

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. BONIFACIO MANAGBANAG Y OROT, ACCUSED-APPELLANT.

G.R. No. 140101. December 07, 2001

Ponente: KAPUNAN, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-140101/>

KAPUNAN, J.:

Before us is an appeal from the Decision dated August 17, 1999 of the Regional Trial Court of Quezon City, Branch 76, finding herein accused-appellant Bonifacio Managbanag y Orot guilty beyond reasonable doubt of the crime of rape and sentencing him to the penalty of reclusion perpetua and ordering him to pay moral damages in the amount of P50,000.00 plus costs.

Complainant Abegail dela Cruz Olivar, assisted by her father Bonifacio Olivar, charged herein accused-appellant Bonifacio Managbanag y Orot with rape in a Complaint filed on August 20, 1998, which reads:

That on or about the 16th day of August, 1998, in Quezon City, Philippines, the said accused by means of force and intimidation, to wit: by then and there wilfully, unlawfully and feloniously pointing a knife at the waistline of ABEGAIL DELA CRUZ OLIVAR, a minor, 13 years of age, brought her to his house located at No. 34, Doña Beatriz, Purok 1, Area 5, Matandang Balara, this City, where he kissed her breast and removed her panty and thereafter have carnal knowledge with the undersigned complainant against her will and without her consent.

Contrary to law.[1]

On arraignment, accused-appellant pleaded "Not Guilty" to the offense charged. Trial ensued thereafter.

The evidence for the prosecution consisted of the testimonies of complainant Abegail Olivar, her father Bonifacio Olivar, and Dr. Jose Arnel Marquez, medico-legal officer at the Philippine National Police Crime Laboratory.

Complainant testified that she was born on April 7, 1985, and a first year high school student at the Balara Filter High School in Quezon City.[2] In 1998, she was living with her older sister Marivic at Villa Beatriz, Old Balara, Quezon City.[3] At about seven o'clock in the evening of August 15, 1998, she went to the wake of her friend's sister at Alley 27, Road I, Area 5, Old Balara, Quezon City.[4] At four o'clock in the morning of the following day, August 16, 1998, she and her friends decided to go home. She walked home with her friends and separated from them at a certain point.[5] While she was walking alone along a dark alley, about twenty meters away from the wake, someone whom she later came to know as accused-appellant Bonifacio Managbanag suddenly appeared and pulled her away.[6] Complainant tried to resist but accused-appellant poked a "balisong" to her side.[7] Accused-appellant dragged her to his house. When she screamed for help, he gagged her mouth with a handkerchief.[8] Soon, accused-appellant was all over her. He kissed her breasts, pulled her dress, removed her panty, and toyed with her sexual organ.[9] He then succeeded in having carnal relations with complainant. When it was over, accused-appellant tied her hands.[10] He later untied her to enable her to eat.[11] When complainant finished eating, accused-appellant again tried to sexually abuse her. She tried to resist by kicking him.[12] However, accused-appellant boxed her and she lost consciousness.[13] When complainant regained

consciousness, she noticed that her hands were still tied and her mouth gagged.[14]

Sometime in the evening, complainant heard her sister Marivic calling her but she could not answer as her mouth was gagged.[15] Sensing that complainant's sister was near, accused-appellant switched off the light.[16] After some time, her sister came back with some companions. They kicked the door of accused-appellant's house and told him to come out.[17] Accused-appellant opened the door.[18] Just then, complainant came out of the house in a daze so her sister slapped her on the face to revive her senses.[19] Soon after, some policemen arrived to arrest accused-appellant. Accused-appellant tried to escape but the policemen caught up with him and he was brought to the Balara Police Station.[20]

Complainant's testimony was corroborated by her father Bonifacio Olivar who narrated that he is the father of complainant, Abegail Olivar, who turned thirteen on April 7, 1998.[21] He and his daughter Abegail were living with his elder daughter, Marivic, at Villa Beatriz Subdivision, Don Antonio Street, Old Balara, Quezon City.[22] On August 16, 1998, he woke up at around five o'clock in the morning and found out that his daughter Abegail (complainant) did not come home.[23] Together with his other daughters and nieces, they started looking for her.[24] A woman, who knew her older daughter, told them to look for Abegail at the house of accused-appellant as she heard some shouts coming from that house earlier that day.[25] It was already around eight o'clock in the evening when they proceeded to the house of accused-appellant. His daughter Marivic, peeping through the window of accused-appellant's house, saw complainant who was tied and gagged.[26] They immediately sought the help of a kagawad who notified the police at the Batasan Police Station.[27] When the police officers arrived, accused-appellant, who was armed with a knife, tried to resist arrest but a certain SPO1 Cayabyab subdued him.[28] They untied complainant and removed the gag in her mouth.[29] Complainant told them that she was raped by accused-appellant.[30] Thereupon, accused-appellant was brought to the police station for investigation.

