

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. WILLY LAT, DEFENDANT-APPELLANT.

G.R. No. 50086. August 21, 1980

Ponente: DE CASTRO, J.

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DE CASTRO, J.:

Sentenced to life imprisonment by the Court of First Instance of Quezon, Branch X, for raping a 13-year old girl, named Lucila de Leon, whom he was also ordered to indemnify, by way of moral and exemplary damages, in the sum of P10,000.00 and to pay costs, Willie Lat, the accused, brought the judgment of conviction for review to this Court.

As summarized in the People's brief, the facts as established by the evidence of the prosecution are as follows:

"On December 19, 1975 at about 11:00 o'clock in the morning, complainant Lucila de Leon was alone washing clothes in a river situated in Barangay Ilayang Tagbacan, Catanauan, Quezon. After a while, accused Willy Lat appeared and without saying any word approached the complainant. Suddenly, he pushed her. The complainant fell to the ground flat on her back. Immediately, accused placed himself on top of the complainant and pressed his right forearm over her mouth. At the same time, a knife, held with his right hand was pointed over the breast of complainant. With his left hand, accused removed her panties. Complainant tried to extricate herself from the hold of accused but she was unsuccessful because of appellant's superior strength. Appellant was 30 years old while she was 13. She was 'small' and the accused was 'big'. In an effort to prevent penetration, she placed her thighs close to each other. But the accused raised her right thigh with his left hand and spread her legs. As the victim struggled, the accused exclaimed, 'I will kill you'. Complainant was so overcome with fear that she was unable to thwart the bestial assault. Thus, accused succeeded in having carnal knowledge of complainant (tsn, pp. 2-5, 17-22, June 9, 1977).

"After the sexual act, complainant ran towards their house which was about 40 meters distant from where she was ravished. While she was running, she was shouting. Her screams were heard by her sister, Belen de Leon, whom she met along the way. When she met her sister, she immediately told her that she was criminally abused by accused and recounted her dreadful experience. Moments earlier, Belen noticed the accused running within the vicinity of the river. Not long afterwards, complainant and her sister Belen reported the matter to Barrio Captain Alejandro Libao, who advised them to wait for their parents before reporting the incident to the Police authorities (tsn, pp. 5-6, 12-81, June 9, 1977, pp. 6-8, 10-11, May 5, 1977).

"On January 5, 1976, the complainant was physically and internally examined by Dr. Manuel Salazar, Chief of the Bondoc Peninsula Hospital. Said doctor issued a medical certificate (Exh. "A", p. 1, folder of exhibits) stating the following:

'Findings:

No visible physical signs of injury in body.

Internal Examination:

- Labia majora loose

- Hymen lacerated healed at 10, 7 and 2 o'clock
- Vagina admits 1 finger easily
- Vagina rugosities not prominent.'

Dr. Salazar opined that the lacerations found in the hymen of complainant were more than seven (7) days old. He added that the multiple lacerations could have been caused by the insertion of a male sex organ (tsn, pp. 4-8, March 31, 1977).

"On January 6, 1976, on the basis of a complaint for rape filed by the father of the offended party, an investigation was conducted by T/Sgt. Narciso Añonuevo of the police force at Catanauan, Quezon. (pp. 3-4, Feb. 28, 1978). Subsequently, the information was filed by the Provincial Fiscal of Quezon." (p. 47, Rollo).

Giving no more than a barefaced denial of the facts above recited as far as they refer to the actual ravishment of the youthful victim, all appellant admits having done to the girl is kissing her hand only, to thank her for the soap which he borrowed but she was angered by the gesture, and she whipped him with her dress.

An incident as harmless as what appellant claims to have happened between him and Lucila, could not possibly have led to the filing of the serious charge of rape, which is done generally with the intervention of, among others, the police authorities to whom the report is made and a medical officer who examines the victim. After the filing of the charge in Court, trial is held, and the victim exposes herself as having been deflowered, a fact always desired for deepest secrecy not only by the victim but by her parents, to protect the honor of the family and the reputation of the girl, except when a strong cause of being so aggrieved and gravely offended create the irresistible compulsion of revealing the painful truth. Yet appellant would dispute the verity of the charge with no more than trying to show some minor and inconsequential discrepancies in the testimony of the girl in relation to the finding of the medical examiner, and some allegedly unnatural acts on the part of the other witnesses not consistent with the reality and truthfulness of the accusation against him, likewise, allegedly preferred with improper motives. He thus contends that the Court a quo "erred in shifting the burden of proof on accused-appellant and averred that the conclusion drawn by the Honorable Judge from his perspective of the facts and evidence of record are contrary to law and jurisprudence."

Appellant starts off with the testimony of the victim that she resisted and struggled, but points to the medical examiner's findings that there was no visible physical sign of injuries on the body. He forgets the lacerations in the hymen, which were evidently caused by the sexual intercourse that took place on the day as charged, because they were "more than seven days old" when Dr. Salazar performed the examination. A superficial cut on the upper portion of Lucila's breast was not noticed by Dr. Salazar because it had completely healed seventeen days after its infliction, the physical examination having been conducted on January 5, 1976.

