PEOPLE OF THE PHILIPPINES, APPELLEE, VS. ROMEO MANAYAN, APPELLANT.

G.R. Nos. 142741-43. October 25, 2001

Ponente: PANGANIBAN, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-nos-142741-43/

PANGANIBAN, J.:

An error-free testimony cannot be expected from children of tender years, most especially when they are recounting details of harrowing experiences, those that even adults would rather bury in oblivion.[1] To be sure, the testimony of a young rape victim may not be described as flawless; but its substance, veracity and weight are hardly affected by the triviality of her alleged inconsistencies. On the contrary, they may even reinforce her credibility, as they have probably arisen from the naivete of a child, confused and traumatized by the bestial acts done to her person.

The Case

For review before this Court is the Decision[2] dated January 17, 2000, issued by the Regional Trial Court (RTC) of Panabo, Davao (Branch 34),[3] in Criminal Case Nos. 96-151, 96-152 and 96-153, convicting Romeo Manayan of three counts of rape and sentencing him to suffer the penalty of reclusion perpetua for each count.

Except for the date, the three Informations filed against the accused, all dated July 26, 1996, similarly read as follows:

> "That on or about April 22, 1994, in the Municipality of Panabo, Province of Davao, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge of Leamarie A. Pascual, an 11 year old girl, against her will.
>
> "CONTRARY TO LAW"[4]

The two other Informations[5] indicted the accused for the same crime against the same victim on two different dates, March 2 and June 8, 1996. When arraigned on August 21, 1996, he pleaded[6] not guilty. After trial in due course, the lower court rendered its Decision, the dispositive portion of which reads:

> "WHEREFORE, the Court sentences the accused Romeo Manayan as follows:
>
> - In Criminal Case No. 96-151, Romeo Manayan should suffer the penalty of reclusion perpetua and to suffer all accessory penalties and must pay Leamarie the sum of P75,000.00 as indemnity ex delicto and P75,000.00 as moral damages;
>
> - In Criminal Case No. 96-152, Romeo Manayan is meted the penalty of reclusion perpetua and x x x all accessory penalties and must pay Leamarie the sum of P75,000.00 as indemnity ex delicto and P75,000.00 as moral damages; and
>
> - In Criminal Case No. 96-153, Romeo Manayan should undergo the penalty of reclusion perpetua, with all

accessory penalties provided by law, and must pay Leamarie Pascual the sum of P75,000.00 as indemnity ex delicto and P75,000.00 as moral damages.

"He shall be credited with the period of his detention pending termination of these cases."[7]

The Facts

Prosecution's Version

In its Brief,[8] the Office of the Solicitor General presents the prosecution's version of the facts as follows:

"Leamarie Pascual was born on July 18, 1984. She was only twelve (12) years old when she testified in Court in December, 1996, having celebrated her birthday on July 18, 1996. She was in Grade VI at that time and was described as four (4) feet tall. Leamarie's mother Marietta died when she gave birth to her other child. Leamarie was only three-and-a-half (3 1/2) years old then. Initially, Leamarie was enrolled in a school in Sta. Maria, Tagbina, Surigao del Sur. In 1994, when Leamarie reached Grade IV, her father, Leo Pascual who became busy with his job in a farm in Tubod, Carmen, Davao, brought her to the house of Remedios Sarte, Leo's sister and Leamarie's aunt in Tadeco, Panabo, Davao. However, despite his job at Tubod, Leo never failed to visit Leamarie at Remedios' house once a week. Leamarie was enrolled in a school in Tadeco, Panabo, Davao.

"On April 22, 1994, Leamarie personally knew appellant whom she called uncle because she and appellant were both staying at her Aunt Remedios' house. Appellant is the younger half-brother of Remedios' husband, Reynaldo Sarte.

"Leamarie was raped by appellant several times but she could no longer recall the events and circumstances under which the other rapes had been committed, except the three (3) rapes committed on April 22, 1994, March 2, 1996 and June 8, 1996.

"On April 22, 1994, at nighttime, Leamarie was asleep inside Remedios' house when she was awakened by appellant who had entered her room. Leamarie shared the room with Remedios' eldest daughter, whose name is not mentioned in the record, but at that time Leamarie was alone in the room. The room was illuminated by a fluorescent lamp. Innocent as she was, Leamarie did not know what the intentions of appellant were even as he removed her underwear. Although she resisted, appellant succeeded in removing it. Then, appellant embraced her and kissed her down to her breasts. Thereupon, appellant went on top of her. She was shocked when she noticed that appellant was naked. Appellant spread her legs and inserted his penis into her vagina. Appellant made push and pull movements. Leamarie cried as she felt intense pain in her vagina. Appellant told her to stop crying, saying, `ayaw na paghilak ba, kay madunggan ka'. Before appellant left her, Leamarie told appellant not to do it again as it was very painful and she did not want it. But appellant ignored this and threatened to kill her should she tell anybody about the incident.

