

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JERRY REJANO, ACCUSED-APPELLANT.

G.R. Nos. 105669-70. October 18, 1994

Ponente: PUNO, J.

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PUNO, J.:

Appellant JERRY REJANO, convicted[1] for twice raping a girl not yet in her teens, turns to us for exculpation. His efforts are in vain.

On June 19, 1991, two separate criminal complaints were filed with the RTC of Malolos, Bulacan, against appellant by complainant MARISTELA F. SANTIAGO, assisted by her mother DIVINA SANTIAGO. He was accused of committing two rapes -- on August, 1990 and December, 1990 -- as follows:

"That sometime in the month of August (December), 1990, in the municipality of Hagonoy, province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused by means of force, violence and intimidation, wilfully, unlawfully and feloniously have (sic) carnal knowledge of the undersigned complainant, a twelve-year old, against her will and consent.

"Contrary to law."[2]

The resulting cases, docketed as Criminal Cases No. 1035-M-91 and 1036-M-91, were consolidated and raffled to Branch 11 of the trial court. Appellant was arraigned on August 16, 1991. He pleaded not guilty to both charges.

Five (5) witnesses[3] testified for the prosecution, four (4) for the defense.[4] The nine (9) are related to one another, and to other individuals mentioned in their testimonies. Appellant is the husband of complainant's cousin, defense witness Liza Rejano. She is the adopted daughter of Edilberto Santiago, who is the brother of complainant's late father.

Complainant, who was born on January 26, 1978,[5] testified as the prosecution's principal witness. She narrated that she was first raped one evening[6] in August, 1990, in a lonely, open field far from the town proper of San Pedro, Hagonoy, Bulacan. She was there to make her third harvest of small crabs or talangka for the day. Appellant, who was also namimintol or catching talangka, was the only other person in the field.[7]

When complainant finished gathering the last of the talangka caught in her baited bintols or bamboo-and-net devices, she approached appellant who had summoned her.[8] He grabbed her left arm and forcibly took off her garterized shorts and panty. Complainant vainly fought back by kicking at appellant. He, however, managed to push her to the ground, and used his free arm to pin down her legs.[9] She screamed for help, but only the trees in the field heard her. Nobody came to her rescue.[10]

Appellant then bestraddled complainant. She felt something round enter her vagina, causing her pain. "Aray," she screamed. Again, no one heard her.[11]

Complainant does not remember how long the sexual violation took place, but when it was over, she felt very

weak. Soon after, appellant left. Complainant stood up, put on her shorts, and went home, leaving her harvest of talangka in the field to die.[12]

When complainant arrived at their house, she did not rouse her mother, Divina, who was already deep in slumber. As she lay down beside her two sisters to sleep, complainant resolved not to tell her mother about what appellant had done to her.[13]

Early the next morning, appellant called to complainant who stood by the kitchen sink, washing her face. He was in his house, which is only a few meters from hers. He threatened her against telling anyone about what occurred the night before. "Ine, huwag kang magsusumbong, kung hindi, bubugbugin kita at papatayin," he warned her.[14] Complainant believed the threat, which appellant reiterated time and again afterwards.[15]

Months passed. Complainant's fear subsided.[16] Soon, it was December, 1990, and the Santiagos were preparing for the Centro harvest.[17] The night before the three-day harvest, complainant went to the house of her Auntie During Santiago. Appellant was also there. He told complainant that she could use his bicycle to go to the Centro the following day.[18]

Complainant took the offer to heart. The next day, she went to appellant's residence to get the bicycle.[19] She found him standing by the bottom of the three-rung staircase.[20] His wife and children were nowhere in sight.[21] Complainant remained outside the doorway. She saw the bicycle parked near the top of the stairs.[22]

Without warning, appellant grabbed complainant and dragged her into the house and up its stairs. Brandishing a "stainless beinte-nueve" with his right hand, he forcibly removed her shorts with his left, and made her lie on the floor.[23] He mounted and penetrated her. Complainant felt terrible pain in her stomach.[24] Still wielding the knife, appellant warned complainant not to shout.[25] She obeyed, and could only weep.[26]

