PEOPLE OF THE PHILIPPINES, APPELLEE, VS. ANGEL C. BALDOZ AND MARY GRACE NEBRE, ACCUSED,

G.R. No. 140032. November 20, 2001

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

The assessment of the prosecution evidence presented during bail hearings in capital offenses is preliminary and intended only for the purpose of granting or denying applications for the provisional release of the accused. After hearing further evidence during the trial proper, the judge may still convict the accused. Otherwise, it would be senseless to conduct further hearing after the accused is granted bail.

The Case

Before us is an appeal interposed by Angel Baldoz from the August 18, 1999 Decision[1] of the Regional Trial Court (RTC) of Quezon City (Branch 86) in Criminal Case No. Q-98-76382, the dispositive portion of which reads:

> "WHEREFORE, PREMISES CONSIDERED, JUDGMENT is hereby rendered finding the accused Angel C. Baldoz guilty beyond reasonable doubt of the crime of rape committed against Edal Biona and hereby sentencing him to suffer the penalty of reclusion perpetua and to indemnify the offended party the amount of P75,000.00 as civil indemnity, P50,000.00 as moral damages and P50,000.00 as exemplary damages."[2]

This case originated from the March 30, 1998 Information[3] accusing Angel C. Baldoz and Mary Grace Nebre of rape, allegedly committed as follows:

> "That on October 14, 1997 at the Trinity College in Quezon City and within the jurisdiction of this Honorable Court, the above-named accused ANGEL BALDOZ actuated by lust and by means of force, threats and intimidation, in conspiracy with accused MARY GRACE NEBRE, did then and there willfully, unlawfully and feloniously lie and have carnal knowledge of EDAL BIONA, a thirteen (13) year old minor, against her will and consent, to her damage and prejudice."[4]

The Information was originally filed with Branch 81 of the same RTC, presided by Judge Wenceslao I. Agnir Jr.[5] (now a member of the Court of Appeals). Judge Agnir issued a Warrant of Arrest[6] against Baldoz on April 23, 1998 and committed Nebre to the joint custody of her guardian, Efren Nebre, and her counsel, Atty. John Coluso. On arraignment, appellant, assisted by his counsel, pleaded not guilty.[7] On motion of her counsel, the trial court deferred the arraignment of Nebre pending the Petition for Review which the latter had filed with the Department of Justice.[8]

Appellant filed a Petition for Bail on May 4, 1998. Ruling that the evidence of guilt against him was not strong, the trial court granted him bail.[9] After posting bail, he was thereafter released from detention. Pertinent provisions of the Resolution reads:

> "The record shows that Edal was examined by the Medico-Legal officer on October 22, 1997 (Exh. `E'). In her

> testimony x x x, Edal is saying that initially she told the doctor who first examined her that she was raped by four of her classmates whose names she mentioned. This is presumably because at that time she was still suffering from the trauma of her experience and what was in her mind were the names of her classmates suggested to her while being raped by Baldoz (tsn, May 19, 1998, p. 21). However, after the examination by the Medico-Legal officer, her mind had sufficiently cleared and she was back to her normal self to be able to tell her parents that the person who raped her was the accused Angel Baldoz.
>
> x x x x x x x x x
>
> "The perplexing thing is that on October 26, 1997 when Edal was first interviewed by NBI Agent Mamerto Esp[a]rtero in the presence of her parents, she stated that `she was raped by her teacher Angel Baldoz and a classmate Robert Iguico.' This is stated in the reply-affidavit of Edgar Biona quoted on page 5 of the Investigating Prosecutor's Resolution (p. 8, Record). According to the Resolution's narration, Edal's declaration was `hazy' and `she could not remember all the details' and that `it was only on October 31, 1997 ... that Edal had returned to her normal self and positively recounted that she was raped by respondent Baldoz on October 14, 1997.' But did she not in her testimony declare in effect that she was already her normal self on October 22, 1997 when she stated that she was raped by accused Baldoz? And did not Edgar Biona imply in his Sinumpaang Salaysay that on October 21, 1997 Edal had already regained her normal self to be able to remember the details and point to Baldoz as the only person who raped her? Why then did Edal still include Robert Iguico when she was interrogated on the 26th of October, only to drop Robert again in her last interview with Agent Espartero on the 31st?
>
> "Edal testified that it was Grace Nebre, her 14-year old classmate, who gave her a drug-laced candy and x x x all the time she was being raped by accused Baldoz, Grace watched x x x is it possible that a girl her age who is a student of a church-[run] school x x x come into possession of a drug-laced candy, and is she so jaded that she can drug her own classmate and watch x x x as the latter is raped by their teacher?"[10]

The victim's mother, Alicia G. Biona, protested appellant's release in a letter dated July 20, 1998,[11] addressed to Judge Agnir. This prompted the magistrate to voluntarily inhibit himself from the trial.[12] The case was re-raffled to Branch 86.[13]

After trial in due course, the lower court rendered the assailed Decision. The Notice of Appeal was filed on August 23, 1999.[14]

The Facts

Version of the Prosecution

The evidence for the prosecution consisted of (1) the oral testimonies of the private complainant, her mother Alicia Biona, Dr. Arsenio Pascual, NBI Agent Espartero and Dr. Angela Aida Halili Jao, and (2) Exhibits "A" to "J" with submarkings.

