PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. WILSON BATOON, ACCUSED-APPELLANT.

G.R. No. 134194. October 26, 1999

Ponente: DAVIDE, JR., C.J.

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DAVIDE, JR., C.J.:

In the decision[1] of 19 February 1996 in Criminal Case No. 116-94, the Regional Trial Court of Alfonso Lista, Ifugao, Branch 15, found accused-appellant WILSON BATOON guilty beyond reasonable doubt of the crime of rape and sentenced him to suffer the penalty of reclusion perpetua and to pay the victim P50,000 in moral damages and P20,000 in exemplary damages.

On 27 January 1994, a criminal complaint for rape[2] was filed by Regina P. Olarte (REGINA) against her stepfather, herein accused-appellant WILSON.

An information was formally filed on 4 May 1994, accusing WILSON of rape committed as follows:

> That on the night of November 8, 1993, at Namillangan, Alfonso Lista, Ifugao, and thus within the jurisdiction of this Honorable Court, the abovenamed accused taking advantage of the absence of his wife and of his being the step father of the victim DID then and there with the use of force had sexual intercourse with Regina P. Olarte against the will and consent of the latter.
>
> CONTRARY TO LAW.[3]

The pertinent facts follow.

On the night of 8 November 1993, REGINA was sleeping in her room at the Batoon residence at Namillangan, Alfonso Lista, Ifugao. Her mother, Rose Batoon, was applying for a job in Manila at the time. Around midnight, she was awakened when the light went off. In her half-awake, half-asleep state, she noticed a shadow, then felt the hand of WILSON on her mouth. Her struggles notwithstanding, WILSON was able to tie her hands and mouth with a piece of cloth. He then removed her skirt and panty and had sexual intercourse with her. WILSON admonished her not to tell her mother about what occurred; otherwise, something will happen to her.

In January 1994, after almost two months of silence, REGINA revealed to her mother that she was raped by WILSON. Thereafter, REGINA went to the police station and executed her sworn statement before SPO4 Samuel Secligen who instructed her to undergo a medical examination. She subsequently filed a criminal complaint for rape against WILSON.[4]

For her part, Rose said that she indeed went to Manila on 8 November 1993, leaving REGINA, her daughter by her first husband, with her second husband WILSON, with whom she has two children aged eleven and two years. She learned about the incident only on 20 January 1994 while they were at the Municipal Court of Sta. Maria attending the preliminary investigation of a separate complaint for rape filed by REGINA against her uncle Rudy Pil-ey, Rose's brother.[5]

In his medico-legal report, Municipal Health Officer Dr. Genaro Manalo revealed that REGINA had healed hymenal lacerations at 3, 6 and 7 o'clock positions, possibly caused by the insertion of a penis or a finger.[6]

In denying the accusation, WILSON said that he was at home on the evening of 8 November 1993, sleeping in one room with his youngest daughter. The other room in the house was occupied by his brother-in-law and the latter's family, his eldest daughter Rowena, and REGINA. He argued that he could not have raped REGINA because it would have awakened the others. The complaint for rape was allegedly filed against him at the instance of his parents-in-law who never approved of him and from all indications advised Rose to leave him. He also claimed that Rose confided to him that her brother Rudy raped REGINA.[7]

Rowena Batoon testified that the first time she learned about the rape case was when the police picked up her father. She said her father wrote her mother a letter asking the latter not to use a fabricated rape story as a leverage to secure legal separation from him. On one occasion, REGINA told her that their grandparents wanted WILSON to be indicted for rape instead of their uncle Rudy. In belying REGINA's charge, Rowena maintained she slept beside REGINA on the night in question while her father slept with her youngest sister. Furthermore, her uncle Freddie and his family were in the adjacent room. She had slept soundly the entire night beside REGINA and was not disturbed by any noise.[8]

The trial court found the testimony of REGINA to be credible and worthy of belief. It disregarded the defense of WILSON that the rape could not have been committed due to the presence of other people in the house. WILSON obviously had moral ascendancy over the victim and his own daughter. Likewise, it observed that the rooms in the house were divided by plywood; therefore, visibility was nil and the dastardly act could easily have been perpetrated. Thus, the court a quo ruled:

> WHEREFORE, finding the accused WILSON BATOON GUILTY beyond reasonable doubt of the crime of RAPE, defined and penalized under Article 335 of the Revised Penal Code, [the court] hereby sentences him the following:
>
> 1. Imposing the penalty of Reclusion Perpetua;
>
> 2. Payment of moral damages to the victim in the amount of P50,000.00;
>
> 3. Payment of exemplary damages to the victim in the amount of P20,000.00;
>
> 4. Costs of the proceedings.

SO ORDERED.[9]

WILSON appealed from said decision and alluded to the following errors allegedly committed by the trial court:

I.

THE LOWER COURT ERRED IN NOT ACQUITTING THE ACCUSED-APPELLANT ON GROUND OF REASONABLE DOUBT.

II.

THE LOWER COURT ERRED IN ORDERING ACCUSED-APPELLANT TO PAY MORAL AND EXEMPLARY DAMAGES AS WELL AS COST OF THE PROCEEDINGS.[10]

WILSON points out that if indeed REGINA put up a fight, such struggle should have awakened her sister who was lying beside her, as well as her uncle sleeping in the adjacent room. WILSON also claims that REGINA was

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no longer a virgin because she had been raped before by her maternal uncle who is at large; hence, her testimony that he took her maidenhood was not credible. In addition, WILSON characterizes as incredible REGINA'S claim that she could not tell her mother right away about the incident because he was always following her. REGINA's assertion that she had one room to herself while the other members of the household stayed in the only other room is likewise incredible. All these, reasons WILSON, lend credence to his daughter Rowena's testimony that REGINA was prevailed upon by her mother and grandparents to sue him instead of her uncle Rudy.

We cannot sustain these arguments.

At issue is the credibility of REGINA. In a prosecution for rape, the complainant's candor is the single most important issue.[11] This must be primarily resolved by the trial court because it is in a better position to decide the question, having heard the witnesses and observed their deportment and manner of testifying.[12] Accordingly, the trial court's findings are entitled to the highest degree of respect and will not be disturbed on appeal unless it overlooked or misapplied some facts which could have affected the result of the case.[13] WILSON has not shown any compelling reason for us to depart from this established rule. Our painstaking review of the records shows that he failed to controvert the clear, candid, and straightforward testimony of REGINA. Thus:

> Q On that night of November 8, 1993 when you are [sic] sleeping in your house, was there anything that happened?
>
> A There was, sir.
>
> Q What was that, Miss witness?
>
> A It was the night when my stepfather raped me, sir.
>
> Q How did he rape you at that night of November 8, 1993?
>
> A That night sir the youngest of their children were [sic] sleeping in the sala, there was still light but at around 12:00 o'clock midnight I was awoken [sic] and I noticed that there is no light so I tried to wake up but I saw a shadow and when I tried to wake up once more he put his arm in my mouth [sic].
>
> Q You stated that when you were about to wake up for the second [sic] time you saw a shadow and following [sic] by covering your mouth?
>
> COURT: Anyway Fiscal, is the accused a detention prisoner?
>
> FISCAL BAGUILAT: Yes, Your Honor.
>
> A He tied me and I tried to struggle so I kicked the side of the bed.
>
> Q When you kicked the side of the bed, what else followed?
>
> A While I am struggling he tied my hands and removed my skirt, sir.
>
> Q When you said that the person tied your hands with [sic] what material did he use?
>
> A It is a piece of cloth, sir.
>
> Q In what position did the accused tie your hands, did he put your hands at your back or at your front?
>
> A In front, sir.
>
> Q After tying your hands, what did he do?

A After he tied my hands he removed my skirt, sir.

Q After removing your skirt, what did he do?

A After he removed my skirt he followed it up by removing my panty and he did what he want [sic] to do. After that when he was finished he told me not to tell to [sic] my mother or else something will happen to me.

