PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROQUE CELIS Y AVILA AND CARLOS CELIS Y AVILA, ACCUSED-APPELLANTS.

G.R. Nos. 125307-09. October 20, 1999

Ponente: PARDO, J.

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PARDO, J.:

The case before the Court is an appeal from a decision of the Regional Trial Court, Branch 19, Isulan, Sultan Kudarat,[1] convicting Carlos A. Celis of one count of rape and Roque A. Celis of two counts of rape, and sentencing Carlos A. Celis to the penalty of reclusion perpetua, and Roque A. Celis to two penalties of reclusion perpetua, both accused to indemnify the victim Raquel Viernes in the amount of thirty thousand pesos (P30,000.00) for each rape.

On March 10, 1994, Assistant Provincial Prosecutor Emmanuel S. De Peralta of Isulan, Sultan Kudarat filed with the Regional Trial Court of Isulan, Sultan Kudarat two informations charging Roque A. Celis with rape, committed as follows:

> In Criminal Case No. 2165 -
>
> "That on or about 12:30 o'clock in the morning of January 16, 1994, at Poblacion, Municipality of Esperanza, Province of Sultan Kudarat, Philippines, and within the jurisdiction of this Honorable Court, the said accused, armed with a knife, with lewd and unchaste designs and by means of force and intimidation, did then and there, willfully, unlawfully and feloniously lie and succeeded in having carnal knowledge of RAQUEL VIERNES against her will and consent.
>
> "CONTRARY TO LAW, particularly Article 335 of the Revised Penal Code of the Philippines, as amended."[2]
>
> In Criminal Case No. 2167 -
>
> "That on or about 4:00 o'clock in the morning of January 16, 1994, at Poblacion, Municipality of Esperanza, Province of Sultan Kudarat, Philippines, and within the jurisdiction of this Honorable Court, the said accused, armed with a knife, with lewd and unchaste designs and by means of force and intimidation, unlawfully and feloniously, lie and succeeded in having carnal knowledge of RAQUEL VIERNES against her will and consent.
>
> "CONTRARY TO LAW, particularly Article 335 of the Revised Penal Code of the Philippines, as amended."[3]

On the same date, the prosecutor filed with the same court a separate information charging Carlos A. Celis with rape, committed as follows:

> In Criminal Case No. 2166 -

> "That in the evening of January 15, 1994, at Poblacion, Municipality of Esperanza, Province of Sultan Kudarat, Philippines, and within the jurisdiction of this Honorable Court, the said accused, with lewd and unchaste designs and by means of force and intimidation, did then and there, willfully, unlawfully and feloniously lie and succeeded in having carnal knowledge of RAQUEL VIERNES against her will and consent.
>
> "CONTRARY TO LAW, particularly Article 335 of the Revised Penal Code of the Philippines, as amended."[4]

Upon arraignment on April 6, 1994, both accused pleaded not guilty to all the charges.[5] Trial on the merits ensued. Upon agreement of the prosecution and the defense, the lower court allowed a joint trial and presentation of evidence in the three cases.

The facts are as follows:

At about 2:00 in the afternoon of January 15, 1994, Raquel Viernes, 23 years old, arrived from Manila at Polloc, Parang, Maguindanao. She boarded a passenger jeep bound for Tacurong, Sultan Kudarat driven by accused-appellant Carlos A. Celis with accused-appellant Roque A. Celis as conductor. The jeep reached Tacurong, Sultan Kudarat at 5:30 in the afternoon of the same day.

Since she was not familiar with the place, Raquel inquired from the driver, Carlos Celis, the location of the terminal for Barangay San Antonio. He replied that he can drive her there.

Upon reaching the terminal, Raquel discovered that there was no more tricycle trip going to barangay San Antonio for it was evening already. Thus, accused-appellants offered to bring her to the barrio after remitting their jeepney fare collection for the day to the owner. They told Raquel to wait at the Insulan bus terminal with Roque Celis, while Carlos surrendered the day's earnings to the jeepney owner.

