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amounts of ₱50,000 as moral damages[23] and ₱25,000 as exemplary damages.

IN LIGHT OF ALL THE FOREGOING, the Decision of the Regional Trial Court of Leyte, Branch 36, in Criminal Case No. 2523, is hereby *AFFIRMED WITH MODIFICATION*. The appellant KAKINGCIO CAÑETE is found guilty beyond reasonable doubt, as principal, of simple rape under Article 335 of the Revised Penal Code, as amended, and is meted the penalty of *reclusion perpetua*, and ordered to pay to private complainant Alma Cañete the amounts of ₱50,000 as civil indemnity, ₱50,000 as moral damages and ₱25,000 as exemplary damages.

Costs *de oficio*.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Puno, Vitug, Mendoza, Panganiban, Quisumbing, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio Morales, and *Azcuna, JJ.*, concur.

Ynares-Santiago, J., on leave.

SECOND DIVISION

[G.R. No. 143704. March 28, 2003]

PEOPLE OF THE PHILIPPINES, *appellee, vs.* **ALEX MANALLO,** *appellant.*

SYNOPSIS

Appellant was found guilty by the trial court of the crime of rape for sexually abusing Rozaldiza Nabor. He was sentenced to suffer the penalty of *reclusion perpetua*. Hence, this appeal.

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[23] *People v. Bernaldez, supra.*

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In affirming the conviction of appellant, the Supreme Court ruled that when a rape victim's testimony is straightforward and candid, unshaken by rigid cross-examination and unflawed by inconsistencies or contradictions in its material points, the same must be given full faith and credit. The credibility of a rape victim is augmented when she has no motive to testify against the appellant or where there is absolutely no evidence which even remotely suggest that she could have been actuated by such motive. The victim's testimony was buttressed by the medico-legal findings. The fresh lacerations in the victim's hymen are the best physical evidence of her defloration. The presence of motile sperm cells in the victim's violated organ affirms her charge more than words and anger alone could prove. Her contusion on the right cheek and hematoma on the right thigh are ample proof of struggle and resistance against rape. The physical evidence showing the use of brutal force on the victim when she was sexually assaulted certainly speaks louder than words. Moreover, it is highly inconceivable for a young barrio lass, inexperienced with the ways of the world, to fabricate a charge of defloration, undergo a medical examination of her private parts, subject herself to public trial and tarnish her family's honor and reputation unless she was motivated by a potent desire to seek justice for the wrong committed against her.

SYLLABUS

1. **REMEDIAL LAW; EVIDENCE; FLIGHT OF ACCUSED, AN INDICATION OF GUILT; CASE AT BAR.**— The trial court considered appellant's flight from the scene of the crime, his having jumped bail and for eluding arrest for six long years as evidence of his guilt for the crime charged: ". . . Besides, the flight of the accused in jumping bail and going into hiding for (6) years is evidence of his guilt. He would not have fled if his story is true. The court noted that during the years that the accused was in hiding, the complainant was relentless in her efforts to locate the accused so that he may be arrested. Complainant's demeanor in court showed insincerity."

2. **ID.; ID.; CREDIBILITY OF WITNESSES; WHEN RAPE VICTIM'S TESTIMONY IS STRAIGHTFORWARD AND CANDID, THE SAME MUST BE GIVEN FULL FAITH AND CREDIT.**— [W]hen a rape victim's testimony is straightforward

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and candid, unshaken by rigid cross-examination and unflawed by inconsistencies or contradictions in its material points, the same must be given full faith and credit.

3. **ID.; ID.; ID.; CREDIBILITY OF RAPE VICTIM IS AUGMENTED WHEN SHE HAS NO MOTIVE TO TESTIFY AGAINST ACCUSED.—** [T]he credibility of a rape victim is augmented when she has no motive to testify against the appellant or where there is absolutely no evidence which even remotely suggest that she could have been actuated by such motive.

4. **ID.; ID.; ID.; IT IS HIGHLY INCONCEIVABLE FOR YOUNG BARRIO LASS TO FABRICATE A CHARGE OF DEFLORATION, UNDERGO MEDICAL EXAMINATION OF HER PRIVATE PARTS, SUBJECT HERSELF TO PUBLIC TRIAL UNLESS SHE WAS IN FACT BEEN RAPED.—** [I]t is highly inconceivable for a young barrio lass, inexperienced with the ways of the world, to fabricate a charge of defloration, undergo a medical examination of her private parts, subject herself to public trial and tarnish her family's honor and reputation unless she was motivated by a potent desire to seek justice for the wrong committed against her.