"On March 2, 1996, around 9:00 p.m., Leamarie was awakened from sleep inside her Aunt Remedios' house when appellant raped her again by placing himself on top of her and inserting his penis into her vagina.

"On June 8, 1996, appellant raped Leamarie again inside her room despite her protests. It happened at 3:00 p.m. when Leamarie and appellant were left at Remedios' house. Appellant kissed her breast and undressed her. Then he went on top of her and inserted his penis into her vagina.

"All the rapes were committed while Leamarie was lying on her back. Everytime she was raped by appellant she felt intense pain in her vagina. While Leamarie pleaded to appellant not to do it again, appellant repeatedly raped her. Hence, on June 8, 1996, around 4:30 p.m., after Leamarie was raped again by appellant, she mustered enough courage to confide to her grandfather, Resimo Idoy (who was renting a room in Remedios' house), the ordeal she had gone through in the hands of appellant. Her grandfather told Jimmy Espira, a neighbor and a member of CAFGU, how appellant had raped his granddaughter. Thereupon, Jimmy brought

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

Leamarie to her father, Leo Pascual, in Tubod, Carmen, Davao on board a bicycle. Leamarie told his father that appellant had raped her. Upon learning this, Leo became angry and lodged a complaint at the Panabo Police station against appellant. Leamarie gave a statement before SPO3 Estrellita L. Igpit of the Panabo Police Station. Thereafter, Leamarie was brought to the Panabo Health Center for physical examination.

"Dr. Emelda Tan Bendijo, Municipal Health Officer of Panabo, Davao who examined Leamarie on June 10, 1996 at 10:00 a.m., described Leamarie as conscious, ambulatory, poorly nourished and cooperative. On the genital examination of Leamarie, Dr. Bendijo testified that she found no fresh laceration on Leamarie's hymen but there were healed lacerations at 7:00, 9:00 and 11:00 o'clock positions. According to Dr. Bendijo, she was able to insert her two (2) examining fingers on Leamarie's genitalia without resistance indicating that there had been previous several penile invasions. The lacerations she found on Leamarie's hymen were inflicted during the first rape but not on the succeeding rapes. Dr. Bendijo stated that the lacerations could have been caused by an erect penis. When asked how long it would take for a laceration to heal, Dr. Bendijo answered that the healing period is usually four (4) to ten (10) days. In this case, the hymenal lacerations could be one (1) to five (5) months old already."[9] (citations omitted)

Defense's Version

Appellant's defenses, on the other hand, consist of alibi and denial.[10] His statement of facts is as follows:[11]

"B. Testimonial Evidence for the Defense

"The defense, as its witnesses, presented:

"FIRST. Lodgen Manayan said that she is the elder sister of the accused. Accused ROMEO, her brother could not have raped the victim because on April 22, 1994, he (ROMEO) was in Cebu. On June 8, 1996 Leamarie was with her from morning till night.

"SECOND. Mercy Sarte stated that the accused is her uncle and that Leamarie is her cousin. The accused is her father's half-brother. Leamarie went to them in June of 1996. Her uncle ROMEO could not have raped Leamarie because they were peeling bananas in March of 1996. Accused ROMEO was with her on June 8, 1996 and was doing laundry.

"THIRD. Remedios Sarte stated that she is the sister of the father of Leamarie. Therefore, Leamarie is her niece. The accused is a brother of her husband. Leamarie could not have been molested on April 22, 1994 because she (Leamarie) was placed under her custody only in June of 1994. It is not true that ROMEO raped Leamarie on March 2, 1996 since they were peeling bananas then. Also, Leamarie could not have been raped on June 8, 1996 because she was then cooking cassava.

"FOURTH. Reynaldo Talaba testified that he [had known] accused ROMEO Manayan since childhood. In April of 1994, ROMEO was in Cebu campaigning for the SK.