After violently deflowering complainant, he allowed her to take his bicycle. She rode it to the Centro which is quite far from their house. She cried during the trip. When she got to the Centro, she joined her relatives in the harvest. She kept quiet about the rape, even when appellant arrived later that morning.[27] That night, however, appellant's wife, Liza, confronted her about the presence in the Rejano residence of a "white object which could only be the result of the doing of two persons," obviously referring to semen. Appellant broke the story to Liza who admonished her not to tell anyone about the incident.[28] By late January, 1991, her mother, Divina, learned about the rapes[29] and filed a complaint against appellant with the police authorities.[30]

On February 4, 1991, complainant underwent a physical examination conducted by Dr. Ronaldo B. Mendez, Medico-Legal Officer II of the Bulacan Integrated Provincial Health Office of the Department of Health. His findings are embodied in his report, as follows:

"CASE NO. G-08_____

"DATE: February 4, 1991

"MARISTELLA F. SANTIAGO, 13 years old, female, single, Filipino, residing at San Pedro, Hagonoy, Bulacan.

"DATE, TIME & PLACE OF EXAMINATION: February 4, 1991, 10:00 A.M., Bulacan Provincial Hospital, Malolos, Bulacan.

"ALLEGED DATE, TIME & PLACE OF COMMISSION: August 1990, 7:00 P.M. Farm in Hagonoy.

"ALLEGED CASE: RAPE

"REQUESTING PARTY: REYNALDO V. SANTOS

Police Officer II

Chief, Investigating Section

Hagonoy Police Station,

Hagonoy, Bulacan

"GENERAL SURVEY:

HEIGHT: 150 cm. WEIGHT: 43.5 kgs.

Fairly nourished, fairly developed, conscious, coherent, cooperative, ambulatory subject.

Breasts, developing, hemispherical. Areolae, light brown, 2.5 cm. in diameter. Nipples, light brown, protruding, .8 cm. in diameter.

"GENITAL EXAMINATIONS:

Pubic hair, no growth. Labia majora and labia minora, coaptated. Foruchette, lax. Vestibule, pinkish, smooth. Hymen, originally annular, moderately tall; moderately thick with a superficial laceration at 3:00 o'clock position. Edges are rounded and non-coaptable. Its orifice wide, admits a rube of 2.6 cm in diameter with moderate resistance. Vaginal walls, tight, rugosities, shallow.

"CONCLUSIONS:

1. No extragenital physical injuries noted on the body of the subject at the time of examination.
2. Old hymenal laceration, present.
3. Hymenal orifice, wide (2.6 cm in diameter) as to allow complete penetration of an average-sized Filipino male organ in full erection without producing any new hymenal injury."

(Exh. "E"; p. 44, Original Records)

Dr. Mendez testified that the laceration on complainant's genitalia is old and healed, which means it occurred at least four (4) months before the examination.[31]

Appellant mainly put forth the defense of denial and, with regards the first rape, alibi. Appellant, and his wife and sister testified that they were visiting his ailing father in Pinamalayan, Mindoro during the entire month of August, 1990. They were one in saying they left Hagonoy on July 24, 1990, and returned on September 1, 1990.[32]

After trial, the impugned Decision, dated March 30, 1992, was promulgated. Accused was convicted, viz.:

"WHEREFORE, this Court finds herein accused Jerry Rejano, GUILTY beyond reasonable doubt of two (2) counts of the crime of RAPE as charged and hereby sentences him to suffer imprisonment of RECLUSION PERPETUA on each count and to indemnify complainant in the amount of Forty Thousand (P40,000.00) Pesos. No pronouncement as to cost.

"SO ORDERED."

Appellant now urges -

"THE TRIAL COURT OVERLOOKED SOME MATERIAL FACTS AND/OR MISINTERPRETED CERTAIN PIECES OF EVIDENCE WHICH HAD THEY BEEN CONSIDERED IN THE PROPER LIGHT, IT (SIC) WOULD HAVE ACQUITTED ACCUSED-APPELLANT."[33]

In particular, he argues, viz.:

“I.

Judge Gabo, who rendered the decision of conviction was not the one who received the evidence. His only participation was to write the decision;

“II.

Doctor's testimony accords strong basis for accused (sic) acquittal;

“III.

Offended party's claim that she was abused by the accused in August, 1990 deserves scant consideration;

“IV.