After thirty minutes, Carlos Celis returned without the jeep. He told Raquel that the jeep would be available later and that they only need to wait for a while. In the meantime, accused-appellants invited Raquel to eat supper at a nearby carenderia. She agreed, as she was hungry. Later, it appeared that the jeep would no longer be available for them, so accused-appellants invited Raquel to sleep in their house in Esperanza. After initial hesitation, Raquel agreed, after considering the kindness and friendliness of both accused-appellants. They even showed their identification cards and license to prove that they could be trusted.[6]

At around 10:00 in the evening, accused-appellants, together with Raquel, boarded a cargo truck in Insulan and headed towards Esperanza. They alighted when they were about five hundred (500) meters from the Esperanza Elementary School. Roque Celis carried the two bags of Raquel and went ahead to inform his family about their lady visitor.[7]

Carlos Celis and Raquel remained behind. Carlos told her to sit inside a makeshift hut located near a banana plantation, five meters from the edge of the national highway. She refused. Carlos Celis dragged her to the hut. Due to sheer tension, Raquel collapsed and became unconscious for some time.[8] When she woke up, she was already inside the hut. Then, Carlos started kissing her and undressing her. She began to shout but he told her to cooperate or she would be shot. She kept quiet because she was afraid to die.[9] He pulled her pants and panty down to her knees. He then spread her legs and had sexual intercourse with her. She shouted, cried and pleaded with him to stop because she felt pain. Finally, he stood up and told her that they should leave.[10]

They started walking to Esperanza, and found Roque Celis waiting for them along the highway. They walked to Rayborn Store, where Carlos and Roque stopped to drink beer.

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At 12:30 of the next morning, Roque Celis invited Raquel to proceed to the house of his parents to rest and change her clothes. Carlos Celis decided to remain in the store and took a different route home.

Raquel and Roque left the store and walked towards the city proper. After a few minutes of walking, Raquel realized that the house of Roque was nowhere in sight. It was dark, but Raquel saw that they were passing a school building, which prompted her to ask where they were going. It was at this point that Roque Celis placed his arm around her neck and showed her a knife. He told her to just agree with whatever he wants, since his brother "had taken her anyway."[11] She started crying. He made her lie on the floor of the cemented school tower. He kissed her and lifted up her shirt to touch her breast. He removed her pants and panty partly to her knees. He then inserted his penis into her vagina and started making push and pull movements. She kept telling him to stop because she felt so much pain. He then stood up and told her that he did not reach climax.[12] They started dressing themselves.

Accused-appellant Roque Celis finally brought Raquel to the house of his parents. He introduced her to his mother as his girlfriend. Roque slept beside Raquel in the same room as his mother and niece.[13]

At around 4:00 in the morning, Roque Celis awakened her and told her that they were leaving for a place and that he would marry her.[14] She refused and told his mother that she was raped. She refused to go with Roque Celis unless Lorna Celis, a niece of accused-appellants, would accompany them. Roque's mother told him to have pity on Raquel and to just let her leave.[15] Thereafter, Raquel and Roque left the house with Lorna Celis, and proceeded to the house of Roque's brother, Mario, to get the bags of Raquel which they deposited for the night.[16]

At around 4:30 in the morning, Roque Celis told Lorna Celis to walk ahead of them to get the bags of Raquel. Then, Roque Celis pulled a knife and brought Raquel to the school building, and started undressing her. He made her lie down on the school marker and raised her shirt up to her shoulder. He removed her pants and panty. She cried and begged him to stop, but he did not heed her pleas. He touched her breast. He succeeded in having sexual intercourse with her.[17]

He stopped molesting her when he heard Lorna calling for him. He stood up. Raquel took the knife and threw it away while running away from the school campus.[18] She saw Lorna, and they ran away together.

Later, they boarded a passenger jeep where SPO4 Salik Adam was on board. Carlos Celis likewise boarded the jeep and sat in front of the policeman, who was seated beside Raquel and Lorna. At the PNP Regional Command Headquarters, Raquel and Lorna alighted from the jeep with the police officer and reported the fact that Raquel had been raped.[19]

SPO4 Salik Adam brought them to the house of his uncle, Sgt. Pagod.[20] The next day, Sgt. Pagod accompanied Raquel to the Esperanza Police Station to file a formal complaint against Carlos and Roque Celis.