In its Brief,[15] the Office of the Solicitor General presented the prosecution's version of the facts as follows:

> "Edal Biona was exactly thirteen (13) years and five (5) months old at the time of the rape allegedly committed against her by her teacher, appellant Angel Baldoz. She is one of two children of the spouses Edgar and Alicia Biona. Edal was then a first year student at the Trinity College located at E. Rodriguez Avenue, Quezon City, while appellant was her teacher in her subject `Technology and Home Economics (T.H.E.).' Classes in said subject covered the period 1:20 to 2:40 o'clock in the afternoon, Monday to Friday (tsn, pp. 7-8, May 19, 1998).
>
> "On Tuesday, October 14, 1997, after her class in Technology and Home Economics was dismissed at 2:35 o'clock in the afternoon, Edal Biona and her classmate Eunice Trinidad proceeded to the school quadrangle near the gate of the school compound along E. Rodriguez Avenue. Eunice went to a nearby bookstore to call

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somebody through a pay phone. While Eunice was at the telephone booth, Edal went to get something from her locker located along the lobby near the administration building. On her way to her locker, she met accused Mary Grace Nebre, one of her classmates, near the stairs. Mary Grace gave Edal a `stork' candy and invited her to go upstairs where she would show her something. Edal ate the candy right away. After eating the candy, she felt weak and dizzy. They then proceeded to the lady's comfort room at the third floor of the school building. The comfort room was then under renovation (tsn, pp. 13-15, ibid). Moments after they entered the comfort room, appellant Angel Baldoz came in and instructed Mary Grace to stay at the doorway. Appellant then approached Edal and calmly told her to remove her panty. When Edal refused, Baldoz got angry and punched her twice at her lower right and left abdomen causing her to fall. Baldoz then went near the complainant who moved backwards in a sitting position until her head touched the wall of the comfort room. With her head touching the wall, Baldoz forcibly removed her panty. Edal struggled to push Baldoz away, but her efforts proved futile as Baldoz was very strong and she felt very weak. Baldoz then pushed down his pants and brief and knelt in front of Edal and inserted his penis into her vagina (tsn, pp. 16-20, ibid). Edal felt pain and attempted to shout, but no voice came from her mouth. She looked helplessly to her classmate Mary Grace Nebre [but] the latter did nothing but stood near the door (tsn, p. 18, ibid). While doing his bestial act, Baldoz told Edal to imagine that it was her classmates Robert, Jason, Ruel and Aaron who were raping her. As moments went by, blood was noticed by Baldoz from Edal's uniform. He immediately stopped, but threatened to kill her if she reports the incident to anybody. His threats stuck to her mind, and she remembered them as follows: `palalakihin ko ang tiyan mo at pasasagasaan kita sa bullduzer'. Angry and very weak, she was left crying in the comfort room by Baldoz and Nebre (tsn, pp. 21-23, ibid). After recomposing herself for a few minutes, she went down to the bookstore and found her friend Eunice still waiting for her. They then proceeded to their respective homes (tsn, pp. 23-24, ibid).

"Upon arrival at her residence at Commonwealth Townhomes, Quezon City, she was met by her father who noticed blood in her uniform, but did not suspect anything unusual thinking that her child was only having her monthly menstruation (tsn, p. 28, May 21, 1998). She went to her room and cried in anger and frustration (tsn, p. 26, May 19, 1998). She attended her classes on October 15 and 16, 1997. Appellant was absent. A female teacher was substituted for him. She failed to attend her classes on October 17, 1997.

"On the morning of October 18, 1997, a Saturday, Edal knocked at the door of her parents' room and told them that she felt pain and could not sleep. Her parents noticed that she looked frightened, but did not tell them what part of her body was painful. They decided to bring her to the Medical City Hospital in Mandaluyong City for medical check-up. Urine and blood tests were undertaken. During the examination, her mother noticed contusions on the right and left side of her abdomen. Her mother felt nervous and cried. She asked her daughter to tell the truth. It was at this juncture that Edal broke her silence and confided to her mother that she was raped by Baldoz. Her mother almost collapsed (tsn, pp. 3-6, Oct. 21, 1998). They requested for medico-legal examination on October 22, 1997. When Dr. Arsenio Pascual, a medico-legal practitioner, entered the room to examine the complainant, she refused to cooperate. The doctor returned in the evening and put the complainant to sleep to enable him to conduct his examination (tsn, p. 7, June 4, 1998). His findings were as follows:

`Diagnosis

-- Freshly healing laceration at 4:00 o'clock with patient in lithomy position, Hymen.