5. **ID.; ID.; AFFIRMATIVE DEFENSES; SWEETHEART DEFENSE; CANNOT BE GIVEN CREDENCE IN THE ABSENCE OF CORROBORATIVE PROOF; CASE AT BAR.—** In *People vs. Apostol,* this Court said that *sweetheart defense* is a much-abused defense that rashly derides the intelligence of the court and sorely tests its patience. Being an affirmative defense, the allegation of a love affair must be supported by convincing proof. He failed to discharge this burden. Other than his self-serving assertions and those of his wife, there was no support to his claim that he and complainant were lovers. His *sweetheart defense* cannot be given credence in the absence of corroborative proof like love notes, mementos, pictures or tokens that such romantic relationship really existed. Even if we assumed, for the nonce, that appellant and Rosaldiza were indeed lovers, this fact would not have precluded rape, as it did not necessarily mean there was consent. A love affair would not have justified what appellant did — subjecting Rosaldiza to his carnal desires against her will. No young Filipina of decent repute would publicly admit she had been raped unless that was the truth. Even in these modern times, this principle still holds

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true. Definitely, a man cannot demand sexual gratification from a fiancee and, worse, employ violence upon her on the pretext of love. Love is not a license for lust.

6. **ID.; ID.; ADMISSIBILITY; CHARACTER EVIDENCE; MORAL CHARACTER IS IMMATERIAL IN THE PROSECUTION AND CONVICTION FOR RAPE.**— The Court has taken judicial cognizance of the fact that [i]n rural areas in this country, young girls, by custom and tradition, act with circumspection and prudence, and that great caution is observed so that their reputation remains untainted. Even assuming *arguendo* that the offended party was a girl of loose morals, as claimed by the appellant, it is settled that moral character is immaterial in the prosecution and conviction for rape for even prostitutes can be rape victims.

7. **ID.; ID.; PLEA OF ACCUSED FOR FORGIVENESS AND FOR SETTLEMENT OF THE CASE, AN IMPLIED ADMISSION OF GUILT.**— In a case of similar factual backdrop, the Court considered a plea of an accused for forgiveness and for a settlement of the case as an implied admission of guilt: "... A plea for forgiveness may be considered as analogous to an attempt to compromise. In criminal cases, except those involving quasi-offense (criminal negligence) or those allowed by law to be compromised, an offer of compromise by the accused may be received in evidence as an implied admission of guilt. No one would ask for forgiveness unless he had committed some wrong, for to forgive means to absolve, to pardon, to cease to feel resentment against on account of wrong committed; give up claim to requital from or retribution upon (an offender). In *People vs. Calimquim*, we stated: The fact that appellant's mother sought forgiveness for her son from Corazon's father is an indication of guilt. (*See People vs. Olmedillo*, L-42660, August 30, 1982, 116 SCRA 193)."

8. **CIVIL LAW; DAMAGES; MORAL DAMAGES; AWARDED IN CASE AT BAR.**— [T]he trial court has correctly awarded ₱50,000.00 as moral damages, an award that rests on the jural foundation that the crime of rape necessarily brings with it shame, mental anguish, besmirched reputation, moral shock and social humiliation.

9. **ID.; ID.; CIVIL INDEMNITY; AWARDED IN CASE AT BAR.**— The award of ₱75,000.00 as civil indemnity should be

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reduced to ₱50,000.00 in line with this Court's ruling in *People vs. Banela*, that if the crime of rape was committed before the effectivity of Republic Act No. 7659, the amendatory law restoring the death penalty, the civil indemnity to be awarded to the offended party shall remain to be ₱50,000.00.

10. **ID.; ID.; EXEMPLARY DAMAGES; AWARDED IN CASE THE SPECIAL AGGRAVATING CIRCUMSTANCE OF THE USE OF DEADLY WEAPON IS ATTENDANT IN THE COMMISSION OF RAPE.**— [E]xemplary damages in the amount of ₱25,000 should be awarded pursuant to our ruling in *People vs. Catubig,* that the award for exemplary damages is justified pursuant to Art. 2230 of the New Civil Code. Since the special aggravating circumstance of the use of a deadly weapon was attendant in the commission of the rape, the offended party is entitled to exemplary damages.

