THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. EDMUNDO BOHOL Y MACATALAN, ACCUSED-APPELLANT,

G.R. Nos. 141712-13 (Crim. Case No. 98-0464 for RAPE). August 22, 2001

Ponente: MENDOZA, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-nos-141712-13/

MENDOZA, J.:

This is an appeal from the decision[1] of the Regional Trial Court, Branch 109, Pasay City, finding accused-appellant Edmundo Bohol y Macatalan guilty of rape and sentencing him to suffer the penalty of reclusion perpetua and to indemnify the offended party, Maricel Rebot y Ariola, in the amount of P75,000.00.

The information against accused-appellant alleged —

> That on or about the 23rd day of April, 1998 in Pasay City, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, Edmundo Bohol y Macatalan, by means of force and intimidation, employed upon the person of private complainant Maricel Rebot y Ariola, a 12-year old minor, did then and there wilfully, unlawfully and feloniously have carnal knowledge with said private complainant, against her will.
>
> Contrary to law.[2]

Upon arraignment, accused-appellant pleaded not guilty, where-upon he was tried. The facts found during the trial are as follows:

Maricel Rebot was born on October 6, 1985, the second child of Dalisay Ariola by her common-law husband, Domingo Rebot. She has five younger stepbrothers and stepsisters. Maricel lived with her family at the Airlanes Village in Pasay City until 1995, when their neighborhood was removed, and they were relocated to Dasmariñas, Cavite. Accused-appellant and his family were their neighbors both when they were in Pasay City and later when they were relocated to Dasmariñas, Cavite.[3]

Maricel's mother, Dalisay, was a cigarette vendor at the Ninoy Aquino International Airport area, while Maricel begged in the streets. She continued begging at the NAIA and its vicinity even after their transfer to Cavite to help her family. Because of the distance of the NAIA to Dasmariñas, Cavite, Maricel often spent the night under the fly-over leading to NAIA whenever it was too late for her to travel back home. She preferred this because she had many friends who also slept there. In fact, the fly-over area had become home to many streetchildren and homeless people,[4] including accused-appellant and Elias Galanza who both worked clandestinely as illegal porters at the NAIA.[5]

It appears that on April 22, 1998, at around 8:00 p.m., Maricel and three female friends went to the fly-over area to rest after a day of begging in the streets. Maricel fell asleep at around 1:00 a.m. of April 23, 1998 because she was tired. Before she went to sleep, her last recollection was that her three female friends were lying at her right side while another friend, Edwin, lay to her left. About eight other streetchildren were resting in the area. At around 3:30 a.m., she was awakened by the boisterous laughter of some of the streetchildren. When she opened

her eyes, Maricel found herself between Elias Galanza and accused-appellant.[6] Elias lifted her skirt, inserted his hand into her short pants and panty, and touched her private part. She tried to remove Elias' hand, but she could not do so as Elias and accused-appellant were closely pressing her. Maricel heard some streetchildren laughing as they smelled Elias' hand after he touched Maricel's private part. Accused-appellant then raised her t-shirt, removed her short pants and panty, and went on top of her. Maricel shoved him with her shoulders, but she was no match to accused-appellant. She resisted ("pumalag") when accused-appellant was still trying to insert his penis into her vagina, but the latter was able eventually to penetrate her, although only the head of his penis entered her. Maricel felt pain and cried as accused-appellant had sex with her. After her ordeal, Maricel told Edmundo that she would tell her mother what had happened. Edmundo replied "Bakit, inaano ba kita?" Maricel transferred to another place and went to sleep when she felt it was already safe enough. Accused-appellant likewise transferred to another place, leaving Elias behind.[7]

Maricel woke up at around 10 o'clock in the morning of April 23, 1998. She was expecting to see her mother, Dalisay, to get money from her,[8] but Dalisay did not come until noon of the next day. Before Dalisay got to see Maricel, she had already been told by the children that Maricel was molested by Elias and accused-appellant. Maricel's eyes were swollen from crying when Dalisay saw her. At first, Maricel did not tell Dalisay when the latter asked why her eyes were swollen. When Dalisay confronted her about what Agnes and the other children had told her, Maricel admitted that she had been abused in the early morning of April 23, 1998.[9]

