

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JOEL ORQUINA Y MANGUMAYAO, ACCUSED-APPELLANT.

G.R. No. 143383. October 08, 2002

Ponente: CORONA, J.

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CORONA, J.:

At about 1:00 in the afternoon on May 31, 1998, AAA was found unconscious inside her room in her boarding house, drenched in blood. When she regained consciousness, she uttered the words “Joel raped me.”

On August 10, 1998, accused-appellant Joel Orquina was charged with the crime of rape in the following information:

The undersigned Assistant Prosecutor, based on a verified complaint filed by one AAA, accuses JOEL ORQUINA of the crime of RAPE, committed as follows:

That on or about the 30[th] day of May 1998, in the Municipality of Rosario, Province of Cavite, Philippines and within the jurisdiction of this Honorable Trial Court, by means of threat, force and intimidation, with lewd designs, did then and there, willfully, unlawfully and feloniously have sexual intercourse with one AAA, against her will and consent, to the damage and prejudice of said AAA.

CONTRARY TO LAW.[1]

The facts of the case follow.

Accused-appellant Joel Orquina and his victim, AAA, both worked at the Export Processing Zone Authority in Rosario, Cavite, the former as a security guard and the latter as a factory worker.

AAA resided in Bucal, Maragondon, Cavite but whenever she had overtime work, she stayed in the boarding house of her co-workers located at Barangay 2, Tramo, Rosario, Cavite.

On May 30, 1998, AAA was asked by a co-worker, a certain Maila Galera, to stay in the boarding house because, said date being a Saturday, the house was empty as most of the boarders had left for their respective residences. AAA agreed to keep her co-worker company for the night. However, at about 6 o'clock in the evening, Maila was fetched by her boyfriend, leaving AAA alone in the boarding house. AAA nonetheless decided to stay in the boarding house because she had to work the following day.[2]

At about 10:45 o'clock in the evening, AAA was awakened from her sleep by knocking on the door. It was accused-appellant who was looking for his cousin, Risma Budias, also a boarder. When accused-appellant found out that AAA was all alone, he immediately entered the house and closed the door behind him. Once inside, accused-appellant threatened AAA with death if she shouted. Accused-appellant then covered his victim's mouth and forced her to lie down on the bed. He removed her short pants, underwear and t-shirt.[3] All the while, AAA was petrified with fear.[4] Accused-appellant then removed his pants, brief and t-shirt, and started kissing his victim. AAA tried to push her assailant away but she was overpowered. Accused-appellant then forcibly inserted

his penis in her vagina and made pumping motions for about 10 minutes. This caused intense pain to the victim.[5]

His lust satisfied, accused-appellant left his victim in bed. Profuse bleeding of her genitals rendered AAA too weak to move. Thus, she was barely able to put on her t-shirt before she completely lost consciousness.[6]

At about 1 o'clock in the afternoon the following day, AAA was found by her co-worker, Cristeta Borata, who went to the boarding house for a bible study. Cristeta knocked on the door but received no answer so she pushed the door and discovered that it was open. Upon entering the boarding house, Cristeta was met by foul odor. She then found the still unconscious AAA drenched in her own blood, with only a t-shirt on and surrounded by coagulated blood all over the bed and the floor.

Upon regaining consciousness, AAA told Cristeta that she was raped by accused-appellant, Joel Orquina. Cristeta then cleaned and dressed AAA. AAA asked Cristeta to call her mother and inform her about what happened to her (AAA). Cristeta was able to contact AAA's aunt who, in turn, relayed the information to AAA's sisters. The sisters immediately went to the boarding house to bring AAA to the emergency room of Tanza General Hospital where she was treated by Dr. Lucio T. de Mesa for a deep lacerated wound in the vaginal wall.

After bringing AAA to the hospital, her sisters and Cristeta then proceeded to the EPZA police station to report the incident. Immediately thereafter, accused-appellant was arrested.

On June 2, 1998, after her being discharge from the hospital, AAA executed a sworn statement which served as the basis of the criminal complaint against accused-appellant.

After preliminary investigation, an information was filed, charging accused-appellant with the crime of rape. Upon arraignment, accused-appellant, assisted by counsel, pleaded not guilty.

