

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. WILFRANDO MANLIGAS, ACCUSED-APPELLANT.

G.R. No. 61571. November 13, 1985

Ponente: AQUINO, J.

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AQUINO, J.:

Wilfrando Manligas appealed from the decision of the Court of First Instance of Davao del Sur, convicting him of rape, sentencing him to reclusion perpetua and ordering him to pay an indemnity of P6,000 to the offended party, Virginia Colipano (Criminal Case No. 235(73)).

As summarized by Judge Marcelino Francisco, the prosecution's evidence shows that on January 1, 1969 Virginia Colipano, 18, single (now Mrs. Joven since 1977), was staying with her sister Carina, 16, at their parents' house located in Barrio Marber, Bansalan, Davao del Sur attending to their small store. Her parents and the other members of the family were living at their other house in Barrio Alegre, Bansalan.

At around six-thirty in the evening of that New Year's day, when it started to drizzle and Virginia was about to close her store, Wilfrando Manligas, 22, a married man, whom Virginia had known for about a month, arrived with five companions and bought Coca-Cola which they mixed with Tanduay Rhum. They sat down and started to drink. Carina went to the house of a neighbor named Tutang to request her to allow her daughter to sleep with them that evening.

After Manligas and his companions had stayed for around twenty minutes, Virginia told them to leave. Manligas' companions left him alone with Virginia. At that juncture, he took out his hunting knife and ordered Virginia to go upstairs if she did not want to get hurt. She remonstrated with him.

Manligas kicked the table which was overturned. The kerosene lamp on the table fell to the floor. The light was put out. Darkness set in. Manligas seized Virginia's hand and brought her to the second floor.

By then, what had started as a fine misty rain had developed into a torrential downpour. Virginia, who was squatting on the floor, tried to shout. Manligas covered her mouth. He pushed her, causing her to fall on her back face up. With his right hand holding the knife, he stepped on her thighs. With his left hand, he pulled down his pants and shorts and placed himself on top of Virginia, raised her dress and pulled down her panty which as a consequence was torn.

Manligas threw the knife on the floor, fondled Virginia's nipples and in spite of her resistance succeeded in having sexual congress with her. She felt excruciating pain. She cried. He warned her that he would hurt her if she reported the matter to the barrio captain.

At that moment, Carina arrived. Virginia was crying. Manligas was seated on the bed. He was pale and trembling. Carina asked her sister what had happened. Virginia could not answer. Her throat was dry. Manligas left the place. That same evening, Carina reported the matter to her parents in Barrio Alegre.

The heavy rain continued the whole night. Virginia could not sleep. The next day she confided to her friend Gloria Cornelio what had happened to her. They reported the incident to the barrio captain who immediately summoned Manligas. He admitted that he had coition with Virginia. He requested that the matter be settled. The barrio captain asked him to fetch his parents. Instead of fetching his parents in Barrio Kinuskusan, Manligas proceeded to the poblacion of Bansalan.

The barrio captain, with Virginia and Gloria, reported the incident to the police authorities. He was able to apprehend Manligas and bring him to the police station. There was a confrontation between Virginia and Manligas in the presence of the chief of police, the barangay captain, Gloria and Virginia's mother. Manligas admitted that he had sexual intercourse with Virginia. Virginia, Carina and the barrio captain executed their statements (Exh. D, E and F).

That same day, January 2, Virginia was examined by Doctor Aproniano Brion. The examination disclosed that she had lacerations on her hymen at the 3, 5, 7 and 12 o'clock positions. There was seminal fluid in her vaginal canal (Exh. A).

Her panty, which was of poplin material with elastic garter and which was torn when Manligas forcibly pulled it downwards, was shown to the chief of police and the municipal judge (Exh. B-1). It was later lost and could not be presented as evidence during the trial. A warrant for Manligas' arrest was issued on January 9, 1969. It was only more than four years later, or on September 4, 1973, when he was arrested.

Manligas' version was that he had sexual intercourse with Virginia with her consent. She was allegedly his sweetheart in 1967 when she was 16 years old. He had sexual intercourse with her four times. On the evening of the New Year's day in question, Virginia agreed to go with him upstairs to have sexual intercourse. They went to bed and had sexual intercourse twice that night. After the first sexual intercourse, Carina arrived. She was mad at them. Virginia, who feared that her father would maul her, wanted to go with Manligas. He dissuaded her because he was a married man.

The trial court found that Virginia was a simple and unsophisticated barrio girl. On the witness stand, she broke down twice and cried. It was not an artifice on her part. The trial judge concluded that, as shown in the medical report and testimony of the doctor, she had her first sexual intercourse that evening. Contrary to Manligas' testimony, it was not the fifth sexual intercourse.

The circumstances that Carina berated Manligas and that his witness, Osmundo del Pelarin, who acted as a Peeping Tom, heard a commotion (cagaskas) in the room of Virginia's house when the sexual intercourse took place (35-36 tsn November 13, 1978; 74 tsn August 20, 1979) were considered by the trial court as indications that she was raped.

Moreover, the trial court found the evidence of the defense to be "contradictory, vacillating and incredible" (p. 18, Rollo).

In this appeal, his counsel contends that the trial court erred in giving credence to the testimonies of the complainant and her witnesses. He harps on the failure of Virginia to summon her neighbors' assistance and the fact that she did not sustain any bruises or injuries which meant she did not offer any resistance.

On the other hand, the Solicitor General's office argues that the torrential rain prevented the neighbors from hearing her shouts for help. Moreover, the hunting knife of Manligas had intimidated her.

We hold that the trial court did not err in finding that the prosecution witnesses deserve more credence than the defense witnesses. In this case, the flight of the accused signifies an awareness of guilt and a consciousness that

he had no tenable defense to the charge of rape. His guilt was proven beyond reasonable doubt.

WHEREFORE, the judgment of the trial court is affirmed with the modification that the indemnity is increased to twenty thousand pesos. Costs de oficio.

SO ORDERED.

Abad Santos, Escolin, Cuevas, and Alampay, JJ., concur.

Concepcion, Jr., J., no part.

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