

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. DOMINGO SABARDAN, APPELLANT.

G.R. No. 132135. May 21, 2004

Ponente: CALLEJO, SR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-132135/>

CALLEJO, SR., J.:

Before us is an appeal from the Decision[1] of the Regional Trial Court of Binangonan, Rizal, Branch 69, in Criminal Case No. 1590-B convicting appellant Domingo Sabardan of serious illegal detention with rape, sentencing him to suffer the penalty of reclusion perpetua, and ordering the appellant to indemnify the private complainant, Richelle Banluta, the sum of P50,000.00.

The Information[2] against the appellant reads:

That about and during the period beginning the 15th day of September 1991, to the 30th day of September 1991, in the Municipality of Binangonan, Rizal, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully, feloniously and by force and intimidation, detain and keep lock one Richelle Banluta, a girl twelve (12) years of age in his rented apartment at No. 5 Linaluz St., SCH-Subdivision-Tayuman, Binangonan, Rizal, from September 15 to September 30, 1991, or a period of fifteen (15) days, under restraint and against the will of said Richelle Banluta, and said accused during said period of detention did then and there willfully, unlawfully and feloniously have a carnal knowledge of the complainant Richelle Banluta while she is deprived of reason or otherwise unconscious by reason of a drug which he administered to her, against her will and consent.

Contrary to law.

When arraigned on June 9, 1992, the appellant pleaded not guilty. Trial thereafter ensued.

The Case for the Prosecution

Richelle Banluta was born on August 10, 1979. When she was about four (4) years old, Nimfa Banluta, a beach resort owner, allowed Richelle to stay in their house and considered her as a natural daughter. Nimfa had Richelle enrolled in the elementary school using her surname, “Banluta.”

Sometime in 1990, the Banluta family transferred their residence to No. 5, Linaluz Street, San Carlos Subdivision, Tayuman, Binangonan, Rizal. Opposite their house was that of Elizabeth de Luna. Another neighbor of the Banluta family was the appellant, then fifty-year-old Domingo Sabardan, a catechist who resided in a two-storey apartment about fifteen meters away from the Banluta residence. The appellant came to meet Richelle as he frequented the Banluta house and befriended Rico Banluta, Nimfa’s twenty- one-year-old son.

At about 10:00 p.m. on September 15, 1991, Nimfa berated Richelle for playing with the diaper of her niece. Richelle, who was then a little more than twelve years old, placed some underwear, shorts, long pants, and four shirts in her school bag and surreptitiously left the house. She passed by the appellant’s apartment while the latter was on his way out to throw garbage. The appellant inquired where she was going, and Richelle replied that she was earlier berated by her mother and was leaving the house. The appellant invited Richelle to his apartment, and

to spend the night therein. Richelle agreed. She felt happy, thinking that she was in good hands.[3] Besides, she had nowhere to go.[4]

The appellant led Richelle to a room on the second floor of the apartment, where she slept without removing her pants and underwear. The following morning, the appellant served breakfast to Richelle in her room. He told Richelle that Ella, who stayed in the house, had left earlier at 5:00 a.m. The room where Richelle slept had three padlocked windows with jalousies.[5]

Later that day, the appellant served lunch and dinner to Richelle in her room. That night, the appellant entered the room completely naked. Surprised, Richelle asked what he was doing in the room, but the appellant did not respond. Richelle kicked him and pulled his hair, and told him to get out. The appellant left the room.

The next morning, Richelle told the appellant that she wanted to go home already. The appellant dissuaded her from leaving and told Richelle that her mother might get angry if she found out that she had slept in his apartment.

The appellant later left the house. When Richelle tried to open the door, she found out that it was locked from the outside.[6]

In the evening of the fourth day of her detention, or on September 18, 1991, Richelle was seated on a coach in the sala on the ground floor of the apartment.[7] The appellant forced her to drink a glass of ice cold beer. When she refused, the appellant threatened to kill her. Afraid for her life, she drank the beer from a glass. The appellant then embraced her, kissed her and touched her breasts. Richelle resisted. Momentarily, she felt dizzy and fell unconscious.

