

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. REDENTOR UMALI Y ESPINA, ACCUSED-APPELLANT.*G.R. No. 76530. March 01, 1995*

Ponente: BELLOSILLO, J.

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REDENTOR UMALI Y ESPINA was charged before the Regional Trial Court of Malolos, Bulacan, for the rape of Corazon Maniquiz then a third-year high school student. [1] On 3 October 1986 he was declared guilty beyond reasonable doubt. [2] Appealing therefrom, he prays for acquittal grounded on the alleged glaring inconsistencies in the testimony of private complainant and the improbability of the rape in the scenario painted by the prosecution.

On 20 June 1985, Susana Umali requested Corazon Maniquiz, her first cousin and neighbor, to spend the night in her house as her husband, accused-appellant Redentor Umali, was then in Manila and would not be home for the night. Considering that Susana had just given birth with another young child to take care of Corazon acceded to the request. She went to bed at nine o'clock in the evening only to be roused at midnight when she felt somebody on top of her. She recognized her first cousin's husband Redentor Umali who was already naked while she herself was without her underwear. Realizing Redentor's intention to have sex with her, Corazon tearfully called on Susana (who was beside her breastfeeding) for help but the latter responded by callously turning her back and saying, "Ku pabaya mo na." [3] Corazon pushed Redentor on the chest but he foiled her efforts and subdued her by pressing a knife against her neck and pinning her hands with his free arm. Corazon was sexually abused for thirty minutes. [4] She wanted to go home but was prevented by accused-appellant who warned her against saying anything to anybody. Devastated by the assault and worried about an unwanted pregnancy with nobody else to turn to Corazon comforted herself by crying on her cousin's shoulder. The morning after, Susana "helped" Corazon by making her drink an unknown medicine bought from a nearby store to ensure against possible pregnancy.

Corazon kept the horrible experience to herself until 19 August 1985 when she was forced to unburden her experience to her mother when the latter noticed her swelling belly, sign of a burgeoning pregnancy. [5] As a result, they went to the police to file their complaint but was told to secure first an examination report from the National Bureau of Investigation (NBI) in Manila. On 20 August 1985, Corazon was physically examined by Dr. Carmelita B. Belgica, NBI Medico-Legal Officer who prepared Living Case Report No. MG-85-469 [6] wherein she entered her medical conclusion as follows: "[g]enital findings compatible with sexual intercourse with man on or about the alleged dates of commission."

Redentor Umali was thus formally charged with rape, convicted after trial and sentenced to reclusion perpetua. [7] Hence, this appeal.

Accused-appellant contends that the trial court erred when it completely disregarded what he considers glaring inconsistencies in the testimony of complainant Corazon Maniquiz which manifest the unreliability of her

testimony thus making it an unfit basis for his conviction. [8]

First, Corazon testified that she was wearing a t-shirt and skirt on the night in question but that appellant succeeded in having sexual intercourse with her by removing her underwear. However, she allegedly contradicted herself later on by saying that she was already without her underwear at the time she woke up to find accused-appellant on top of her.

A careful review of private complainant's testimony shows no inconsistency whatsoever. When she said that she was wearing t-shirt, skirt and underwear on the night of 20 June 1985 she was referring to the time when she went to bed at nine o'clock [9] and not when she was rudely awakened by accused-appellant at midnight, i.e., the time she found herself already without her underwear and her skirt lifted up to her waist. [10] Thus, when private complainant testified that appellant succeeded in having sexual intercourse with her by removing her underwear she was not saying that she was awake when appellant did so but was only stating the obvious and logical explanation for her state of nakedness, i.e., that appellant somehow managed to stealthily take off her underwear while she was peacefully and innocently sleeping. Thus, we fail to perceive the alleged inconsistency.

Second, appellant points out that while Corazon testified that she was already pregnant at the time she submitted herself for examination at the NBI, Dr. Belgica of the NBI testified that she found no physical sign of pregnancy when she examined private complainant.

Aside from being just a minor and collateral detail which does not adversely affect the credibility of private complainant, the fact that Dr. Belgica of the NBI found no physical sign of pregnancy when she examined her on 20 August 1989 can be simply explained by the fact that no pregnancy test was ever conducted at that time on private complainant. [11] Instead, only a genital examination was made which however is not enough to determine whether a person is pregnant. [12]

Third, appellant calls our attention to the fact that while Corazon testified that she was physically examined by the NBI Medico-Legal Officer on 18 August 1985 and that she reported her ordeal to the police the following day, she related on redirect examination that she reported the incident to the police two days after its commission on 20 June 1985 and that she could not remember anymore the date when she was physically examined at the NBI.

