

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. CPL. MARIO RAMOS, 281B PA, ACCUSED-APPELLANT.

G.R. Nos. 92626-29. May 27, 1991

Ponente: PARAS, J.

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PARAS, J.:

Once again this Court is called upon to review not only one but four (4) cases which involve the heinous crime of rape, made even more so because it was committed by a military man (whose bounden duty as such is to defend not to offend), in one night against four (4) innocent school girls of tender ages.

Former Corporal Mario Ramos of the 28th Infantry Brigade of the Philippine Army was charged before the Regional Trial Court, 11th Judicial Region, Branch 29, Bislig, Surigao del Sur, in separate informations with three (3) counts of Rape and one (1) count of Attempted Rape, as follows:

Criminal Case No. 300

“That on or about the 31st day of July, 1986, at about 11:30 o’clock in the evening, more or less, at UCCP Parsonage, Poblacion, Tagbina, Surigao del Sur, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a short firearm, with intimidation or threats or at a gun-point unto, and unmindful of the pleadings for pity by FELICISIMA PABOR y PAQUIAO, did, then and there, willfully, unlawfully and feloniously rape and/or have sexual intercourse with the latter, against her will and consent, with stern warning not to shout or else she and her companions shall be killed.

“CONTRARY TO LAW.” (Article 335 of the Revised Penal Code)

Criminal Case No. 301

“That on or about the 1st day of August, 1986, between 12:30 to 1:30 o’clock in the morning, more or less, at UCCP Parsonage, Poblacion, Tagbina, Surigao del Sur, Philippines, and with the jurisdiction of this Honorable Court, the above-named accused, armed with a short firearm, with intimidation or threats or at gun-point unto, and unmindful of the pleadings for pity by DOMINGA ROSAL, did, then and there, willfully, unlawfully and feloniously rape and/or have sexual intercourse with the latter, against her will and consent, with stern warning not to shout or else she and her companions shall be killed.

“CONTRARY TO LAW.” (Art. 335 of the Revised Penal Code).

Criminal Case No. 302

“That or about the 1st day of August, 1986, between 2:00 to 2:30 o’clock in the morning, more or less, at UCCP Parsonage, Poblacion, Tagbina, Surigao del Sur, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a short firearm, with intimidation or threats or at gun-point unto and unmindful of the pleadings for pity by CRISTINA PEJO, did then and there, willfully, unlawfully and feloniously rape and/or have sexual intercourse with the latter against her will and consent, with stern warning not to shout or else she and her companions shall be killed.

“CONTRARY TO LAW.” (Art. 335 of the Revised Penal Code).

Criminal Case No. 303

“That on or about the 1st day of August, 1986, at about 3:00 o’clock in the morning, more or less, at UCCP Parsonage, Poblacion, Tagbina, Surigao del Sur, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a short firearm, with intimidation or threats, did then and there willfully, unlawfully and feloniously make attempt by overt act to rape LEIZEL RECTA y DIMALAGAN, who pretended to answer the call of nature for her escape from said accused, thus commencing by said overt acts the commission of rape but however failed to perform all the acts of execution thereof which should produce it by reason of the escape and running away of LEIZEL D. RECTA, therefore, other than the spontaneous desistance of said accused.

“CONTRARY TO LAW.” (Art. 335 in relation to paragraph 3 of article 6 of the Revised Penal Code). (pp. 204-206, Brief for Appellee; p. 202, Rollo)

After trial following a plea of “not guilty”, the court a quo promulgated its Joint Decision, dated January 29, 1990, the decretal part of which reads:

“WHEREFORE, finding the accused guilty beyond reasonable doubt in Criminal Cases No. 300, 301, and 302 of the crime of consummated rape as principal, as defined and penalized by Article 335 of the Revised Penal Code and in pursuance thereof, the court sentences him to suffer the penalties of three (3) separate reclusion perpetua or life imprisonments to be served by him in the National Penitentiary Muntinlupa, Metro Manila, with costs against him.

