

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. AGUSTIN FORTES Y GARRA, ACCUSED-APPELLANT.

G.R. No. 90643. June 25, 1993

Ponente: DAVIDE, JR., J.

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DAVIDE, JR., J.:

The conviction of Agustin Fortes y Garra for the rape of a young girl described by the trial court as "a guileless lass of only 13, [a] sixth grade pupil, bred in a barangay of rural atmosphere," and the denial by the trial court of his application for bail pending his appeal from the judgment of conviction are questioned in these consolidated cases.

In G.R. No. 90643, the accused appeals from the decision of Branch 55 of the Regional Trial Court (RTC) at Irosin, Sorsogon, in Criminal Case No. 219. The court a quo, in its Decision dated 18 November 1988 but promulgated on 25 January 1989, found the accused guilty beyond reasonable doubt of rape and sentenced him to suffer the penalty of reclusion perpetua and pay the victim the sum of P20,000.00 to answer for damages and costs.[1]

In G.R. No. 91155, the accused seeks to annul and set aside two (2) related orders of the said trial court denying his application for bail, filed after his conviction, to secure his provisional liberty pending the resolution of his appeal.

The records disclose these antecedents:

On 26 November 1983, Agripino Gine of Barangay Naburacan, Municipality of Matnog, Province of Sorsogon, accompanied his 13-year old daughter, Merelyn, to the police station of the said municipality to report a rape committed against the latter by the accused at around 11:00 o'clock in the morning of that day. Following this, the accused was forthwith apprehended.

Thereupon, on 5 December 1983, Agripino Gine filed on behalf of Merelyn a complaint[2] for rape against the accused before the Municipal Circuit Trial Court (MCTC) of Matnog-Sta. Magdalena in Matnog, Sorsogon.[3] The accusatory portion thereof reads as follows:

"That on or about 11:00 in the morning of November 26, 1983, at Barangay Naburacan, Municipality of Matnog, Province of Sorsogon, Philippines and within the jurisdiction of this Honorable Court, the above-named accused with deliberate intent and without the consent of the victim MERELYN GINE, and by means of force and intimidation did then and there wilfully, unlawfully and feloniously (sic) armed with a bolo threatened (sic) and dragged (sic) the victim MERELYN GINE, and there the said accused committed the acts of rape inside the nipa hut owned by Leobehildo (sic) Garra, to the damage and prejudice of the undersigned offended party.

Act contrary to law."[4]

Finding probable cause to exist after a preliminary examination was conducted, the MCTC issued on 9 December

1983 an order for the arrest of the accused.[5] The bond for the latter's temporary liberty was initially fixed at P30,000.00 but was later reduced to P25,000.00[6] upon motion of the accused. The latter then put up the required bond; upon its approval, the court ordered his release on 15 December 1983.[7]

When the case was finally called for preliminary investigation on 5 December 1984, the accused, through his counsel de officio, informed the court that he was waiving his right thereto. The court then ordered the transmittal of the records of the case to the Office of the Provincial Fiscal of Sorsogon.[8]

On 25 January 1985, the Office of the Provincial Fiscal, through 1st Assistant Provincial Fiscal Manuel C. Genova, filed with Branch 55 of the RTC at Irosin, Sorsogon a complaint for rape against the accused, the accusatory portion of which reads:

"That on or about the 26th day of November, 1983, in the Municipality of Matnog, Province of Sorsogon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused by means of force and intimidation and with lewd design (sic), and armed with a bolo and (sic) threatened her with harm and dragged to a hut the victim and there have (sic) carnal knowledge with one Merelyn Gine against her will and consent, to her damage and prejudice.

CONTRARY TO LAW."[9]

The case was docketed as Criminal Case No. 219.

Accused pleaded not guilty upon his arraignment on 28 February 1985.[10] The protracted trial began on 26 June 1985 and ended nearly three (3) years later when the case was finally submitted for decision on 22 February 1988.[11] The witnesses presented by the prosecution were Merelyn Gine, her father Agripino and Dr. Eddie Dorotan. The witnesses for the defense, on the other hand, were the accused himself, Leovegildo Garra and Celso Gardon, the Barangay Captain of Naburacan, Matnog, Sorsogon.

