

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. RENATO FLORES
A.K.A. “ATONG,” AND PATERNO PARENO A.K.A.
“PATTER,” ACCUSED.**

G.R. No. 141782. December 14, 2001

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

In a rape case, the force or intimidation employed need not necessarily be shown to be objectively irresistible. Rather, it must be viewed from the victim's perception that unless she yielded to the ravisher's demand, some injury or evil would befall on her during the commission of the offense or even thereafter.

The Case

On appeal before this Court is the Decision,[1] dated November 16, 1999, issued by the Regional Trial Court (RTC) of Valenzuela City (Branch 171)[2] in Criminal Case No. 6367-V-97, in which Renato Flores, also known as "Atong," was convicted of rape.

The Information[3] filed against appellant and his co-accused, Paterno Pareno, also known as "Patter,"[4] reads as follows:

"That on or about February 2, 1997 in Valenzuela, Metro Manila, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring together and mutually helping one another and by means of force and intimidation employed upon the person of REMEDIOS RENORIA y BANDOJO, did then and there wilfully, unlawfully and feloniously have sexual intercourse with her, against her will and without her consent."[5]

During the arraignment, Appellant Renato Flores pleaded not guilty.[6] His co-accused, Paterno Pareno, was at large.[7] After trial in due course, the lower court rendered its Decision, the dispositive portion of which reads as follows:

"WHEREFORE, accused RENATO FLORES alias Atong, [having been found g]uilty beyond reasonable doubt of the crime charged. x x x is hereby sentenced to reclusion perpetua and to pay the costs.

"He is ordered to indemnify the minor complainant [in] the amount of P50,000.00."[8]

The Facts

Prosecution's Version

In its Brief,[9] the Office of the Solicitor General presents the prosecution's version of the facts as follows:

"On February 2, 1997, around 9:00 o'clock in the evening, Paterno (Pater) Pareno arrived at the house of Remedios Renoria in Ulingan St., Lawang-Bato, Valenzuela. Immediately upon his arrival, Paterno Pareno asked Remedios Renoria to accompany him to the nipa hut located about fifty (50) meters away from their

(Remedios Renoria's) house. Remedios Renoria acceded because she [knew] Paterno.

"When Paterno Pareno and Remedios Renoria reached the place, appellant was already inside the nipa hut obviously waiting for them. Paterno Pareno suddenly dragged Remedios Renoria inside the nipa hut. Then, appellant and Paterno Pareno immediately covered her mouth and removed her clothing. However, it was appellant who removed her underwear. This was quickly followed by appellant discarding his own underwear.

"Remedios Renora was then made to lie down on a wooden bed. Thereafter, appellant positioned himself on top of her and immediately inserted his penis inside her vagina. She felt pain. Afterwards, appellant grasped her breasts. She could not cry for help because appellant and Paterno Pareno were covering her mouth.

"Having satisfied his lust, appellant left immediately. Remedios Renoria, thereafter, stood up, got dressed and went home.

"On April 24, 1997, Remedios Renoria went to see her uncle, Larry Frias, to report the ordeal she suffered in the hands of appellant. In turn, Larry Frias told Remedios Renoria's mother [about] the incident. Thereafter, Remedios Renoria's mother asked Larry Frias to do what [was] best for her daughter.

"Out of genuine concern for his niece who was only thirteen (13) years old at the time she was ravished, and because Remedios Renoria and her [were] both unlettered Larry Frias took the initiative to go to the Office of the Bantay Bata in Quezon City to ask for help.

"At the Office of the Bantay-Bata, Larry Frias narrated what happened to Remedios Renoria. He was then given referral letters to the Department of Social Welfare and Development (DSWD) and the National Bureau of Investigation (NBI).

"Larry Frias and Remedios Renoria went to the Valenzuela Police Station on April 28, 1997. PO2 Virginia Viacrusis took the statement of Remedios Renoria.

