

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JONNIE TAGAYLO Y CORTES, ACCUSED-APPELLANT.

G.R. Nos. 137108-09. November 20, 2000

Ponente: DAVIDE JR., C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-137108-09/>

DAVIDE JR., C.J.:

Accused-appellant Jonnie Tagaylo y Cortes (hereafter JONNIE) was charged with two counts of rape in Criminal Cases Nos. 8743-97 and 8744-97, allegedly committed against Aileen Cajigas (hereafter AILEEN). In a joint decision[1] by the Regional Trial Court of the City of Malaybalay, Bukidnon, Branch 8, JONNIE was acquitted in Criminal Case No. 8743-97, but convicted in Criminal Case No. 8744-97 and sentenced to suffer the penalty of reclusion perpetua and to indemnify the victim AILEEN in the sum of P50,000.

The antecedent facts are as follows:

On 15 December 1997, two informations for rape were filed against JONNIE, the accusatory portions of which read:

Criminal Case No.8743-97[2]

That on or about the 27th day of August 1997, at noon, at Sitio Malantao, Barangay Halapitan, Municipality of San Fernando, province of Bukidnon, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, prompted with lewd design and by means of force and intimidation, and at knife point grabbed the hands of AILEEN CAJIGAS to the cornfields, did then and there wilfully, unlawfully and criminally undress AILEEN CAJIGAS, make her lie down on the ground, kiss, suck her lips, face, neck, breast, vagina and place himself on top of her and have sexual intercourse with AILEEN CAJIGAS, a 13 year old girl against her will, to the damage and prejudice of AILEEN CAJIGAS in such amount as may be allowed by law.

Contrary to and in violation of Republic Act. No. 7659.

Criminal Case No. 8744-77[3]

That on or about the 27th day of August 1997, at noon, at Sitio Malantao, Barangay Halapitan, Municipality of San Fernando, Province of Bukidnon, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, prompted with lewd design and by means of force and intimidation, and at knife point grabbed the hands of AILEEN CAJIGAS to the cornfields, did then and there wilfully, unlawfully and criminally undress AILEEN CAJIGAS, make her lie down on the ground, remove his short pants, place himself on top of her, insert his penis to her vagina and have sexual intercourse with AILEEN CAJIGAS, a 13 year old girl, against her will, to the damage and prejudice of AILEEN CAJIGAS in such amount as may be allowed by law.

Contrary to and in violation of Republic Act. No.7659.

The cases were consolidated, and at his arraignment JONNIE entered a plea of not guilty in each case.[4] Trial on

the merits followed.

The prosecution presented as witnesses AILEEN, Roselyn Layson and Dr. Renelito Bautista.

AILEEN, then a 15-year-old grade IV pupil, testified that on 27 August 1997 she had no classes in the afternoon; so she left for home at noontime. While walking alone along the road, a man out of nowhere befriended her and introduced himself as Jerry Cortes. Suddenly, the man, who is actually herein accused-appellant JONNIE, held and placed her hands behind her back and poked a knife at her right waist while pulling her towards the cornfields.

At the cornfields, JONNIE began kissing AILEEN at her arms and lips. AILEEN wanted to shout; but as he threatened to kill her, she just kept silent. He stripped her of all her clothes and continued kissing her. He then ordered her to lie on her clothes which he spread on the ground. AILEEN resisted, but as accused-appellant threatened her again with his knife she hesitantly did as told. JONNIE then lay on top of her and sucked her lips and nipples. Momentarily, he stood up and removed his clothes. After which, he again lay on top of her and sucked her lips, nipples and vagina. Again, JONNIE stood up and put on his clothes. But this was not the end yet; for after a while, he again took off his clothes and once more lay on top of her and resumed sucking her lips and nipples. This time, JONNIE inserted his penis into her vagina. AILEEN felt pain as JONNIE's penis intruded her womanhood.[5]

Although JONNIE had already accomplished his lust upon AILEEN he would not let her go because of her soiled T-shirt. It took AILEEN sometime, that is, after several pleas, before JONNIE allowed her to leave. AILEEN reached their house at around 3:00 p.m. of that same day.[6]