Dr. Henrietta Salgado of the Sultan Kudarat Provincial Hospital conducted a physical examination of Raquel Viernes in the afternoon of January 16, 1994, and issued a medico-legal certificate, stating that the patient suffered "no sign of external physical injury", and there were "old, complete hymenal lacerations 1, 3, 4, 5, 6, 7, 8, and 11 o'clock" but "negative" for "smear for spermatozoa". Moreover, the patient's condition at the time of examination was "ambulatory, conscious, coherent, not in respiratory distress."[21]

Accused Carlos A. Celis, 32 years old, contends that at noontime of January 15, 1994, he was driving a passenger jeep from Pulloc, Cotabato City with his brother Roque A. Celis as conductor of the jeep. At 5:00 in the afternoon, they reached Tacurong and Isulan. At the terminal in Tacurong, passengers disembarked from the jeep and Roque told Carlos that there were two passengers who will be brought to San Antonio and Polytechnic, one

for each place. They went to Polytechnic and brought one of the passengers there. Then, they proceeded to the terminal of San Antonio. Carlos refused to bring the passenger directly to the barangay itself because it was too far. The last passenger turned out to be Raquel Viernes.

Raquel disembarked from the jeep with her shoulder bag, while Roque Celis unloaded her two bags and carried them for her to the tricycle terminal. Raquel requested a tricycle driver to deliver her two bags to their consignee in San Antonio, but the driver refused because he did not know the consignee of the bags. Thereafter, Roque Celis brought her bags back to the passenger jeep, with Raquel following behind him. Subsequently, Roque invited her to eat with him and his brother, Carlos, at the carenderia nearby. At this point, Roque introduced the girl to Carlos as Raquel from Kidapawan. She told them that she did not have any relatives there in Tacurong and was afraid of staying overnight at a police station. So, Roque invited her to sleep in their house and she agreed. After eating, they proceeded to Fitmart Department store to pick up some passengers bound for Isulan. Raquel sat in front of the jeep and told Carlos that she would be sleeping in the house of Roque.[22] Raquel disembarked from the jeep when they reached Isulan. Roque told Carlos to remit the earnings of the jeep to the owner and they would wait for him there. When Carlos returned, Raquel and Roque were waiting at a shed, eating barbeque and drinking Coke. Carlos invited them to go to Esperanza where they lived. They took a forward truck and disembarked near a shop. They proceeded to the house of Mario Celis, brother of Roque and Carlos, where Raquel left her bags. From there, they proceeded on foot. They passed by a store where Carlos bought beer and cigarettes. Then, the two brothers separated, Carlos taking the national highway, while Roque and Raquel turned left to pass across the creek. Carlos reached his house and ate supper with his wife and his eldest child. He denied that he raped or had sexual intercourse with Raquel.[23]

Accused Roque Celis, 19 years old, stated that after Carlos took a different route home, he and Raquel walked a few more meters to his house. He placed his hand on Raquel’s shoulder and she placed her left hand around his waist. When they reached his house, he found his mother waiting for them. He told her that there was a visitor who would like to sleep in their house. This was around 8:00 in the evening. His mother invited Raquel to sleep upstairs and then told Roque to sleep in his sister’s house, where it was less crowded. He slept on the ground floor of his sister’s house, which was adjacent to the house where his mother and Raquel slept. At around 10:00 in the evening, Raquel awakened him, as she felt uncomfortable because she felt warm in the room upstairs. He let her sleep with him, using his arm as her pillow. Then, he kissed her on her left cheek. He lifted her blouse and she raised her hands so that he could take off her t-shirt. He then removed his shirt. She then removed her pants and panty. She told him to kiss her on the neck and on her breast. He acceded to her request. She then put a plastic rubber into his penis and sat on top of him. She inserted his penis into her vagina and began going up and down. Her back was facing him and she removed the plastic rubber after he ejaculated. After a while, they slept and then she initiated sexual intercourse with him again.[24]

On January 16, 1994, at around 5:30 in the morning, Roque went to the national highway and took a passenger jeep to Isulan.

Carlos, meanwhile, was at Isulan at 6:00 in the morning and noticed that Raquel and Lorna alighted from a tricycle approaching a passenger jeep. They boarded the jeep. Carlos also boarded the jeep, and noticed a policeman sitting beside him.