-- contusion with hematoma, superior iliac crest area, Bilateral

Remarks:

the appearance of the laceration of the hymen is compatible with the alleged case of sexual abuse. (Exh. `E')

"During his oral testimony Dr. Pascual affirmed his findings that Edal may have been a victim of sexual abuse.

"Earlier, on October 20, 1997, Edal was examined by Dr. Angela Aida Halili Jao, a psychiatrist, who found the complainant suffering from psychotic symptoms. She prescribed medications for the complainant."[16]

Version of the Defense

The defense presented the oral testimonies of appellant; Menandro Magculang, principal, High School Department of Trinity College; Renato dela Torre, appellant's co-teacher; Feliza Alcantara, a security guard; and Bobby dela Cruz, a janitor in the school. In his Brief,[17] appellant adopted the trial court's narration of facts as follows:

> "In support of his plea of innocence, accused Angel Baldoz testified that he is 33 years old, married and resident of San Jose del Monte, Bulacan. On October 14, 1997, he was assigned as a teacher or instructor at the Trinity High School Department. On that date he reported for work at 7:15 o'clock in the morning and left the school campus at 2:57 in the afternoon. The private complainant was his student in Technology and Home Economics (T.H.E.). His class in T.H.E. covered the period 1:20 to 2:40 in the afternoon. At 2:40 o'clock, that afternoon, he arranged his things and the tools used by the students in the laboratory subject. He spent about 7 minutes in fixing his things. Thereafter, he went to the [a]ssistant [p]rincipal's [o]ffice to log out. It was 2:50 o'clock when he logged out as shown in Exhibit `1'. After logging out, he met his co-teacher Wally Arcigal who reminded him of their meeting about a poster and logo making contest. He talked with his co-teacher for about five (5) minutes. After talking with Arcigal, he went out of the school campus at 2:57 o'clock as shown by the logbook of the security guard. As he was going out he met Mr. Dela Torre, a co-teacher, an adviser of Daisy Class. While leaving the campus he asked the permission of Dela Torre to allow him to hold on to the jeep because it was hard to get a jeepney ride. As he went out of the campus, he saw accused Mary Grace Nebre at the opposite side of the street. Mary Grace was one of his students in Technology and Home Economics. He reached home in San Jose del Monte after one and half hour. Upon reaching home, he went to fetch his son from his mother-in-law. He first came to know about the case on October 29, 1997 when he was called by his principal, Menandro Magculang. He was told that there was an accusation that he raped Edal Biona together with Robert Iguico and Mary Grace Nebre. He was surprised upon learning of the accusation. He told his principal that he taught the whole day and could not have done the charge against him. He was consoled by Mr. Magculang. After a few days he was summoned by the NBI. The principal conducted an investigation by calling the students mentioned by Edal Biona. No administrative penalty was imposed on him by his school. At the NBI he reported to Agent Espartero. He told the agent that he has not yet secured the service of a lawyer. Agent Espartero informed him that he has the right to remain silent. Agent Espartero did not ask him to give his side of the story. At the hearings in the Department of Justice he met the parents of Edal Biona. He did not notice any outward reaction from them. He submitted a counter-affidavit which he subscribed before Prosecutor Fadullon. Complainant submitted a reply affidavit and he submitted a rejoinder. He did not notice any reaction from the parents of the complainant during the hearings. On October 15, 1997, he filed a leave of absence for three (3) days covering October 15 to 17, 1997 to attend to his son who was recuperating from typhoid fever. [On] October 14, 1997, Edal Biona reported for her classes on that day, but the class monitor record show that Robert Iguico and Mary Grace Nebre were absent. Under cross-examination, accused Baldoz stated that he observed that complainant usually put lipstick and powder before the class was dismissed. He told her not to put make-up because there is a comfort room. He also noticed that Edal was flirty. He, however, did not mention these observations in his counter-affidavit.
>
> "Defense witness Menandro Magculang testified that he was the principal of the high school department of the Trinity College of Quezon City on October 1997. On October 28, 1997, the father of complainant and Agent [Espartero] came to his office and informed him that Mr. Biona's daughter, Edal, was raped by a teacher described as `maitim, malaki ang tiyan, at may bigote' in a room in the third floor `na maliwanag at maalikabok'. He right away asked the record clerk of the [a]ssistant [p]rincipal's office to bring to his office the attendance records of the teachers for that month to establish the physical presence of Baldoz, the alleged culprit, on October 15, 1997 the date of incident allegedly took place. He found out that Baldoz was absent on

that date. He later learned that Robert Iguico and Mary Grace Nebre who were mentioned by the complainant were [also] absent on the date of the incident. Still later he was informed by Baldoz that he was absent on the 15[th], 16[th], and 17[th] because his son was sick. After his investigation he submitted a report to the office of the OIC (Exhibits `11' and `11-A'). Accuse[d] Baldoz has served for ten (10) years at the Trinity College and he believes that he was a good teacher. There is no record on file [of] any administrative case against him. He submitted an affidavit at the Department of Justice in connection with this case.

