

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. VICENTE MANAGBANAG, ACCUSED-APPELLANT.

G.R. No. 66550. November 27, 1987

Ponente: SARMIENTO, J.

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SARMIENTO, J.:

In a decision dated August 24, 1983, the Regional Trial Court[1] of Ormoc City presided over by the Hon. Judge Francisco C. Pedrosa, convicted Vicente Managbanag, appellant herein, of the crime of Rape. The dispositive portion of the decision reads:

WHEREFORE, in view of all the foregoing, this Court renders judgment finding the accused, VICENTE MANAGBANAG, GUILTY beyond reasonable doubt of the crime of Rape, as defined and penalized under Article 335, Paragraph 6 of the Revised Penal Code, as amended, and sentences him to suffer and undergo imprisonment of (RECLUSION PERPETUA). The accused is further ordered to indemnify the offended party, MARIETA NOVAL, in the amount of P12,000.00 and to pay the costs of this action.[2]

The trial court, in arriving at the conviction, relied heavily on the testimony of the offended party, Marieta Noval, a girl barely 14 years old at the time her humiliating and painful defloration took place in the hands of the appellant.

The date was January 10, 1982, at around 2:00 p.m., when the appellant requested Marieta to cover with soil the excrement of the former's mother-in-law. (A hole was carved on the floor of the sick woman's room for her waste discharge which spilled underneath the house). As Marieta proceeded to perform the task, the appellant followed her beneath the house. With a bolo in one hand which he wielded to threaten the girl with death. ("If you shout, I will stab you.") the appellant drove the girl to the ground, then removed her clothing, covered her mouth with his left hand and "even put a piece of cloth over her mouth," and forcibly had carnal knowledge of her.

Traumatized by the experience and fearful for her life, the girl ran towards the town plaza where she concealed herself for two days. An elder sister finally brought the bewildered girl to their aunt's house in Batuan, Ormoc City. Marieta's father, as soon as he was informed of his daughter's sorry plight, reported the incident to the authorities. Marieta was also subjected to a medical examination on January 12, 1982.

Thereupon, a complaint for rape was filed by Marieta on March 11, 1982. After trial, the appellant was convicted of the crime charged.

In this appeal, the appellant assigns the following errors, to wit:

I

THE COURT ERRED IN CONCLUDING THAT THE PROSECUTION EVIDENCE STRONGLY AND SUFFICIENTLY PROVED THE COMMISSION OF THE CRIME CHARGED, BECAUSE IT OVERLOOKED CERTAIN SIGNIFICANT AND MATERIAL CONTRADICTIONS BETWEEN THE VERSION ADVANCED BY THE COMPLAINANT AND THE CORROBORATIVE EVIDENCE.

II

THE COURT ERRED IN ITS EVALUATION OF THE DEFENSE EVIDENCE, ASCRIBING ALLEGED WEAKNESSES DUE TO ITS MISINTERPRETATION AND/MISCONCEPTION OF THE EVIDENCE.

III

THE COURT ERRED IN CONCLUDING THAT THE CRIME CHARGED WAS PROVEN BEYOND REASONABLE DOUBT.[3]

There is sufficient evidence on record pointing to the guilt beyond reasonable doubt of the appellant.

1. Contrary to the contention of the appellant, it was not impossible for the rape to have taken place at the time and place mentioned by the offended party. The area beneath the appellant's house was fenced by wooden slats which provided enough cover that made it improbable even for people standing a short distance away to see through,[4] much less for people who were just passing by. However, were it possible to look through the fenced area if one purposely did so, the offended party affirmed that there was nobody in sight at the moment she was ravished, and that the windows and doors of the neighboring houses were closed. This, we believe, for 2:00 p.m. is usually siesta time and people rarely go to the beach (the house, under which the rape was committed, is along the way to the beach) to swim at such an hour. At any rate, the presence of people in a certain vicinity does not preclude the commission of rape. The crime may be committed even at a place where people usually pass by.[5]

