

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. EDUARDO ULILI, ACCUSED-APPELLANT.

G.R. No. 103403. August 24, 1993

Ponente: REGALADO, J.

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REGALADO, J.:

On a sworn complaint filed by Beverly Pelaez, accused-appellant Eduardo Ulili was charged with rape in Criminal Case No. 1902 of the Regional Trial court of Isulan, Sultan Kudarat[1] which, with appellant's plea of not guilty[2] and after trial on the merits, rendered judgment on November 27, 1991, disposing as follows:

"WHEREFORE, upon all the foregoing consider-ations, the court finds the accused, EDUARDO ULILI, guilty beyond reasonable doubt of the crime of rape. ACCORDINGLY, the Court hereby sentences the accused, EDUARDO ULILI, to suffer the penalty of reclusion perpetua; to indemnify the offended party in the amount of P25,000.00 by way of damages (Article 2219, New Civil Code of the Philippines) and attorney's fees in the reasonable amount of P10,000; to support the offspring of the offended party in the amount of P500.00 a month, commencing from the time of the birth of the offspring; and to pay the costs." [3]

The People's version of the factual backdrop of this case, with appropriate documentation from the testimonial and documentary evidence on record, is presented in its brief the pertinent parts of which we quote:

"As early as 1987, Beverly T. Pelaez was (in) the employ of appellant as salesgirl at Tacurong, Sultan Kudarat. On December 3, 1989, she was transferred by appellant to Esperanza, Sultan Kudarat where he had a dry goods store at the public market (pp. 4-9, tsn, Nov. 26, 1990).

"On March 21, 1990 at around 5:00 o'clock in the morning, appellant arrived at his store at Tacurong (sic, should be Esperanza), Sultan Kudarat. As soon as he arrived, he ordered Marites L. Matanoy, the companion of private complainant at the store, to go out and buy some viand. He then proceeded to the bathroom of the store apparently to take a bath. After Marites left the store, he and private complainant were left behind. While at the bathroom, he intim(a)ted that he want(ed) to borrow a towel and instructed private complainant to retrieve her clothes inside the bathroom. When she entered the bathroom he grabbed her hand and closed the bathroom door (p. 10, Ibid.). While inside the bathroom, appellant attempted to embrace and kiss private complainant but the latter resisted and begged him not to do it. He admonished her not to shout and almost instantaneously boxed her on the belly causing her to lose consciousness (p. 12, tsn, Nov. 26, 1990).

"Regaining her consciousness, private complainant realized that she was lying down with her legs spread apart. Her shirt, bra(ssiere) and skirt raised and her panty removed exposing her private parts (pp. 12, 55, Ibid.). She felt pain in her belly. The sides of her thighs were stained with blood; and her sex organ had blood and was painful (pp. 12-13, Ibid.). Realizing her condition, private complainant wore her panty and straighten(ed) her clothings. She went out of (the) bathroom at which instance appellant called on (sic) her and told her not to tell what happened because he would kill her as well as her family (pp. 13-14, Ibid.).

"At noon of the same day, appellant left the store at Esperanza and went home to Tacurong, Sultan Kudarat. Private complainant got worried and did not know what to do as she was confused (pp. 14-15, Ibid.). Unable to

figure out her predicament, she, on March 24, 1990, wrote a letter to her sister-in-law (Exh. A, p. 68, Ibid.), where she narrated how she was raped by appellant.

"Afraid that appellant might rape her again, private complainant left the store in the early morning of March 25, 1990 or four (4) days after the incident (pp. 16-17, Ibid.). She went to see Ms. Ros(y) Romeo, 'pastora' (deaconess) of the Oneness Pentecostal Church, to seek counsel regarding her problem and she was accordingly advised to go to Tacurong and file a case against appellant for what he did (pp. 17-18, Ibid.).

"Following the advice of Rosy Romeo, private complainant went home to Tacurong, Sultan Kudarat and narrated to her family what had happened to her. After some discussion or conference with the members of private complainant's family, she was brought to Dr. Duque for medical examination."[4]

The medical certificate[5] thereafter issued by Dr. Estanislao T. Duque, dated April 2, 1990, states:

"According to the clinic record, Pelaez Beverly, Age 21 Sex F Civil Status Single of Tacurong Sultan Kudarat was examined and treated in this clinic from April 1, 1990 to _____ with the following diagnosis:

1. Contusion with hematoma, hypogastric region.

2. Internal Examination:

External os - negative findings.

Internal os - Hymenal Lacerations at 4 and 9 o'clock positions, fresh with granulations."

