

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROGELIO BULOS, ACCUSED-APPELLANT.

G.R. No. 123542. June 26, 2001

Ponente: GONZAGA-REYES, J.

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GONZAGA-REYES, J.:

Elevated for our review is the conviction of the accused-appellant for the crime of rape, for which he was sentenced to reclusion perpetua.[1] Pertinent portions of the information accusing him of the crime are as follows:

Upon a complaint filed by the offended party Nancy P. Cordero, the undersigned accuses ROGELIO BULOS of the crime of Rape under Article 335 of the Revised Penal Code, committed as follows:

That on or about December 3, 1992, in the Municipality of Panabo, Province of Davao, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, employing force and intimidation while holding a knife, willfully, unlawfully, and feloniously had carnal knowledge of Nancy P. Cordero against her will, to the damage and prejudice of the latter.

CONTRARY TO LAW.[2]

Both the offended party and the accused are working for spouses Mario and Delia Fariolan, who reside in Barangay Dujali, Panabo, Davao. The offended party was the cook and general househelp while the accused worked as a truck helper for the business of Mario Fariolan; they both stayed in the house of the Fariolans.

As testified to by Nancy Cordero, at about 3:00 in the afternoon of December 3, 1992, she was in her room folding laundry when the accused suddenly entered, locked the door from inside, and closed the window. At the time, the Fariolans were out of the house. She attempted to flee but the accused grabbed her and threatened her with a hunting knife. Nancy shouted for help, but the accused told her to stop shouting or he will kill her. She lost consciousness and when she came to, she found him on top of her and having carnal knowledge of her. Soon after, a certain "Bong" or "Bobong", the accused's uncle who allegedly served as a lookout, knocked on the door and warned that the Fariolans might be returning anytime soon. Before he left her, the accused threatened the victim not to report the incident to anyone. After he had gone, Nancy examined herself and discovered that she was bleeding. She did not dare tell anyone but wept alone in pain and anger.[3]

At 5 o'clock the next morning, Nancy left the Fariolan residence for her house, also in Barangay Duwali, where she told her mother of what happened. Immediately they reported the incident to the barangay captain.[4] On the same day, the accused also left the house of the Fariolans and was nowhere to be located.[5] He only turned up on December 14, 1992, Upon which he was immediately arrested.[6]

The medical examination on Nancy Cordero conducted on December 14, 1992 revealed the following findings:

Physical no findings noted in any part of her body.

External Examination of Perenium:

- 1) normal vaginal contour
- 2) moderate pubic hairs
- 3) hymen -noted healed lacerations at 2 o'clock and 9 o'clock positions
- 4) with moderate vaginal bleeding
- 5) inserted 2 fingers easily

Note: For referral to Regional Hospital for evaluation of vaginal bleeding and further management.

Under normal conditions and proper treatment and barring any untoward complications that may arise as a result of the injury and or deeper involvement w/o may not be apparent at the time of the examination, the above mentioned physical injuries may heal in about ____days.[7]

The examining doctor, Dr. Emelda T. Bendijo, testified that the lacerations could have been caused by the introduction of a male penis into the vagina of the complainant.[8]

The defense sought to refute the accusations of Nancy Cordero, and presented witnesses to prove alibi. The combined testimonies of Mario Fariolan, the employer of both the offended party and the accused, and Conrado Perido, sought to establish that the accused was not at the Fariolans' house on the afternoon in question but was vacationing in Tampakan, South Cotabato where he stayed at Perido's house. Fariolan further testified that Nancy Cordero had indeed worked as a cook at their house but had left their employ on November 16, 1992;[9] thus, the alleged rape on December 3, 1992 could not have happened because Nancy Cordero and the accused were not in their house at said date. Fariolan also disputed Nancy's statement that no one else was in the house on the afternoon of December 3, 1992 since they had another maid; moreover, he and his wife and child were in fact in the house at the time.[10]

The accused himself also took the witness stand to refute the accusations of Nancy Cordero. He claimed that he left the Fariolans house on November 18, 1992, to go with Roberto Perido or "Bobong" (the person Nancy accused of acting as the lookout, and Conrado Perido's son to the latter's house in Tampakan, South Cotabato. He said that he only returned to the Fariolans on December 7, 1992.