"Defense witness Bobby dela Cruz testified that he is a janitor assigned at the third floor of the Trinity College, High School Department. As a janitor he cleans classrooms, comfort rooms and hallways. His work starts at nine o'clock in the morning to six o'clock in the afternoon. At 2:40 o'clock in the afternoon on October 14, 1997 he was in front of the comfort room in the third floor waiting for the students to vacate the classrooms so that he could clean the rooms. At that time the female comfort room at the third floor was under renovation. On that date and hour he did not see accused Baldoz whom he knew as a practical arts teacher in the high school department. He did not notice anybody else at the lady's comfort room. He stayed in front of the comfort rooms up to 3:00 o'clock in the afternoon of October 14, 1997.

"Witness for the defense Renato dela Torre testified that he has been a teacher at the Trinity College since 1965. On October 14, 1997 he started teaching at 9:00 o'clock in the morning and stopped at 2:40 in the afternoon. After dismissing his class, he went to the faculty room to fix his things for the next day classes. Thereafter he went to the Principal's office to time out. He timed out at 2:55 o'clock in the afternoon. After logging out he went straight to the gate of the campus where he met accused Angel Baldoz. They greeted each other. They then went out of the gate and waited for their rides home. Baldoz got a ride ahead. He followed after a minute or two.

"Witness Feliza Alcantara testified that she has been a security guard assigned at the Trinity College High School since May 1978. On October 14, 1997 she was assigned outside gate II, the information gate. Her duty was to observe students coming out of the gate. Teachers were required to log in and log out in a logbook. She knew accused Angel Baldoz who is a member of the faculty of Trinity College. On October 14, 1997, Baldoz checked out with Mr. Dela Torre at 14:57 (2:57 o'clock P.M.) as noted by the security guard Moises Calica as shown in Exhibit `13-A'. On October 28, 1997, Mr. Magculang, the principal at the Trinity College High School summoned and instructed her to accompany Atty. Espartero and Mr. Biona to the third floor of the high school department and the comfort room. He was told that Mr. Baldoz was being accused of the crime of rape committed on October 15, 1997. She took the logbook to him (Exhibits `13' and `13-A'). He informed Mr. Magculang that Mr. Baldoz did not check out on October 15, 1997 because he was absent on that date. On October 31, 1997, Agent Espartero and Mr. Biona returned to the school and he was informed that the rape incident happened on October 14. While he was in the comfort room, Atty. Espartero told him to help the child. He told Atty. Espartero that he had nothing to do with nor did he have any knowledge of the incident. Besides he was told by the principal that it happened on October 15, 1997."[18]

Ruling of the Trial Court

In its well-written and exhaustive Decision, the trial court was convinced beyond reasonable doubt that private complainant had been sexually abused by appellant. Clear, straightforward and sincere was her testimony narrating in great detail how she was violated by Baldoz. She positively identified her tormentor as her technology and home economics teacher, describing him as "maitim, malaki ang tiyan at may bigote." It is highly improbable that she could have mistaken the aggressor's identity, because he had been her teacher for four months.

Her testimony was corroborated by the medicolegal officer who had found in complainant's hymen a "freshly healing laceration" at the four o'clock position. He also reported "contusions with hematoma" at both sides of the victim's lower abdomen, a finding that proved she had been punched twice by her rapist before he took sexual advantage of her.

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The trial court rejected appellant's theory that the rape had been committed by four of the classmates of the victim. It was satisfied with her explanation that she had imputed the crime to her male classmates because of her emotional and psychological breakdown. Furthermore, while abusing her, appellant made her think that she was being raped by her classmates. Her credibility remained strong, despite the extensive cross-examination mounted by the defense.

Hence, this appeal.[19]

The Issue

In his Brief, appellant assigns this error for our consideration:

> "The trial court gravely erred in convicting accused-appellant Baldoz on the lone testimony of the [private complainant] when other evidences support his innocence."[20]

This general statement covers several matters, principally: (1) the alleged inconsistency in Judge Bay's and Judge Agnir's assessment of the victim's testimony; (2) the doubt over the identity of the rapist; and (3) the victim's conduct, which was supposedly contrary to an outraged woman's natural reaction to rape.