Meantime, on the basis of the aforesaid letter sent by complainant to her sister-in-law,[6] the former's grandmother, Propetiza Elegio Tocayao, reported the rape incident to the Esperanza Police Station, as evidenced by an extract from that police station's blotter certified by its deputy station commander, dated November 26, 1990.[7]

Also, the medical record in Case No. 7157 of the Sultan Kudarat Doctor's Hospital, Inc.,[8] formerly known as the Tamondong-Eugenio General Hospital, attests to the fact that complainant gave birth to a baby boy in said hospital on November 26, 1990.

Appellant, on the other hand, denied having raped complainant. As culled from the decision of the court a quo[9] he testified that he is married, a resident of Tacurong, Sultan Kudarat, and a businessman; that he had a dry goods store at the public market of Tacurong since 1972, and a branch store at the public market of Esperanza, Sultan Kudarat, which he opened on April 5, 1989; that he knows complainant, she being his salesgirl at his store in Tacurong and, later, at his branch store in Esperanza; that on March 21, 1990, he arrived at his branch store in Esperanza at about 5:40 A.M. and found the store already open, with Beverly Pelaez arranging the stocks; that there were plenty of people around his store, and he sat by the table near the bathroom inside his store while going over the sales of his store for the past week.

He claimed that, later, his other salesgirl, Chona Maciado, arrived to help at his branch store; that he and Chona Maciado left the store together at past 4:00 P.M. and went back to Tacurong; that some time thereafter, upon inspecting the contents of his branch store in Esperanza, he discovered that some stocks valued at P11,000.00 were missing; that the testimony of Beverly Pelaez that he boxed her on the abdomen which caused her to fall unconscious to the floor was fabricated; and that he learned later that she gave birth in the afternoon of November 26, 1990, to a baby boy at the Tamondong Hospital at Tacurong.

In its said decision, the court below also noted that the other defense witness, Chona Maciado, testified that she was employed as a salesgirl in the Ulili Dry Goods Store in Tacurong; that on March 21, 1990, she was assigned

as additional salesgirl at the branch store of appellant in Esperanza; that when she arrived at the said branch store, it was already open and she saw Eduardo Ulili, Beverly Pelaez and a child at the store; that she stayed at said branch store until 4:00 o'clock P.M. of March 21, 1990; that Beverly Pelaez did not tell her of anything that happened to her on that day before said witness arrived at the branch store; and that she did not observe anything unusual regarding Beverly Pelaez.[10]

The defense also presented Dr. Pablo Natividad who testified that he was an OB-Gynecologist at the Sultan Kudarat Doctor's Hospital at Tacurong, and that he attended to the complainant when she gave birth to a baby boy on November 26, 1990 in said hospital.

Before us, appellant argues for the reversal of his conviction, contending that the lower court erred (1) in giving full faith and credence to the prosecution's evidence which is tainted with inconsistencies, uncertainties and implausibilities, and (2) in convicting him based on the weakness of the defense's evidence and not on the strength of the evidence of the prosecution.[11]

After a careful and thorough review of the records together with a meticulous calibration of the weight of the evidence respectively adduced by the parties, we find the presentation of the case by the prosecution to be logical, credible and with evidentiary support vis-a-vis the strained, implausible and tenuous theories of the defense. Ergo, the assailed mandate of the court a quo should not be disturbed.

Preliminarily, we observe that the errors assigned by appellant are basically focused on the credibility of the prosecution witnesses. We need not belabor the rule, which once again we stress here, that the matter of assigning values to declarations on the witness stand is best and most competently performed by the trial judge who, unlike appellate magistrates, can weigh such testimony in the light of the declarant's demeanor, conduct and attitude at the trial and is thereby placed in a more competent position to discriminate between the true and the false. Thus, appellate courts will not disturb the credence, or lack of it, accorded by the trial court to the testimonies of witnesses, unless it be clearly shown that the latter court had overlooked or disregarded arbitrarily the facts and circumstances of significance in the case.[12]

In the instant case, the trial court's reliance on the testimony of the victim, Beverly Pelaez, rests on solid evidentiary grounds. She had no improper motive whatsoever, as admitted by appellant himself,[13] to impute such a grave offense to him. In fact, appellant is a friend ("barkada") and a former classmate of her mother. It is accepted dogma that testimonies of witnesses who have no motive or reason to falsify or perjure their testimonies should be given credence.[14] Also, as we have held in *People vs. Rondina, et al.*,[15] a virtuous woman will not, as a rule admit in public that she has been raped, as she thereby blemishes her honor and compromises her future, unless she is telling the truth.