Failure of complainant to do anything before, during and after alleged rape and her conduct immediately after the rape negate its commission. (People vs. Cerilo Flores, 125 SCRA 244);

“V.

Accused's defense of alibi, contrary to the lower court's holding, assumes significance.”[34]

We affirm the impugned decision.

Firstly, appellant takes exception to the finding of the trial court that:

"This Court finds no reason to doubt the credibility of the offended party. In her testimony, she came to lay out, in a clear and simple language, what had happened to her in the hands of the accused. She had been direct and straightforward in describing how the accused committed the crimes against her chastity xxx"[35]

for the reason that Judge Gabo, Jr., who penned the impugned Decision was not the one who heard the case. We find no merit in this argument.

Time and again, this Court has held that a decision is not rendered erroneous by the fact that it was penned by a judge other than the one who heard the evidence in the case.[36] In such instances, however, the well-settled general rule that the trial court's findings as to credibility of witnesses be given great weight should not be applied.[37] This is because, not having heard the testimonies himself, the judge is in no better position than the appellate courts to make such determinations.

After reviewing the entire records of the case at bench, we find ourselves in agreement with Judge Gabo, and accord the mark of credence to complainant's testimony. The transcript of her testimonies shows she was candid in answering the questions propounded to her. The story she presented is credible and consistent. Particularly impressive, to our minds, are the small details that pepper her testimony, as exemplified by the following portions of her cross-examination:

"xxx xxx xxx

"Court:

"Q How did you remember that it was in August (referring to the first rape)?

"A Because it was in the season of catching small crabs, Your Honor.

"Q Could it be also in June or July and not in August?

"A During those months, the small crabs are too small, Your Honor.

"Atty. Valmonte (defense counsel):

But are there crabs to be caught also in September?

"A Very few, sir. Only left-overs.

"xxx xxx xxx

"Atty. Valmonte:

"Q Why, where did you come from immediately before you went to the place where you were catching small crabs?

"A In our house, sir.

"Q I am puzzled because you could not tell when you were allegedly raped except by saying that it happened in the months of August and December. How did you fix the time at 6:30 when you left your house and you arrived there at 7:00 o'clock at the place where you were raped?

"A Because before I went to the field, I was listening to the drama over the radio and after the drama, I proceeded to the field, sir.

"Q What drama were you listening?

"A 'Sangdipang Langit,' sir and 'Emergency 166.'

"Q Was that the program which you were not able to finish when you went to the field?

"A They were both finished before I went to the field, sir.

"Court:

Over what station?

"A DZRH, Your Honor. From Monday to Saturday.

"Q From your house up to the place in the field where you started catching small crabs, could that be negotiated by 30 minutes?

"A Yes, sir, because it is very far from our house.

"Q Aside from Jerry Rejano, did you not see any other person when you arrived at that place?

"A None, sir.

"Q When you arrived at the place where you were catching crabs, you did not see Jerry Rejano?

"A No, sir. I did not see him at once, sir.

"Q For how long a time when you were there at the place when you saw Jerry Rejano?

"A Maybe I was already able to catch three bintols, sir.

"xxx xxx xxx

"Atty. Valmonte:

"Q These bintols you mentioned, were these already in the field when you went there?

"A Yes, sir.

"Court:

"Q When did you place those bintols?

"A Around 3:00 o'clock in the afternoon, Your Honor.

"Atty. Valmonte:

"Q How did you determine the time in the gathering of these bintols?

"A That is our practice, sir. To place the bintol then after 30 minutes, we go back to gather the crabs, sir.

"Q You placed the bintols according to you at 3:00 o'clock in the afternoon of that date and then you went there at 7:00 o'clock to gather?

"A I placed the bintols and I was able to gather twice before I went home, sir.

"Court:

"Q So this is the third time?

"A Yes, Your Honor.

"Q Were you able to gather small crabs during the first two harvests?

"A Yes, Your Honor.

"Q How many?

"A Almost one pail, Your Honor.

"Atty. Valmonte

"Q I would like to be clear on this point. When you went to the place where you were allegedly raped when you were in the field at about 7:00 o'clock in the evening, what you would like to tell the Court is to gather the third bintol?

"A Yes, sir.

"Q How many bintols did you place there?

