

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. PAUL LAPIZ, ACCUSED-APPELLANT.

G.R. No. 129239. September 05, 2000

Ponente: PUNO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-129239/>

PUNO, J.:

In an Information[1] filed on July 11, 1995 before the Regional Trial Court, 10th Judicial Region, Cagayan de Oro City, Branch 21, accused-appellant Paul Lapid was charged with the crime of rape, committed as follows:

"That on or about February 22, 1995, at 5:30 o'clock in the afternoon, more or less, at Lusong Creek, Patrocenio, Claveria, Misamis Oriental, Philippines and within the jurisdiction of this Honorable Court, the said accused did then and there willfully, unlawfully and feloniously, and by means of force and intimidation, drag and box Ruby Geraldez, a 13-year old girl and succeeded in having carnal knowledge with her (sexual intercourse) against her will and consent and as a result thereof she suffered traumatic lacerations and pains of (sic) her vagina.

CONTRARY TO and in violation of Article 335 of the Revised Penal Code."

Upon arraignment, appellant pleaded not guilty and trial ensued. On December 16, 1996, the trial court found appellant guilty beyond reasonable doubt of the crime of rape and sentenced him to reclusion perpetua and to pay the victim the sum of P50,000.00 as moral damages.[2] Hence, this appeal.

The facts are as follows:

Complainant Ruby Geraldez (Ruby) is a niece of appellant Paul Lapid (Paul) because her grandmother and the mother of Paul are sisters. When the mother of Ruby died, she was abandoned by her father and left to the care of Mercy Regalado, a neighbor at Patrocenio, Claveria, Misamis Oriental where she was living at the time of the incident. Ruby was then 13 years old, having been born on May 8, 1981.

On February 22, 1995, at about 5:00 p.m., Ruby was on her way to the creek at Patrocenio, Claveria to get the cow of Mercy Regalado which she was pasturing, when Paul suddenly appeared from the bushes. He grabbed Ruby on the neck and started to strangle her. The initial reaction of Ruby was to shout but Paul ordered her to keep quiet. Though gasping for breath, Ruby refused to be intimidated and tried to shout for help. To silence her, Paul boxed Ruby on the abdomen which made her cry in pain. He boxed her again and Ruby fainted.

When Ruby regained consciousness, she was already lying on the ground not far from where she was initially waylaid by Paul. The appellant who was already naked waist down went on top of her and it was then she realized that she no longer had her pants and panty on. Paul made the push and pull movement and succeeded in satisfying his lust on her. Ruby struggled with Paul but she felt so weak that she could only cry as Paul successfully ravished her. Thereafter, Paul moved away from Ruby and sat near her feet.

Ruby was lying on the ground and Paul was sitting beside her, both naked from the waist down, when the wife of Paul came and saw them. She immediately asked her husband what he was doing and who the girl was. When she

recognized Ruby, Paul's wife started to cry, pushed him on the shoulder and returned to the creek where she was washing clothes. Paul warned Ruby not to tell anybody about the incident or he would kill her. He left and followed his wife.

Ruby put on her clothes and proceeded to the house of Romeo Lapid, a brother of Paul, where she reported the rape to the two children of Romeo. One of them remarked "animal," referring to Paul. Since the house of Mercy Regalado where she lives is still far, Ruby was advised to spend the night at the house of Romeo Lapid. The following morning she was fetched by Mercy Regalado who was informed of Ruby's fate. She brought Ruby to the police station at Claveria, Misamis Oriental where they reported the incident. Ruby gave her sworn statement[3] to the police and was brought to the Northern Mindanao Regional Hospital in Cagayan de Oro for medical examination. The Living Case Report[4] issued by the examining doctor shows the following findings:

"GENITAL EXAMINATION:

Mons pubis = sparse fully grown pubic hair

Introitus = nulliparous

Labia majora & minora = coaptated, confluent abrasion measuring 0.3 cm. In greatest diameter located at the posterior fourchette

Hymen = incomplete superficial lacerations at 2, 5, 7, & 10 o'clock positions at the face of the watch the edges of w/c are sharp & coaptable.

CONCLUSION: Medical evidence suggestive of sexual intercourse is present.

REMARKS: Vaginal smear = negative for spermatozoa.

Extragenital injury seen & examined by the Dept. of Surgery. "

In her cross examination, Ruby denied that Paul scolded and slapped her that afternoon of February 22, 1995 because she fought with the latter's 8-year old niece, Raffy Mae Lapid.

The defense gave a different version.

Appellant testified that on February 22, 1995 at about 5 o'clock p.m., he and his wife were at the creek washing clothes when they heard the voice of a small child crying. Paul stood up to check and he saw the complainant Ruby with his niece Raffy Mae who was crying. Paul inquired why Raffy Mae was crying and the complainant answered, "You are like your niece, you are all idiots." Stunned by the remark, Paul squeezed the mouth of the complainant and slapped her. She ran home crying and warned that she would report Paul to Mercy Regalado. Raffy Mae followed suit and likewise headed for home. Paul repaired back to the creek, helped his wife gather their clothes and they went home.

