

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. ALVIN CAPARAS, APPELLANT.

G.R. No. 134633. April 14, 2004

Ponente: CORONA, J.

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CORONA, J.:

This is an appeal from the decision[1] of the Regional Trial Court of San Mateo, Rizal, Branch 76 in Criminal Case No. 3325 finding appellant Alvin Caparas guilty of raping complainant Marilou F. Lumabas and sentencing him to reclusion perpetua. The dispositive portion of the appealed decision read:

WHEREFORE, premises considered, judgment is hereby rendered finding herein accused Alvin Caparas y Carino guilty beyond reasonable doubt of the crime of Rape as defined and penalized under Art. 335 of the Revised Penal Code, as amended, and sentencing him to suffer reclusion perpetua, to indemnify complainant Marilou Lumabas in the amount of P50,000 as moral damages and to pay the costs.

SO ORDERED.[2]

The information for rape filed by the Assistant Provincial Prosecutor of San Mateo, Rizal alleged:

That on or about the 5[th] day of August, 1997 in the Municipality of San Mateo, Rizal, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by means of force, violence and intimidation, did then and there willfully, unlawfully and feloniously struck complainant MARILOU LUMABAS y FERRER with his fist thereby rendering her unconscious and thereafter had carnal knowledge of said complainant against her will and without her consent.[3]

To prove that appellant Caparas raped complainant Lumabas, the prosecution presented six witnesses: Dr. Emmanuel Reyes, medico-legal officer of the Philippine National Police (PNP) Crime Laboratory in Camp Crame; Ramona Rivera, complainant Lumabas' townmate; Alfonso Madriaga and Julian Quintana, barangay tanods of Maly, San Mateo, Rizal; Emilio Pangilinan, chief barangay tanod of Maly, San Mateo Rizal; and complainant Lumabas.

The facts of the case follow.

On August 5, 1997, complainant Lumabas was at home with her two children, ages 7 and 3. At around 8:00 p.m., appellant Caparas knocked on the door and told complainant to fetch her husband Celso who was very drunk and needed assistance in walking home. Celso, together with appellant and three other friends, had a drinking session in appellant's house after planting palay together. Complainant went with appellant. Since it was already dark and raining, she wore rubber boots and brought a flashlight and umbrella.

As they approached the house of one Dominga Vergara, appellant suddenly grabbed complainant's hand and pulled her down on the grass. She tried to break loose but failed. When she was lying on her back, appellant muttered "pagbigyan mo ako"[4] and "huwag kang sisigaw at papatayin kita."[5] Complainant Lumabas shouted for help and tried to free herself but appellant choked her using his left hand. When she continued resisting, he

punched her twice in the stomach while tightening his hold on her neck. As a result, she lost consciousness.

When complainant came to two hours later, she was naked from the waist down. Appellant was gone. Feeling weak and dizzy, she called for help while running/crawling towards Dominga Vergara's house.

Vergara heard a woman shouting for help so she asked for assistance from Alfonso Madriaga, a barangay tanod, who lived nearby. Madriaga in turn called his fellow barangay tanod, Julian Quintana, and together they went to Vergara's house where they saw the half-naked complainant crawling on the ground. They brought her inside the house where she was clothed by Vergara. When asked by Madriaga who was responsible for her condition, complainant answered "Alvin" and again lost consciousness for about half an hour. She regained consciousness when Ramona Rivera, who lived near Vergara, bit her left toe. Rivera, noticing complainant's swollen neck, also asked her who was responsible for her condition and she again answered that appellant raped her.

Complainant was brought to Madriaga's house while Rivera went to fetch the chief barangay tanod, Emilio Pangilinan, to report the incident. Complainant's father, Manoling Ferrer, and husband Celso arrived at Madriaga's house. Quintana accompanied Ferrer to the place where the alleged rape took place and there they found complainant's underwear and pants. From Madriaga's house, complainant was brought to the municipal hall by her father and husband where she executed her sworn statement.

On August 6, 1997, complainant was examined by Dr. Emmanuel Reyes at the PNP Crime Laboratory at Camp Crame, Quezon City. His findings showed the following:

GENERAL AND EXTRAGENITAL:

Fairly developed, fairly nourished and coherent female subject, breasts are pendulous with dark brown areola and nipples from which no secretions could be pressed out. Abdomen is flat and soft. The following injuries are noted at the head, trunk and extremities;

