

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROBERTO ALIB, ACCUSED-APPELLANT.

G.R. No. 100232. May 24, 1993

Ponente: DAVIDE, JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-100232/>

DAVIDE, JR., J.:

Claiming that she had been sexually abused by accused Roberto Alib on 11 April 1986, Elsa F. Gustilo filed on 11 September 1986 a criminal complaint for rape against the latter before the 13th Municipal Circuit Trial Court (MCTC) of Sta. Barbara-Pavia, Iloilo.[1] After conducting the preliminary examination, the MCTC issued a warrant for the arrest of the accused. The said warrant was duly served on him. Thereupon, Alib applied for bail; his application was granted and he was ordered released upon the filing of the bond.[2]

Upon the conclusion of the preliminary investigation, the MCTC found a prima facie case against the accused -- the latter not having submitted any counter-affidavits -- and forthwith transmitted the records of the case to the Provincial Fiscal of Iloilo for appropriate action.[3]

On 11 December 1986, the Office of the Provincial Fiscal of Iloilo filed with the Regional Trial Court (RTC) of Iloilo, 6th Judicial Region, the corresponding information for rape against the accused which reads, in part:

"That on or about April 11, 1986, in the municipality of Pavia, Province of Iloilo, Philippines, and within the jurisdiction of this Court, the abovenamed accused, armed with a knife, by means of force and intimidation employed upon the person of Elsa Gustilo, a minor, 15 years of age, did then and there wilfully, unlawfully and feloniously have sexual intercourse with said Elsa Gustilo against her will and consent.

CONTRARY TO LAW."[4]

The case was raffled off to Branch 36 of the said court.

Arraigned on 23 July 1987, the accused entered a plea of not guilty.[5] Trial on the merits then ensued.

The witnesses presented by the prosecution were Dr. Teresita Lim, Azucena Mirador and complainant Elsa Gustilo. The witnesses for the defense were the accused himself, Baltazar Garillos and Conrada Mirador Alib. On 26 February 1991, the court a quo promulgated its decision,[6] dated 31 December 1990, the dispositive portion of which provides:

"WHEREFORE, in the light of the foregoing considerations, this Court hereby:

1. Finds the accused, ROBERTO ALIB, GUILTY beyond reasonable doubt of the crime of Rape as charged and hereby sentences him to suffer the penalty of an (sic) imprisonment of Reclusion Perpetua;
2. Orders the accused Roberto Alib to pay the complainant Elsa Gustilo the amount of P30,000.00 as civil indemnity; and,
3. To pay the costs of this suit.

SO ORDERED."[7]

Accused seasonably appealed his conviction.

The facts of the case, as established by the prosecution's evidence, and upon which the judgment of conviction is based, are summarized by the trial court as follows:

"That, Elsa Gustilo, only 15 years of age by then, stayed at the house of her aunt, Azucena Mirador, at Brgy. Jibao-an, Pavia, Iloilo from May 1985 until September 1986 as a house help.

On the night of April 11, 1986, Elsa Gustilo folded the newly washed clothes while watching the television together with her aunt's two young children. Roberto Alib watched the television with them. At that time, Elsa's aunt, Azucena Mirador and the latter's husband were away busily tending their store situated 50 meters away from their house since on that night there was a benefit dance being held in their barangay. At about 11:00 o'clock of the same night, Roberto Alib told Elsa Gustilo that he would go upstairs to light a cigarette. He went upstairs to the kitchen. Elsa also went upstairs to bring the newly washed clothes inside the room of the children which was situated approximately a meter away from the kitchen. Then she went to see whether Roberto really lit a cigarette but was startled when she saw him getting a knife. Roberto then covered Elsa's eyes and mouth and pointed the knife at her throat. He pushed her backwards towards the room and forced her to lie down. Then he removed her underwear and he also removed his underwear. Then he raped her. She was not able to manifest any resistance because he was holding the knife at her neck. After Roberto consummated the rape, he threatened Elsa that if ever she would tell anybody, he would kill her. Elsa felt pain in her vagina which was bleeding.