The wife of Paul, Ruby Lapid, declared that her husband never left the creek and that he stayed with her from the time they started washing clothes until they finished. She claimed that Paul did not rape the complainant. She denied that she caught them both naked waist down, with the complainant lying down on the grass and Paul seated near her feet. She also denied that she tapped her husband on the shoulder upon seeing them in that position.

In his lone assignment of error, appellant asserts that the trial court gravely erred in finding him guilty. The guilt of the appellant hinges primarily on the credibility of the testimony of private complainant, Ruby Galardez.

Accused-appellant contends that it is highly unnatural and incredible that his wife would merely ask him what happened, tap him on the shoulder and forthwith leave if she really saw them in a very compromising position. He also claims that it was impossible for him to rape the complainant as his wife was only three (3) meters away from

the scene. His wife also should have noticed somebody or something moving in the tall grass since complainant allegedly struggled with appellant. Further, he contends that it is contrary to normal human behavior for complainant to run to the house of Romeo Lapiz because a girl of tender age would naturally want to be with her parents or, in this case, her guardian and employer, Mercy Regalado.

We find no merit in the appeal.

The case law in rape cases is settled: (1) to accuse a man of rape is easy, but to disprove it is difficult though the accused may be innocent; (2) considering that in the nature of things, only two persons are usually involved in the crime of rape, the testimony of the complainant should be scrutinized with great caution; and (3) the evidence for the prosecution must stand or fall on its own merit and should not be allowed to draw strength from the weakness of the evidence for the defense. Equally unquestionable is the principle that as long as the complainant's testimony meets the test of credibility, the accused may be convicted on its basis.[5]

After a careful scrutiny of the evidence on record, we find no compelling reason to reverse the findings of the trial court. The testimony of complainant Ruby Geraldez was given in a direct, candid and straightforward manner which clearly establishes the guilt of accused-appellant beyond reasonable doubt, to wit:

"Q

While you were on your way to the creek, did anything unusual happened (sic)?

A

There was.

Q

Tell the Honorable Court what was that unusual incident?

A

While I was on my way walking, suddenly this Lapiz stood up.

Q

From where did he stand up?

A

He stood up suddenly in front of me.

xxx xxx xxx

Q

Now, when Paul Lapiz suddenly stood up from among the bushes and what happened next?

A

He choked me.

Q

Which part of your body did Paul Lapid choke you (sic)?

A

At my neck.

xxx xxx xxx

Q

When Paul Lapid choke your neck with the use of the right hand, what did you do?

A

I want to shout but he told me to keep quiet.

xxx xxx xxx

Q

And because you did not shout, what happened next?

A

As I am about to shout, he boxed me.

xxx xxx xxx

Q

What happened to you when Paul Lapid boxed you?

A

I cried.

Q

Other than crying, what happened to you?

A

Then he boxed me again and I was unconscious.

xxx xxx xxx

Q

Did you regain consciousness?

A

Yes, I regain consciousness because I lost consciousness for a short time.

xxx xxx xxx

Q

All right, so what happened after you regain (sic) consciousness?

A

When I found out, I have no more panty and pants.

xxx xxx xxx

Q

But you were still lying down when you regain (sic) consciousness?

A

Yes, sir.

Q

What about Paul, what was his position when you regain(ed) consciousness?

A

He mounted to me. (sic)

Q

When Paul Lapiz mounted on you, did he have his pants or did he have his underwear on?

A

Nothing.

Q

What about his shirt, did he have something on his upper body?

A

Yes, sir.

xxx xxx xxx

Q

You said that after you regain consciousness, you were still lying down and have no panty and accused mounted on you, what did he do mounting on you?

A

He was in the act of push and pulling on me.

Q

Aside from that, what else did he do?

A

Just in the act of push and pull.

Q

When you said that Paul Lapiz made a push and pull motion, did you see his penis?

A

Yes, sir.

Q

And what was then, ---- was it hard or was it soft?

A

Very hard.

Q

What did he do with his penis when you said he rode on top of you?

A

He was holding.

Q

He was holding it towards, what did he do with his penis?

A

He inserted the same to my vagina.

Q

Was the penis entered into the vagina?

A

No, sir.

Q

Tell the Honorable Court, you said that the penis was not able to penetrate you, how is that?

A

It was able to enter but just a short time.

Q

After that you said that his penis was able to enter your vagina for a short time, what happened next?

A

He stopped and he no longer mounted on me."[6]

The trial court gave full faith and credence to the testimony of complainant Ruby Geraldez. We find no reason to disturb this finding. As we consistently hold, the trial judge's evaluation of the testimony of a witness is generally accorded the highest respect unless some weighty circumstance has been ignored or misunderstood which could change the result of the case. Having had the direct opportunity to observe the complainant on the witness stand, the trial judge was in a vantage position to assess her demeanor, and to determine if she was telling the truth or not.[7] More importantly, complainant positively identified appellant as the person who attacked and ravished her in her statement given to the police and during her testimony in court.