Early the next morning, Richelle woke up and found herself lying in bed completely naked. She felt severe pains in her vagina. She saw the appellant beside her, also completely naked.[8] She noticed that her vagina was bleeding profusely. She asked Sabardan what he did to her and he told her nothing.[9] Richelle washed her vagina with water.[10]

In the evening of the fifth day of her detention, or on September 19, 1991, while Richelle was sitting on the sofa on the ground floor, the appellant again forced her to drink beer. She resisted but the appellant threatened to kill her anew. She drank the beer, but consumed only about one-half of the contents of the glass. She felt dizzy and lost consciousness. When she woke up in the morning, she again felt severe pains in her vagina and saw blood in it.[11]

The appellant forced Richelle to drink either beer or juice on four other occasions. Richelle felt dizzy afterwards, and would wake up completely naked, feeling pains in her vagina.

On September 30, 1991, the appellant left the house, but closed the door outside with three padlocks. At about 5:00 a.m. on that same day, Elizabeth de Luna, a housewife who lived about thirty meters away from the appellant, heard someone hysterically shouting, "Mang Domeng!"[12] Elizabeth sensed that the voice was that of Richelle's. She looked out of the window of her house and saw the appellant in the upper floor of his apartment, walking to and fro.[13]

Elizabeth waited for daybreak, and at 6:00 a.m. reported the incident to Val Banluta, Richelle's brother. Elizabeth and Val went to the appellant's house and knocked on the door. No one responded. The two left and kept the incident to themselves.[14] At about 11:00 a.m., Elizabeth sensed that someone in the appellant's house was watching television. She related the incident to Richelle's other brother, Rico Banluta, who climbed the wall of the appellant's house which abutted a vacant lot, and through the window saw Richelle inside the apartment. Rico informed Val of his discovery. They proceeded to the police station where they reported the incident. Three

policemen arrived, and along with Rico and Val, they proceeded to the appellant's apartment. They saw that it was locked from the outside with three padlocks. Instead of destroying the padlocks, the policemen asked Rico and the latter's friends to climb over the wall. Toto and Binoy, who were friends of Rico, climbed the wall, and managed to extricate Richelle from the second floor of the apartment through the window, after removing the jalousies.[15] The appellant was not in the house at that time.

Richelle was, thereafter, brought to the police station for investigation. There, she executed a written sworn statement dated October 2, 1991. She also signed a criminal complaint charging the appellant of serious illegal detention with rape.[16]

Dr. Jesusa O. Nieves, a medico-legal officer of the PNP Crime Laboratory Service, conducted a physical and medical examination on the private complainant on October 3, 1991. She prepared a Medico-Legal Report,[17] with the following findings:

...

General and Extragenital:

Fairly developed, fairly nourished and coherent female subject. Breasts are hemispherical with light brown areola and nipples from which no secretions could be pressed out. Abdomen is flat and soft.

Genital:

There is lanugo-type growth of pubic hair. Labia majora are full, convex and slightly gaping with the pinkish brown labia minora presenting in between. On separating, the same is disclosed an elastic, fleshly-type hymen with deep, healed laceration at 7 o'clock. External vaginal orifice offers moderate resistance to the introduction of examining index finger and the virgin-sized vaginal speculum. Vaginal canal is narrow with prominent rugosities. Cervix is normal in size, color and consistency.

...

CONCLUSION:

Subject is in non-virgin state physically.

There are no external signs of recent application of any form of violence.

REMARKS:

Vaginal and peri-urethral smears are negative for gram-negative diplococci and for spermatozoa.

The Defense of the Appellant

The appellant denied having raped Richelle. He testified that he was single, 56 years of age, and was residing at No. 11 Luz Street, San Carlos Heights Subdivision, Tayuman, Binangonan, Rizal.[18] He alleged that he taught catechism in front of the Central School of Angono and the school in Barangay Pag-asa.[19] He was a person of good moral character and could not have perpetrated the crime charged.

