

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. CAMILO MANUEL, ACCUSED-APPELLANT.*G.R. No. 92503. July 08, 1991*

Ponente: REGALADO, J.

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In rape cases, conflicting versions of the complainant and the accused are inevitable and are to be expected. The judicial task is to unravel the skeins of dissonance in their respective testimonies and on which matter the factual findings of the trial court are of invaluable help. In the case at bar, we have gone further by carefully scrutinizing the records and the transcripts of testimonies since it is as much our responsibility and concern to, in a manner of speaking, sift the apocryphal chaff from the veridical grain. After all, while complainant cries for justice, the accused enjoys the presumption of innocence.

This case is on appeal from the decision of the Regional Trial Court, Cabarroguis, Quirino, Branch 31,[1] convicting accused-appellant Camilo Manuel of raping a 15-year old girl and sentencing him to suffer the penalty of reclusion perpetua with the accessories provided by law, to indemnify the victim in the amount of P20,000.00 by way of moral damages, and to pay the costs.

The prosecution evidence as presented by the Solicitor General, with the corresponding documentation, is as follows:

"At the early dawn of November 28, 1987, complainant Dolores Biag, a 15-year old and single college student, along with seven (7) other persons, were hiking home to Pinaripad, Aglipay, Quirino (pp.2-4, 15, 16-17, tsn, October 12, 1988; pp. 4-5, 13, tsn, May 9, 1989). They came from sitio Dalemдем, Pinaripad, Aglipay, Quirino where they attended a birthday party of one of their friends (p. 4, tsn, October 12, 1988; p. 304, tsn, May 9, 1989).

"After their other companions were already in their respective houses, appellant Camilo Manuel, who was behind the complainant and Benita Cabigat, suddenly grabbed complainant's hand, twisted it at her back, covered her mouth with his hand and dragged her to a waiting shed (pp. 6-7, 22-23, 25, 26, 27, 28-29, tsn, October 12, 1988). At this juncture, Benita Cabigat ran away (p. 23, 24, tsn, *ibid.*).

"At the waiting shed, appellant made his sexual advances (pp. 7-8, 28, tsn, *ibid.*). Initially, complainant resisted (pp. 6-8, 28, 29, 30, 31, tsn, Oct. 12, 1988; p. 9, tsn, Dec. 12, 1988). But appellant boxed her twice which rendered her unconscious (pp. 8, 31, tsn, Oct. 12, 1988; p. 9, tsn, Dec. 12, 1988; p. 16, tsn, Jan. 9, 1989). Thus, appellant succeeded in ravishing and deflowering her (p. 8, tsn, Oct. 12, 1988; p. 7, tsn, June 26, 1989).

"After she regained consciousness, appellant was no longer there and she was writhing in pain (p. 8, tsn, Oct. 12, 1988; p. 14, tsn, Dec. 12, 1988; p. 8, tsn, June 26, 1989). Her clothes were torn (pp. 11-13, tsn, Oct. 12, 1988; p. 4, tsn, Jan. 9, 1989). Then she cried (p. 9, tsn, Oct. 12, 1988; 9-10, tsn, Dec. 12, 1988).

"Hearing her cries, Benita Cabigat came to her succor (p. 9, tsn, Oct. 12, 1988; pp. 12-13, tsn, Dec. 12, 1988; p. 8, tsn, May 9, 1989; pp. 8-9, tsn, June 26, 1989). Cabigat brought complainant to the house of Cabigat's

sister (pp. 10, 12, tsn, Dec. 12, 1988; pp. 11-12, tsn, Jan. 9, 1989; pp. 9, 20, 22, tsn, May 9, 1989). When asked why complainant was crying, she did not answer (pp. 8-9, 20-21, tsn, May 9, 1989). Cabigat then accompanied her home (p. 9, tsn, Oct. 12, 1988; pp. 10, 21, tsn, May 9, 1989).