The attempt of appellant to impute dubious or evil motives to complainant, by alleging that she stole some articles in his store worth P11,900.00, must necessarily fail. Said allegation does not deserve any credit and amounts to an imposition on the credulity of the Court. Appellant's pretension is readily belied by the fact that he admittedly never reported the supposed theft to the police nor did he exert any effort to investigate or ascertain the whereabouts of complainant after she left his store. He even failed to present a certain Mr. Tayo, the person who allegedly saw complainant carrying the missing articles out of the store, even just to corroborate his assertions.[16]

The absence of bruises, contusions and abrasions on the body of complainant, which appellant harps on, is not inconsistent with her claim that she was raped by him. Complainant was boxed on the abdomen, as a result of which she lost consciousness. It was accordingly unnecessary to inflict other and further injuries on her.[17] The fact that complainant was boxed by appellant, as well as the severity of the blow, are both confirmed by the

medical examination conducted on her by Dr. Duque ten days after the incident, showing that there was contusion with hematoma in the hypogastric region,[18] as hereinbefore explained.

Appellant also claims that he could not have fathered the child of complainant, the child having been born eight months and five days from the date of the alleged incident. This is a specious argument. It is medically possible that a baby be born eight months from conception and that baby will have a physical appearance of a full term nine-month old baby. In a similar case, we ruled that -?

"x x x A child born 8 months and 9 days from conception will look like a full term nine months old baby. He or she does not have to be given the special care of a premature baby, and even assuming the correctness of the appellant's computations, the neglect in presenting evidence of a premature birth does not necessarily mean that there was no such birth. The bone of contention in this case is the forcible act of rape, not the state of the 8 months and 9 days old baby when born." [19]

The failure of the rape victim to immediately report the sexual assault committed by appellant against her cannot be capitalized upon by the latter. Delay in prosecuting the rape is not an indication fabricated charge. Many victims of rape never complain or file criminal charges against the rapists. They prefer to bear the ignominy and pain, rather than reveal their shame to the world or risk the rapists making good their threats to kill or hurt their victims.[20] The silence of the offended party in a case of rape, or her failure to disclose her defilement without loss of time to persons close to her and to report the matter to the authorities, does not perforce warrant the conclusion that she was not sexually molested and that her charges against the accused are all baseless, untrue and fabricated. Mere failure to report the incident immediately does not cast doubt on the credibility of the charge even notwithstanding the fact that the delay is not in any way attributable to the threats of death and intimidation made and exercised by the accused on the victim.[21]

The victim in this case is an ordinary salesgirl and appellant is her employer who threatened to kill her if she should report the incident to anyone. The latter, afraid and confused, had every reason to fear her employer who exercised moral ascendancy over her. It was when she was later advised by a deaconess that she finally decided to inform her family of the incident. Only after consulting her family and being assured of their support did she lodge a complaint against appellant. This is an understandably normal and human behavior, given the circumstances and the *dramatis personae* involved.

We reject the contention of appellant that the time and place of the commission of the alleged rape, as well as the public setting of the occurrence, preclude the commission of rape. In several cases, the Court has recognized and held that rape can be committed even in places where people congregate: in parks, along the roadside, within school premises, and even inside a house where there are occupants.[22] Lust, it has been repeatedly said, is no respecter of time and place.[23]

Further, the testimony of defense witness Chona Maciado that when she arrived at the store at 6:00 A.M. the peddlers were just starting to arrange their goods,[24] even serves to reinforce and strengthen the testimony of the victim that at the time she was raped at 5:00 A.M., there were still no buyers and/or peddlers within the vicinity.

The physical setup of the bathroom does not, contrary to the claim of appellant, negate the commission therein of the rape. As established by the minutes of the ocular inspection conducted by the trial judge on the *locus criminis*, the size of the bathroom is six feet and four inches by three feet and ten inches. Although inside the bathroom there is a toilet bowl, a permanent basin and a water pump, there is still sufficient space considering that said fixtures occupy only a part of the northern, eastern and western portion of the room, leaving the southern portion vacant.[25]

Moreover, it will be recalled that complainant was unconscious at the time she was raped, hence there was

nothing to prevent appellant from consummating his carnal desires with relative ease. This Court has made the observation in the past that a rapist rarely considers the position his victim may have in the sexual act; his purpose is to be sated and that alone. Whether or not his victim is contorted is the least of his concern.[26]

It is worthy of note that the lower court, which conducted the ocular inspection of the scene of the crime, concluded that it had no doubt whatsoever that the crime of rape was actually committed by appellant under the circumstances recounted by the victim. Said factual findings, there being no countervailing considerations, should be entitled to respect.