On rebuttal, Merson Cordero refuted the accused's claim that he was not with the Fariolans but in South Cotabato on December 3, 1992. Cordero, a brother of the offended party, also worked as a helper at the rice mill owned by the Fariolans. Cordero testified that the accused in fact left the Fariolans' house only on December 4, 1992, after he had already raped his sister;[11] he returned only on December 14, 1992, the day he was also arrested.[12] Cordero also said that the accused in fact offered marriage to Nancy,[13] that the Fariolan spouses actively persuaded Nancy to accept the offer of marriage,[14] and that Nancy refused. Because Nancy turned down the accused's offer of marriage, the Fariolans informed Cordero that he cannot work for them anymore.[15]

Two sur-rebuttal witnesses, Luna Tabayay and Delia Fariolan, reiterated the defense's position that Nancy Cordero left work by November 16, 1992, and not December 4, 1992 as she alleged.

In rendering its decision, the trial court upheld the version of the offended party, finding that her acts immediately after the incident attest to the truth of her accusations.[16] Although she told no one in the Fariolan household about the rape, she left that house first thing in the morning after the incident and reported the matter to her mother. They then sought the help of the barangay captain. When they looked for the accused he was suddenly nowhere to be found.

In contrast, the testimonies of the defense witnesses struck the trial court as instructed and rehearsed,[17] and contrived merely to cover up for the crime of the accused. The trial court found it unusual that Mario Fariolan would allow the accused to take an extended vacation leave when the latter had worked no more than five months

with him; moreover, Mario Fariolan simply accepted the accused's word that he was leaving "to take a rest" without questioning where he was going. The corroborating accounts of Delia Fariolan, Mario's wife, and Luna Tabayay, an employee of the Fariolans, were met with the same incredulity. Conrado Perido was a relative of the accused by affinity; the trial court also gave scant consideration to his testimony that the accused was at his farm and left only on December 4, 1992.

Citing decided cases that the sole testimony of the rape victim, even if uncorroborated but delivered in a clear, straightforward, sincere, and convincing manner, is sufficient to convict, the trial court meted out a judgment of conviction and declared:

WHEREFORE, consistent with all the foregoing premises, this Court finds the accused Rogelio Bulos guilty beyond reasonable doubt of the crime of rape penalized under Article 335 of the Revised Penal Code, as charged in the information, and is hereby sentenced to suffer the penalty of reclusion perpetua, with all the accessory penalties provided by law, to indemnify the offended party, Nancy Cordero, by way of moral damages in the amount of P30,000.00; and by way of exemplary damages in the amount of P10,000.00, and to pay the costs.[18]

This appeal imputes the following errors to the decision of the RTC:

- The trial court erred in failing to consider the fact that the initial criminal complaint filed by the complainant was against two (2) accused (Rogelio Bulos and alias "Bong") supported by her sworn statement apparently showing conspiracy by the duo in the commission of the crime.
- The trial Court erred in failing to consider the inconsistencies of complainant in her testimony in order to properly assess her credibility.
- The trial court erred in failing to properly consider the testimonies of defense witnesses especially the spouses Fariolan who are the employers of both the complainant and the accused-appellant.[19]

The criminal complaint filed by Nancy Cordero recounts that a certain "Bong" acted as the lookout while accused-appellant assaulted and raped her in her room. Accused-appellant would convince us that the failure of Nancy to pursue the charges against "Bong" is inconsistent with the allegations of her complaint and should seriously undermine the credibility of her accusations.

This argument is threadbare and deserving of scant consideration. The non-inclusion of "Bong" as one of the accused does not diminish accused-appellant's individual culpability, nor does it preclude the subsequent filing of charges against the said "Bong" as an accomplice to the rape. If the intention of defense counsel was to make it appear that Nancy changed her story since the filing of the complaint, he is proven wrong by the transcripts which show that Nancy testified that "Bong" acted as the lookout during the rape.