According to the appellant, he never saw Richelle during the period of September 15, 1991 to September 30, 1991, nor did he invite her to stay in his apartment.[20] He further asserted that he had nothing to do with the offense charged and that Richelle was merely trying to exact money from him.[21]

Prosperidad Sabardan Soriano, the appellant's sister, testified that she customarily paid a visit to her brother's apartment. During the period of September 15, 1991 up to September 30, 1991, she visited her brother on four different occasions. The first was on September 17, 1991, which was the appellant's birthday; the second was on

September 25, 1991, the witness' natal day. The third was on September 29, 1991; and finally, on September 30, 1991. She never saw Richelle in her brother's apartment.[22]

After due trial, the court rendered judgment on October 25, 1997, the decretal portion of which reads:

WHEREFORE, the Court finds the accused guilty beyond reasonable doubt of the crime of Serious Illegal Detention with Rape, and therefore sentence (sic) him to suffer the penalty of reclusion perpetua, and to indemnify the private complainant the sum of P50,000.00 and to pay the cost.

SO ORDERED.[23]

The appellant now appeals the decision, contending that:

- THE LOWER COURT ERRED IN CONVICTING THE ACCUSED SINCE THE EVIDENCE PRESENTED DID NOT CONFORM TO THE CRIME CHARGED.
- THE LOWER COURT ERRED IN FINDING THAT PRIVATE COMPLAINANT HAD SUFFERED DETENTION OR THAT SHE HAD BEEN RAPED.
- THE PROSECUTION'S EVIDENCE DOES NOT JUSTIFY THE AWARD OF DAMAGES.[24]

The Court's Ruling

Anent the first and second assigned errors, the appellant contends that he was deprived of his right to be informed of the nature and cause of the accusation against him because he was charged of detaining and raping the private complainant in his apartment at No. 5 Linaluz Street, San Carlos Heights Subdivision, Tayuman, Binangonan, Rizal. However, the prosecution's evidence shows that she was detained and raped at No. 11-C Luz Street, San Carlos Heights Subdivision, Tayuman, Binangonan, Rizal. Furthermore, the appellant asserts that under the allegations of the Information, the private complainant was raped when she was "deprived of reason or otherwise unconscious by reason of a drug" which the appellant supposedly administered to her. The prosecution, however, failed to adduce evidence that he administered any drug to the private complainant before she was raped.[25] If this were true, Richelle could not have known that she was raped by the appellant since she testified that she felt dizzy and lost consciousness after drinking beer and juice.

The appellant asserts that the prosecution failed to prove that Richelle was illegally detained by the appellant in his apartment, and that he forced her to have sexual intercourse with him. The evidence on record, the appellant insists, shows that Richelle agreed to stay with him in his apartment after leaving their house and consented to having sexual intercourse with him. From the time Richelle arrived at his apartment in the evening of September 15, 1991 up to September 30, 1991, she never tried to escape, nor shouted for help, despite the proximity of the appellant's apartment to their house and that of Elizabeth de Luna.

The contention of the appellant does not persuade.

The verisimilitude and probative weight of the testimony of Richelle, that the appellant detained her against her will and raped her in his apartment, were not debilitated by her mistake in declaring that the apartment of the appellant was at No. 5-C Linaluz Street, when, in fact, it was at No. 11-C Luz Street, San Carlos Heights Subdivision, Tayuman, Binangonan, Rizal. It must be stressed that the situs criminis is not an essential element in rape. The gravamen of the felony is the carnal knowledge by the accused of the private complainant under any of the circumstances provided in Article 335 of the Revised Penal Code, as amended. Richelle's mistake was only minor and collateral to the gravamen of the crime charged. She consistently testified that the appellant detained and raped her in his apartment, only about thirty meters away from their house in San Carlos Heights Subdivision, Tayuman, Binangonan, Rizal. The appellant admitted that he resided in the said apartment, and that Richelle and

her family were his neighbors. In *People vs. Monieva*,^[26] we stressed that where the inconsistency is not an essential element of the crime, such inconsistency is insignificant and cannot have any bearing on the essential fact testified to. It has been held that inconsistencies and discrepancies in the testimony, referring to minor details and not upon the basic aspect of the crime, do not diminish the witnesses' credibility.