Appellant further argues that the testimony of the prosecution witness, Marites Matanoy, should be disregarded by the Court for being incredible. We find no reason to sustain this submission of appellant. The alleged inconsistencies in the testimony of said witness as to the place where she bought the viand and the reason for her delay in returning to the store are collateral or minor matters which do not affect her credibility, the same being inconsequential with respect to the guilt of appellant. The alleged inconsistencies do not touch upon the basic aspects of the who, the how, and the when, of the crime committed.[27]

It bears reiteration and emphasis that inconsistencies in the testimony of witnesses with respect to minor details and collateral matters do not affect the substance of their declaration, their veracity or the weight of their testimonies.[28] Minor inconsistencies strengthen rather than weaken the credibility of the witness for they indicate that they were not coached.[29] Additionally, in the case at bar, the inconsistencies in the testimony of Marites Matanoy and her failure to recall some of the details is to be expected of said witness who is of tender age and is unaccustomed to a public trial.[30]

Appellant likewise assails the other evidence of the prosecution, particularly the extract from the police blotter (Exhibit D), and complainant's letter to her sister-in-law (Exhibit A). We do not find the aforesaid evidence significantly material to establish the guilt of appellant but they can nonetheless be considered corroborative. At any rate, in rape the prosecution need not present testimonies of persons other than that of the offended party herself if the same is accurate and credible.[31] The Court has frequently held that conviction for rape may ensue upon the sole basis of the complainant's testimony.[32] This is so because no decent and sensible woman will publicly admit being a rape victim and thus run the risk of public contempt -- the dire consequence of a rape charge -- unless she is, in fact, a rape victim.[33]

Even the medical certificate (Exhibit B) is being questioned by appellant on the theory that it fails to establish the fact of rape. We have ruled that a medical certificate or the testimony of the physician who examined the victim is presented not to prove that the victim was raped but to show that the latter had lost her virginity,[34] since the same could corroborate the testimony on the sexual congress complained of. In fact, a medical examination is not an indispensable element in a prosecution for the crime of rape because it all depends upon the evidence offered, and as long as such evidence convinces the court, a conviction therefor is proper.[35]

ON THE FOREGOING CONSIDERATIONS, the impugned judgment of the trial court is hereby AFFIRMED, with the MODIFICATION that the amount of indemnity is increased to P30,000.00 conformably with current jurisprudential policy.

SO ORDERED.

Narvasa, C.J., Padilla, Nocon, and Puno, JJ., concur.

[1] Original Record, 1, 4.

- [2] Ibid., 44.
- [3] Ibid., 149-150.
- [4] Brief for the Appellee, 4-7; Rollo, 183-186.
- [5] Exhibit B; Original Record, 69.
- [6] Exhibit A; *ibid.*, 68.
- [7] Exhibit D, *ibid.*, 70.
- [8] Exhibit 1; *ibid.*, 72.
- [9] Original Record, 131-132.
- [10] Ibid., 129-130.
- [11] Brief for Accused-Appellant, 1; Rollo, 98.
- [12] *People vs. Tahuyan*, G.R. No. 90295, February 5, 1993, citing *People vs. Simbulan*, 214 SCRA 537 (1992).
- [13] TSN, January 8, 1991, 25.
- [14] *Baliwag Transit, Inc. vs. Court of Appeals, et al.*, 147 SCRA 82 (1987).

[15] 149 SCRA 128 (1987).

- [16] TSN, January 8, 1991, 37-38.
- [17] *People vs. Ison*, 173 SCRA 118 (1989).
- [18] See Exhibit B, *supra*; Fn 5.
- [19] *People vs. Silfavan*, 151 SCRA 617 (1987).
- [20] *People vs. Rafanan*, 182 SCRA 811 (1990).
- [21] *People vs. Yambao*, 193 SCRA 571 (1991).
- [22] *People vs. Viray*, 164 SCRA 135 (1988).
- [23] *People vs. Guibao*, G.R. No. 93517, January 15, 1993.
- [24] TSN, December 11, 1990, 6.
- [25] Ibid., *id.*, 17-21.
- [26] *People vs. Salazar*, 93 SCRA 796 (1979).
- [27] *People vs. Montante*, 192 SCRA 483 (1990).
- [28] *People vs. Martinada, et al.*, 194 SCRA 36 (1991).
- [29] *People vs. Payumo*, 187 SCRA 64 (1990).
- [30] *People vs. Avanzado, Sr.*, 158 SCRA 427 (1988).
- [31] *People vs. Calixtro, et al.*, 193 SCRA 303 (1991).

[32] People vs. Isip, Jr., 188 SCRA 648 (1990).

[33] People vs. Paringit, 189 SCRA 478 (1990).

[34] People vs. Opena, 102 SCRA 755, (1981).

[35] People vs. Orteza, 6 SCRA 109 (1962); People vs. Castillo, 197 SCRA 657 (1991).

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