Accused-appellant would also want us to examine the details of Nancy's testimony which he claims to be fraught with inconsistencies, and to reconsider accused's alibi in the light of the testimony of the defense witnesses, whom the trial court dismissed as biased witnesses. The alleged inconsistencies refer to the exact time when the victim lost consciousness, whether the rape was committed before or after she lost consciousness, and the presence of other people in the house when the rape was committed.

We find these so-called inconsistencies too inconsequential to merit the reversal of the trial court's findings. A rape victim cannot be expected to remember or recount in utmost clarity and consistency the details of her harrowing and humiliating experience.[20] If anything, inconsistencies on minor details project a spontaneity and earnestness which render greater credibility to a rape account.

Contrary to accused-appellant's contentions, Nancy Cordero's testimony was straightforward, clear and

convincing.

ATTY. MILLAN

Q:

You told us that suddenly, the accused entered your room. As soon as he got in, what did he do?

A:

He locked the door.

Q:

And then, what did he do?

A:

He closed the window and held my hands.

Q:

When he held your hands, what did you do?

A:

I attempted to go outside, but he grabbed my hands and pointed a knife at me.

Q:

You said you tried to run out of your room but you were stopped by the accused. What did you do next?

A:

I shouted for help.

Q:

And when you did that, what did the accused do?

A:

He told me not to shout, or else I will be killed.

Q:

And then?

A:

That was the reason why I lost consciousness.

Q:

You mean, you lost consciousness?

A:

Yes, Sir.

Q:

Thereafter, when you regained consciousness, what happened?

A:

He, succeeded (in) his intention.

Q:

More particularly or specifically, when you regained consciousness, where was the accused?

A:

He was still on top of me.

Q:

And what was he precisely doing?

A:

I cried for help.

Q:

My question is, what was he doing when you regained consciousness?

A:

He was still on top of me, but he already succeeded (in) his intention.

Q:

What was he doing actually?

A:

He fucked me.

Q:

And when you realized he was having carnal knowledge with you, what did you do?

A:

I did not report the incident because I was warned by the accused not to report to my mother, or else I will be killed.[21]

It is doctrinally settled that the lone testimony of the rape victim herself is competent to establish guilt, where the same is found to be credible, convincing, and consistent with human nature and the normal course of things.[22] This is because from the nature of the offense, the only evidence that can oftentimes be offered to establish the guilt of the accused is the complainant's testimony.[23] The Court also considers that ordinarily, no woman would be willing to undergo the humiliation of a public trial and testify to the details of her ordeal were it not but a response to the compelling need to seek and obtain justice.[24] There is nothing in this case to indicate that Nancy Cordero, an 18-year old cook and house helper, would have any motive to falsely implicate the accused, in the process admitting to the stain to her modesty and honor, and losing her humble means of employment; the logical conclusion is that her testimony is worthy of full faith and credence.

Furthermore, Nancy's statements are corroborated by the medical certificate, which confirmed the presence of

healed vaginal lacerations. When testimony of rape is supported by physical findings of penetration, there is sufficient foundation for concluding that there was carnal knowledge.[25] Lacerations, whether healed or fresh, are the best physical evidence of forcible defloration.[26]

We also join the observation of the trial Court that Nancy Cordero's conduct after the rape renders credibility to her accusations. We have held that the conduct of the victim immediately following the assault is of utmost importance in establishing the truth or falsity of the charge of rape.[27] Here, Nancy lost no time in fleeing the Fariolan residence to seek the help of her mother, and together report the matter to the authorities.

A gratuitous disclaimer by accused-appellant cannot prevail over the positive identification of the offended party, more so if the alibi is corroborated only by the accused's relatives and friends.[28] Accused-appellant argues that the Fariolan spouses, as the employers of both the offended party and accused-appellant, were not only unbiased witnesses but even shared with the offended party an interest in having the perpetrator brought to justice as the rape was also effectively a desecration of their home. This argument is unacceptable, however, in light of the spouses' active involvement in persuading Nancy to accept accused-appellant's offer of marriage. It is certainly revealing of which employee they favor, and where their biases lie.