Private complainant's testimony on this point is admittedly contradictory. However, aside from the fact that the trial court is not obliged to accept a witness' testimony in its entirety, and in fact may reject it in part, [13] the actual dates when private complainant reported the crime to the police and when she was physically examined at the NBI, as well as the question of whether private complainant was at that time pregnant or not, are very minor and collateral details which do not at all affect the substance of the main testimony, i.e., details of the rape and her positive identification of the accused as the culprit.

The credibility of a rape victim is not destroyed by some inconsistencies in her testimony on minor matters as such inconsistencies are to be expected if a witness is unrehearsed and testified spontaneously. [14] In the case at bench, while Corazon Maniquiz was not clear on the actual dates when she went to the police and when she was physically examined by the NBI Medico-Legal Officer, such did not detract from the clear account she gave of how she was raped by Redentor Umali which she conveyed to the court in a clear and direct manner. A candid and straightforward narration by the victim of how she had been raped bears the earmarks of credibility. [15]

In an attempt at exculpation, appellant interposes alibi. He claims to be in Manila where he was employed as a gardener at the Philippine General Hospital (PGH) when the alleged crime happened. To prove such claim, appellant presented a certificate dated 14 August 1986 issued by the PGH. [16]

The aforesaid certificate does not serve the purpose for which it was intended. An examination thereof discloses

that it merely states that Redentor E. Umali, herein appellant, was employed by the PGH in Manila as an emergency gardener from 19 June 1982 to 30 June 1985 but does not support his claim that he was really there at the time the rape occurred in the evening of 20 June 1985.

As a gardener, appellant worked from six o'clock in the morning up to half past two in the afternoon. [17] This was what happened on 20 June 1985, as appellant himself admitted. [18] On the other hand, the rape occurred at around midnight of the same day. Since only two to three hours' drive separates Manila from Bulacan, the locus criminis, it was not at all impossible for him to have reached Bulacan well before midnight after having taken time off from work at two-thirty in the afternoon. Well-settled is the rule that for the defense of alibi to prosper, the accused must prove not only that he was at some other place at the time the crime was committed but that it was likewise physically impossible for him to be at the locus criminis at the time of the alleged crime. [19] Having failed in this regard, the uncorroborated claim of accused-appellant deserves scant consideration especially in the face of his positive identification by private complainant. Positive identification of the appellant as the rapist prevails over his defense of alibi. [20]

Accused-appellant insists that, at any rate, it was improbable for rape to be committed under the circumstances narrated by private complainant, i.e., with his wife (allegedly breastfeeding their newly-born baby) and two children just beside them. Furthermore, appellant contends that no normal woman would react by just turning her back, both literally and figuratively, if it was really true that her husband was making it with another woman right beside her on the same bed.

Again, appellant cannot hope to prevail in this argument. While it is indeed scandalous to hear that a man could be so overcome by his beastly desires as to rape a girl right beside his wife and two infant children, it has become a matter of judicial notice that crimes against chastity have been committed in many different kinds of places which many would consider as unlikely or inappropriate [21] and that the scene of the rape is not always or necessarily isolated or secluded [22] for lust is no respecter of time or place. [23] Thus, the crime can, and has been, committed in places where people congregate, [24] e.g., inside a house where there are other occupants, [25] a five-meter room with five people inside, [26] and even in the same room which the victim was sharing with accused's sisters. [27] Therefore, we find it not so incredible that accused somehow had the temerity to sexually assault private complainant even with his wife and two small children just nearby. To repeat what has been said before, animal lust is an aberration which this Court will not explain for the benefit of the accused. [28]

In the case at bench, what makes private complainant's account of the rape particularly acceptable is the fact that aside from his obvious superior male strength, appellant likewise made use of a deadly weapon, i.e., a knife, which effectively subdued and silenced not only his victim (herein private complainant) but his wife as well who it appears had another reason to be afraid of him. She was an abused wife who was often mauled by her husband, herein appellant Umali. [29] Thus, even if she had wanted to, Susana Umali could do nothing to assist her cousin, any more than the latter could to help herself.

Finding the arguments of appellant to be lame and flawed, we see no reason to reverse his conviction by the court a quo. However, aside from the penalty of reclusion perpetua imposed upon him, we further sentence him to pay private offended party Corazon Maniquiz the sum of P50,000.00 by way of indemnity consistent with existing jurisprudence.