The last witness for the prosecution was Dr. Jose Arnel Marquez, medico-legal officer of the Philippine National Police Crime Laboratory Service at the Central Police District. Dr. Marquez testified that on August 17, 1998, he conducted a medical examination of Abegail Olivar.[31] The examination showed ecchymosis (chikinini in layman's term) at complainant's pectoral region and a deep healed laceration of the hymen at eight o'clock position.[32] Dr. Marquez opined that such laceration possibly could have been caused by the penetration of a hard blunt object such as an erect penis.[33] The medico-legal report prepared by him reads:

Findings:

GENERAL and EXTRAGENITAL:

xxx

- Ecchymosis, right pectoral region, measuring 1 x 0.5 cm, 2 cm. from the anterior midline.
- Ecchymosis, right pectoral region, measuring 0.8 x 0.6 cm, 2.5 cm. from the anterior midline.
- Ecchymosis, left pectoral region, measuring 0.4 x 0.4 cm, 6 cm from the anterior midline.

CONCLUSION:

Subject is in non-virgin state physically.

xxx[34]

The evidence for the defense, on the other hand, consisted of the sole testimony of accused-appellant. He declared that he was a fish vendor and a resident of Lot 34, Villa Beatriz, Old Balara, Quezon City.[35] He knew complainant Olivar because she was the girlfriend of Rodman Asebuhe, a son of his kumare and neighbor, Tess

Asebuche.[36] Rodman and complainant used to go to his house to talk.[37]

Around five o'clock in the morning of August 16, 1998, accused-appellant was at his house sleeping when someone knocked. When he opened the door, he saw complainant.[38] She told him that she just came from a wake and asked permission to stay in his house to wait for Rodman who was to fetch her at six o'clock.[39] Accused-appellant led complainant to the sala.[40] At seven o'clock, he went out to sell fish. He came back at around nine o'clock in the same morning and chanced upon complainant and Rodman in his room.[41] Both were naked and doing the sexual act.[42] The two did not notice accused-appellant who, upon seeing them in an uncompromising situation, immediately went out of the room. After fifteen minutes, the couple emerged.[43] Rodman apologized to him, saying "Kuya, pasensiya ka na sa akin. Pumasok kami sa bahay mo." [44] Accused-appellant asked the couple to go home. The two left without saying anything.[45]

Around 7:15 o'clock in the evening, while accused-appellant was already in bed, six policemen carrying .45 caliber pistols entered his house and arrested him.[46] He was told that he was being arrested for raping the daughter of Mr. Olivar.[47] Accused-appellant was brought to the police station where he gave a statement.[48] He denied raping complainant Abegail Olivar.[49]

On August 17, 1991, the Regional Trial Court rendered a decision, the dispositive portion of which reads as follows:

WHEREFORE, finding the accused guilty beyond reasonable doubt of the crime of rape now described and penalized under Art. 266 of the Revised Penal Code, and there being no modifying circumstance attending the commission of the offense, he is hereby sentenced to suffer imprisonment of reclusion perpetua and to indemnify the offended party in the amount of P50,000.00 as moral damages and to pay the costs.

SO ORDERED.[50]

Not satisfied with the judgment, accused-appellant interposed the present appeal ascribing the following errors in the decision of the court a quo:

THAT THE TRIAL COURT ERRED IN GIVING CREDIT TO THE TESTIMONY OF THE OFFENDED PARTY; and

THAT THE TRIAL COURT ERRED IN NOT CONSIDERING FAVORABLY TO THE TESTIMONY OF THE ACCUSED-APPELLANT (sic).

Accused-appellant claims that the trial court erred in giving credence to the testimony of complainant which allegedly contained inconsistent statements and averments. In particular, accused-appellant points out as inconsistent complainant's claim that her feet were bound and her allegation that she kicked accused-appellant when he tried to rape her for the second time. It is argued that such allegations are preposterous since it could not have been possible for complainant to have kicked accused-appellant if both her feet were tied. Accused-appellant also avers that complainant's failure to report the alleged previous rape by the same accused-appellant detract from the veracity of her charge. Finally, accused-appellant faults the trial court for failing to appreciate non-flight as an indication of his innocence.

The Court does not find merit in the petition. Accused-appellant's contentions are nothing but hackneyed arguments to evade incarceration.