11. **REMEDIAL LAW; CRIMINAL PROCEDURE; BAIL; REQUIREMENT FOR BAIL HEARING, NOT COMPLIED WITH IN CASE AT BAR.**— In this case, the appellant filed his motion for bail on May 8, 1992. There was no specific date and time for the hearing of said motion. And yet, on the same day that the motion was filed, the trial court granted the said motion and fixed the bail bond for the provisional liberty of the appellant in the amount of ₱50,000.00 without any factual basis therefor stated in the order. Even when the public prosecutor prayed the court on June 17, 1992, for the cancellation of the property bond of the appellant on the ground that the trial court granted his motion for bail without even affording the prosecution a chance to be heard thereon and adduce its evidence in opposition thereto, the trial court held in abeyance resolution thereof and even allowed the appellant to remain free on his bond in the amount of only ₱50,000.00. Patently, the prosecution was deprived of its right to due process. In *Go vs. Judge Bongolan, et al.,* this Court emphasized that: "A bail application does not only involve the right of the accused to temporary liberty, but likewise the right of the State to protect the people and the peace of the community from dangerous elements. These two rights must be balanced by a magistrate in the scale of justice, hence, the necessity for hearing to guide his exercise of jurisdiction."

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APPEARANCES OF COUNSEL

The Solicitor General for plaintiff-appellee.
Public Attorney's Office for accused-appellant.

D E C I S I O N

CALLEJO, SR., *J.*:

Spouses Romeo Nabor and Liliosa Napay and their nine-year old[1] daughter Rosaldiza Nabor tenanted and lived in a coconut plantation located in Barangay Salugan, Camalig, Albay. Rosaldiza helped in the household chores by washing the family's dirty laundry every Saturday at the *barangay* reservoir. The route to the reservoir was uninhabited. Going there was quite a long trek. It usually took Rosaldiza fifteen minutes to negotiate the grassy path from the reservoir to their house.

In 1989, Romeo engaged the services of Alex Manallo as coconut gatherer.[2] Alex helped the Nabor couple gather coconut produce once a week.[3] He was paid ₱150.00 per day for his services.

In the early morning of March 30, 1992, Liliosa left their house for the market. Rosaldiza went to the reservoir to wash her clothes bringing with her a pail and a basin. She wore a t-shirt and a pair of short pants. After washing her clothes, Rosaldiza took a quick bath.[4] At around 11:00 a.m., Rosaldiza, who was drenched all over, left the reservoir and trekked the same route in going home. On her way, Alex suddenly appeared from the bushes and grabbed Rosaldiza from behind. Alex was completely naked. He covered her mouth and poked a knife on her neck. Rosaldiza dropped the basin and the pail she was carrying and fought with Alex to extricate herself from his

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[1] Exhibit "B", Records, p. 222.

[2] TSN, 14 April 1999, p. 5.

[3] TSN, 6 October 1999, p. 8.

[4] TSN, 6 August 1999, p. 6.

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clutches. However, he was too strong for her. Alex dragged her to a grassy portion, pulled her down and pinned her to the ground.[5] She cried and shouted for help, at the same time, resisting Alex's advances. However, when Alex boxed Rosaldiza on her thighs and on her abdomen, she lost consciousness. When she regained consciousness, Rosaldiza noticed that she was completely naked. She felt weak and tired. Her private parts and body ached all over. She noticed semen in her vagina.[6] Fearing for her life and completely devastated, she cried bitterly. Alex dressed up and warned her not to tell her parents, brothers and sisters of the incident, otherwise, he would kill them all. Rosaldiza put on her clothes and ran home. By then, Liliosa was already in the house. Rosaldiza related to her mother what happened to her.[7] Stunned by the revelation of her daughter, Liliosa accompanied Rosaldiza to the house of the *barangay* captain, but the latter was out of the house. The distraught Liliosa and Rosaldiza proceeded to the house of *barangay kagawad* Elesio Obal to whom they related that Alex raped Rosaldiza. Liliosa, Rosaldiza and Elesio boarded a tricycle and went to the Camalig Police Station[8] where Liliosa and Rosaldiza had the incident reported in the police blotter.[9] The trio then proceeded to the Rural Health Unit of Camalig where Dr. Ma. Crispa Loria-Florece, the Municipal Health Officer, conducted a physical, pelvic and smear examinations of Rosaldiza. Dr. Loria-Florece signed and issued a medico-legal certificate[10] which reads:

*Physical findings:

-CONTUSION — right cheek

-HEMATOMA — Distal 3rd, anterior aspect right thigh

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[5] *Id.*, p. 20.

[6] *Id.*, p. 20.

[7] TSN, 6 July 1998, pp. 4-5.

[8] TSN, 30 September 1998, pp. 5-6.

[9] Exhibit "C".

[10] Records, p. 4.

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I E findings:

-Hymen with fresh bleeding, lacerations at 3:00 o'clock, 5:00 o'clock, 6:00 o'clock, 8:00 o'clock positions.

