The fact that after the incident, Jesusa Santilices never reported to the Barangay or Police authorities;[16]

f. The fact that if the fingering incident really happened as claimed by the complainant why did she only report and be investigated on October 17, 1999;[17]

g. The fact that Jesusa Santilices although by pretense, she voluntarily kissed and embraced the accused for three (3) minutes and she would not report for work anymore;[18] and

h. Finally, the fact that none of the 4 boarders of the boarding house and neighbors intervened in the affairs of the accused and the complainant during that September 27, 1999 incident in the boarding house of the complainant."

The accused also faulted the trial court for not finding that there was mutual or consensual sex between them. He argues that the case is barren of any of the circumstances showing that he used force and intimidation. Neither was there any showing that the complainant was deprived of reason or otherwise unconscious or that he used fraudulent machination.

He contends that his evidence is entitled to greater consideration and credence. It must be considered that in August, 1999, they became lovers again and they frequently went out and had their picture taken (Exh. 1). That they had previous sex was corroborated by the findings of Dr. Lilian L. Ofindo that her examination of the complainant on September 19, 2005, revealed healed (old) laceration on her hymen at 10:30 o'clock measuring approximately 0.7 cm.

Thus, the accused concludes that the trial court was in error in not finding that the prosecution miserably failed to prove the guilt of the accused beyond reasonable doubt of the offense of rape by sexual assault. He "is entitled to an acquittal, unless his guilt is shown beyond a reasonable doubt. Proof beyond reasonable doubt does not mean such a degree of proof as excluding possibility of error, produces absolute certainty. Moral certainty only is required or that degree of proof which produces conviction in an unprejudiced mind."¹⁹ He then cites the following:

"The court cannot convict on anything less than proof beyond reasonable doubt. The protection of the Bill of Rights in our criminal justice system are as much, if not more so, for the perverts and outcasts of society as they are for normal, decent, and law abiding people." [20]

"The burden of proof rests on the prosecution to establish beyond reasonable doubt every circumstances which is essential to the guilt of the accused. The accused does not have to prove his innocence for that is presumed." [21]

THE COURT'S RULING

Republic Act No. 8353 or "The Anti-Rape Law of 1997," which took effect on October 22, 1997, provides:

"Art., 266-A. Rape; wjien and how committed.— Rape is committed.

1)

By a man who shall have carnal knowledge of a woman under any of the following circumstances:

a)

Through force, threat, or intimidation;

b)

When the offended party is deprived of reason or otherwise unconscious;

c)

By means of fraudulent machination or grave abuse of authority; and

d)

When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.

2)

By any person who, under any of the circumstances mentioned in paragraph 1 hereof, shall commit an act of sexual assault by inserting his penis into another person's mouth or anal orifice, or any instrument or object, into the genital or anal orifice of another person.

"In consonance with paragraph 1, above, the contact of the male penis with the woman's vagina is referred to as 'rape by sexual intercourse,' while the sexual abuse under paragraph 2 is categorized as 'rape through sexual assault' (People v. Palms, G.R. Nos. 148869-74, December 11, 2003).

In People v. Soriano, G.R. No. 142779-95, August 29, 2002, it was held that an insertion of a finger inside the vagina of a woman against her consent is an act of rape through sexual assault. It is one of the significant amendments introduced by the new law, thus making the insertion of any instrument, object, or any part of the human body other than the sexual organ into the genital or anus of another person as rape and not merely acts of lasciviousness. The ruling that the word "instrument or object" includes a human finger was reiterated in the case of People v. Nequia, G.R. No. 146569, October 6, 2003, where it was explained;

"* * *. The Anti-Rape Law transformed and reclassified rape as a felony against persons, under Title Eight, Chapter Two Book II of the same Code. The criminalization of the penetration of a person's sex organ or anal orifice and the insertion of a person's penis into the mount or anal orifice of another, whether man or woman, and the classification thereof as rape (sexual assault) were designed to prevent not only the physical injuries inflicted on the victim but also his subjection to personal indignity and degradation and affront to the psychological integrity associated with an unwanted violation. An unconsented intrusion by whatever object or instrumentality chosen by the perpetrator, whether animate or inanimate, is prohibited by the law. The fact that only digital penetration occurred did not lessen the victim's fear and humiliation or the violation of her bodily integrity."

The accused has been charged with rape through sexual assault for forcibly inserting his finger inside the vagina of Jesusa Santilices. We have examined her testimony and those of her witnesses, and the defense of the accused, and are convinced that she was telling the truth. As the Solicitor General puts it, the "account of her defilement by appellant is clear, candid and straightforward." The transcripts of the stenographic notes disclose the details of what he did against her. Thus:

"ATTY. SARMIENTO

* * *

Q: When Henry pulled you inside the bedroom, what happened?

A: Henry locked the room but I opened the window and I switched on the light but Henry still held my hands and after that Henry closed the window and turned off the light, sir.

Q: Then what happened?

A: While still holding my hands, he kissed me, sir.

COURT:

Q: Where?

A: On my lips and bite him, sir.

ATTY. SARMIENTO:

Q: Then what happened?