Carlos Celis was arrested at around 1:00 in the afternoon of January 16, 1994, at a checkpoint. Roque Celis was arrested several minutes later, in his house.[25]

On December 20, 1995, after due trial, the lower court rendered a decision,[26] the dispositive portion of which reads:

"WHEREFORE, upon all the foregoing considerations, the Court finds the accused, Roque Celis, guilty beyond reasonable doubt of the crimes of rape, as separately charged in Criminal Case No. 2165 and in Criminal Case No. 2167; and the Court likewise, finds the accused, Carlos Celis, guilty beyond reasonable doubt of the crime of rape in Criminal Case No. 2166.

"ACCORDINGLY, the Court hereby sentences:

"IN CRIMINAL CASE NO. 2165

"(a)- the accused, Roque Celis, to suffer the penalty of RECLUSION PERPETUA; to indemnify the private offended party RAQUEL VIERNES, in the amount of P30,000.00, by way of damages (Article 2219, New Civil Code of the Philippines) conformable with current jurisprudential policy; and to pay the costs.

"IN CRIMINAL CASE NO. 2166

"(a)- the accused, Carlos Celis, to suffer the penalty of RECLUSION PERPETUA; to indemnify the private offended party, RAQUEL VIERNES, in the amount of P30,000.00, by way of damages (Article 2219, New Civil Code of the Philippines) conformably with current jurisprudential policy; and to pay the costs.

"IN CRIMINAL CASE NO. 2167

"(a)- the accused, Roque Celis, to suffer the penalty of RECLUSION PERPETUA; to indemnify the private offended party, RAQUEL VIERNES, in the amount of P30,000.00, by way of damages (Article 2219, New Civil Code of the Philippines) conformably with current jurisprudential policy; and to pay the costs.

"Being detention prisoners, the accused, Roque Celis and Carlos Celis are entitled to full credit of the entire period of their preventive imprisonment in accordance with Article 29 of the Revised Penal Code, as amended by R. A. No. 6127, provided they had agreed in writing to abide by the same disciplinary rules imposed upon convicted prisoners, otherwise, with only four-fifths (4/5) thereof.

"IT IS SO ORDERED."[27]

Hence, this appeal.

Accused-appellant Roque A. Celis insists that Raquel Viernes consented to the sexual intercourse. He denies that he raped Raquel inside the school campus or in his house, as alleged by Raquel in her testimony. Carlos Celis denies having sexual intercourse with Raquel Viernes.

We find the appeal to be without merit.

It is worthy to recall the three guiding principles in rape prosecutions. First, an accusation for rape is easy to make, difficult to prove and even more difficult to disprove. Second, in view of the intrinsic nature of the crime, the testimony of the complainant must be scrutinized with utmost caution. Third, the evidence of the prosecution must stand on its own merits and can not draw strength from the weakness of the defense.[28]

In rape cases, the complainant's credibility frequently becomes the single most important issue. Thus, if her testimony meets the test of credibility, the accused may be convicted on the basis thereof.[29]

Well-entrenched is the rule that an appellate court will generally not disturb the assessment of the trial court on matters of credibility, considering that the latter was in a better position to appreciate the same, having heard and observed the witnesses themselves and observed their deportment as well as their manner of testifying during the trial. Unless it can be shown that the trial court plainly overlooked certain facts of substance and value which, if considered, may affect the result of the case, or in instances where the evidence fails to support or substantiate the lower court's findings of fact and conclusions, or where the disputed decision is based on a misapprehension of

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facts, the trial court's assessment on the credibility of witnesses will be upheld.[30]

The lower court considered the testimony of Raquel Viernes as convincing, candid and credible. She positively identified accused-appellants Roque and Carlos A. Celis as her assailants. She narrated the details of her harrowing experience and maintained her story despite the grueling cross-examination of counsel for the defense. There were several instances when the victim cried while testifying in court.[31] The fact that the victim cried during her testimony is evidence of the credibility of the rape charge.[32]

Moreover, there is nothing to show that complainant Raquel Viernes was actuated by ill motive to testify falsely against accused-appellants. She did not know them before that fateful day of January 15, 1994, and they never saw her before she rode that passenger jeep to Tacurong. When there is no showing of any improper motive on the part of the prosecution witness to testify falsely against an accused, the logical conclusion is that no such improper motive exists and that the testimony is worthy of full faith and credence.[33]

Indeed, it is highly inconceivable for a young barrio lass, inexperienced with the ways of the world, to fabricate a charge of defloration, undergo a medical examination of her private parts, subject herself to public trial and tarnish her family's honor and reputation, unless she was motivated by a potent desire to seek justice for the wrong committed against her.[34]

Thus, her testimony must be given credence.