As regards the testimony of the examining physician, we find no cogent reason to doubt its veracity. The physician's declaration as to the presence of lacerations as well as spermatozoa in the genitalia of the offended party need not be corroborated by the medical technologist for it must be presumed that the doctor, in the performance of his official duty, has verified the facts on which he testified in open court. Besides, as a medical practitioner, he must also be presumed to be competent to testify on what he has actually examined. Nonetheless, we have held that a medical certificate is not indispensable to prove the commission of rape.[6] In many instances, a medical certificate has been construed by courts to merely amplify the case for the prosecution especially where the testimony of the offended party is highly credible, as in this case.

2. The testimonies of the witnesses for the defense were correctly disregarded by the trial court:

"x x x [c]onsidering that the improbabilities which they chose to urge upon this Court for the exculpation of the accused do not meet the quantum of evidence necessary to overthrow the evidence of the prosecution, which evidence is beyond reasonable doubt. The theory of the defense is merely one of denial and further that the crime of rape could not have been committed due to the fact that there were many persons present allegedly at the time of the incident."[7]

The allegations that Marieta fled because she was caught by the appellant's wife stealing eggs and further, that the rape case was filed to cover up the stealing incident were obvious concoctions by a man desperate to evade punishment for his crime.

A rape charge is a serious matter with pernicious consequences. It exposes both the accused and the accuser to humiliation, fear, and anxieties, not to mention the stigma of shame that both have to bear for the rest of their lives. It is, therefore, inconceivable for a chaste girl and her parents to devise a scheme which shall cast a cloud upon the girl's honor if only for a trifling reason as stealing eggs.

3. The trial court, in giving credence to and relying mainly on the testimony of the offended party, said:

xxx xxx xxx

During the direct examination of the offended party, she spoke in such a low voice, casting her eyes down to the floor and barely whispering her answers. She had to be prodded constantly in order to elicit answers from her to questions of the Fiscal. The offended party, most of the time, had downcast eyes and occasional bouts of crying. But on cross-examination, in spite of a grueling cross-examination by the learned counsel for the defense, the dam of remorse which had been held back by the timidity of a girl 14 years of age finally broke, and her torrent of answers almost overwhelmed the questions of the Cross-examiner.

The Court noted that her answers on cross-examination were answers which should have been given on direct examination, but were withheld by the dam of timidity of a fourteen-year-old minor who had been deflowered of her maidenhood. On cross-examination, she engaged the Cross-examiner in a display of candor in answering the hardest questions thrown at her. x x x."[8]

Conviction by the trial court of the accused in rape cases based on the sole testimony of the offended party has, in quite a number of instances, been sustained by us on appeal. The trial court is in the best position to assess the demeanor of the witnesses and such assessment has been accorded the highest respect by this Court.

Nevertheless, the testimony of Marieta was sufficiently corroborated by the testimony of the examining physician as well as the blood-stained shorts and underwear, her injuries and the presence of spermatozoa.

In view of all the foregoing, we can not find any reason to change the decision of the trial court except to increase the indemnity adjudged to P25,000.00 from P12,000.00.

WHEREFORE, the decision appealed from is hereby **AFFIRMED** with regard to the penalty of **RECLUSION PERPETUA** but **MODIFIED** as regards to the indemnification to the offended party, **MARIETA NOVAL**, which is increased to P25,000.00. Costs against the accused-appellant.

SO ORDERED.

Yap, (Chairman), Melencio-Herrera, Paras, and Padilla, JJ., concur.

[1] 8th Judicial Region, Branch XII.

[2] Rollo, 17.

[3] Id., 69.

[4] T.s.n., August 18, 1983, 31-32.

[5] People v. Aragona, No. L-43752, September 19, 1985, 138 SCRA 569.

[6] People v. Aleman, No. L-39776, February 20, 1981, 102 SCRA 765; supra, 579.

[7] Rollo, 16.

[8] Id., p. 8.

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