That there were no visible signs of injury can, in any case, easily be explained by the fact that appellant was a "big" man and the girl was "small", so resistance was hardly existent as to cause visible signs of physical injury on the body. The mere weight of the accused could have rendered the girl virtually unmoving as not to produce any such visible sign of injury on the body, not to mention her overpowering fear of the knife, the sight of which and the threat to use it if she resisted must have transfixed her body on the ground motionless.

The victim's testimony that appellant was naked did not affect her credibility by the alleged improbability of his being totally in the nude. What Lucila obviously meant to convey is that appellant was naked only from the waist up. Appellant's effort to magnify the significance of this testimony of the young girl is thus worthless.

Likewise, the girl's admission that she did not know the meaning of the word "pagtatalik" is another instance of appellant's futile effort to make much of obviously inconsequential matter. Appellant would like to prove by this

that the charge is only fabricated at the instigation of Barrio Captain Alejandro Libao, alleged to be a political enemy of appellant's father. If the young girl did not understand what the word "pagtatalik" means, she was just candid in her admission, considering her tender age and innocence in the ways of the animal world. While the barrio captain came into the picture for no other reason than by the nature of his position and the performance of the legitimate functions and duties thereof. Obviously, no improper motive is disclosed by his official actuations in this case.

There is likewise absolutely nothing in the testimony of Belen de Leon, the victim's sister, to mark it as a mere concoction, as appellant claims. Nowhere in her testimony did she say that she actually saw the appellant in the act of ravishing her sister. What she saw is appellant running away from the river when she met her sister on the road going to their house, running and at the same time shouting, the two sisters soon thereafter reporting the incident to the barrio captain. Neither is her testimony that her "parents" were in Aurora, Quezon at the time, in conflict with Lucila's testimony that she reported to her mother the assault committed on her upon reaching her house. (p. 5, tsn, June 9, 1977). Belen who testified in Tagalog (p. 4, tsn, May 5, 1977) must have used the term "magulang" which was erroneously translated into "parents" when she meant to refer only to her father (p. 22, tsn, May 5, 1977).

That the small river in the vicinity of which the sexual assault took place is where people go to wash clothes did not necessarily mean there are always people there throughout the day. The victim was obviously alone when the appellant took advantage of the occasion to give vent to his bestial instincts.

With the evidence of the prosecution so convincing as to the reality of the appellant having sexually attacked the young victim, his attempt to impute motive of hate and vengeance to the barrio captain as behind the alleged fabrication of the rape-victim's story is simply preposterous. Appellant himself has not done any harm to the barrio captain, nor his father, who is merely an alleged political adversary of the barrio official, who being in office should not be moved by hate or vindictiveness, more than appellant's father who must have felt the sting of defeat or adversity in their local politics. Moreover, the victim's father, who signed the complaint, does not appear to be so under the influence of the barrio captain to bend to the latter's will no matter what the consequences would be to his daughter's future and his family's honor. So, too, with the other witnesses for the prosecution when they testified against appellant.[1]

Clearly, the non-presentation of the torn clothes and panties of the offended party which were submitted to Sgt. Narciso Añonuevo, who admitted having deposited them at their headquarters where he investigated the case, detracts nothing from the overwhelming weight of the evidence against appellant. It instead further adds to such weight for with the declaration of such an impartial lawman who investigated the case, greater credence is earned by the simple, unaffected and natural testimony of the rape-victim.

Finally, appellant contends that when his demurrer and supplemental demurrer to the evidence were denied by Judge Mapalad A. Nanadiego declaring in his orders of denial that there was a prima facie case against appellant, Judge Conrado R. Antona, should have acquitted appellant, out of respect to the findings of his predecessor who actually heard the case. It would seem that appellant would equate a prima facie case against the accused to a finding not amounting to proof of guilt beyond reasonable doubt, which is a wrong legal concept. A prima facie case affords sufficient basis for conviction if not overcome by the evidence of the accused. With his manifestly unbelievable, if not ridiculous, testimony of having merely kissed the hands of the girl as a gallant gesture of thanks after borrowing her soap, appellant has not dented the solid and firm testimony of the victim of his bestial assault.

Appellant has cited numerous cases where the accused in charges of rape were acquitted, for their guilt not having

been proved beyond reasonable doubt,[2] and contends that the ruling cited by the court a quo in U.S. vs. Ramos[3] that "when a woman testifies that she has been raped, she says all that need be said to signify that this crime has been committed" is an obsolete rule. The cases he cited are clearly inapplicable to the instant case where the evidence easily generates moral certainty that satisfies the reason and conscience of the court as to appellant's guilt. What is more, the ruling he brands as obsolete has been reiterated in subsequent cases.[4]

WHEREFORE, the judgment of conviction appealed from is affirmed, modified only as to the indemnity by way of damages which should be raised from P10,000.00 to P12,000.00,[5] with costs.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Guerrero, and Melencio-Herrera, JJ., concur.
Fernandez, J., is on leave.

[1] People vs. Lim, 71 SCRA 249.

[2] People vs. Entrina, 23 SCRA 40; Lazatin vs. Kapunan, 27 SCRA 613; People vs. Hernandez, 6 SCRA 467.

[3] 1 Phil. 71.

[4] See People vs. Rageras, 56 SCRA 666.

[5] People vs. Amiscua, 37 SCRA 813.

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