

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JULITO U. ARNAN, ACCUSED-APPELLANT.

G.R. No. 72608. June 30, 1993

Ponente: BELLOSILLO, J.

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BELLOSILLO, J.:

Convicted of rape and sentenced to reclusion perpetua, to indemnify the offended party P5,000.00, and to pay the costs,[1] accused JULITO U. ARNAN is now before us seeking reversal of his conviction and insisting on his own version of the events.

On 13 May 1981, at about 12:00 o'clock midnight, while her husband was in another barangay to harvest palay, Nora Ayado, then a 20-year old mother of two, was awakened by someone who was already sitting on her knees. It was the accused Julito U. Arnan. She screamed for help, and her small children too who were beside her. Julito then pointed at her what appeared to be a pistol but which turned out to be merely a bent spoon. While covering Nora's mouth, Julito warned her not to move, much less shout. Fearful for her life, Nora struggled to get possession of the "weapon". Before she could do so, Julito gave her a blow on her stomach which rendered her unconscious. When she regained consciousness, Julito was gone. Still feeling weak and tired, Nora discovered that she was no longer wearing her panties. She also noticed semen in her vagina.

With her eldest child and a nephew accompanying her, Nora immediately went to her sister-in-law, Belinda Flores, and narrated to her the incident. Belinda advised her to have herself examined by a doctor. The following day Nora went to Dr. Thelma B. Lamanilao, Medical Officer at the Bayugan Community Hospital, for examination. Dr. Lamanilao found dead spermatozoa inside Nora's vaginal canal which could have been there for less than 48 hours. The doctor also noted "vaginal mucosa - signs of irritation" on Nora's private part which could have been caused by sexual intercourse.

Julito has a different story to tell. He claims that he and Nora were lovers and that their sexual congress in the evening of 13 May 1981 was voluntary and upon their mutual agreement but was cut short only when Nora's nephew woke up and saw what they were doing. In fact, according to Julito, their sexual rendezvous started at around 8:00 o'clock that evening when Nora herself opened the door for him. He contends that the reason why Nora filed the complaint was to be able to offer a plausible explanation to her husband who by then could have already been informed about what her nephew had witnessed that evening.

Aside from the accused himself and Nora, who was presented as a hostile witness, two other witnesses testified for the defense: Jose Eludo, to prove that Julito and Nora were carrying on an illicit relationship, and Rogelio Grumo, to establish that Julito was with him at the time the accused purportedly raped Nora.

Particularly, Jose Eludo said that prior to the alleged rape he saw the accused and Nora Ayado conversing while holding hands,[2] and Rogelio Grumo testified that he and the accused were together at the latter's place from 5:00 o'clock in the morning of 13 May until 4:00 o'clock the following morning of 14 May 1981.[3]

Rape is committed by having carnal knowledge of a woman under any of the following circumstances: (a) by using force or intimidation; (b) when the woman is deprived of reason or otherwise unconscious; and, (c) when the woman is under twelve years of age, even though neither of the circumstances mentioned in the two next preceding paragraphs shall be present.[4]

Is the accused guilty of rape?

In reviewing rape cases and determining the guilt or innocence of the accused, we are guided by three settled principles: (a) that an accusation for rape can be made with facility; it is difficult for the complainant to prove it, and even more difficult for the person accused, though innocent, to disprove it; (b) that in view of the intrinsic nature of the crime of rape where only two persons are usually involved, the testimony of the complainant must be scrutinized with utmost caution; and, (c) that the evidence for the prosecution must stand or fall on its own merit, and cannot draw strength from the weakness of the evidence for the defense.[5]

In *People v. Labarias*,[6] we said that it is the policy of this Court to sustain the factual findings of the trial court on the reasonable assumption that it is in a better position to assess the evidence before it, particularly the testimonies of the witnesses who reveal much of themselves by their deportment on the stand. Hence, when question of credence arises as to which of the conflicting versions of the prosecution and the defense should be followed, the trial court's answer is generally viewed as correct and entitled to the highest respect.[7] We then take note of the trial court's observation in the case before us -

“After a judicious review of the evidence and after weighing the conflicting claims of the parties, the Court finds merit in the contention of Nora Ayado that she was raped by Julito Arnan.

“As between the testimonies of the complaining witness and the accused, this Court without hesitation places more trust in the veracity of the statements of the complainant by its consistency, simplicity and sincerity indicating the truth.”[8]

Thus, we find no reason to depart from this policy of the Court.

A witness who testifies in a categorical, straightforward, spontaneous and frank manner and remains consistent is a credible witness.[9] We are convinced that Nora, the complaining witness, is a credible witness. Thus -

“Q You said he struck you at the mid portion of your stomach. What happened to you?

“A I was unconscious.

“Q Aside from boxing you at the mid portion of your stomach, what else did he do to you?

“A He abused me sexually.

“Q How was he able to abuse you sexually?

“A I don't know what he did to me because I was unconscious. I don't know how he was able to do it because I was unconscious-.

“Q After you regained your consciousness, what did you discover?

“A I was very tired and weak and I did not have my panty anymore.

“Q How about your vagina, what did you notice?

“A I noticed that there was semen.

“Q And when you regained consciousness, where was this Julito Arnan?

“A I don’t know where he went because when I regained consciousness, he was no longer there.”[10]

We have repeatedly ruled that when the victim says that she has been raped, she says in effect everything that is necessary to show that rape has been committed, and if her testimony meets the test of credibility, the accused may be convicted on the sole basis thereof. It is axiomatic in rape cases that the lone testimony of the offended party, if credible, is sufficient to sustain a conviction.[11]

On the other hand, the defenses presented by the accused are simply implausible and unconvincing.