“The accused is hereby ordered to pay each of the three (3) victims Cristina Pejo, Dominga Rosal and Felicisima Pabor, the amount of P50,000.00 for moral damages, without subsidiary imprisonment in case of insolvency.

“The bailbond of the accused is hereby ordered cancelled.

“The evidence on record having failed to prove the guilt of the accused beyond reasonable doubt in the Criminal Case No. 303 filed by Leizel Recta, the accused is hereby ordered acquitted with costs de oficio.

“SO ORDERED.” (p. 47, Decision) (p. 207, Brief for the Appellee; p. 202, Rollo)

In this appeal, accused-appellant raises the following assignments of error, mainly challenging the trial court’s evaluation of the witnesses’ testimonies and the evidence:

FIRST ERROR

THE LOWER COURT ERRED IN FINDING THAT THE GUILT OF THE ACCUSED IN THE THREE CASES HAS BEEN PROVEN BEYOND REASONABLE DOUBT.

SECOND ERROR

THE LOWER COURT ERRED IN RULING THAT THE ACCUSED HAD BEEN POSITIVELY IDENTIFIED BY THE RAPE VICTIMS.

THIRD ERROR

THE LOWER COURT ERRED IN HOLDING THAT THE COMPLAINANTS WERE SUFFICIENTLY INTIMIDATED BY THE ACCUSED SUCH THAT THEY BECAME IMMOBILIZED.

FOURTH ERROR

THE LOWER COURT ERRED IN CONCLUDING THAT THE ACCUSED HAD RAPED THE THREE

VICTIMS BECAUSE “THE DURATION OF RAPING OF EACH OF THE VICTIMS AS SHOWN BY THE RECORD COULD HAVE BEEN HONEST ERROR OF ESTIMATES OF TIME.”

FIFTH ERROR

THE LOWER COURT ERRED IN FINDING NO MOTIVE OR REASON WHATSOEVER FOR THE COMPLAINANTS TO CHARGE THE ACCUSED.

SIXTH ERROR

THE LOWER COURT ERRED IN FINDING THAT “THE ACCUSED, AFTER COMMITTING THE CRIME OF RAPE, ESCAPED OR DISAPPEARED.”

SEVENTH ERROR

THE LOWER COURT ERRED IN ARBITRARILY DENYING THE ADMISSION OF EXHIBITS 1, 1-A, 1--B, 1-C, 1-D, 2, 2-A, 3, 4, 4-A, 4-B, 4-C, 4--D, 4-E, 6, 7, 9, 10, 10-A, 10-B, 10-C, 10-D, 11, 12, 13, 14, 17, 17-A, 18, 18-A, 19, 19--A, 19-B, 19-C, 20, 20-A, 21, 21-A, 22, 22-A, 23, 23-A to 23-F, 25, 26, 26-A to 26-F, 27, 28, 28-A and 29. (pp. 1-2, Appellant’s Brief) (pp. 208-209, Appellees’ Brief, p. 202, Rollo)

The evidence on record discloses that accused, Mario Ramos was a corporal in the 28th Infantry Brigade Philippine Army, Armed Forces of the Philippines, on July 31, 1986 (TSN, p. 2, July 11, 1989). He is married to Adora Joyo, with whom he has a child. They have a house at Poblacion Tagbina, Surigao del Sur, located near the parsonage of the United Church of Christ in the Philippines (UCCP). (TSN, pp. 13, 16, July 11, 1989)

Complainants are Felicisima Pabor, Dominga Rosal, Cristina Pejo and Leizel Recta, with ages ranging from thirteen (13) to nineteen (19) years as of July 31, 1986, the date of the occurrence of the incidents subject of the instant case. (TSN, p. 4, Sept. 15, 1988; TSN, p. 2-A, Oct. 26, 1988; TSN, pp. 2-3, Dec. 15, 1988; TSN, p. 3, March 1, 1989). During that period, complainants were staying at Poblacion, Tagbina, Surigao del Sur as they were students at Tagbina Barazo National Agricultural School (TABANAS). (Ibid.)

