

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RICHARD VALLENA ALIAS “BOBOY,” ACCUSED-APPELLANT.

G.R. No. 106283. June 01, 1995

Ponente: BELLOSILLO, J.

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BELLOSILLO, J.:

WHETHER what transpired herein resulted merely as a matter of course between two lovers thrown together in a tryst or simply forced upon complaining witness, is the crux of the evidence of the parties.

Richard Vallena alias "Boboy" was charged with rape in an Information filed with the Regional Trial Court of Irosin, Sorsogon, alleging that at about eight o'clock in the evening of 16 June 1986, with the use of a sharp bladed instrument to threaten Gemma Gadbilao, he had carnal knowledge of her against her will.[1]

The trial court found the testimony of the offended party credible, convicted Vallena as charged, and sentenced him to reclusion perpetua and to pay Gemma Gadbilao P30,000.00 as moral damages.[2]

The facts: At around eight o'clock in the evening of 16 June 1986 the victim brought some cooked meat to the house of an aunt. Then it rained so she tarried for a while and waited for the rain to subside before going home. But the rain did not stop soon enough so she proceeded home by covering herself with a towel.

Along the way the victim was suddenly accosted by the accused. He poked a knife at her chest with his right hand while covering her mouth with his left. He told her not to make any noise or he would kill her. He dragged her to a nearby grassland where people simply throw their excreta and told her to lie down and remove her shorts and panties otherwise he would kill her. Gripped in fear, she did what she was told. He ordered her to hold his penis and insert it into her vagina. She had to obey, although reluctantly, as his knife remained poked at her. Then she lost consciousness.

As she was regaining her composure she found herself already naked and her vagina wet. The accused was already gone. Almost unconsciously she put back her clothes now soiled with feces. While struggling to go home she was noticed by a relative of her husband Veronica Pura, who brought her home.

Gemma did not immediately inform her husband about the incident because of the threat of the accused and she wanted "to free her husband from any trouble." However a day after the incident, when she could no longer bear thinking about her grisly experience, she finally confided to her husband. Immediately she was accompanied by her husband to the Philippine Constabulary Headquarters where she was investigated. Afterwards she was physically examined at the District Hospital which issued a Temporary Medical Certificate showing the following -

EXTERNAL EXAMINATION - No external physical injury noted.

INTERNAL EXAMINATION - Parous introitus, parous hymen, vagina admits 2 fingers easily, cervix closed, softish, adnexae negative for mass and tenderness.

SPERMATOZOA EXAMINATION - Negative for spermatozoa.[3]

The accused does not deny that he had sexual intercourse with the victim on the night of 16 June 1986. However he claims that it was consensual. She asked him to come along with her and they went to the house of his brother which was at that time unoccupied. While there she told him that she was enamored with him. In reply he told her to go home but she refused. Instead she asked him to give her P100.00 for gaming purposes. He gave her P20.00 but asked her when she would pay. She did not answer. She just stayed with him and allowed him to have sex with her. He said that in the past she had also asked money from him several times for the same reason and they would have sex to their mutual satisfaction.

Alexander Villanueva, a neighbor of the accused, attempted to corroborate the defense by narrating that between six and seven o'clock in the evening of 16 June 1986 while he was conversing with appellant near the seashore the victim passed by and whistled at the accused. Then the latter approached her and together they disappeared.

But the trial court was not persuaded. It observed that -

x x x x The accused by his testimony wanted to convey to the court that the complaining witness Gemma Gadbilao is (sic) a woman of loose morals and is (sic) his paramour. What makes this version of the accused about the incident rather doubtful is the lack of any evidence to explain why Gemma Gadbilao should bring charges against him for rape if indeed he and Gemma are (sic) lovers. The absence of any explanation on this point is so glaring.

There must be some very strong reason and motive why the complainant had brought this case. No married Filipina would bring herself, her family and husband to embarrassment, to public scrutiny and being the talk of the community, unless what she had testified that she was raped is true. These she and her family had to suffer in the course of the trial in order that her dignity, the good name of her family and integrity of her relationship with her husband can be vindicated.[4]

The appellant imputes error to the trial court for giving weight to the testimony of the victim while disregarding his own. He assails the credibility of the victim on these grounds: (a) she did not immediately report the incident to her husband; (b) the medical examination revealed that there was no violence on her person; and, (c) the T-shirt that she allegedly wore at the time of the incident was not presented by the prosecution.

The victim did not immediately disclose to her husband about the incident because the accused threatened to kill her, her husband and their child if she informed anybody.[5] Thus she wanted to "free her husband from any trouble." [6] However the following day when she could no longer bear the trauma of her experience, she revealed everything to her husband.[7] Consequently the delay, if ever there was, is not an indication of a fabricated charge as it was satisfactorily explained.