Elsa did not tell anybody about the incident. (TSN, April 8, 1988) From the month of April up to August of 1986, Azucena Mirador noticed that Elsa was vomiting and was always dizzy and that her stomach and breast (sic) were growing. On July of 1986, Azucena brought Elsa to a quack doctor for treatment and she learned on the 7th day of treatment that Elsa was already pregnant. Aside from the quack doctor, Azucena also brought Elsa to a 'hilot' or 'paltera'. During this period and after recovering from the shock she had been suffering from, Elsa related the rape incident to her aunt, Azucena Mirador. Azucena brought Elsa to her Lola's house in Molo so that she could be examined. At the Provincial Hospital, a pregnancy test was conducted on Elsa Gustilo on August 16, 1986 by a certain Lourdes Deloviar, a medical technologist in the said hospital, who found that Elsa was positive for pregnancy. (see Exh. "B") On September 6, 1986, Azucena brought Elsa to Dr. Teresita Lim for a physical examination. Dr. Lim confirmed the findings of the pregnancy test and wrote down her own findings which revealed, among others, that Elsa has a mass felt above her 'symphysis pubis' which meant a product of conception. Dr. Lim estimated that at the time of the said examination, Elsa could be three months pregnant. (Excerpts, TSN, March 2, 1988) When asked who impregnated her, Elsa replied, 'Berting' and pointed at Roberto Alib. (TSN, July 21, 1988)."[8]

On the other hand, the accused's version is condensed by the trial court as follows:

"On April 11, 1986 Roberto was at Alimodian, Iloilo. As a matter of fact, he had been at Alimodian from April 5, 1986 and he stayed there continuously. He arrived at Alimodian in the afternoon of April 5, 1986 and slept at the house of his father, Felix Alib. Roberto together with Baltazar Garillos, had a contract with Nicanor Albelar to cut the bamboos (sic) of the latter near his house at the Ulay-Bugang, Alimodian, Iloilo at P5.00 per piece and thereafter to repair the hut of the latter near his house at P20 per day with free meals. Roberto and Baltazar started to cut bamboos (sic) at Brgy. Ulay-Bugang in the morning of April 6, 1986 and they brought these bamboos (sic) to the town's Poblacion. By April 7, 1986, they finished the job. They cut and took around thirty (30) pieces. From April 8, to April 12, 1986, they repaired the hut of Nicanor Albelar. They finished the job late in the afternoon of April 12, 1986 so that he was not able to return home at Brgy. Jibao-an, Pavia, Iloilo. Because of the job and because his parents' house was also in Alimodian, he was not able to go home between the period of April 6, 1986 to April 13, 1986. It was only in the morning of April 13, 1986 that he was

able to go home.

On April 11, 1986 at around 7:30 in the evening, Roberto was at the house of Nicanor Albela together with Baltazar and the grandchildren of Nicanor Albela. After supper, they viewed the television. Thereafter, Roberto chose to sleep and as usual he slept at the house of his father which was five (5) meters from the house of Nicanor Albela. Baltazar remained watching at (sic) the television. The movie had Lito Lapid as the protagonist. It was finished late in the night. Baltazar went to sleep also at the house of the parents of Roberto and he noticed that Roberto was already asleep.

Roberto has a wife named Conrada Mirador Alib. Conrada is the sister of Augusto Mirador the husband of Azucena Mirador. Aside from this, these two (2) couples are neighbors.

In 1983, Conrada and Azucena quarreled. The two had been in constant quarreling so that the relationship between them was not good. As a consequence, Roberto and Azucena were not also in good terms. Roberto was no longer going to the house of Azucena. Ugly incidents happened on June 15 and 16, 1986 between Conrada, on one hand, and Azucena and her daughter, Ma. Luisa, on the other hand. Bitter (sic) exchange of ugly words happened. After the quarrel and in the afternoon of June 16, 1986, Ma. Luisa was brought to the hospital. On June 17, 1986, unfortunately, she died. Azucena swore that she will not stop to pester Conrada. On June 22, 1986, Augusto stoned the house of the couple, Roberto and Conrada and said that Conrada was the cause of their daughter's death.

On September 25, 1986, Roberto was arrested for the alleged rape of Elsa Gustilo, the domestic helper of Azucena."[9]

The trial court gave full faith and credit to the victim's testimony and discredited the accused's defense of alibi and his theory that no rape had been committed because the victim did not get pregnant. It further made the following observations and findings:

"Elsa's testimony was far from being impeccable. But considered under the surrounding circumstances, it has etched in the mind of this Court not only a mere possibility but a certainty that she was raped and that the accused is the culprit.

