

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. EDUARDO SORONIO Y GALUCAN, ACCUSED-APPELLANT.

G.R. No. 94362. December 10, 1991

Ponente: GRINO-AQUINO, J.

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GRINO-AQUINO, J.:

Eduardo Soronio y Galucan was found guilty of rape committed against Mary Grace Mabano, the 16-year-old classmate of his daughter, Annabelle, and was sentenced to suffer the penalty of reclusion perpetua and to pay the costs. The information in Criminal Case No. III?2254 of the Regional Trial Court of Lanao del Norte, Branch 3, Iligan City, reads as follows:

"That on or about January 7, 1989, in the City of Iligan, Philippines, and within the jurisdiction of this Honorable Court, the said accused, armed with a hunting knife, by means of violence, threats and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge of the undersigned and against her will.

"Contrary to and in violation of Article 335 of the Revised Penal Code." (p. 13, Rollo.)

The accused having appealed, we have carefully reviewed the records of the case and found two diametrically-opposed versions of the incident.

The prosecution's evidence shows that on January 7, 1989 at about 6:30 in the evening, the complainant went to the house of the accused which was only some fifteen meters away from her home in Kiwalan, Iligan City, to borrow a book from her classmate Annabelle, who is Soronio's daughter. When she arrived at the place, Soronio, pretending that his daughter was around, asked Grace to come in. As soon as Grace entered the door, he grabbed her and slammed the door shut. He covered her mouth with his left hand and pointing an eight-inch kitchen knife at the side of her neck, he warned her not to shout or he would kill her. While she trembled in shock and fear, Soronio quickly removed her panty as he pushed her down the floor. He removed his short pants and raised Mabano's skirt. While holding the knife against her neck, he succeeded in having coitus with her.

Having consummated the act, appellant stood up and repeated his warning to Grace that he would kill her and the rest of her family if she should tell on him. Grace ran home crying. Her mother, noticing that she had been crying and that there was blood on her left leg, asked her what was wrong, but she remained silent.

The next day, Grace stayed home, sad and brooding. When her father arrived, he observed the sudden change in his daughter and compelled her to talk. Grace ran to the kitchen to get a knife and take her life, but her father was able to stop her in time. Upon further questioning, she broke down and poured out her story. She was brought to Dr. Alfonso Gaité II of the Iligan District Hospital, where she underwent a physical examination. Doctor Gaité found a "ruptured hymen but no laceration in her vagina, which was negative for sperm cells."

The version for the defense was that Grace went to Soronio's house at about 7:30 p.m. on January 7, 1989 to borrow P150 from the accused-appellant as directed by her mother. At that time, appellant's mother Kilita, his

daughter Annabelle, and a 78-year old neighbor, Fermin Guevarra, were allegedly in the house. The appellant is separated from his wife. The appellant allegedly gave Grace P90, which was all that he had at the time. Upon receiving that amount, Grace allegedly told him that she would wait for him in the vacant house in front of the Mabano home. He went to the designated place and found Grace there waiting for him and they had sex. He said that Grace was no longer a virgin.

Appellant claims that Grace consented to have sex with him. He even implied that he had paid her for the favor as shown by the absence of lacerations, scratches or abrasions on any part of the victim's body.

Appellant's contention deserves scant consideration.

For rape to be committed, it is not necessary that there must be marks of physical violence on the victim's body (*People vs. Feliciano*, 195 SCRA 19). Neither does absence of spermatozoa in the vagina or thereabouts negate the commission of rape (*People vs. Yambao*, 193 SCRA 571), because it is penetration, however slight, and not ejaculation, that constitutes rape (*People vs. Gerones*, 193 SCRA 263). Virginity or chastity of the victim is not an essential element of rape (*People vs. Banayo*, 195 SCRA 543; *People vs. Mercado*, 190 SCRA 452).

The force employed in rape need not be so great or of such character that it could not be repelled (*People vs. Mercado*, supra). Not all women react similarly when subjected to the same force or intimidation. Some fight back as trapped tigers in defense of their honor while others are cowed to obey from fear. There is no standard form of behavior when one is confronted by a shocking incident, as the workings of the mind under stress are unpredictable.

The complainant's behavior after the assault was wholly consistent with the charge of rape. She went home hurt and crying and was silent and brooding all evening. When her father compelled her to divulge what happened to her, she attempted suicide (pp. 16-20, TSN, March 9, 1989). All these show that her traumatic experience had devastated her. Her testimony was direct, clear and to the point.

Both elements of rape: (1) that the offender had carnal knowledge of the girl: and (2) that such act was accomplished through the use of force or intimidation - are present in this case.

The required quantum of proof beyond reasonable doubt to justify the verdict of guilt is present. Proof beyond reasonable doubt does not mean such a degree of proof as to exclude the possibility of error: only moral certainty is required (*People vs. Bacalzo*, 195 SCRA 557).

WHEREFORE, the appealed decision is affirmed with modification by ordering the appellant, Eduardo Soronio y Galucan to pay the rape victim, Mary Grace Mabano, damages in the sum of P30,000. Costs against the appellant.

SO ORDERED.

Narvasa, C.J., Cruz, Feliciano, and Medialdea, JJ., concur.

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