"Upon reaching their house, complainant revealed everything to her parents, that her honor and reputation could no longer be redeemed (p. 9, tsn, Oct. 12, 1988; pp. 4, 10, tsn, Dec. 12, 1988; pp. 3-4, tsn, Jan. 9, 1989). Her mother immediately reported the incident to their Barangay Captain who happens to be the uncle of appellant (pp. 4, 11, tsn, Dec. 12, 1988; pp. 4-5, 7, tsn, Jan. 9, 1989; pp. 2, 3, 7, tsn, May 8, 1989). Appellant's parents, their daughter-in-law and brother went to complainant's house to settle amicably the case. Appellant would marry complainant (pp. 4-5, 6, tsn, Dec. 12, 1988; p. 7, tsn, Jan. 9, 1989; pp. 4-6, 9-10, 13, tsn, May 8, 1989; pp. 4, 21, tsn, Sept. 4, 1989).

"Complainant, however, refused to marry appellant (p. 6, tsn, Dec. 12, 1988; pp. 7-8, tsn, Jan. 9, 1989; pp. 10-11, tsn, May 9, 1989). On November 30, 1989, she together with her mother and brother went to the Integrated National Police of Aglipay, Quirino and formally filed her complaint against appellant (pp. 9-10, tsn, Oct. 12, 1989; pp. 9-10, tsn, Jan. 9, 1989).

"The Medico Legal Examination of complainant conducted by the Aglipay District Hospital, Aglipay, Quirino on November 30, 1989 at 2 p.m. shows the following findings:

'EXTERNAL EXAMINATION:

- Nape - kissmark
- Neck - kissmark left side
- Chest - kissmark clavicular area left.
- Abdomen - linear abrasion with slight hematoma
- External genitalia:
 - a. Labia majora left inflamed (sic)
 - b. Perineum right reddish

INTERNAL EXAMINATION:

- Vagina inflamed (sic)
- Hymenal laceration at 1 o'clock 10 o'clock slight hematoma at 1 o'clock
- Mucoid discharge, brownish color

VAGINA SMEAR:

- Negative for sperm cells'

(pp. 4-5, Appellant's Brief; pp. 3--9, tsn, March 8, 1989)." [2]

In his defense, appellant makes the following submissions which, for parity of presentation and comparative evaluation, we likewise reproduce at length:

"The evidence of the defense consist of the testimonies of Nolasco Manuel (barangay captain of Pinaripad, Aglipay, Quirino at the time of the incident and brother of defendant-appellant's father), Benita Cabigat--Daquioag (who was listed as a prosecution witness, wife of the cousin of the defendant-appellant), Camilo Manuel (defendant-appellant), and Adelaida Basa Manuel (sister-in-law of defendant-appellant). From

