PEOPLE OF THE PHILIPPINES, APPELLEE, VS. CONDE RAPISORA Y ESTRADA, APPELLANT.

G.R. Nos. 140934-35. October 23, 2001

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

In a rape case, the credibility of the victim and her testimony is often the most important issue. The present case is no exception.

The Case

Before the Court is the appeal of Conde Rapisora y Estrada, challenging the November 10, 1999 Decision[1] of the Regional Trial Court (RTC) of Manila, Branch 41. The decretal portion of the judgment reads as follows:

> "WHEREFORE, judgment is hereby rendered finding the accused guilty beyond reasonable doubt of the crime of rape (two counts) and sentencing him to suffer the penalty of reclusion perpetua and to pay the amount of one hundred thousand pesos (P100,000.00) per count or a total of TWO HUNDRED THOUSAND PESOS (P200,000.00) for damages."[2]

On October 24, 1997, two (2) Informations[3] (Criminal Case Nos. 98162199-200), were filed against appellant as follows:

> Criminal Case No. 98-162199
>
> "That on or about June 16, 1997, in the City of Manila, Philippines, the said accused, did then and there wilfully, unlawfully and feloniously, by means of force and intimidation, to wit: by then and there introducing himself as an uncle to one GRACE SAMSON Y DIOSANTA who was then on an errand and waiting for a ride along Avenida, this city, suddenly pulling and dragging the latter into a taxi, poking a bladed weapon at her[,] bringing her to a motel and once inside the motel room, x x x forcibly undressing her while slapping her twice when the latter refused to be undressed and threatening to kill her then pushing her onto the bed covering her mouth, preventing her from shouting for help and lying atop her, succeeded in having carnal knowledge [of] said Grace Samson y Diosanta for the first time against her will and consent."[4]
>
> Criminal Case No. 98-162200
>
> "That on or about June 16, 1997, in the City of Manila, Philippines, the said accused, did then and [there] wilfully, unlawfully and feloniously, by means of force and intimidation, to wit: by then and there introducing himself as an uncle to one GRACE SAMSON Y DIOSANTA who was then on an errand and waiting for a ride along Avenida, this city, suddenly pulling and dragging her to a motel and once inside the motel room, x x x forcibly undress[ing] her while slapping her twice when the latter refused to be undressed and threatening to kill her then pushing her onto the bed covering her mouth, preventing her from shouting for help, and [after] the first rape, [lying] down beside her on the bed kissing her breast [--] succeeded in having carnal knowledge [of] the said Grace Samson y Diosanta for the second time against her will and consent."[5]

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When arraigned on both charges on January 26, 1998, appellant, with the assistance of a counsel de oficio,[6] pleaded not guilty.[7] After due trial, the RTC promulgated the assailed Decision.

The Facts

Prosecution's Version

In its Brief,[8] the Office of the Solicitor General summarized the evidence for the prosecution as follows:

> "Private complainant, Grace Samson (Grace) [was] a 16-year old housemaid employed by one Rebecca Ang, who was residing at 737 Tomas Mapua Street, Sta. Cruz, Manila where she ha[d] been staying for over four years at the time of the subject incident (TSN, May 26, 1998, pp. 4-5).
>
> "On June 16, 1997, at about 8:00 o'clock in the morning, Grace was on her way to Quiapo[,] Manila to buy vegetable for her employer (Ibid.[,] p.5).
>
> "While at the corner of Recto and Avenida, Manila, waiting for the traffic light to turn green so she could cross the street, appellant suddenly approached Grace and introduced himself as [her] uncle. Grace was surprised since she did not know him. Suddenly, she was forcibly taken by appellant into a waiting taxi, a knife poked at her side (Ibid.[,] pp. 5-7).
>
> "Inside the taxi, accused told her (Grace) that he was bringing her to one Mommy Karen. Instead, Grace was brought to a motel in Sta. Mesa, Manila (p. 8). Upon reaching the place, Grace was made to go up. She was feeling dizzy having been made to smell something by the appellant before they reached the place. When she regained consciousness, appellant forced her to undress. When she refused, appellant undressed her. She fought him but appellant succeeded in raping her. He placed himself on top of her and inserted his penis in her vagina[,] Grace cried (Ibid[.], pp. 8-12). She was raped four times. When appellant fell asleep, Grace immediately dressed up and silently went out of the room, ran, and boarded a passing jeepney going to Divisoria (Ibid[.], pp. 13-14). When she reached home, Grace fell asleep with blood on her dress. When Grace woke up, she cried and narrated her ordeal to her friend, Rose. At around 8:00 o'clock in the evening of the same day, she told her employer about the incident. Grace was brought to the Jose Reyes Memorial Hospital Manila where she was referred to the National Bureau of Investigation (NBI). The following day she went to the NBI where she was subjected to a physical examination (Ibid[.], pp. 17-18).
>
> "Confused, since she was advised by her employer to just let things off, and since she did not personally know appellant, Grace did not immediately file a complaint. But on August 12, 1997, when she (Grace) saw appellant on TV in connection with another rape complaint, she decided to file a complaint before the police authorities (Ibid[.], p. 23)."[9]