On 25 January 1989, the trial court promulgated its decision convicting the accused of the crime charged.[12] The dispositive portion thereof reads:

"WHEREFORE, this Court finds the accused guilty beyond reasonable doubt of the crime of Rape and sentences him to suffer the penalty of Reclusion Perpetua and to indemnify Merelyn Gine the sum of P20,000.00 as damages and to pay the costs. The accused is ordered committed to the Sorsogon Provincial Jail through the Provincial Warden or through any of his provincial guards and eventually committed to the National Penitentiary in accordance with law.

SO ORDERED."[13]

On the same day, the accused filed his notice of appeal[14] wherein he requested that the amount of the appeal bond be fixed by the trial court. The following day, 26 January 1989, the trial court gave due course to the appeal[15] but did not resolve the request to fix the amount of bail. Thus, on 11 April 1989, the accused filed an "Application for Bail on Appeal"[16] reiterating his earlier request that the bail bond for his provisional liberty pending appeal be set. This was subsequently denied by the trial court in its Order of 19 June 1989 on the ground that "x x x the accused has already been found guilty beyond reasonable doubt of the offense of rape and sentenced to Reclusion Perpetua and his appeal from the decision already approved by the Court x x x." [17]

Thereupon, on 10 August 1989, the trial court issued a Commitment of Final Sentence turning over the person of the accused to the Director of Prisons in Muntinlupa, Metro Manila.[18]

On 25 August 1989, the accused filed a motion to reconsider the RTC's 19 June 1989 Order denying his application for bail pending appeal,[19] but the same was denied in the Order of 6 September 1989.[20]

In the meantime, the trial court, on 12 September 1989, transmitted to this Court the records of Criminal Case No. 219. We received the same on 16 November 1989 and docketed the appeal as G.R. No. 90643.

On 9 December 1989, the accused filed with this Court a special civil action for certiorari to set aside the aforementioned orders of the trial court denying his application for bail and his motion to reconsider the said denial. The petition was docketed as G.R. No. 91155. In the Resolution of 20 December 1989,[21] this Court required the respondents to comment on the petition. Then, on 18 June 1990, the said case was ordered consolidated with G.R. No. 90643.[22] The records of G.R. No. 91155 do not disclose if the respondents had actually filed the required comment.

G.R. No. 91155

We shall first resolve G.R. No. 91155. Accused assails the trial court's refusal to grant his application for bail pending appeal on the ground that the same amounted to an undue denial of his constitutional right to bail. He contends that before his conviction by final judgment, he enjoys the constitutional presumption of innocence, and is therefore entitled to bail as a matter of right.

There is no merit in the said petition.

It is clear from Section 13, Article III of the 1987 Constitution[23] and Section 3, Rule 114 of the Revised Rules of Court, as amended,[24] that:

"x x x before conviction bail is either a matter of right or of discretion. It is a matter of right when the offense charged is punishable by any penalty lower than reclusion perpetua. To that extent the right is absolute.

x x x

Upon the other hand, if the offense charged is punishable by reclusion perpetua bail becomes a matter of discretion. It shall be denied if the evidence of guilt is strong. The court's discretion is limited to determining whether or not evidence of guilt is strong. But once it is determined that the evidence of guilt is not strong, bail also becomes a matter of right. x x x"[25]

The clear implication, therefore, is that if an accused who is charged with a crime punishable by reclusion perpetua is convicted by the trial court and sentenced to suffer such a penalty, bail is neither a matter of right on the part of the accused nor of discretion on the part of the court. In such a situation, the court would not have only determined that the evidence of guilt is strong -- which would have been sufficient to deny bail even before conviction -- it would have likewise ruled that the accused's guilt has been proven beyond reasonable doubt. Bail must not then be granted to the accused during the pendency of his appeal from the judgment of conviction. Construing Section 3, Rule 114 of the 1985 Rules on Criminal Procedure, as amended, this Court, in the en banc Resolution of 15 October 1991 in *People vs. Ricardo Cortez*,[26] ruled that:

"Pursuant to the aforecited provision, an accused who is charged with a capital offense or an offense punishable by reclusion perpetua, shall no longer be entitled to bail as a matter of right even if he appeals the case to this Court since his conviction clearly imports that the evidence of his guilt of the offense charged is strong."

In the instant case, the rape for which the accused was indicted is punishable by reclusion perpetua pursuant to Article 335 of the Revised Penal Code; he was convicted therefor and subsequently sentenced to serve that penalty. It is thus evident that the trial court correctly denied his application for bail during the pendency of the appeal.

G.R. No. 90643

We now turn to the accused's appeal from the judgment of conviction.