"A 29, sir.

"Q You were able to get or collect your bintols when you were allegedly raped?

"A Yes, sir.

"Q So, on that occasion, only one bintol was removed by you?

"Atty. Ariñas (private prosecutor):

It is misleading, Your Honor. According to her, she was there to harvest the third bintol.

"Court:

"Q How many, out of the 29 bintols were you able to gather before you were raped?

"A I was able to gather all, Your Honor.

"Q How much small crabs were you able to gather?

"A Only few, Your Honor. About 2 kilos.

"Atty. Valmonte:

"Q Where did you place those two kilos which you were able to gather?

"A Inside the net, sir.

"Q I heard you say that the accused Jerry Rejano and you went to him while you were carrying the small crabs which you gathered (sic).

"A No, sir. I was already finished gathering the bintols. Before I approached Jerry Rejano, I put down the net at the last bintol.

"Q In other words, you left your harvest behind?

"A Yes, sir.

"Q And you did not go back to the place where you left your harvest after you were raped?

"A No, sir.

"Q And you never went back that same night or thereafter to get your harvest?

"A The following day, sir. In the afternoon, I returned. I got my bintols.

"Court:

"Q And what happened to your catch?

"A They all died, Your Honor."

"xxx xxx xxx"

(TSN of October 7, 1991, pp. 33-44)

"xxx xxx xxx"

"Atty. Valmonte:

"Q According to you, before the accused lent his bicycle to you, you were again abused. Where was he for the first time when you saw him in his house when you went there to borrow the bicycle?

"A He was in front of the stairway, sir.

"Q And out of his house?

"A Inside his house, sir.

"Court:

"Q How many floors is that house?

"A There are three steps, Your Honor.

"Q What part of the house did you go when you went to the house of Jerry Rejano?

"A Beside the door, Your Honor.

"Q You did not go up the house?

"A No, Your Honor, I did not go.

"Q Where was the bicycle at the time when you went at the house of Jerry Rejano?

"A It was upstairs, Your Honor.

"Q And Jerry Rejano called for you to give you the bicycle?

"A No, Your Honor.

"Q How did you happen to go up?

"A He dragged me upstairs, Your Honor.

"Atty. Valmonte:

"xxx xxx xxx

"Q And when you were dragged upstairs, according to you... I withdraw that. You mentioned that a knife was poked on you while you were being 'molested' or being abused. Did you see that the accused carrying that knife when he dragged you upstairs?

"A Not yet, sir.

"Q When for the first time that you saw the knife?

"A When we were already upstairs, sir.

"xxx xxx xxx

"Q When you first saw the knife, was it carried by the accused?

"A Yes, sir.

"Q What kind of knife was that?

"A It looks like a stainless beinte nueve, sir.

"Q And when did he put off that knife. When did he release that knife?

"A When he gave me the bicycle, sir.

"Q Where did he place that knife?

"A I did not know where he placed that knife, sir.

"Court:

"xxx xxx xxx

"Q After the incident, according to you, Jerry Rejano gave you the bicycle. Was that bicycle within the premises where you claimed you were abused?

"A The bicycle was located just near the stairways while we were a little bit far from that place, Your Honor.

"Atty. Valmonte

"Q In other words, the bicycle was at the ground?

"A No, sir. It was upstairs, beside the stairs at the last step, sir.

"Q And you accepted the bicycle from the accused when he gave that to you?

"A Yes, sir.

"xxx xxx xxx

"Q Who among those people there are your relatives whom you saw while doing the harvesting?

"A There were my Kuya Junior, Kuya Rudy as well as the helpers, Obet, Jerry and my Amang, sir.

"Q You mentioned of a Jerry. Is he the accused?

"A Yes, sir.

"Q Who arrived first at the place where the gapasin was made, Jerry or you?

"A I did, sir.

"Q But later on, you were joined by Jerry Rejano?

"A Yes, sir.

"xxx xxx xxx"

(TSN of October 11, 1991, pp. 9-14)

Certainly, the thirteen-year-old complainant cannot be considered sophisticated enough to falsely and maliciously attribute the crime of rape to her cousin-in-law, and to weave such an intricate and richly detailed story to support it. Moreover, as we held in the recent case of *People v. Guibao*, 217 SCRA 64 (1993):

"xxx It would be highly improbable for a barrio girl of tender age and definitely inexperienced in sexual matters to fabricate charges, for no reason at all, that will put herself and her family in a very compromising situation xxx.