Version of the Defense

On the other hand, appellant, in his Brief,[10] gave his version of the incident as follows:

> "Testifying in his behalf, [appellant] stated that he [had been] employed as nozzle man of [the] Mandaluyong Fire Station since March, 1995 and he was still in the service on June 16, 1997. On June 2, 1997 he went to Isetann in Sta. Cruz, Manila to buy clothes. As the mall was still closed at the time he arrived, he strolled for sometime x x x until he reached Odeon Cinema which was also along Recto Avenue where Isetann is located. Thereat, he entered a small restaurant to eat and while he was placing his order, he happened to sit with three ladies. As a gesture of courtesy, he invited the three ladies to eat but the ladies replied that they only need cash. When his order arrived he asked them if he could join them in their table and they agreed. As he sat down with the ladies, it did not take long [before] two men arrived and [signaled] two of the ladies upon which the two ladies stood and left x x x telling their other lady companion `[I]kaw na ang bahala diyan, diskarte mo na yan.'
>
> "The lady left behind with the accused was the complaining witness who introduced herself to him, not as

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Grace but Elaine, after introducing himself first to her as Conde. They had a conversation of sort[s] which included the complaining witness asking the accused if the latter kn[e]w of any job for which the former [could] apply. Accused answered that he [would] try to find one for her. After eating he left behind the complaining witness but gave her his telephone number (532-24-02) upon her request.

"While on duty on June 7, 1997 at about 7:30 o'clock in the evening, his co-worker (SFO1 Ramon Sta. Ana) referred to him a phone call. He picked up the phone and recognized that Elaine (or Grace) was asking him if they could see each other the following day (June 8, 1997). He agreed to see her, because of her insistence, in front of Odeon Cinema at 10:00 o'clock [o]n the morning of June 8, 1997. They did meet and upon seeing him, she approached him and pleasantly held his hands (Naging malambing po siya). They dined together after which he invited her to stroll around. Instead, she proposed that they [watch] a movie which they did at Odeon Cinema.

"Inside the moviehouse, Elaine asked Conde, among others, if the latter [could] take along the former to his residence after watching the movie. Conde disagreed because he was staying in the quarters of the Mandaluyong Fire Station, and besides, he was doubting her virtue as a lady, having met her not in a formal place and also he doubted the company she [kept]. Also, she complimented him by saying that he [was a] gentle, good-looking [man] with [a] stable job, and that he was unlike others who [did] not care after everything [was] over. Inside they found it irresistible not to kiss each other, and they parted from each other past 1:00 o'clock in the afternoon. She promised to call him.

"On June 15, 1997, Elaine called up Conde at the latter's office, and this time, she used the name Grace, not Elaine, which surprised Conde. She explained that she did not give her real name at the start because of many prankster[s] or deceiver[s] nowadays, but she had to, because she x x x already [knew] his real name and his place of work, so, she had no reason anymore to use an alias x x x. She told him also over the phone that they [would] talk about an important matter, thus she asked him if they could see each other the following day. At first he begged off due to an earlier commitment but eventually agreed to accommodate her.

"As agreed upon, they met on June 16, 1997 in the same place in front of Odeon Cinema at 8:00 o'clock in the morning. He asked her what they [would] talk about, but she told him that they [would] look for a place where they [could] talk alone. Bluntly, he told her that they [check in], and she agreed. Thereupon, he hailed a taxi[,] which the two boarded. He told her on board that they [were] going to Sta. Mesa and she said `[I]t's up to you.' The two boarded the taxi `in a nice manner' which they flagged down, and that it [was] not true, as testified by Grace, that he forced her to board the taxi at the corner of Recto and Avenida, which is a hub of people at [any time] of the day.