The medical certificate (Exh."A") issued by Dr. Teresita Lim and corroborated by her testimony affirmed the fact that Elsa has undergone sexual contact and was in fact pregnant. The disparity between Dr. Lim's finding that Elsa was three (3) months pregnant and the theory that on September 6, 1986 when she was examined, Elsa could have been four (4) months pregnant if she was actually raped on April 11, 1986, is not entirely irreconcilable. Even medical experts could miss. At any rate, it is the opinion of this Court that a month's difference is not substantial.

When this Court asked Elsa how many times more did Roberto make sexual contact with her, she replied, 'Three times.' (TSN, July 21, 1988) This revelation was not disputed by the defense at all. Because of this revelation, this Court has dared to make two logical inferences: first, that if not on April 11, 1986, Elsa may have conceived anytime during the subsequent sexual contacts, and second, that by reason of these subsequent sexual contacts, Elsa had given up further protestations and accepted her sad plight with silent resignation.

At any rate, Roberto Alib was positively identified by Elsa as the one who assaulted her. Nowhere in the record was Elsa shown to be morally debased now (sic) was she shown to have an intimate relationship with a man other than Roberto. In fact, Elsa testified she (sic) felt pain in her vagina after she was assaulted which simply shows that she was either sexually inexperienced or it was the first time she has had sexual intercourse.

As the record shows, force was not employed. However, intimidation took its place when Roberto poked a knife at Elsa's neck. Moreover, because of Elsa's tender age and the fact that she was presumably tired from the day's work and was very sleepy considering that at the time of the alleged rape incident it was almost midnight compounded further by the element of surprise and the ascendancy in age which Roberto wielded over her,

Elsa must have been overwhelmed with awe and confounded by fear so that to resist the assault and to think rationally was the least she could muster.

While the story of the defense may have a shade of truth, nonetheless, the same can not entirely preclude the possibility that on April 11, 1986, Roberto Alib, consumed by a burning desire to possess Elsa's youth and virtue, went home to Brgy. Jibao-an and sneaked like a rat while the cats were away into the house of the Miradors to execute his evil plan. For the aging Roberto, Elsa was simply too good a temptation to resist."[10]

In this appeal, the accused asks this Court to reverse the trial court's verdict because according to him, the latter erred:

"I

X X X IN GIVING CREDENCE THAT (sic) THE COMPLAINANT WAS PREGNANT;

II

X X X IN HOLDING THAT THE ACCUSE-APPELLANT RAPED THE PRIVATE COMPLAINANT."[11]

We find no merit in the appeal. The challenged decision must be affirmed.

1. For his first assigned error, the accused advances the theory that in rape cases, the prosecution must establish that the victim had become pregnant. Such a theory is outlandish and wholly unacceptable. Under Article 335 of the Revised Penal Code, 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, even though neither of the circumstances mentioned in the two next preceding paragraphs shall be present."

It is therefore quite clear that the pregnancy of the victim is not required. For the conviction of an accused, it is sufficient that the prosecution establish beyond reasonable doubt that he had carnal knowledge of the offended party and that he had committed such act under any of the circumstances enumerated above. Carnal knowledge is defined as the act of a man having sexual bodily connections with a woman; sexual intercourse.[12] Ordinarily, this would connote the complete penetration of the female sexual organ by the male sexual organ. In cases of rape, however, proof of the entrance of the male sexual organ into the labia of the pudendum,[13] or lips of the female organ,[14] is sufficient for conviction. Elsewise stated, the slightest penetration of the female's private organ is sufficient to consummate the crime of rape.[15] In fact, the emission of semen is not even necessary;[16] without such an emission by the offender, it is unlikely that the victim could get pregnant. And yet, We have held that in such instances, rape may still be consummated. In the case at bar, it was sufficiently established by the testimony of Dr. Teresita Lim that Elsa Gustilo had lost her virginity and had become pregnant.[17] Unfortunately, however, Elsa did not deliver her child because she suffered a miscarriage on 2 November 1986.[18]

2. In support of his second assigned error, the accused contends that (a) neither the offended party nor her father and grandmother have exhibited interest in this case; on the contrary, the person who has been keenly pursuing the case is Azucena Mirador, the victim's aunt, who has an ax to grind against the accused allegedly because the latter's wife, Conrada Mirador Alib, was blamed for the death of Azucena's daughter; (b) the testimony of Elsa Gustilo should not have been given credit because it is "full of inconsistencies;" (c) the evidence does not likewise

establish his guilt with moral certainty considering that the supposed rape was committed on a bed which is only a meter wide and which was then occupied by Azucena's two (2) children; besides, Elsa herself admitted that she neither kicked nor pushed him; after the incident, he did not threaten her and she was not afraid at all; moreover, she even admitted that she was not angry at him; (d) the prosecution did not present Azucena's two (2) children as witnesses; (e) Elsa was "coached" by Azucena, an angry woman who had vowed to avenge the death of her daughter; and (f) granting arguendo that he had sexual intercourse with Elsa, it is nevertheless "far from impeccable" that he had "raped" her.[19]

We are not convinced.