For the purpose of this appeal, we shall discuss: (1) the sufficiency of the prosecution evidence; (2) the specific questions raised by appellant; and (3) the damages awarded by the trial court.

This Court's Ruling
The appeal has no merit.

First Issue:
Sufficiency of Prosecution Evidence

Simple rape is committed when the offender has carnal knowledge of a woman by using force or intimidation, or when the victim is deprived of reason or otherwise unconscious.[21]

The sole testimony of the victim, if credible, is sufficient to sustain a conviction in a rape case.[22] The credibility of the complainant's testimony, in this case, is apparent from her detailed narration. She recounted her harrowing experience that afternoon, as follows:

> "Q:
>
> Now, what time were you dismissed from your class in Technology and Home Economics on October 14, 1998?
>
> A:
>
> 2:35 p.m. sir.
>
> Q:
>
> I thought you mentioned up to 2:40 in the afternoon. Why were you dismissed from your class too early?
>
> A:
>
> Because our subject was already finished on that day sir.
>
> Q:

Now, after your dismissal at 2:35 p.m. do you have any other classes to attend to?

A:

None anymore sir.

Q:

And what did you do after your dismissal of your subject in Technology and Home Economics?

A:

I invited my friend [E]unice Trinidad to go to the bookstore.

Q:

What did you and [E]unice Trinidad do at the bookstore?

A:

She went to the payphone because she told me that she would call someone.

Q:

And when [E]unice Trinidad was on the telephone what were you doing?

A:

I went back to the locker because I left something there.

Q:

Now Madam witness, how long did it take you to reach the locker?

A:

About three (3) minutes sir.

Q:

And what happened when you were on your way to the locker Madam witness?

A:

I came across with Mary Grace Nebre.

Q:

And where was the exact place that you met Mary Grace Nebre?

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A:

In front of the stairs sir.

Q:

And what happened when you met Mary Grace Nebre there?

A:

She invited me upstairs and gave me stork candy sir.

Q:

What did you do with the stork candy that was given by this Mary Grace Nebre?

A:

I ate it before going upstairs sir.

Q:

And what happened to you when you ate the stork candy that was given to you by Mary Grace Nebre?

A:

I felt dizzy and weak sir.

Q:

You said that you ate the stork candy that Mary Grace Nebre gave you, thereafter you felt dizzy and weak, where did Mary Grace Nebre exactly brought you?

A:

At the third floor at the lady's room which is under renovation sir.

Q:

And what happened when you and Mary Grace Nebre reached this third floor particularly at the lady's room which is under renovation?

A:

She went inside and I followed her in the lady's room because she told me that we would go to look at something.

Q:

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Now, what exactly were you and Mary Grace Nebre look at the moment that you went inside the lady's room which is under renovation?

A:

I asked her what we are going to look at but she told me we are going to look at something.

Q:

Now, once you get inside the lady's room which is under renovation what happened?

A:

Shortly after our teacher Angel Baldoz arrived.

Q:

Where exactly [did] Mr. Baldoz go?

A:

She talked with Mary Grace Nebre and I overheard...

FISCAL FADULLON:

May we just request Your Honor that the statement be quoted in the vernacular that the witness answer[ed].

COURT:

Alright, quote that statement in the vernacular.

Cont. of wit.'s answer-

...him say to Mary Grace Nebre `Diyan Ka lang'.

Q:

What happened after that Madam witness when you saw the accused Angel Baldoz after he talked to Mary Grace Nebre?

A:

He approached me sir.

Q:

And what happened after the accused approached you?

A:

[He] asked me to remove my panty sir.

Q:

In what tone did Mr. Baldoz told you to remove your panty. Did he shout?

A:

[He] was talking in a calm manner but when I told him I do not like what he is doing that was the time he got angry with me sir and he raise[d] his voice.

Q:

What happened after that Madam witness when the accused raise[d] his voice to remove your panty?

A:

He got angry with me sir and he punched [me] on my right and left ribs.

FISCAL FADULLON:

May we request that the term be interpreted Your Honor.

COURT:

He hit me on both side[s] of my lower abdomen.

FISCAL FADULLON:

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(continuing)

Q:

What happened when the accused hit you on your both lower abdomen?

A:

I fell down sir.

Q:

And when you fell down what happened after that?

A:

He came nearer to me sir but I was backing from him on a sitting position.

x x x x x x x x x

Q:

So what happened after that when Mr. Angel Baldoz was coming near you and you were backing from him?

A:

We reached the wall of the lady's room which is under renovation and that was the time when he removed my panty.

Q:

What happened when he removed your panty?

A:

He knelt down sir and he brought down his pants and underwear.

Q:

In relation to where you were Madam witness, where was the accused Angel Baldoz?