"The following day, or on April 29, 1997, they went to the NBI for medico-legal examination. Dr. Armie Soreta-Umil, an NBI Medico-Legal Officer, conducted a physical examination on the victim and submitted a medical report which reads:

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Findings

Conclusions:

1. No evident sign of extra-genital physical injuries noted on the body at the time of examination. Hymen, intact but distensible and its orifice wide (2.5 cms. in diameter) as to allow complete penetration by an average-sized adult Filipino male organ in full erection without producing any genital injury."[10] (Citations omitted)

Defense's Version

Appellant, on the other hand, argues that his guilt was not proven beyond reasonable doubt. His statement of facts is as follows:[11]

"Evidence for the defense shows that on February 2, 1997, at about 7:00 in the evening, accused-appellant Renato Flores was ordered by his father to get the latter's salary in Ulingan, Valenzuela City. His father worked for Rudy Frias, private complainant's grandfather. He testified that private complainant [was] his girlfriend and that their marriage was being arranged by her mother and her uncle. On the night the crime charged allegedly occurred, accused-appellant recalled that it was private complainant's mother, Rowena Frias, who invited him to sleep in their house. He slept in the sofa together with private complainant. The following morning, accused-appellant's parents were summoned by Rowena Frias and Larry Frias. Private complainant's mother

asked accused-appellant if he love[d] her daughter to which he an[s]wered in the affirmative. Thereafter, they talked about their plan of getting married and Rowena even allowed her daughter to go with accused-appellant the following day, bringing with her a bag of clothes. Since then, the couple lived together as husband and wife for more or less three months until May 28, 1997 when private complainant was fetched by her mother. She never returned since then. The next time they saw each other was when private complainant visited him in jail. She informed him that she was in fact merely forced by Larry Frias to file a complaint."

Ruling of the Trial Court

After a careful study and a judicious assessment of the evidence submitted by both parties, the RTC ruled that the guilt of appellant was proven with moral certainty. It added that his denial could not prevail over the victim's positive assertions, which were convincing and credible.[12] It brushed aside his defense that he and the victim were sweethearts, and that they lived together as husband and wife.

Hence, this appeal.[13]

The Issue

Appellant assigns a sole alleged error for our consideration:

"The Court a-quo gravely erred in finding that the guilt of the accused-appellant for the crime charged has been proven beyond reasonable doubt despite the insufficiency of the evidence presented by the prosecution." [14]

The Court's Ruling

The appeal is devoid of merit.

Main Issue:

Sufficiency of Evidence

In reviewing rape cases, the Court is guided by the following principles: (1) to accuse a man of rape is easy, but to disprove the accusation is difficult, though the accused may be innocent; (2) inasmuch as only two persons are usually involved in the crime of rape, the testimony of the complainant should be scrutinized with great caution; and (3) the evidence for the prosecution must stand or fall on its own merit and should not be allowed to draw strength from the weakness of the evidence for the defense. Corollary to the foregoing legal yardsticks is the dictum that when a victim of rape says that she has been defiled, she says in effect all that is necessary to show that rape has been committed against her. So long as her testimony meets the test of credibility, the accused may be convicted on the basis thereof.[15]

Based on the foregoing principles, we have carefully scrutinized the testimony of Remedios Renoria, who was 13 years old at the time the rape was committed, as follows:

"Q:

Now, Madam Witness, when Renato Flores removed his brief and after he removed your panty, what did he do?

A:

He inserted, sir.

Q:

What did he insert?

A:

His penis, sir.

Q:

Where did he insert that?

A:

[Into] my vagina.

Q:

Now, madam witness, what was your position when the accused Flores inserted his penis into your vagina?

A:

I was lying, sir.

Q:

On what part [were] you lying?

A:

[O]n a wooden bed.

Q:

What about the accused Flores, what was his position when he inserted his penis into your vagina while you were lying?

A.

He was standing.

Q:

While you were lying?

A:

Yes, sir.

