

PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. RUDY MADIA, ACCUSED AND APPELLANT.

G.R. No. 130524. June 20, 2001

Ponente: BUENA, J.

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BUENA, J.:

This is an appeal from the decision dated March 19, 1997 of the Regional Trial Court, Fourth Judicial Region, Branch 81, Romblon, Romblon, in Criminal Case Nos. 2010, 2011, 2012 and 2013, the dispositive portion of which reads:

"WHEREFORE, this Court finds the accused RUDY MADIA GUILTY beyond reasonable doubt of four (4) counts of statutory rapes and is hereby sentenced to suffer the penalty of reclusion perpetua, with the accessory penalties of the law for each of the four (4) counts of rapes, to pay the victim and her family the amount of PhP50,000.00 for each of the four (4) counts of rapes, or a total of PhP200,000.00, and to pay the costs.

"The period of preventive imprisonment the accused had undergone shall be credited in his favor to its full extent pursuant to Article 29 of the Revised Penal Code."[1]

The antecedents are as follows:

The victim, Maria Aurora Fortunato, is suffering from epilepsy or more popularly known in their locality as "gutas." [2] In July 1995, she was ten (10) years old and was in grade four (4). [3]

On the first day of that month, at around 9:00 in the morning, accused-appellant brought the victim to an uninhabited and dilapidated house in Barangay Agtongo under the pretext that he will cure the latter's ailment. At the house, appellant removed the victim's shorts and panty. Appellant removed his pants and lay beside the victim. Then, he inserted his penis into her vagina. She pleaded for appellant to stop but the latter persisted. After the sexual act, appellant wiped the victim's vagina and kissed her mouth and vagina. When appellant showed his penis to the victim, the latter saw a urine-like substance coming out of the same. The victim did not tell her mother about the incident because appellant threatened to beat her up. [4]

The second incident complained of happened the very next day. At around 2:00 in the afternoon appellant brought the victim to the dilapidated house anew. Again, he took off her shorts and panty, undressed himself, laid down beside her, and inserted his penis into her vagina. [5] Due to appellants renewed threats of bodily harm, the victim kept the incident to herself. [6]

The third incident happened the following day, July 3, 1995. At around 2:00 in the afternoon, while the victim was defecating in a "not so forested area," appellant saw the victim. Just like in the two preceding incidents, appellant craftily brought the victim to the dilapidated house in Barangay Agtongo. There, appellant succeeded in having carnal knowledge with the victim for the third time. He took off the victim's shorts and panty. Next he took off his shorts and lay beside her. Then, he inserted his penis into her vagina. [7] The victim was again threatened by appellant. [8]

The last incident happened on July 9, 1995. This time, appellant brought the victim to a "wooded forested area." Thereafter, appellant spread a sack and made the victim lie down. He went on top of her and inserted his penis inside her vagina. After the sexual act, appellant brought the victim to the place where they gather lumbay leaves.[9]

Later that day, a neighbor confided to the victim's mother that she once saw the victim with the appellant inside the dilapidated house.[10] This prompted the mother to ask her daughter.[11] The next day, they went to the police and to the doctor.[12] After conducting a medical exam, the doctor found the victim's hymen to be ruptured at 6 o'clock, 9 o'clock and 12 o'clock.[13]

On August 17, 1995, appellant Rudy Madia was charged with four (4) counts of rape in four (4) separate informations, the accusatory portions of which read:

"CRIMINAL CASE NO. 2010

"That on or about the 1[st] day of July 1995, at around 9 o'clock in the morning, in barangay Agtongo, municipality of Romblon, province of Romblon, Philippines, and within the jurisdiction of this Honorable Court, the said accused, did then and there wilfully unlawfully and feloniously had carnal knowledge of MARIA AURORA FORTUNATO, a 10 year old girl, against her will."

"CRIMINAL CASE NO. 2011

"That on or about the 2[nd] day of July 1995, at around 2 o'clock in the afternoon, in barangay Agtongo, municipality of Romblon, province of Romblon, Philippines, and within the jurisdiction of this Honorable Court, the said accused, did then and there wilfully, unlawfully and feloniously had carnal knowledge of MARIA AURORA FORTUNATO, a 10 year old girl, against her will.

"CRIMINAL CASE NO. 2012

"That on or about the 3[rd] day of July 1995, at barangay Agtongo, municipality of Romblon, province of Romblon, Philippines, and within the jurisdiction of this Honorable Court, the said accused, did then and there wilfully, unlawfully and feloniously had carnal knowledge of MARIA AURORA FORTUNATO, a 10 year old girl, against her will.

