

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. FEDERICO ROSARIO, ACCUSED-APPELLANT.

G.R. No. 73534. March 25, 1988

Ponente: PARAS, J.

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PARAS, J.:

Charged with and prosecuted for the crime of Rape, accused-appellant Federico Rosario was, after trial, following a plea of not guilty upon arraignment, convicted and thereafter sentenced to reclusion perpetua, to indemnify the victim Guillerma Aquino in the amount of P30,000.00, and to support her offspring.

Assailing the said judgment of conviction, accused ventilated this appeal on a lone assignment of error - that the lower court erred in holding that the accused had carnal knowledge with the complainant, consummated with the use of intimidation, threats, force and violence, and in finding the accused guilty of the crime of rape.

The evidence for the prosecution shows that at about 12:00 o'clock noon on October 26, 1979, Guillerma Aquino, who was then about 17 years old, was walking home to Buenglat, San Carlos City, after coming out from her classes when she felt a desire to urinate. She was still about 500 meters from her house while she was already in front of the house of her sister Marina Aquino, married to the accused's son Danny Rosario. She decided to drop by. She called out for anybody who could be in the house but nobody answered. She then entered the house through the back door, the front door being locked, and proceeded to the windowless comfort room and relieved herself. As she was about to stand up she noticed for the first time the accused in front of her. The accused was holding a bolo in his left hand with which bolo he threatened the complainant by placing the blade near her face. To prevent the complainant from shouting, the accused covered her mouth with his free right hand and ordered her to remove her panties. The complainant refused and tried to push the accused away but the latter was stronger than she was. The accused boxed her in the stomach causing her to momentarily lose consciousness. When the complainant regained consciousness she felt pain in her private parts and blood oozing therefrom. The complainant dressed up while the accused who was then standing by the door and brandishing his bolo warned her not to reveal the sexual assault upon her, otherwise the accused would kill her and her parents. Afraid that the accused would carry out his threat, the complainant never revealed the incident to anyone including her parents until sometime in May 1980 when complainant's father noticed a change in her physical features. Confronted by her father, complainant at first refused to divulge anything but after having been berated and whipped by her father, complainant confessed that she had been sexually assaulted by the accused. Her father then went to see the accused but the latter was not at home. The complainant was brought on May 13, 1980 by her father to the San Carlos City General Hospital where Dr. Wilfredo Claudio, after a general physical examination, confirmed that complainant was seven (7) months on the family way. Then this case was initiated. (Decision, pp. 60--61, Rollo)

Accused denied having had anything to do with complainant's pregnancy. His defense is alibi and absolute denial. Thus, he claims that in the morning of October 26, 1979, the mother of Alberto Rosario of Balococ, San Carlos City fell from their "batalan", causing her some dislocation on the hips and ribs. Alberto knew the accused to be a "hilot" so he immediately fetched him. The accused went with Alberto, arriving at the latter's place at about 11:00

that same morning. The accused treated Alberto's mother, took his lunch with them and left at 1:00 in the afternoon, after which he proceeded to Baldog, San Carlos City where he treated one Dodong Gonzales. He left Baldog at 3:00 in the afternoon. (Deci-sion, pp. 61-62, Rollo)

In many prosecutions for rape, the only two parties who can testify as to the occurrence are the complainant and the accused. The testimony of each, in all likelihood being diametrically opposite as to what really happened, has to be subjected to the most rigid scrutiny. (People vs. Camarse, 121 SCRA 174)

Thus, due to the intrinsic nature of rape in the above situation, conviction or acquittal depends almost entirely on the credibility of the complainant's testimony (People vs. Alcid, 135 SCRA 280; People vs. Manzano, 118 SCRA 705). If her uncorroborated testimony is credible and positive, and satisfies the court beyond reasonable doubt, it is sufficient to justify conviction (People vs. Alcid, supra; People vs. Galicia, 123 SCRA 550).

In the case at bar, the resolution of appellant's lone assigned error hinges on the credibility of the complainant Guillerma Aquino. On this issue, it is a well settled rule that appellate courts will generally not disturb the factual findings of the trial court considering that it is in a better position to decide the question, having heard the witnesses themselves and observed their deportment and manner of testifying during the trial, unless the court has plainly overlooked certain facts of substance and value that, if considered, might affect the result of the case (People vs. Bautista, 142 SCRA 649; People vs. Ibal, 143 SCRA 317).

We have carefully reviewed the records of this case and We find no reason to depart from this established rule. Thus, We agree with the following evaluation and findings of the trial court, especially as for the credibility of complainant Guillerma Aquino, to wit:

“There is no doubt in the mind of the Court that the victim Guillerma Aquino experienced the sexual assault in October, 1979. She testified that she had. When a woman testifies that she has been raped, she says in effect all that is necessary to shout that rape has been committed (People vs. Rogeras, 56 SCRA 666, U.S. vs. Ramos 1, Phil. 81, People vs. Dazo et al., 58 Phil. 420).