The inculpatory facts, proven by the prosecution and upon which the trial court based its judgment of conviction, are summarized by the trial court in its decision. Finding the same to be fully supported by the evidence adduced, We hereby adopt the said summary as follows:

x x x

"(3) The evidence for the prosecution shows that in the morning of 26 November 1983, Merelyn Gine accompanied her father Agripino Gine to Barangay Naburacan, Matnog, Sorsogon, where he was going to work in the farm of Patrolman Nonito Galeria. Her father left her in the nipa hut of one Leovegildo Garra so she can cook his meal for lunch. She was alone in the hut.

(4) While she was preparing to cook the meal, accused appeared from nowhere and inserted his T-shirt inside her mouth. Accused also held her hands and tore her pedal pant (sic). She tried to kick him but to no avail. After he was able to remove her pedal, she was threatened with a bolo and was warned that he will kill her if she shouted. The bolo which was presented in evidence as Exhibit C (sic) was 23½ inches long including the handle. The sharp end of the bolo was pointed by the accused to her throat. Accused laid her down and it was in this position when (sic) the accused had sexually abused her by inserting his penis through her (sic) panty she was wearing which was torn and stained with her blood (Exhibits B, B1 and B2). She suffered extreme pain and her vagina started bleeding. She cried and wished that her father were around so that she could ask him to kill the accused.

(5) Just as the accused consummated the rape, her father returned from the farm to inquire whether his meal was cooked already. He called for his daughter but she did not answer during the first call and on the second call he heard her answer 'po' (meaning yes). Suddenly, the accused jumped out of the window with his short pants on but leaving behind in his hurry to escape, the T-shirt which he inserted inside the mouth of the victim and the bolo he used to threaten her. Her father gave chase but was not able to catch up with the accused.

(6) When her father went inside the hut, he found her in a state of shock and (sic) was trying to get up but was swaying for she could hardly stand. It was at this instance when his daughter narrated to him the dastardly act perpetrated upon her by the accused.

(7) On the same day, she and her father reported the incident to the police authorities in Matnog, Sorsogon, and an investigation was made. On that same day, the accused was apprehended.

(8) From the police, she went to the Irosin District Hospital for medical examination. Thereat, she was subjected to a medical examination by a certain Dr. Tito Garrido but he did not issue her a medical certificate. So she had another medical examination by Dr. Eddie Dorotan of the same hospital who issued her a medical certificate which was introduced in evidence as Exhibit E and E1.

(9) At the time she was sexually abused, Merelyn Gine was only 13 years old (Exhibit D). She demonstrated to the Court the position in which she was raped by the accused. She felt so ashamed after the rape and underwent so much suffering and pain like her father, which could not be compensated with money alone and wants justice done." [27]

On the other hand, the accused capsulated his version of the incident in this manner:

"On November 26, 1983 at about 8:30 in the morning, accused Fortes on his way to the Nipa Hut which he used as a rest house met Agripino Gine, father of Complainant Merelyn Gine in the ricefield at Bgy. Naburacan, Matnog, Sorsogon where they both work and cultivate their respective ricelands. In that meeting Agripino asked permission from accused if her (sic) daughter, Merelyn, could cook their lunch at the Nipa Hut ('Payag' in local dialect), owned by the grandfather of accused Leovegildo (sic) Garra. Accused who is a neighbor and family friend of Agripino (sic) in Bgy. Camachilis where they both reside gave his permission.

Accused proceeded to the Nipa Hut owned by his grandfather for the purpose of preparing his own lunch. When accused arrived in the Nipa Hut, he saw Merelyn preparing their lunch.

Accused waited for his turn while Merelyn was preparing their lunch. Accused spent his waiting time in repairing the plow (araro) which he used in the cultivation of the riceland. At this point in time his grandfather Leovegeldo (sic) Garra arrived. Merelyn Gine and accused who are known to each other being neighbors and family friends exchanged pleasantries (sic) and jokes. In the process, accused accidentally dropped the fish which he was about to cook for lunch outside the window. Accused passed through the window which is about half (½) meter from the ground to pick-up the fish.

At this juncture, Agripino (sic) arrived from the ricefield at about 11:00 in the morning and called his daughter, Merelyn, to inquire if lunch was ready. Merelyn answered in the negative. Agripino got angry and scolded his daughter, Merelyn for failing to cook the lunch on time.