- 1) Area of multiple linear abrasions, right zygomatic region, measuring 4 by 2 cm, 7.5 cm from the anterior midline.
- 2) Area of multiple linear abrasions, left zygomatic region, measuring 8 by 4 cm, 7 cm from the anterior midline.
- 3) Contusion, right lateral aspect of the neck, measuring 3 by 2.5 cm, 4 cm from the anterior midline with a superimposed abrasion, measuring 3 by 1.5 cm.
- 4) Contusion, left lateral aspect of the neck, measuring 3 by 1.5 cm, 3.0 cm from the anterior midline.
- 5) Area of multiple linear abrasions, right costal extending to the left costal region, measuring 20 by 18 cm, bisected by its anterior midline.
- 6) Area of multiple linear abrasions, right shoulder extending to the proximal 3[rd] of the right arm, measuring 15 by 8cm, bisected by its anterior midline.
- 7) Area of multiple linear abrasions, distal 3[rd] of the thigh extending to the proximal 3[rd] of the right leg, measuring 10 by 6cm, 3cm lateral to its anterior midline.
- 8) Area of multiple linear abrasions, distal 3[rd] of the leg, measuring 6.5 by 6cm, 5cm lateral to its anterior midline.

GENITAL:

There is a moderate growth of pubic hair. Labia majora are full, convex and coated with the dark brown labia minora presenting in between. On separating the same disclosed carunculae myrtiliformis. External vaginal

orifice offers slight resistance to the introduction of the examining index finger and the virginesized vaginal speculum. Vaginal canal is wide with flattened rigosities. Cervix is normal in size, color and consistency with minimal amount of menstrual blood oozing from the external os.

CONCLUSIONS:

Subject is in non-virgin state physically.

Barring unforeseen complications, it is estimated for gram-negative diplococci and for spermatozoa.

According to Dr. Reyes, the physical injuries on complainant's neck could have been caused by the appellant's attempt to strangle the complainant while the multiple abrasions and contusions on complainant's right shoulder and costal region could have been caused by her resistance and effort to free herself.

Dr. Reyes further testified that the absence of hematoma on complainant's vagina could be because (1) she had already delivered two babies by natural childbirth; (2) she just had her menstruation; (3) she was unconscious and (4) there was lubrication due to the moisture of the grass since she was allegedly raped on a grassy lot.

Appellant vehemently denied that he raped complainant. He presented his common-law wife Annabelle Diaz who testified that, after drinking liquor with his co-workers, including complainant's husband, appellant asked her to prepare dinner for him while he answered the call of nature in an outdoor bathroom 20 arms' length from their house. Appellant returned thirty minutes later and went straight to sleep without eating. Diaz was not surprised that appellant was in the outhouse for 30 minutes since that was his habit. She was sure appellant did not leave the toilet the entire time he was there.

Appellant testified, however, that he spent only five minutes[6] in the outhouse, from where he proceeded to complainant's house to ask her to fetch her husband. Complainant, though angry at her husband for getting drunk, went with appellant. While walking, she slipped since the road was muddy. Appellant held her by the shoulder and hip to help her up but this angered her. She started hitting appellant with her umbrella and flashlight. Appellant asked her to stop and tried to pacify her but she continued hitting him. Thus, he choked her to make her stop since she was hurting him. He also boxed her, rendering her unconscious. Appellant left the unconscious complainant and went straight home where he told his wife what happened.[7]

The trial court, finding complainant's testimony forthright, convicted appellant. Appellant's assertion that he had a previous altercation with complainant's father and brother was not given credence by the trial court which found that the Lumabas couple exhibited no ill-felling towards appellant prior to the incident. In fact, complainant's husband, Celso, even joined appellant in a drinking session and complainant voluntarily went with appellant to fetch her husband.

Hence, this appeal with a lone assignment of error:

THE TRIAL COURT ERRED IN FINDING THAT THE GUILT OF THE ACCUSED-APPELLANT FOR RAPE HAS BEEN PROVEN BEYOND REASONABLE DOUBT.[8]

Appellant faults the trial court for finding that sexual intercourse occurred between him and complainant. He argues that the prosecution was not able to prove that he had carnal knowledge of complainant. He points out that complainant did not complain of pain in her private part; it was only during her re-direct examination when she mentioned feeling pain while urinating.

On the other hand, the Solicitor General argues that the conviction should be upheld since the circumstances of the case indubitably showed the guilt of the appellant.

We affirm the decision of the trial court.

The rule is when a rape's victim testimony is straightforward and candid, unshaken by rigid cross-examination and without inconsistencies or contradictions in its material points, it must be given full faith and credit.[9] In the case at bar, we find complainant's narration of her harrowing experience credible and convincing:

Q.

Kindly inform this Hon. Court that unusual incident that happened to you?

A.

We were walking that night when he suddenly pulled me by my hand, sir.

Q.

You said "he," whom are you referring to?

A.

Alvin, sir.

Q.

Alvin Caparas, Madam Witness?

A.

Yes, sir.

Q.

Now after pulling you by the arm, what happened next?

A.

Pinahiga po ako sa damuhan, sir.

Q.

How did this accused try to lay you down on the grass?

A.