Pabor and Rosal together with a certain Perlle Hian were living in the UCCP Parsonage while Pejo and Recta were staying in a house at the back of the parsonage. (TSN, pp. 5-6, Sept. 15, 1988)

On the night of July 31, 1986, the four (4) complainants decided to sleep together in the UCCP parsonage. Earlier, Hian went home to Brgy. Magsaysay to get provisions and supplies from her parents (Ibid.).

Complainants uniformly testified that around 10:00 o’clock of the night of July 31, 1986, while they were sleeping, a man entered through the window into the parsonage. The man was recognized by all the four complainants as the accused Mario Ramos. (TSN, pp. 8--9, Sept. 15, 1988; TSN, pp. 3-4, Oct. 26, 1988; TSN, pp. 3-4, Dec. 15, 1988; TSN, pp. 5-6, March 1, 1989)

At the trial, the accused was positively identified by all the four (4) complainants who commonly stated that they recognized the accused from the light coming from an electric bulb in the parsonage where they were sleeping and because he was known to them as he was previously assigned at Brgy. Magsaysay (complainants are all residents of Brgy. Magsaysay) where they had seen him several times. (Ibid.)

Complainants further testified that when the accused entered the parsonage, he was bringing a pistol which he used to threaten them by saying, “ayaw mo’g lihok, ayaw mo’g singgit, kay kong mosinggit ng molihok mo, patay mong tanan.” In English this translates to, “don’t move, don’t shout, if you shout or move, all of you will be killed.” (Ibid.)

The accused then put off the light coming from an electric bulb by pulling off the switch. (Ibid.) After putting off

the light, the accused approached complainant Pabor. The testimony of Pabor as synthesized by the trial court disclosed the subsequent events:

“After putting off the light, Ramos went near her and noticed he lay down and pinning her two thighs (witness pointing to her two thighs). Then he proceeded to ask her name and pressed her two shoulders with his two hands (witness demonstrating pointing at her two shoulders). He was still holding with his right hand his gun while pressing and the gun was pointed at her shoulder then Ramos kissed her and touched her breast or nipple. At that juncture, she told her name to him. He now proceeded to raise up her dress and took off her panty. He unsheathed his zipper and lowered down his short pant and put out his penis, hold it with his left hand and guided it to her vagina. At that moment, she pleaded to him that he should not do it to her because she is still young; but he had sexual intercourse with her just the same. In the process of the sexual intercourse for about 30 minutes, she felt pain. After that, he rested at her left side. Near to her was Rosal. That was in the sala where all the victims slept. Mario even smelled of tuba. While he was resting, he was asking her ‘nakaila ka nako?’ In English, it means, ‘do you know me?’ Although she knows him, she answered that she does not know him. After hearing this, Ramos said that he is commander Jack of the NPA and again he warned them not to shout and not to move also. If she will shout, he will kill all of them. He informed them that he has 70 companions fully armed down the house. He then turned himself to Dominga Rosal who was next to her lying down on the sala.” (TSN, pp. 9-13-A, Sept. 15, 1988)

Complainant Rosal testified as to what the accused did to her:

“... After having sexual intercourse with her (Pabor), he rested for a while and talked to them by asking: ‘do you know me?’ although at that time they already knew him as Mario Ramos, they pretended to be oblivious of his identity because if they would tell him that they knew him, he might kill all of them. After talking he sidled to her side and also told her ‘ayaw gyod ug lihok, ayaw gyod ug singgit, kay kon mosinggit ka, dili ikaw lang ang mamatay kong dili kemong tanan.’ Meaning, ‘don’t move, don’t shout, if you will move and shout, you would not only be the one killed but all of you.’ Then he laid on top of her and pressed her shoulder with his elbows. She tried to shove him away, resisted and wanted to fight him back because she knew he will also ravish her, but he succeeded in raising up her dress, removed her panty and pulled down his zipper to let his penis out. His penis was even touching both her thighs (witness pointing to her thighs). If she would move and push him back, he would poke the barrel of his pistol at her neck, left side. (witness pointing to her neck, left side). Then he inserted his penis into her vagina and conducted push and pull movements. She felt pain and cried. She was even trembling. She pleaded to him not to ravish her because she was still very young, but he succeeded in raping her. She identified Mario Ramos. After raping her, he went down from her and seated himself near her feet which was between her and Cristina Pejo. While sitting and resting, he made a remark, ‘ito ang tunay na virgin.’ In English, it means, ‘this is a real virgin.’ After he remarked, he moved to Cristina Pejo and also ravished her.” (pp. 12-13, Decision) (TSN, pp. 6-12, October 26, 1988)

Complainant Pejo narrated her ordeal in this manner:

“... Mario Ramos raised up her ... (unreadable) skirt but she prevented him from doing so. So he, with his pistol, hit her left thigh which was very painful. He pulled again her panty but again she prevented him so he again hit her with his pistol on her left thigh. He succeeded in raping her. He kept on pumping his penis inside her vagina while he was on top of her. She experienced pain. She was begging him not to do it but he did not listen. His penis was really inserted into her vagina. ... During all those times she was trembling with fear. She felt he ejaculated inside her vagina. After ejaculation, he had deep heavy breathing.” (pp. 16-17, 18, Decision; TSN, pp. 3-6, Dec. 15, 1988)

Complainant Recta was to have been the next victim after Pejo. The rape however did not take place because as testified to by Recta:

“... That evening the accused, known as Cpl. Mario Ramos, of the 28th IB, entered their room passing

through the window of the room. The electric bulb was on at that time. Upon gaining entrance, he pointed his pistol at them (victims) and uttered: 'Don't shout, don't make noise; and if you will shout all of you will be killed.' She actually saw Mario Ramos, their neighbor, because of the bright light coming from the electric bulb. She first saw Ramos when he was on the window sill. Then Ramos switched off the light and raped her companions. First, he raped Pabor, second Dominga Rosal and the next was Cristina Pejo. After raping them she was supposed to be the next and Ramos held her hands. She begged that she be allowed to move her bowels. Fortunately he agreed by saying 'yes' and warned her not go far. She proceeded to look for where to pass and when she saw an open window, she immediately jumped out of the parsonage. She ran to the direction of their house at Magsaysay which is about three kilometers away from the parsonage. Mario Ramos followed her but she continued running. He lost tracking her. She related the incident to her mother." (TSN, pp. 5-10, March 1, 1989)

Evelyn Recta, mother of complainant Leizel Recta, testified that in the morning of August 1, 1986, at 6:00 o'clock, she was in their house when she heard somebody knocking at their door and heard her daughter Leizel through the door "open, Ma, because somebody is chasing me." She opened the door and saw Leizel with her torn blouse. She was pressing her breast and panting, so she embraced her and asked what happened to her. She brought her upstairs and told her to sit down and again asked her what happened; she was trembling and was reluctant to answer but she insisted by repeatedly asking what happened to her. Her daughter answered that they were raped by Mario Ramos now the accused in these cases. She (Leizel) hurried her up to go and because they (Cristina, Felicisima and Dominga) might be killed. Although she could hardly believe her daughter, both of them went to Maria Basa Pejo, Cristina Pejo's mother which is just ten (10) meters away from her house. Mrs. Pejo informed her of what happened as related by her daughter Leizel. She was asked, who was the one running after her? and she answered, "Mario Ramos." (p. 19, Decision); (TSN, pp. 3-7, Jan. 26, 1989)

Testifying on the subsequent events, Mrs. Maria Basa Pejo according to the record narrated, what may be summarized as follows:

"At 6:00 o'clock a.m. of August 1, 1986, while in her house she heard someone knocking at the door and when she opened it she saw Evelyn Recta and her daughter Leizel who was then wearing a muddy and rugged dress; Evelyn Recta told her daughter to calm down because she was breathing heavily and gasping for air. She asked them what happened and she informed her that Cristina Pejo, Dominga Rosal and Felicisima Fabor where raped by Mario Ramos that previous night and if she had not escaped she could have been included as a rape victim. Mrs. Pejo could hardly believe it because Mario Ramos is very much known to her and besides his wife is her co-teacher in the public schools. His parents-in-law are close family friends. Mrs. Recta advised her to immediately go to the parsonage (sic) at Tagbina, to see the children. Reacting on the suggestion she left immediately and hurriedly went to the parsonage (sic) to verify what happened to the children. She saw them (victims) at the UCCP parsonage (sic). She asked them what happened and the victims told her that all of them were raped by Mario Ramos; that was already 7:00 o'clock in the morning of that day. She conferred with the other parents of the victims and brought them to the hospital where they were examined by a doctor. She identified Exhs. A, A-2 for Criminal Case No. 302. They passed the night of August 1, at Mangagoy, Bislig, and the following morning they went back to Tagbina and proceeded to the police station and policeman Dadong Oraiz was there. They gave him the medical certificates so that he could start investigating the incidents but he did not take the affidavits of the victims and their witnesses, Oraiz told them that he does not care if they will file a case of negligence of duty against him and the other policemen. He did not investigate their case because the suspect is a military man. If only the suspect is a civilian he would have finished already the investigation. He just recorded the case. He said further that they are afraid because the suspect is a military man and the members of the INP are only very few. If the suspect is only a civilian an affidavit would have been taken already. She did not yet tell the name of the military man . . . because she heard that if the criminal complaint be filed against the suspect the latter will kill all of the complainants and their witnesses. So since, Oraiz refused to file a case they went to military man Lt. Bisaya with an office adjacent to the INP

Office. She told Lt. Bisaya that three girls who were virgins were raped. Lt. Bisaya investigated in hand writing Pabor first. They told Lt. Bisaya that Cpl. Mario Ramos, 28th IB, was the one who raped the girls. Since Lt. Bisaya did not investigate, he advised them (Felicisima Pabor, Cristina Pejo, Dominga Rosal, Leizel Recta and Evelyn Pejo) to go back the following day, August 3, 1986. Her husband, Recta, Felicisima Pabor, Dominga Rosal, Cristina Pejo went back to Lt. Bisaya in his office. They also went to the Battalion Commander's office and asked for help and as a result he sent Lt. Macalintal to investigate. The victims were investigated while the rest of them stayed outside of the office because they were not allowed to enter." (TSN, pp. 14-22, Jan. 27, 1989).

Complainants were medically examined by Dr. Mauricio P. Reconella, chief of the Bislig District Hospital. Dr. Reconella's testimony as recounted in the Decision by the trial court a quo reveals the following findings:

"On August 1, 1986, while he was on duty he examined Felicisima Fabor and issued Exh. A a medical certificate; his findings were that Felicisima did not deliver yet, with huminal laceration and there was a presence of spermatozoa from the vaginal smear and that it came from male person; Exh. A-1 is his signature. He can determine whether a girl is virgin or not. The hyminal laceration must have been caused by the penis of a man. This examination refers to Crminal Case. No. 300.

"He also declared that he examined Dominga Rosal, complainant in Criminal Case No. 301. He found the following: no pubic hair, has not delivered yet a baby, hymenal contussion, laceration of hymen and presence of spermatozoa. These findings must have been caused by a penis. After examination Dr. Reconalla issued Exh. A and A-1 a medical certificate.

