

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MARIO GOMEZ, ACCUSED-APPELLANT.

G.R. No. 112074. September 29, 1997

Ponente: ROMERO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-112074/>

ROMERO, J.:

Accused-appellant Mario Gomez was charged with the crime of rape before the Regional Trial Court, Branch 6, of Mati, Davao Oriental in an information which reads as follows:

“The undersigned, at the instance of the offended party, accuses MARIO GOMEZ of the crime of Rape, defined and penalized under Article 335 of the Revised Penal Code, committed as follows:

That on or about February 15, 1991, in the Municipality of Mati, Province of Davao Oriental, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a carbine .30 M-1 rifle, by means of force, violence and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge of one Jennifer G. Onofre, a woman against her will.

CONTRARY TO LAW.” [1]

Upon arraignment, appellant pleaded not guilty to the crime imputed to him. Thereafter, trial commenced. In its decision dated April 16, 1993, [2] the trial court convicted appellant, the dispositive portion of which reads:

“IN VIEW WHEREOF, finding accused Mario Gomez guilty beyond reasonable doubt of the crime of Rape under Article 335 of the Revised Penal Code, said accused is hereby sentenced to suffer the imprisonment (sic) of RECLUSION PERPETUA, and to pay the offended party the sum of P50,000.00 and P10,000.00 as moral damages and attorney’s fees, respectively, and to pay the costs of the suit.

SO ORDERED.”

The evidence for the prosecution revealed the ensuing facts:

On February 15, 1991, at around 8:00 o’clock p.m., a certain Floramie Francisco went to Jennifer Onofre’s house and invited her for a stroll at the Mati wharf in Davao Oriental, which invitation the latter accepted. There they met Danilo Saron who was Floramie’s boyfriend, Benjie “Joseph” Amante and a certain Jonathan Bongan. In his desire to be alone with Jennifer, Benjie suggested that they walk towards the Mati Central Elementary School Compound I (MCES I) and chat through the night. When they reached the school, Benjie and Jennifer excused themselves from the others and proceeded some fifty meters away. While both of them were seated, he boxed her on the left shoulder and in the stomach, causing her to fall from the cemented bench and, thereupon, forcibly mounted her. He was, however, prevented from consummating his bestial act when suddenly, a security guard, later identified as appellant, emerged from the shadows with a flashlight focused on them. Benjie was ordered to dress up and leave the premises, but Jennifer was compelled to stay at gunpoint. Appellant dragged her naked body to a hut near the school and was ordered not to shout; otherwise, she would be killed. It was there that

appellant allegedly consummated the carnal act.

Later, appellant instructed her to go home before returning to his post to resume the performance of his duties. After Jennifer narrated her ordeal to her mother, both of them immediately went to the police station to report the matter. In the course of the investigation, she described appellant as wearing a long-sleeved fatigue uniform, “maong” pants, a green bandana on his head, a flashlight in hand and a long firearm with a sticker in its butt. The policemen immediately scoured the crime scene for the perpetrator. After having been found, he was taken into custody by the Mati police.

As expected, the defense presented a different version.

Appellant, who resides in the school compound, recounted that on the night in question, his tour of duty was from 5:00 o’clock p.m. to 5:00 o’clock the following morning. He testified that at around 8:00 o’clock p.m., he went home to have supper with his family and returned only after two hours. While going through his rounds, he heard moaning sounds coming from a bench some fifteen meters away.

He focused his flashlight on the source of the sound and saw a man a top a woman, both naked and engrossed in sexual congress. As he approached, the lovers leaped up and faced him. He ordered them to dress up so that he could take them to the police station. After putting on his clothes, however, the man fled and appellant’s efforts to catch him proved unavailing. Before returning to the school, he passed by Maria’s store and bought a cigarette. Appellant only saw the woman again when he was brought in for questioning that night and eventually charged with the crime of rape.

Appellant is now assailing his conviction on the sole ground that the trial court misappreciated the evidence considering that the victim and her boyfriend were in a very uncompromising situation. Otherwise stated, he questions the decision of the court a quo for giving full faith and credence to the testimony of the victim.

There is not an iota of reason for us to overturn the findings of the lower court. Article 335 of the Revised Penal Code reads:

“Art. 335. When and how rape is committed. - 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 or is demented.

The crime of rape shall be punished by reclusion perpetua.

x x x x x x x x.”

In reviewing rape cases, this Court has always been guided by the following principles: “(a) an accusation of rape can be made with facility; it is difficult to prove but more difficult for the person accused, though innocent, to disprove; (b) in view of the intrinsic nature of the crime where only two persons are usually involved, the testimony of the complainant must be scrutinized with extreme caution; and (c) the evidence for the prosecution must stand or fall on its own merits, and cannot be allowed to draw strength from the weakness of the evidence for the defense.” [3]

When the incident was reported to the police station, the victim described her ravisher as follows:

Q

What was your answer?

A

I answered that the attire of the person who raped me was that he was wearing long sleeves fatigue uniform, with maong pants, wearing a green bandana, with a flashlight, and a gun with a sticker on the butt.” [4]

With this information, the police went to the school premises and apprehended appellant. Prosecution witness Sgt. Ramon Sumando amply corroborated the testimony of the victim, thus:

A

When we arrived at Mati Central, we invited one security guard of Mati Central.

Q

What (sic) time when you invited the security guard of Mati Central I, what was his attire?

A

He was wearing a long sleeve fatigue uniform.

Q

What else?

A

With one carbine, with a headband and one flashlight.” [5]

At the police station, Sumando averred that the victim positively identified appellant as the man who raped her, thus:

A

I called up the attention of the complainant if she can identify (the accused-appellant).

