

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JESUS MANZANA, ACCUSED-APPELLANT.*G.R. No. 94363. November 17, 1995*

Ponente: MENDOZA, J.

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This is an appeal from the decision, dated April 23, 1990, of the Regional Trial Court, Branch 81, at Romblon, Romblon, finding the accused-appellant guilty of the crime of rape and sentencing him to a prison term of reclusion perpetua with the accessory penalties of the law, to indemnify Gina Reyes in the sum of P30,000, without subsidiary imprisonment in case of insolvency, and to pay the costs. The period of preventive imprisonment served, if any, was ordered credited in its full extent.

The rape was allegedly committed on November 12, 1986, in Barangay Agutay, Municipality of Magdiwang, Province of Romblon.

At the time of the incident, Gina Reyes was a little over 12 years old, having been born on June 12, 1974. She was left to the care of her grandmother when her parents had transferred to Leyte. After the death of her grandmother, Gina Reyes was forced to work as a house helper of one Gloria Mendoza.[1]

In May 1986, Gina came to live with the family of accused-appellant Jesus Manzana in Barangay Agutay, Municipality of Magdiwang, in Romblon Province. As narrated by accused-appellant during his direct examination,[2] complainant one day came to their house with accused-appellant's daughter Ana Rose and asked if she could stay with accused-appellant and his family. She allegedly told them that she was an orphan and that she had no relative with whom she could stay. Accused-appellant's wife corroborated his testimony.[3] Gina Reyes stayed with the family of accused-appellant, helping in the household chores.[4]

On November 12, 1986, at around 1:00 o'clock in the morning, while complainant Gina Reyes was sleeping in one of the rooms of the house, she was awakened by the presence of accused-appellant Jesus Manzana. She recognized accused-appellant because of his beard. He strangled her to prevent her from shouting. According to complainant, she tried to push the accused-appellant and scratch his face and stamp her feet on the floor but he proved to be too strong for her to resist. At that time, accused-appellant's wife was away, having gone to the poblacion of Magdiwang. She described accused-appellant as "a large fellow with a long hair." Accused-appellant pinned her down and succeeded in defiling her as she lost consciousness.[5]

As a result of the strangling, Gina had difficulty eating. More seriously, she had bleeding. The next day, after working in the cassava plantation of accused-appellant, she went to the sea and dipped her body in the water, but the bleeding continued. She, therefore, went home to take a bath.

She said that she had been threatened with death by accused-appellant if she told anyone about what had happened to her.[6] However, as she had continuous bleeding, she told accused-appellant's wife, Natalia, about it in the morning of November 12, when Natalia arrived from Magdiwang. The bleeding continued into the evening

of November 12, prompting Natalia Manzana to fetch a midwife, Naty Villanueva, from the neighboring Barangay Agsao. In the beginning, Villanueva dismissed the bleeding as simply the onset of Gina's menstruation. For this reason, she did not go with Natalia Manzana. But as Natalia found Gina still bleeding and in pain and vomiting when Natalia arrived home, Natalia went back to Barangay Agsao and fetched Villanueva. After seeing Gina's condition, Villanueva advised the Manzanas to take Gina to a doctor. Gina was therefore taken to the town of Magdiwang, but the doctor (Dr. Tanciongco) was in Manila. A midwife, Gloria Madrona, was called who gave Gina some medication. Gina was placed under dextrose.

The treatment was made in the house of Bienvenido Mayor. It appears that accused-appellant was the tenant of Bienvenido Mayor and the house in Barangay Agutay in which the Manzanas were living was his house. Complainant was kept in the house of Bienvenido Mayor in the poblacion for three days and later brought back home by accused-appellant's wife.

Four days after arriving in Agutay, Gina Reyes was taken by her relatives and brought to Barangay Ipil, where she stayed until December 8, 1986, when a cousin, Bienvenido Recto, and the latter's wife got her. They took her with them to the capital town of Romblon.