In the meantime, accused-appellant returned to the ricefield to pick-up his bottle of drinking water. He returned back to the Nipa Hut at about 12:00 noon and he saw inside the nipa hut, the following people: Agripino Gine, Joel, Mondoy, sons of Agripino and Dick Galeria son of the owner of the riceland being cultivated by Agripino Gine eating their lunch."[28]

To bolster his defense, the accused presented two (2) other witnesses, namely Leovegildo Garra, his grandfather, and Celso Gardon, the Barangay Captain of Naburacan, Matnog.

The trial court accorded full faith and credit to the prosecution's version; it was convinced beyond reasonable doubt that Merelyn fell victim to a sexual assault on the morning of 26 November 1983 which was perpetrated through force and intimidation. On that same day, both she and her father immediately reported the incident to the police authorities. She then submitted to a medical examination.

There seems to be no logical reason for her or her father to concoct the charge of rape against the accused. During her testimony, Merelyn "showed an unmistakable determination to exact justice, from the man who had forcibly violated her and caused her early loss of virginity." She "has no motive other than to bring to justice the culprit who had grievously wronged her."[29]

In his Brief, the accused, hereinafter referred to as the Appellant, urges this Court to reverse his conviction and acquit him on the ground that the trial court erred in:

I x x x GIVING UNDUE WEIGHT TO THE UNCORROBORATED TESTIMONY OF PRIVATE COMPLAINANT.

II x x x NOT GIVING DUE WEIGHT TO THE MEDICAL CERTIFICATE SHOWING THAT PRIVATE COMPLAINANT WAS NOT SEXUALLY ABUSED ON NOVEMBER 26, 1983.

III x x x NOT GIVING DUE WEIGHT TO THE TESTIMONY OF THE BGY. CAPTAIN WHERE THE ALLEGED CRIME WAS COMMITTED.

IV x x x NOT ACQUITTING THE ACCUSED-APPELLANT BECAUSE HIS GUILT HAS NOT BEEN PROVEN BEYOND REASONABLE DOUBT."[30]

For his first assigned error, the appellant contends that the rape for which he was charged and subsequently convicted was not established by clear, positive and convincing evidence. He claims that the complainant's statement that she had her panty on while she was being raped is incredible, as "[E]xperience will show that it is physically [I]mpossible to perform and execute the act of sexual intercourse to a woman with her panty on."[31]

In support of the second assigned error, he asserts that the medical examination conducted by Dr. Eddie Dorotan, a government physician assigned to the Irosin District Hospital, which revealed that "there was no bleeding" and

"no spermatozoa"[32] present, conclusively proved that the accused did not commit the crime of rape. The latter further contends that the trial court erred in believing the complainant's declaration that her panty was stained with her blood because, as he points out, there was no "corroborated (sic) evidence to prove that indeed the alleged blood stain is indeed the blood coming from the vagina of complainant." [33]

As to his third ascribed error, the appellant faults the trial court for not giving due weight to the testimony of the Barangay Captain of the locality wherein the rape was committed. He further contends that since Barangay Captain Celso Gardon testified that he (Gardon) passed by the nipa hut and saw the complainant and her father Agripino together with other persons at around lunch time -- the time of the commission of the alleged rape -- Agripino should have immediately reported the sexual assault to him as he is the barangay captain.

The appellant additionally assails the credibility of Agripino Gine, claiming that the latter failed to corroborate his daughter's story that there was blood on the spot where she was purportedly raped and that her panty and pants were torn by the appellant. Moreover, it is averred that Agripino did not even describe to the court his daughter's attire when he found her in the nipa hut. Appellant then faults the trial court for concluding that he had presented the defense of alibi when the records reveal that no such defense was offered by him.

Appellant's last assigned error is but a summation of the previous three (3) errors; he concludes that the totality of the prosecution's evidence creates sufficient doubt as to his guilt. Hence, he concludes that he is entitled to an acquittal.

Our careful review of the records and painstaking evaluation of the evidence adduced by the parties yield nothing to support the assigned errors, and lead Us to the inevitable conclusion that the culpability of the appellant has been proven beyond reasonable doubt. This appeal must therefore be dismissed for palpable lack of merit.

The victim narrated her ordeal in a simple, yet candid and straightforward manner as evidenced by the transcripts of her testimony, the pertinent portions of which read:

"FISCAL GENOVA -?

What happened while you were getting the kettle preparatory to cooking your meal?