A:

He was in front of me sir.

Q:

What happened after [he] already insisted in removing your panty and his underwear?

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A:

He inserted his private part [i]n my vagina sir.

Q:

What w[as] your reaction when he was inserting his private part [i]n your vagina?

A:

I got mad sir.

Q:

What did you do when you got mad?

A:

I pushed him sir.

Q:

What happened when you pushed him?

A:

The more he came near me sir.

Q:

According to you he then inserted his penis into your vagina. After that what happened?

A:

I got mad and I felt pain sir.

Q:

What were you doing when the accused was in the position of having finished inserting his penis inside your vagina?

x x x x x x x x x

Q:

When all of these were [being done] by the accused to you what happened after this?

A:

He made me think of the names of my classmates that they are the ones raping me sir.

Q:

Will you mention it what actually did the accused Baldoz tell you when he was telling you to think of your classmates as the ones raping you at that time?

A:

He told me that `Isn't it that you know Robert, Jason, Aron and Arnel, they are the ones raping you.[']

x x x x x x x x x

Q:

Would you please describe before the Honorable Court [what] was the reaction of Angel Baldoz at that time he was raping you?

A:

He looks very scaring and very strong sir.

Q:

What about his physical appearance, how would you describe the accused?

A:

Dark and big belly.

Q:

Now, after that Madam witness, what happened?

A:

And then he saw that my skirt got blood stain.

Q:

After he saw that your skirt has blood stain what did he tell you madam witness?

A:

He removed his penis from my private part and told me not to tell anybody about the incident and then he told me that ... (Interrupted)

FISCAL FADULLON:

May we request Your Honor that the statement of the witness be placed on record in the vernacular.

Cont. of the wit.'s answer:

`Palalakihin daw niya ang tiyan ko at bubutasin at pasasagasaan daw niya ako sa bulldozer.'

x x x x x x x x x

Q:

So after the accused threatened you that he will killl you if you will tell anybody about the incident, what happened Madam witness?

A:

He put on my pantis back and then he also put his underwear and pants.

Q:

And then what happened after he put on your panty and then he put on his pants and underwear?

A:

He went to Mary Grace Nebre and after a while Mary Grace Nebre went outside.

x x x x x x x x x

Q:

Now Madam witness, what about Angel Baldoz what happened to him?

A:

After Mary Grace Nebre went outside the comfort room Angel Baldoz also went outside sir.

Q:

What did you do when you were left there?

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A:

I was left there and I was crying.

Q:

For how long approximately you were there inside the comfort room which is under renovation?

A:

Five (5) minutes sir.

Q:

And what happened for about five (5) minutes that you were left crying inside the comfort room Madam witness?

A:

I went downstairs and went to my locker and got my books.

Q:

How did you feel when you were going out of the comfort room as you were on your way your steps going to the ground floor?

A:

Hinang-hina ako po.

Q:

Then after you have gotten your books from your locker where did you go in particular after that?

A:

I went back to the payphone and I asked [E]unice that we would go home already."[23]

Complainant's pained story of sexual molestation was corroborated by the medicolegal officer who reported having observed in the patient's hymen "freshly healing laceration" at the four o'clock position and "contusion with hematoma, superior iliac crest area, bilateral." The laceration of the hymen, he declared, was compatible with the date of the sexual abuse.[24]

The long standing rule is that when a victim of rape says she was violated, she says in effect all that is necessary to show that the crime has been inflicted on her, provided her testimony meets the test of credibility.[25]

It is highly inconceivable for a young girl, inexperienced in the ways of the world, to fabricate a charge of defloration, undergo a medical examination of her private parts, subject herself to public trial and tarnish her family's honor and reputation, unless she is motivated by a potent desire to seek justice for the wrong committed against her.[26]

Second Issue:
Specific Questions Raised by Appellant

Inconsistency with theAssessment for Bail

Appellant contests the trial court's evaluation of the testimony of the victim. During the bail hearings, she supposedly failed to convince Judge Agnir that her evidence of appellant's guilt was strong. Appellant now finds it incredulous that she was able to do so with respect to Judge Bay.

We are not persuaded. The assessment of the evidence presented during a bail hearing is intended only for the purpose of granting or denying an application for the provisional release of the accused. It is not a final assessment. Before conviction, every one accused is entitled to bail,[27] except when the offense charged is punishable by reclusion perpetua, life imprisonment or death; and the evidence of guilt is strong.[28] Needless to say, everyone enjoys the presumption of innocence.[29]

The denial of this fundamental right is justified only if there is a great probability of escape.[30] Confinement prior to conviction is warranted, in order to assure the presence of the accused at the trial.[31] Thus, the natural tendency of the courts has always been towards a fair and liberal appreciation of the evidence in the determination of the degree of proof and in the presumption of guilt necessary to warrant a deprivation of that right.[32] Such appreciation is at best preliminary and should not prevent the trial judge from making a final assessment of the evidence before him after full trial. It is not an uncommon occurrence that an accused person granted bail is convicted in due course.

