

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROMEO A. CORRALES, ACCUSED-APPELLANT.

G.R. No. 76922. February 21, 1990

Ponente: GUTIERREZ, JR., J.

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GUTIERREZ, JR., J.:

The accused-appellant Romeo Corrales was charged with the crime of rape as a result of the following complaint filed by the victim Milagros Miranda:

"That on or about the 29th day of December, 1983, in Caloocan City, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs and by means of force and intimidation employed upon the person of one MILAGROS TABAQUERO DE MIRANDA, did then and there wilfully, unlawfully and feloniously lie and have sexual intercourse with the latter, against her will and without her consent." (Original Records, p. 1)

Upon arraignment, the accused assisted by counsel, pleaded not guilty to the charge. Trial on the merits followed.

Having been convicted as charged, Romeo Corrales now appeals from the decision of the Regional Trial Court of Caloocan City. The dispositive portion of the aforementioned decision reads:

"WHEREFORE, premises considered, the Court finds accused Romeo Corrales y Anuevo GUILTY beyond reasonable doubt of the crime of rape and hereby sentences the said accused to suffer the penalty of Reclusion Perpetua." (Original Records, p. 106.)

The prosecution evidence upon which the decision of conviction was based is summarized by the appellee as follows:

"On December 29, 1983, at about 1:00 a.m., Milagros Miranda was alone, sleeping in her house at 126 Pangako St., Bagong Barrio, Caloocan City (p. 3, 77, TSN, May 17, 1984).

She was awakened by the presence of Romeo Corrales and was about to stand when appellant poked a pointed instrument at the left side of her body and warned her not to shout, otherwise he would kill her (pp. 4, 5, 16, id.).

Milagros Miranda was instructed to remove her clothes. Totally naked, the victim pleaded, noting that she is seven months pregnant. Appellant stated that he will not do anything rather, he will just touch the victim's private parts and masturbate. Not long after his masturbation, however, appellant inserted his penis inside Milagros Miranda's vagina and consummated the act (pp. 5, 6, 7, 8, TSN, id.).

Milagros Miranda was warned not to report the incident to the police under threats of death (pp. 9-10; id.).

The threats notwithstanding, she reported the matter to her parents (p. 10, id.), and upon advice of her mother, they went to the police headquarters to report the incident (p. 11, id.).

On the basis of the complaint filed, a team was dispatched to follow up and apprehend herein appellant. Arrest

was effected on January 4, 1985 (p. 5, TSN, January 16, 1984)". (Appellee's Brief, pp. 1-3)

In an effort to prove his innocence, the accused-appellant assigns the following errors:

I

"THE TRIAL COURT ERRED THAT THE ACCUSED USED FORCE AND INTIMIDATION IN RAPING THE VICTIM.

II

THE TRIAL COURT ERRED IN FINDING THE ACCUSED GUILTY OF THE OFFENSE CHARGED BEYOND REASONABLE DOUBT." (Rollo, p. 29)

On his first assignment of error, the accused-appellant alleges that there was no force and intimidation used on the victim. The records show that the victim reiterated at least three times in her testimony that she did not resist because the accused threatened to kill her if she shouted or resisted. Hence, the complainant testified:

xxx xxx xxx

Q.

When you were pocked (sic) by that man and something was pocked on you, what happened?

A.

He told me not to shout because if I shout, he will kill me.

Q.

Then, what transpired?

A.

And, he threatened me. I was not able to shout because I was afraid that he might kill me." (TSN, May 17, 1984, p. 5)

xxx xxx xxx

"FISCAL:

Q.

When the accused inserted his male organ, to your female organ, did you not make any resistance?

WITNESS:

A.

Because of my fear that I might be killed, I was not able to shout and do anything.

xxx xxx xxx

Q.

Do we understand from you that the accused left your house after that you were ordered to sit in the corner completely naked?

A.

Yes, sir. I was told not to report the incident because he will kill me". (TSN, May 17, 1984, pp. 9-10)

The records, thus, clearly show that force and intimidation were employed on Milagros Miranda so that she was overcome with fear. Force and intimidation are sufficient for a woman not to put up any resistance. In the case of *People v. Poculan*, 167 SCRA 176, [1988], it was held that not only a firearm can produce intimidation. In fact, intimidation is addressed to the mind.

The issue regarding the absence of injury is likewise of no moment. The fact that the victim did not sustain any injury does not negate rape. The accused found no need to employ force on the woman because she had already submitted out of fear. (*People v. Poculan*, supra; *People v. Alfonso*, 153 SCRA 487 [1987]).