-Cervix smooth, small and firm

-Adnexa (-)

-W/ bloody & whitish stick mucous per examining Finger

*Spec. exam: — cervix — pinkish w/ whitish secretion at post fornix.

*Vaginal smear — With motile sperm cells.

According to Dr. Loria-Florece, the contusion and hematoma sustained by the victim in the right cheek and right thigh could have been caused by fist blow or slapping of the victim. The fresh bleeding and multiple lacerations of the hymen could have been caused by sexual intercourse or the entry of a hard object. Rosaldiza was still a virgin when the doctor examined her but lost her virginity about an hour from her examination on the victim, since fresh hymenal bleeding usually stops in about one to two hours from laceration.

Rosaldiza and Liliosa went back to the police station and executed their respective sworn statements.

On April 27, 1992, an Information was filed with the Regional Trial Court of Legaspi City, charging Alex with rape, the accusatory portion of which reads:

That on the 30th day of March 1992, at more or less 11:00 o'clock A.M. at Barangay Salugan, Camalig, Albay, the accused with lewd design, armed with a knife, by means of violence and intimidation, poked the victim Rosaldiza Nabor *y* Nebres with said knife and when the victim resisted, slapped her rendering her unconscious, and while in that stae (sic) accused have carnal knowledge with Rozaldiza N. Nabor, to the latter's damage and prejudice.

CONTRARY TO LAW.[11]

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[11] *Id.*, p. 12.

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No bail was recommended for the provisional liberty of Alex. He filed, on May 8, 1992, a motion for bail with no specific date and time for the hearing thereof.[12] Upon the filing of said motion, the Executive Judge issued an order granting the motion and fixing his bail bond at ₱50,000.00.[13] On the same day, Alex posted a property bond which was immediately approved by the court.[14] Alex was forthwith released from detention.

At his arraignment on June 17, 1992, Alex, duly assisted by counsel *de oficio*, pleaded not guilty. Trial was set on June 18, 1992.[15] The prosecution prayed the trial court to cancel the bond of Alex considering that his petition for bail was granted without due hearing. However, the trial court held in abeyance resolution of the motion until after the prosecutor shall have presented its witnesses on June 18, 1992. The trial court stated that the evidence to be adduced by the prosecution would be its evidence on Alex's petition for bail and trial on the merits. On June 18, 1992, the trial court issued an order that Alex would remain free on his bond until June 22, 1992, the date set for the hearing on his petition for bail. However, Alex failed to attend the trial on said date. The trial court issued an order for his arrest. However, Alex could no longer be found at his address. It was only six years thereafter, or on January 22, 1998, that he was arrested.[16]

When Alex testified, he denied having sexually assaulted Rosaldiza on March 30, 1992. He claimed that they had been lovers engaging in sexual intimacies for over a year even before March 30, 1992. He said that whenever they had sexual intercourse, he gave her ₱100.00 to ₱150.00. He claimed that he came to know Rosaldiza in 1989 when he started working for the Nabors, and from that day on, they hit it off. He was

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[12] *Id.*, pp. 14-15.

[13] *Id.*, p. 16.

[14] *Id.*, p. 17.

[15] *Id.*, p. 42.

[16] *Id.*, p. 139.

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then 26 years old and Rosaldiza barely in her teens. He testified that Rosaldiza gave him special attention by personally serving him lunch every time he gathered coconuts and she flirted with him. He, in turn, used to tease her by asking her to become his second wife. Every time he needed a smoke, Rosaldiza bought cigarettes for him and she always kept the change. He used to give Rosaldiza pocket money for her schooling. Their relationship blossomed and in 1991, they started having sexual intercourse. Alex claimed that every time he gathered coconuts in the landholding of the Nabors, he and Rosaldiza invariably had sexual intercourse either at Honrado's nipa hut or in the grassy wilderness.

Alex recalled that on March 27, 1992, at around 7:00 a.m., he left his house and played basketball at the nearby basketball court. After an hour, he got thirsty and proceeded to the house of Laura. Thereat, Laura handed him water. While drinking water, Rosaldiza called him and asked for ₱300.00 for a new pair of shoes. He told Rosaldiza that he would give the ₱300.00 at their usual tryst after his routine rounds of the coconut plantation. Rosaldiza agreed. She then told Alex that she would first drop by her house to get some laundry clothes so that her parents may not get suspicious. The two met at the agreed place. She demanded that Alex give her the ₱300.00 but Alex refused. He insisted that they have sexual intercourse first. Rosaldiza agreed. However, after their sexual act, Alex still refused to give her ₱300.00, Rosaldiza got furious. She warned Alex that she would tell her mother about their relationship. Alex pacified Rosaldiza by promising to give her the money on Monday. He again sweet-talked Rosaldiza by assuring her that in case she got pregnant, he would leave his wife and they would settle in Manila. After appeasing Rosaldiza, they respectively went home. When he arrived home, he ate his lunch and subsequently went to sleep. At about 1:00 p.m. his wife woke him up and told him that four policemen were looking for him. He asked the policemen of their purpose and he was told that a complaint for rape had been filed against him. He went with the policemen to the police station where he was placed under arrest. He also told the trial court that when his wife Teresita visited him on

