# PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MANUEL MANAHAN, ALIAS "MANING," DEFENDANT-APPELLANT.

*G.R. No. 128157. September 29, 1999*

Ponente: BELLOSILLO, J.

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**BELLOSILLO, J.:**

MANUEL MANAHAN alias Maning was found guilty of rape and sentenced to death by the court a quo. He was also ordered to indemnify the victim P50,000.00 as moral damages, pay the costs, and acknowledge and support the offspring of his indiscretion.[1] This case is now before us on automatic review.

Complainant Teresita Tibigar, 16 years old, worked at the Espiritu Canteen in Dagupan City. As a stay-in waitress she slept at the second floor of the canteen. Manuel Manahan is the brother-in-law of Josefina Espiritu, owner of the canteen. His wife Primadonna is the sister of Josefina Espiritu. Manuel and Primadonna temporarily reside at the canteen together with the family of Josefina as Primadonna was then pregnant.

On 5 January 1995, at about two o'clock in the morning, Teresita who was asleep was suddenly awakened when she felt someone beside her. Upon opening her eyes she saw accused Manuel Manahan as he immediately placed himself on top of her. She tried to shout but the accused covered her mouth. He then forcibly spread her legs. She cried; she pushed and kicked him many times in an effort to free herself but the accused proved too strong for her. Soon enough she became weary and exhausted. Her condition enabled the accused to pursue his immoral intentions. He lifted her skirt, removed her panty and then inserted his penis into her vagina. He succeeded in having carnal knowledge of her. After satisfying his lust, the accused warned the victim not to report the incident to anyone and threatened her that should she squeal he would kill her and her family. Thereafter, he left her. She was terribly afraid and shaken and could do nothing but cry until dawn.[2]

Within the month Teresita left the canteen and returned home to her parents in Mangaldan, Pangasinan. The sexual encounter resulted in her pregnancy. When her parents discovered it and learned of her story, they brought her to the hospital where she was examined by Dr. Casimero Bacugan. From there they proceeded to the police station where a statement of Teresita was taken by SPO1 Isagani L. Ico. Police Chief Inspector Wendy G. Rosario later endorsed the complaining witness to the Office of the City Prosecutor of Dagupan City for appropriate legal action. Thereafter, with the assistance of her mother, Teresita filed a criminal complaint accusing Manuel Manahan alias Maning of rape.[3]

Meanwhile, on 2 October 1995, she gave birth to a healthy baby girl and christened her Melanie Tibigar.

Accused Manuel Manahan has a different story. He denied having raped Teresita. He claimed they were lovers. According to him, he met Teresita at the Espiritu Canteen in August 1994 and began courting her. Subsequently, they became sweethearts and their first sexual intercourse occurred on 27 December 1994 followed by another on 28 December 1994. In the first week of January 1995 they again had a tryst in the house of Teresita's Aunt Fely, their last intercourse being on 7 May 1995 in the house of one Maura Manahan-Quinto, his sister.

Manuel further alleged that even after Teresita left the Espiritu Canteen there were several occasions when they saw each other in front of the DBP in Dagupan City. In one of those assignations Teresita allegedly told him that she wanted to have the child aborted as her father might kill her if he discovered she was pregnant, but accused did not agree.

In September 1995, the accused was arrested in connection with the case filed by Teresita but was later released. We fail to discern from the records the reason for his release. But on 15 March 1996 he was again arrested and detained at the Dagupan City Jail where Estrella, Teresita's mother, supposedly visited him at least five (5) times to ask about his condition and whether he was tortured in detention. The accused maintained that Estrella was trying to conceal Teresita's condition from her father. She purportedly proposed to the accused to sell his land and give the proceeds to Teresita's father as a form of settlement.

The accused assails in his appeal brief the credibility of the complaining witness. He asserts that the prosecution failed to prove his guilt beyond reasonable doubt and reiterates that he and the complaining witness were lovers, and that their sexual congress was consensual.

We have painstakingly reviewed the records and we sustain the conviction of the accused. The prosecution for rape almost always involves sharply contrasting and irreconcilable declarations of the victim and the accused. At the heart of almost all rape cases is the issue of credibility of the witnesses, to be resolved primarily by the trial court which is in a better position to decide the question, having heard the witnesses and observed their deportment and manner of testifying. Accordingly, its findings are entitled to the highest degree of respect and will not be disturbed on appeal in the absence of any showing that the trial court overlooked, misunderstood or misapplied some facts or circumstances of weight or substance which would otherwise affect the result of the case. The exception is nowhere perceivable in the present case.