It has been the consistent ruling of this Court that the absence of external signs or physical injuries on the victim does not negate the commission of rape[8] because this crime can also be committed through intimidation[9] which includes the moral kind such as threatening the victim with a knife.[10] Here accused-appellant poked a knife at the victim when they met along the road and then threatened to kill her. The knife remained pointed at her when she was dragged into the grassy place, ordered to remove her shorts and panties, and then to hold his penis and insert it into her vagina until she lost consciousness.[11] The intimidation sufficiently cowed her into submission.

The non-presentation of the torn T-shirt of the victim did not demolish the case for the prosecution there being sufficient and convincing evidence to prove the rape beyond reasonable doubt. Stated differently, the absence thereof does not negate the truth of the complaint for rape nor the credibility of a victim's testimony[12] as it is

not an indispensable evidence of rape.[13]

Accused-appellant likewise assails the credibility of Pura for her failure to seek help in allegedly bringing the victim to her house nor did she talk about the incident thereafter. Pura did not even testify that the victim was stinking with human waste.

We can disregard the issue on the credibility of Pura because it does not appear that the trial court relied on her testimony in finding appellant guilty of the crime. It is axiomatic in rape cases that the lone testimony of the offended party if credible, as in this case, is sufficient to declare a conviction.[14] And when the question of credence as to which of the conflicting versions of the prosecution and defense where rape was committed is raised, the trial court's answer is generally viewed as correct and entitled to the highest respect because it is more competent to conclude so, having seen closely the way the witnesses testified, their deportment and the peculiar manner in which they gave their testimonies and other evidence in court.[15]

Lastly, accused-appellant postulates that it would be absurd for him to commit the crime of rape on the person to whom he has "utang na loob" because his family home was standing on the land of the victim's husband. He claims that the truth of the matter is that she was his mistress and that their sexual encounters were with their mutual consent and spontaneous participation.

We deduce that while accused-appellant considers it absurd and ungrateful for him to commit the crime of rape on the victim it is not so for her to be his mistress. This double standard of absurdity and ungratefulness is an indicium of his low degree of virtuousness, bordering on lack of it. Anyway, the Court is not persuaded with his "mistress theory" which we find a mere concoction in order to exculpate him from criminal liability. Except as to his uncorroborated and self-serving testimony, accused-appellant was never able to prove that she was indeed his mistress.[16] The allegation on such relationship is not lightly accepted.[17] Furthermore, if she had voluntarily consented to have sex with him her most natural reaction would have been to conceal it or keep silent as this would bring disgrace to her honor and reputation as well as to her family.[18] Assuming *arguendo* that they had previously shared an illicit relationship, such circumstance is not a defense in a charge of rape since it was established that the particular instance of coitus took place against her will.[19]

WHEREFORE, the decision of the court *a quo* finding accused-appellant RICHARD VALLENA alias "Boboy" guilty of rape and sentencing him to reclusion perpetua is AFFIRMED with the modification that the indemnity of P30,000.00 is increased to P50,000.00 conformably with existing jurisprudence. Costs against accused-appellant.

SO ORDERED.

Padilla, (Chairman), Davide, Jr., and Kapunan, JJ., concur.
Quiason, J., on official leave.

[1] Rollo, p. 4.

[2] *Id.*, p. 19.

[3] Records, p. 4.

[4] Rollo, pp. 18-19.

[5] TSN, 19 January 1989, p. 34.

[6] *Id.*, p. 8.

[7] Id., pp. 16-17.

[8] People v. Abonada, G.R. No. 50041, 27 January 1989, 169 SCRA 530; People v. Torrevillas, G.R. Nos. 93847-48, 14 November 1991, 203 SCRA 576; People v. Feliciano, G.R. No. 62712, 11 March 1991, 195 SCRA 19; People v. Soronio, G.R. No. 94362, 10 December 1991, 204 SCRA 741.

[9] Art. 335, Revised Penal Code.

[10] People v. Hortillano, G.R. No. 71116, 19 September 1989, 177 SCRA 729; People v. Villamayor, G.R. Nos. 97475-76, 18 July 1991, 199 SCRA 472.

[11] TSN, 19 January 1989, pp. 7, 21-25.

[12] People v. Poculan, G.R. Nos. 70565-67, 9 November 1988, 167 SCRA 176; People v. Empleo, G.R. No. 96009, 15 September 1993, 226 SCRA 454.

[13] People v. Alfonso, G.R. No. 72573, 31 August 1987, 153 SCRA 487.

[14] People v. Arnan, G.R. No. 72608, 30 June 1993, 224 SCRA 37.

[15] People v. Carson, G.R. No. 93732, 21 November 1991, 204 SCRA 266.

[16] People v. Casao, G.R. No. 100913, 23 March 1993, 220 SCRA 362.

[17] People v. Tripoli, G.R. No. 74062-63, 22 January 1990, 181 SCRA 279.

[18] People v. de Dios, G.R. No. 58174, 6 July 1990, 187 SCRA 228.

[19] People v. Naguita, G.R. No. 76002, 22 April 1992, 208.

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