

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RICARDO BAYLEN, ACCUSED-APPELLANT.

G.R. No. 135242. April 19, 2002

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

In its decision rendered on March 2, 1998, the Regional Trial Court of Iloilo City, Branch 23, in Criminal Case No. 44918, found appellant Ricardo Baylen guilty of rape.

Based on the complaint filed by Rosalyn Centeñales, private complainant, Assistant Provincial Prosecutor Nelson Geduspan charged Baylen with the crime of rape, allegedly committed as follows:

That on or about the 18[th] day of March, 1995, in the Municipality of Calinog, Province of Iloilo, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs and without any justifiable motive, armed with a knife thru force, intimidation and threats, willfully, unlawfully and feloniously have carnal knowledge with the undersigned Rosalyn Centeñales, 17 years of age, against the will and consent of the latter.

CONTRARY TO LAW.[1]

Upon arraignment appellant, assisted by counsel, entered a plea of not guilty to the charge.[2] Thereafter, trial on the merits ensued. Subsequently, the trial court rendered its judgment as follows:

WHEREFORE, premises considered and in the light of the facts obtaining and the jurisprudence aforecited, JUDGMENT is hereby rendered finding the accused Ricardo Baylen GUILTY BEYOND REASONABLE DOUBT of the crime of Rape, hereby sentencing the aforementioned accused to a penalty of Reclusion Perpetua pursuant to Article 335 of the Revised Penal Code as amended by Republic Act 7659 further condemning said accused to compensate private complainant Rosalyn Centeñales moral damages in the amount of P50,000.00.

SO ORDERED.[3]

The facts are culled from the records forwarded to us on appeal.

Complainant Rosalyn Centeñales was just three years old when she was entrusted by her sickly mother to the care of Norma Centeñales whom she considered as her real mother. Since then, she lived with Norma's family in Barangay Gama Pequeño, Calinog, Iloilo. She attended school but reached only grade four. On April 5, 1993, at the age of 15, she was sexually abused by a certain Delfin Carmelo. The case was settled upon the intercession of the municipal mayor.

Complainant narrated that in the afternoon of March 18, 1995, she was in their house in Gama Pequeño. She was washing her clothes by the water pump near their house and the ricemill of Benjamin Castor. When she finished with her chore at around 6:30 o'clock, she returned to their house. When she went back to the water pump to fetch water, appellant, who appeared drunk, was already there. Appellant held her hand with his left hand and poked a knife on her chest with his right hand. Afterwards, appellant pulled her downhill. Complainant did not

attempt to shout for help because appellant was pointing a knife at her. When they reached downhill, appellant pushed her to the ground and he lay on top of her. Despite her resistance, appellant succeeded in removing her clothes. Appellant thrust his knife to the ground. Then, appellant pulled down his pants and had carnal knowledge of her twice. After satisfying his lust, appellant stood up and warned her not to report the incident to her parents, otherwise he will kill them all.

Complainant did not go home that night for fear that if she reported the incident to her parents, appellant would carry out his threat. Hence, she stayed overnight at an abandoned house nearby.[4]

Norma Centeñales looked for complainant that night but did not find her. Early the following day, she finally found complainant at the abandoned house. Complainant was pale and trembling with fear. The two went home and then proceeded to the house of Barangay Captain Warlito Ursolino where complainant disclosed what happened to her.[5] Subsequently, Warlito Ursolino, Norma Centeñales, and complainant proceeded to the Calinog police station and reported the incident. The police dispatched a team to further investigate the details of the complaint.

Afterwards, complainant was brought to the Calinog district hospital. Dr. Leah Leonida, medical officer of said hospital, conducted a physical examination of the victim. She observed that there were no signs of hematoma and scratches on the victim's body. Neither was there any sign of laceration in the victim's vaginal opening. However, the doctor later testified that it is possible for a female to have sexual intercourse with a man without suffering from laceration and hematoma.[6]