"They drove along Recto Avenue to V. Mapa via Sta. Mesa. Likewise, it is not true, as testified by Grace, that he poked a knife at her on board the taxi, the truth is that `pagsakay po namin ng taxi nakayapos pa iyong kamay niya sa baywang ko, nakaakbay po ako sa kanya.' Further, contrary to the testimony of Grace, they did not negotiate the way from Recto to V. Mapa thru and thru all the way without stopping [at] the intersection of the road. They `stopped [at] many stop lights' and were talking with each other along the way, contrary to the testimony of Grace. Conde did not mention any person by the name of Mommy Karen and [he] did not introduce himself to her as Andy Villanueva. He recalled that there were about ten (10) intersections with traffic lights all the way. At one point they stopped in front of 7-Eleven because he bought cigarettes and softdrinks. Grace was then left inside the taxi while he did the buying.

"From the 7-Eleven store, they proceeded to Sta. Mesa and stopped in front of Filipinas Walk-In Motel immediately along V. Mapa. He alighted first and opened the door of the taxi for her to alight. About two or three minutes, he left behind Grace as he entered the motel and paid at the front desk or counter. Then he came back to her and brought her along inside. He denied that he let her smell something on his towel that made her [feel] dizzy before they alighted from the taxi. Beside Filipinas Walk-In Motel along V. Mapa Street [was] the Metro Bank Building where two guards were posted in front of the building. Also he recalled that along their

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way from [the] corner [of] Avenida-Recto to V. Mapa, there were policemen at street corners/intersections.

"The room they occupied inside the motel ha[d] no comfort room within the room itself. To take [a] shower or to answer [the] call of nature, one ha[d] to go outside the room where the bathroom [was]. Seated beside each other inside their room, she narrated to him her problem that she needed at least P5,000.00 for her transportation to the province back and forth since he was not able to find a job for her. More[over], she told him that if possible after she shall have returned to Manila from the province she [would] reside in his place. He told her that [s]he [could] not stay with him because he was staying in his office.

"While on bed together, she asked permission to take [a] shower in the bathroom outside. There he noticed that `sa harapan po ng ari niya may konting dugo.' Confronted about it, she said `it's nothing, maybe it's my monthly period.' She stayed about two (2) minutes inside the bathroom and when she returned, the bath towel was wrapped around her body. Then she sat beside him, placed her pants on top of the small table, and [lay] down beside him. He embraced her and she embraced him. He denied having threatened her with a knife before lying down with [her] or while she undressed herself. He had no sexual contact with her because when he inserted his finger in her organ, he felt something sticky and noticed blood on his finger when he withdrew it. They just had romance until he ejaculated because she masturbated his penis. After sleeping for sometime, they woke up and had [a shower], and thereafter they checked out. They went out together and she begged x x x to be accompanied home by him.

"On June 17 at past 8:00 o'clock in the evening, Grace called up by phone Conde who was then on duty. She was asking when [could] he give the money for transportation because she wanted to go to the province. She was told he ha[d] none in the meantime but that he [could] give her one-half if she [could] wait until payday on the 25[th]. Disappointed, she hung [up] the phone. She never called up again and he could not pay a visit to her because she had not given her actual address. Since then he had not seen her until in the courtroom. Complainant filed the case against him because he was not able to help her find a job, give the money she was asking him, [or] x x x allow her to stay with him.

"SFO1 Ramon Sta. Ana, accused's co-employee at the Mandaluyong Fire Station corroborated the latter's testimony that one Elaine called up the accused [o]n the evening of June 7, 1997, he having been the one who picked up the call and referred it to the accused.

"Marcel De Leon took the witness stand to identify as he did the pictures which depicted the location and the outside physical appearance of Filipinas Walk-In Motel and the adjoining surroundings. The motel compound and building are immediately adjoining and along V. Mapa Street where jeepneys, cars and taxis negotiate to and from Manila and to and from Cubao coming from EDSA via Shaw Boulevard. It is a busy route at any given time of the day. The motel also adjoins immediately thereafter the Metro-Bank Building with blue guards posted round-the-clock. Also, there is a Police Detachment in front of Balatao Building adjoining the Metro-Bank compound and immediately along V. Mapa Street."[11]

The Trial Court's Ruling

The trial court found appellant guilty of two counts of rape. In its own words:

"After evaluating and weighing the evidence adduced in the trial of this case, especially the testimony of the private complainant vis-à-vis that of the accused and their respective demeanors and manners while testifying, the Court finds the accused guilty of the offense (two counts) charged against him.

