

## PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RENATO ALFONSO, DEFENDANT-APPELLANT.

*G.R. No. 72573. August 31, 1987*

Ponente: MELENCIO-HERRERA, J.

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### MELENCIO-HERRERA, J.:

A prosecution for Rape before the then Court of First Instance of Rizal, which adjudged the accused, Renato Alfonso, guilty and sentenced him to reclusion perpetua.

The facts, according to the prosecution, follow:

"The 13 year old minor Laila Indita y Alfonso had known the appellant Renato Alfonso as a relative and neighbor in Santiago, Isabela since she was nine years old.

"With her mother's permission, she went to Manila alone to take her vacation at the house of her uncle Mario Alfonso, her mother's brother, who lives in Balic-Balic, Sampaloc, Manila. Taking the Pantranco bus from Isabela, she arrived at the Pantranco terminal, Roosevelt Avenue, Quezon City about 4:00 o'clock early in the morning of April 3, 1982. It was still dark outside, so she decided to wait for the morning light before proceeding to her uncle's place in Balic-Balic.

"While passing time inside the waiting station at the bus terminal, she was approached by appellant Renato Alfonso who offered to accompany her to Balic-Balic as it was still dark. Recognizing and knowing him to be a relative, she accepted the invitation. Appellant guided her to a dark place still inside the terminal compound leading to Roosevelt Avenue which according to him, was a short cut.

"In the said dark place behind one of the buses, a place where buses are cleaned, appellant made his move. He pushed Laila and she fell face up. While in that position, she noticed that appellant was beside her. She shouted for help but appellant covered her mouth with a handkerchief using his left hand. He then knelt between her legs and forcibly took off her skirt and panty with his right hand.

"Laila resisted by boxing the appellant, so that he was only able to pull her skirt and panty down to her knees. But appellant who is definitely stronger, succeeded in removing completely her skirt and panty. Now kneeling again between her legs, he pulled down his brief and pants to his knees. At this point, Laila was already feeling weak and could not move anymore because one of her hands was pinned down by the left hand of the appellant and her other hand was under her legs. It was her first experience with a man that she was so afraid, stunned by it and became immobile. Appellant, using his right hand, mashed her breasts and then inserted his penis into her vagina.

"When the left hand of the appellant covering her mouth with a handkerchief loosened, she shouted for help. Appellant was on top of her then and he took something from his side and pressed it against her throat, threatening to kill her if she would shout.

"After having carnal knowledge with Laila, appellant put on his pants and brief, and then left. It was only that time that the handkerchief was removed from the mouth of the minor. Then she put on her panty and skirt and

ran to a bright place."[1]

After the incident, Laila testified that she proceeded to her uncle Mario's house at Balic-Balic and immediately upon her arrival she took a bath because her clothes were dirty. She did not reveal the outrage on her person to her uncle whom she just greeted. It was only when her mother arrived in Manila three days later that she disclosed the whole truth to her.

Accompanied by her mother and aunt, Laila was taken to the Camp Crame Laboratory on April 7, 1982 where she underwent medical examination. The Medico-Legal Report, dated April 13, 1982, gave the following findings:

"General and Extragenital:

"Fairly developed, fairly nourished and coherent female subject. Breasts are canonical with pale brown areola and nipples from which no secretion could be pressed out. Abdomen is flat and tight. There are no external signs of recent application of any form of trauma.

"Genital:

"There is scanty growth of pubic hair. Labia majora are full, convex and captated with the pale brown labia minora presenting in between. On separating the same are disclosed a slightly congested vulvar mucosa and an elastic fleshy-type hymen with shallow, healed lacerations at 4 and 8 o'clock. External vaginal orifice offers strong resistance to the introduction of the examining index finger and the virgin sized vaginal speculum. Vaginal canal is narrow with prominent rugosities. Cervix is normal in size, color and consistency with scanty amount of mucoid secretion. Vaginal and peri-urethral smears are negative for gram-negative diplococci and for spermatozoa.

"Remarks:

"Subject is in non-virgin state physically." (Exhibit "C").

On April 16, 1982, Laila executed a statement before the police reporting the incident (Exhibit "B").