Q You said a while ago that he did what he wanted to do with you, will you please particularize [sic] what he did to you?

A He raped me, sir.[14]

x x x

COURT:

x x x

Q You said that your stepfather entered his organ to you, what were you doing then when he entered his organ to you?

A I was struggling and crying that time but I can not do anything.

Q Was he able to enter his penis to your organ?

A Yes, sir.

Q When his organ entered to [sic] your vagina what did the accused do, if any?

A He did the push and pull motion, sir.

Q How long did he place [sic] on top of you?

A I don't know, sir.

Q How many minutes, will you tell it in court?

A Not one hour, sir.

Q How many minutes?

A What I know, sir was about 30 seconds.

Q What did you feel after the accused did the push and pull motion?

A I felt pain, sir.

Q What did you observe with [sic] your vagina?

A I just felt pain and also some parts of my buttocks were painful.

COURT: Proceed, Atty. Biwit.

ATTY. BIWIT: At the time he is [sic] doing the push and pull towards [sic] you, what are the things you did, if you could recall?

FISCAL BAGUILAT: Already answered, Your Honor she said she is crying.

COURT: Sustained.

Atty. Biwit: You were just crying?

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A Yes, sir I cannot move because my hands were tied.[15]

A girl of such age as the victim would not concoct a tale of defloration, allow the examination of her private parts, and undergo the expense, trouble, inconvenience, not to mention the trauma, of a public trial, unless she was in fact raped.[16]

WILSON raised but failed to prove the allegation that REGINA was prompted by her mother and her grandparents to charge him with rape. This is not an uncommon defense, but such alleged motives as family feuds, resentment or revenge have never swayed the Court from lending full credence to the testimony of a complainant who remained steadfast throughout her direct and cross-examinations, especially a minor as in this case.[17] More importantly, no parent would expose his or her own daughter to the shame and scandal of having undergone such a debasing defilement of her chastity if the charge filed were not true.[18]

He likewise points out that REGINA's testimony is replete with falsehoods, like when she said he took her maidenhood when she had in fact been raped by her maternal uncle. This self-serving argument deserves scant consideration. Whether the victim was a virgin or not at the time of the rape is irrelevant inasmuch as virginity is not an element of rape.[19]

WILSON claims that some of REGINA's testimony is unbelievable, such as her statement that her hands were tied in front of her during the rape, which to his mind makes the rape hard to consummate, and that she could not immediately tell her mother about the rape because he was always following her.

We disagree. That REGINA's hands were tied does not contradict her claim that she was raped. In fact, such statement is an indication that her testimony was truthful and unrehearsed. It is a minor detail which does not make the commission of rape impossible. As for the delay in reporting the incident to her mother, REGINA explained that WILSON -- her stepfather who, therefore, exercised a certain moral influence over her -- threatened her. Her failure to report the rape to the immediate members of her family or to the police does not in any way diminish her credibility, her hesitation being attributable to her age, her relationship with WILSON, and his threat of bodily harm.[20] Being the stepfather, he definitely had moral and physical ascendancy over her sufficient to cow her into submission to his bestial desires.[21] In any case, the failure of the victim to immediately report a rape is not an indication of a fabricated charge.[22]

WILSON's argument that the rape was impossible to commit because of the presence of other people in the room must likewise fail. Lust is no respecter of time and place.[23] Rape can be committed in places where people congregate, in parks, along the roadside, within school premises, inside an occupied house, and even in a room where other members of the family are also sleeping.[24] It is not impossible for WILSON to have raped REGINA even with other members of the household present. There is no rule that rape can be only done in seclusion.[25]

Inasmuch as WILSON was found guilty beyond reasonable doubt of the crime of rape, REGINA is entitled to indemnity which current jurisprudence fixes at P50,000, and moral and exemplary damages. The trial court erred in not awarding indemnity. Moral damages are imposed in rape cases involving young girls between thirteen and nineteen years of age, taking into account the immeasurable havoc wrought on their youthful feminine psyche.[26] It may be awarded without need of showing that the victim suffered mental anguish, fright, serious anxiety, and the like.[27] The award of P50,000 for moral damages is in order. Exemplary damages may be awarded in criminal cases as part of the civil liability if the crime was committed with one or more aggravating circumstances.[28] WILSON being the stepfather of REGINA, relationship should be appreciated as an aggravating circumstances in Article 15 of the Revised Penal Code.[29]

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We are thus convinced that the findings and conclusions of the trial court on the criminal liability of WILSON BATOON are completely supported by the facts and the law.