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that day, he admitted to her his relationship with Rosaldiza. He said that after hearing his confession, his wife Teresita cried and got angry.[17]

Teresita Manallo testified that when she visited her husband, Alex, in his cell after his arrest, he confided to her that he already admitted the charge. She likewise testified that Alex instructed her to talk to Liliosa and ask her forgiveness and if possible to settle the matter with the Nabors. She claimed that on her way out of the municipal jail she chanced upon the Nabors and relayed to them the instructions of Alex. However, the Nabors rejected the offer of settlement. Liliosa was resolute in filing a case against Alex.

On April 25, 2000, the trial court rendered its decision[18] finding Alex guilty as charged, the dispositive portion of the decision reads:

> *WHEREFORE,* premises considered, the accused *Alex Manallo* is hereby found *guilty* beyond reasonable doubt of the crime of rape by using force and intimidation as defined and penalized under Art. 335 (1) of the Revised Penal Code and he is hereby sentenced to suffer the penalty of imprisonment of *Reclusion Perpetua*, to pay complainant ₱75,000.00 as indemnity, ₱50,000.00 as moral damages and the costs.
>
> SO ORDERED.[19]

Aggrieved by the decision, Alex appealed to this Court contending that:

"THE TRIAL COURT GRAVELY ERRED IN CONVICTING ACCUSED-APPELLANT NOT ON THE BASIS OF THE STRENGTH OF THE PROSECUTION'S EVIDENCE BUT RATHER ON THE WEAKNESS OF THE EVIDENCE FOR THE DEFENSE[20]

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[17] TSN, 13 July 1999, pp. 3-6.

[18] Records, pp. 308-312. Penned by Judge Vladimir B. Brusola.

[19] *Id.*, p. 312.

[20] *Rollo*, 66.

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Appellant concedes, even as he assails his conviction, that his defense is inherently weak. He argues that the decision of the trial court dwelt mainly on the rationalization discrediting the evidence for the defense and that not much was said why it gave credence to the testimony of the private complainant. He claims that even assuming that his testimony is unbelievable, as the trial court put it, that alone could not sustain a verdict of conviction. He asserts that the prosecution must rest on the strength of its own evidence and not relieved of the *onus* of proving guilt beyond reasonable doubt by the weakness of the defense.[21]

The contention of appellant does not persuade.

Even a cursory reading of the decision of the trial court will readily show that it convicted appellant of the crime charged in light of the testimony of Rosaldiza and Dr. Loria-Florece and the physical evidence adduced by the prosecution:

After a careful scrutiny of the evidence adduced, the court finds that the accused did rape the complainant Rozaldiza Nabor on March 30, 1992. The court finds the testimony of complainant Rozaldiza Nabor credible, natural, convincing and otherwise consistent with human nature and the ordinary course of things. The conduct of Rozaldiza Nabor and the subsequent events that transpired immediately after the alleged sexual assault credibly established the truth of her charge.

After the accused left her, she came home running and shouting for help because she was raped. Upon arrival at her house she spontaneously told her mother, she was raped by the accused. They immediately reported to the barangay authorities, then to the police.

The findings of Dr. Florece clearly supports complainant's story. She examined the complainant at 12:15 p.m. of March 30, 1992, which was about one hour after the rape. The external physical examination showed a contusion on her right cheek and a hematoma on her right thigh near the knee. These injuries is compatible with the complainant's testimony that she was slapped in her face and boxed in her thigh by the accused as a result of which she lost consciousness.

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[21] *Id.*, p. 67.