Q:

What do you mean standing, was he on top of you?

A:

Yes, sir.

Q:

Was he able to have his penis penetrated into your vagina?

A:

Yes, sir.

Q:

What was the movement of the accused when he was inserting his penis into your vagina, particularly his buttocks, was he pumping it?

A:

Yes, sir.

Q:

What was your feeling when he inserted his penis into your vagina, did you feel pain?

A:

Yes, sir.

Q:

What happened to your vagina, did it bleed?

A:

No, sir.

Q:

Now, how long did he do that to you?

A:

It was quite a long time, sir."

Q:

Now will you kindly tell this court the reason why you were able to go to that nipa hut?

A:

I was dragged by Pater.

x x x x x x x x

Q:

Now when Pater dragged you inside the nipa hut, was Renato Flores already inside?

A:

Yes, sir.

Q:

And what was he doing, was he waiting for you?

A:

Yes, sir.

x x x x x x x x"[16]

A careful review of the evidence adduced by both parties leads us to the conclusion that the RTC did not err in finding appellant guilty of rape. The lone testimony of the victim, if credible, is sufficient to sustain a conviction.

This is so because, from the nature of the offense, her sole testimony is oftentimes the only evidence that can be offered to establish the guilt of the accused.[17] As correctly observed by the lower court:

"x x x. Minor complainant was forthright. She narrated how she was sexually abused by accused Renato Flores. She was straight forward in pin pointing to the accused as her abuser. There [are] no facts and/or circumstances from which it could be reasonably inferred that the minor complainant falsely testified or she was actuated by improper motive. The absence of clear and convincing evidence of the existence of improper motive sustain[s] the conclusion that no improper motive exist[s] and her testimony should be given full faith and credit. The Court is persuaded by the sincerity and c[a]ndor of minor Remedios Renoria. She showed no sign of hostility but interest to bring the malefactor to justice." [18]

Well-settled is the rule that the trial court's assessment of credibility of witnesses is accorded great respect, owing to its direct opportunity to observe their demeanor during trial.[19]

Force and Intimidation

We disagree with appellant's contention that the prosecution failed to prove the force and intimidation inflicted upon the offended party.

Well-established is the rule that for the crime of rape to exist, it is not necessary that the force employed be so great or be of such character that it could not be resisted; it is only necessary that the force employed by the guilty party be sufficient to consummate the purpose for which it was inflicted. In other words, force as an element of rape need not be irresistible; as long as it brings about the desired result, all considerations of whether it was more or less irresistible are beside the point.[20]

Intimidation must be viewed in the light of the perception of the victim at the time of the commission of the crime, not by any hard and fast rule; it is therefore enough that it produced fear -- fear that if she did not yield to the bestial demands of her ravisher, some evil would happen to her at that moment or even thereafter.

The fact that complainant bore no physical evidence of any force used against her person is of no moment. The absence of any external sign of injury does not necessarily negate the occurrence of rape, proof of injury not being an essential element of the crime.[21] What is important is that because of force and intimidation, the victim was made to submit to the will of appellant.[22] As stated in *People v. Maglente*, [23] the test is whether the threat or intimidation produces fear in the mind of a reasonable person -- that if one resists or does not yield to the desires of the accused, the threat would be carried out.

In the present case, the victim narrated how, with the use of threat, she had been coerced by appellant into submitting to his carnal desires. Pertinent portions of her affidavit are reproduced as follows:

"08.T. Paano ang [nangyaring] pang-aabuso sa iyo o pang re Rape?