"CRIMINAL CASE NO. 2013

"That on or about the 9[th] day of July 1995, at around 10 o'clock in the morning, in barangay Agtongo, municipality of Romblon, province of Romblon, Philippines, and within the jurisdiction of this Honorable Court, the said accused, did then and there wilfully, unlawfully and feloniously had carnal knowledge of MARIA AURORA FORTUNATO, a 10 year old girl, against her will." [14]

Upon arraignment on September 15, 1995, appellant, assisted by Atty. Manuel R. Recto, pleaded not guilty.[15]

Appellant denies the charges. His defense as found by the trial court is reproduced in the Appellant's brief, thus:

"In defense, accused Rudy Madia denied the charges. He testified that on July 1, 1995, at around 9 o'clock in the morning, he was in his house watching out (sic) his one (1) year old grandchild Lorena, the elder daughter of his daughter-in-law Leonila Coreng Madia and her husband Renato Madia, who was then breast feeding inside the house her other newly delivered baby girl who was delivered on June 29, 1995. At that time, Renato Madia, the accused's son, went to the place where he was working as a marble worker. Accused' wife was sin (sic) town delivering tuba. She went to town at 9 o'clock that morning. He gathered tuba at 7 o'clock and finished it at 9 o'clock. After gathering tuba, he went home and stayed there to watch his grandchild after taking breakfast.

"On July 2, 1995, at around 2 o'clock in the afternoon, he was making table to be used for eating because they

had no table. He was also a carpenter with tools. His wife was the one watching their grandchild.

"On July 3, 1995, at around 2 o'clock in the afternoon, he was also in his home making the table which was not yet finished. He finished it in three afternoons. He started making the table on July 2. He finished it on July 4. He first made only one long chair for the table. His wife was the one watching their grandchild while he was working.

"On July 9, 1995, at around 10 o'clock in the morning, he was in his house still watching over his grandchild Lorena. He started watching Lorena at 9 o'clock, after gathering tuba, until 11 o'clock. When his wife arrived, he cooked their viand and she replaced him in watching their grandchild. His wife delivered tuba in town that morning at around 9 o'clock. That was her regular job with the tuba loaded in the jeep with her. At 10 o'clock, his wife was still in town, while his daughter-in-law with the newly delivered baby were in his house."[16]

After trial, appellant was found guilty beyond reasonable doubt of the crimes charged and was sentenced accordingly.

Appellant raises a lone assignment of error:

"LONE ASSIGNED ERROR

"THE TRIAL COURT ERRED IN CONVICTING ACCUSED-APPELLANT OF FOUR (4) COUNTS OF RAPE DESPITE FAILURE OF THE PROSECUTION TO SUBSTANTIATE HIS GUILT BEYOND REASONABLE DOUBT."[17]

The appeal is devoid of merit.

In support of his lone assigned error, appellant argues that the victim's failure to report the rape incidents to her mother casts doubt on the former's charges of rape. According to appellant, the common and spontaneous reaction of a rape victim would be to relay her ordeal to someone close to her.[18]

We disagree. Not all rape victims can be expected to act conformably to the usual expectations of everyone.[19] Different and varying degrees of behavioral responses is expected in the proximity of, or in confronting, an aberrant episode. It is well settled that,

"different people react differently to a given situation or type of situation and there is no standard form of human behavioral response when one is confronted with a strange, startling or frightful experience."[20]

In fact, it is quite understandable for a victim not to immediately report the rape as Filipino women are known to be affectedly shy and coy, and rape stigmatizes the victim rather than the perpetrator.[21]

In the case at bar, the victim - a naïve ten (10) year old - could not possibly possess the discernment to take the proper course of action. The delay will not be taken against her for, unlike a mature woman, a rape victim of tender years will not have the same courage and intelligence to immediately report the sexual assault.[22] Besides, the records also reveal that the victim's failure to report the sexual assaults to her mother was due to appellant's threats of bodily harm.[23]

In addition, we have had occasion to consider as justified the filing of complaints for rape months, even years, after the commission of the offense.[24] In the present case, the charges were brought to the attention of the proper authorities on the same month that the rapes were committed.[25]

The appellant's snide point that the victim even accompanied appellant to gather lumbay leaves,[26] is misplaced. The record is clear, she was brought there by appellant.[27] Similarly, appellant's claim of inconsistency between the victim's testimony and that of defense witness Milagros Machon is baseless. Machon's testimony that she saw appellant with the victim in the dilapidated hut[28] confirms the victim's story that she was indeed brought to the

said place by appellant. We also take notice of Machon's observation that the victim's face was pale, "as if shocked." [29] Moreover, Machon corroborated the testimony of the victim's mother when she said she gave the former a "clue" which prompted the former to bring her daughter, the victim, to the doctor the following day. [30] All these considered, we find the victim's narration to be credible.

Next, appellant asserts that he has adequately established his alibi. Again, we disagree.

The first defense witness, Milagros Machon, did not only corroborate the victim's story but also belied accused' claim that he never used the nickname "Latik." [31] The same name familiarly used by the victim to identify appellant all through her testimony.

The second defense witness, Leonila Corong, could not also offer support to appellant's narration. In his testimony, the latter claimed that on July 1, 1995 he was busy looking after his granddaughter. According to him, his daughter-in-law had just given birth on June 29, 1995. [32] This is contradicted by no less than his daughter-in-law who testified that she gave birth only on July 14, 1995. [33] In addition, after a thorough review of Leonila's testimony we find the same to be coquettish and vacillating. This could very well be the reason why the trial court never gave it much weight.