When he took hold of my hand, I tried to remove them but he laid me down on the ground and choked me, sir.

Q.

And what hand did he use in choking you, Madam Witness?

A.

The left, sir.

Q.

And when Alvin was choking you on the ground what did you do?

A.

I shouted, sir.

Q.

Aside from that, what else did you do?

A.

I tried to break loose, sir.

Q.

And were you able to break loose from the hold of Alvin Caparas?

A.

No, sir.

Q.

And what did Alvin Caparas do when you tried to break loose from his hold?

A.

He boxed me on my stomach, sir.

Q.

How many times?

A.

Two (2) times, sir.

Q.

And what about his left hand choking you or strangling you, what did he do with his right arm?

A.

He even tightened his hold on my neck, sir.

Q.

And after tightening his hold on your neck and boxing you two times, what happened to you Madam Witness?

A.

I lost consciousness, sir.

Q.

When Alvin Caparas laid you on the ground, did he utter anything or not?

A.

There was, sir.

Q.

What did he utter?

A.

He said and to quote: “pagbigyan mo ako,” sir.

Q.

And what else did he utter aside from that?

A.

He said and to quote: “huwag kang sisigaw at papatayin kita,” sir.

Q.

And you said you lost your consciousness, Madam Witness, Do you still affirm that?

A.

Yes, sir, I lost consciousness.

Q.

And then, were you able to regain consciousness after that?

A.

Yes, sir.

xxx xxx xxx

Prosecutor Ramolete:

Q.

Now, Madam Witness, after regaining consciousness, what did you notice in your body?

A.

I was already half-naked from the waist down and I was only wearing my blouse, sir.

xxx xxx xxx

Q.

Now, Madam Witness, aside from being naked waist down what did you feel on your body?

A.

I was dizzy and feeling weak, sir.

Q.

Why?

A.

Because of what he did, I felt weak, sir.

Q.

And what did you do after that, Madam Witness?

A.

I ran towards the house of Ingga, sir.[10]

On cross examination:

Q.

Now, you have been testifying that you want justice to what Mr. Caparas did to you. Can you tell us exactly what was that thing that Mr. Caparas did to you?

A.

He choked me and boxed me at my stomach until I lost my consciousness, sir.

Q.

And these are the things that you would want justice to be done to you?

A.

At ang pagkakadisgrasya ng puri ko.

Q.

Will you please explain or clarify what do you mean by “pagkakadisgrasya sa akin”?

A.

Because when I regained consciousness, I found out that I was half-naked and feeling weak, sir.

Q.

And this is what you would want this Court to give justice to you?

A.

Yes, sir.[11]

On re-direct examination, complainant said that she was raped by appellant because she felt pain (“masakit na mahapdi”) in her vagina when she urinated after regaining consciousness:

Q.

You also mentioned that aside from Alvin Caparas choking you boxing you twice on the stomach, you also stated and I quote: “dinisgrasya niya iyong aking puri.” Do you still confirm that?

A.

Yes, sir.

Q.

Kindly inform this Hon. Court directly what do you mean by “dinisgrasya niya ang aking puri”?

A.

Ginahasa po niya ako, sir.

Q.

When you said “ginahasa” Madam Witness, did you feel any pain in your private part?

A.

Yes, sir, when I urinated I felt pain inside.

Q.

How many times did you urinate and felt pain on your private part?

A.

Four times, one at the municipal hall and three times at the house of my eldest sister, sir.

Q.

What kind of pain was that Madam Witness?

A.

Masakit na mahapdi, sir.[12]

Q.

And you also stated that you felt pain at the lower portion of your body or on your private part, I should say, you felt that pain even after you have had four (4) deliveries and living with two men already?

A.

Yes, sir.[13]

Rape[14] is committed by having carnal knowledge of a woman under any of the following circumstances:

- by using force and intimidation;
- when a woman is deprived of reason or otherwise unconscious and
- when a woman is under twelve years of age or is demented.[15]

Appellant's intention to rape complainant could be inferred from his overt acts. He forced complainant to lie down on the ground and he strangled her. He asked the victim to satisfy his lustful desire. He threatened to kill her if she shouted. When complainant fiercely warded off appellant's bestial advances by hitting him with her umbrella and flashlight, appellant choked and boxed her twice in the stomach, rendering her unconscious. And taking advantage of complainant's helpless state, he raped her. Thus, when complainant regained consciousness and found herself naked from the waist down, she knew that appellant had raped her. This was confirmed when she felt pain in her private part when she urinated several times that night.

Appellant anchors his defense of denial to the fact that complainant was unconscious when he allegedly raped her and therefore, she could not have known for sure that he indeed raped her. We disagree.