The accused banks heavily on his "sweetheart theory," a usual defense in rape cases, and vigorously maintains that the sexual intercourse between him and Teresita was but the culmination of a mutual passion. But we find otherwise primarily because the accused miserably failed to prove that he and the complaining witness indeed had a romantic liaison as this claim was categorically denied by her. Moreover, there was no substantial evidence, e.g., love notes, mementos or pictures, presented to support it.

The testimony of defense witnesses Nelson de Venecia and Arvin Sereban that they used to see Manuel and Teresita together in front of the DBP in Dagupan City, even if true, did not confirm that there was indeed an amorous relationship between the two.[4] Likewise, the testimony of Isabel Remandaban, another defense witness, that she saw the accused and the complaining witness embracing each other in the house of Maura Manahan-Quinto can hardly be given weight. The trifling manner by which she answered the questions propounded to her at the witness stand even prompted the trial court to remark that she was not serious with her testimony. Thus -

> COURT: This is not a joke. The penalty [for] the accused [if convicted] is death. Do not testify here as if you are joking, or you will be the one to [be] sen[t] to jail ahead of Manahan. You want to be sent to jail?
>
> WITNESS: No sir.
>
> COURT: Why are you smiling? This is a serious matter. Put that on record the witness is smiling. Not serious about her testimony (underscoring supplied).

Ultimately, the trial court disregarded altogether, and rightly so, the testimony of Isabel Remandaban. To emphasize, the task of assigning values to the testimonies of witnesses in the stand and weighing their credibility is best left to the trial court which forms first-hand impressions of the witnesses testifying before it, and therefore


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more competent to discriminate between the true and the false.[5] We find no trace of whim or arbitrariness on the court a quo in its assessment of the testimony of this witness.

Also, Exh. "1" of the defense, a photograph showing Estrella talking to the accused while carrying Melanie, the offspring of Teresita and Manuel, does not establish anything. As Estrella explained, she visited the accused in jail not to show him Melanie but to ascertain that he was in fact incarcerated,[6] and that she only brought the child with her incidentally during her visit because Teresita was sick at that time and there was no one else to take care of the baby.[7]

Even assuming ex gratia argumenti that the accused and the victim were really lovers, that fact alone would not negate the commission of rape. A sweetheart cannot be forced to have sex against her will. Definitely, a man cannot demand sexual gratification from a fiancee and, worse, employ violence upon her on the pretext of love. Love is not a license for lust.[8]

Equally untenable is the accused's contention that there can be no rape since the prosecution failed to prove beyond reasonable doubt the element of intimidation. One of the modes of committing the crime of rape is by having carnal knowledge of a woman using force and intimidation. Even if we concede the absence of intimidation in this case, the fact remains that the accused employed force against his victim. Thus, testifying in a clear, definitive and convincing manner as concluded by the trial court, Teresita established beyond any scintilla of doubt the presence of force essential in rape -

> Q: What were you doing then when Manuel Manahan accosted you?
>
> A: I was sleeping, then suddenly I felt somebody near me and when I opened my eyes I saw Manuel Manahan and then he immediately laid on top of me, sir.
>
> Q: How did you come to know that it was Manuel Manahan who went, who laid on top of you?
>
> A: I know him, sir.
>
> Q: What did you do when Manuel Manahan laid on top of you?
>
> A: I was about to shout but he covered my mouth and then he immediately spread my legs, sir.
>
> Q: What did you do when he did that to you?
>
> A: I cried, sir.
>
> Q: Before Manuel Manahan spread your legs, what did you do? Before he was able to spread your legs?
>
> A: I pushed him and I kicked him several times, sir.
>
> Q: What happened when you pushed him and kicked him several times?
>
> A: I got weakened because he was strong that is why he was able to abuse me, sir.
>
> Q: After Manuel Manahan was able to spread your legs, what did he do?
>
> A: And then he inserted his penis, sir x x x x[9]

Again, during the cross-examination the victim recounted how she was forced to have sexual intercourse with the accused, thus -

> Q: Did you spread your legs voluntarily or did he force open your legs?
>
> A: He forced me, sir.