On May 28, 1982, a Complaint (Exhibit "A") sworn to by Laila before the Assistant City Fiscal, was filed in Court after a preliminary investigation conducted by the latter the day before.

Upon arraignment, the accused entered a plea of "not guilty".

The defense put up by the accused was one of denial and alibi, as follows:

"On April 3, 1982, he was at the Philippine Heart Center of Quezon City, because his wife was confined thereat for operation. Due to the condition of his wife at the said hospital, he did not leave from April 3, 4 and 5, 1982. After his wife was operated on, Mario Alfonso and his wife visited her sometime on April 12, 1982, and they were happy. During the time that the couple were in the hospital, they never mentioned of the crime of rape. On May 24, 1982, after lunch, he saw the wife of Mario Alfonso and they even exchanged greetings. Not long after, the mother of Laila arrived, with a person who showed a badge, and invited him outside. He identified himself as a policeman and thence brought him to Precinct IV at Baler, Quezon City. He asked the police why, and the policeman told him to explain everything in the precinct. While in the precinct, he also asked the desk officer why, and he said he is being charged of rape. He answered that he never committed any crime. He also told the mother of the minor that he did not have anything to do with his (sic) daughter. He gives the reason for Laila and her father in filing the case as his failure to give money to Mario Alfonso when the latter was borrowing money from him to go abroad. When he did not give any, the said Mario Alfonso menacingly warned that he will harass him."[2]

Maura Samin, a 51-year old widow, laundry woman, resident of Barrio Rosario, Santiago, Isabela, corroborated

the accused's alibi by declaring:

"That the accused Renato Alfonso and his wife were her neighbors; that in the last week of March and the first week of April 1982, Renato Alfonso and his wife Teresita were in the hospital; that she was keeping watch over her; that Renato's schedule in watching over her was 6 o'clock in the evening up to 1 o'clock in the morning; that on April 3, 1982, she watched over Teresita Alfonso from 1 o'clock at dawn to 6 o'clock in the morning; that during that time Renato was sleeping in the sofa at the hospital; that Renato never left the hospital from 1 o'clock at dawn of April 3, to 6 o'clock in the morning of that day."[3]

Teresita Alfonso, 38-year-old wife of the accused, corroborated the latter's presence in the hospital on the date and around the hour of the incident, thus:

"That on April 3, 1982, she was at the hospital; that she was going to have a heart operation; that her husband Renato Alfonso did not leave her; that during that time she was very sick and very weak x x x."[4]

After trial, the lower Court\* rendered a verdict of guilty, and decreed:

"Wherefore, after analyzing with care and circumspection, the evidence adduced, the court finds, that the prosecution has established the guilt of the accused beyond reasonable doubt for the crime of Rape, and therefore, imposes, upon Renato Alfonso the penalty of Reclusion Perpetua, and to pay the costs.

"He is likewise ordered to indemnify the minor in the sum of P20,000. by way of moral damages, plus the further sum of P10,000 as exemplary damages, without subsidiary imprisonment in case of insolvency.

"SO ORDERED."[5]

In this appeal, the accused attributes the following errors to the Trial Court:

## I

"The Court a quo erred in finding that the crime of rape as described by the complainant could have been committed in a public place, like the Pantranco Terminal in Metro Manila.

## II

"The Court a quo erred in finding the girl was frank in reporting the matter to her mother and the doctor, indicative of the probability of the commission of the crime of rape.

## III

"The Court a quo erred in holding that the girl being from Santiago, Isabela would not fabricate and state publicly that she was raped, if that were not the truth.

## IV

"The Court a quo erred in holding that the failure of the accused in lending money to Mario Alfonso, uncle of the complainant, is not enough reason for the fabrication of the case even under the circumstances that subsequently happened.

## V

"The Court a quo erred in holding that from the Heart Center for Asia to the Pantranco Terminal does not preclude the happening of the alleged incident complained of.

## VI

"And the Court a quo erred in finding that the guilt of the accused was proven beyond reasonable doubt."

The assigned errors are bereft of basis.