S. Ganito po iyon noong Feb. 2, 1997, sa ganap na ika 9:00 ng gabi ay pinatawag ako ni Atong alias Renato Flores at may sasabihin daw po siya sa akin, noon pong pumunta ako ay nasa loob daw po siya ng kubo, sabi ni Patter punta daw sa kubo at doon daw ko usap ni Atong, punta ako kubo hila ako sa kamay ni Atong tulak ako Patter, at takip bibig ko ng kamay ni Atong at sama panyo kamay at tali panyo sa lbibig, higa ako sa papag ni Atong (referring to Renato Flores) at tanggal lahat ng damit ko, pag katapos ay kiss niya ako sa labi at dede ko at pagkatapos ay pasok niya ang titi niya sa pek-pek ko taas baba siya at -- pagkatapos ay parang pagod na pagod siya at dagan siya sa dibdib ko at tanggal niya ang tali sa bibig ko, at sabi niya ay [sinabihang "H]uwag kang magsusumbong at papatayin kita naiintindihan mo ba[?"]

"09.T. Ano po ang mga sumunod na pangyayari?

S. Kinabukasan ay pinatawag ako uli kay Patter at punta daw ako sa kubo February 3, Lunes sa ganap na ika

9:00 ng gabi at punta daw ako [kay] Atong (Renato Flores) at iwan ako uli ni Patter at sabi ni Atong pag hindi ako payag patay ako, kaya x x x higa nalang ako papag at hubad ni Atong ang damit ko at pasok uli niya ang Titi niya sa pekpek ko, at pagkatapos sabi ni Atong (Renato Flores) o baka magsusumbong ka kahit kanino, at sabi niya ay kung magsusumbong daw ako ay papatayin daw niya ako kaya hindi ako [nagsusumbong] kahit kanino, pinauwi niya ako."[24]

Undisputably, the sexual act was committed with force and intimidation as shown by prosecution evidence. Moreover, the victim could not have shouted for help, as her mouth was covered by the accused. She testified thus:

"Q:

Now after the accused inserted his penis into your vagina, what happened next?

A:

He h[e]ld my breast, sir.

Q:

Did you shout or [ask] for help?

A:

No, sir.

Q:

Why?

A:

They were covering my mouth, sir."[25]

Indeed, it is inconceivable how a 13-year-old girl could muster enough strength to resist two men in their prime. It would be incongruous to assume that she could overcome the superior strength of appellant and his cohort, Paterno Pareno.

Lack of Resistance

Appellant likewise contends that complainant's lack of physical struggle shows that she consented to the sexual assault. We are not persuaded.

In a long line of cases, we have held that different people react differently to different situations. There is no standard form of human behavioral response when one is confronted with a frightful experience. While the reaction of some women who are faced with the possibility of rape is struggling or shouting for help, still others become virtually catatonic because of the mental shock they experienced.[26]

To the depraved mind of appellant, complainant's failure to resist or to shout may have been a sign of consent. But in the crime of rape, what is given paramount consideration is the state of mind of the victim, not of the perpetrator.[27]

"Sweethearts Theory"

While appellant interposed the defense of denial, he additionally alleged that he and Remedios were sweethearts, and that they had lived as husband and wife from February 3, 1997 until May 28, 1997. To support this

contention, he presented several witnesses who testified that they had seen the victim in his house. These are unavailing, however, because they did not have personal knowledge of the fact. Moreover, there is no sufficient evidence on record that would support this defense. A "sweethearts defense" should be substantiated by some documentary or other evidence of the relationship -- like mementos, love letters, notes, pictures and the like.[28] Appellant presented only a bag of clothes allegedly belonging to complainant.

We believe that the bag of clothes and the presence of complainant in the house of appellant do not establish their alleged amorous relationship. As correctly observed by the trial court:

"Defense['s] claim that the minor complainant is his sweetheart and they lived together as husband and wife cannot be given serious consideration. There was not even a letter or photograph of the minor-victim to show that the accused and she (Remedios Renoria) [were] sweethearts. The bag of clothes is not concrete proof that the clothes [belong] to minor complainant.