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Q: What did he do to force open your legs?

A: By the use of his legs, sir.

Q: He did that while he was on top of you?

A: Yes, sir.

Q: What legs did he use, was it the right leg or both legs?

A: Both legs, sir.

Q: You mentioned about crossing his legs and then forced open your legs, will you please demonstrate how he forced open your legs by the use of this pencil and ballpen illustrate your legs with these two other ballpens where the legs of Manuel Manahan, will you please demonstrate how he forced open his legs when you said first he put together his legs and then open your legs, will you please do it?

A: He went on top of me and he put his legs between my legs and also his legs, sir.

INTERPRETER: Witness demonstrating by spreading both ends of the ballpen.

Q: And then by doing so, by spreading his legs between your legs, he was able to insert his penis?

A: Yes, sir.

Q: At that precise moment when he was on top of you and also your legs, where was the right hand of Manuel Manahan?

A: He closed my mouth with his right hand.

Q: What about his left hand?

A: He used his left hand in pulling up my dress.

Q: At that precise moment when he was doing the push and pull, was his right hand still with your mouth?

A: Yes, sir.

Q: What about his left hand after raising your skirt, what was his left hand doing?

A: He was squeezing my neck, sir x x x x

Q: During your direct testimony you mentioned about having resisted him, now, at what precise moment did you try to resist him?

A: When he went on top of me I struggled, sir.

Q: Were you able to dislodge him from being on top of you?

A: Yes, sir.

COURT: Then what did he do when you were able to dislodge him on top of you?

A: He went again on top of me, sir.

Q: Did you again struggle to resist him or no more?

A: No more because I already felt weak, sir x x x x[10]

Evidently, complainant offered a tenacious resistance to the criminal acts of the accused, but the serious

determination of the latter to accomplish what he intended to do eventually weakened complainant and shocked her into insensibility. It is quite understandable that, at a tender age of 16 and innocent in the ways of the world, complainant is no match to the accused, a 28-year old married man endowed with physical strength she could not possibly overcome.

Neither could she shout to alert the other occupants of the house as the accused prevented her by covering her mouth with his right hand. The accused however claims that complainant had the opportunity to shout for help at that precise moment he was removing his pants and brief, but she did not. Suffice it to say, in this connection, that not every victim of a crime can be expected to act reasonably and conformably with the expectations of mankind. Different people react to similar situations dissimilarly. While the normal response of a woman about to be defiled may be to shout and put up a wild struggle, others become virtually catatonic because of the mental shock they experience and the fear engendered by the unexpected occurrence. Yet it can never be successfully argued that the latter are any less sexual victims than the former.[11]

The failure of complainant to disclose the outrage on her person to anybody, including her parents, is due to the threats on her life and that of her family. Indeed, one cannot expect her to act like an adult or a mature experienced woman who would have the courage and intelligence to disregard the threat to her life and complain immediately that she had been sexually assaulted. It is not uncommon for young girls to conceal for sometime the assaults on their virtue because of the rapists' threats to their lives. Delay or vacillation in making a criminal accusation does not necessarily impair the credibility of the witness if such delay is satisfactorily explained, as in this case.[12]

In the instant case, the complaining witness may not have even filed the rape charge had she not become pregnant. This Court has taken cognizance of the fact that many of the victims of rape never complain or file criminal charges against the rapists. They prefer to bear the ignominy in painful silence rather than reveal their shame to the world and risk the rapists' making good their threats to kill or hurt their victims.[13]

That accused also asserts that the rape case is a mere face-saving device of the victim to escape the anger of her father. Again, we are not convinced. It taxes credulity that a simple barrio lass[14] like the victim, a minor and a mere elementary graduate at that, could contrive such an unthinkable solution to save herself from the imagined wrath of her father; what is more, concoct such a good rape story convincing enough to withstand the rigors of cross-examination, and sway the judge to impose on the accused the extreme penalty of death.