"FIFTH. Romeo Manayan testified that it [was] not true that he raped Leamarie Pascual on April 22, 1994 because he was in Cebu at that time and was running for SK chairman. He went to Davao only in December of 1994. He met Leamarie only in December of 1994. He treats her as her niece. It is not possible for him to molest Leamarie on March 2, 1996 because he was already working then. Also, he [could not have molested] her on June 8, 1996 because he was busy doing his laundry at that time together with Mercy Sarte.

"D. Sur-rebuttal Evidence

"As a sur-rebuttal witness, the defense presented Mercy Sarte who stated and testified that the exhibits they presented before the Court were signed by Leamarie."[12]

Ruling of the Trial Court

After considering the evidence presented by the parties, the trial court ruled that the guilt of appellant was proven by the prosecution beyond reasonable doubt. It gave superior weight to the positive testimony given by the victim, who had pointed to him as the person who raped her. The trial court observed that her detailed narration remained consistent despite the long and rigorous cross-examination on how she had been ravished by him on three occasions.[13] Further noting the absence of any ill motive or malice on her part,[14] it dismissed appellant's defenses of denial and alibi.

Hence, this appeal.[15]

The Issues

In his appeal before us, appellant assigns this single error for our consideration:

> "The Regional Trial Court in Panabo, Davao (Branch 34) has committed an error in not acquitting accused-appellant Romeo Manayan of the heinous crimes charged against him considering the presence of reasonable doubt in his favor."[16]

In the main, this Court is being asked to reverse the trial court ruling based on the prosecution's alleged failure to rebut the constitutional presumption of innocence. Appellant assails the credibility of the victim's testimony and interposes the defense of alibi which, according to him, was corroborated by his witnesses.

The Court's Ruling

The appeal has no merit.

Main Issue:Rebuttal of Constitutional Presumption of Innocence

Appellant submits that the burden of the prosecution to overcome the constitutional presumption of innocence accorded to every accused, as well as the legal mandate that guilt be proven beyond reasonable doubt, has not been properly discharged by the prosecution.

At the outset, we lay down the guiding principles used by this Court in reviewing a rape case. The Court has consistently ruled that in the disposition thereof,[17] it will be guided by the settled realities that an accusation of rape can be made with facility. While it may not be easy for the complainant to prove the commission of the crime, it is even more difficult for the one accused, although innocent, to disprove one's guilt. In view of the intrinsic nature of the crime of rape where only two persons are normally involved, the testimony of the complainant must always be scrutinized with great caution. Thus, in a prosecution for rape, credibility becomes the single most important issue. Also, the evidence for the prosecution must stand or fall on its own merits; it cannot be allowed to draw strength from the weakness of that for the defense.[18]

Guided by the foregoing principles, the Court minutely scrutinized the testimony of Leamarie A. Pascual, who was 12 years old at the time she testified in court. Having done so, we reached the conclusion that the trial court did not err in its assessment that her testimony was positive, clear and convincing. Indeed, it could have been narrated only by a victim subjected to such sexual assaults. She testified thus:

> "Q:
>
> Could you tell us of anything that happened on that day of April 22. . . (paused)
>
> By the way, how old [were] you then?
>
> (Question is interpreted by the Court Interpreter. However, Prosecution is proceeding his question).
>
> Q:

On April 22, 1994?

A:

11 year[s] old.

Q:

Could you tell us of any incidents that happened as regards x x x the accused?

A:

(At this juncture, the witness is crying and she does not answer the question of the prosecution).

PROS. GONZALES:

I am manifesting, Your Honor, that the witness is crying.

COURT:

Comment `Panera?

ATTY. EVANGELIO:

No comment, Your Honor.

Q:

What did he do to you?

(At this point of time, since the witness is still crying, the Stenographer assigned is requesting the witness to [make] her voice [louder]. This witness answers in [the] English dialect. And her answer is checked based on the tape recorder).

A:

Since I was still in Grade IV, (paused) I [was] at the age of about 9, (paused) (then, she cries again) while I was alone in our House sometime on April 22, 1994 night-time, Romeo Manayan, as I called him Uncle, when suddenly, (interrupted by prosecutor)

PROS. GONZALES:

`Binisay-a lang day' just speak in a [V]isayan dialect, Day. We have our interpreter. [All]right, answer the question slowly. The question is:

Q:

What happened on April 22, 1994?

[As before], this answer is checked on tape recorder).