WHEREFORE, the appeal is DISMISSED and the challenged decision of 19 February 1996 of Branch 15 of the Regional Trial Court of Alfonso Lista, Ifugao; in Criminal Case No. 116-94, finding appellant Wilson Batoon guilty beyond reasonable doubt of the crime of rape and sentencing him to suffer the penalty of reclusion perpetua and to pay the offended party Regina P. Olarte the sum of P50,000 as moral damages and P20,000 as exemplary damages, plus the costs is hereby AFFIRMED, subject to the modification that appellant Wilson Batoon is hereby further ordered to pay the offended party Regina Olarte the sum of P50,000 as indemnity.

No pronouncement as to costs.

SO ORDERED.

Kapunan, Pardo, and Ynares-Santiago, JJ., concur.

Puno, J., on official leave.

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[1] Per Judge Demetrio D. Calimag, Jr. Original Record (OR), 83-90; Rollo, 15-22.

[2] Exhibit “B”; OR, 1; Rollo, 7.

[3] OR, 25; Rollo, 8.

[4] TSN, 8 September 1994, 2-10.

[5] TSN, 15 September 1994, 2-7.

[6] TSN, 11 November 1994, 2-5.

[7] TSN, 15 September 1995, 2-8.

[8] TSN, 14 July 1995, 2-18.

[9] Rollo, 22.

[10] Id., 73, Brief for Accused-Appellant.

[11] People v. Gagto, 253 SCRA 455, 467[1996].

[12] People v. Malunes, 247 SCRA 317, 324[1995]; People v. Padilla, 242 SCRA 629, 639[1995].

[13] People v. Matrimonio, 215 SCRA 613[1992].

[14] TSN, 8 November 1994, 4-5

[15] TSN, 8 September 1994, 21-22.

[16] See People v. Erese, 281 SCRA 316[1997]; People v. Escober, 281 SCRA 498[1997]; People v. Sanchez, 250 SCRA 14[1995]; People v. Dado, 244 SCRA 655[1995].

[17] Supra note 5, at 467-468.

[18] People v. Zaballero, 274 SCRA 627, 639[1997]. See People v. Dela Cruz, 251 SCRA 77[1995]; People v. Abao, 240 SCRA 758[1995].

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[19] People v. Delovino, 247 SCRA 637, 650[1995].

[20] People v. Abad, 268 SCRA 246, 256[1997].

[21] People v. Sagaral, 267 SCRA 671, 680[1997].

[22] People v. Perez, 270 SCRA 526, 535[1997]; People v. Catoltol, Sr., 265 SCRA 109, 118-119[1996]; People v. Casil, 241 SCRA 285, 292[1995].

[23] See People v. Alimon, 257 SCRA 658[1996]; People v. Gecomo, 254 SCRA 82[1996].

[24] People v. Gabayron, 278 SCRA 78, 94[1997]; People v. Devilleres, 269 SCRA 716, 728[1997]. People v. De Guzman, 265 SCRA 228, 242[1996]; People v. Leoterio, 264 SCRA 608, 615[1996].

[25] People v. Burce, 269 SCRA 293, 313[1997]; People v. Talaboc, 256 SCRA 441, 449[1996].

[26] People v. Erese, 281 SCRA 316, 329[1997].

[27] People v. Prades, G.R. No. 127569, 30 July 1999.

[28] People v. Estares, 282 SCRA 524, 535[1997].

[29] See People v. de Leon, 50 Phil. 539[1927].

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