Roselyn Layson, AILEEN's half-sister, recalled that on 27 August 1997, AILEEN arrived at around 4:00 p.m. Having noticed AILEEN's dirty shirt, she asked AILEEN what had happened. AILEEN replied that she got dirty from hauling corncoobs in school. The following day, Roselyn noticed AILEEN's unusually pensive mood; so she persistently quizzed AILEEN on what was bothering her. AILEEN then revealed to her that she had been raped. Immediately, Roselyn reported the matter to their mother. Since AILEEN did not have any idea as to who violated her, they were left with no choice but to wait. It was on 31 August 1997, while they were on their way to church, that AILEEN by chance saw the culprit, herein JONNIE, at Sitio Coma was giving a haircut to somebody. Without delay, they proceeded to the police station of San Fernando and reported the incident. That same day, JONNIE was arrested by the police.[7]

Dr. Renelito M. Bautista, Chief of the Bukidnon Provincial Hospital of San Fernando confirmed that he examined AILEEN on 31 August 1997. His findings[8] were as follows:

Confluent abrasion with scab formation

1.0 cm diameter Ant. Axillary (R)

Linear abrasion with scab formation

0.5 cm Ant. Axillary (R)

Linear abrasion with scab formation

1.0 cm Ant. Axillary (R)

Pelvic Exam: No laceration nor contusion seen on examination.

For its part, the defense adduced in evidence the lone testimony of JONNIE, who profusely denied the charges of rape and proffered the defense of alibi. He averred that during the entire day of 27 August 1997, he was at the

bakery of his employer, Romeo Tanggarurang, doing his usual bakery chores. At 12:00 noon, he had lunch with Romeo, Divina (Romeo's younger sister) and their hornero Loloy Tanggarurang. After which he started to bake and finished at around five o'clock in the afternoon. On 31 August 1997, while he was giving a haircut to somebody at the house of his sister in Comawas, San Fernando, he was arrested by the police. He was then brought to the police station. There he was met by AILEEN, who allegedly just laughed at him when asked why she had him arrested.[9]

The trial court found AILEEN's testimony worthy of great evidentiary value, taking into consideration her candid and straightforward account of her harrowing experience. The trial court further held that there was no evidence of an ulterior motive on the part of AILEEN for implicating JONNIE as her transgressor.

As to the absence of lacerations and contusions on AILEEN's hymen, the trial court relied on the testimony of Dr. Renelito M. Bautista that the absence of laceration on the hymen is not an indication of absence of sexual assault, for there are women with very elastic hymen which may not break even if there has been sexual intercourse.

The trial court, however, found JONNIE guilty of one count of rape only because the first time JONNIE placed himself on top of AILEEN (Crim. Case No. 8743-97), he merely kissed or sucked her mouth and nipples; and at the second instance, he kissed her vagina but without inserting his penis into her vagina. It was only after JONNIE stood up to put on his dress and later to take them off again that he finally consummated his lust on her (Crim. Case No. 8744-97).

In his Appellant's Brief, JONNIE contends that the trial court erred in

... CONVICTING [HIM] OF THE CRIME OF RAPE ALTHOUGH THE EVIDENCE PROPOUNDED BY THE PROSECUTION IS WEAK, AS THE SAME IS CONTRADICTORY AND DOES NOT ESTABLISH A MORAL CERTAINTY OF HIS GUILTY BEYOND REASONABLE DOUBT.

... ACCORDING WEIGHT AND CREDENCE TO THE TESTIMONY OF THE ALLEGED VICTIM, AILEEN CAJIGAS, DESPITE THE FACT THAT IT IS INCONSISTENT WITH THE MEDICAL FINDINGS OF DR. BAUTISTA, WHO FOUND NO LACERATION NOR CONTUSION ON HER PRIVATE PART.