"The private complainant in giving her testimony appears not only to be truthful but even pitiful, an unfortunate victim of a callous and scheming criminal equipped with a ready made and fabricated story to absolve him from his foul deed. Such story of the accused however failed to impress the Court as it finds no reason to disbelieve the private complainant as no ill motive was shown for her charges against the accused and especially considering her personal circumstances as a domestic helper and `probinsiyana' although fair

and not bad[-]looking.

x x x x x x x x x

"Moreover, the accusation of rape or forced sexual intercourse was confirmed by the testimony of the Medico-legal Officer who conducted the physical examination on the private complainant, x x x.

x x x x x x x x x

"Moreover, the credibility of the accused is affected by the fact that he is facing similar charges of rape from other complainants. In fact, it was after the private complainant saw and recognized the accused on t.v. as a subject of similar complaints of rape that she decided to file the subject complaint against him.

"All told, the Court gives credence to the testimony of the private complainant and although her testimony shows that she was raped for four times inasmuch as the accused was charged only [in] two informations, the Court finds the accused guilty of only two counts of rape as charged in the informations. The Court likewise finds him liable for moral damages in the amount of one hundred thousand pesos (P100,000.00) for each count."[12]

Hence, this appeal.[13]

The Assigned Error

Appellant faults the trial court with the following errors:

"I

The lower court erred in not finding that complaining witness had close acquaintance with the accused before June 16, 1997, and had agreed to meet [him] on said date;

"II

The lower court erred in not finding that complaining witness went along voluntarily with accused for a date at Filipinas Walk-In Motel on June 16, 1997;

"III

The lower court erred in finding that accused had sexual intercourse with complaining witness, much less twice, on June 16, 1997 at the said motel;

"IV

The lower court erred in finding complaining witness as an innocent angel, so to speak, or as a `probinsiya' in the real, sense, and in giving credence to her testimony; and

"V

The lower court erred in not acquitting the accused on the basis of his defense and on ground of reasonable doubt."[14]

Basically, these alleged errors can be reduced to the sole issue of whether there is sufficient evidence to convict appellant on two counts of rape.

The Court's Ruling

The appeal is devoid of merit.

Sole Issue: Sufficiency of Evidence

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Well-settled is the rule that in a review of a rape case, this Court is guided by the following principles: (1) to make an accusation of rape is easy, but to disprove it is difficult though the accused may be innocent; (2) in view of the nature of the crime which usually involves only two persons, the testimony of the complainant must be scrutinized with extreme caution; and (3) the evidence for the prosecution must stand or fall on its own merits and not be allowed to draw strength from the weakness of the evidence for the defense.[15]

After a careful review of the records and pleadings of the present case, we find no reason to overturn the RTC's judgment finding appellant guilty of two counts of rape.

Appellant avers that the trial court committed five errors, most if not all of which are factual in nature. Well-settled is the rule that factual findings of the trial court are best left to it, because it had the opportunity to observe the demeanor and conduct of witnesses on the stand. Its assignment of value and weight to their testimonies and its determination of their credibility will not be disturbed by appellate courts because, having heard the witnesses and observed their conduct, it was in a better position to decide the question. That is, unless it overlooked certain facts of substance and value which, if considered, might affect the result or show it to be arbitrary.[16]

This is especially true in a rape case in which a complainant's credibility is the single most important issue.[17] It is usually her word that she was raped vis-à-vis that of appellant who denies such charge. This is because rape is often committed in secrecy, without any other witness except the victim. Thus, the trial court is duty-bound to decide whose testimony is more credible.[18]

Likewise, this Court has long held that when a woman says that she has been raped, she says in effect all that is necessary to show that rape has been committed. And if her testimony satisfies the test of credibility, the accused may be convicted on the sole basis thereof.[19]

Here, the trial court gave more credence to complainant's testimony, because she appeared not only to be truthful, but also unmotivated by any ill motive to fabricate a rape charge against appellant, whom she had met only on the day she was raped. The trial court also considered her personal circumstances: a fair domestic probinsyana helper, who caught the unwanted attention of appellant while she was on her way to buy vegetables in Quiapo. She testified how appellant had forced her inside a waiting taxicab, brought her to a motel, and raped her there several times, as follows:

> "Q You said earlier that there was a man who approached you, what happened after that?
>
> A He introduced himself as my uncle.
>
> Q After he introduced himself as your uncle, what was your reaction to that, if there was any?
>
> A I was surprised because I [didn't] know him by face.
>
> Q After that, what happened next?
>
> A `Sabay hila sa kamay ko at saka pinasok ako sa taxi.'
>
> Q When you were placed inside the taxi, you did not make any resistance?
>
> A `Nakatutok po iyong kutsilyo sa gilid ko.'
>
> Q Did you recognize that person?
>
> A `Opo, sa TV na po [nang] lumabas.'
>
> Q Was there any name that was mentioned in the TV when you recognized him?