The case for the prosecution was not enfeebled by its failure to adduce in evidence the substance or drug which the appellant forced Richelle to drink and which made her dizzy and unconscious, or its failure to present an expert witness to testify on the presence of any sedative in the beer and juice which Richelle was made to drink.

First. The drug or substance in question is only corroborative to Richelle's testimony that she became dizzy and unconscious when the appellant forced her to drink beer and juice. There can be no other conclusion than that the appellant mixed a sedative in the beverage which he forced Richelle to drink. It must be stressed that Richelle was then barely twelve years old. The alcoholic content of the beer must have caused her to feel dizzy and lose consciousness. She was rendered to such stupor, weakness of body and mind as to prevent effectual resistance and preclude the possibility of consent.

Second. In *People vs. Del Rosario*,^[27] we held that a test to determine the presence of any sedative or drug in the drinks given to a victim is not an indispensable element in the prosecution for rape:

True, there was no test conducted to determine the presence of any sedative or drug in the drinks given to the victims which caused them to lose momentary control of their faculties. But this is of little consequence as the same is not an indispensable element in the prosecution for rape. Under the circumstances, it suffices that the victim was found to have been unconscious at the time the offender had carnal knowledge of her.^[28]

Richelle testified that during her captivity, before she was rescued on September 30, 1991, the appellant forced her to drink beer or juice, threatening to kill her if she refused. Despite her resistance, the appellant succeeded in forcing her to drink the beverage. Richelle felt dizzy and unconscious as a consequence, and when she came to, found herself completely naked with the appellant beside her who was also completely nude.^[29]

Richelle testified, thus:

Q

Question No. 22, Madam Witness, Bukod sa ginawa niyang paghahalik at paghimas niya sa iyong dede na una mong binanggit, mayroon pa ba siyang ginawa sa iyo?

Sagot: Noon pong ikatlong araw, meaning on the 17th, sa bahay ni Mang Domeng pagdating niya galing sa pagtuturo ng religion ay pilit niya akong pinainom ng beer at matapos kong mainom ang halos kalahati ng isang boteng beer sa kapipilit niya ay nawalan na ako ng malay at nang magising ako ng madaling araw ay naramdaman ko na masakit ang aking katawan pati na ang aking kike at katabi ko na si Mang Domeng na hubo't hubad kung kaya tinanong ko siya kung ano ang nangyari at bakit ko siya katabi at sinabi sa akin na wala at umalis na siya sa aking kwarto, at halos hindi na siya umaalis ng bahay at kung umalis man ay sandali lang at bumabalik agad ito at kung ilang gabi niya akong pilit na pinaiinom ng beer o kaya ay juice at tuwing nakakainom ako ng mga ito ay nawawalan ako ng malay tao at tuwing magigising ako ay katabi ko na si Mang Domeng na palaging hubo't hubad at wala ang aking panty. Do you confirm this?

A

Yes, sir.

Q How many times did the accused ask you to drink juice?

A Seven (7) times, sir.

Q

The equal number of times you were asked to drink beer, is it not?

A

Yes, sir. Sometimes beer, sometimes juice, but I was asked to drink for seven (7) times.

COURT:

Q So that, it is a fact that you were made to drink beer for seven (7) times?

A Yes, Your Honor.

Q

How about juice, how many times did he made you to (sic) drink juice?

A

Sometimes he asked me to drink juice and sometimes beer for seven (7) times, Your Honor.

Q

So that, what you want to tell us on those seven (7) occasions that you were made to drink it was either beer or juice?