Q

Did Jennifer Onofre identify Mario Gomez?

A

Yes.

Q

What did Jennifer Onofre say when she identified Mario Gomez?

A

She positively identified the suspect through the headband, the flashlight, the carbine and the long sleeve fatigue uniform.

Q

So, the accused in this case was positively identified by the private offended party because of the green headband, the . . .”[6]

In his cross examination, appellant himself admitted these facts.[7]

The Court is convinced that, indeed, appellant has committed the crime of rape. The court a quo has sufficiently amplified the circumstances surrounding appellant’s positive identification by the victim as follows:

During the length of time when she was abused, it is positively certain that she was able to recognize him already by his face because she was lying flat on the ground facing the accused on top of her. With the ordeal and humiliation she had suffered in the hands of the suspect, she could not forget it easily in her whole life. Everything is always fresh and vivid in her mind. Precisely, in the police station, (s)he pointed to the accused, without hesitation, as the rapist.” [8]

The victim’s recognition of appellant as her attacker cannot be doubted for she had ample opportunity to see the face of the man who ravaged her during the carnal act. [9] She had a good look at appellant: during the rape, she was as close to the accused as was physically possible, for a man and a woman cannot be physically closer to each other than during a sexual act. [10]

The testimony of the victim that she was raped is adequately substantiated by the medical findings of Dr. Virginia Bandigan. Thus:

Presence of spermatozoa - motile and non-motile sperm cells x x x.” [11]

It is settled in our jurisprudence that the absence of spermatozoa and the fact that the hymen was still intact do not necessarily negate rape.[12] In the case at bar, with more reason should the Court affirm appellant’s conviction where spermatozoa was found in the victim’s sexual organ.[13] The presence of sperm cells in her violated organ affirmed her charge more than words or anger alone could prove.[14]

It has been well said that when an alleged victim of rape says that she was violated, she in effect says all that is necessary to show that rape has been inflicted on her. As long as her testimony meets the test of credibility, the accused may be convicted on the basis thereof.[15]

In crimes of rape, conviction or acquittal virtually depends entirely on the credibility of the victim’s testimony because of the fact that usually only the participants can testify as to its occurrence.[16] The testimony of a rape victim is entitled to credit where she has no motive to testify falsely against the accused, and credence to testimonies of young girls should not be withheld where the facts indicate their having been victims of sexual assaults.[17]

It may be trite to point out that the findings of a trial court on the credibility of witnesses deserve great weight, given the clear advantage of a trial judge over an appellate justice in the appreciation of testimonial evidence.[18] In a long line of cases, it has been held 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.”[19] Moreover, the courts usually give credence to the testimony of a woman who is a victim of sexual assault, like complainant in this case, because normally no woman would be willing to undergo the humiliation of a public trial and testify on the details of her ordeal if it be not to condemn an injustice.[20]

Appellant had every opportunity to play the role of hero to the hilt by rescuing a lady from forcible defloration, especially since, as a security guard, he was expected to be a protector of life, honor and property. Instead, he

unleashed his cruel, ruthless and beastly desires upon the hapless victim like an animal in heat claiming his prize won over a weaker male. The Court is outraged by this lechery and insensitivity to the plight of a woman in torment. Let the full force of the law then descend on the head of the impenitent appellant.

WHEREFORE, the appeal is DISMISSED and the decision of the trial court finding accused-appellant Mario Gomez guilty beyond reasonable doubt of the crime of rape committed against Jennifer Onofre is hereby AFFIRMED subject to the deletion of the award of P10,000.00 as moral damages and attorney's fees for want of legal and factual basis. Costs against accused-appellant.

SO ORDERED.

Narvasa, C.J., (Chairman), Melo, Francisco and Panganiban, JJ., concur.

[1] Rollo, p. 8.

[2] Penned by Judge Roque A. Agton.

[3] People v. Ricafort, G.R. No. 118332, March 26, 1997; People v. Julian, G.R. No. 113692-93, April 4, 1997; People v. Butron, G.R. No. 112986, May 7, 1997; People v. Excija, 258 SCRA 424 (1996); People v. Gabris, 258 SCRA 663 (1996).

[4] TSN, October 2, 1991, p. 36.

[5] TSN, July 17, 1991, p. 24.

[6] Ibid., p. 30.

[7] TSN, October 6, 1992, pp. 8-9.

[8] Rollo, p. 42.

[9] People v. Sartagoda, 221 SCRA 251 (1993); People v. Esquila, 254 SCRA 140 (1996).

[10] People v. Castaneda, 252 SCRA 247 (1996).

[11] Exhibit F.

[12] People v. Gabris, 258 SCRA 663 (1996); People v. Cañada, 253 SCRA 277 (1996).

[13] As per medical finding of Dr. Virginia Bandigan.

[14] People v. Patong, 224 SCRA 571 (1993).

[15] People v. Butron, G.R.No. 112986, May 7, 1997; People v. Ramirez, G.R. No. 97920, January 20, 1997; People v. Julian, G.R. No. 113692-93, April 4, 1997; People v. Burce, G.R. No. 108604-10, March 7, 1997; People v. Cristobal, 252 SCRA 507 (1996).

[16] People v. Ching, 240 SCRA 267 (1995).

[17] People v. Oarga, 259 SCRA 90 (1996); People v. Casil, 241 SCRA 285 (1995); People v. Caguioa, 259 SCRA 403 (1996); People v. Cagto, 253 SCRA 455 (1996).

[18] People v. Devilleres, G.R. No. 114387, March 14, 1997.

[19] People v. San Juan, G.R. No. 105556, April 4, 1997.

[20] People v. Corea, G.R. No. 114383, March 3, 1997.

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.