"The fact that on May 13, 1980 when she was physically examined by Dr. Wilfredo Claudio of the San Carlos City General Hospital, she was seven (7) months pregnant or on the family way confirms this fact of carnal assault. There was no logical reason for her or her parents to concoct the charge of rape against the accused. Guillerma was then a guileless lass of only seventeen years, a high school student, bred in a barangay with a rural atmosphere. On the other hand, the accused is a former barangay captain of Buenglat, whose wife is the niece of Guillerma's father and the father in law of her elder sister, Marina Aquino, a seemingly respected and respectable man whom Guillerma of tender years would not think and dare accuse of the grave, serious and shameful crime of rape if the accusation were not true. The contention of the parents of Guillerma because of the pervading rumor that he is the 'paramour' of Guillerma is flimsy and shallow. Whether that fact were true or not there was nothing the parents of Guillerma could do to dispel the rumor. And certainly charging the accused with the rape of Guillerma would not help any. Besides, if it were true that Guillerma is the paramour of the accused would she risk disclosure of the relationship by placing herself and her lover in the limelight in a public trial?

“The Court has examined the evidence of the prosecution with meticulous care and it finds that the evidence adequately satisfies the standard of moral certainty required to sustain a judgment of conviction. To be sure, the testimony of the victim Guillerma Aquino is not flawless. It suffers from inconsistencies and contradictions in some minor details but these are not of much consequence and not disruptive of her credibility. Inconsistencies or contradictions in minor details are hallmarks of spontaneity and truthfulness. Flawless testimony engenders suspicion of careful rehearsal and a thorough coaching of the witness.

“During her cross examination, this Presiding Judge closely observed the complainant. The Court could not

but be impressed with the obvious sincerity, candor, spontaneity and straight forwardness of the complainant in answering the incisive cross examination questions of the able counsel for the defense. But she remained composed and unfazed, though at times pathetically in tears. She showed an unmistakable determination to exact justice from the man who had violently impregnated her and caused her early loss of virginity. And the Court is morally certain that the accused is the perpetrator of Guillerma Aquino's defloration through intimidation and violence, resulting in her pregnancy. (pp. 4-5, Decision, Appendix to Appellant's Brief)"

The appellant alleges inconsistencies in the testimony of Guillerma Aquino. In the early part of her testimony (on November 19, 1981) as well as in her affidavit (Exh. "C") she claimed that she was boxed in the stomach by the appellant and had lost consciousness during which appellant had carnal knowledge of her and when she regained consciousness she found out that her private part was bleeding and painful. In the latter part of her testimony, (on May 25, 1983) she, however, stated that she was boxed and had lost consciousness and when she somewhat regained semi-consciousness she saw the appellant remove his pants, kneel down between her legs, lie on top of her and then have carnal knowledge of her.

The alleged inconsistencies are on minor details that do not affect credibility as they only refer to collateral matters which do not touch the commission of the crime itself (People vs. Jones, 137 SCRA 166). The complainant, it may be noted, is in the words of the trial court, "a guileless lass of only seventeen years, a high school student, bred in a barangay with a rural atmosphere" who was testifying on her own terrifying experience. Moreover, in cases of this nature, the exact sequence of startling events crowded into a brief period of time and productive of excitement and confusion is often a matter of doubt even in the most honest and accurate memory, and in the reiterated narration of such occurrences even the most candid witnesses sometimes make mistakes and fall into apparently confused and inconsistent statements, which, however, should not affect their credibility (People vs. Duldulao, 110 Phil. 34). As a matter of fact, the presence of minor inconsistencies in the testimony of a witness could be an indication of truth. 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 couched or having memorized statements earlier rehearsed (People vs. Ibal, supra).

The appellant also questions the failure of complainant to immediately reveal her harrowing experience. But as held in the case of People vs. Oydoc, 125 SCRA 250, 256) -

"One should not expect a fourteen-year old girl to act like an adult or mature and experienced woman who would know what to do under such difficult circumstances and who would have the courage and intelligence to disregard a threat on her life and the members of her family and complain immediately that she had been forcibly deflowered. It is not uncommon for young girls to conceal for sometime the assaults on their virtue because of the rap-ists' threat on their lives, xxx."

The appellant next contends that it is highly improbable for him at the age of 61 to commit rape because the complainant struggled hard to prevent it and he was simply too old to do it. This contention is likewise without merit because the evidence on record clearly showed that appellant had boxed the complainant rendering her unconscious.

Finally, the appellant has not cited any reason why the complainant should file this case against him. From the records, We find that the complainant has no motive other than to bring to justice the culprit who had grievously wronged her.

Upon the other hand the evidence of alibi, already inherently weak, finds no corroboration.

WHEREFORE, the judgment appealed from is AFFIRMED, except that the indemnity is reduced to P20,000.

SO ORDERED.

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

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