A Suddenly, this Agustin Fortes appeared from nowhere and tried to embrace me.

Q In what part of your body?

A He tried to insert his T-shirt in my mouth.

x x x

Q What happened after you were held and a piece of T-shirt put (sic) inside your mouth?

A He had sexual intercourse with me.

Q Before he had sexual intercourse with you, what did he do?

A He torn (sic) my panty and my pedal.

Q Do you mean to tell this Court that you were dressed during that time?

A Yes, sir.

Q And how did Agustin Fortes tried (sic) to torn (sic) your pedal and panty?

A When he was trying to hold my hands, he was pulling my panty at the same time tearing my pedal and I was kicking him.

Q I am showing to you clothes from the Police Station labeled 'Criminal Case No. 3226' which I presumed is the criminal case number ... a panty with dark stain and a pedal. I am showing to you these in connection to what you just stated. This is from the Police Station of Matnog.

A This is the pedal I was wearing at the time.

Q When you were wearing this, was it already torn?

A Not yet.

Q How about this panty of yours, is this already in this kind (sic)?

A No, sir.

Q What is this dark stain here ... which you could see?

A That is blood.

Q Whose blood?

A Mine.

Q How was this torn? The pedal ... no the panty?

A He was the one who torn (sic) my panty.

Q And in the process this was removed from your body?

A Yes sir.

Q What happened now after this pedal also was removed?

A I was able to shout but he warned me that he is going to kill me.

Q When he stated that he was going to kill you, what was in his possession?

A A bolo.

Q I am showing to you a bolo wrapped in a coupon bond, 23½ inches labelled 'People of the Philippines versus Agustin Fortes November 26, 1983.' What is the relation of this bolo to the bolo that was used?

A This is the bolo that was used.

x x x

Q Now, how was this bolo being used in your body?

A He was trying to thrust it below my neck.

Q With what hand was the accused using this?

A Left.

Q When you say it was being poked in your body, which part of the bolo?

A The sharp end.

Q On what part of your body was it being poked?

A On my neck.

x x x

Q Now, you said you were sexually abused by Agustin Fortes, how was this sexual abuse made in (sic) your body?

A By holding my hands and laying me down on the floor and he lied (sic) down on top of me ... and then he performed the sexual intercourse.

Q When you said 'ikiti' (sexual intercourse), my question is, did the penis of the accused penetrate your vagina?

A Yes sir.

Q And while he was on that act of sexual intercourse with his penis inside your vagina, what happened then?

A I felt pain. And my vagina started bleeding.

Q And what happened next?

A And then I cried and I remembered that if only my father is there I will ask him to kill the accused.

Q Did your father arrive?

A Yes sir and Agustin Fortes jumped out of the window."[34]

The jumping of the appellant out of the window was witnessed by Merelyn's father whose testimony thereon was further bolstered during cross-examination:

"ATTY. ZULUETA:

x x x

Q When you returned to the hut of Leovegildo Garra, what happened?

A When I was about in a distance of (sic) three meters from the house of Leovgildo (sic) Garra, I called for my daughter. My first call, there was no answer, and on my second call, there was an answer 'po', then, suddenly, somebody jumped out of the window in the person of Agustin Fortes.

Q When you saw the alleged accused in this case jumped (sic) out of the window of the hut of Leovegildo Garra, what did you do?

A Instead of trying to run after Agustin Fortes, I felt apprehensive, and so, I went to the succor of my daughter which (sic) was speechless.

x x x

Q After you went to the house of Leovegildo Garra, what happened there?

A That (sic) my daughter was raped.

Q How come that you knew that your daughter was raped?

A Because my daughter herself told me."[35]

Agripino's daughter was in a sitting position and could hardly stand when he saw her.[36] He thus decided to report the incident to the police authorities immediately. Thus, both he and Merelyn proceeded to the police station where they were consequently interrogated. Thereafter, the appellant was apprehended.[37]

From Merelyn's testimony, it is evident that the appellant had carnal knowledge of her through force and

intimidation. He gagged her first with a t-shirt and then forced her into the sexual act by threatening to kill her with his bolo. Her testimony on this point was even further strengthened and enhanced when, during cross-examination, counsel for the appellant gambled on the fate of the latter by asking Merelyn to show how the rape was committed. Merelyn then demonstrated how the appellant gripped her hands and pointed the bolo to her neck.[38]

As to the alleged impossibility of the commission of the sexual act because of the fact that Merelyn's panty was not actually removed, the appellant seems to have forgotten that it was he, through the cross-examination of his lawyer, who elicited from Merelyn the declaration that his penis was inserted through a hole in the said panty. Thus:

"ATTY. ZULUETA:

x x x

Q You have said that the accused had forcefully made sexual intercourse with you. How come that (sic) the penis penetrated your vagina?