On December 9, Gina was taken to the Romblon District Hospital where she was examined by Dr. Graciano Marin. Dr. Marin issued a medico-legal certificate (Exh. B) which stated:

Speculum Examination:

No external lacerations noted.

With remnants of hymen noted-evident of old laceration.

Cervix, closed, no evidence of laceration.

On the same day, Gina Reyes filed a complaint for rape against accused-appellant. Explaining why she did not file her complaint earlier, complainant claimed she could not run away from the Manzanas because she was guarded by members of the family of accused-appellant. Although in the morning of the day (November 12, 1986) after she had been raped she was asked to help pull weeds in the cassava plantation, she could not escape because one of the children of the accused-appellant watched her and she was bleeding, with blood flowing down her legs. At the poblacion, in the house of Bienvenido Mayor, where she had been taken for treatment, she was not allowed to go out.

Complainant was able to let her uncle Rizal Mendoza know about her plight through a tricycle driver who happened to go to the house of accused-appellant Jesus Manzana.[7] That is how her relatives came to know where she was.

Dr. Carmen Leta P. Calsado, the chief of clinics of the Romblon District Hospital, testified in lieu of Dr. Marin who had left for the United States. She identified the medico-legal certificate (Exh. B) issued by Dr. Marin and explained that according to the entries, particularly the portion marked as Exh. B-1, the hymen had already been destroyed and signs of old laceration could be noted. She explained further that in the absence of infection, lacerations heal in about seven (7) days.[8]

Accused-appellant denied the accusation, calling it a lie. He claimed that on the night in question, complainant did not sleep alone in a bedroom but was with his four children, because the third bedroom in the house was kept locked and was used only by the owner, Bienvenido Mayor, whenever he was around; that he and his wife stayed in another room because it was not true that his wife had spent the night at the poblacion; that complainant's bleeding was the result of the onset of her menstrual period; and that the laceration in the hymen of the complainant could be due to the fact that Gina Reyes had previous sexual intercourse with Reynaldo Andres on

October 24, 1986.

The trial court found the prosecution evidence more credible and convicted accused-appellant. Hence this appeal.

Accused-appellant reiterates his claim below:

- That complainant Gina Reyes was bleeding and indisposed on November 12, 1986 by reason of the onset of her first menstrual period and this fact was never rebutted by the prosecution nor was there any evidence introduced to establish its claim that Gina Reyes had never menstruated yet.

- That Gina Reyes disappeared in the evening of October 26, 1986; that she divulged to appellant that she spent the night with a certain Reynaldo Andres. That this fact was never rebutted nor denied by the prosecution, thus rendering the findings of the much-delayed medico-legal examination conducted on the alleged rape victim open to grave doubts as to whether the subject's hymen laceration was actually incurred on an earlier date rather than on November 11, 1986.

- That there was improper motive on the part of the relatives of the complainant since accused-appellant received word that said relatives were willing to drop the charge against him in exchange for the amount of P15,000.00.[9]

We find the contentions to be without merit. A number of circumstances, culled from the testimonial and documentary evidence in the record, belie the claims of accused-appellant.

First. Gina Reyes was only 12 years and 5 months old on November 12, 1986, when the rape was committed. At that time she was not menstruating yet. For that matter, on October 28, 1987, when she testified, she was not menstruating even if she was then already 13 years of age.[10] As she told the trial court:

Q:

You were only twelve (12) years old at the time of the alleged incident, were you having your menstrual period at that time already?

A:

Not yet, sir.

Q:

What about presently, have you ever have (sic) any menstrual cycle already?

A:

Not yet.

Q:

Do you mean to tell this Court that you never had any menstrual (sic) since your birth up to the present?

A:

Yes, sir.

In fact accused-appellant and his wife must have sensed that the bleeding could not be due to the fact that Gina was menstruating, because, after Natalia had returned home on being reassured by the midwife, Naty Villanueva, that the bleeding was nothing but the onset of menstruation, she went back and fetched Villanueva. Villanueva herself changed her mind after seeing Gina Reyes having vaginal bleeding and vomiting as she advised accused-appellant and his wife to take Gina to a doctor. Accused-appellant's wife testified:[11]

Q:

And what did the midwife do, if she did any, when you reached the house?