The offended party in this case was, at the time of the incident, a 15-year old girl working as a household helper of her aunt Azucena Mirador. She alone signed the criminal complaint for rape which she had subscribed and sworn to before the MCTC Judge, and which was filed on 11 September 1986 with the MCTC of Sta. Barbara-Pavia, Iloilo.[20] Notwithstanding the fact that she was then a minor, she still had the preferred right to initiate the complaint.[21] Having done just that, it was no longer necessary for her father (her mother was already dead), grandparents or guardians to file it in her behalf. That it was Azucena Mirador who was interested in the filing of the case to wreak vengeance on the accused, just because the former blamed the latter's wife for the death of a daughter, should not change Our posture as this ascribed motive is purely speculative. In the first place, there is absolutely no evidence to show that Azucena -- Conrada's sister-in-law (being the wife of Augusto Mirador, Conrada's older brother)[22] -- had sought to inflict vengeance upon the accused or had used Elsa as an instrument for revenge. Nor was there any showing that the latter testified falsely to perpetrate Azucena's alleged evil plan. There is, as well, absolutely no credible proof that would reveal that Azucena's alleged ill feelings against Conrada moved her to the extent of plotting against the life or liberty of the accused or his wife. In the second place, the cross-examination of Elsa by the counsel for the accused failed to suggest that she had just been manipulated by Azucena. We have carefully evaluated Elsa's testimony and find no reason for her to have falsely imputed upon the accused the commission of the heinous crime of rape. Well-entrenched is the rule that the testimony of a rape victim is credible where she has no motive to testify against the accused.[23] In *People vs. Molina*,[24] this Court stated, after a review of past decisions involving rape, that:

"x x x Moreover, if there is anything apparent from our past decisions on rape cases, with the offended parties being young and immature girls from the ages of twelve to sixteen, it is that there is considerable receptivity on the part of this Tribunal to lend credence to their version of what transpired, considering not only their relative vulnerability but also the shame and embarrassment to which such a gruelling experience as a court trial, where they are called upon to lay bare what perhaps should be shrouded in secrecy, did expose them to. This is not to say that an uncritical acceptance should be the rule. It is only to emphasize that skepticism should be kept under control." (citations of authorities omitted).

We have explicitly declared that no young Filipina of decent repute would publicly admit that she has been criminally abused and ravished unless that is the truth. This is because it is her natural instinct to protect her honor.[25] Consequently, We find it improbable that a naive 15-year old provincial lass, who because of poverty was not in school but worked as a househelp, would concoct a story of defloration if it were not true.[26] Elsa Gustilo's lack of sophistication, coupled with the simple and direct manner in which she described her ordeal, are indicia of truthfulness; her having to undergo the trouble and humiliation of a full-blown trial -- where she had publicly disclosed the heinous act of defloration -- could have been inspired by nothing short of the desire to bring to justice the person who had abused her and who had inflicted upon her an excruciatingly painful chapter in her life, leaving her psychologically and emotionally scarred forever.

The alleged inconsistencies capitalized on by the accused are on minor and trivial matters, and are therefore

insignificant. Minor inconsistencies strengthen rather than weaken the witness' credibility,[27] indicate that the responses given were honest and unrehearsed[28] and even erase any suspicion of rehearsed testimony.[29] Besides, this Court cannot, in rape cases, expect the poor victim to give an accurate account of the traumatic and dreadful experience that she had undergone.[30]

Although there was no resistance on the part of the victim when she was raped by the accused, the submission of her womanhood still does not exempt the latter from liability. It cannot be denied that the accused poked a knife at the victim's neck to force her to submit to his bestial acts. Such intimidation was enough to have rendered Elsa Gustilo incapable of offering any resistance because of fear for her life and personal safety.[31]

The victim's failure to immediately report to her aunt and the police authorities the outrage committed against her honor cannot be construed as an implied consent and condonation of what the accused had done to her. This Court has consistently ruled that it is not uncommon for young girls to conceal for sometime the assaults on their virtue because of the rapist's threats on their lives.[32]

WHEREFORE, the challenged Decision of Branch 36 of the Regional Trial Court of Iloilo in Criminal Case No. 30048, being in accord with the facts and the law, is hereby **AFFIRMED** in toto, with costs against the accused.