It is a well-settled rule that when the testimony of a rape victim is plain and straightforward, to the point, and unflawed by any material or significant inconsistency, such testimony deserves full faith and credit.[51] And minor inconsistencies in the victim's statements will not necessarily derail her testimony. In fact, far from detracting from the veracity of the rape victim's testimony, these minor inconsistencies tend to bolster it.[52]

In the case under review, we do not find the inconsistencies pointed out by accused-petitioner to be so material as to warrant a reversal of the trial court's decision. It was not actually improbable for the complainant to have kicked him when both her feet were bound. Even if both her feet were tied together, she could still move them and deliver a kick which, though ineffective, demonstrated her efforts to resist his bestial advances. Thus, complainant declared:

ATTY. RIVERA:

Q

You stated also when you testified on direct examination that the accused Bonifacio Managbanag will (sic) untie your hands during the time that you were being detained by him only on occasions (sic) when he will feed you?

A

Yes, sir.

Q

When he untied your hands, were your feet still bound?

A

Yes, sir.

xxx

Q

On occasions that he will (sic) untie your hand to feed you with food and with water, did you not think about shouting for help considering the proximity of the house to the house of Managbanag?

A

I just kicked him with both feet.

Q

You did not shout?

A

Then, he boxed me and I lost consciousness.

Q

When was that when he boxed you?

A

When he was feeding me, I kicked him and then he boxed me.

xxx[53]

Complainant positively identified accused-appellant and made a clear and categorical narration of how she was abducted and raped:

xxx

Q

On August 15, 1998 at about 7:00 in the evening, where were you?

A

I was at a wake, maam.

Q

And where was that wake?

A

Alley 27, Road 1, Area 5, Matandang Balara.

Q

What city is that?

A

Quezon City.

xxx

Q

Until what time did you stay in the wake?

A

Up to about 4:00 in the morning.

Q

At about 4:00 in the morning of August 16, what did you do, if any?

A

I and my friends were about to go home.

Q

Were you able to arrive home?

A

No, maam.

Q

What happened? Why were you not able to arrive home?

A

I was pulled by Bonifacio Managbanag.

Q

Where were you at the time when you were pulled by Bonifacio Managbanag?

A

I was on the street on my way home when he poked a knife at me.

xxx

Q

Where were your friends then when you were pulled by Managbanag?

A

They already went home because our house is still far away.

Q

So that you were already alone when pulled by Managbanag?

A

Yes, maam.

Q

Will you state at what particular place were you pulled while walking?

A

I was already about 20 meters away from the wake.

Q

Will you tell us the lighting at the time?

A

There was no light in the area but there were trees.

Q

What happened when you were pulled by Managbanag with a balisong poked at our side?

A

He took me to his house and tied my mouth.

Q

What happened when he tied your mouth?

A

He started kissing my breasts.

Q

What happened next?

A

He pulled up my dress and removed my panty.

Q

After pulling down your panty, what happened?

A

First, he played with my vagine (sic).

Q

While you were standing, Ms. Witness?

A

No, maam.

Q

What did he do after that?

A

He started kissing my breasts and pulled up my dress and removed my panties.

Q

And ...?

A

He raped me.

Q

After you were sexually abused, Ms. Witness, what happened, if any?

A

My hands were still tied.

Q

Let me clarify this. You mentioned a while ago that your mouth was tied, correct?

A

Yes, maam.

Q

And now you are mentioning that your hands were tied. When did he tie your hands?

A

After raping me.

Q

After raping you, he tied you?

A

Yes, maam.

Q

Who did this?

A

Him.

Q

What is the name of the person who did this to you?

A

Bonifacio Managbanag.

Q

Do you know this Bonifacio Managbanag?

A

No, maam.

Q

How did you come to know it was Bonifacio Managbanag who sexually abused you?

A

I came to know his name when I saw him in the precinct.

Q

Will you please point to him if you can still recognize this Managbanag?

A

Him. (Witness pointing to accused)

xxx[54]

This testimony from the mouth of a credible witness deserves full faith and credit. It is 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.[55] In the case at bar, accused-appellant failed to show any evidence of ill-motive on the part of complainant; hence, her testimony retains credibility.

Complainant's testimony is corroborated by the medical findings and testimony of the physician who conducted a physical examination of the complainant. Dr. Arnel Marquez testified that there was ecchymosis (chikinini in layman's term) at complainant's pectoral region and a deep healed laceration of the hymen at eight o'clock position. Dr. Marquez concluded that on the basis of the results of the physical examination conducted on the

complainant, the deep healed laceration found in her genital organ was caused by the penetration of an erect penis.[56]

As held in the case of *People of the Philippines vs. Bation*, when the victim's testimony of her violation is corroborated by the physician's findings of penetration, then there is sufficient foundation to conclude the existence of the essential requisite of carnal knowledge.[57]

In a futile attempt to contrive a defense, accused-appellant alleges that he did not flee from the scene of the crime after the rape was committed but remained instead in his house. His behavior, according to him, is contrary to the natural instinct of one who is guilty of having committed a crime.