A:

Sometime[s] on April 22, 1994 night-time, Romeo Manayan, as I called him Uncle, when suddenly, entered inside our room and removed my underwear. (Pause[s] and she [is] still crying) I am innocent, and I don't know yet, of what was his intention to me, but he hug[ged] and kissed me down to my breast. And then he [lay] on top of me, and I was shocked, since he was naked. And I shouted because (paused)

(Since this witness is still crying and she answers in a low voice, the Stenographer assigned, as well as the Court and the Prosecutor are again requesting her to [make] her voice [louder]).

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

Q:

Please proceed and please speak louder.

A.

When he was already naked, I pushed him, but he covered my mouth, and succeeded [in] having sexual intercourse [with] me against my will. I cried because I [felt] the intense pain of my vagina. He stopped me from crying, by saying, `ayaw na paghilak ba, kay madunggan ta.' (She paused by crying) Before he [left] the room, he threatened me or warned me not to divulge the incident, otherwise we would all be killed. And it was repeated, the incident was repeated several times by Romeo Manayan until in the afternoon of June 8, 1996 x x x at about 3:00 o'clock in the afternoon, when Romeo Manayan, had sexual intercourse with me, one, one, one -

x x x x x x x x x

PROS. GONZALES:

Q:

Could you tell us (I withdraw, Your Honor)

You said a while ago, [s]he told you `Ayaw paghilak kay dugangan pa?'

WITNESS:

Madunggan ta.

PROS. GONZALES:

Q:

[All]right, [s]he told you `ayaw paghilak kay madunggan ta?' When [did] [he] say that?

A:

During the time when he went to my room.

Q:

What was the date, was it on April 22, 1994 or another date thereafter?

A:

Another date.

Q:

As to what you stated a while ago on April 22, 1994, what time was that?

A:

I cannot remember what time was that.

Q:

What is it? Morning, afternoon or evening?

A:

Evening.

Q:

On June 8, 1996 where were you at that time?

A:

I was in the house.

Q:

How about the accused[,] where was he at that time?

A:

He was already inside the house.

Q:

What was that time?

A:

About 3:00 o'clock.

Q:

Were there other persons in the house at that time on June 8, 1996?

A:

None sir.

Q:

At around 3:00 o'clock in the afternoon of June 8, 1996, what happened then? Could you tell us?

A:

He molested me.

Q:

Could you tell us briefly what did he do to you?

A:

He kissed me.

COURT:

Q:

Where did he kiss you?

A:

Inside the room.

Q:

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

What part of your body did he kiss?

A:

[In] my breast.

Q:

What else did he do?

A:

That is all.

Q:

When he kissed you, was he undressed?

A:

With clothes.

Q:

How many times did he kiss you on your breast?

A:

Many times.

COURT:

Proceed, Fiscal.

PROS. GONZALES:

Q:

What more did he do to you on June 8, 1996?

A:

He molested me.

COURT:

Q:

After that, what did he do to you?

A:

He undressed me.

Q:

How did he undress you?

A:

He pulled my short pants.

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

PROS. GONZALES:

Q:

After that, what did he do to you?

A:

He molested me.

Q:

What do you mean by molested you?

A:

(The witness is crying and has not answered the question).

COURT:

Q:

How did he molest you?

A:

(The witness is still crying and x x x has not answered the question).

PROS. GONZALES:

We manifest, Your Honor, that the witness is crying.

COURT:

Make it of record.

(Then later on, witness answers the question).

A:

He molested my vagina.

Q:

How?

A:

He [lay] on top of me.

Q:

After that, what did he do to you?

A:

He inserted.

PROS. GONZALES:

Q:

What?

A:

His penis.

COURT:

Q:

[Was] he able to penetrate?

A:

Yes.

COURT:

Proceed, Fiscal.

PROS. GONZALES:

Q:

On March 2, 1996 at around 9:00 o'clock in the evening, where were you?

A:

I was inside the house and I was already sleeping, and he molested me.

Q:

[Who] were the people in your house at that time, if you know?

A:

None, sir.

Q:

How did he molest you?

A:

He [lay] on top of me and he inserted his penis in my vagina.

Q:

You said you were raped on April 22, 1994 for the first time, you were also raped on June 8, 1996, or another time March 2, 1996 at around 9:00 p.m.[;] you are referring to the same accused?