Even his explanation why Nora filed the complaint is hardly credible. It was precisely because of her screams that her children and nephew who were beside her, were awakened that evening. If indeed Julito and Nora were consummating their amorous relationship on the night in question with mutual gusto, as Julito would impress upon this Court, Nora would not have screamed for help, and her children and nephew would not have been roused from their sleep.

The witnesses presented by the defense did not contribute much to the cause of the accused. Jose Eludo merely testified that he saw Nora and Julito holding hands and conversing. This does not say much, nor mean much. Assuming *arguendo* that indeed Eludo saw them holding hands, it does not follow that Julito and Nora had slept together. In fact, in *People v. Tadyo*,[12] we rejected the defense of the accused that complainant was his common-law wife and ruled that ?

“Certainly, no presumption arises that a common law wife will, or is willing to, submit to the common law husband’s embraces always and under all circumstances. Proof of a prior history of a common law marital relationship will not prevail over clear and positive evidence of copulation by the use of force or intimidation.”

Besides, this was flatly denied by Nora.

On the other hand, Rogelio Grumo contradicted the version of the defense. While Julito himself testified that he went to the house of Nora at around 8:00 o’clock in the evening of 13 May 1981 for their tryst as her husband would not be home,[13] Grumo said that Julito never left his house that day until the following morning.[14] Specifically, Grumo narrated that he and the accused were together at the latter’s place from 5:00 o’clock in the morning of 13 May until 4:00 o’clock the following morning of 14 May 1981.[15]

The argument of the accused that Nora who is much smaller and shorter and who thought that the bent spoon was a pistol, could not have “grappled with the accused for the weapon and succeeded in getting away the weapon” for “[n]ot even a man in his right sense would dare to grapple with another man who is pointing to him a pistol,”[16] is rather weak and unpersuasive. It is settled doctrine that there is no standard form of human behavioral response when one is confronted with a strange, startling or frightful experience.[17]

The contention of the defense that the absence of contusions on any part of Nora’s body belies her testimony that she was boxed, is likewise misplaced. We have ruled, time and again, that the absence of external signs of a physical injuries does not negate rape,[18] and the presence of dead spermatozoa on Nora’s vagina nine (9) hours from the alleged sexual assault find support in medical authorities. While spermatozoa may live for as long as forty-three (43) hours inside the cervix and uterus where the secretions are more favorable, they may not survive for more than two (2) hours in the vagina.[19]

The questions raised by the defense regarding the whereabouts and true age of Nora’s nephew are immaterial. Nora’s nephew never testified in court. Neither did he give any extrajudicial statements concerning the incident. Suffice it to say that the prosecution did not see the need to present him to corroborate the testimony of Nora which, by itself, was already sufficient to prove the commission of rape.

Likewise, the reporting of the incident to the concerned authorities by people other than the complaining witness herself cannot weaken the case of the prosecution. Nora executed a sworn statement at the Northern Police Station of Bayugan, Agusan del Sur, and signed the complaint before Acting Municipal Judge Leonardo L. Serrano of the Municipal Court of Bayugan. If at all, the husband of her sister-in-law, who first disclosed the outrage to the barangay captain, and who, in turn, reported the matter to the police authorities, were just assisting Nora. Besides, Nora's prompt submission of herself to physical examination and her straightforward testimony in open court more than made up for the prosecution's shortcomings, if any.

WHEREFORE, the guilt of the accused JULITO U. ARNAN having been proved beyond reasonable doubt, his conviction for rape by the court a quo is AFFIRMED, with the modification that the civil indemnity in favor of complainant Nora Ayado is increased from P5,000.00 to P30,000.00.

SO ORDERED.

Cruz, (Chairman), Griño-Aquino, and Quiason, JJ., concur.

[1] Decision penned by Judge Zenaida P. Placer, Regional Trial Court, Br. 7, Bayugan, Agusan del Sur.

[2] TSN, 19 December 1983, p. 5.

[3] TSN, 18 October 1983, pp. 22 and 24.

[4] Art. 335, Revised Penal Code.

[5] People v. Quintal, No. L-49656, 25 November 1983, 125 SCRA 734, 749.

[6] G.R. No. 87165, 25 January 1993.

[7] People v. Carson, G.R. No. 93732, 21 November 1991, 204 SCRA 266.

[8] See Note 1, pp. 5-6.

[9] People v. De Guzman, G.R. Nos. 102409-10, 21 December 1992.

[10] Tsn, 11 January 1982, pp. 4-5.

[11] People v. Indaya, G.R. No. 90296, 25 April 1991, and cases cited therein.

[12] G.R. Nos. L-37928-29, 29 September 1987, 154 SCRA 349, 361.

[13] TSN, 17 November 1983, pp. 6; 9-12.

[14] Ibid., 18 October 1983, p. 27.

[15] See Note 3.

[16] Appellant's Brief, p. 12.

[17] People v. Flores, G.R. No. 98069, 27 January 1993.

[18] People v. Mendoza, G.R. No. 74653, 26 July 1988, 163 SCRA 568; People v. Torrevillas, G.R. No. 93847-48, 14 November 1991, 203 SCRA 576; and many others.

[19] Glaister, J., Medical Jurisprudence & Toxicology, 12th Ed., p. 325, cited by Solis, P., Legal Medicine, 1987 Revised Ed., p. 513.

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