On March 31, 2001, the trial court rendered its decision finding accused-appellant guilty of rape. The dispositive portion of the decision provided:

WHEREFORE, in view of all the foregoing, this court hereby finds the accused Joel Orquina y Mangumayao guilty beyond reasonable doubt of the crime of Rape as charged in the Information, without any modifying circumstances, accordingly hereby sentences him to a penalty for reclusion perpetua, with the accessory penalties provided for by law; to pay the complainant indemnity in the amount of fifty thousand (P50,000.00) pesos, and also moral damages in the amount of fifty thousand (P50,000.00) pesos; to pay the complainant the sum of ten thousand five hundred twenty eight and 65/100 (P10,528.65) pesos as actual damages; and to pay the costs.

SO ORDERED.[7]

Accused-appellant now questions said conviction and anchors his appeal on the general and catch-all argument that the trial court erred in finding him guilty beyond reasonable doubt.

The fact that accused-appellant had carnal knowledge of the victim is undisputed since accused-appellant himself admitted it by proffering the "sweetheart theory" in his defense.

The appeal is without merit.

Even assuming *ex gratia argumenti* that accused-appellant and the victim were indeed sweethearts as he claimed, this fact alone will not extricate him from his predicament. The assertion of a "love relationship" — even if true — does not necessarily rule out the use of force to consummate the crime. In rape cases, the gravamen of the offense is sexual intercourse with a woman against her will or without her consent. The Court has consistently held that a sweetheart cannot be forced to have sex against her will. Definitely, a man cannot force sexual gratification from

a girlfriend or worse, employ violence upon her for that purpose. Love is not a license for lust.

Courts have been traditionally guided by three settled principles in the prosecution of the crime of rape: (a) an accusation for rape is easy to make, difficult to prove and even more difficult to disprove; (b) in view of the intrinsic nature of the crime, the testimony of the complainant must be scrutinized with utmost caution and (c) the evidence of the prosecution must stand on its own merits and cannot draw strength from the weakness of the evidence of the defense.[8]

Guided by the above principles, we now delve into the lone issue in the case at bar, which is whether or not the sexual intercourse between accused-appellant and AAA was consensual.

Accused-appellant argues that the prosecution failed to prove that accused-appellant employed force or intimidation in consummating the carnal act. Accused-appellant relies on the medical report showing that the victim did not suffer any extra-genital injuries which, accused-appellant argues, would have been present had there been any physical violence upon the victim.

Considering that a rape victim's natural reaction upon regaining consciousness would be to seek help as soon as she can, the conduct of the victim immediately following the alleged assault is of utmost importance in establishing the truth or falsity of the charge of rape.[9] The Court takes note of the fact that immediately upon regaining her senses more than 12 hours after the incident, AAA told her co-worker Cristeta that she was raped by accused-appellant. She asked Cristeta to inform her mother about what happened to her. This reaction, to our mind, leads us to no other conclusion than that indeed the sexual intercourse between AAA and accused-appellant was definitely not consensual.

Moreover, in her testimony, AAA categorically belied accused-appellant's claim that no force or intimidation was used by him:

“Q.

Did you struggle while he was trying to insert his penis to your private part?

A.

Yes, sir.

xxx xxx xxx

Q.

Is it because the sexual intercourse that took place between you and the accused was not forcibly done or against your will but with your voluntary consent?

A.

It was not voluntary, Sir.

xxx xxx xxx

Q.

What kind of threat did he tell you?

A.

Because he already gave me a warning not to shout, Ma'am and I was afraid because at that time, he was carrying a bag with him and I was thinking that that bag might contain something else or a gun.”[10]

Considering that accused-appellant was then employed as a security guard, it was natural to suspect that he regularly carried his issued firearm. It was this thought that easily cowed the victim into submission. Likewise, shouting was futile because they were the only ones in the boarding house and this fact was known to accused-appellant.

Though a man lays no hand on a woman but he so overpowers her mind that she cannot resist, or she ceases to resist due to fear of a greater harm, the consummation of the sexual act is recognized in jurisprudence as rape. Physical resistance need not be established in rape.[11]

Questioning his conviction for rape, accused-appellant contends that the victim did not sustain any physical injuries, thus negating the presence of either force or intimidation.

Regrettably, this contention is likewise belied by the medico-legal officer who attended to AAA when she was brought to the hospital. In his testimony, Dr. Lucio T. de Mesa, obstetrician and gynecologist, corroborated his medical report as follows:

Q.

What ailment did you treat on her?

A.