"xxx xxx xxx

"xxx (N)o woman, especially of tender age, would concoct a story of defloration, allow an examination of her private parts, and thereafter pervert herself by being subjected to a public trial, if she was not motivated solely by the desire to have the culprit apprehended and punished."

In the present case, the defense failed to establish ill-motive on complainant's part that would have spurred her to accuse appellant as her rapist. The uncorroborated imputation that the whole rape scenario was concocted by complainant's mother, to make appellant and his wife pay for intriguing against her is utterly unbelievable. No mother would stoop that low as to subject her daughter to the physical hardships and shame concomitant to a rape prosecution just to assuage her own hurt feelings.

Secondly, appellant seeks refuge behind the results of the physical examination conducted on complainant. He argues that the medical findings show that complainant "could not have been raped in December, 1990." [38] He is wrong.

It is true that Dr. Mendez found a single "old healed laceration" on complainant's genitalia, which could not have been sustained less than four (4) months before the examination done on February, 1991. Nonetheless, it does not follow, as appellant propounds, that this fact negates the claimed December, 1990 rape.

It is well-settled that perfect penetration, rupture of the hymen or laceration of the vagina are not essential for the offense of consummated rape.[39] Mere penetration of the penis by the entry thereof into the labia majora of the female organ, even without rupture of the hymen, suffices to warrant a conviction for rape.[40] Furthermore, in the case at bench, it must be noted that the very physical examination report adverted to by appellant contains, inter alia, the following conclusion: "(h)ymenal orifice, wide xxx as to allow complete penetration of an average-sized Filipino male organ in full erection without producing any new hymenal injury (emphasis supplied). Thus, it is physically possible for complainant to have been raped in December, 1990 without incurring a new laceration in her genitalia. This was clearly testified to by Dr. Mendez, on cross-examination, thus:

"xxx xxx xxx

"Q When penetration of a male organ in full erection could be had without producing hymenal injury, could it be possible that the complainant had not only (one) sexual intercourse at the time of your examination?

"A Possible, sir.

"Q So, it is possible also that more than one could be had between the period of August and December?

"A Possible, sir.

"xxx xxx xxx"

(TSN of Sept. 27, 1991, p. 16)

Appellant's third submission is that:

"If complainant lied in claiming she was raped by the accused in December, 1990 as proven by the doctor's findings, she likewise lied, or it cannot be taken as solid basis without infringing accused's constitutional right to presumption of innocence, when she claimed that she was raped in August, 1990 (sic)."[41]

In light of our conclusion that Dr. Mendez's medical findings do not in any way negate the commission of the second alleged rape, this argument loses all persuasiveness.

Penultimately, appellant argues that complainant's charge is incredulous considering her actions before, during and after the alleged rapes. We are not convinced.

Regarding complainant's failure to immediately report the two instances of rape committed against her, we deem it fit to reiterate our holding in the case of *People v. Yambao*, 193 SCRA 571 (1991), that:

"xxx (T)he silence of the offended party in a case of rape, or her failure to disclose her defilement without loss of time to persons close to her and to report the matter to the authorities, does not perforce warrant the conclusion that she was not sexually molested and that her charges against the accused are all baseless, untrue and fabricated. Other relevant facts and circumstances must be considered to determine the veracity of the accusation. xxx Failure to report an incident immediately does not cast doubt on the credibility of the charge notwithstanding the fact that the delay is not in any way attributable to the threats of death and intimidation given by the accused to the victim. xxx"

In the case at bench, the complainant is a twelve-year-old barrio girl with only a Grade IV education. She cannot be expected to act with the courage and intelligence of a mature and sophisticated woman, and immediately report the assaults committed against her. Threatened and shamed by the experience, she chose to keep mum. Victims of rapes do not always immediately go to the rooftop to denounce their assailants. In fine, silence is not an odd behavior on the part of rape victims.