A: He forcibly removed my panty, sir.

COURT:

Q: What were you wearing at that time?

A: Our uniform, a skirt, sir.

ATTY. SARMIENTO:

Q: Then what happened?

A: I was closing my legs and kicking him, but he inserted his leg in between my legs and because I was already weak, he was able to open my legs, sir.

COURT:

Q: Did he finally succeed in removing your panty?

A: I was continuously resisting and attempted to shout but I got tired so he finally succeeded in removing my panty, sir.

Q: Incidentally, was your panty torn?

A: No, sir.

* * *

ATTY. SARMIENTO:

Q: What happened next?

A: When he was able to remove my panty, he tried to insert his fingers into my vagina, sir.

COURT:

Q: Did he succeed in inserting his finger into your vagina?

A: Yes, sir.

ATTY. SARMIENTO

Q: What did you feel?

A: It was painful and I was kicking him, sir.

Q: What kind of pain did you feel?

A: 'Mahapdi,' sir.

Q: In your vagina?

A: Yes, I think it was his fingernail, sir that caused the pain.

Q: What happened next?

A: I was continuously struggling and in fact I was kicking him. Afterwards, he put out his penis and let me hold it.

COURT:

Q: At that time when you were holding the penis of the accused, his finger was still inside your vagina?

A: Yes, sir.

Q: How long did the finger of the accused stay inside your vagina?

A: Around three minutes, sir.

Q: During that three minutes when the finger of the accused was inside your vagina, was the finger making any

up and down motion?

A: Yes, sir.

Q: When you hold the penis of the accused while his finger was making certain movements inside your vagina, did you also move your hand holding the penis?

A: No, sir, I just hold the penis.

* * *

ATTY. SARMIENTO:

Q: What happened next?

A Because of my struggle, his finger was removed from my vagina and I was about to remove my hand holding his penis, he let my hand hold his penis and held it up and down, sir.

COURT:

Q: You said that when you were holding the penis of the accused, he removed his finger from your vagina and he grabbed your hand which is holding the penis and made an up and down motion with your hand. Is that correct?

A: Yes, sir.

Q: Now, prior to that when his finger was inside your vagina, he was not holding your hand which was holding his penis?

A: His other hand was holding my hand, the other hand had its finger inside my vagina, sir.

Q: Therefore, at that moment, one of his hands was free?

A: He was holding my both hands with his one hand, sir."

(TSN, October 9, 2002, pp. 12-15)

The rape through sexual assault is strengthened by the medical findings of Dr, Gilberto S. Bernardo, Medical Officer III of the Provincial Health Office of Virac, Catanduanes. He found an abrasion and laceration in Jesusa's hymen measuring one (1) centimeter at 11:00 o'clock position which could have been caused by a foreign object like a finger.

In this regard, the Court agrees with the observation of the trial court that his defense that they had intercourse prior to September 27, 1999, was inconsistent with the finding of a single laceration. At any rate, granting that they had such intimacy, it is immaterial. What matters is what transpired on September 27, 1999.

With respect to said incident, the accused stressed that he locked up Susan in her room because she was making a scene and creating trouble after he had told her that he was going to the United States. He explained that he told her also that he could not marry her as his the petition for him would be affected and that Susan reacted by getting angry because after all the sacrifices she had done, she would be left behind.

To avoid any scandal, he pulled her inside her bedroom, took the bedroom key from her handbag and locked her inside, as he "was ashamed from the neighbors and boarders of what was going on." He locked her up around 12:30 o'clock and let her go to work with Maritess Canon about 1:00 o'clock (TSN, August 11, 2005, pp. 12-13)

We carefully studied his defense but We can not give it any weight. There is simply no reason for Susan to be angry that she would be left behind when the accused would go to the United states because as early as February 28, 1999, his mother wrote her of her plans to have him join her there (Exh. B. Records, page 205). So there is no reason why Susan would go ballistic when he told her that he would be going to the United States and could not marry her. In Fact, in said letter, his mother wrote of her awareness of the problem between the two and her hope that they "will be reconciled."

The claim of the accused that he locked her up at around 12:30 o'clock in the afternoon and let her out of the room at around 1:00 o'clock to let her go to work with Maritess Canon was belied by Maritess herself and their supervisor, Evelyn Jose. Maritess Canon recounted that he told her to go ahead because he still wanted to talk to Susan; that she left Susan with him at around 1:00 o'clock to report for work at Century Trading; that when she reached their place of work, she told her supervisor that Susan was at the boarding house with him (TSN, July 4, 2001, pp. 4-5)

The testimony of the Supervisor, Evelyn Jose, corroborated the report of Maritess that in the afternoon of September 27, 1999, Jesusa Santilices did not show up for work. She added that, in fact, she also did not report for work the following day (TSN, Sept. 18, 2001, p. 4)

Susan did not leave the claim of the accused unchallenged. Thus, on September 22, 2005, she took the witness stand and clarified the following:

On their alleged reconciliation after their breakup in December 31, 1998, she stated that there was no reconciliation and that she never went out with him.

b)

On the picture showing them together purportedly taken at the house of his uncle to prove that they went out after December 31, 1998, she admitted that she was the girl in the picture but it was taken in August of 1998,

before they broke up, in his aunt's house in San Andres, Catanduanes.

c)

On his coming to the boarding house on September 27, 1999 because Susan asked him to, she vehemently denied inviting him and remarked that: "not for once have I invited him to go to my boarding house."

d)

As to her getting angry on September 27, 1999 in the boarding house when told that he would go to the United States, he informed the court that "actually the opposite happened; that he was asking for reconciliation and that they should prepare to get married."

