

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
BENJAMIN BAÑARES, ACCUSED-APPELLANT.***G.R. No. 68298. November 25, 1986*

Ponente: NARVASA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-68298/>**NARVASA, J.:**

In the morning of April 4, 1982, Donna Belen, a girl of eleven years, accompanied by her father and a neighbor, Fe Tarasona, a policewoman, appeared at the police station in Gumaca, Quezon, to report that she had been raped earlier that day by a man not known to her but whom she claimed she would recognize if she saw him again. From the police station, Donna Belen was taken to the Gumaca General Hospital where medical examination confirmed that she had sustained vaginal and hymeneal laceration and had recently lost her virginity. A vaginal smear taken of her showed the presence of spermatozoa.[1]

More than two months later, on June 24, 1982, Benjamin Bañares was apprehended and investigated by Patrolman Amado Interino at the Gumaca Police Station on complaint of another young girl, Eden Deduyo, that Bañares had forced her to go with him to a movie house where he had molested her by touching her private parts. Recalling the earlier complaint of Donna Belen and acting on a hunch that Bañares could be her attacker, Interino fetched the girl and her father from their home and brought them to the police station, where Donna Belen picked out Bañares from a line-up of four men as the man who had raped her.[2]

Charged with forcible abduction with rape on complaint filed by the offended party, Bañares was convicted and sentenced to reclusion perpetua, to indemnify his victim in the sum of P50,000.00 as actual, moral and exemplary damages, and to pay the costs.[3] He now appeals that conviction.

The evidence for the prosecution, uncontradicted save for the appellant's bare denials, discloses that in the early morning hours of April 4, 1982, Donna Belen, having gone to sleep the night before in the family house at Barangay Buensoceso, Gumaca, Quezon, awoke to find herself being carried in the arms of a man who was walking along the rail-road tracks some distance from her home. Thinking that the man was her uncle, one Ruben, she asked him where they were going and the man replied that he was taking her to the house of an Aling Lorna where her parents were. Put down at her request and allowed to walk with the man, she became fearful when she noticed that they had already passed Aling Lorna's house without stopping, and she told the man that she wanted to answer a call of nature, but he would not let her. They continued walking and then the man put a hand on Donna's waist, causing her to cry out, at which he punched her in the face, telling her he would hurt her if she continued shouting. Farther on, they espied a group of people with torches some distance off walking toward them, and saying that it was better to avoid them, the man led Donna to a grassy place where, at the point of a knife, he forced her to undress, laid himself on top of her and violated her. While he was thus engaged, a lit flashlight that he had laid atop their clothes gave Donna a good look at his face for the first time. Afterwards the man told her to dress up, but when she had done so, his lust apparently unsatisfied, he ordered her to undress again. She had just removed her panties when they heard a noise which he dismissed as made by someone peeping at them, but that distraction gave her the chance to run away from him toward the house of one Elizabeth

Lagarile, about fifty meters away, where she sought refuge. Elizabeth Lagarile took her in and after eliciting from her what had happened, brought her back to her home in a tricycle. Upon learning of what had befallen her, Donna's father took her to the police station and thence to the hospital, as already recounted.[4] About five months after the incident, a certain Teodulo Buena, approached Donna's parents and offered them P1,000.00 to withdraw the complaint against Bañares, but Donna would not agree to do so.[5]

The appellant's brief addresses itself to the alleged insufficiency of the evidence to prove guilt beyond a reasonable doubt, inconsistencies in the testimony of the prosecution witnesses and supposed error in admitting and considering the birth certificate offered to prove the age of the offended party in order to justify application of Articles 342 and 335 of the Revised Penal Code.

The Court finds no support in the record for the imputed errors. The testimony given by the witnesses for the prosecution, on the whole, presents a coherent and credible account of the incident and its aftermaths, and exhibits no significant inconsistencies, contradictions or other badges of falsity. The offended party, in particular, considering her tender years, gave a remarkably clear and close-knit account of the ordeal she went through that a lengthy cross-examination failed to shake in any important aspect. The Court has no doubt that she told the truth about the incident and that she later correctly identified the appellant as her rapist. The fact that examination showed she bore no signs of injury other than on her private parts proves, if anything, only that she submitted to the appellant at knife-point and out of fear, and that the latter found no need of further physical violence to accomplish his purpose.

The appellant's posture is hardly improved by the fact that, as already stated, he had no evidence to offer in his defense but bare and uncorroborated denials. The first and natural impulse of one who professes innocence is to place himself somewhere other than at the scene of the crime at the time of its alleged commission. As the Trial Court observed, the weakness of the appellant's defense is implicit in the fact that he did not even try to do this, and that his evidence does not show where he was, if he was somewhere else, when Donna Belen was abducted and raped. Neither did he produce Teodulo Buena, the person who allegedly offered the victim and her family money to drop the complaint and who could have denied that claim if it were not true.

There is, therefore, no reason to fault the Trial Court for giving credence to the evidence of the prosecution in preference to the feeble attempt at a defense that the appellant's lone and uncorroborated testimony offers. This, even without recourse to the well-settled rule that the conclusions and findings of a trial court which was in a better position to examine real evidence as well as to observe the demeanor of the witnesses while they were testifying, are entitled to great weight on appeal and should not be disturbed except for strong and cogent reasons or upon clear showing that facts or circumstances of substance were misappreciated;[6] or to rulings according equally great weight to the testimony -- which is usually uncorroborated -- given by the victim in a prosecution for rape, since it is hardly conceivable that a rape victim will come out and own at a public trial the violation of what a woman prizes most unless her motive is to obtain justice.[7]

The contention that the Trial Court erred in admitting and considering the unauthenticated copy of the birth certificate of the victim[8] which showed her to have been less than 12 years old at the time of commission of the offense is equally unmeritorious. Objections to the admission of evidence must be made seasonably, at the time it is introduced or offered, otherwise they are deemed waived,[9] and will not be entertained for the first time on appeal.[10] It is of record that when the now-questioned document was formally offered, among other exhibits, by the prosecution, appellant's counsel stated that he had no objection thereto.[11] At any rate, there being sufficient proof that the rape was committed through the use of intimidation, if not of actual force, the age of the victim is no longer strictly relevant.

WHEREFORE, the appealed judgment is affirmed, with costs against the appellant.

SO ORDERED.

Yap, (Chairman), Melencio-Herrera, Cruz, and Feliciano, JJ., concur.

[1] Exh. A; p. 16, TSN, Aug. 2, 1983; pp. 8-9, TSN, January 4, 1984.

[2] Pp. 7-14, TSN, April 28, 1983.

[3] Decision, pp. 10, 17-18, Rollo.

[4] Pp. 6-19, TSN, September 6, 1983; p. 35, TSN, December 13, 1983.

[5] Pp. 21-23, TSN, September 6, 1983.

[6] Yambao vs. Tolentino, 54 Phil. 298; Olango vs. CFI of Misamis Oriental, 121 SCRA 338; People vs. Grefiel, 125 SCRA 102; Chase vs. Buencamino, Sr., 136 SCRA 365.

[7] People vs. Canastre, 82 Phil. 450; People vs. Baylon, 57 SCRA 114; People vs. Ignacio, 60 SCRA 11; People vs. Fernandez, 124 SCRA 321 and cases cited therein.

[8] Exhibit B.

[9] Beam vs. Yatco, 82 Phil. 30.

[10] Asombra vs. Dorado and Gesmundo, 36 Phil. 883.

[11] Pp. 20-21, TSN, January 4, 1984.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.