

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROLANDO RONCAL Y SIMON, DEFENDANT-APPELLANT.

G.R. No. 94705. May 06, 1997

Ponente: HERMOSISIMA, JR., J.

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HERMOSISIMA, JR., J.:

This is an appeal from the decision of the Regional Trial Court of Guagua, Pampanga, Branch 49, which found accused-appellant guilty beyond reasonable doubt of the crime of rape.

Accused-appellant Rolando Roncal was charged with the crime of rape in an information specifying the indictment as follows:

"That on or about the 13th of July, 1986, in barangay Sto. Nino, municipality of Guagua, Pampanga, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused ROLANDO RONCAL, by means of threats, violence and intimidation and by drugging one Coraline E. Reyes, with lewd design, did then and there willfully, unlawfully and feloniously have carnal knowledge with said Coraline E. Reyes against her will and consent.

All contrary to law."

The facts, as established by the Regional Trial Court, and which we hereby adopt, follow:

"The complainant [Coraline E. Reyes] is one of five children of a simple barrio couple from Maliwalu, Bacolor, this province. She reached up to the sixth grade in elementary school. She was barely seventeen years of age when she gained employment as a housemaid of the accused and his wife, Perla Roncal, who works at the Guagua District Hospital, on April 2, 1986. The Roncal couple resided in a house located in Cervantes Subdivision of this town. The house consists of a bedroom and a living room. Only the couple, their two year old baby daughter, and the complainant lived in the house.

On July 13, 1986, while the wife was away on duty in the hospital where she works, the complainant, after dinner, and after having done her chores, put the baby to sleep in the master bedroom at around 7:30 o'clock in the evening. She too, fell asleep. At about 8:30 o'clock, she was roused from her sleep by the accused who ordered her to take two tablets. The complainant refused to do as she was ordered but she was threatened with death by the accused who poked a bladed weapon at her neck if she did not do his bidding. She became scared and was forced to take the tablets. After taking the tablets, she felt very sleepy and went back to sleep. The sun was already up when she woke up the next morning. She found herself totally undressed. There was blood and a sticky substance in her vagina and her body ached all over. She realized what the accused had done to her and she started to cry. She hurriedly put on her dress and started to look for the accused. She found him in the terrace. She confronted him and asked him why he had sexual intercourse with her. He told her: 'You stop, if you will report the matter to anybody I will kill you.' Hearing the threat, she felt very weak. Thereafter, realizing her helplessness, she proceeded to do her chores in the house. She was unable to leave and was forced to stay in the house for ten more days because she was being guarded by the mother of the accused.

On July 23, 1986, accused and his wife had a quarrel and the wife poured hot cooking oil on the arm of the

complainant. That same afternoon, complainant left the house of the accused and went home crying. She told her mother that she did not want to return to the Roncals anymore. She did not, however, reveal to her mother what had happened to her. She was also afraid that if her father learned what accused had done to her, he might kill her. She could not and did not stay long in their house. After two days, she left their house and went to the house of her cousin Nenita Gozum in Guagua. She still could not bring herself to tell Nenita or anybody what was done to her by the accused. She was still overcome with fear by the threats of the accused.

Finally, on August 29, she intimated to Nenita Gozum that she was sexually abused by the accused. Nenita took it upon herself to inform complainant's mother about the matter and had the latter summoned. The Complainant, however, was not yet ready to face her mother or to tell her everything. Before her mother arrived in Guagua, therefore, she left for Malolos to the house of another cousin.

Complainant finally went home to Bacolor on September 3. Mother and daughter talked and the mother asked the complainant if what Nenita Gozum told her was true. But the complainant refused to answer and merely cried and cried. The mother insisted and kept on asking her but the complainant would not answer but kept on crying. Finally, in the evening of September 5, she gave in to her mother's constant and persistent questioning and told her that the accused had sexually abused her. The following day, they reported the matter to the barrio head, Rogelio Evaristo, and sought his help. Evaristo accompanied them to a hospital in San Fernando but they were referred to the Ricardo Rodriguez Memorial Hospital in Bacolor.

In the hospital, the complainant was examined by Dr. Remedios P. Ocampo on September 9. The examination by Dr. Ocampo showed the following findings:

'Hymen-old-healed laceration, 3-6-9'

She testified that the lacerations in the hymen of the complainant could have been caused when she was raped."