Accused-appellant Carlos A. Celis denied any sexual involvement with complainant Raquel Viernes. Such bare denial cannot stand against the positive identification of the complainant herself, absent any motive established by the accused-appellant for her to falsely impute such a serious charge against him.[35]

For his part, accused-appellant Roque Celis insisted that Raquel Viernes willingly agreed to go to their house to stay with them overnight. He also alleged that it was Raquel who initiated the sexual congress, contending that no force or intimidation had been shown by complainant as a result of the alleged assault upon her.

We are not persuaded.

Raquel had testified that when she realized that there were no tricycle trips to Barangay San Antonio until the next day, her overriding concern was her fear of being left alone in a strange place for the night.[36] Complainant found herself stranded in a place where she did not know anybody except for the jeepney driver and the conductor who brought her there. The circumstances were such that she had to choose either to spend the night alone, or stay with men who seemed decent and trustworthy, who even showed her identification cards and carried her bags for her, and who promised to introduce her to their sister and to bring her to her destination the next day. Thus, considering the situation she found herself in, the choice of going along with accused-appellants seemed the most logical one at that time.

We reject the contention that force or intimidation was absent to show that rape had been committed.

For rape to exist, it is not necessary that the force or intimidation employed be so great or of such character as could not be resisted. It is only necessary that the force or intimidation be sufficient to consummate the purpose which the appellant had in mind.[37]

When accused-appellant Carlos A. Celis dragged Raquel to the makeshift hut, he told her to cooperate with him or she would be shot. These threats were enough to implant fear in the mind of the complainant, who was alone and helpless.

Accused-appellant Roque A. Celis, in turn, managed to have sexual intercourse with complainant by flashing a knife in her face. Threatening the victim with a knife, a deadly weapon, is sufficient to cow the victim. It

constitutes an element of rape.[38]

Although there were no signs of external physical injuries, it did not signify a lack of resistance on the part of the complainant. Confronted with a frightful experience such as rape, not every victim can be expected to act conformably with the expectation of mankind.[39] Resistance from the victim need not be carried to the point of inviting death or sustaining physical injuries at the hands of the rapist.[40] Raquel attempted to free herself by pushing her assailants with her hands and feet, but they were too strong for her. She also tried to shout for help, but nobody could save her at that time of night. In the morning, she saw a policeman sitting beside her in the jeepney, and lost no time telling him of her harrowing experience the previous night. She also went to the police station to report the fact that she had been raped.

Accused-appellants contend that the medical findings do not support the theory that complainant had been raped. However, it is a well-established rule that a medical examination of the victim, as well as the medical certificate, is merely corroborative in character and is not an indispensable element in rape. The more important point to consider is that the testimony of the complainant about the incident is clear, unequivocal and credible.[41] In this case, the complainant's testimony is sufficient basis for the conviction of accused-appellants.

Thus, considering the premises of this case, the convictions appealed from must be affirmed.

The Court notes that the trial court awarded the victim an indemnity of thirty thousand pesos (P30,000.00) for each count of rape. The award should be increased to P50,000.00 for each count of rape, in line with prevailing jurisprudence.[42] Moreover, an additional amount of P50,000.00 for moral damages may be given to the victim for each count of rape, without need of proof of basis or pleading.[43]

WHEREFORE, the Court hereby AFFIRMS the decision of the lower court convicting Carlos A. Celis of one count of rape and Roque A. Celis of two counts of rape, and sentencing each of them to reclusion perpetua for each rape, with the MODIFICATION that the indemnity granted to victim Raquel Viernes shall be increased from thirty thousand pesos (P30,000.00) to fifty thousand pesos (P50,000.00) for each count of rape, and an additional fifty thousand pesos (P50,000.00) as moral damages for each count of rape. Costs against appellants.

SO ORDERED.

Davide, Jr., C.J., (Chairman), and Puno, JJ., concur.

Kapunan, and Ynares-Santiago, JJ., on official business abroad.