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A There was.

Q What name was that?

A Conde Rapisora.

x x x x x x x x x"[20]

"Q Now, you said that you were placed inside the taxi by that man who approached you and whom you later identified as Conde Rapisora, what happened after that?

A He brought me to the hotel.

Q Where is that hotel located Ms. Witness?

A In Sta. Mesa.

Q Now, did you know the name of that hotel?

A I can not remember.

Q Why did you say that that hotel is located in Sta. Mesa?

A Because I remember that we passed by Census.

Q Now, by Sta. Mesa you mean Sta. Mesa, Manila?

A Yes sir.

Q Now Ms. Witness, at what particular place did the taxi stop? Was it in that hotel at Sta. Mesa or outside?

A `Papasok sa parking-an ng mga taxi.'

Q Prior to your arrival at the said hotel, could you tell the Honorable Court whether there was any conversation between you and Conde Rapisora aboard the taxi?

A He told me that he [would] bring me to his Mommy Karen.

Q What about the name of Conde Rapisora, could you tell the Honorable Court whether he told you about his name while you were on board the taxi?

A He introduced himself as Andy Villanueva.

Q Upon hearing the name Andy Villanueva, what occurred to you?

A `Parang naniwala ako na uncle ko siya kasi apelyido ng lola ko po ay Villanueva.'

Q Going back to that situation or testimony of yours that the taxi stopped at the parking area. Now, when the taxi already parked at the parking area, what happened?

A `Pinaakyat niya ako. Parang hilo na ako dahil may pinaamoy siya sa akin.'

Q You said `may pinaamoy siya sa akin' are you referring to whom Ms. Witness?

A Conde Rapisora.

Q You are referring to the accused Conde Rapisora?

A Yes sir.

Q You said `may pinaamoy siya sa akin', how did Conde Rapisora do it?

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A `Sa parang towel po niya.'

Q After that, what happened next?

A I regained my consciousness while inside the room.

Q After regaining consciousness, what happened next?

A `Pinagpilit niya akong pahubarin.'

Q And what was your reaction to that?

A `Ayoko po.'

Q After that what happened next?

A `Hanggang siya ang humubad sa akin.'

Q While he was undressing you, what did you do at the time Ms. Witness?

A `Nanlaban po akon sa kanya.'

Q What was the result of your resistance or your fighting against him?

A `Wala po akong kaya dahil malakas po siya sa akin.'

Q After that what happened next?

Court

Witness is crying.

Do you need a recess Fiscal or what?

Witness

`Ginahasa po niya ako.'

Pros. Cabaron

Q You are referring to the accused Conde Rapisora?

A Yes sir.

Q How did he do it?

A `Pumatong po siya sa akin.'

Q After he placed [himself] on top of you, what did he do next?

A `Pinasok niya ang ari niya sa akin.'

Q Was there an actual penetration into your vagina?

A `Nasaktan po ako.'

Court

Q Just answer the question.

A `Matagal po.'

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Pros. Cabaron

Q So, what do you mean by `matagal' what was `matagal'?

A Nakapasok.

Q When his penis was already inserted in[to] your vagina, what did you feel?

A `Masakit po.'

Q After that, what happened next?

A I just cried.

Q At about what time did you arrive at that hotel Ms. Witness?

A 9:00 o'clock.

Q Now, for how long did you stay at the hotel?

A What I know is that, I arrived home at 4:00 o'clock.

Q Now, after Conde Rapisora, the accused forcibly had a sexual intercourse with you, what happened next Ms. Witness?

A `Nakatulog po siya.'

Q How long was he then sleeping?

A `Hindi ko po binantayan iyong tulog niya dahil noong nakatulog siya nagbihis po ako.'

Q You said that you were then dressing up when he was sleeping, are you referring to whom, who was that `nakatulog siya'?