Indeed, it is very unlikely that the victim would make up a story of rape with all its attendant scandal and humiliation. Considering the modesty and timidity of a typical Filipina, especially one from the rural areas, it is hard to accept that the victim would fabricate facts which would seriously cast dishonor on her maidenhood. No young Filipina of decent repute would publicly admit she had been raped unless that was the truth. It is her natural instinct to protect her honor. As we have long held, when a woman says that she has been raped, she says in effect all that is necessary to show that rape has been committed. Her testimony is credible where she has no motive to testify against the accused.[15]

On the matter of acknowledgment and support of the child, a correction of the view of the court a quo is in order. Article 345 of The Revised Penal Code provides that persons guilty of rape shall also be sentenced to "acknowledge the offspring, unless the law should prevent him from doing so," and "in every case to support the offspring." In the case before us, compulsory acknowledgment of the child Melanie Tibigar is not proper there being a legal impediment in doing so as it appears that the accused is a married man. As pronounced by this Court in People v. Guerrero,[16] "the rule is that if the rapist is a married man, he cannot be compelled to recognize the offspring of the crime, should there be any, as his child, whether legitimate or illegitimate." Consequently, that


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portion of the judgment under review is accordingly deleted. In any case, we sustain that part ordering the accused to support the child as it is in accordance with law.

Finally, we do not agree with the trial court that the proper penalty to be imposed on the accused is death, it appearing that the crime committed was merely simple rape, i.e., not committed with or effectively qualified by any of the circumstances enumerated under Art. 335 of The Revised Penal Code, as amended by Sec. 11, RA 7659, under which the death penalty is authorized.[17] In this case, the proper imposable penalty should only be reclusion perpetua.

WHEREFORE, the Decision of the Regional Trial Court of Dagupan City, Branch 40, dated 28 November 1996, convicting accused MANUEL MANAHAN alias Maning of the crime of rape is AFFIRMED subject however to the modification that the death sentence imposed on the accused is reduced to reclusion perpetua. The portion of the decision of the trial court ordering the accused, a married man, to acknowledge the child Melanie Tibigar is DELETED being contrary to law and jurisprudence.

**SO ORDERED.**

Davide, Jr. C.J., Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Purisima, Pardo, Buena, Gonzaga-Reyes, and Ynares-Santiago, JJ., concur.

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[1] Decision dated 28 November 1996 penned by Judge Deodoro J. Sison, RTC-Br. 40, Dagupan City.

[2] TSN, 4 June 1998, pp. 6-13.

[3] Rollo, pp. 6-7.

[4] See People v. Laray, G.R. No. 101809, 20 February 1996, 253 SCRA 654.

[5] People v. Sarabia, G.R. No. 124076, 21 January 1997, 266 SCRA 471.

[6] TSN, 18 June 1996, p. 20.

[7] Id., p. 19.

[8] People v. Tismo, G.R. No. 44773, 4 December 1991, 204 SCRA 535.

[9] TSN, 4 June 1996, pp. 6-7.

[10] TSN, 11 June 1996, pp. 11-15.

[11] See People v. Dupali, G.R. No. 97474, 14 February 1994, 230 SCRA 62.

[12] See People v. Errojo, G.R. No. 102077, 4 January 1994, 229 SCRA 49, 57.

[13] Ibid.

[14] The victim lived in a remote area of Barangay Salaan, Mangaldan, Pangasinan.

[15] People v. Domingo, G.R. No. 97921, 8 September 1993, 226 SCRA 156.

[16] G.R. No. 950331, 23 March 1995, 242 SCRA 606.

[17] 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 and 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.


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The crime of rape shall be punished by reclusion perpetua.

Whenever the crime of rape is committed with the use of a deadly weapon or by two or more persons, the penalty shall be reclusion perpetua to death.

When by reason or on the occasion of the rape, the victim has become insane, the penalty shall be death.

When the rape is attempted or frustrated and a homicide is committed by reason or on the occasion thereof, the penalty shall be reclusion perpetua to death.

When by reason or on the occasion of the rape, a homicide is committed, the penalty shall be death.

The death penalty shall also be imposed if the crime of rape is committed with any of the following attendant circumstances: (1) When the victim is under eighteen (18) years of age and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim; (2) When the victim is under the custody of the police or military authorities; (3) When the rape is committed in full view of the husband, parent, any of the children or other relatives within the third degree of consanguinity; (4) When the victim is a religious or a child below seven (7) years old; (5) When the offender knows that he is afflicted with Acquired Immune Deficiency Syndrome (AIDS) disease; (6) When committed by any member of the Armed Forces of the Philippines or the Philippine National Police or any law enforcement agency; and, (7) When by reason or on the occasion of the rape, the victim has suffered permanent physical mutilation.


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