She was consistent throughout her rebuttal and stood her ground despite the grueling cross-examination. On the other hand, the accused never refuted her claims and explanations.

In any case, We agree with the Solicitor General that "the spontaneity of all her acts after the sexual assault, namely, (1) rushing to flee her boarding house towards her house in Timbaan, San Andres, Catanduanes; (2) reaching home shocked and crying; (3) reporting the incident to the police authorities; and (4) subjecting herself to a medico-legal examination preparatory to, and in support of, her charging the appellant with rape, completely negates appellant's sweetheart theory."

Indeed, it had been consistently ruled that "a love affair does not justify rape, for the beloved cannot be sexually violated against her will." (People v. Bautista, G.R. No. 140278, June 3, 2004) "A sweetheart cannot be forced to have sex against her will. Definitely, a man cannot demand sexual gratification from a fiancée and, worse, employ violence upon her on the pretext of love. Love is not a license for lust." (People v. Dreu, G.R. No. 126282, June 20, 2000)

As they had loved one another at one time, the Court believes that only the desire to seek justice could have motivated Susan to file the charges against him. Indeed, "no woman will concoct a story of defloration, allow an examination of her private part and expose herself to the stigma and humiliation of a public trial if she is not motivated by an earnest desire to seek justice against the one who defiled her." (People v. Darwin David, G.R. Nos. 121731-33, November 12, 2003)

Finally it is settled that the "assessment of the credibility of witnesses and their testimonies is a matter best undertaken by the trial court because of its unique opportunity to observe the witnesses firsthand and note their demeanor, conduct and attitude under grilling examination. These are the utmost significant factors in evaluating the sincerity of witnesses and in unearthing the truth, especially in the face of conflicting testimonies. Through its observations during the entire proceedings, the trial court can be expected to determine, with reasonable discretion, whose testimony to accept and which witness to disbelieve. Verily, findings of the trial court on such matters will not be disturbed on appeal unless some facts or circumstances of weight have been overlooked, mis-apprehended or misinterpreted so as to materially affect the disposition of the case." [22] In the case of People v. Belga, G.R. No. 129769/January 19, 2001, the Supreme Court reiterated and expounded on the rule.

"Time and again, we have held that when the decision hinges on the credibility of witnesses and their respective testimonies, the trial court's observations and conclusions deserve great respect and are often accorded finality, unless there appears in the record some fact or circumstance of weight which the lower court may have overlooked, misunderstood or misappreciated and which, if properly considered, would alter the

result of the case. The trial judge enjoys the advantage of observing the witness' deportment and manner of testifying, her 'furtive glance, blush of conscious shame, hesitation, flippant or sneering tone, calmness, sigh, or the scant or full realization of an oath¹ - - all of which are useful aids from an accurate determination of a witness' honesty and sincerity. The trial judge, therefore, can better determine if such witnesses were telling the truth, being in the ideal position to weight conflicting testimonies. Unless certain facts of substance and value were overlooked which, if considered, might affect the result of the case, its assessment must be respected for it had the opportunity to observe the conduct and demeanor of the witnesses while testifying and detect if they are lying."

WHEREFORE, the January 5, 2006 Decision of the Regional Trial Court, Branch 42, Virac, Catanduanes, in Criminal Case No. 2757, is hereby AFFIRMED.

SO ORDERED.

Reyes, Jr., A.B and Bato, Jr., JJ., concur.

Judgment affirmed.

[*] Court of Appeals Reports Annotated, Vol.

[1] Orig. records, p. 38.

[2] Rollo, pp. 70-73

[3] TSN, August 11, 2005, p. 4.

[4] TSN, August 11, 2005, pp. 4-8

[5] TSN, August 11, 2005, P. 8

[6] Rollo, p. 41

[7] Rollo, pp. 28-29.

[8] Rollo, pp. 25-28.

[9] Rollo, p. 44.

[10] TSN, August 11, 2005, p. 4

[11] TSN, August 11, 2005, pp. 4-8

[12] TSN, August 11, 2005, p. 8

[13] TSN, August 9, 2002, p. 9

[14] TSN, October 10, 2002, pp. 7-8

[15] TSN, October 10, 2002. p. 11

[16] TSN, October 10, 2002, p. 14

[17] TSN, October 10, 2002, p. 15

[18] TSN, October 10, 2002, p. 15

[19] citing Sec. 2, Rule 133, Revised Rules of Court

[20] People v. Rutter, G.R. 88582, March 5, 1991

[21] People v. Barrera, 83 Phil. 391

[22] People v. Onobia, G.R No. 128288, April 20, 1999.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.