On May 10, 1990, the Regional Trial Court rendered judgment[1] finding Roncal guilty of rape, the dispositive portion of which reads:

"WHEREFORE, the Court hereby renders judgment finding the accused Rolando Roncal guilty of the crime of rape as charged and hereby sentences him to reclusion perpetua, to pay the complainant Coraline E. Reyes the amount of P20,000.00 as and by way of moral damages and the costs of suit."

Understandably aggrieved by the said decision, accused-appellant, by way of appeal, seeks his acquittal with the assignment of the following errors:

I. THE LOWER COURT ERRED IN CONVICTING THE ACCUSED EVEN WITHOUT CLEAR AND CONVINCING PROOF OF GUILT AND IN SPITE OF THE MATERIAL INCONSISTENCIES OF PROSECUTION EVIDENCE.II. THE LOWER COURT ERRED IN NOT UPHOLDING THE CONSTITUTIONAL PRESUMPTION OF INNOCENCE OF THE ACCUSED AND IN BASING CONVICTION MERELY BY DRAWING STRENGTH FROM THE WEAKNESS OF THE EVIDENCE FOR THE DEFENSE.

Accused-appellant vehemently denies the accusation and contends that the complainant, Coraline E. Reyes, exhibited an "intriguing and abnormal behavior"[2] since, despite having been allegedly sexually abused by him, she nonetheless remained in his employ and continued performing her household duties. He points out that there are inconsistencies in her testimony which cast reasonable doubt on his guilt. He claims that her delay in reporting the incident of rape to her family as well as to the authorities imply that the same is a mere fabrication.

We find these contentions totally bereft of merit.

Coraline gave testimony to the effect that the reason why she could not leave immediately after the incident was because the mother of the accused-appellant was continuously watching her and guarding her every move:

Q: You said a while ago that you stopped working as housemaid of Rolando Roncal on July 23, 1986 and according to you you were sexually abused on July 13, 1986. Will you please inform the Honorable Court why you stayed for at least ten (10) days from the time you were sexually abused by the accused in their house before leaving the Roncals?

A: Because I was being guarded by the mother of Rolando Roncal, sir.

Q: How was the mother of Rolando Roncal guarded [sic] you after you were sexually abused by Rolando Roncal on July 13, 1986?

A: She was always watching me especially when Rolando Roncal was out, sir."[3]

Cowed by the threats of the accused-appellant and having been under the watchful eye of appellant's mother, Coraline had no choice but to go on with her work and to act as if nothing untoward happened. That she continued to fulfill her household duties for ten more days does not prove that the outrage against her chastity was not committed. The threats of the accused-appellant that he would kill her persisted. It has often been said that different people react differently to a given type of situation, and there is no standard form of human behavioral response when one is confronted with a strange, startling or frightful experience.[4] One person's spontaneous or unthinking, or even instinctive, response to a horrid and repulsive stimulus may be aggression, while another person's reaction may be cold indifference.[5]

Coraline is a young, simple barrio lass who was barely able to finish grade school. Her failure to report the incident immediately does not discredit her credibility, her hesitation being attributable to the death threats made by Rolando Roncal. The natural reluctance of a young girl to admit in public her having been raped is understandable. It is not uncommon for young girls to conceal for some time the assault on their virtue because of the rapist's threat on their lives. Not every victim of a crime can be expected to act reasonably and conformably with the expectation of mankind. A young girl, unlike a mature woman, cannot be expected to have the courage and intelligence to immediately report a sexual assault committed against her especially when a death threat hangs over her head.[6] Dazed and confused, and unable to come to terms with what had happened to her, Coraline, simple and unsophisticated, did not know what to do on her own volition.

Accused-appellant would have us believe that the accusation against him was made by Coraline and her parents in retaliation for his having accused her of stealing P500.00 while in his employment. However, as pointed out by the trial court:

"The attempt of the defendant to theorize that the rape complaint was filed in retaliation against him for charging the complainant with stealing money is untenable. That theory is flawed by his own testimony when he declared that he did not press charges against the complainant because the money supposedly stolen had been recovered. There was, therefore, no need for filing the rape charge as a retaliatory move."[7]

The accused-appellant insists that the filing of the case against him was because of his refusal to be blackmailed into making a monetary settlement for the dropping of the case. We find this contention untenable and instead uphold the trial court when it found that:

"Even if the parents of the complainant did indeed make such a demand for the payment of a certain amount in consideration for the settlement of their rape complaint, that would not be inconsistent with a finding that the rape had in fact been committed by the accused. On the contrary, that would show to what lengths the parents of the victim would go to spare their daughter from the ordeal and agony of a public trial for rape - they would be willing to accept an unsatisfactory and insufficient settlement to let the accused go free and escape his just punishment. That would also be in keeping with a truly Filipino trait, which is specially true with rural folks, of

keeping from their neighbors something that happened to a member which would bring shame to the entire family." [8]