"In Criminal Case No. 302, the doctor declared that he examined Cristina Pejo. His findings were her pubic hair is not abundant which is normal at the age of 14, she has not delivered yet a baby; there was a hymenal contussion and hymenal laceration at 8:00 o'clock there was spermatozoa. After examination he issued Exhs. A and A-1. The three (3) young girls who were victims appeared to be tired, haggard looking and Pabor was emotionally disturbed." (pp. 18-19, RTC Decision) (p. 202, Rollo; pp. 212-220, Brief for the Appellee).

After a careful review of the records, this Court affirms the judgment of the trial court finding appellant guilty of three (3) counts of rape beyond reasonable doubt. (Decision, p. 39, Jan. 27, 1990) The guilt of the appellant was indubitably established by the clear, positive and convincing testimony and identification of each girl corroborating and supporting one another's testimony.

As against the complainants' clear and forthright testimonies pointing to appellant as the person who had ravished them, the accused appellant offered the defense of alibi, supporting it with his own testimony and that of his wife and mother-in-law. Thus appellant endeavored to show that at the time of the commission of the crime he was with his wife and their 9 months old child inside their house.

This defense cannot assume importance in the case at bar. It should only suffice to note that appellant's house was only ten (10) meters away (just across the road) from the parsonage where the crime was committed. Alibi is one of the weakest defenses that can be resorted to by an accused. Easily lending itself to concoction and fabrication, it must invariably be viewed with suspicion and may be considered only when established by positive, clear and satisfactory evidence. To be given credence, it must not only appear that the accused interposing the same was at some other place, but also that it was physically impossible for him to be at the scene of the crime at the time of the commission. (People v. Basco, 181 SCRA 233) Not only was the defense of alibi not established in this case, because the testimonies of the appellant's spouse and mother-in-law offered to support it are at best unconvincing and at worst fabricated, the distance of only ten (10) meters from appellant's house to the parsonage where the crime was committed definitely will not preclude the possibility of the appellant being at the scene of the crime at the time of its commission.

Appellant assails the trial court for giving full faith and credit to the testimonies of the complainants, which are allegedly inherently conflicting to the point of being ridiculous and unbelievable.

Like the trial court we find no reason to doubt the truthfulness of complainants' testimonies. Their identification of appellant is credible because he was known to them as he was previously assigned at Brgy. Magsaysay where they had seen him several times aside from the fact that he has a house at Poblacion Tagbina, Surigao del Sur located near the parsonage of the United Church of Christ. There is no reason, and the defense has not given any, to question complainants' motives in pointing to appellant whom they know to be a military man. There can be no direct benefit to their family, only harm! As has often been held in our jurisprudence on rape cases, it is unthinkable that an unmarried provincial teenager would endure the embarrassment and humiliation of a public disclosure that she had been ravished, allow an examination of her private parts and undergo the ordeal and expense of a court proceeding, if such, indeed were not the truth. The alleged flaws or discrepancies in the testimony of the complainants are on minor details which do not destroy the substance of their testimony or other circumstances that point unerringly to the guilt of appellant.

Contrary to the claim of the appellant that the complainants' testimonies are not clear, positive and convincing, this Court has been consistent in ruling that when a victim says that she had been raped, she says in effect all that is necessary to show that rape has been committed and if her testimony meets the test of credibility, the accused may be convicted on the basis thereof. (*People v. Budol*, 143 SCRA 241; *People v. Averro*, 165 SCRA 130). The victims in this case did not only state that they were raped but they testified convincingly on how the rape was committed.

The victims' testimonies, together with their mothers' testimonies and further corroborated by the result of the medical examination strengthen the prosecution's case. It is hard to believe that a mother would sacrifice her own daughter and present her to be the subject of the public trial if she were not motivated by an honest desire to have the culprit punished. (*People v. San Buenaventura*, 164 SCRA 150).

As to the claim of appellant that it was physically impossible for him to have committed the three rapes, in succession within a period of three to four hours, Dra. Lolita Mercado, an expert witness categorically declared in court that Mario Ramos is capable of raping any woman, and based on her examination of Ramos, it is possible that in three and one half (3-1/2) minutes after the first he can again have the next sexual coition. Appellant's sexual prowess was likewise attested to on cross-examination by his wife:

“Q.