A:

Yes, sir."[19]

The victim remained unwavering and resolute in her narration of what happened during the three (3) instances she was defiled by appellant. It was straightforward, convicting and categorical. We have on many occasions ruled that testimonies of child-victims of rape are to be given full weight and credence.[20]

When asked to describe how appellant succeeded in having sexual intercourse with her -- a brutal question to ask

a child, to say the least - the victim did not answer; instead, tears fell from her eyes.[21] There could not have been a more eloquent answer than this public baring of unspoken grief.[22] She vividly recalled details that a child could not have possibly concocted. It is highly improbable that a victim of tender years, one not exposed to the ways of the world, would impute to any man a crime so serious as rape, if what she claimed was not true.

Courts usually give greater weight to the testimony of the victim of a sexual assault, especially a minor. No woman would be willing to undergo a public trial and put up with the shame, the humiliation and the dishonor of exposing her own degradation were it not to condemn an injustice and to have the offender apprehended and punished.[23] The embarrassment and stigma she suffered in allowing an examination of her private parts and testifying in open court on the painfully intimate details of her ravishment effectively rule out the possibility of a false accusation of rape.[24] In a litany of cases, this Court has applied the well-settled rule that when a woman -- more so if she is a minor -- says she has been raped, she says, in effect, all that is necessary to prove that rape was committed.[25] Her account of her horrible ordeal evinced sincerity and truthfulness.

On the other hand, appellant assails the victim's narration of events as incredible and ridiculous.[26] He maintains that it was unlikely for him to molest -- much more, rape -- the victim in the house of the Sartes, because the dwellers therein were not less than fourteen in number.[27] On the other hand, the solicitor general correctly argued:

> "While there were allegedly fourteen (14) people living in the house of Remdios Sarte, these people were not around when the rapes were committed by appellant. There is no evidence on record that the other occupants of the house were present on the date that the rapes were committed."[28]

This argument is based on the victim's clear testimony, which we quote:

> "Q:
>
> On June 8, 1996 where were you at that time?
>
> A:
>
> I was in the house.
>
> Q:
>
> How about the accused where was he at that time?
>
> A:
>
> He was already inside the house.
>
> Q:
>
> What was that time?
>
> A:
>
> About 3:00 o'clock.
>
> Q:
>
> Were there other persons in the house at that time on June 8, 1996?
>
> A:
>
> None sir."[29]

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

x x x x x x x x x

"Q:

On March 2, 1996 at around 9:00 o'clock in the evening, where were you?

A:

I was inside the house and I was already sleeping, and he molested me.

Q:

[Who] were the people in your house at that time, if you know?

A:

None, sir."[30]

Besides, this Court has consistently ruled that rape can be committed even in places where people congregate - in parks, within school premises, inside a house where there are other occupants, and even in the same room where other family members are sleeping.[31] Lust is no respecter of time, place or kinship.[32] In contrast, there is no rule that rape can be committed only in seclusion.[33]

Appellant tries to discredit the victim's story that the sexual penetration lasted for an hour which, according to him, is "of course, ridiculous."[34] He further argues that, although at one instance the victim said that the sexual assault on June 8, 1996 transpired in the afternoon, she later changed the time to evening. We quote with approval the solicitor general's rebuttal of appellant's arguments in this wise:

> "The narration of Leamarie is positive, categorical, free of any significant inconsistencies and clearly described the sexual assaults. While Leamarie stated that the sexual assault on her on April 22, 1994 and March 2, 1996 lasted for a long time, which appellant found ridiculous, this, however does not destroy Leamarie's credibility for one cannot be blamed for considering the horrible experience too long to bear. The period during which appellant was ravishing Leamarie could have been like an eternity for a little girl like Leamarie. x x x."[35]

What would be ridiculous is for the victim to have timed how long her harrowing experience lasted. In such a traumatic experience as this, it would be absurd for the victim, more so a child, to remember with exact certainty the duration of the rape.

As to the contention that the victim changed her statement regarding the time of the sexual assault on June 8, 1996, we cannot find any modification in her declaration. Throughout her testimony in court, she consistently maintained the dates and times, not to mention the manner, in which the acts of rape had been committed. Her testimony with respect to the dates and times is as follows:

"Q:

On June 8, 1996 where were you at that time?

A:

I was in the house.

Q:

How about the accused where was he at that time?

A:

He was already in the house.

Q:

What was that time?

A:

About 3:00 o'clock.

Q:

Were there other persons in the house at that time on June 8, 1996?

A:

None sir.

Q:

At around 3:00 o'clock in the afternoon of June 8, 1996, what happened then? Could you tell us?

A:

He molested me."[36]

Even if we concede the alleged inconsistencies in the testimony of the victim, these are really minor. Such discrepancies will not detract from the fact that she categorically identified appellant as her assailant and vividly narrated the sexual assault committed against her.