A When his right hand was holding my hands he unzipped his pants and put out his penis and inserted his penis to (sic) my vagina.

Q When the accused conducted sexual intercourse with you, do (sic) you have your panty?

A Yes sir. There is a hole in my panty where he inserted his penis to (sic) my vagina.

Q While the accused was having sexual intercourse with you, what happened next?

A My vagina was bleeding because it was very painful."[39]

Neither may the medical certificate (Exhibit "E") issued by Dr. Eddie Dorotan be of any help to the appellant. The said certificate does not, contrary to the latter's claim, prove that Merelyn did not have sexual intercourse because of the findings therein reported that there was no bleeding, the vagina admitted two (2) fingers and the vaginal fluid contained no spermatozoa. Again, the appellant conveniently forgot that Dr. Dorotan examined Merelyn only on 28 November 1983 at 9:45 o'clock in the morning,[40] or two (2) days after the incident. By that time, the bleeding, which had taken place earlier, may no longer have been noticeable and the spermatozoa may no longer have been present. It is settled that the absence of spermatozoa does not disprove the consummation of rape. The important consideration is not the emission of semen, but the penetration by the male organ.[41] It must likewise be emphasized that Dr. Tito Garrido of the District Hospital of Irosin, the physician who examined Merelyn in the afternoon of 26 November 1983, did not issue a medical certificate, although he promised to deliver one to Matnog. It has been shown that Dr. Garrido reneged on this pledge. Furthermore, during trial, complainant's father claimed that he had later learned that Dr. Garrido is related to the appellant.[42] This assertion was not even rebutted by the defense.

Moving on, this Court is not persuaded by the appellant's contention that if Merelyn had in fact been raped, then either she or her father should have first informed the barangay captain about the incident. Suffice it to say, reporting the commission of a crime to a barangay captain is not a prerequisite for the formal institution of criminal charges. Even under P.D. No. 1508, the governing law then, rape was not among the crimes which required referral to the Barangay Lupon for the purpose of seeking an amicable settlement. As a matter of fact, it was among those excepted from such a referral considering that the penalty imposable is more than thirty (30) days imprisonment.[43] If the complainant and her father seemed to have "by-passed" the barangay captain and instead reported the incident directly to the police, it is quite obvious that they wanted immediate action to ensure

the appellant's arrest and forestall any possible escape on his part.

Finally, the appellant's contention that the trial court erroneously characterized his defense as one of alibi, is without any basis. The trial court actually characterized the appellant's defense as one of "alibi and absolute denial." [44] Besides, the "alibi" aspect thereof is not entirely inaccurate for in fact, as shown by his own story, the appellant went back to the ricefield to retrieve his bottle of drinking water before returning to the nipa hut at around 12:00 o'clock noon. In effect, he suggested that he was not at the scene of the crime at the time the sexual assault was committed.

All told, We have in this case a 13-year old barrio lass who: immediately revealed the commission of the heinous crime to her father just as the appellant consummated the act and jumped out of the window to escape; forthwith reported it to the police authorities who, after having heard her story, apprehended the appellant; thereafter, in the afternoon of the same day, voluntarily submitted to a medical examination of her private parts; submitted again to a second medical examination of her private parts on 28 November 1983; underwent the ordeal of a public trial; and, upon demand by the appellant's counsel, even demonstrated -- as part of the cross-examination -- how she was raped. We need no further evidence to convince Us that indeed, the complainant was raped by the appellant. We have repeatedly held that when a woman admits that she has been raped, she says in effect all that is necessary to show that rape had been committed. A complainant would not make public the offense, undergo the troubles and humiliation of public trial and endure the ordeal of testifying to all the gory details if she had not in fact been raped, for no decent Filipina would publicly admit that she has been raped unless it is the truth. [45]

Moreover, the appellant has not shown that the complainant and her father were actuated by any ulterior motives which could have induced them to falsely implicate him in the commission of the crime. It is settled that when there is no evidence to show any improper motive on the part of the prosecution witnesses to testify falsely against an accused, the logical conclusion is that no such improper motive existed, and their testimonies are worthy of full faith and credit. [46] Indeed, if accused had really nothing to do with the crime, it is against the natural order of events and of human nature and against the presumption of good faith that the prosecution witness would falsely testify against the former. [47]

We thus affirm the decision appealed from except as to the matter of the indemnity, which is hereby increased from P20,000.00 to P40,000.00 pursuant to the current policy of the Court.