Thereupon, Dalisay took her daughter to the barangay hall of Brgy. 198, Zone 20, Pildera, Pasay City and reported the matter to Brgy. Tanod Johnny Kessel. The latter took them to the barangay hall of Brgy. 193, Zone 20, Pildera, Pasay City where they made a similar report to the barangay captain.[10] Upon instructions of the barangay captain, Brgy. Tanods Johnny Kessel and Romy Dizon looked for accused-appellant and Elias. Brgy. Tanod Romy Dizon found accused-appellant in a wake (lamayan) at Road 6, Brgy. 190, Zone 20, Pasay City and took him to the barangay hall, where he was positively identified by Maricel as her rapist. Accused-appellant and Elias Galanza were thereafter taken to the Pasay City police headquarters.[11]

On April 25, 1998, Maricel was examined by Dr. Mariella Sugue-Castillo at the Philippine General Hospital upon request[12] by the Women's and Children's Desk Section of the Pasay City Police office. Dr. Castillo examined Maricel's body and genitalia and conducted a urinalysis as Maricel complained of painful urination. The tests yielded normal findings: no injuries on Maricel's body, no lacerations, no hematoma or discharge in her vagina, and normal urinalysis results. Dr. Castillo found that Maricel's hymen was beginning to be estrogenized, meaning that female hormones were beginning to develop at the time of the examination. Dr. Castillo said that her over-all normal findings "do not prove nor disprove" that Maricel was indeed sexually abused. She explained that her medical findings alone were not sufficient for her to categorically affirm or deny that Maricel had been abused.[13]

Accused-appellant denied the accusation against him. He admitted that he slept in the fly-over area in the early morning of April 23, 1998, but he claimed that no untoward incident happened at that time. He claimed that when he reached the fly-over at past 1:00 a.m. of April 23, 1998, after attending a "lamayan," he saw Maricel sleeping in the middle of her female friends. Accused-appellant said he joined the group of Elias and his four male companions who were sleeping opposite Maricel's group. The two groups were separated by some shrubs.[14]

According to accused-appellant, when he woke up at 10:00 a.m. on April 23, 1998, he found Maricel's and Elias' group gone. He went to the airport to work and saw Maricel begging in the area. When evening came, accused-appellant again slept in the fly-over area. Her friends were also there and, as in the early morning of April 23, 1998, nothing unusual happened.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

Accused-appellant claimed that he was falsely accused by Maricel and her mother to extort money from him and his family. He claimed that he and Maricel used to be friends and that he in fact always gave money to Maricel whenever she asked for it. However, according to him, he stopped giving money to Maricel in 1997 because her mother, Dalisay, only took it from her. Accused-appellant said that when he was detained at the police station, Dalisay demanded P20,000.00 from him in exchange for their withdrawal of the rape charge against him.[15]

On December 3, 1999, the trial court rendered its decision, the pertinent dispositive portion of which reads:

> In Crim. Case No. 98-0464, the Court finds Edmundo Bohol y Macatalan guilty beyond reasonable doubt for the crime of rape of minor Maricel Rebot on 23rd of April, 1998, at Pasay City, and hereby imposes the penalty of RECLUSION PERPETUA and pay the victim actual damages in the amount of P75,000.00.

Hence this appeal. Accused-appellant contends that -

> - THE TRIAL COURT ERRED IN GIVING FULL WEIGHT AND CREDENCE TO THE TESTIMONY OF THE PRIVATE COMPLAINANT.
>
> - THE TRIAL COURT ERRED IN FINDING ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF RAPE.
>
> - GRANTING THAT THERE WAS SUFFICIENT EVIDENCE TO HOLD ACCUSED-APPELLANT CRIMINALLY LIABLE, THE TRIAL COURT, NONETHELESS, ERRED IN FINDING HIM GUILTY OF THE CRIME OF RAPE AS CHARGED.[16]

At the outset, considering that the rape was allegedly committed on April 23, 1998, it should be stated that the applicable law is R.A. No. 8353, which took effect on October 22, 1997,[17] and not R.A. No. 7659. Save for this and the award of damages, we agree with the conclusions of the trial court and affirm its judgment convicting accused-appellant of rape.