... ASSUMING THAT THE ALLEGED VICTIM'S ORGAN IS ELASTIC INSPITE OF THERE BEING NO EVIDENCE ON RECORD TO BUTTRESS THE SAME.[10]

In support of the first assigned error, JONNIE assails AILEEN's credibility, pointing therein that AILEEN prevaricated when she testified that she was only 13 years old at the time the alleged crime was committed; the truth is that she was already 15 years old based on her birth certificate. As for the second assigned error, JONNIE concedes that the presence of lacerations and contusions is not necessary in the commission of rape, since the mere touching of the labia of the woman already consummates the felony. However, considering AILEEN's testimony that JONNIE forcibly inserted his organ into her vagina, it would be amazingly uncanny that the doctor who examined her discovered no laceration or contusion on her person. Finally, he questions the trial court in assuming that AILEEN's hymen was indeed elastic when nothing on record supports the same. The practical presumption should have been that AILEEN's hymen was not elastic. In a criminal case, every doubt must be resolved in favor of the accused.

The Office of the Solicitor General (OSG) in its Appellee's Brief[11] supports the trial court's findings and conclusions. It affirms the credibility of AILEEN, citing therein that not once did AILEEN waver in her assertion that JONNIE was the person who abused her. As for the absence of lacerations and contusions, it asserts that the same does not necessarily exclude the possibility of sexual intercourse. Besides, appellant presented no controverting evidence which may, at the very least, put to doubt the testimony of Dr. Bautista that an elastic

hymen may remain intact despite the penetration of foreign objects. Lastly, the shallow denial and bare alibi of JONNIE do not stand a chance in the face of AILEEN's positive assertions.

We affirm JONNIE's conviction.

Settled is the rule that when a woman says that she has been raped, in effect, she says all that is necessary to show that she has been raped; and if her testimony meets the test of credibility, the accused may be convicted on the basis thereof.[12] The gravamen of the offense of rape is sexual intercourse with a woman against her will or without her consent.[13]

We find no reason to disturb the assessment of the trial court. The sole testimony of the victim has sufficiently established the guilt of the accused-appellant. AILEEN testified naturally and spontaneously, and did not waver even on cross-examination. Furthermore, her failure to offer tenacious resistance is of no moment, for as testified to by AILEEN, accused-appellant aimed his knife at her.[14] As a result, AILEEN was forced to surrender to appellant's threats.

JONNIE's attempt to discredit AILEEN based on her testimony concerning her age deserves scant consideration. A miscalculation of a victim's age is too immaterial to discredit the testimony of a witness, especially where age is not an essential element or has no substantial bearing on the fact of the commission of the offense. Moreover, this inconsistency refers only to minor matters and not to the elements of rape or to the identification of JONNIE as the culprit. What is important is that in her sworn statement and testimony before the court, AILEEN was firm and consistent in her narration of the material occurrence of the criminal incident and in her identification of JONNIE as the person who sexually abused her on the afternoon of 27 August 1997.

Well-entrenched is the rule that discrepancies and inconsistencies on minor matters neither impair the essential integrity of the prosecution's evidence as a whole nor reflect on the witness' honesty. Such inconsistencies, which may be caused by the natural fickleness of the memory, even tend to strengthen rather than weaken the credibility of the witness because they erase any suspicion of rehearsed testimony.[15]

We cannot sustain the argument of JONNIE that the absence of lacerations and contusions in AILEEN's genitalia negate the commission of rape. A medical examination is not even indispensable in a prosecution for rape.[16] The lone testimony of the victim if credible is sufficient to sustain a conviction. This is so because from the nature of the offense, the only evidence that can oftentimes be offered to establish the guilt of the accused is the complainant's testimony.[17]

In the instant case, the fact of penetration is clear in AILEEN's categorical declarations; thus:

Q

Now, after he laid [sic] on top of you, what did he do next if any?

A

He again sucked my lips and nipple.

Q

After he sucked your lips and your nipples, what did he do next if any?

A

He inserted his penis inside my vagina.

Q

Now, you were lying down on your back during that time Aileen, how did you come to know that he was able to insert his penis in your vagina?

A

He held his penis and drove it inside my vagina and I felt a soring pain.

Q

Now, after the accused inserted his penis to your vagina Aileen, what did he do next if any?

A

After a while he wriggled.

Q

After he finished wriggling, what happened next if any?