A Yes, Your Honor.

ATTY. MENDOZA:

Q Do you recall how many times you were asked to drink beer?

A I don't know, sir. I just know juice and beer.

Q Do you recall how many times you were asked to drink juice?

A No, sir.

Q Was there any instance that the accused asked you to drink beer and juice at the same time?

A None, sir.

Q

When you were asked by the accused to drink juice, is it not a fact that you were asked to drink juice while you were in the sofa or downstairs?

A Sometimes in the sofa, sometimes in the room, sir.[30]

Understandably, Richelle could not have seen the appellant insert his penis into her vagina since she lost consciousness after drinking the beer and juice. However, in rape cases, carnal knowledge of the victim by the accused may be proven not only by direct evidence but also by circumstantial evidence, provided that there is more than one circumstance; the facts from which the inferences are derived are proven; the combination of all

the circumstances is such as to produce a conviction beyond reasonable doubt.[31]

In the case at bar, the evidence on record shows that, on the fourth and fifth day of Richelle's captivity, and while seated on the sofa in the sala of the ground floor of the appellant's apartment, the appellant forced her to drink beer. She felt dizzy and lost consciousness, and when she came to, found herself in the room on the second floor of the apartment, completely naked, with the appellant beside her. Richelle felt severe pains in her vagina and was petrified when she saw plenty of blood on it. She washed her bloodied vagina with water. To quote the testimony of Richelle:

Q

Madam witness, let's go back to the 4th day that you were inside the room and that the following day you wake (sic) up early in the morning nude where the accused was nowhere in that place, when you wake (sic) up in that morning, what did you feel in your body?

A

My vagina is (sic) painful, sir.

Q That is (sic) all that you felt, your vagina is (sic) painful, is it not?

A Yes, sir.

Q As a matter of fact, there was no blood in your vagina, is it not?

A There was, sir.

Q Small quantity or big quantity?

A Big quantity, sir.

Q What did you do with your vagina with full of blood as you testified?

A I was afraid, sir.[32]

...

Q On the 5th day when you wake (sic) up in the sofa was your vagina bleeding?

A Yes, sir.

Q On the 4th, on the 5th day that your vagina was bleeding, Madame witness, is it not a fact that you washed your vagina?

A I washed it, sir.

Q What did you use in washing your vagina?

A Water, sir.

Q With a soap?

A No, sir.[33]

The testimony of Richelle, that the appellant succeeded in raping her, is corroborated by Dr. Jesusa Nieves' medical findings that Richelle was no longer in a virgin state physically and that her hymen had a deep laceration

at seven o'clock when she was examined on October 3, 1991.

Q Can you please tell us your findings with regard to the genital of the victim?

A

Upon the examination of the genie layer, the sex organ of the victim, the only pertinent findings I've got was the laceration, a deep healed laceration at the hymen, sir.

Q What does that signifies (sic)?

A That a hard blunt object was forcefully inserted to the genie layer of the victim, sir.

Q

I notice in this findings (sic) of yours there is a laceration at 7:00 o'clock, can you please clarify this?

A

The laceration at the 7 o'clock only means that since the hymen is circular in appearance, it is being correlated to the face of the watch so when we say that the laceration is located at 7 o'clock then it only means the same that the laceration or the tear is located in the same position as the number 7 of the clock, sir.

Q

Now, you claimed that upon your examination, one of your findings that [there]is a laceration of (sic) 7 o'clock, what could have cause (sic) the laceration of (sic) 7 o'clock?

Atty. Mendoza:

Already answered, Your Honor, the forceful insertion by blunt instrument.

Fiscal Tacla:

Q Would you consider the penis or a male organ as the blunt instrument which to have put (sic) into her organ?

A Yes, sir.

Q What was the state of the virginity of the lady when you conducted an examination upon her person?

A She is no longer a virgin, sir.

Q What made you conclude that thing?