It is highly improbable for a barrio girl like Coraline, of tender age and definitely inexperienced in sexual matters, to fabricate a charge as serious as rape, when to do so would place herself and her family in a very compromising situation which could even invite reprisal. It is also hard to believe that a rape victim and her family would publicly disclose the incident and thus sully their honor and reputation in the community unless it is true. [9] Considering the inbred and the consequent revulsion of a Filipina against airing in public things that affect her honor, it is hard to conceive that complainant would reveal and admit the ignominy she had undergone if it was a mere fabrication. Besides, by publicly testifying, she made public a painful and humiliating secret which others would have simply kept to themselves forever because it would jeopardize her chances of marriage or foreclose the possibility of a blissful married life. Her husband may not fully understand the excruciatingly painful experience which would always haunt her. [10] As held in the case of *People vs. Dado*: [11]

"It simply would be unnatural for a young and innocent girl to concoct a story of defloration, allow an examination of her private parts, and thereafter subject herself to a public trial or ridicule if she has not, in fact, been a victim of rape and deeply motivated by a sincere desire to have the culprit apprehended and punished."

Anent the issue of inconsistencies in Coraline's testimony, well settled is the rule that inconsistencies and contradictions which are minor, trivial and inconsequential cannot impair, and, on the contrary, might yet serve to strengthen the credibility of the witness, they being badges of truth rather than indicia of falsehood. [12] A rapist should not expect the hapless object of his lechery to have the memory of an elephant and the cold precision of a mathematician. Total recall of an incident is not expected of a witness, especially if it is the victim herself who is on the witness stand. [13]

With regard to the accused-appellant's second assignment of error, we find no cogent reason to disturb the findings of the court a quo when it held that accused-appellant is guilty beyond reasonable doubt of raping the complainant. In arriving at such a conclusion, the trial court found that the "evidence has fully substantiated the material allegations in the information, and [it] is x x x fully convinced and does not entertain the least doubt that the accused is guilty of the crime charged." [14] Jurisprudence there exists to the effect that findings of fact made by the trial court, which had the opportunity to observe the demeanor of the witnesses and is in a better position to evaluate their testimonies, deserve the utmost respect. In convicting the accused-appellant, the court a quo found not only weakness in the defense of the accused, but evidence strong enough to overcome the constitutional presumption of innocence. Thus, when an alleged victim of rape says that she was violated, she says in effect all that is necessary to convict the accused so long as her testimony meets the test of credibility, [15] as in fact it did in the case at bench.

We find, however, that the amount of damages imposed by the lower court is insufficient considering the gravity of the offense. Therefore, consistent with jurisprudence, [16] accused-appellant is ordered to indemnify the victim, Coraline E. Reyes, in the amount of P50,000.00, in lieu of the total damages of P20,000.00 imposed by the trial court.

WHEREFORE, premises considered, the decision of the trial court is hereby **AFFIRMED**, subject to the modification that accused-appellant indemnify Coraline E. Reyes in the amount of P50,000.00.

Costs against the accused-appellant.

SO ORDERED.

Padilla, (Chairman), Bellosillo, Vitug, and Kapunan, JJ., concur.

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- [1] Penned by Judge Cesar P. Javier.
- [2] Brief for Accused-Appellant; Rollo, pp. 59-60.
- [3] TSN, pp. 15-16, July 28, 1987.
- [4] People vs. Villanueva, 254 SCRA 202 (1996).
- [5] People vs. Gecomo, 254 SCRA 82 (1996).
- [6] People vs. Soan, 243 SCRA 627 (1995).
- [7] Decision penned by Judge Cesar P. Javier, on May 10, 1990.
- [8] Ibid.
- [9] People vs. Namayan, 246 SCRA 646 (1995).
- [10] People vs. Gecomo, supra.

[11] 244 SCRA 655 (1995).

- [12] People vs. Laray, 253 SCRA 654 (1996).
- [13] People vs. Mandap, 244 SCRA 457 (1995).
- [14] Decision dated May 10, 1990, supra.
- [15] People vs. Sapurco, 245 SCRA 519 (1995).
- [16] People vs. Bandy, 222 SCRA 216 (1993); People vs. Joya, 227 SCRA 9 (1993); People vs. Sabellina, 238 SCRA 492 (1994); People vs. Dones, 254 SCRA 696 (1996).

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