Accused-appellant argues that private complainant's claim is incredible because it is contradicted by (1) the set-up of the fly-over area where complainant claims accused-appellant raped her, (2) the results of the medico-genital examination of complainant, and (3) complainant's behavior before and during the alleged sexual assault. He contends that complainant's testimony is at variance with her sworn statement and that the charge is ill-motivated.

The contentions are without merit.

First. The mere fact that the fly-over area was well-lighted and that eight other persons, mostly streetchildren, were also under the fly-over at the time of the incident does not negate complainant's testimony. Accused-appellant's claim that there were at least 30 people in the fly-over area on April 23, 1998 has no basis either in his testimony or that of private complainant. In any event, we have more than once noted that rape can be committed in isolated or private places, as well as in open and public places.[18] It has been found to be committed even on the same bed where other members of the family were sleeping.[19] Neither the pictures nor the testimony of accused-appellant and even that of complainant convince us to depart from the foregoing observations. Indeed, judicial experience has shown that rapists are not deterred by the time or place in consummating their bestial design. Nor do they choose their preys.

Second. Accused-appellant relies on the following statement in People v. Campuhan:[20]

> In cases of rape where there is a positive testimony and a medical certificate, both should in all respects complement each other; otherwise, to rely on the testimonial evidence alone, in utter disregard of the manifest variance in the medical certificate, would be productive of unwarranted or even mischievous results. It is necessary to carefully ascertain whether the penis of the accused in reality entered the labial threshold of the female organ to accurately conclude that rape was consummated. Failing in this, the thin line that separates

attempted rape from consummated rape will significantly disappear.

In Campuhan the accused was convicted by the trial court of rape of a four-year old child on the basis of the testimony of the victim's mother. There was doubt, however, whether the victim's mother actually saw the accused therein insert his penis into the victim's vagina. On the other hand, the victim's testimony merely showed the touching of her vagina by the accused's penis, but not its penetration. The examining physician found no signs of extra-genital physical injury on the victim's body. Although she explained that the absence of any sign of complete penetration of the hymen does not negate the possibility of contact, the examining physician stated she did not have enough basis for concluding otherwise. Since neither the testimony of the victim nor the medical evidence established that rape was consummated, this Court modified the decision of the trial court and convicted the accused merely of attempted rape.

Accused-appellant's reliance on our pronouncement in the said case, as aforequoted, is clearly misplaced. Campuhan merely clarified the distinction between attempted and consummated rape. Its reference to a variance between testimonial evidence and medical evidence pertained to variance between the testimony of the victim's mother that she saw accused-appellant inserting his penis into the child's vagina and the child's own testimony that the accused's penis merely touched the orifice but did not quite succeed in penetrating the genitalia. In contrast, complainant in the case at bar positively testified that accused-appellant entered her, albeit only partially.

There is no gainsaying that medical evidence is merely corroborative, and is even dispensable, in proving the crime of rape.[21] In child sexual abuse cases particularly, normal physical findings are common due to several factors, such as delay in seeking medical examination, the rapid healing of injuries, washing, urinating or defecating after the sexual assault, the elasticity of the hymen, changes in the hymenal tissue due to estrogen effect when the victim is at the pubertal stage, or the type of sexual molestation involved, such as fondling, oral sodomy, or cunnilingus, which leaves no physical marks.[22] The child's disclosure is the most important evidence of the sexual abuse she has gone through.[23]

The absence of injuries on private complainant's body does not, therefore, negate the commission of rape[24] nor does it signify lack of resistance by the private complainant.[25] This lack of signs of physical force in child sexual abuse cases is explained by the fact that, most often, the abusers do not intend to harm their victims physically.[26] Rape is about the abuser exercising power and control over his victim. It is a conscious process of intimidation by which the abuser keeps his prey in a state of fear and humiliation. Thus, it is not impossible for the victim not to make an outcry against her assailant, even if the latter is unarmed.[27]