We have steadfastly adhered to the rule that, when a woman testifies that she has been raped and her testimony meets the test of credibility, the accused may be convicted on the basis thereof.[16] As already mentioned, complainant's testimony was forthright and without fabrication, hence, credible and convincing. Moreover, direct evidence is not the sole means of establishing guilt beyond reasonable doubt since circumstantial evidence, if sufficient, can supplant its absence.[17] All the requisites to establish guilt by circumstantial evidence are present in this case, namely: (1) there is more than one circumstance (2) the facts from which the inferences are derived are proved and, (3) the combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.[18] Thus, the following unbroken chain of events points to no other conclusion than that appellant indeed raped complainant:

- on the night of the incident, appellant had a drinking spree in his house with his co-workers, including complainant's husband;
- after almost three hours of drinking, the group dispersed except complainant's husband who was too drunk to go home;
- appellant told his live-in partner that he was going to the outdoor toilet to answer the call of nature;

- instead of going back home right away, he went to complainant's house on the pretext of asking her to fetch her drunk husband from his house;
- on their way to his house, appellant forced complainant down on the grass, muttering "pagbigyan mo ako" and "hwag kang sisigaw at papatayin kita" while choking her;
- complainant struggled to free herself and repeatedly hit appellant with her umbrella and flashlight;
- appellant strangled and hit complainant twice on the stomach, rendering her unconscious;
- complainant woke up half-naked, feeling weak and dizzy, with bruises all over her body;
- with all the strength she could muster, she called out for help and crawled towards a nearby house in her ravaged state;
- neighbors came to her rescue, brought her inside Dominga Vergara's house and clothed her;
- when asked twice what happened to her, she categorically and without hesitation answered that appellant raped her;
- that very same night, she was brought to the municipal hall by her father and husband where she executed an affidavit-complaint charging appellant with rape;
- when she urinated at least four times that night, she felt pain in her vagina;
- the next day, she willingly submitted herself to a medical examination at the PNP Crime Laboratory in Camp Crame, Quezon City where she was found to be in a non-virgin state but negative for spermatozoa.

Appellant harps on the fact that no spermatozoa was found in complainant's organ. However, the absence of spermatozoa does not necessarily negate rape.[19] Likewise, the lack of fresh lacerations in complainant's private part was immaterial because proof of hymenal lacerations is not an element of rape.[20]

Appellant's bare denial that he did not rape complainant is a negative and self-serving assertion which merits no weight in law and cannot be given greater evidentiary value than the testimony of credible witnesses who testified on affirmative matters.[21] Here, appellant's denial cannot prevail over the positive testimony of complainant and the other prosecution witnesses who were not shown to have any ill-motive to fabricate the charge of rape against appellant.

It would have been contrary to human experience for complainant to concoct a sordid tale of rape, exposing herself to the humiliation of a public trial on such a sensitive issue as her chastity, and in such a small community where the residents knew each other. The Court need not belabor the fact that the offended party in a rape case is a victim many times over in a culture that puts a premium on purity or virginity.[22] Rape stigmatizes the victim more than the perpetrator.[23]

All told, we rule that appellant's guilt has been proven beyond reasonable doubt. His conviction is therefore **AFFIRMED** with the **MODIFICATION** that, in addition to the award of moral damages of P50,000, complainant is also awarded civil indemnity of P50,000.[24]

With costs.

SO ORDERED.

Vitug, (Chairman), Sandoval-Gutierrez, and Carpio-Morales, JJ., concur.

[1] Penned by Judge Jose C. Reyes, Jr.

[2] RTC Decision, Rollo, p. 70.

[3] Original records, p. 1

[4] TSN, October 16, 1997, p.7

[5] Ibid., p. 8

[6] Appellant's testimony contradicted that of his common-law wife, Annabelle Diaz, who said she was sure he did not leave the toilet for the entire 30 minutes he was supposedly there. (See next preceding paragraph.)

[7] Ibid.

[8] Appellant's Brief, Rollo, p. 152.

[9] People vs. Baway, 350 SCRA 29 [2001].

[10] TSN, October 16, 1997, p. 7-8, 9.

[11] Ibid at 18.

[12] Ibid at 20-21.

[13] Ibid at 21.

[14] Article 335, Revised Penal Code

[15] Id. (emphasis ours)

[16] People vs. de Villa, 351 SCRA 25 [2001]; People vs. Elpedes, 350 SCRA 716 [2001]; People vs. Seguis, 349 SCRA 547 [2001].

[17] People vs. Capitle, 352 SCRA 727 [2001].

[18] Ibid.

[19] People vs. Albior, 352 SCRA 35 [2001].

[20] People vs. Vidal, 353 SCRA 194 [2001].

[21] People vs. Serrano, 353 SCRA 161 [2001].

[22] People vs. Queigan, 352 SCRA 150 [2001]

[23] Id.

[24] People v. David, G.R. Nos. 121731-33, November 12, 2003.

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