The absence of strong resistance on the part of the woman is sufficiently explained. She could not physically resist her attacker due to the fact that her hands were held back and also because it was very difficult for her to move considering her condition where she was on her seventh month of pregnancy.

The accused-appellant claims that his guilt has not been proved beyond reasonable doubt. He cites the delay in reporting as one of the reasons which could raise a doubt, thus, necessitating a decision favorable to him. The reason for the delay is justified and is not sufficient to destroy the complainant's testimony. The threat on the complainant's life immobilized her. The testimony already cited shows that the life of the victim was threatened if she reported the incident. Moreover the delay was not considerable. The rape happened on December 29. It was reported on January 1. The victim wanted to wait for her husband who was in Tanay, Rizal but her brother convinced her to go to the police.

Inconsistencies found in the complainant's testimony as to the circumstances of her being awakened are minor ones and do not affect her credibility. Considering the shock she was then suffering from, the inconsistencies as to the reason for her waking up and the duration of the sexual act are too minor to affect her credibility (*People v. Partulan*, 156 SCRA 489 [1987]). The fact is that in a prosecution for rape, the accused may be convicted even on the sole basis of the complainant's testimony if credible. (*People v. Tabago*, 167 SCRA 65 [1988]; *People v. Tadyo*, 154 SCRA 349 [1987]).

The accused-appellant claims that he was asleep in his mother-in-law's house from 9:00 P.M. on December 29,

1983 up to 6:00 A.M. of the following day. He states that the reason why the complainant brought the action against him was because of the existing bad blood between his in-laws and the family of the complainant. He supports this contention by saying that there was an altercation between Milagros and his mother-in-law on account of his wife's lost wristwatch which was allegedly found in the possession of the complainant. He further tries to strengthen the contention by citing a case which was brought by his in-laws against the family of the complainant when one of the members of the latter's family stoned them and hacked their door.

This alleged bad blood between the two families pales in comparison with the degree of seriousness of the crime charged against the accused. Mere bad blood between the families over a petty thing could not be the reason for a woman to file a charge as serious as rape. The complainant would not risk her reputation and expose herself to ridicule if the charge was not true (*People v. Carino, Sr.*, 167 SCRA 285 [1988]). More so a married woman who was seven months pregnant and who could lose the love and regard of her husband. The testimony of a married woman who went through all the shame and humiliation of appearing in a public trial in order to exact justice for what she suffered at the hands of the accused-appellant deserves credence (*People v. Partulan*, *supra*).

Moreover the alleged bad blood, according to the trial court, does not really exist. The testimony of the mother-in-law of the accused shows that the victim's brother and cousin were at the mother-in-law's store having a drinking spree for several hours that night and early morning of the incident. Motive is essential only when there is doubt as to the identity of the culprits and not when they are positively identified (*People v. Aliocod*, 167 SCRA 665, [1988]). The victim testified that she was able to recognize her assailant not only from his voice but from the light coming from the outside which illumined his face. She could not be mistaken as to his identity because she knew him well, being the collector of their "paluwagan" and being their neighbor. The appellant's defense of alibi is, therefore, unavailing in the light of his positive identification by the victim and where it is not impossible for the accused to have been at the place where the crime was committed (*People v. Andres*, 155 SCRA 290, [1987]). Furthermore, unlike in homicide or murder, the motive in rape is inherent in the crime. It is the lust of the accused for the victim.

Premises considered, we find no compelling reason for us to overturn the judgment of the trial court. The factual findings, particularly the Trial Judge's assessment of the credibility of the testimonies of the witnesses are accorded great respect on appeal for, as repeatedly held, the trial judge enjoys the advantage of directly and at first hand observing and examining the testimonial and other proof as are present at the trial and is, therefore, better situated to form accurate impressions and conclusions on the basis thereof (*People v. Bravo*, G.R. No. 68422. Dec. 29, 1989 citing *Cortez v. Court of Appeals*, 163 SCRA 139 [1988]); *People v. Jarzi*, 163 SCRA 307 [1988]); and *People v. Traya*, 147 SCRA 381). The Judge stated that the testimony of the complainant was clear, positive, and unequivocal. The appellant has shown no strong reasons why we should ignore or disregard the Judge's impressions and findings.

WHEREFORE, the assailed decision of the lower court finding the accused Romeo Corrales guilty beyond reasonable doubt of the crime of RAPE is hereby AFFIRMED. The appellant is further ordered to indemnify the offended party the sum of P30, 000.00.

SO ORDERED.

Fernan, C.J., (Chairman), Feliciano, Bidin, and Cortes, JJ., concur.

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