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[1] See Judgment, dated December 20, 1995, Regional Trial Court, Branch 19, Isulan, Sultan Kudarat, Judge German M. Malcampo, presiding. Original Record, Criminal Case No. 2165, pp. 93-138.

[2] Original Record, Criminal Case No. 2165, pp. 26-27.

[3] Original Record, Criminal Case No. 2167, pp. 1-2.

[4] Original Record, Criminal Case No. 2166, pp. 1-2.

[5] See Certificates of Arraignment, dated April 6, 1994, Original Record, Criminal Case No. 2165, pp. 33-35.

[6] Testimony of Raquel Viernes, TSN, July 5, 1994, p. 5.

[7] Ibid., p. 8.

[8] TSN, July 11, 1994, p. 5.

[9] TSN, July 5, 1994, p. 10.

[10] Ibid., pp. 8-11.

[11] TSN, July 5, 1994, p. 13.

[12] Ibid., pp. 13-14.

[13] TSN, July 11, 1994, pp. 14-16.

[14] Ibid., p. 16.

[15] TSN, July 5, 1994, p. 15.

[16] TSN, July 11, 1994, p. 19.

[17] TSN, July 5, 1994, pp. 16-17.

[18] TSN, July 11, 1994, pp. 21-23.

[19] TSN, July 5, 1994, pp. 19-20.

[20] TSN, July 26, 1994, pp. 12-13.

[21] See Medico-Legal Certificate, Original Record, Criminal Case No. 2165, p. 5.

[22] Testimony of Roque A. Celis, TSN, August 10, 1994, p. 5.

[23] Testimony of Carlos A. Celis, TSN, August 9, 1994, pp. 1-23.

[24] Testimony of Roque A. Celis, TSN, August 10, 1994, pp. 15-23.

[25] TSN, August 11, 1994, p.15.

[26] Original Record, Criminal Case No. 2165, pp. 93-138.

[27] Original Record, Criminal Case No. 2165, pp. 137-138.

[28] People vs. Monfero, G.R. No. 126367, June 17, 1999, citing People vs. Butron, 272 SCRA 352 (1997); People vs. Ramirez, 266 SCRA 335 (1997); People vs. Alitagtag, G. R. Nos. 124449-51, June 29, 1999, citing People vs. De Guzman, 265 SCRA 228 (1996).

[29] People vs. Akhtar, G. R. No. 130640, June 21, 1999.

[30] People vs. Perez, G.R. No. 124366-67, May 19, 1999; People vs. Limon, G.R. No. 121899, April 29, 1999, citing People vs. Bawar, 262 SCRA 325 (1996).

[31] TSN, July 5, 1994, p. 9.

[32] People vs. Alquizalas, G.R. No. 128386, March 25, 1999, citing People vs. Gecomo, 254 SCRA 82 (1996).

[33] People vs. Banela, G.R. No. 124973, January 18, 1999, citing People vs. Sotto, 275 SCRA 191(1997); People vs. Casil, 241 SCRA 285 (1995); People vs. Tabao, 240 SCRA 758 (1995).

[34] People vs. Bañago, G. R. No. 128384, June 29, 1999; People vs. Nuñez, G. R. No. 128875, July 8, 1999.

[35] People vs. Sagun, G.R. No. 110554, February 19, 1999.

[36] TSN, July 11, 1994, p. 42.

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[37] People vs. Reyes, G.R. No. 122453, July 28, 1999, citing People vs. Cañada, 253 SCRA 277 (1996).

[38] People vs. Pada, 261 SCRA 773 (1996).

[39] People vs. Pedres, G.R. No. 129533, April 30, 1999, citing People vs. Dupali, 230 SCRA 62 (1994).

[40] People vs. Sagaysay, G.R. No. 128818, June 17, 1999, citing People vs. Soberano, 244 SCRA 467 (1995).

[41] People vs. Brandares, G. R. No. 130092, July 26, 1999, citing People vs. Taneo, 284 SCRA 251 (1998).

[42] People vs. Perez, G.R. Nos. 124366-67, May 19, 1999; People vs. Teves, G.R. No. 128839, July 20, 1999.

[43] People vs. Manggasin, G.R. Nos. 130599-600, April 21, 1999; People vs. Cantos, G.R. No. 129298, April 14, 1999; People vs. Prades, G.R. No. 127569, July 30, 1998.

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