"x x x [I]f it is really true that Remedios Renoria and the accused lived as husband and wife in the house of the accused and left only on May 28, 1997 when fetched by the sister, why was she able to give her written statement to the police on April 28, 1997 charging the accused [with] rape and [to submit] herself [to] physical and genital examination before the NBI on April 29, 1997." [29]

Appellant's claim of love relationship is belied by the concurrence of the following actuations of complainant: (1) disclosing the rape incident to her uncle, (2) seeking help from police authorities, (3) subjecting herself to medical examination, (4) filing a Complaint for rape and recounting in court the details of her horrible experience.

Further, the sweethearts defense does not necessarily preclude rape. Even if it were true, such relationship would not, by itself, establish consent, for love is not a license for lust.[30] A love affair could not have justified what appellant did -- subjecting complainant to his carnal desires against her will.[31]

Inconsistencies

In his vain attempt to discredit the testimony of complainant, appellant cites two inconsistencies. First, he concedes that she was forcibly brought by Pareno to the nipa hut. Prosecution Witness Larry Frias' testimony, however, allegedly showed that Pareno merely instructed her to go to the nipa hut with him. This circumstance allegedly raises the possibility that she consented to the sexual intercourse. Second, appellant submits that, while the victim avers that her mother went to the police station with her, Larry Frias testified that only he had accompanied private complainant to the NBI, the DSWD and the Municipal Hall to file a Complaint.[32]

The solicitor general correctly debunks appellant's contentions in this wise:

"A careful review of Remedios Renoria's testimony reveals that on February 2, 1997, Paterno Pareno arrived at their (Remedios Renoria['s]) house and asked her to accompany him to the nipa hut located at Ulingan, Lawang-Bato, Valenzuela; that when they reached the place, Paterno Pareno dragged her inside the nipa hut where appellant was obviously waiting; and that appellant and Paterno Pareno covered her mouth and undressed her.

"In other words, Paterno Pareno used force on Remedios Renoria only when they finally reached the nipa hut, the place where the crime was committed.

"Anent the issue of who really was with Remedios Renoria at the time she went to the police station to report the incident, Remedios Renoria clarified during her cross examination that it was Larry Frias who accompanied her to the police station

"Demonstrably, the alleged inconsistencies pointed out by appellant do not actually exist. Assuming that they do exist, the same are very trivial in nature [and] cannot impair the essential integrity of the prosecution

evidence as a whole." [33] (Citation omitted)

Further, the aforecited inconsistencies, even if true, are minor in character and do not impugn the credibility of complainant. Indicative of an unrehearsed testimony, slight contradictions even serve to strengthen credibility. Indeed, the Court cannot expect a rape victim to remember every ugly detail of the sexual assault. [34] A witness who is telling the truth is not always expected to give a perfectly concise testimony, considering the lapse of time and the treachery of human memory. [35]

The Delay in Reporting the Incident

Complainant's failure to report the incident immediately, according to appellant, belies her claim of rape. This contention is untenable.

There is no standard form of behavior when a person is confronted by a shocking, harrowing and unexpected incident. The workings of the human mind, when placed under emotional stress, are unpredictable. Rape is a traumatic experience, and the shock concomitant with it may linger for a while. Oftentimes, the victim would rather bear the ignominy and the pain in private, rather than reveal her shame to the world or risk the rapist's carrying out his threat to harm her. [36]

In sum, the credibility of the complainant's testimony is not diminished by the delay in reporting the incident or by the lack of strong resistance. One cannot expect a 13-year old girl to act like an adult or a mature and experienced woman who would have the courage and intelligence to disregard a threat to her life and complain immediately that she had been sexually assaulted. [37]

Indemnity and Moral Damages

It has been the policy of the Court to award outrightly to a victim of rape an amount not exceeding P50,000 as civil indemnity ex delicto, upon an indubitable showing of the commission of the crime. [38] When the rape is committed in its qualified form and the death penalty is imposed, the indemnity given is P75,000.

Moreover, in accordance with prevailing jurisprudence, appellant should be ordered to pay the amount of P50,000 as moral damages. It may be awarded without need of independently showing that the victim suffered mental anguish, fright, serious anxiety and the like. [39] In the crime of rape, these are assumed by the law.