A:

She told me that we brought (sic) Gina to a doctor because she still continued vomiting and cannot eat anymore.

For this reason Gina was later given dextrose.

The bleeding was not simply due to the onset of menstruation, and the Manzanans knew this to be the fact.

Second. Accused-appellant claims that complainant had previous sexual relation with Reynaldo Andres, thus "rendering the findings of the much-delayed medico-legal examination . . . open to grave doubts as to whether the subject's hymen laceration was (not) actually incurred on an earlier date rather than on the supposed November 11, 1986." [12]

The defense was not really able to establish the fact that complainant had spent a night with another man. The evidence presented by it was contradictory. Thus, accused-appellant testified that on October 24, 1986, Gina Reyes did not sleep in their house and that when he asked her the following morning where she had been, she allegedly confessed she had spent the time with Reynaldo Andres. [13] This is inconsistent with the statement in accused-appellant's brief that Gina Reyes did not come home on October 26, 1986 [14] and with the affidavit (Exh. C) of his witness, Naty Villanueva, to the effect that she had been told by Gina Reyes on November 12, 1986 that she had been abducted by Reynaldo Andres on October 21, 1986. Villanueva's affidavit, dated December 27, 1987, stated:

(1)

That sometime on the night of November 12, 1986 a certain GINA REYES was attended by me in the residence of spouses Jesus Manzana in Barangay Agutay, Magdiwang, Romblon;

(2)

That on the above stated date this GINA REYES in the course of our conversation confided to me that she was having her menstrual period and was vomiting at that time. I asked her whether/if she had intercourse with a man and she answered positively and;

(3)

That on the night (of) October 21, 1986 said GINA REYES also confided to me that a certain person by the name of REYNALDO ANDRES of Barangay Agutay, Magdiwang, Romblon against her will forcibly abducted her and that she was brought to a nearby "tapahan". As to what happened during that night she did not anymore reveal to me but further states that she slept there and went home the following morning.

Not only are there inconsistencies as to the date of the supposed dalliance with another man, it is not clear whether complainant had been abducted and raped or had been seduced. More importantly, when Villanueva was questioned regarding her affidavit, she denied that complainant had ever told her that she (complainant) had sexual intercourse with Reynaldo Andres. Villanueva testified:

Q:

Your statement, therefore, that you asked (whether) Gina Reyes had sexual intercourse with a man and you were answered that she had previous sexual intercourse is not true?

xxx xxx xxx

A:

She did not tell me that she had sexual intercourse with a man.

xxx xxx xxx

Q:

So the truth is, Gina did not tell you at all that she had previous sexual intercourse with a man?

A:

No, she did not.[15]

Thus, that old lacerations were noted in the medico-legal certificate[16] does not mean that Gina Reyes had previous sexual intercourse with another man but only that the rape had been committed more than seven days before she was examined. As Dr. Calsado explained, in the absence of infection, lacerations normally take from six to seven days to heal.[17] Since the rape was committed on November 12, 1986 while the speculum examination was conducted only on December 9, 1986, or 27 days later, it is entirely possible that the lacerations caused by the rape had by then healed.

Third. The defense further argues that the filing of the case against Jesus Manzana is nothing but a "face-saving devise on Gina Reyes' part, as the medical examination report showed that she had already been deflowered at such tender age." [18] But a medical examination was made on her only because she had decided to come out against accused-appellant. If she had an intercourse with another man before, she could just have kept it a secret and she would be none the worse for it. On the other hand if she had been defiled by another man, there was absolutely no reason for her to falsely charge accused-appellant. After all, accused-appellant had been her benefactor.