WHEREFORE, judgment is hereby rendered:

- 1) In G.R. No. 90643, AFFIRMING the appealed Decision in Criminal Case No. 219 of Branch 55 of the Regional Trial Court, Fifth Judicial Region, at Irosin, Sorsogon, with the modification of the indemnity which is increased from P20,000.00 to P40,000.00; and
- 2) In G.R. No. 91155, DENYING, for lack of merit, the petition.

Costs against appellant Agustin Fortes y Garra in both cases.

SO ORDERED.

Feliciano, (Chairman), Bidin, Romero, and Melo, JJ., concur.

[1] Original Records (OR), 222-226.

[2] Id., 1.

[3] Per Judge Manuel G. Gogola.

[4] OR, Crim. Case No. 219, 1.

[5] Id., 20.

[6] Id., 24.

[7] Id., 32.

[8] Id., 56.

[9] OR, 58.

[10] Id., 65.

[11] Id., 202.

[12] OR, 222-226. Per Judge Senecio O. Ortile. The decision is dated 18 November 1988.

[13] Id., 226.

[14] Id., 227.

[15] Id., 228.

[16] Id., 236.

[17] Id., 238.

[18] OR, 242.

[19] Id., 239.

[20] Id., 241.

[21] Rollo, G.R. No. 91155, 29.

[22] Id., 30.

[23] Said Section 13 reads:

"All persons, except those charged with offenses punishable by reclusion perpetua when evidence of guilt is strong, shall, before conviction, be bailable by sufficient sureties, or be released on recognizance as may be provided by law. The right to bail shall not be impaired even when the privilege of the writ of habeas corpus is suspended. Excessive bail shall not be required."

[24] Said Section 3 provides:

"All persons in custody shall, before final conviction, be entitled to bail as a matter of right, except those charged with a capital offense or an offense which, under the law at the time of its commission and at the time of the application for bail, is punishable by reclusion perpetua, when evidence of guilt is strong."

[25] People vs. Donato, 198 SCRA 130, 144-145 [1991], citations of authorities are omitted.

[26] G.R. No. 92560. See Administrative Circular No. 2-92 issued by the Chief Justice on 20 January 1992.

[27] OR, 222-224; Rollo, G.R. No. 90643, 20-22; 50-52.

[28] Brief for the Appellant, 2-3; Rollo, 30-31.

[29] OR, 224-225.

[30] Rollo, G.R. No. 90643, 29.

[31] *Id.*, 43.

[32] TSN, 16 September 1986, 4.

[33] Rollo, 45.

[34] TSN, 26 June 1985, 3-7.

[35] TSN, 8 October 1985, 6-8.

[36] TSN, 8 October 1985, 9.

[37] *Id.*, 9-12.

[38] TSN, 26 June 1985, 12.

[39] TSN, 26 June 1985, 12.

[40] TSN, 16 September 1986, 3.

[41] *People vs. Jose*, 37 SCRA 450 [1971]; *People vs. Carandang*, 52 SCRA 259 [1973]; *People vs. Banayo*, 195 SCRA 543 [1991].

[42] TSN, 8 October 1985, 13-14.

[43] Section 2, P.D. No. 1508. This law has been incorporated, with amendments, into Chapter 7, Title One, Book III, R.A. No. 7160, otherwise known as the Local Government Code of 1991. Under Section 408 of said Code, offenses punishable by imprisonment exceeding one (1) year or a fine exceeding P5,000.00 are excepted from referral to the Lupon. Hence, rape is still excluded from the required referral.

[44] OR, 224; Rollo, 22.

[45] *People vs. Tismo*, 204 SCRA 535 [1991]; *People vs. Grefiel*, G.R. No. 77228, 13 November 1992 and the cases cited therein.

[46] *People vs. Mercado*, 38 SCRA 168 [1971]; *People vs. Cabiling*, 74 SCRA 285 [1976]; *People vs. Belibet*, 199 SCRA 587 [1991].

[47] *People vs. Balili*, 92 SCRA 552 [1979].

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