the testimonies of the defense witnesses, the following facts were established: that Camilo Manuel is the neighbor of the complainant; that they attended the same school when they were in high school; that they were sweethearts since 1986; that complainant used to go to the house of defendant-appellant to watch television shows, during which times she used to talk to the accused in the veranda (porch) of the latter's house prior to November 28, 1987, and she attended prayers (padasal) in the house of the defendant-appellant; that accused sent love letters to the complainant; that on the night of November 27, 1987, complainant and defendant-appellant, together with other companions attended a dance party at Dalemдем, Aglipay, Quirino and left the place and went home to Pinaripad at about 12:00 o'clock midnight by hiking; that on their way home, he and the complainant held each other's shoulders until they reached the yard of complainant where they talked while Benita Cabigat proceeded to their house; that complainant did not enter their house, but instead invited the defendant-appellant to the waiting shed nearby in order that they could talk; that while in the waiting shed, complainant asked the defendant-appellant while (sic) the latter did not honor her invitation to visit her in their house to which defendant-appellant answered that he was already studying in Bayombong, Nueva Vizcaya that's why he could not have visited her; that after their short conversation, they kissed and embraced each other and when the complainant laid down, the defendant-appellant continued romancing her while complainant removed her panty, defendant-appellant went on top of her and they had sexual intercourse for about twenty-minutes; that after their sexual intercourse, complainant asked defendant-appellant to talk to her parents in order to arrange their marriage, but defendant-appellant told complainant that he could not marry her yet because he was still studying, that was the time when complainant asked the defendant-appellant to just leave her and go home which he did; that at about 2:00 o'clock dawn of that same day, Mrs. Leoncia Biag, mother of complainant, went to the barangay captain of Pinaripad, Aglipay, Quirino in the person of Nolasco Manuel, uncle of defendant-appellant and father of the wife of Mrs. Leoncia Biag's nephew, and sought his assistance because her daughter was abused by defendant-appellant; that barangay captain Nolasco Manuel followed to (sic) the house of Mrs. Leoncia Biag where she talked to the complainant who told her that she was kissed by defendant-appellant and when she asked her again, she said that was all that transpired; that after interrogating the complainant, the barangay captain advised the parents of complainant to settle the matter because they are related so Mrs. Leoncia Biag told the barangay captain to call for the parents of the defendant-appellant so that they could talk; that the barangay captain went to the house of defendant-appellant and told to (sic) the father of the defendant-appellant about the request of Mrs. Leoncia-Biag; that when asked by the barangay captain what happened, defendant-appellant admitted that he had sexual intercourse with the complainant and when asked if he is willing to marry the complainant, he said he was willing because she is his sweetheart so his parents willingly acceded that defendant-appellant marry the complainant; that about 4:00 o'clock of the same dawn, the barangay captain, Mrs. Adelaida Base Manuel (sister-in-law) of defendant-appellant who was then living in (sic) the same roof with the latter, and her husband went to the house of complainant and Mrs. Adelaida Basa Manuel asked the complainant, in the presence of Mrs. Leoncia Biag, what really transpired between her and defendant-appellant, to which the complainant answered that she was kissed and embraced by the defendant-appellant, and when asked if she wanted to have the defendant-appellant marry her, complainant answered in the affirmative provided she will not encounter hardship in his company; that when Mrs. Adelaida Basa Manuel heard complainant's answers, she (Mrs. Adelaida Manuel) informed complainant's father, together with the barangay captain and her husband, about the decision of complainant, but soon thereafter complainant's mother joined them and informed them that complainant is no longer willing to marry the defendant-appellant, hence Mrs. Adelaida Manuel, her husband and the barangay captain asked permission to go home in the meantime while they (complainant's family) will have to think it over; that after Mrs. Adelaida Manuel, her husband, and the barangay captain left the complainant's house, defendant-appellant's father and the barangay captain again went to talk to the complainant's family whence Mrs. Leoncia Biag informed them that her daughter did not like to marry the defendant-appellant but she proposed to settle the matter for P1,000.00 provided the defendant-appellant will not do it again; that because they had only P500.00, the barangay captain offered said amount which was agreed to by complainant's family; that the delivery of the amount was scheduled but it was not carried through because they (complainant's family) lost their temper until they filed the instant case; that when

defendant-appellant's family went to the house of complainant, their purpose was to talk about the marriage between complainant and the defendant-appellant; that defendant-appellant did not go with them because he was anyway willing to marry the complainant;

"Defendant-appellant did not offer any documentary evidence, and the prosecution did not offer any rebuttal evidence also." [3]

After appraising the contrariant evidence presented by the parties the court a quo found the version of appellant to be highly improbable. It believed that the evidence of record yields sufficient proof of the commission of the crime of rape by appellant, hence it rendered the judgment of conviction stated at the outset of his decision. Appellant, however, contends that he was erroneously convicted as the evidence does not substantiate his guilt beyond peradventure of a doubt.

We find no cogent reason to disturb the findings of the trial court. The general rule is that the findings of the judge who tried the case and heard the witnesses are not to be disturbed on appeal.[4] Moreover, it is a well-established principle that conclusions as to credibility in rape cases lie heavily on the trial court.[5]

Thus, the Supreme Court is enjoined from casually modifying or rejecting the trial court's factual findings. Such factual findings, particularly the trial judge's assessment of the credibility of the testimony of the witnesses, are accorded great respect on appeal for the trial judge enjoys the advantage of directly and at first hand observing and examining the testimonial and other proofs as they are presented at the trial and he is, therefore, better situated to form accurate impressions and conclusions on the basis thereof.[6]

On the other hand, we are constantly aware that while rape is a most detestable crime, and ought to be severely and impartially punished, it is an accusation easy to be made, hard to be proved but harder to be defended by the party accused, though innocent. As is usually the case, the testimony of the complainant would be the only evidence presented by the prosecution on how the alleged rape was perpetrated, and the same should be regarded with utmost caution and the person charged with the offense should not be convicted unless the complainant's testimony is impeccable and rings true throughout.[7]

We are gratified to note, however, that the trial court arrived at its conclusion from considerations anchored on human experience and recognized in law and jurisprudence, as herein under synthesized.