On March 22, 1995, complainant was physically examined again by Dr. Ricardo Jaboneta, medico-legal officer of the National Bureau of Investigation, Iloilo City. Dr. Jaboneta later testified that the genitalia of complainant has a previous laceration and so subsequent sexual intercourse can neither be noted nor would it produce signs of sexual intercourse except when spermatozoa is present. But the presence of spermatozoa would no longer be detected because the victim was examined five days after the incident. He declared that although it cannot be determined if there was sexual intercourse on March 18, 1995, the same cannot be eliminated.[7]

On March 25, 1995, the Barangay Council of Gama Pequeño held a general assembly meeting wherein the barangay officials tried to forge an amicable settlement between appellant and complainant. Carmen Dagol, barangay secretary, testified that during the meeting appellant offered to recognize and support the child if the complainant becomes pregnant and gives birth to a baby boy.[8] Nevertheless, no settlement was reached.

On June 5, 1995, appellant was arrested by the police.[9]

In his defense, appellant denied the accusation against him. He testified that on the day of the incident, he attended the fiesta in Barangay Malaguinabot, Calinog, Iloilo. He went back to Gama Pequeño at around 5:30 P.M. Upon arriving, he washed his hands at the water pump near the ricemill of Benjamin Castor. Afterwards, he went home to change his clothes. When he passed by the water pump again, he saw Joraf Nonato washing himself, while complainant was holding a pail and basin. He invited complainant to the dance party in Malaguinabot but she refused. At around 6:25 P.M., appellant left for Malaguinabot on board the tricycle driven by Joraf Nonato. He went to the house of Nestor Santeles[10] for dinner. At around 8:00 P.M., he proceeded to the dance hall. When the party was over, he rested at the house of Kagawad Fernando Castor. In the early morning of March 19, 1995, he was fetched by four policemen and Warlito Ursolino, who brought him to Ursolino's house and later to the police station for confrontation with the complainant. During the confrontation, he denied raping the complainant.[11]

Other witnesses, namely: Joraf Nonato, Nestor Santeles, Benjamin Castor, and Warlito Ursolino corroborated

appellant's testimony.

The trial court found appellant guilty as charged. Insisting on his innocence, appellant filed his notice of appeal.[12]

In his brief, appellant alleges that the trial court erred:

[I]

...IN NOT FINDING THAT THE TESTIMONY OF PRIVATE COMPLAINANT WAS PUNCTURED WITH MATERIAL IMPROBABILITIES, CONTRADICTION AND UNRELIABILITY THEREBY CASTING GRAVE DOUBT ON THE CRIMINAL CULPABILITY OF THE ACCUSED-APPELLANT.

[II]

...IN NOT ACQUITTING ACCUSED-APPELLANT OF THE CRIME OF RAPE NOTWITHSTANDING THE PRESENCE OF EXCULPATORY PHYSICAL EVIDENCE TO SUPPORT THE SAME.

[III]

...IN CONVICTING ACCUSED-APPELLANT OF THE CRIME CHARGED BY RELYING PRIMARILY ON THE WEAKNESS OF DEFENSE EVIDENCE RATHER THAN ON THE STRENGTH OF ITS OWN EVIDENCE.[13]

The issue now for resolution is whether or not the trial court erred in giving credence to the testimony of the victim and relying thereon to convict appellant and sentencing him to reclusion perpetua.

Appellant contends that while complainant admitted that she wore a bra and panty in the evening of March 18, 1995, yet it was never established that her panty was removed during the sexual assault. He points out that there was no sign of fresh laceration on her genitalia. He claims that complainant neither cried during the alleged sexual intercourse nor experienced trauma after the incident. She did not even attempt to strike or curse the appellant during their confrontation the following day to avenge herself. Appellant further contends that medical findings showing the absence of scratches and contusions on complainant's body negates the employment of force.[14]

Although appellant belabors the fact that complainant did not say categorically that her panty was removed before the sexual intercourse, for indeed she was unable to testify on whether or not appellant removed her panty prior to the sexual assault, we find that the reason therefore is that her testimony was interrupted when the defense interposed an objection to the prosecution's line of inquiry. Nonetheless, we find ample evidence showing that complainant was already naked from the waist down when appellant had intercourse with complainant forcibly. During her cross-examination, complainant testified candidly on her ordeal:

ATTY. MARCIANA DEGUMA

Q:

What did you feel during the first sexual intercourse?