A That is based on my findings at the hymen, sir.[34]

We reject the appellant's submission that he could not have raped Richelle during the period of September 17, 1991 to September 30, 1991 because when she was examined by Dr. Nieves on October 3, 1991, the lacerations in her hymen had already healed. The appellant's reliance on the testimony of Dr. Nieves, that the healing period of the lacerations on the hymen was seven (7) days from the infliction of such lacerations, is misplaced. The doctor did not testify that the laceration in the hymen of Richelle could not have been healed in less than seven days. Indeed, the healing of wounds is dependent on several factors: (a) vascularity; (b) age of the person; (c) degree of rest or immobilization; and (d) nature of injury.[35]

In fine, although the lacerations were already healed by the time Richelle was examined by Dr. Nieves on October

3, 1991, it is not impossible that Richelle was raped by the appellant for the first time on the fourth day of her captivity. It is well settled that healed lacerations do not necessarily negate rape.[36]

The appellant asserted that Richelle consented to having sex with him, because she shouted, “Mang Domeng, tama na, ayaw ko na!,” when he kissed and embraced her, and mashed her breasts. The appellant asserts that, in saying, “ayaw ko na,” twelve-year-old Richelle was consenting to his prior sexual assaults. Richelle’s testimony reads:

Q

Throughout these days that the accused embraced you, kissed you and got hold of your breast, you did not shout?

A

I shouted everyday, sir.

Q Will you tell this Court what words you used when you shouted?

A I shouted, “Mang Domeng, tama na, ayaw ko na.”

Q Why, Madame witness, when you said “ayaw ko na,” was there any instance that you agreed to Mang Domeng?

FISCAL TACLA:

What is that agreement all about, Your Honor?

ATTY. MENDOZA:

Well, “ayaw ko na” Your Honor, she presumed that ayaw na niya iyong nagaganap sa kanya. My question is on what was happening to her that she is now testifying, was there any occasion that she agreed.

COURT:

Answer.

Witness:

A

Ayaw ko na po iyong ginagawa niya sa akin. Gusto ko nang umuwi sa amin.

ATTY. MENDOZA:

Q In all that occasions you did not box nor kick the accused, is it not?

A I tried to fight back and I even pulled his hair, sir.[37]

The appellant’s contention deserves scant consideration. As gleaned from Richelle’s testimony, she had been shouting and pleading to the appellant everyday to stop the lascivious acts and the sexual advances on her. She resolutely fought back and even pulled the appellant’s hair. In fine, when the appellant subjected Richelle to his bestial desires, Richelle resisted, to no avail. If, as claimed by the appellant, Richelle had consented to having sexual intercourse with him from September 16, 1991 to September 30, 1991, there would no longer have been a need for him to force her to drink beer and juice to render her dizzy and unconscious.

The testimony of Richelle should not be considered in its truncated parts but in its entirety. The meaning of the words in a portion of the testimony of a witness should be considered, taking into account the entirety of the latter's testimony. Besides, bearing in mind the chastity and bashfulness of a typical Filipina, especially one in her tender years, it is highly inconceivable for Richelle, a young girl, to consent to sexual acts with the appellant. Richelle was barely in her teens when the harrowing experience took place. We find it deviant for a twelve-year-old naïve and unsophisticated grade school student to be consenting to sexual intercourse with the appellant. Richelle's unwaivering sincerity and candor while testifying in court convinces us that she was constrained by her desire to seek justice for the bestial act committed upon her person.[38] In fact, Richelle cried while recalling the sexual assaults on her.

The appellant harped on his being a catechist of good moral character to escape conviction. This hardly justifies the conclusion that he is innocent of the crime charged. Indeed, religiosity is not always a badge of good conduct and faith is no guarantee against any sexual perversion. In the case of *People vs. Diopita*,[39] this Court pronounced that an accused is not entitled to an acquittal simply because he is of good moral character and exemplary conduct. The affirmance or reversal of his conviction must be resolved on the basic issue of whether the prosecution had discharged its duty of proving his guilt beyond reasonable doubt. Since the evidence of the crime in the instant case is more than sufficient to convict, the evidence of the appellant's good moral character cannot prevail.