She complained of loss of consciousness, Ma'am, on admission the blood pressure of the patient is 60 palpatory but on 1.V. infusion the BP went to normal, the cardiac rate is 140 per minute, the normal cardiac rate should be 50 to 100, but the patient is 140 per minute, it is in medical term. Pale palpebral conjunctiva, the conjunctiva is pale the heart rate is then on the part of the examination the vulva with blood clot was seen in the introitus, hymen not intact with old healed lacerations. On internal examination there is a blood clot on the introitus, admit to (sic) fingers with ease and in speculum with lacerated wound on the right lateral vaginal wall curvilinear in shape, upward, about 6 to 7 cms. in length and second degree wound.

xxx xxx xxx

Q.

What could have caused this wound on her vagina?

A.

It could be a hard object or an erect penis could cause that would (sic) probably, there should be a foreplay, before you have to go on thru that course probably the vaginal canal is not yet prepared, so it should have a secretion, the glands that produce that, but if there is no foreplay there will be no secretion, therefore it is not yet prepared.

Q.

And, particularly you have recited the shape of the wounds which is - - -

A.

6 to 7 centimeters, Ma'am.

Q.

Likewise you even recited the shape of the wound, what is the shape of the wound?

A.

Upward, Ma'am.[12]

Accused-appellant alleges that the victim was menstruating which supposedly explained the considerable amount of blood she lost after the intercourse. This was belied by the victim herself who was most familiar with her own menstrual cycle:

Q.

Miss Witness, may I ask you a personal question? Is it not true that at the time, you had your menstrual period?

A.

No, Sir, I did not have my menstruation.

xxx xxx xxx

Q.

It is not also true that after the sexual intercourse, you requested the accused to buy Modess for you at the

nearby store?

A.

No also, Sir.”[13]

In his attempt to exculpate himself, accused-appellant wants the Court to believe that it was the victim herself who initiated the sexual act, picturing her as a sex-starved lover who wanted sex despite her monthly period. The medical report says otherwise. If the victim was indeed what accused-appellant wanted her to appear, then her vagina should have had at the time of the sexual contact, sufficient lubrication that would not have resulted in the serious laceration in her vaginal wall which almost caused her death.

Quite telling is the fact that accused-appellant abandoned the victim in her life-threatening condition. If indeed they were sweethearts, accused-appellant would not have left his girlfriend naked and bleeding to death.

Finally, accused-appellant asserts that the victim cried rape only to avoid the embarrassment of having had sex resulting in her hospitalization.

This argument deserves scant consideration. In rape cases, more often than not, the woman is victimized twice: first, by the sexual assault and second, by the social stigma which attaches to her though undeserved. If accused-appellant had really been the sweetheart of the victim, she would not have gone to the extent of bringing the criminal action which exposed her to the humiliating experience of recounting in public how her womanhood was violated.[14]

The guilt of accused-appellant has clearly been proven beyond reasonable doubt. The Court is convinced that the findings and conclusions of the trial court on the criminal liability of accused-appellant Joel Orquina y Mangumayao are completely supported by the facts and the law.

The trial court is correct in ordering accused-appellant to pay the victim indemnity in the amount of P50,000 and another P50,000 as moral damages. This is in line with prevailing jurisprudence that civil indemnity is mandatory in rape. Moral damages are automatically awarded in rape cases, without need of proof, for it is assumed that the victim sustained mental, physical and psychological suffering.[15]

The award of P10,528.65 as actual damages is likewise proper, said amount being supported by receipts.

WHEREFORE, the decision of the trial court finding accused-appellant Joel Orquina y Mangumayao guilty beyond reasonable doubt of the crime of rape and sentencing him to suffer the penalty of reclusion perpetua and to pay the offended party AAA civil indemnity in the amount of P50,000, moral damages in the amount of P50,000 and actual damages of P10,528.65, is hereby AFFIRMED.

SO ORDERED.

Puno (Chairman), Panganiban, Sandoval-Gutierrez, and Morales, JJ., concur.

[1] Rollo, p. 9.

[2] TSN, November 10, 1998, p. 46.

[3] Id., p. 9.

[4] Id., p. 10.

[5] Id.

[6] TSN, November 10, 1998, p. 13.

[7] Rollo, p. 30.

[8] People vs. De Guzman, 333 SCRA 269 (2000).

[9] People vs. Bawar, 262 SCRA 325 (1996).

[10] Rollo, pp. 83-84.

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

[12] TSN, March 2, 1999, pp. 5-6 & 9.

[13] TSN, November 10, 1998, pp. 36 & 49.

[14] People vs. Cepeda, 324 SCRA 290 (2000).

[15] People vs. Alcantara, 355 SCRA 601 (2001).

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