The Court also takes into consideration the flight of accused-appellant the day after the rape, and his offer of marriage to the victim after the incident had been reported to the authorities. As a rule in rape cases, an offer of marriage to the offended party is an admission of guilt.[29]

Accused-appellant was charged with rape under Article 335 of the Revised Penal Code, before the amendatory provisions of Republic Act No. 7659 took effect. With no attendant mitigating or aggravating circumstances, the imposable penalty is reclusion perpetua.

As for the resulting indemnities, the trial court awarded only P30,000.00 by way of moral damages and P10,000.00 as exemplary damages. Comfortably with recent case rulings,[30] we grant civil indemnity ex delicto in the amount of P50,000.00, and increase the award of moral damages, to which the offended party is entitled automatically and without need of proof, to P50,000.00. The award of exemplary damages is deleted, no aggravating circumstance having attended the commission of the offense.[31]

WHEREFORE, the decision of the Regional Trial Court of Davao is AFFIRMED, with the MODIFICATION that accused-appellant Rogelio Bulos is ordered to pay P50,000.00 as moral damages. The award of exemplary damages is deleted. No pronouncement as to cost.

SO ORDERED.

Melo, (Chairman), Vitug, Panganiban, and Sandoval-Gutierrez, JJ., concur.

[1] Penned by Judge Bernardo V. Saldares, Regional Trial Court (Branch 4), Panabo, Davao.

[2] Rollo, 13.

[3] TSN, October 5, 1993, 6-12.

[4] Ibid., 14.

[5] Ibid.

[6] TSN, May 10, 1994, 8.

[7] Exh. "A"; Records of the Case, 7.

- [8] TSN, October 18, 1993, 4-7.
- [9] TSN, January 26, 1994, 7.
- [10] Ibid., 6-10.
- [11] TSN, May 10, 1994, 8.
- [12] Ibid., 8.
- [13] Ibid., 10.
- [14] Ibid.
- [15] Ibid.
- [16] RTC Decision; Rollo, 27-28.
- [17] Ibid.; Rollo, 31.
- [18] Ibid.; Rollo, 34.
- [19] Accused-Appellant's Brief; Rollo, 127.
- [20] People vs. Bayona, 327 SCRA 190 (2000); People vs. Calayca, 301 SCRA 192 (1999).
- [21] TSN, October 5, 1993, 7-8.
- [22] People vs. Navida, G.R. Nos. 132239-40, December 4, 2000; People vs. Tagaylo, G.R. Nos. 137108-09, November 20, 2000; People vs. Turco, G.R. No. 137757, August 14, 2000; People vs. Geromo, 321 SCRA 355 (1999).
- [23] People vs. Tagaylo, supra; People vs. Dizon, 309 SCRA 669 (1999).
- [24] People vs. Sandoval, G.R. Nos. 132625-31, December 18, 2000; People vs. Lapinosa, 303 SCRA 664 (1999); People vs. Lopez, 302 SCRA 669 (1999).
- [25] People vs. Segui, G.R. Nos. 131532-34, November 28, 2000; People vs. Bation, 305 SCRA 253 (1999).
- [26] People vs. Bayona, supra.
- [27] People vs. Bayona, supra; People vs. Lamarozza, 299 SCRA 116 (1998).
- [28] People vs. Del Rosario, G.R. No. 134581, November 26, 2000; People vs. Torres, 232 SCRA 42 (1994).
- [29] People vs. Dreu, G.R. No. 126282, June 20, 2000; People vs. Andaya, 306 SCRA 202 (1999); People vs. Casao, 220 SCRA 362 (1993); People vs. Gerones, 193 SCRA 263 (1991).
- [30] People vs. Sandoval, G.R. Nos. 132625-31, December 18, 2000; People vs. Marquez, G.R. Nos. 137408-10, December 8, 2000; People vs. Digma, G.R. Nos. 127750-52, November 20, 2000; People vs. dreu, G.R. No. 126282, June 20, 2000.
- [31] See Art. 2230, Civil Code.

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