The Court is not convinced. Non-flight is not a conclusive proof of innocence; it is simply inaction, which may be due to several factors.[58] Coupled with a mere denial, such a defense cannot overturn an affirmative testimony from the mouth of a credible witness.[59] Obviously, accused-appellant remained at the scene of the crime because he had no time to flee. Complainant testified that in the evening of August 16, 1998, she heard her sister Marivic looking and calling for her but she could not answer back as she was still tied inside accused-appellant's house.[60] Her sister then left but after a while she came back with her father. They started kicking the door of accused-appellant's house[61] forcing him to come out.[62] In fact, he tried to escape but the policemen arrived and arrested him.[63]

Accused-appellant's efforts at exculpation are also belied by complainant's father, Bonifacio Olivar, who testified:

xxx

Q

When your daughter was informed by that woman that your daughter Abigail may be found at the house of the accused Managbanag at No. 34 Dona Beatriz, what did you do?

A

My second daughter peeped through the window and she was (sic) that her hands were tied. She was gagged.

Q

Whose house was it wherein your daughter peeped into where she found your daughter Abigail tied and gagged?

A

At the house of Managbanag.

Q

The accused in this case?

A

Yes, sir.

Q

Where were you when your daughter peeped?

A

I was also there. We were outside.

xxx

Q

And what did you do?

A

We withdrew and we called for kagawad.

Q

Did the kagawad arrive?

A

Yes, sir.

Q

What happened then?

A

He called for policemen.

Q

From what police station?

A

Laura, Batasan Police Station.

Q

Did the policemen arrive?

A

Yes, sir.

Q

And what happened?

A

Policemen entered the house, took Managbanag who was then carrying a knife and he was trying to resist.

Q

And what did the policemen do to Managbanag?

A

SPO1 Cayabyab immediately handcuffed him.

xxx[64]

Finally, in addition to the amount of P50,000.00 awarded by the trial court as moral damages, the Court imposes the amount of P50,000.00 as civil indemnity which is mandatory upon the finding of the fact of rape and is separate and distinct from moral damages.[65]

WHEREFORE, the decision of the trial court finding accused-appellant Bonifacio Managbanag guilty of rape and sentencing him to suffer the penalty of reclusion perpetua is AFFIRMED with the MODIFICATION that the amount of P50,000.00 is additionally awarded as civil indemnity.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Puno, Pardo, and Ynares-Santiago, JJ., concur.

[1] Original Records, p. 1.

[2] TSN of January 20, 1999, pp. 2-3.

[3] TSN of March 9, 1999, pp. 2-3.

[4] Supra, Note 2.

[5] Id., pp. 3-4.

[6] Id.

[7] Id.

[8] Id.

[9] Id., pp. 4-5.

[10] Id.

[11] Id., pp. 5-6.

[12] Id.

[13] Id.

[14] Id.

[15] Id.

[16] Id.

[17] Id., p. 7.

[18] Id.

[19] Id.

[20] Id.

[21] TSN of November 11, 1998, pp. 3-4.

[22] Id., pp. 5-6.

- [23] Id., p. 6.
- [24] Id., pp. 6-7.
- [25] Id., pp. 7-8.
- [26] Id., p. 9.
- [27] Id., pp. 9-10.
- [28] Id.
- [29] Id., pp. 10-11.
- [30] Id., p. 12.
- [31] TSN of October 28, 1999, p. 4.
- [32] Id., pp.4-5.
- [33] Id.
- [34] Original Records, p. 7.
- [35] TSN of May 11, 1999, p. 2.
- [36] Id., p. 3.
- [37] Id., p. 4.
- [38] Id., pp. 5-6.
- [39] Id.
- [40] Id.
- [41] Id., pp. 6-7.
- [42] Id.
- [43] Id.
- [44] Id., p. 10.
- [45] Id.
- [46] Id., pp. 8-9.
- [47] Id.
- [48] Id.
- [49] Id.
- [50] Rollo, pp. 24-25.
- [51] People vs. Lopez, 302 SCRA 669 (1999)..
- [52] People vs. Padilla, 301 SCRA 265 (1999)..
- [53] TSN of April 6, 1999, pp. 2, 4.

[54] TSN of January 20, 1999, pp 2-5.

[55] People vs. Sagun, 303 SCRA 382 (1999).

[56] TSN of October 28, 1998, p. 5.

[57] People vs. Bation, 305 SCRA 253 (1999).

[58] People vs. Almacin, 303 SCRA 399 (1999).

[59] People vs. Quinanola, 306 SCRA 710 (1999).

[60] Id.

[61] Id., p. 7.

[62] Id.

[63] Id.

[64] TSN of November 11, 1998, pp. 8-10.

[65] People vs. Ignacio, 294 SCRA 542 (1998).

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.