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The internal examination showed fresh bleeding hymenal lacerations at 3:00, 5:00, 6:00 and 8:00 o'clock positions, meaning these lacerations were sustained about one or two hours before the examination because hymenal laceration stops bleeding after one or two hours says Dr. Florece. There were lacerations because complainant was still a virgin according to Dr. Florece. The motile sperm cells were moving and alive as found by Dr. Florece. These circumstances clearly show that the rape was committed on March 30, 1992 and that there was no such sexual intercourse on March 27, 2003. These lacerations also indicate that the penis was forcibly inserted into the vagina. (*People vs. Peñero,* 276 SCRA 564)

Dr. Florece, found a contusion on the right cheek of complainant, a reddish coloration of the skin, slightly elevated or inflamed, a hematoma on the right thigh near the knee, there was accumulation of clotted blood. The contusion on the right cheek and the hematoma on the right thigh could have been caused by a fistic blow or by slapping. The hymenal fresh bleeding lacerations could have been caused by a penis in a sexual intercourse about an hour and a half before her examination because hymenal laceration stops in one to two hours. There were lacerations because the complainant was a virgin. The motile sperm cells found in the cervix were alive indicating a recent sexual intercourse. All the foregoing facts and circumstances clearly and indubitably prove that complainant Rosaldiza Nabor was raped by the accused Alex Manallo on March 30, 1992 at about 11:00 a.m.[22]

The trial court considered appellant's flight from the scene of the crime, his having jumped bail and for eluding arrest for six long years as evidence of his guilt for the crime charged:

. . . Besides, the flight of the accused in jumping bail and going into hiding for (6) years is evidence of his guilt. He would not have fled if his story is true. The court noted that during the years that the accused was in hiding, the complainant was relentless in her efforts to locate the accused so that he may be arrested. Complainant's demeanor in court showed insincerity.[23]

Rosaldiza described how appellant waylaid her, forcibly dragged her to the grassy area, pinned her to the ground and

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[22] *Id.*, pp. 311-312.

[23] *Id.*, p. 312.

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when she resisted, he hit her with his fist, rendering her unconscious and when she regained consciousness, she discovered that she had been deflowered by the appellant:

PROS. DE MESA:

Q Ms. Witness, are you the same Rosaldiza Nabor, the private complainant in this case?
A Yes, sir.

Q Where were you on March 30, 1992 particularly in the morning of 11:00 o'clock more or less?
A I was on my way home coming from the water reservoir of our place where I washed our clothes, when suddenly a man who came from nowhere poked a knife on me.

Q You said there suddenly appeared someone from nowhere who poked a knife on you, who is this somebody that you mentioned?
A Alex Manallo, sir.

Q Is this Manallo that you mentioned is the same Alex Manallo, the accused in this case?
A Yes, sir.

Q This Alex Manallo that you mentioned who according to you is the same Alex Manallo who is the accused in this case, is he present in this court?
A Yes, sir, he is here.

Q Can you point to him?
A That man, sir (witness pointing to a certain person inside the court room who upon being asked of his name, stood up and identified himself as Alex Manallo).

Q Now, after the accused Manallo the accused in this case poked a knife on you, what happened next?
A When this Alex Manallo poked a knife from behind me I looked back and considering that I was then carrying a basin on my right hand and a paile (sic) on my left hand I tried to free myself from his hold, however he was so strong that I could not free myself.

Q While you were striving yourself to be free from the hold of the accused what happened to the basin with the laundry clothes and the pail, what happened?

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A It fell down.

Q And then what did you do?
A He told me that I should carry again the basin and the pail which was then I was carrying, after that he dragged me into the grassy portion.

Q Did you carry the basin and the pail?
A Yes, because I was afraid.

Q And while carrying the basin and the pail you were being dragged?
A Yes, sir.

Q Now, what happened after you were dragged into the grassy portion, what happened next?
A The accused pushed me and delivered fistic blows to my thigh and then I became weak.

Q Now, after you were slapped and boxed by the accused which caused you to fall down and become weak, what happened next?
A He delivered fistic blows on the stomach and at that time I became unconscious.

Q And did you ever regain your consciousness?
A Yes, sir.

Q And after that what happened next?
A He was still near my head.

Q What was he doing?
A He was dressing himself.

Q And what happened to you, what did you notice, if any?
A I was already naked.

Q And what did you do after you found yourself already naked?
A I just cried because I was very afraid because he might kill me.

Q And what did the accused do after you have regain your consciousness?
A He told me that I should not report the incident to my parents including my brothers and sisters. He said, "I am going to kill you all because I have a 45.

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Q And then, after he said that what did you do next?
A I dressed up myself.

Q And . . . .?
A I proceeded home and he was left behind somewhere.

Q And then where did you go?
A To my house.

Q And you were walking or running?
A I was running.