A Conde Rapisora.

Q While the accused was sleeping, what did you do at the time?

A I dressed up.

Q Now, you were then dressing up for what purpose?

A 'Para tumakbo na po pauwi.'

Q Now, were you able to successfully run away?

A Yes sir.

Court

Q After you were able to dress up, what did you do?

A `Dahan-dahan po akong lumabas sa pinto.'

Q After that, what else did you do?

A `Tumakbo ako palabas.'"[21]

In his defense, appellant advances the so-called "sweetheart theory." He admits the sexual encounter, but avers that it was consensual because of his alleged relationship with her. He even assails her credibility by claiming that she is a prostitute. But even a prostitute can be a victim of rape.[22]

On the other hand, he denies having had carnal knowledge of her because, when he brought her to the motel, she was allegedly having her monthly period. He claims that he only inserted his finger inside her vagina and had her masturbate his penis.

However, the medicolegal findings of Dr. Ruperto J. Sombilon belie the claim of appellant that he did not have sexual intercourse with the victim on that day. The doctor testified as follows:

> "Pros. Cabaron:
>
> Doctor you are a Medico Legal Officer of the National Bureau of Investigation. In the course of the performance of your duties as a Medico-Legal Officer, have you examined the person of one Grace Samson in connection with an alleged raped committed against her?
>
> A Yes, sir.
>
> Pros. Cabaron:
>
> Now when was that Doctor?
>
> A With the permission of this Honorable Court, I would like to refresh my memory [of] the records.
>
> I made the examination on June 17, 1997 at 8:45 A.M., sir.
>
> Q Now, what kind of examination particularly did you make Doctor on the proposed subject of your examination who is Grace Samson?
>
> A I made a physical examination on the body of the subject and then I proceeded to the genital examination, sir.
>
> Q Now, with [regard] to the physical examination, what findings, if any, did you notice or did you have Doctor?
>
> A As far as the extra genital physical condition of the subject was concerned, at that time, I noted that there was no sign of such physical injuries on the body of the subject at the time of the examination, sir.
>
> Q Now, what about the genital examination that you conducted Doctor, what findings, if any, did you have?
>
> Witness:
>
> Well, I found an injury although I would classify this as a new and an old one. As far as the new injury was concerned, at that time I found a superficial laceration at the fourchette, that is the area, the specific area which is the union of the labia minora posteriorly and also the labia majora posteriorly. I found [a] .7 cm. superficial laceration indicating that it was a new one because on slight touch it would even bleed. Now, as far as the hymenal lacerations were concerned, I found two indicating if we have a face of a clock here [and] I would like to indicate [where they] it were located, the lacerations were located at the 4:00 o'clock and the 7:00 o'clock positions of the hymen, sir.
>
> Pros. Cabaron:
>
> Now, with respect to the new injury Doctor at the fourchette, would that injury be consistent with the situation wherein a man forced his male organ into the vagina of the subject?
>
> A Yes, sir. It is not uncommon that even the fourchette would be injured in such a situation.
>
> Pros. Cabaron:
>
> Now, the injury of the fourchette Doctor, would you be able to determine the period before the examination

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that such injury was being inflicted?

A Yes, sir. I would say x x x within 48 hours duration.

Q So that would be compatible with the situation that the subject of your examination Grace Samson was forcibly sexually molested or raped by a man on June 16, 1997 or the day before your examination?

A It can be compatible, sir."[23]

Appellant also questions the prosecution's failure to present the "semenology" examination of the victim. However, this Court has ruled that the presence or the absence of spermatozoa is immaterial because it is penetration, not ejaculation, that constitutes rape.[24]

Appellant likewise questions the lack of physical injuries on the victim's body. However, proof of external injuries is not indispensable to a prosecution for rape committed with force or intimidation.[25] Physical injury is not an element of rape.[26]

It must be emphasized that the Revised Penal Code, as amended, punishes a man who had carnal knowledge of a woman under any of the following circumstances: (a) through force, threat or intimidation; (b) when the offended party was deprived of reason or was otherwise unconscious; (c) by means of fraudulent machination or grave abuse of authority; or (d) when the offended party was under twelve (12) years of age or was demented, even though none of the circumstances mentioned above was present.

Appellant also assails complainant's delay in reporting the crime. We are not persuaded. The victim explained that her employer had told her not to file a case anymore; and she obeyed because, at the time, she did not know the name of her ravisher. But as soon as she saw him on television and learned of his real name, she immediately contacted the police station to report the rape committed against her.