WHEREFORE, the Decision appealed from finding accused-appellant REDENTOR UMALI Y ESPINA guilty of rape is **AFFIRMED** with the sole modification that aside from the penalty of reclusion perpetua, he is further sentenced to pay the offended party, Corazon Maniquiz, P50,000.00 by way of indemnity.

Costs against accused-appellant Redentor Umali y Espina.

SO ORDERED.

Padilla, (Chairman), Davide, Jr., Quiason, and Kapunan, JJ., concur.

[1] Docketed as Crim. Case No. 8679-M.

[2] Decision penned by Judge Godofredo L. Legaspi, RTC of Malolos, Bulacan, Br. 20, Rollo, pp. 22-29; Original Records, pp. 83-90.

[3] TSN, 29 November 1985, p. 7.

[4] TSN, 15 January 1986, p. 4.

[5] TSN, 22 January 1986, p. 24.

[6] Exh. "C", Original Records, p. 65.

[7] Rollo, p. 29; Original Records, p. 90.

[8] Appellant's Brief, pp. 6-14; Rollo, pp. 66-73.

[9] TSN, 29 November 1985, p. 8; 22 January 1986, p. 8.

[10] TSN, 22 January 1986, pp. 8-9.

[11] TSN, 21 March 1986, p. 14; Original Records, p. 66.

[12] Ibid.

[13] People v. Dulay, G. R. No. 92600, 18 January 1993, 217 SCRA 103, 118; People v. Bombesa, No. L-41133, 22 June 1988, 162 SCRA 402, 407; People v. Montecillo, No. L-47810, 29 November 1984, 133 SCRA 472, 481.

[14] People v. Lutañez, G. R. No. 78854, 21 December 1990, 192 SCRA 588, 596; People v. Jamandron, G. R. Nos. 80226-27, 13 October 1989, 178 SCRA 474, 479.

[15] People v. Dabon, G. R. No. 102004, 16 December 1992, 216 SCRA 656, 663, citing People v. Miscala, G.R. No. 91016, 27 September 1991, 202 SCRA 26, 32.

[16] Exh. "1", Original Records, p. 79.

[17] TSN, 15 August 1986, p. 8; Original Records, p. 85.

[18] TSN, 15 August 1986, pp. 8-9.

[19] People v. Hortillano, G. R. No. 71116, 19 September 1989, 177 SCRA 729, 739, citing People v. Baylon, No. L-35785, 29 May 1974, 57 SCRA 114, 120.

[20] People v. Talento, G. R. No. 97611, 10 August 1992, 212 SCRA 442, 446.

[21] Junio v. Rivera, Jr., A. M. No. MTJ-91-565, 30 August 1993, 225 SCRA 688, 698; People v. Rafanan, No. L-48362, 28 February 1990, 182 SCRA 811, 819.

[22] People v. Garcia, G. R. No. 92269, 30 July 1993, 224 SCRA 776, 779; People v. Viray, No. L-41085, 8 August 1988, 164 SCRA 135, 142.

[23] People v. Mangalino, G. R. No. 79011, 15 February 1990, 182 SCRA 329, 342.

[24] *People v. De los Reyes*, G. R. No. 85771, 19 November 1991, 203 SCRA 707, 723; *People v. Dolores*, G. R. No. 76468, 20 August 1990, 188 SCRA 660, 667; *People v. Mangalino*, G. R. No. 79011, 15 February 1990, 182 SCRA 329, 342; *People v. Niebres*, G. R. No. 69190, 29 September 1989, 178 SCRA 114, 118-119; *People v. Tabago*, G. R. No. 69778, 8 November 1988, 167 SCRA 65, 74; *People v. Cayago*, No. L-47398, 14 March 1988, 158 SCRA 586, 597; *People v. Avanzado, Sr.*, G. R. No. 73116, 29 February 1988, 158 SCRA 427, 436; *People v. Managbanag*, G. R. No. 66550, 27 November 1987, 155 SCRA 669, 672-673.

[25] *People v. Guibao*, G. R. No. 93517, 15 January 1993, 217 SCRA 64, 74; *People v. Dabon*, G. R. No. 102004, 16 December 1992, 216 SCRA 656, 668; *People v. De los Reyes*, G. R. No. 85771, 19 November 1991, 203 SCRA 707, 723.

[26] *People v. Detuya*, No. L-39300, 30 September 1987, 154 SCRA 410, 421.

[27] *People v. Villoriente*, G. R. No. 100198, 1 July 1992, 210 SCRA 647, 659.

[28] *People v. Garcia*, G. R. No. 92269, 30 July 1993, 224 SCRA 776, 779.

[29] TSN, 22 January 1986, p. 18.

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