Finally, appellant herein tries to tarnish the credibility of the victim by alleging that she professed love and admiration for him even after the date of the sexual assaults.

We are not persuaded. The evidence presented by appellant in court, both testimonial and documentary, were weighed and dismissed by the trial court in this manner:

> "But there is the [fallback] defense posed by the defense relying on Leamarie's [outpouring] and profuse love for Romeo Manayan. Of course, this is utter nonsense, considering the age, size and comprehension of Leamarie, a girl 9 to 11 years of age at the time of the rapes, even though she had shown a high intelligence.
>
> "Even then, the court is convinced that the author of this [hodgepodge] and excretory exhibits from Exhibits `2' to `9', are the Sartes [who are] witnesses themselves, specially Mercy Sarte, a midwifery graduate. Indeed, she had [the] gall to pretend to be a handwriting expert, although she is bereft of any microscope and training. These are fabricated exhibits.
>
> "In weighing the evidence, the Court noted the testimonies of Leamarie to be positive. The defense relied heavily on the negative. Positive is always stronger than the negative. Hence, Leamarie's assertions must prevail over the negative stand of the defense."[37]

It goes without saying that the evaluation by the trial court of the witnesses' testimonies is binding upon the appellate court in the absence of a clear showing that it reached such evaluation arbitrarily or plainly overlooked certain facts of substance or value which, if considered, might affect the result of the case.[38]

Alibi and Denial

Appellant anchors his defense on denial and alibi. He asserts that he could not have raped the victim on April 22, 1994, because he was in Cebu campaigning for the Sanggunian ng Kabataan chairmanship.[39] According to him,

he went to Davao only in December of 1994.[40]

We are not convinced. As determined by the trial court, the alleged presence of appellant in Argao, Cebu, on April 22, 1994, was not corroborated by any witness. Instead, his witnesses and documentary evidence speak of dates before or after April 22, 1994, and not that date itself.

Granting that appellant was indeed at Argao, Cebu, on the dates testified to by his witnesses, it would not have been physically impossible for him to be at Panabo, Davao, on the date of the first rape. Argao is linked by a good road to Cebu City and, from there, ships sail to Cagayan de Oro or Butuan City. Passengers are then serviced by buses that require only 10 to 12 hours[41] of travel from the docking point to Davao City. There are also ships plying between the cities of Cebu and Davao.

Appellant also denies the second and the third incidents of rape on March 2, 1996 and June 8, 1996, respectively. As to the second alleged rape, he contends that he was working at the time and, upon reaching home, even peeled bananas which were then plentiful.[42] He also assails the third rape charge by alleging that he, together with his niece Mercy Sarte, was doing his laundry during that time.[43]

We are not persuaded. Mere denials of involvement in a crime cannot take precedence over the positive testimony of the offended party. For alibi to prosper, it is not enough for the defendant to prove that he was somewhere else when the crime was committed; he must likewise demonstrate that it was physically impossible for him to have been at the scene of the crime at the time.[44] This, he was not able to show. As to the March 2 and the June 8, 1996 rapes, the trial court observed that the distance from the work place of Romeo to the room of Leamarie would have required only thirty minutes of walking, but since he was using a service vehicle, it could have been traversed in even less time.[45]

Appellant could not rely, either, on his defense of peeling bananas or doing his laundry on the dates that the victim was raped, for neither the distance nor those activities would have precluded the possibility of his reaching and raping Leamarie and returning thereafter to whatever he was doing.

Also worthy of consideration is the fact that all the witnesses presented by appellant to corroborate his defense of alibi are interested parties related to him either by blood or by friendship. Said the trial court:

> "Alibi too is worthless, since it comes from Lodgen Manayan, a sister of the accused, Mercy Sarte, a niece of the accused, Remedios Sarte, sister-in-law of Romeo and Reynante Talaba, a friend of Romeo. These are relatives and friends, biased against Leamarie and [having] one tract[k] mind[s] in favor of Romeo Manayan."[46]

From none of these witnesses was there any clear and categorical showing that it was physically impossible for appellant to have committed the rape on the said dates. His alibi and denial must perforce fail.