Appellant characterizes the resistance offered by complainant in the field during the first alleged rape as "that of

one who was not being attacked," and her acts at that time as "leav(ing) much to be desired from one who had just become a victim of an heinous offense." [42] He particularly zeroes in on the facts: (1) that she "merely tried to kick" him and "merely" screamed away at that time; and (2) that she thought of putting on her clothes first before going home after the alleged attack occurred. We disagree.

In the very recent case of *People v. Ibay*, G.R. No. 101631 (June 8, 1993), we held:

"xxx Behavioral psychology teaches us that different people react to similar situations dissimilarly. Most women would resist a sexual assault with a wild struggle. Others become virtually catatonic because of the mental shock they experience. Yet, it can never be successfully argued that the latter are any less sexual victims than the former. xxx"

Nor do we count against complainant's credibility her act of going to appellant's house to borrow his bicycle in December, 1990, notwithstanding her rape four months before. At that time, she was admittedly no longer afraid of appellant. It did not cross her simple and unsuspecting mind that appellant's offer that she use his bicycle to get to the distant Centro could be misconstrued. In her youthfulness, she took appellant's offer at face value. We do not hold this isolated act as a badge of falsehood as to reject the total testimony of the complainant.

Finally, appellant impugns the trial court's disregard of his assertion that he was not in Bulacan, but in Mindoro, during the entire month of August, 1990.

Alibi is the weakest of all defenses for it is easy to fabricate and difficult to disprove, and cannot prevail where, as in the case at bench, appellant was positively identified as the perpetrator of the crimes charged. [43] Appellant's alibi is particularly vulnerable to attack because of his failure to present unbiased witnesses to corroborate the same, as can be seen from the following passages from his testimony:

"Fiscal:

"xxx xxx xxx

"Q You mentioned that you went to Mindoro because your father at that time was in serious condition. Could you not also present any medical certificate from any Doctor of Mindoro?

"A No, Ma'am, because he was only treated by a quack doctor.

"Q Can you present that albulario to testify that this albulario actually managed your father and to show also that you were actually present at that time in Mindoro?

"A I am not sure Ma'am if I can present that quack doctor because he is also sickly.

"Fiscal:

"xxx xxx xxx

"Q What is the name of that albulario?

"A Kodeng, Ma'am.

"Q But you are facing two (2) cases of rape which is a very serious complaint, do you think that it is not important for you to present this albulario for taking the initiative of . . .

"Atty. Valmonte:

Your Honor, I think that is a legal conclusion, Your Honor, please. A matter addressed from lawyer to lawyer.

"Fiscal:

"Q Do you not consider it important to present this albulario considering that you are facing charges of rape with two (2) counts?

"Atty. Valmonte:

Same objection, Your Honor.

"Court:

Witness may answer.

"Witness:

No Ma'am.

"Fiscal:

"Q Can you present any document to prove that sometime in August, 1990, you were actually in Pinamalayan Mindoro?

"A No, Ma'am.

"Q Aside from your family who have just testified, can you present somebody who is a resident of Pinamalayan who will testify that you were actually in Pinamalayan, Mindoro on August, 1990?

"A Yes, Ma'am. My parents.

"Q Can you present your parents at the next hearing of this case?

"Atty. Valmonte:

Your Honor, I think this should be addressed to the discretion of a lawyer which actually is counsel's duty and responsibility.

"Fiscal:

"Q Aside from your mother, is there anybody else who can testify or any officer of that barrio where you reside who can appear and testify that you were actually present there in August, 1990?

"A No, Ma'am.

"xxx xxx xxx"

(TSN of December 27, 1991, pp. 7-10)

Article 335 of the Revised Penal Code enumerates three circumstances under which carnal knowledge of a woman is considered rape: (1) when the intercourse is done by the use of force or intimidation; (2) when the woman is deprived of reason or otherwise unconscious; and (3) when she is under twelve years of age. In the case at bench, the prosecution successfully proved beyond reasonable doubt, that appellant had forced sexual intercourse with complainant in August and December, 1990. That is sufficient reason for us to sustain appellant's conviction for two counts of rape.

IN VIEW WHEREOF, the appeal is DISMISSED for lack of merit. The Decision of the Regional Trial Court of Malolos, Bulacan, Branch XI, dated March 30, 1992, is AFFIRMED IN TOTO. Costs against appellant.

SO ORDERED.