1. Laila was categorical about the place where she was ravished at the Pantranco terminal. It was a dark place behind parked buses which were to be cleaned.[6] It was not impossible for the crime to have been committed thereat, as alleged by the defense, since the concurring circumstances of time - around 4:00 o'clock in the morning, and place - when there was very little mobility in the area - afforded adequate opportunity for the crime to have been committed. That there were hardly any people around is shown by the fact that although Laila shouted for help before the accused gagged her, no one came to her rescue.[7]

2. It is true that Laila did not report the incident to her uncle upon her arrival at the latter's home but did so only to her mother three (3) days later. The three-day delay cannot affect her credibility. It was perfectly natural for her to have had qualms about revealing a humiliating episode in her life to her uncle, a man, who was only collaterally related to her compared to her mother in whom she could repose full trust and confidence and who could listen to her sad and delicate plight with fuller understanding and deeper compassion.

3. In this third assigned error, the accused assails Laila's credibility and insists that just because she hails from Santiago, Isabela, which is not a far-flung municipality but an urbanized community, is no assurance that she is telling nothing but the truth.

Even assuming this to be so for the sake of argument, it was not that factor alone which swayed the judgment of the Trial Court. It found Laila's testimony candid, straightforward and convincing, free from any serious contradiction. The cross-examination to which she was subjected did not make her waver. She said all that was needed to signify that the crime had been committed.[8] Besides, it is, in fact, unthinkable that a 13-year old provincial lass would falsely impute the offense of rape against one whom she had known as a relative, expose herself to the shame and humiliation of a public trial, and to an examination of her private parts at an age when she was just flowering into womanhood, if her purpose were other than to bring before the bar of justice the villain who had wronged her.

There may be some inconsistencies between her statement to the police and her testimony in Court. For example, in her statement she stated that the accused removed his pants and brief but on the witness chair she said that the accused merely pulled them down. These, however, refer to minor matters and do not affect her overall credibility. A witness whose testimony is perfect in all aspects, without a flaw and remembering even the minutest details which jibe beautifully with one another, lays herself open to suspicion of having been coached or having memorized statements earlier rehearsed.[9]

4. The accused asserts that Laila was motivated to file the complaint only because he had refused to lend money to her uncle, Mario Alfonso. The statement is unworthy of credence just as it is logically unsound. For one, it is not borne out by the records. For another, the failure to lend money to an uncle has no connection at all with the indignity committed on Laila's person. It is incredible that a 13-year old girl would claim in public that she was the victim of sexual assault simply to settle a score which an uncle, a collateral relative, has with the accused.

5. The only defense of the accused is that of alibi and denial. He claimed that he was at the Philippine Heart Center for Asia ministering to his wife who was confined thereat from March 15 to April 15, 1982. For the defense of alibi to succeed, however, an accused must establish physical impossibility and improper motive of prosecution witnesses.[10] The accused has been unsuccessful in either. As Maura Samin, the other watcher at the hospital, testified, on April 3, 1982, the date of the incident, her "duty" was from 1:00 A.M. to 6:00 A.M., during

which time interval, the accused was sleeping on a sofa outside his wife's hospital room.[11] The accused himself admitted that he slept outside the room because starting at 1:00 o'clock A.M., visitors were no longer allowed to go inside. In other words, the accused was not on watch on April 3, 1982 at around 4:00 A.M. And since he slept outside the room, he could have easily slipped out of the hospital at that time without Maura's nor his wife's knowing about it. For, as the Trial Court had found, and in this it did not err, the distance between the Philippine Heart Center and the Pantranco Terminal is only short so that it was not physically impossible for the accused to have been at the scene of the crime at the time it was committed.

More, a defense of alibi cannot prosper where the accused has been positively identified as the assailant, as in this case.[12]

And as far as improper motivation of prosecution witnesses is concerned, this has not been shown, but on the contrary, as pointed out above, Laila and her family could not have been impelled by any other motive except to seek redress for the shame and dishonor brought on Laila and the wrong done to all of them.

6. In claiming that his guilt has not been proven beyond reasonable doubt, the accused would vary the interpretation of the medico-legal report in that the finding of "strong resistance of the vaginal orifice of the complainant to the insertion of the index finger and the virgin-sized vaginal speculum" as well as the shallow laceration of the hymen would negative rape. Again, this is without merit. The medical certificate clearly concluded "Subject is in non-virgin state, physically" (Exhibit "C"). The doctor's conclusion, therefore, that Laila lost her virginity is an incontestable fact.[13] The medical finding of "resistance", far from disproving rape, only serves to show that Laila was a virgin at the time she was abused.[14] And as to the finding of shallow laceration of the hymen, this neither negatives rape for, as has been consistently held, the slightest penetration of the labia consummates the crime of rape.[15] Of note also is the fact that medical examination was performed only four (4) days after the incident, which could account for the shallowness of the laceration.