Indeed, the law does not impose upon the victim the burden of proving resistance.[28] Thus, where resistance would be futile, offering none at all does not amount to consent to the sexual assault.[29] Where, as in this case, the victim is just a child who is twelve and a half years old,[30] she cannot be expected to be as contumacious and unyielding as a mature and stronger woman.[31] Besides, complainant in this case did resist accused-appellant's odious act by shoving him with her shoulders and jerking her body to avoid being penetrated. The fact that she did not shout nor say anything to make accused-appellant desist does not mean that she submitted herself voluntarily. Confronted with a frightful experience such as rape, not every victim can be expected to act conformably with the expectation of mankind.[32]

Third. Nor is there any inconsistency or contradiction between complainant's testimony in court and her sworn statement. Rather, they supplement each other, the sworn statement and her testimony during her cross-examination filling in the gaps in her testimony during her direct examination. Whether Elias Galanza left her side to let his friends smell his hand after he touched complainant's private part is immaterial because accused-appellant single-handedly overpowered complainant and forced himself on her. The record shows that

accused-appellant is 5'6" tall and weighs more or less 140 lbs.[33] He was then 19 years old. In contrast, complainant, who was twelve and a half years old at the time of the incident, is only 4'4" tall and 69.74 lbs. heavy at the time of her medical examination.[34] Considering that accused-appellant had been doing a menial task at the NAIA for the most part of his life, it may be assumed that he had enough strength to quell whatever resistance complainant may have put up even without the assistance of Elias.

It is not disputed that accused-appellant and complainant, as well as their respective families, belong to the urban poor. Accused-appellant admitted that he and complainant's mother always had fairly good relations.[35] We find it hard to believe, therefore, that, in accusing him, complainant and her mother simply want to extort money from accused-appellant or his family. In the absence of evidence of any improper motive, it is presumed that no such motive exists.[36] We have more than once ruled that it is wholly unnatural for a mother to sacrifice her own daughter, a child of tender years at that, and subject her to the rigors and humiliation of a public trial for rape if she were not motivated by an honest desire to have her daughter's transgressor punished accordingly.[37] We do not see why this same observation should not apply to the mothers of the numerous hapless children, like complainant, who inhabit our streets.

For the foregoing reasons, we find no reason to reverse the appealed decision. However, in line with prevailing case law,[38] the indemnity awarded should be reduced to P50,000.00 and, in addition, moral damages in the amount of P50,000.00 should be awarded without need of proof.[39]

WHEREFORE, the decision of the Regional Trial Court, Branch 109, Pasay City, finding accused-appellant Edmundo Bohol y Macatalan guilty of the rape of Maricel A. Rebot and sentencing him to suffer the penalty of reclusion perpetua, is AFFIRMED, with the MODIFICATION that the award of indemnity is reduced to P50,000.00 and accused-appellant is ordered to pay the additional amount of P50,000.00 as moral damages.

SO ORDERED.

Bellosillo, (Chairman), Quisumbing, Buena and De Leon Jr., JJ., concur.

---

[*] Criminal Case No. 98-0465, entitled "People of the Philippines v. Elias Galanza y Formanez," for Acts of Lasciviousness was tried jointly with this case. The accused, Elias Galanza, was found guilty but he did not appeal the decision of the trial court.

[1] Per Judge Lilia C. Lopez.

[2] Rollo, p. 15.

[3] TSN (Dalisay Ariola) pp. 3-6, 10-11, Aug. 5, 1998.

[4] TSN (Maricel Rebot) pp. 15-17, 19-20, Aug. 4, 1998.

[5] TSN (Edmundo Bohol) pp. 4-5, Nov. 9, 1998; TSN (Elias Galanza) p. 4, Jan. 13, 1999.

[6] Records, p. 144; Exh. F (Sinumpaang Salaysay of Maricel Rebot).

[7] TSN (Maricel Rebot) pp. 10-11, 13, 25-26, Aug. 4, 1998; Records, p. 144; Exh. F, 7-A (Sinumpaang Salaysay of Maricel Rebot).

[8] TSN (Maricel Rebot) p. 11, 27-29, Aug. 4, 1998.