A:

Painful.

Q:

Tell the court did you notice whether the accused had reached orgasm during the first intercourse?

A:

Yes, Your Honor.

Q:

What did you feel when he reached orgasm?

A:

Yes, Your Honor.

Q:

What did you feel?

A:

His sperm went inside...

Q:

What is it that entered your vagina?

A:

His penis penetrated my vagina.

Q:

Did you enjoy it?

A:

No, Your Honor.[15]

The question by the defense and complainant's reply dwelt precisely on her nudity prior to intercourse:

Q:

Now Madam Witness, while you were lying down on the ground nude or naked, Ricardo Baylen was trying to undress himself, is that correct ?

A:

Yes, ma'am.[16]

Pressing with the cross-examination, on this point, the defense only succeeded to draw from complainant inculpatory details:

Q:

Now, when your legs were already bent, you voluntarily open your thighs so that Ricardo Baylen could see your genital organ, is that correct?

A:

He was the one who opened my feet and lay flat on me.

Q:

You did not even attempt to cover your genital organ?

A:

I covered it with my hands but he took my hands off from my organ.[17]

We are left without any doubt that, although complainant did not testify that appellant had removed her underwear, it is clear from her abovequoted testimony that appellant was already naked immediately prior to the forcible sexual intercourse. In fact, the defense counsel based the cross-examination on the premise that complainant was nude when appellant forced his manhood on her.

On the matter of medical and physical evidence, we also cannot agree with appellant's contention. For as held in previous cases decided by this Court, the absence of fresh lacerations does not prove that she was not raped. Hymenal laceration is not an element of rape.[18] Likewise, healed lacerations do not negate rape.[19] In this case, the medical finding that complainant had a previous laceration in her genitalia merely corroborated complainant's truthful admission that she had been sexually abused before. This fact, however, has no pertinence to the present case, except to demonstrate further the sad plight of a rape victim in our society.

That complainant did not cry during the sexual assault does not disprove rape. There is no standard behavioral response when one is confronted by a startling incident like sexual abuse. Some may shout, some may faint, some may be shocked into insensibility.[20] On her part, complainant's testimony shows she was cowed into silence because of appellant's threat against her life and her family. We note that she did not go home that night because she was afraid. For one, she was warned by appellant that if she told her mother about the incident, appellant would carry out his threat. She was still trembling with fear when found the following day. That complainant did not utter any curse against appellant during their confrontation is not proof of her consent to a vile act nor condonation of the abuser's offense. Victims react differently under emotional stress especially after a traumatic experience. In many instances, rape victims simply suffer in silence.[21]

Appellant's contention that there was no evidence to show that force was used by appellant simply because complainant did not suffer physical injuries is too worn-out to be of evidentiary value. Absence of scratches, contusions, and hematoma does not negate sexual intercourse without the victim's consent. Presence of hematoma, contusions and the like is not an essential element of the crime. What is imperative is for the prosecution to prove the element of force or intimidation, and here we find sufficient proof that both were actually employed by the accused upon his victim to achieve his end.[22] Not only was complainant forced to the ground, appellant was armed with a knife to impress on his victim his deadly intent to consummate his lust.

Now, with regard to appellant's alibi. It is a cardinal rule that for alibi to prosper, credible and tangible proof of physical impossibility for the accused to be at the scene of the crime is indispensable.[23] In the case at bar, appellant claims that he returned to Gama Pequeño in the afternoon of March 18, 1995, but he went back to Malaguinabot immediately. As the trial court observed, appellant's alibi is feeble, hence unworthy of credence. The proximity of the two barangays, which can be negotiated by a vehicle in 20 minutes at slow speed, negates

the physical impossibility of appellant's being at the scene of the crime. Moreover, appellant admitted having invited complainant to the dance party before proceeding to Malaguinabot, indicating that appellant could easily travel between barangays even just for social functions.