Neither does the absence of a finding in the medical certificate of physical injuries on Laila's person negate the commission of Rape. It will be remembered that considering the petite size of the victim (5' 1" in height and 100 lbs. in weight), the accused, whom the Trial Court described as "tall and bulky", could have easily overpowered her without much use of force. It has also been held that absence in the medical certificate of external signs of physical injuries and spermatozoa on the victim does not negate the commission of rape.[16] Besides, the medical examination is merely corroborative[17] and is not an indispensable element in the prosecution of rape.[18]

The fact that Laila's panty and dress were not presented in evidence cannot militate against the finding of guilt of the accused. As aptly held in *People vs. Garcia*,[19] the non-presentation of the torn and blood-stained dress and underwear of the complainant does not destroy the case for the prosecution, there being sufficient and convincing evidence to prove the rape charges beyond reasonable doubt. Those clothes are not essential, and need not be presented, as they are not indispensable evidence to prove rape.[20]

That Laila's testimony stands uncorroborated would neither tilt the scales in favor of the accused. There is ample jurisprudence holding that "when a woman testifies that she has been raped, she says in effect all that is necessary to show that rape was committed provided her testimony is clear and free from contradiction, and her sincerity and candor, free from suspicion.[21] For, by the very nature of the crime of Rape, conviction or acquittal depends almost entirely on the credibility of the complainant's testimony because of the fact that usually only the participants can testify as to its occurrence.[22] In this case, like the Trial Court, we have found no reason to doubt Laila's credibility. The evidence establishes the guilt of the accused beyond reasonable doubt.

WHEREFORE, the judgment appealed from is hereby affirmed. Costs against accused-appellant Renato Alfonso.

**SO ORDERED.**

Yap, (Chairman), Paras, Padilla, and Sarmiento, JJ., concur.

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- [1] Appellee's Brief, pp. 2-5.
- [2] Decision, pp. 4-5; Records, pp. 136-137.
- [3] T.s.n., pp. 3-4, August 14, 1984.
- [4] T.s.n., pp. 3-4, 7, August 24, 1985
- \* Presided by Judge Jose C. de Guzman.
- [5] Decision, pp. 10-11, Rollo, p. 59-60.
- [6] T.s.n., pp. 10-14, September 15, 1982.
- [7] T.s.n., p. 4, September 15, 1982.
- [8] People vs. Soterol, L-53498, December 16, 1985, 140 SCRA 400.
- [9] People vs. Ibal, L-66010-12, July 31, 1986, 143 SCRA 318.
- [10] People vs. Urgel, L-34851, February 25, 1985, 134 SCRA 483
- [11] T.s.n., August 14, 1984, p. 60.
- [12] People vs. Sambangan, L-44412, November 25, 1983, 125 SCRA 726.
- [13] People vs. Gozun, L-66970, February 28, 1985, 135 SCRA 295.
- [14] People vs. Felix, L-62281-82, July 16, 1984, 130 SCRA 456.
- [15] People vs. Oscar, 48 Phil. 527 [1925]; People vs. Hernandez, 49 Phil. 980 [1925].
- [16] People vs. Bawit, L-48116, February 20, 1981; People vs. Dadaeg, L-37798, July 15, 1985, 137 SCRA 500.
- [17] People vs. Pielago, et al., L-42256, December 19, 1985, 140 SCRA 418; People vs. Opena, L-34954, February 20, 1981, 102 SCRA 755.
- [18] People vs. Pielago, et al, supra.
- [19] L-45280-81, June 11, 1981, 105 SCRA 6.
- [20] People vs. Budol, July 31, 1986, 143 SCRA 241.
- [21] People vs. Ervas, May 11, 1984, 129 SCRA 200.
- [22] People vs. Egot, June 29, 1984, 130 SCRA 134.

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