WHEREFORE, the appealed Decision is AFFIRMED with the MODIFICATION that an additional award of P50,000 as moral damages be given to the victim. Costs against appellant.

SO ORDERED.

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

[1] Rollo, pp. 18-29.

[2] Penned by Judge Adriano R. Osorio.

[3] Signed by Second Assistant City Prosecutor Bayani M. Jamias.

[4] Also spelled as "Pater" in other parts of the TSN.

[5] Rollo, p. 7.

[6] Assisted by his counsel, Atty. Margarita Rodriguez.

- [7] Assailed Decision, p. 1; rollo, p. 18.
- [8] Ibid., p. 12; rollo, p. 29.
- [9] Signed by Asst. Sol. Gen. Carlos N. Ortega, Asst. Sol. Gen. Amparo M. Cabotaje-Tang and Asso. Sol. Ma. Lilia O. De la Rea.
- [10] Appellee's Brief, pp. 4-7; rollo, pp. 89-92.
- [11] Appellant's Brief, pp. 3-4; rollo, pp. 45-46; signed by Attys. Arceli A. Rubin, Amelia C. Garchitorena and Alteza A. Añoso of the Public Attorney's Office.
- [12] Assailed Decision, p. 21; rollo, p. 41.
- [13] This case was deemed submitted for resolution on August 8, 2001, when the Court received appellant's Manifestation in Lieu of Reply Brief. Appellant's Brief was received by the Court on November 6, 2000, while Appellee's Brief was received on May 16, 2001.
- [14] Appellant's Brief, p. 4; rollo, pp. 46-47.
- [15] *People v. Marquez*, GR Nos. 137408-10, December 8, 2000.
- [16] TSN, July 6, 1998, pp. 4-5.
- [17] *People v. Tagaylo*, GR Nos. 137108-09, November 20, 2000.
- [18] Assailed Decision p.10; rollo p. 27.
- [19] *People v. Garces Jr.*, 322 SCRA 834, January 20, 2000.
- [20] *People v. Grefiel*, 215 SCRA 596, November 13, 1992, citing *US v. Villarosa*, 4 Phil. 434, April 19, 1905; *People v. Plaga*, 202 SCRA 53, September 30, 1991; *People v. Saldivia*, 203 SCRA 461, November 13, 1991.
- [21] *People v. Vitancur*, GR No. 128872, November 22, 2000.
- [22] Ibid.
- [23] 306 SCRA 546, April 30, 1999.
- [24] Exhibit "D"; records, p. 3.
- [25] TSN, July 6, 1998, p. 5.
- [26] *People v. Sale*, GR Nos. 137978-79, November 22, 2000, citing *People v. Rabosa*, 273 SCRA 142, June 9, 1997 and *People v. Corea*, 269 SCRA 76, March 3, 1997.
- [27] *People v. Saladino*, GR Nos. 137481-83 & 138455, March 7, 2001.
- [28] Assailed Decision, p.11; rollo, p. 28.
- [29] *People v. Garces Jr.*, supra.
- [30] Ibid.
- [31] Id.
- [32] Appellant's Brief, pp. 7-8; rollo, pp. 49-50.
- [33] Appellee's Brief, pp. 15-16; rollo, pp. 100-101.

[34] *People v. Lampaza*, 319 SCRA 128, November 24, 1999.

[35] *People v. Saladino*, *supra*.

[36] *People v. Pecayo*, GR No. 132047, December 14, 2000.

[37] *People v. Malunes*, 247 SCRA 317, August 14, 1995.

[38] *People v. Bolatete*, 303 SCRA 709, February 25, 1999; *People v. Gementiza*, 285 SCRA 478, January 29, 1998.

[39] *People v. Tagaylo*, GR Nos. 137108-09, *supra*, citing *People v. De Guzman*, GR No. 24368, June 8, 2000.

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