Neither is it proper for us to measure the actions of children who have undergone a traumatic experience by the norms of behavior expected under the circumstances from mature people.[8] Thus, the fact that the complainant chose to go to the house of her uncle Romeo Lapid instead of reporting the matter directly to her guardian-employer does not render her narration doubtful. More so where complainant has sufficiently explained in her testimony that the house of Romeo Lapid is nearer whereas she still has to traverse a hill before she could reach the house of her guardian-employer.

Appellant's defense is based on alibi. His alibi is only corroborated by his wife, who testified in court without being summoned. Appellant's niece, Raffy Mae Lapiz, whom complainant allegedly maltreated was not presented as a witness when her testimony could have lent stronger credence to his alibi. An alibi established mainly by the accused himself is always viewed with suspicion and received with caution because it can easily be fabricated.[9]

Appellant urges that the case at bar was filed against him allegedly because he slapped complainant when she answered back at him. We find it unnatural for a 13-year old, naive and innocent barrio lass to concoct a story of rape which would drag herself to a lifetime of shame just because she resented the physical punishment of the appellant.[10] Her unwavering sincerity and candor while testifying in court convinces us that she was impelled by a desire to obtain justice for the dastardly act committed upon her person. Indeed, a girl of tender age like the complainant would not invent a story of defloration, let alone against her own relative, allow an examination of her private parts and face a public trial, if she is not motivated solely by the desire to have the culprit apprehended and punished.[11] As well observed by the trial court - "Parenthetically, the offended party would have been helpless if she was not taken into custody by the Department of Social Welfare and Development as her mother is already dead while her father had left her to Mercy Regalado. Offended party's brother could not be contacted and of the aforementioned relatives of the offended party none ever attended the hearing. Except the State, she practically pursued her fight for justice single-handedly against all odds." [12] Appellant further attempted to establish the motive why he was charged with rape when he testified that he had an altercation with complainant's employer, Mercy Regalado. Allegedly, he complained Mercy to the barangay captain as her animals destroyed his plants. Nonetheless, he admitted that his complaint had been settled before the present case was filed. There being no ill motive on the part of the complainant, her testimony cannot be denied faith and credit.

It is further averred that the reaction of appellant's wife upon seeing complainant and appellant in a compromising position is contrary to normal human behavior. We are not persuaded. There is nothing incomprehensible about the reaction of appellant's wife. We have long recognized that different people react differently to a given type of situation, and there is no standard form of behavioral response when one is confronted with a strange, startling or frightful experience. One person's spontaneous response may be aggression, while another person's reaction may be cold indifference.[13] It is worthy to note that at the time of the incident, appellant's wife was nine (9) months pregnant and gave birth the following day. This is a mute but eloquent proof of the physical and emotional turmoil that appellant's wife suffered on account of what she witnessed, which is definitely more telling than the seeming indifference she initially demonstrated.

The argument that it was impossible for appellant to have raped complainant knowing that his wife is only a few meters away is unfounded. It is common judicial experience that rapists are not deterred from committing their odious act by the presence of people nearby. Lust is no respecter of time, place or kinship. Rape is not only committed in seclusion.[14]

Appellant's contention that it was improbable for his wife not to have noticed any movement in the tall grasses if it were true that complainant resisted him begs the question. Complainant testified that when she regained consciousness, she found herself lying in a different place surrounded by tall grasses, sunflowers, jackfruit and mango trees. Appellant must have purposely sought that place because he knew that his wife would not saunter there. In other words, he did not expect his wife to be in that place. The only explanation then for the wife's unexpected appearance in the place is because her attention was caught by the stirring movement in the tall grasses while complainant was struggling with appellant. Rather than weaken the prosecution evidence, appellant's argument strengthens the testimony of the complainant that she has been raped.

While we affirm the conviction of appellant, the damages awarded by the trial court should be modified. Current case law holds that a civil indemnity of P50,000.00 is mandatory upon the finding of the fact of rape, which is

distinct from moral damages.[15]

WHEREFORE, the judgment of the trial court is AFFIRMED with the MODIFICATION that accused-appellant PAUL LAPIZ is ordered to pay private complainant RUBY GERALDEZ the additional amount of P50,000.00 as civil indemnity. Costs against appellant.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Kapunan, and Pardo, JJ., concur.
Ynares-Santiago, J., on leave.

[1] Original Record, p. 2.

[2] Ibid., pp. 113-121.

[3] Exhibit A; Ibid., pp. 5-6.

[4] Exhibit B; Ibid., p. 9.

[5] People vs. Tabanggay, G.R. No. 130504, June 29, 2000.

[6] TSN, December 19, 1995, pp. 6-12.

[7] People vs. Cabana, G.R. No. 127124, May 9, 2000.

[8] People vs. Tadulan, 271 SCRA 233 (1997).

[9] People vs. Ordonio, et al., G.R. No. 132154, June 29, 2000.

[10] People vs. Cabana, supra.

[11] People vs. Alcartado, et al., G.R. Nos. 132379-82, June 29, 2000.

[12] Original Record, p. 119.

[13] People vs. Perez, 296 SCRA 17 (1998); People vs. Mamac, G.R. No. 130332, May 31, 2000.

[14] People vs. Tabanggay, G.R. No. 130504, June 29, 2000.

[15] People vs. Prades, 293 SCRA 411 (1998).

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.