Time and time again, this Court has ruled that alibi is the weakest of all defenses, because it is easy to concoct and difficult to disprove. Furthermore, it cannot prevail over the positive and unequivocal identification of appellant by the offended party. Categorical and consistent positive identification, absent any showing of ill motive on the part of the eyewitness testifying on the matter, prevails over the appellant's defense of denial and alibi. In this case, since there was no showing of any improper motive on the part of the victim to testify falsely against the accused or to falsely implicate him in the commission of the crime, the logical conclusion is that no such improper motive exists and that the testimony is worthy of full faith and credence.[47] Unless substantiated by clear and convincing proof, such defense is negative, self-serving, and undeserving of any weight in law.[48]

Proof of Innocence

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

As a final attempt to convince this Court to reverse the trial court's conviction, appellant posits the interesting and seemingly amusing argument that his plea of not guilty to the charges against him and the eventual appeal of his conviction were enough to show his innocence.[49]

The solicitor general ably refutes his argument, as follows:

> "A plea of [not] guilty is not tantamount to an accused's innocence. It is very seldom that an accused enters a plea of guilty when arraigned. When an accused enters a plea of not guilty to the crime charged, it simply means that the prosecution has the burden of proving all the elements of the crime and the accused's authorship thereof. In these cases, in view of appellant's pleas of not guilty, the prosecution discharged its burden of proving appellant guilty beyond reasonable doubt of the crimes charged.
>
> "Anent appellant's taking of an appeal, an appeal is a statutory privilege available to every person who may be willing to avail of it. Like a plea of not guilty, taking an appeal is not synonymous to one's innocence."[50]

We appreciate appellant's novel submission, but had this been the case, then every person accused of a crime would simply have to enter a plea of not guilty and file an appeal after conviction to prove innocence. To allow this would render inutile the entire proceedings of trial in the court. As correctly observed by appellant himself, an accusation is not synonymous with guilt;[51] in the same manner, an entry of a plea of not guilty or an appeal of a conviction does not necessarily prove innocence. These are procedures that effect movement in the judicial process. Certainly, they do not prove innocence.

As regards appellant's pecuniary liabilities, the civil indemnity and the moral damages awarded to complainant by the trial court should be reduced to the amount of P50,000 for each count of rape.

It has been the policy of the Court to award outrightly an amount not exceeding P50,000 to victims of rape upon an indubitable showing of its commission; this is categorized as civil indemnity ex delicto.[52] In response to the rising incidence of heinous crimes against chastity, the Court has laid down the rule that if the crime of rape is committed and effectively qualified by any of the circumstances under which the death penalty is authorized by law, the indemnity for the victim shall be increased to the amount of P75,000. Since this case is not qualified, the indemnity should properly be P50,000. As to the award of moral damages, this Court has now been consistently awarding the amount of P50,000 as moral damages to the victim in a rape case. This amount is automatically granted without need of further proof, other than the commission of the crime. It is assumed that the offended party has suffered moral injuries entitling her to the award of such damages.[53]

WHEREFORE, the appealed Decision of the RTC of Panabo, Davao, Branch 34 -- finding Accused ROMEO MANAYAN guilty beyond reasonable doubt of three counts of rape in Criminal Case Nos. 96-151, 96-152 and 96-153 -- is AFFIRMED with the MODIFICATION that he shall pay the victim the reduced amount of P50,000 as indemnity ex delicto and another P50,000 as moral damages for each rape. Costs against appellant.

SO ORDERED.

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

---

[1] People v. Tumala Jr., 284 SCRA 436, January 20, 1998.

[2] Rollo, pp. 21-44.

[3] Penned by Judge Gregorio A. Palabrica.

[4] Information dated July 26, 1996; rollo, p. 9; records, p. 1.

[5] Rollo, pp. 10-11; records, pp. 2-3.

[6] Assisted by his counsel, Atty. Imelda Lopez-Evangelio.

[7] Assailed Decision, pp. 23-24; rollo, pp. 43-44; records, pp. 177-178.

[8] Signed by Asst. Sol. Gen. Carlos N. Ortega, Asst. Sol. Gen. Mariano M. Martinez and Sol. Olivia V. Non.

[9] Appellee's Brief, pp. 5-10; rollo, pp. 120-125.

[10] Appellant's Brief was signed by Public Attorney II Froilan L. Valdez of the Public Attorney's Office.

[11] Appellant's Brief, pp. 2-5; rollo, pp. 65-68.

[12] Appellant's Brief, pp. 2-5; rollo, pp. 65-68.

[13] Assailed Decision, p. 21; rollo, p. 41.

[14] Ibid.