A

He then stood up and put on his T-shirt and short pants.[18]

Thus contrary to the claim of the defense, the prosecution was able to establish with moral certainty the fact of penetration. Penile invasion, it has often been held, necessarily entails contact with the labia where even the briefest of contact under circumstances of force, intimidation or unconsciousness, even without laceration of the hymen, is deemed to be rape in our jurisprudence. Hence, neither the penetration of the penis beyond the lips of the vagina nor the rupture of the hymen is indispensable to justify conviction.[19]

And even granting that the trial court erred in assuming that AILEEN's hymen was elastic, said argument would not suffice to earn JONNIE his acquittal in light of the positive assertion of AILEEN that JONNIE had sexually abused her against her will. For as between a categorical testimony that rings of truth on one hand and a bare denial and alibi on the other, the former is generally held to prevail.[20]

We agree that JONNIE should be convicted of only one count of rape. As explicitly testified to by AILEEN, JONNIE inserted his penis only once; thus:

Q

Now Aileen, was that the only time that the accused was able to insert his penis to your vagina?

A

That was the only time.

Q

So it was only once that his penis was able to insert to your vagina?

A

Only once.[21]

Since the rape was committed with the use of a knife, a deadly weapon, the crime is punishable by reclusion perpetua to death.[22] However, there being no aggravating or mitigating circumstance in the instant case, the lesser penalty of reclusion perpetua should be imposed, as correctly held by the lower court.[23]

Anent the civil liability of JONNIE, the trial court merely ordered the payment of civil indemnity in the amount of

P50,000 but did not award the payment of moral damages. Thus, in accordance with prevailing jurisprudence, JONNIE should be ordered to pay the amount of P50,000 as moral damages.[24] Moral damages are imposed in rape cases involving young girls between 13 and 19 years of age, taking into account the immeasurable havoc wrought on their youthful feminine psyche. It may be awarded without need of showing that the victim suffered mental anguish, fright, serious anxiety and the like.[25]

WHEREFORE, the assailed judgment of the Regional Trial Court of the City of Malaybalay, Branch 8, finding JONNIE TAGAYLO y CORTES guilty of rape in Criminal Case No. 8744-97 is hereby AFFIRMED with the modification that he is further ordered to pay the victim AILEEN CAJIGAS the sum of P50,000 as moral damages in addition to the indemnity of P50,000 awarded by the trial court.

No pronouncements as to costs.

SO ORDERED.

Puno, Kapunan, Pardo, and Ynares-Santiago, JJ., concur.

[1] Original Record (OR), 119-125; Rollo, 9-15. Per Judge Vivencio P. Estrada.

[2] Rollo, 23.

[3]Id., 5.

[4] OR, 86.

[5] TSN, 20 April 1998, 17-27.

[6] Id., 28-29.

[7] TSN, 20 April 1998, 46-49.

[8] Exhibit "A"; OR, 5.

[9]TSN, 20 August 1998, 6-11.

[10]Rollo, 46.

[11] Rollo, 64-84.

[12] People v. Docena, G.R. Nos. 131894-98, 20 January 2000; People v. Cristobal, 252 SCRA 507, 516 [1996].

[13] People v. Igat, 291 SCRA 100, 107-108 [1998].

[14] TSN, 20 April 1998, 22, 25.

[15] People v. Diaz, 262, SCRA 723, 732 [1996]; People v. Villanueva, G.R. No. 135330, 31 August 2000.

[16]People v. Delovino, 247 SCRA 637, 650 [1995]; People v. Venerable, 290 SCRA 15, 26 [1998].

[17] People v. Lao, 249 SCRA 137, 145 [1995].

[18]TSN, 20 April 1998, 26-27.

[19] People v. Dimapilis, 300 SCRA 279, 305 [1998].

[20] People v. Alvero, G.R. Nos. 134536-38, 5 April 2000.

[21] TSN, 20 April 1998, 27-28.

[22] Article 335, 3rd paragraph, Revised Penal Code, as amended by R.A. No. 7659.

[23] Article 63(1), Revised Penal Code.

[24] People v. Gutierrez, G.R. No. 132772, 31 August 2000.

[25] People v. De Guzman, G.R. No. 24368, 8 June 2000.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.