[9] Id., p. 11; TSN (Dalisay Ariola) pp. 3-4, Aug. 5, 1998.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

[10] TSN (Dalisay Ariola) pp. 4-5, 9-10, Aug. 5, 1998.

[11] TSN (Romy Dizon) pp. 4, 7-8, Aug. 4, 1998; Records, p. 143; Exh. E (Sinumpaang Salaysay of Romy Dizon and Johnny Kessel).

[12] Records, p. 140; Exh. B.

[13] TSN (Dr. Mariella Sugue-Castillo) pp. 7-10, July 16, 1998; Records, p. 141; Exh. C (Medical Certificate); Records, p. 142; Exh. D (Routine Urinalysis Results).

[14] Records, pp. 278-279; Exhs. 1 & 2 (Photographs of the area underneath the NAIA fly-over).

[15] TSN (Edmundo Bohol) pp. 5-10, Nov. 9, 1998; TSN (Edmundo Bohol) pp. 3-5, 14-15, Nov. 19, 1998.

[16] Appellant's Brief, pp. 1-2.

[17] People v. Tundag, G.R. Nos. 135695-96, Oct. 12, 2000.

[18] People v. Mitra, 328 SCRA 774 (2000); People v. Arlee, 323 SCRA 201 (2000); People v. Cortes, 323 SCRA 131 (2000); People v. Losano, 310 SCRA 707 (1999); People v. Perez, 296 SCRA 17 (1998); People v. Talaboc, 256 SCRA 441 (1996); People v. Codilla, 224 SCRA 104 (1993); People v. Guibao, 217 SCRA 64 (1993); People v. Dabon, 216 SCRA 656 (1992); People v. de los Reyes, 203 SCRA 707 (1991); People v. Viray, 164 SCRA 135 (1988).

[19] People v. Maglente, 306 SCRA 546 (1999).

[20] 329 SCRA 270, 287 (2000) (emphasis added).

[21] People v. Lerio, 324 SCRA 76 (2000); People v. Juntilla, 314 SCRA 568 (1999).

[22] Jan Bays and Dan Chadwick, Medical Diagnosis of the Sexually Abused Child, 17 CHILD ABUSE AND NEGLECT 91-110 (1993).

[23] Joyce A. Adams, et al., Examination Findings in Legally Confirmed Child Sexual Abuse: Its Normal to be Normal, 94 PEDIATRICS, 310-317, (1994).

[24] People v. Juntilla, 314 SCRA 568 (1999); People v. Alimon, 257 SCRA 658 (1996).

[25] People v. Veloso, 330 SCRA 603 (2000); People v. Celis, 317 SCRA 79 (1999).

[26] Martin A. Finke, Initial Medical Management of the Sexually Abused Child, in TREATMENT OF CHILD ABUSE COMMON GROUND FOR MENTAL HEALTH, MEDICAL, AND LEGAL PRACTITIONERS 3 (2000).

[27] People v. Silvano, 309 SCRA 362 (1999).

[28] People v. Fraga, 330 SCRA 669 (2000).

[29] People v. Mitra, 328 SCRA 774 (2000); People v. Silvano, 309 SCRA 362 (1999).

[30] E.g., People v. Salazar, 258 SCRA 55 (1996).

[31] People v. Baltar, 325 SCRA 319 (2000).

[32] People v. Celis, 317 SCRA 79 (1999).

[33] Records, p. 7.

[34] Id., p. 141.

[35] TSN (Edmundo Bohol), p. 5, Jan. 5, 1999.

[36] People v. Velasquez, G.R. Nos. 137383-84, Nov. 23, 2000.

[37] E.g., People v. Accion, 312 SCRA 250 (1999); People v. Tumala, 284 SCRA 436 (1998); People v. Oliva, 282 SCRA 470 (1997); People v. Alimon, 257 SCRA 658 (1996).

[38] E.g., People v. Tolentino, G.R. No. 139834, Feb. 19, 2001; People v. Lustre, G.R. No. 134562, April 6, 2000; People v. Ferolino, G.R. Nos. 131730-31, April 5, 2001.

[39] People v. Mitra, 328 SCRA 774 (2000).

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

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.