Finally, as often stressed, the crime of rape is essentially one committed in relative isolation or even secrecy, hence, it is usually only the victim who can testify with regard to the fact of the forced coitus. It is an accepted doctrine that in the absence of evidence of improper motive on the part of the victim to falsely testify against the accused, her testimony deserves credence.[24] Having scrutinized the records of this case and finding no evidence showing that complainant had any improper motive to frame-up appellant, we find no reason to deny full faith and credit to complainant's testimony. Appellant's contention that the prosecution merely relied on the weakness of the defense evidence is unavailing. In our view, the trial court correctly relied on the strength of the prosecution's evidence to find appellant guilty as charged.

Rape is committed by having carnal knowledge of a woman by, inter alia, using force or intimidation. The act of holding a knife by itself is strongly suggestive of force or at least intimidation, and threatening the victim with a knife is sufficient to bring a woman to submission.[25] In this case, complainant was terrified because appellant poked his knife on her chest and threatened to kill her and her family in order to sate his lust. Appellant's claim that force is negated by the absence of external injuries on the part of complainant lacks logical basis and is bereft of merit. That appellant consummated the rape of complainant with the use of force and intimidation at the time, place, and manner detailed by the prosecution has been proved beyond reasonable doubt.

Under our penal law, whenever the crime of rape is committed with the use of a deadly weapon, such as the knife used by appellant,[26] the penalty shall be reclusion perpetua to death, a penalty composed of two indivisible penalties. In the case at bar, there is neither mitigating nor aggravating circumstance shown in the commission of the sexual assault. Thus, the lesser penalty of reclusion perpetua has been properly imposed.

We note that the trial court awarded the amount of P50,000 as moral damages to complainant. In addition, the amount of P50,000 as civil indemnity must also be awarded to her in accordance with prevailing jurisprudence.[27]

WHEREFORE, the appeal is DENIED, and the judgment of the Regional Trial Court, Iloilo City, Branch 23, in Criminal Case No. 44918, convicting appellant RICARDO BAYLEN of the crime of rape and sentencing him to reclusion perpetua is AFFIRMED, with the MODIFICATION that appellant shall pay the amount of P50,000 as indemnity, in addition to the amount of P50,000 for moral damages awarded to complainant. Costs against appellant.

SO ORDERED.

Bellosillo, (Chairman), Mendoza, and De Leon, Jr., JJ., concur.
Corona, J., no part in the deliberations.

[1] Records, p. 1.

[2] Id. at 25.

[3] Rollo, pp. 42-43.

[4] TSN, April 19, 1996, pp. 13-14.

[5] TSN, July 17, 1995, pp. 6-17.

- [6] Folder of Exhibits, p. 8; TSN, June 14, 1996, pp. 8-19.
- [7] Records, p. 11; TSN, February 26, 1996, pp. 3-12.
- [8] TSN, February 26, 1996, p. 27.
- [9] Records, p. 17.
- [10] Sometimes “Santelecis” and “ Santalices” in the records.
- [11] TSN, October 3, 1996, pp. 2-25.
- [12] Rollo, p. 44.
- [13] Id. at 65.
- [14] Id. at 74-83.
- [15] TSN, April 19, 1996, pp. 22-23.
- [16] TSN, May 21, 1996, p. 18. (Stress supplied.)
- [17] Id. at 24. (Stress supplied.)
- [18] People vs. Erardo, G.R. No. 119368, 277 SCRA 643, 655 (1997).
- [19] People vs. Rabosa, G.R. Nos. 119362 & 120269, 273 SCRA 142, 151 (1997).
- [20] People vs. Reyes, G.R. No. 122453, 311 SCRA 408, 423 (1999).
- [21] People vs. Tabugoca, G.R. No. 125334, 285 SCRA 312, 326 (1998).
- [22] People vs. Patriarca, G.R. No. 132748, 319 SCRA 87, 96 (1999).
- [23] People vs. Nang, G.R. No. 107799, 289 SCRA 16, 31-32 (1998).
- [24] People vs. Quijada, G.R. No. 114262, 321 SCRA 426, 432 (1999).
- [25] People vs. Reynaldo, G.R. No. 116305, 291 SCRA 701, 713-714 (1998).
- [26] People vs. Alquizalas, G.R. No. 128386, 305 SCRA 367, 378 (1999).
- [27] People vs. Gementiza, G.R. No. 123151, 285 SCRA 478, 492 (1998).

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