After massaging him, what did you do?

A.

We had our marital sex or we made love, sir.

Q.

You said that he was drunk, was he able to make love?

A.

Yes, sir.

Q.

Before that date he usually make love to you even if he was drunk?

A.

Yes, sir

Q.

It was his habit to make love with you when he was drunk?

A.

That is every night. Whether (sic) he drunk we have our marital sex, every night, sir.

Q.

Since when did this happen?

A.

Since we got married, sir.”

.....

“Q.

By the way, how old was your husband on July 31, 1986?

A.

He was about thirty one (31) years old, sir.

Q.

How long did it took (sic) you to make love on that night, July 31, 1986?

A.

Ten minutes because he was drunk, sir.

Q.

What did you feel when he got love, was there ejaculation?

A.

Yes, sir, because I noticed that there was a vibration of his penis, sir.

Q.

Since you got married with your husband was there an instance that you made love more than ones (sic) a day?

A.

In the morning, sir.

Q.

And what happen at night?

A.

Ones (sic) before he goes to sleep sir.”

(TSN, pp. 10, 11, 12, dtd. April 2, 1989)

At any rate, on the matter of sexual outlet, there are high-rating individuals belonging to the so-called “sexual athlete” class. The noted sexologist Kinsey says that intervals between climaxes may range from 10 seconds to 3 minutes.

Appellant assailed the conclusion of the trial court that the complainants were sufficiently intimidated by him such that they became immobilized, as without basis.

This contention is untenable. It need not be over-emphasized that force or violence required in rape cases is relative. When applied, it need not be overpowering or irresistible. What is essential is that the force used is sufficient to consummate the purpose which the offender had in mind, or to bring about the result. (People v. Mendoza, 163 SCRA 568).

In the case at bar, the use of minatory words and display of a firearm by appellant had sufficiently intimidated complainants to enable appellant to accomplish his evil deed. It was understandable that under those circumstances, complainants did not escape or find a way to get away from the rapist when he was busy raping

their companions, as the defense claims they should have. Individuals react to situations differently depending on their character traits. In the given situation, some may faint, some may shout, some may be shocked into insensibility while some may openly welcome the intrusion (*People v. Cayago*, 158 SCRA 586). Besides, rape is likewise committed when intimidation is used on a victim and the latter submits herself against her will because of fear for life and personal safety. (*People v. Arango*, 181 SCRA 344).

As to the contention of appellant that the trial court erred in concluding that appellant escaped or disappeared after committing the rape, said contention is a minor and trivial issue. At any rate, the trial court's conclusion is supported by facts. As the records reveal the appellant fell under the custody of the court only on July 26, 1988 or almost two years after the commission of the crime despite the issuance of warrants for his arrest.

Finally, appellant's argument that the trial court erred in denying the admission of appellant's Exhibits 1 to 29 is rendered moot and academic by the order of said trial court dated February 2, 1990 directing "that all the exhibits ordered excluded be attached to the records." (p. 37, Rollo) Thus, said exhibits were duly taken into consideration by the trial court in its evaluation of the evidence. In fact, these exhibits were mentioned in the trial court's decision.

This Court once said in *People v. Desuyo*, (164 SCRA 210, 214)

"Defilers of women are an especially despicable ilk of evil men, and more so those who would inflict their lasciviousness upon innocent and defenseless children. They are filthier than the slime where they belong. Whatever punishment is imposed on them can never expiate their loathsome offense, for which forgiveness itself from a mortal court, at least, would be a sin."

WHEREFORE, the appealed decision being in accordance with the law and the evidence, is **AFFIRMED**, with respect to the civil indemnity and the imposition of reclusion perpetua (not life imprisonment).

SO ORDERED.

Melencio-Herrerra, (Chairman), Padilla, Sarmiento, and Regalado, JJ., concur.

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