Furthermore, the two trial judges who were assigned to hear this criminal case did not hear one and the same testimony. As appellant conceded, private complainant testified three times: first, during the hearing of the application for bail before Judge Agnir; second, during the trial on the merits before Judge Bay; and third, when she was recalled as a rebuttal witness, also before Judge Bay.

Judge Agnir's unfavorable assessment of the victim's testimony during the bail hearing did not foreclose Judge Bay's grant of full faith and credence to her testimony during the trial proper. Her initial testimony that she had been raped by four of her classmates was sufficiently explained: she was still traumatized when she narrated the rape incident to Judge Agnir. Moreover, Dr. Jao, who testified on the victim's emotional and psychological trauma of the victim, attested to the latter's emotional state immediately after the rape. Thus, the prosecution was able to bridge the gaps pointed out by Judge Agnir in his July 6, 1998 Resolution granting bail to appellant.

The Rapist's Identity

Appellant avers that there was a deliberate exclusion of the other persons whose names had been repeatedly mentioned by the victim and by her father in his affidavit. The mother of the victim testified that the latter had been raped by appellant and Robert Iguico on October 20, 1997. Dr. Jao narrated, however, that on that day, the victim was still suffering from a "brief reactive psychosis," causing her to lose touch with reality and to be prone to hallucinations. From her father's NBI affidavit, it can be inferred that she was already stable on October 21. But the psychiatrist claimed that even on October 23, she was still saying that Robert Iguico, Arnel Cruz, Aaron Roman and Jason Vivas had ravished her.

Hence, he insists that complainant's October 26 statement to NBI Agent Espartero that it was only he who raped her is similarly doubtful, because she was still not mentally stable at the time. In fact, she still mentioned her classmates' names to Espartero. Morever, she still implicated them on October 28, when she told the school principal that Iguico was one of her alleged rapists. Appellant concludes that her identification of him as her rapist was extremely questionable.

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We disagree. All doubts created by the aforementioned affidavits and testimonies as to the rapist's identity are dispelled by the victim's clear, sincere and straightforward testimony in open court. The statements pointed out by appellant were given a few days after her ravishment. Her confusion was fully explained and sorted out, and her testimony was clarified and discussed at great detail when she took the stand. The defense questioned her extensively, but it failed to dent her credibility.

Even the testimonies allegedly showing her to be confused and mentally unstable, show that when she made reference to her classmates Iguico, Cruz, Roman and Vivas, it was always with the explanation -- express or implied -- that appellant made her think she was being ravished by her classmates, instead of by him. We hold that her identification of appellant as her assailant remains positive and credible.

Victim's Conduct

Appellant likewise assails the conduct of private complainant after the incident for allegedly being contrary to the natural reaction of an outraged woman robbed of her honor. Immediately after she was raped, she went down to her locker to get her books. Her companion, Eunice Trinidad, did not notice her red eyes or her bloodstained and dirtied skirt.

He also contends that her casual and nonchalant behavior the day after the alleged rape belies her claim. She still attended his class. When she saw Nebre, she merely ignored her, managed to get a high mark in her English quiz, and even remembered vividly what she did two days after the supposed rape, as if nothing had happened.

We are not convinced. Different people react differently to the same or similar stimuli. There is no standard behavior for rape victims with which we can compare herein private complainant's comportment, as there is no model form of behavioral response when one is confronted with a strange, startling or frightful experience.[33] The Court has ruled that it is not proper to judge the actions of a child who has undergone a traumatic experience by the norms of behavior expected under the same circumstances from mature persons.[34] A woman is not always expected to cry out in public or to announce her ravishment, humiliation and pain.[35] Young girls, in particular, usually conceal their ordeal for some time, especially when they are threatened.[36] Sometimes, they simply suffer in silence.[37] Easily disputable is herein petitioner's argument that the failure of private complainant to display signs of trauma meant that she was not ravished. That she was disturbed is clearly demonstrated by the testimonies of the psychiatrist, the NBI agent and her mother. It took several days before her coping mechanisms collapsed; hence, the late manifestation of her breakdown.[38]

Third Issue:
Award of Indemnity

The only remaining matter in this appeal is the trial court's award of damages. Civil indemnity is mandatory upon the finding of the fact of rape; it is distinct from and should not be denominated as moral damages which are based on different jural foundations.[39] Indemnity ex delicto in the amount of P50,000 is automatically given to the offended party without need of further evidence other than the fact of the commission of the rape.[40] The recent judicial prescription of P75,000 as indemnification for a rape victim is applicable only if the rape is committed under any of the circumstances in which the death penalty is prescribed by the applicable laws.[41] Hence, the trial court's award of P75,000 as civil indemnity to the private complainant has no legal basis to stand on.