The appellant contends that Richelle consented to stay in his apartment; hence, he cannot be convicted of serious illegal detention. We agree with the appellant's assertion that he is not guilty of serious illegal detention, but we do not agree that Richelle consented to stay in his apartment from September 17, 1991 until she was rescued on September 30, 1991. Understandably, Richelle did not leave the appellant's apartment on September 30, 1991. She had just surreptitiously left their house in a rebellious mood and had nowhere to go. She believed, at that time, that she was safe with the appellant, who was their neighbor and her brother's friend. However, when the appellant sat on her bed in the evening of the same day, completely naked, Richelle decided to leave the next day. She balked at leaving only when the appellant warned her that her mother, Nimfa, would berate her for sleeping at his apartment. Obviously, in warning Richelle of what to expect from her mother, the appellant wanted to instill fear in her mind to force her to remain in his apartment. Richelle should have left the apartment and returned home that day, and contend with her mother's anger for leaving their house and sleeping in the appellant's apartment. However, Richelle, then barely twelve years old and a mere grade six pupil, cannot be expected to react and decide like an adult would. She could not have foreseen the appellant's evil intent of raping her. Moreover, even if she wanted to leave the appellant's apartment, she could not do so because the appellant did not allow her to leave. Frustrated in his first attempt, the appellant was determined to deflower Richelle. And the appellant succeeded, because on the fourth day of Richelle's stay in the appellant's apartment, the appellant forced her to drink beer which caused her to feel dizzy and rendered her unconscious. The appellant forthwith raped her.

In light of the evidence on record, the original and primordial intention of the appellant in keeping Richelle in his apartment was to rape her and not to deprive her of her liberty. Hence, the appellant is guilty only of rape under Article 335, paragraph 1 of the Revised Penal Code, and not of the complex crime of serious illegal detention with rape under Article 267, in relation to Articles 335 and 48 of the Code.[40] Hence, the trial court correctly sentenced the appellant to reclusion perpetua.

Richelle could not have escaped from the appellant's apartment during her stay therein from September 17, 1991 until September 30, 1991, because the appellant locked the door from the outside whenever he would go out. Richelle could move around the house, but the windows on the ground and second floors had grills with smoked

glass.[41] Richelle tried to open the windows, but she could not.

We, likewise, find it incredible for Richelle to contrive a story of rape which would expose herself to a lifetime of shame, allow an examination of her private parts and face public trial.[42] A rape victim who testifies in a categorical, straightforward, spontaneous and frank manner, and remains consistent, is a credible witness. The bare denial of the appellant cannot prevail over the positive testimony of Richelle. Well-settled is the rule that testimonies of young victims of rape deserve full credence and should not be so easily dismissed as a mere fabrication.[43] In the case at bar, the trial court found the testimony of the victim to be trustworthy and convincing. It has been held in a long line of cases that the findings of the trial court on the credibility of witnesses and their testimonies are afforded great respect, since it is the trial judge who observes and monitors the behavior and demeanor of the witnesses.

Finally, the assertion of the appellant that the charge against him was motivated by Richelle's desire to extort money from him is preposterous. The appellant's testimony to prove his claim is hearsay because he was merely told by his counsel of Richelle's desire for money. The appellant failed to present his counsel to prove his claim. Besides, the appellant was merely a catechist and had no apparent sustainable means of livelihood, and only survived through the support given to him by his siblings. We agree with the findings of the trial court, viz:

The accused tried to insinuate ulterior or improper motive on the part of the complainant by alleging that complainant Richelle charge[d] him with this offense because they are asking money as told [to] him by Atty. Mendoza.