[15] This case was deemed submitted for resolution on July 19, 2001, when the Court received Appellant's Manifestation in Lieu of Reply Brief. In said pleading, appellant stated that he would no longer prepare and file a Reply Brief to the People's Brief and prayed that the case be now submitted for resolution. Appellant's Brief was received by the Court on January 11, 2001; Appellee's Brief, on June 13, 2001.

[16] Appellant's Brief, p. 1; rollo, p. 64.

[17] Peoplev.Galvez, GR Nos. 136867-68, September 25, 2001; Peoplev.Navarette, GR Nos. 136840-42, September 13, 2001; People v. Babera, GR No. 130609, May 30, 2000; People v. Tamora, 311 SCRA 81, July 23, 1999; People v. Manggasin, 306 SCRA 228, April 21, 1999.

[18] Ibid.

[19] TSN, December 9, 1996, pp. 10-16.

[20] People v. Deacosta, GR No. 110131, May 28, 2001; Peoplev.Apostol, 320 SCRA 327, December 9, 1999; Peoplev.Saban, 319 SCRA 36 November 24, 1999.

[21] TSN, December 9, 1996, pp. 11-12, 15.

[22] People v. Tumala Jr., 284 SCRA 436, January 20, 1998.

[23] Peoplev.Galvez, GR Nos. 136867-68, September 25, 2001; People v. Adora, 275 SCRA 441, July 14, 1997; Peoplev.Junio, 237 SCRA 826, October 28, 1994; Peoplev.Lagrosa Jr., 230 SCRA 298, February 23, 1994.

[24] People v. Pontilar, 275 SCRA 338, July 11, 1997; People v. Ramirez, 266 SCRA 335, January 20, 1997.

[25] People v. Marino, GR No. 132550, February 19, 2001; People v. Balmoria, 287 SCRA 687, March 20, 1998.

[26] Appellant's Brief, p. 11; rollo, p. 74.

[27] Ibid.

[28] Appellee's Brief, p. 15; rollo, p. 130.

[29] TSN, December 9, 1996, p. 13.

[30] Ibid., pp. 15-16.

[31] People v. Tabanggay, GR No. 130504, June 29, 2000; People v. Silvano, 309 SCRA 362, June 29, 1999; People v. Escala, 292 SCRA 48, July 8, 1998.

[32] People v. Lagarto, GR Nos. 118828 and 119371, February 29, 2000; People v. San Juan, 270 SCRA 693, April 4, 1997; People v. Alimon, 257 SCRA 658, June 28, 1996.

[33] People v. Sangil Sr., 276 SCRA 532, July 31, 1997; People v. Leoterio, 264 SCRA 608, November 21, 1996; People v. Talaboc, 256 SCRA 441, April 23, 1996.

[34] Appellant's Brief, p. 11; rollo p. 74.

[35] Appellee's Brief, p. 17, rollo p. 132.

[36] TSN, December 9, 1996, p. 13.

[37] Assailed Decision, p. 22; rollo, p. 42.

[38] People v. Manggasin, 306 SCRA 228, April 21, 1999; People v. Mengote, 305 SCRA 380, March 25, 1999; Peoplev.Raptus, 198 SCRA 425, June 19, 1991.

[39] TSN, February 4, 1998, p. 3.

[40] Ibid., p. 5.

[41] Assailed Decision, pp. 21-22; rollo, pp. 41-42.

[42] TSN, February 4, 1998, p. 9.

[43] Ibid., p. 10.

[44] People v. Hofileña, GR No. 134772, June 22, 2000; People v. Legaspi et al., GR No. 117802, April 27, 2000; People v. Llanes et al., GR No. 116986, February 4, 2000; People v. Rendoque et al., GR No. 106282, January 20, 2000; People v. Estrada, 22 SCRA 111, January 17, 1968.

[45] Assailed Decision, p. 22; rollo, p. 42.

[46] Ibid.

[47] People v. Banela, 301 SCRA 84, January 18, 1999.

[48] People v. Jose, GR No. 130666, January 31, 2000, citing People v. Villablanca, 316 SCRA 13, October 1, 1999.

[49] Appellant's Brief, p. 6; rollo, p. 69.

[50] Appellee's Brief, p. 11; rollo, p. 126.

[51] Appellant's Brief, p. 6; rollo, p. 69.

[52] People v. Bolatete, 303 SCRA 709, February 25, 1999; People v. Gementiza, 285 SCRA 478, January 29, 1998.

[53] People v. Prades, 293 SCRA 411, July 30, 1998.

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