The defense claims that relatives of complainants were simply out to extort money from him. There is no proof, however, that a single relative of complainant ever asked money from him. In fact accused-appellant testified[19] that he had only been told by Bienvenido Mayor that complainant's relatives were willing to drop the charge against him in exchange for P15,000.00. As the trial court observed, "the alleged claim for P15,000.00 was not so much an expression of ulterior motive on the part of the complainant or anyone in her behalf in filing this case, regardless of its merit. Rather, it was, to the Court, because of the wrong done to her." [20]

Where there is nothing to indicate that a principal witness for the prosecution was actuated by improper motives, the presumption is that he was not so actuated and his testimony is entitled to full faith and credit.[21] We are satisfied from an examination of the record and the evidence in this case that accused-appellant committed rape against complainant Gina Reyes on November 12, 1986. No woman, especially one of tender age, would concoct a story of defloration, allow an examination of her private parts and expose herself to humiliation by being subjected to a public trial if she is not motivated solely by a desire to vindicate her honor. The crime was facilitated by the fact that accused-appellant's wife did not sleep in their house on November 11, 1986, having gone earlier to the poblacion of Magdiwang where she stayed until the morning of the next day, November 12, 1986.

The cause of the delay in reporting the incident in this case was shown to be primarily due to complainant's fear for her own life. Accused-appellant testified:

Q:

Since you went to bed alone in that room, were you awoken (sic) that evening?

A:

Yes, sir.

Q:

Why, what awakened you?

A:

I was awakened because Jesus Manzana entered the room, held my private part, held me and took off my panty, he turned me upright, took off my panty and inserted his penis into my vagina.

xxx xxx xxx

Q:

Why did you not shout?

A:

Because he strangled my neck.

xxx xxx xxx

Q:

What did he tell you, if any, when you threat (sic) him to report him?

A:

He told me that he will kill me.[22]

Complainant was only a little over 12 years of age at the time of the rape. She had no relatives around to protect her. The threat made to her could have engendered in her mind a well grounded fear that if she reported the matter to the authorities, something worse could happen to her. Given the circumstances under which the threat was made, even if her fear had been exaggerated, she cannot be faulted for keeping quiet until she was safe in the company of her relatives. As we have more than once noted, it is not uncommon for young girls to conceal for sometime the violation of their honor because of the threats on their lives.[23]

WHEREFORE, the decision appealed from is AFFIRMED in all respects. Costs against accused-appellant.

SO ORDERED.

Narvasa, C.J., Regalado and Puno, JJ., concur.
Francisco, J., on leave.

[1] TSN, p. 26, Oct. 28, 1987.

[2] TSN, pp. 6-7, August 30, 1989.

[3] TSN, pp. 4-5, June 15, 1989.

[4] TSN, pp. 11-12, October 28, 1987.

- [5] Id., pp. 3-5.
- [6] Id., p. 5.
- [7] Id., p. 20.
- [8] TSN, pp. 4-9, June 30, 1988.
- [9] Appellant's Brief, pp. 5-6.
- [10] TSN, pp. 10-11, October 28, 1987.
- [11] TSN, p. 10, June 15, 1989.
- [12] Appellant's Brief, pp. 5-6.
- [13] TSN, pp. 15-81, August 30, 1989.
- [14] Appellant's Brief, p. 5.
- [15] TSN, pp. 11-12, October 3, 1989.
- [16] Exhs. 3, 3-B, Original Records, p. 107.
- [17] TSN, p. 6, June 30, 1988.
- [18] Appellant's Brief, p. 6.
- [19] TSN, pp. 32-37, August 30, 1989.
- [20] Decision, p. 16, Rollo, p. 30.
- [21] People v. De Jesus, 145 SCRA 521 (1986); People v. Campana, 124 SCRA 271 (1983); People v. Guardo, 156 SCRA (1987).
- [22] TSN, pp. 4-5, October 28, 1987.
- [23] People v. Oydoc, 125 SCRA 250, 256 (1983); People v. Plaza, 242 SCRA 725 (1995); People v. Montefalcon, 243 SCRA 617 (1995); People v. Soan, 243 SCRA 627 (1995).

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