Q When you reached home what did you do?
A I shouted for help to my mother, "*Mama tabangan mo ako ta pigrape na ako*", or if translated in english, "Mother help me because I was raped."[24]

Despite the threats of appellant to kill her and her family, Rosaldiza spontaneously reported to her mother the bestial assault on her by appellant. As disclosed by the records, Rosaldiza constantly cried during her testimony. Her tears add poignancy and credibility to the rape charge with the verity born out of human nature and experience.[25]

On review, the Court finds that the testimony of Rosaldiza bears the hallmarks of truth. It is consistent on material points. The rule is that when a rape victim's testimony is straightforward and candid, unshaken by rigid cross-examination and unflawed by inconsistencies or contradictions in its material points, the same must be given full faith and credit. It is a well-entrenched jurisprudential rule that the credibility of a rape victim is augmented when she has no motive to testify against the appellant or where there is absolutely no evidence which even remotely suggest that she could have been actuated by such motive.[26]

Rosaldiza's testimony is buttressed by the medico-legal findings of Dr. Florece. The fresh lacerations in Rosaldiza's hymen are the telling and irrefutable, the best physical evidence

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[24] TSN, 6 July 1998, pp. 4-7.

[25] *People vs. Sagun*, 303 SCRA 382 (1999).

[26] *People vs. Prades*, 293 SCRA 411 (1998).

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of her defloration. The presence of motile sperm cells in the victim's violated organ affirms her charge more than words and anger alone could prove.[27] Her contusion on the right cheek and hematoma on the right thigh are ample proof of struggle and resistance against rape. These physical evidence showing the use of brutal force on the victim when she was sexually assaulted certainly speak louder than words.[28] In countless cases, we have taken judicial notice of the fact that it is highly inconceivable for a young barrio lass, inexperienced with the ways of the world, to fabricate a charge of defloration, undergo a medical examination of her private parts, subject herself to public trial and tarnish her family's honor and reputation unless she was motivated by a potent desire to seek justice for the wrong committed against her.[29]

The trial court is correct in discounting the sweetheart defense of appellant. He failed to establish the existence of such relationship. Rosaldiza specifically denied that appellant was ever her sweetheart. In *People vs. Apostol,*[30] this Court said that *sweetheart defense* is a much-abused defense that rashly derides the intelligence of the court and sorely tests its patience. Being an affirmative defense, the allegation of a love affair must be supported by convincing proof.[31] He failed to discharge this burden. Other than his self-serving assertions and those of his wife, there was no support to his claim that he and complainant were lovers. His *sweetheart defense* cannot be given credence in the absence of corroborative proof like love notes, mementos, pictures or tokens[32] that such romantic relationship really existed. Even if we assumed, for the nonce, that appellant and Rosaldiza were indeed lovers, this fact would not have precluded rape,

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[27] *People vs. Gomez*, 279 SCRA 688 (1997).

[28] *People vs. Bantilan*, 314 SCRA 380 (1999).

[29] *People vs. Esguerra*, 256 SCRA 657 (1996).

[30] 320 SCRA 327, 339 (1999), citing *People vs. Maglantay*, 304 SCRA 272 (1999), *People vs. Cabel,* 282 SCRA 410 (1997).

[31] *People vs. Monfero*, 308 SCRA 396, 414 (1999).

[32] *People vs. Lampaza*, 319 SCRA 112 (1999).

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as it did not necessarily mean there was consent. A love affair would not have justified what appellant did — subjecting Rosaldiza to his carnal desires against her will.[33] No young Filipina of decent repute would publicly admit she had been raped unless that was the truth. Even in these modern times, this principle still holds true. Definitely, a man cannot demand sexual gratification from a fiancee and, worse, employ violence upon her on the pretext of love. Love is not a license for lust.[34]

The Court has taken judicial cognizance of the fact that in rural areas in this country, young girls, by custom and tradition, act with circumspection and prudence, and that great caution is observed so that their reputation remains untainted.[35] Even assuming *arguendo* that the offended party was a girl of loose morals, as claimed by the appellant, it is settled that moral character is immaterial in the prosecution and conviction for rape for even prostitutes can be rape victims.[36]

The case for the prosecution was even fortified by no less than the evidence of the appellant. His wife Teresita testified that he instructed her to plead for Rosaldiza's forgiveness and for the settlement of the case, and in obedience to said instruction, Teresita did relay Alex's plea for forgiveness and for an amicable settlement to Liliosa, the mother of the victim but that Liliosa turned down appellant's plea:

ATTY. MUÑOS:

Q And so when your mother-in-law came back from the municipal jail telling you that you'll be the one to go there because she cannot stand her son being beaten by the policeman, what did you do?

A I went to the municipal jail of Camalig, sir.

Q And what was the time that you went to the municipal jail of Camalig?

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[33] *People vs. Shareff Ali El Akhtar*, 308 SCRA 725 (1999).

[34] *People vs. Barcelona*, 325 SCRA 168 (2000).