WHEREFORE, the appeal is DENIED and the assailed Decision AFFIRMED, with the modification that only P50,000 is awarded to the complainant as civil indemnity ex delicto. Costs against appellant.

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SO ORDERED.

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

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[1] Penned by Judge Teodoro A. Bay.

[2] RTC Decision, p. 16; rollo, p. 39.

[3] Signed by State Pros. Richard Anthony D. Fadullon. Ibid., pp. 5-6.

[4] Id.

[5] Id.

[6] Records, pp. 29-30.

[7] May 7, 1998 Order, records, p. 57. Atty. Raul Tolentino assisted appellant.

[8] May 15, 1998 Order; ibid., p. 65.

[9] Id., pp. 95-100.

[10] July 6, 1998 Resolution; records, pp. 99-100.

[11] Ibid, pp. 136-145.

[12] August 5, 1998 Order, id., pp. 147-148.

[13] Notice of Re-Raffle, id., p. 150, and Subpoena issued by RTC of Manila, Branch 86, id., p. 157.

[14] Rollo, p. 40.

[15] Signed by Solicitor General Simeon V. Marcelo and Solicitor Romeo R. Ramolete.

[16] Appellee's Brief, pp. 2-7; rollo, pp. 124-129.

[17] Appellant's Brief was signed by Atty. Anamarie G. Basay of Defensor Villamor Bahia and Tolentino Law Offices.

[18] Appellant's Brief, pp. 6-8; rollo, pp. 54-56.

[19] The case was deemed submitted for decision on March 20, 2001 upon receipt by this Court of the Appellee's Brief. Appellant's Brief was filed on September 18, 2000. The filing of a reply brief was deemed waived, as none was submitted within the reglementary period.

[20] Appellant's Brief, p. 8; rollo, p. 56.

[21] People v. Silvano, 309 SCRA 363, 377-378, June 29, 1999; People v. Apostol, 320 SCRA 327, 337, December 9, 1999; and People v. Pili, 289 SCRA 118, 132, April 15, 1998.

[22] People v. Villaluna, 303 SCRA 518, 526-527, February 23, 1999; People v. Ranilla, 310 SCRA 499, 505, July 19, 1999; People v. Sugano, 310 SCRA 728, 739, July 30, 1999; and People vs. Flores, 311 SCRA 170, 181, July 26, 1999.

[23] TSN, May 19, 1998, pp.13-24.

[24] Exh. "E," Folder of Exhibits.

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[25] People v. Ambray, 303 SCRA 697, 704-705, February 25, 1999; People v. De la Cuesta, 304 SCRA 83, 93, March 2, 1999; People v. Maglantay, 304 SCRA 272, 278, March 8, 1999; People v. Vaynaco, 305 SCRA 93, 99, March 22, 1999; and People v. Silvano, supra, p. 395.

[26] People v.Marabillas, 303 SCRA 352, 359, February 18, 1999.

[27] §4, Rule 114 of the Rules of Court.

[28] Id., §§ 5 & 7.

[29] De la Camara v. Enage, 41 SCRA 3, 6, September 17, 1971.

[30] Pamaran, The 1985 Rules of Criminal Procedure Annotated, 1998 ed, pp. 235-236.

[31] De la Camara v. Enage, supra.

[32] Pamaran, p. 235, citing Montano v. Ocampo, GR No. L-6352, January 29, 1953.

[33] People v.Luzorata , 286 SCRA 487, 491, February 24, 1998; People v. Ranido, 288 SCRA 369, 379, March 31, 1998; People v. Deleverio, 289 SCRA 547, 562, April 24, 1998; and People v. Cabebe, 290 SCRA 543, 555, May 21, 1998.

[34] People v. Sta. Ana, 291 SCRA 188207-209, June 26, 1998.

[35] Ibid; People v. Luzorata, supra, p. 493.

[36] People v. Escala, 292 SCRA 48, 60, July 8, 1998.

[37] People v. Tabugoca, 285 SCRA 312, 326, January 28, 1998.

[38] TSN, February 4, 1999, p. 12.

[39] People v. Prades, 293 SCRA 411, 430, July 30, 1998.

[40] People v. Pili, supra, p. 141; People v. Perez, 296 SCRA 17, 36, September 24, 1998; People v. Fuertes, 296 SCRA 602, 614, September 29, 1998.

[41] People v. Flores, supra, p. 185; People v. Prades, supra; People v. Mostrales, 294 SCRA 701, 713, August 28, 1998; and People v. Perez, ibid.

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