This allegation is patently unmeritorious and cannot be given any value by the court, as it was hearsay, and Atty. Mendoza was not presented to pursue or give light on this allegation. At any rate, the mother of the offended party, Nimfa Banluta, testified that she got the insinuation that the sister of the accused was willing to settle the case through her friend living near the street of the accused.[44]

It is rudimentary that where there is no showing that the private complainant was impelled by any improper motive in making the accusation against the appellant, her complaint is entitled to full faith and credit. Hence, when the appellant could not present any sensible justification as to why the private complainant had accused him, such fact logically proves that no improper motive propelled the latter to charge the former of such a serious offense as rape.[45]

The trial court correctly awarded Richelle civil indemnity of P50,000. This is in the nature of actual and compensatory damages, and is obligatory upon conviction for rape.[46] In addition, she is entitled to moral damages in the amount of P50,000. Moral damages are automatically awarded to rape victims without the necessity of proof, for it is assumed that she suffered moral injuries entitling her to such award. Such award is separate and distinct from civil indemnity.[47]

IN LIGHT OF ALL THE FOREGOING, the Decision of the Regional Trial Court of Binangonan, Rizal, Branch 69, in Criminal Case No. 1590-B, finding the appellant guilty beyond reasonable doubt of the crime of serious illegal detention with rape is MODIFIED. Appellant DOMINGO SABARDAN is found guilty beyond reasonable doubt of rape under Article 335 of the Revised Penal Code and is sentenced to suffer the penalty of reclusion perpetua. The appellant is ORDERED to pay the victim, Richelle Banluta, P50,000 as civil indemnity and P50,000 as moral damages. No costs.

SO ORDERED.

Quisumbing, (Acting Chairman), Austria-Martinez, and Tinga, JJ., concur.
Puno, (Chairman), J., on official leave.

[1] Penned by Judge Paterno G. Tiamson.

[2] Rollo, p. 7.

[3] TSN, 15 July 1993, p. 20.

[4] Id. at 29.

[5] Id. at 34-35.

[6] TSN, 13 July 1993, p. 12.

[7] TSN, 12 August 1993, p. 7.

[8] TSN, 13 July 1993, p. 16.

[9] TSN, 12 August 1993, p. 10.

[10] Id. at 16.

[11] Id. at 12-13.

[12] TSN, 15 December 1992, pp. 9-10.

[13] Id. at 11-12.

[14] Id. at 15-16.

[15] TSN, 15 October, 1992, pp. 8-9.

[16] Records, p. 2.

[17] Id. at 306.

[18] TSN, 15 June 1995, pp. 2-3.

[19] Id. at 7.

[20] Id. at 12-14.

[21] Id. at 15-16.

[22] TSN, 10 October 1995, pp. 13-20.

[23] Rollo, p. 42.

[24] Id. at 91-92.

[25] Id. at 96.

[26] 333 SCRA 244 (2000).

[27] 282 SCRA 179 (1997).

[28] Id. at 185.

[29] TSN, 12 August 1993, pp. 7-21.

[30] Id. at 34-36.

[31] Section 4, Rule 133, Rules of Court, as amended.

[32] TSN, 12 August 1993, pp. 9-10. (Underscoring supplied)

[33] Id. at 16.

[34] TSN, 16 February 1993, pp. 11-13.

[35] Solis, Legal Medicine, 1987 ed., p. 286.

[36] People vs. Espinoza, 247 SCRA 66, 73 (1995).

[37] TSN, 12 August 1993, pp. 19-20.

[38] See People vs. Supnad, 362 SCRA 346, 356 (2001).

[39] 346 SCRA 794 (2000).

[40] People vs. Lactao, 227 SCRA 463 (1993).

[41] Exhibit "D," Records p. 27.

[42] People vs. Iluis, G.R. No. 135844-45, November 24, 2003.

[43] People vs. Quezada, 375 SCRA 248 (2002).

[44] Records, p. 323.

[45] People vs. Genobia, 234 SCRA 699 (1994).

[46] People vs. Ospig, G.R. No. 141766, November 18, 2003.

[47] People vs. Pagsanjan, 394 SCRA 414, 432 (2002).

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.