SO ORDERED.

Feliciano, (Chairman), Bidin, Romero, and Melo, JJ., concur.

[1] Original Records (OR), 4.

[2] Id., 16

[3] OR, 18.

[4] Id., 1.

[5] Id., 31.

[6] Id., 371-379.

[7] OR, 379.

[8] OR, 372-373.

[9] OR, 373-374.

[10] OR, 377-378.

[11] Appellant's Brief, 5; Rollo, 72, et seq.

[12] Black's Law Dictionary, Fifth Ed., 193.

[13] People vs. Pastores, 40 SCRA 498 [1971]; People vs. Castillo, 197 SCRA 657 [1991].

[14] People vs. Conchada, 88 SCRA 683 [1979]; People vs. Caballes, 199 SCRA 152 [1991].

[15] People vs. Alegado, 201 SCRA 37 [1991].

[16] People vs. Jose, 37 SCRA 450 [1971]; People vs. Carandang, 52 SCRA 259 [1973]; People vs. Banayo, 195

SCRA 543 [1991]; People vs. De los Reyes, 203 SCRA 707 [1991].

[17] TSN, 17 November 1987, 5-8.

[18] TSN, 2 March 1988, 18-19.

[19] Brief for Appellant, 6-12.

[20] OR, 4.

[21] Article 344, Revised Penal Code; Section 5, Rule 110 of the Revised Rules of Court; Tolentino vs. de la Costa, 66 Phil. 97 [1938]; Benga Oras vs. Evangelista, 97 Phil. 612 [1955].

[22] TSN, 30 October 1989, 4.

[23] People vs. Rosario, 159 SCRA 192 [1988]; People vs. Nunag, 173 SCRA 274 [1989]; People vs. Borja, 191 SCRA 120 [1990]; People vs. Fabro, 191 SCRA 386 [1990]; People vs. Lutañez, 192 SCRA 588 [1990]; People vs. Cabilao; 210 SCRA 326 [1992].

[24] 53 SCRA 495, 500 [1973].

[25] People vs. Taño, 109 Phil. 912 [1960]; People vs. Gan, 46 SCRA 667 [1972]; People vs. Gamez 124 SCRA 260 [1983]; People vs. Ramilo, 146 SCRA 258 [1986].

[26] See People vs. David, 177 SCRA 551 [1989].

[27] People vs. Barros, 122 SCRA 34 [1983]; Medios vs. Court of Appeals, 169 SCRA 838 [1989].

[28] People vs. Mangalino, 182 SCRA 329 [1990]; People vs. Cantuba, 183 SCRA 289 [1990]; People vs. Palino, 183 SCRA 680 [1990].

[29] People vs. Salufrania, 159 SCRA 401, [1988]; People vs. Cabato, 160 SCRA 98 [1988]; People vs. Custodio, 197 SCRA 538. [1991].

[30] People vs. Partulan, 156 SCRA 489 [1987]; People vs. Cayago, 158 SCRA 586 [1988] People vs. David, supra.; People vs. Corrales, 182 SCRA 439 [1990]; People vs. De Guia, 185 SCRA 336 [1990]; People vs. Feliciano, 195 SCRA 19 [1991].

[31] People vs. Savellano, 57 SCRA 320 [1974]; People vs. Garcines, 57 SCRA 653 [1974]; People vs. Corrales, supra.; People vs. Niebres, 178 SCRA 114 [1989]; People vs. Arengo, 181 SCRA 344 [1990]; People vs. Ronquillo, 184 SCRA 236 [1990]; People vs. Villamayor, 199 SCRA 472 [1991].

[32] People vs. Hortillano, 177 SCRA 729 [1989]; People vs. Rafanan, 182 SCRA 811 [1990]; People vs. Dalinog, 183 SCRA 88 [1990]; People vs. Aquino, 186 SCRA 208 [1990]; People vs. Feliciano, supra., People vs. Banayo, supra.

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.