Appellant also assails alleged inconsistencies in the victim's statement. It must be pointed out, however, that even the most candid witnesses have been known to make a few inconsistent statements. Such inconsistencies have not necessarily impaired their credibility and, instead, may have even bolstered it.[27]

Regarding the amount of damages, we note that the trial court ordered appellant to pay the victim P100,000 for each count of rape as moral damages or a total of P200,000. It must be clarified that, in recent rulings,[28] rape victims have each been granted civil indemnity in the amount of P50,000 and moral damages of P50,000 once the fact of rape was proven.

WHEREFORE, the appeal is DENIED and the assailed RTC Decision AFFIRMED. However, the monetary awards shall be as follows: P50,000 as civil indemnity ex delicto and another P50,000 as moral damages for each count of rape. Costs against appellant.

SO ORDERED.

Melo, (Chairman), and Sandoval-Gutierrez, JJ., concur.
Vitug, J., on official leave.

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[1] Penned by Judge Rodolfo A. Ponferrada.

[2] Assailed Decision, p. 7; rollo, p. 26; records, p. 2.

[3] Except for the phrases "suddenly pulling and dragging the latter into a taxi, poking a bladed weapon at her bringing her to a motel"and "for the first time," the second Information was similarly worded as the first. Both

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Informations were signed by Asst. City Prosecutor Socorro B. Inting.

[4] Information, dated October 24, 1997; rollo, p. 8; records, p. 2.

[5] Information, dated October 24, 1997; rollo, p. 10; records, p. 21.

[6] Assisted by Atty. Raul Austria Bo during his arraignment.

[7] See lower court's Order dated January 26, 1998; records, p. 29.

[8] Signed by Sol. Gen. Simeon V. Marcelo, Asst. Sol. Gen. Rodolfo G. Urbiztondo, and Sol. Encebrin E. Javier.

[9] Appellee's Brief, pp. 5-7; rollo, pp. 80-82.

[10] Signed by Atty. Jose de G. Ferrer.

[11] Appellant's Brief, pp. 8-12; rollo, pp. 46-50.

[12] Assailed Decision, pp. 4-6; rollo, pp. 23-25; records, pp. 132-34.

[13] This case was deemed submitted for resolution on March 8, 2001 when the Court received Appellee's Brief. The filing of a Reply Brief was deemed waived, as none was submitted within the reglementary period. It must be pointed out that on July 5, 2001, respondent's counsel filed a Motion for Extension of Time to File a Reply Brief. However, in an August 6, 2001 Manifestation, he prayed that he be relieved from submitting the said Reply, because, according to him, Appellant's Brief had sufficiently refuted Appellee's Brief.

[14] Ibid., pp. 1-2; rollo, pp. 39-40.

[15] People v. Baniguid, GR No. 137714, September 8, 2000; People v. Gutierrez, GR No. 132772, August 31, 2000; People v. Diasanta, 335 SCRA 218, July 6, 2000; People v. Tabanggay, 334 SCRA 575, June 29, 2000.

[16] People v. Antido, 278 SCRA 425, September 4, 1997.

[17] People v. Aguero, GR No. 139410, September 20, 2001, p. 8, citing People v. Akhtar, 308 SCRA 725, June 21, 1999.

[18] Ibid.

[19] People v. Nerio, GR No. 142564, September 26, 2001, p. 21.

[20] TSN, May 26, 1998, pp. 6-7.

[21] Ibid., pp. 8-14

[22] People v. Gonzaga et al., GR Nos. 135402-03, September 7, 2001, p. 12, citing People v. Baniguid, GR No. 137714, September 8, 2000 and People v. Bernaldez, 322 SCRA 462, 470-471, January 19, 2000.

[23] TSN, June 9, 1998, pp. 4-7

[24] People v. Gonzaga, supra at 12, citing People v. Freta, GR Nos. 134451-52, March 14, 2001.

[25] Ibid., p. 14.

[26] Id., citing People v. Osing, GR No. 138959, January 16, 2001 and People v. Rafales, 323 SCRA 13, 26, January 21, 2000.

[27] People v. Aguero, supra, citing People v. Padilla, 301 SCRA 265, January 20, 1999.

[28] People v. Nerio, supra; People v. Gonzaga, supra; People v. Aguero Jr., GR No. 139410, September 20, 2001.

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