Appellant's third and final witness, Gretchen Relox, similarly fails to advance the former's cause. While Ms. Relox claimed that she was in school with the victim on July 3, 1995, she admits later in her testimony that she and the victim were never classmates. [34] Still according to her, the victim was in grade 4 while she was only in grade 3. [35] Under these circumstances, Ms. Relox could not have possibly kept an eye on the victim to know the latter's exact whereabouts on that fateful day. Yet, Ms. Relox stubbornly maintains that the victim was in her classroom reading. [36] We find this obstinate stance of the witness to be a clear manifestation of her bias.

In this light, we affirm the findings of the trial court which is in a unique position to observe that elusive and incommunicable evidence of the witness' deportment on the stand while testifying. [37] Time and again we have held,

"The matter of assigning values to declarations on the witness stand is best and most competently performed by the trial judge who had the unmatched opportunity to observe the witnesses and to assess their credibility by the various indicia available but not reflected in the record." [38]

In view of all the foregoing, we find the trial court's imposition of the penalty of reclusion perpetua for each count of rape to be in accord with Article 335 of the Revised Penal Code and the award of PhP 50,000.00 for each of the four (4) counts of rape as civil indemnity to be proper since civil indemnity of PhP 50,000.00 is automatically given to the offended party without need of further evidence other than the commission of rape. We must however, grant a separate award of moral damages in recognition of the appalling and outrageous sexual violence which will most certainly haunt this young victim of ten (10) for the rest of her life. [39] In accordance with the prevailing jurisprudence therefore, we award the amount of PhP 50,000.00 as moral damages for each of the four (4) counts of rape. [40]

WHEREFORE, the judgment of the trial court is hereby **AFFIRMED** with the sole modification that the appellant, RUDY MADIA, is hereby **ORDERED** to pay the additional amount of PhP 200,000.00 as moral damages for all four (4) counts of rape.

SO ORDERED.

Bellosillo, (Chairman), Mendoza, Quisumbing, and De Leon, Jr., JJ., concur.

[1] RTC Decision, p. 73, Records.

- [2] TSN, March 12, 1996, p.10.
- [3] RECORDS, Exh "A"/ Certificate of Live Birth, p. 29; TSN, March 11, 1996, p. 3; TSN, March 12, 1996, p.5.
- [4] TSN, March 11, 1996, pp. 5-8, 21-22.
- [5] TSN, March 11, 1996, p. 10.
- [6] TSN, March 11, 1996, p. 12.
- [7] TSN, March 11, 1996, pp. 12-13.
- [8] TSN, March 11, 1996, p. 14.
- [9] TSN, March 11, 1996, pp. 15-17.
- [10] TSN, September 2, 1996, pp. 5-7, 9-12; TSN, March 12, 1996, p. 7.
- [11] TSN, March 12, 1996, p. 8.
- [12] Ibid, p. 9.
- [13] Exh. "C"/ Medico Legal Certificate, p. 31, RECORDS; TSN, March 12, 1996, p. 18.
- [14] RTC Decision, pp. 67-68, Records; Appellant's Brief, pp. 41-42, Rollo.
- [15] Certificate of Arraignment, p. 10, Records.
- [16] Appellant's Brief, pp. 45-46, Rollo.
- [17] Appellant's Brief, p. 41, Rollo.
- [18] Appellant's Brief, p. 47, Rollo.
- [19] People vs. Silvano, 309 SCRA 362, 392 [1999].
- [20] Ibid ; see also People vs. Yabut, 311 SCRA 590, 598 [1999].
- [21] People vs. Accion, 312 SCRA 250, 264 [1999] citing People vs. Luzorata, 286 SCRA 487 [1997].
- [22] People vs. Manggasin, 306 SCRA 228, 244 [1999].
- [23] TSN, March 11, 1996, pp. 8 and 14.
- [24] People vs. Sandico, 307 SCRA 204, 216 [1999].
- [25] Exh. "B"/ Criminal Complaint, p. 30, Records.
- [26] Appellant's Brief, p. 47, Rollo.
- [27] TSN, March 11, 1996, p. 17.
- [28] TSN, September 12, 1996, pp. 11-12.
- [29] Ibid.
- [30] TSN, September 12, 1996, pp. 11-12.
- [31] TSN, August 1, 1996, p. 16; compared with TSN, September 2, 1996, p. 10.
- [32] TSN, August 1, 1996, p.5.

[33] TSN, October 1, 1996, p. 15.

[34] TSN, January 10, 1997, p. 5

[35] Ibid.

[36] TSN, January 10, 1997, p. 6

[37] People vs. Silvano, 309 SCRA 362, 396 [1999].

[38] People vs. Accion, 312 SCRA 250, 259 [1999].

[39] People vs. Perez, 175 SCRA 203, 215-216 [1989]; reiterated in People vs. Santos, 183 SCRA 25, 33-34 [1990]; and People vs. Joya, 227 SCRA 9, 27 [1993].

[40] People vs. Accion, 312 SCRA 250, 264 [1999]; People vs. Erese, 281 SCRA 316, 329 [1997].

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