Narvasa, C.J., (Chairman), Regalado, and Mendoza, JJ., concur.
Padilla, J., on leave.

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- [1] By the Regional Trial Court of Malolos, Bulacan, Branch 11, presided by Judge Basilio R. Gabo, Jr..
- [2] See Rollo, pp. 12-15.
- [3] Complainant Maristela Santiago; her mother and aunt, Divina and Dorotea Santiago; police corporal and Divina's kumpare, Pepe Domingo; and Dr. Ronaldo Mendez.
- [4] Appellant Jerry Rejano; his wife, Liza; his sister, Belinda Caparas; and Liza's aunt, Atanacia Santiago.
- [5] TSN of September 18, 1991, pp. 7-8; See Exh. "A" which is the baptismal certificate of Maristela Santiago.
- [6] Complainant cannot remember the exact date of the assault. But, she is certain that it occurred in the month of August, which is the season for catching talangka. (TSN of October 7, 1991, p. 33.)
- [7] Ibid., at pp. 8-9, 35.
- [8] Id., at p. 9.
- [9] Id., at pp. 10, 19.
- [10] Id., at p. 12.
- [11] Id., at p. 11.
- [12] Id., at pp. 11, 25, 29-30, 43-44.
- [13] Id., at pp. 26-27; TSN of October 11, 1991, pp. 4-5.
- [14] Ibid., at pp. 30-31; TSN of October 7, 1991, p. 13.
- [15] Ibid., at p. 14.
- [16] TSN of October 11, 1991, p. 8.
- [17] Complainant cannot remember the exact date of the second rape, but she is sure it was sometime in December, 1990, before Christmas. (TSN of October 7, 1991, p. 32.)
- [18] Ibid., at p. 15; TSN of October 11, 1991, p. 6.
- [19] Ibid., at p. 7; TSN of October 7, 1991, p. 16.
- [20] TSN of October 11, 1991, p. 8.
- [21] TSN of October 7, 1991, p. 19.
- [22] TSN of October 11, 1991, pp. 10, 12.
- [23] Ibid., at pp. 10-11.
- [24] TSN of October 7, 1991, pp. 16-17.
- [25] Ibid., at p. 20.

[26] *Id.*, at pp. 18, 20; TSN of October 11, 1991, pp. 15-16.

[27] *Ibid.*, at pp. 12-16; TSN of October 7, 1991, p. 19.

[28] TSN of October 11, 1991, p. 17.

[29] TSN of September 18, 1991, p. 11.

[30] *Ibid.*, at pp. 8-9, 13, 21-22; TSN of October 18, 1991, p. 7; TSN of March 4, 1992, p. 6.

[31] TSN of September 27, 1991, pp. 7, 12.

[32] See TSNs of October 25, 1991, November 18, 1991, November 27, 1991, December 13, 1991, and December 27, 1991.

[33] Appellant's Brief, pp. 3-4; Rollo, pp. 43-44.

[34] See Appellant's Brief, pp. 7-25; Rollo, pp. 46-64.

[35] Impugned Decision, p. 3.

[36] See *People v. De Paz*, 212 SCRA 56 (1992); *People v. Jaymalin*, 214 SCRA 685 (1992); *People v. Collado*, 196 SCRA 519 (1991); *People v. Juanga*, 189 SCRA 226 (1990); *People v. Escalante*, 131 SCRA 237 (1984).

[37] See *People v. Ablao*, 192 SCRA 698 (1999); *People v. Gerapusco*, 143 SCRA 614 (1986); *People v. Escalante*, 131 SCRA 237 (1984).

[38] Appellant's Brief, p. 9; Rollo, p. 48. Actually, in the brief, the quoted portion was written as, "could not have been raped in December, 1991." This court recognizes the error as merely typographical.

[39] *People v. Castro*, 196 SCRA 679 (1991).

[40] *People v. Bacalzo*, 195 SCRA 557 (1991).

[41] Appellant's Brief, p. 10; Rollo, p. 49.

[42] *Ibid.*, p. 19; Rollo, p. 58.

[43] See *People v. Cabuang*, 217 SCRA 675 (1993); *People v. Dela Cruz*, 217 SCRA 283 (1993); *People v. Dominguez*, 217 SCRA 170 (1993).

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