Thus, it emphasized that the testimony of a barrio lass on how she was deflowered is no trivial matter considering the inbred modesty and antipathy of a Filipino woman to air in public things that affect her honor, hence it is hard to conceive that complainant would admit the ignominy she had undergone if this were not true.[8]

We agree with its disquisition that a young girl like the complainant would not file, fabricate or concoct the rape charge in the present case. We approve its reliance on *People vs. Balane, et al.*[9] where we said that it is hard to believe that an artless and guileless barrio girl, a mere teenager, would publicly disclose that she had been raped and thereby foreclose the probability of a blissful married life and, instead, expose herself to the ordeal and embarrassment of public trial, subject her private parts to examination, allow her honor to be sullied, and heap upon herself untold humiliation unless she is honestly motivated by a strong desire to bring to justice the culprit who had grievously wronged her.

It noted that the medical report conclusively shows the absence of any indication that the complainant had known any other man, as interpreted by the examining physician, Dr. Era L. Patac, thus lending more credibility to the fact that complainant was indeed sexually abused by appellant.

It pointed out that the offer of appellant's family to simply settle the case constitutes an implied admission of guilt, the rule being that "(i)n criminal cases, except those involving quasi-offenses (criminal negligence) or those

allowed by law to be compromised, an offer of compromise by the accused may be received in evidence as an implied admission of guilt.”[10]

As it also aptly observed, the propositions or insinuations of marriage were all rejected by complainant, which acts reinforce her credibility and resolute desire to bring to the bar of justice the man who had ruined her life and shattered her future.

In *People vs. Manzano*,[11] we held that the attempt of the parents of the accused to settle the case with the complainant was considered an implied admission of guilt. We have further ruled that an offer of marriage by the accused, during the investigation of the rape case, is also an admission of guilt.[12]

On the other hand, while appellant claims that he and the complainant were sweethearts, he miserably failed to substantiate this allegation. He had never even actually visited the victim in her home prior to the rape, nor could he come up with any other proof of his alleged past romantic relations with the complainant.

In *People vs. Valdez*, supra, the Court definitely found a similar story of the appellant therein to be untrue on the ground that if the said appellant and complainant were really sweethearts, the latter would have readily accepted the former's proposal of marriage. Had there been love between the two, the girl would not have jeopardized their relationship by exposing everything to her mother and to the authorities, much less by filing a complaint for rape against him and publicly testifying therein.

On the foregoing premises and our own calibration of the evidence, we are convinced that the pretensions of appellant must be rejected and the case of the People should be sustained.

WHEREFORE, the judgment appealed from is hereby **AFFIRMED**, with the modification that the amount of the indemnity which accused-appellant should pay is hereby increased to thirty thousand pesos (P30,000.00) in accordance with the present decisional rule thereon.

SO ORDERED.

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

[1] Penned by Judge Carlos T. Aggabao.

[2] Brief for the Appellee, 2-6.

[3] Brief for Accused-Appellant, 6-11.

[4] *People vs. Dilao, et al.*, 100 SCRA 358 (1980); *People vs. Baduya*, 182 SCRA 57 (1990).

[5] *People vs. Partulan*, 156 SCRA 489 (1987).

[6] *People vs. Bravo*, 180 SCRA 694 (1989).

[7] *People vs. Del Pilar*, 164 SCRA 280 (1980).

[8] *People vs. Enclarinal*, 180 SCRA 106 (1990).

[9] 123 SCRA 614 (1983).

[10] Sec. 27, Rule 130, Rules of Court.

[11] 118 SCRA 705 (1982).

[12] People vs. Valdez, 150 SCRA 405 (1987).

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