[35] *People vs. Travero*, 276 SCRA 301 (1997).

[36] *People vs. Javier*, 311 SCRA 122 (1999).

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A About 1:00 o'clock in the afternoon, sir.

Q And when you arrived at the place, who were those person you saw in the municipal hall, if any?
A I proceeded first to Alex Manallo at the municipal jail of Camalig, sir.

Q And did you ask Alex Manallo anything why he was arrested?
A Yes, sir.

Q And what did he tell you?
A Alex Manallo informed me that he already admitted the act, and instructed me to ask forgiveness from the mother for me, or if not to settle the matter, sir.

Q Is that all you asked of him?
A Yes, sir.

Q Did you ask him something more?
A No more, sir. I already went out of the jail.

COURT to witness:

Wait.

Q When you said he admitted doing the act, to whom?
A He did not name, sir.

Q All right, when your husband told you that you ask forgiveness from the mother for me, who is that mother, who is that person referred to as the mother that you are supposed to ask forgiveness for your husband?
A The mother of the complainant, sir.

Q And who is the complainant?
A Rozaldiza Nabor, sir.[37]

In a case of similar factual backdrop, the Court considered a plea of an accused for forgiveness and for a settlement of the case as an implied admission of guilt:

Moreover, any scintilla of doubt both as to the identification of the accused and as to his guilt was dissolved by the overtures of his parents, wife, children and sister-in-law on pleading for forgiveness

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[37] TSN, 31 March 1999, pp. 9-11.

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from Gilda. The accused did not disown their acts, which were testified to by his *kumadre*, Resurreccion Talub Quiocho, and Gilda herself. He chose not to deny their testimony. Finally, despite the unequivocal pronouncement by the trial court that his guilt was "strongly established by the acts of his parents, wife and relatives, who had gone to the house of the victim to ask her forgiveness and to seek a compromise," the accused dared not assign that finding and conclusion as an error and his Appellant's Brief is conspicuously silent thereon. Indubitably then, the accused was a party to the decision to seek for forgiveness, or had prior knowledge of the plan to seek for it and consented to pursue it, or confirmed and ratified the act of his parents, wife, children and sister-in-law. A plea for forgiveness may be considered as analogous to an attempt to compromise. In criminal cases, except those involving quasi-offense (criminal negligence) or those allowed by law to be compromised, an offer of compromise by the accused may be received in evidence as an implied admission of guilt. No one would ask for forgiveness unless he had committed some wrong, for to forgive means to absolve, to pardon, to cease to feel resentment against on account of wrong committed; give up claim to requital from or retribution upon (an offender). In *People vs. Calimquim*, we stated:

> The fact that appellant's mother sought forgiveness for her son from Corazon's father is an indication of guilt. (See *People vs. Olmedillo*, L-42660, August 30, 1982, 116 SCRA 193).[38]

This Court agrees with the trial court that the appellant is guilty of rape under Article 335 of Revised Penal Code as amended. The use by the appellant of a knife to consummate the crime is a special aggravating circumstance which warrants the imposition of the penalty of *reclusion perpetua* to death. However, considering that the prosecution failed to prove any other aggravating circumstance in the commission of the crime, the trial court correctly imposed the penalty of *reclusion perpetua* conformably with Article 63 of the Revised Penal Code.

Anent the award of damages, the trial court has correctly awarded ₱50,000.00 as moral damages, an award that rests on the jural foundation that the crime of rape necessarily brings

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[38] *People vs. Guzman*, 265 SCRA 228 (1996).

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with it shame, mental anguish, besmirched reputation, moral shock and social humiliation.[39]

The award of ₱75,000.00 as civil indemnity should be reduced to ₱50,000.00 in line with this Court's ruling in *People vs. Banela*,[40] that if the crime of rape was committed before the effectivity of Republic Act No. 7659,[41] the amendatory law restoring the death penalty, the civil indemnity to be awarded to the offended party shall remain to be ₱50,000.00.

Moreover, exemplary damages in the amount of ₱25,000 should be awarded pursuant to our ruling in *People vs. Catubig*,[42] that the award for exemplary damages is justified pursuant to Art. 2230 of the New Civil Code. Since the special aggravating circumstance of the use of a deadly weapon was attendant in the commission of the rape, the offended party is entitled to exemplary damages.

The Court cannot write *finis* to this case without making of record its concern and displeasure at the egregious procedural lapse of the trial court in granting bail to appellant. It bears stressing that he was charged with rape punishable by *reclusion perpetua* to death. Section 5, Rule 114 of the 1985 Rules of Criminal Procedure reads:

> SEC. 5. *Burden of proof in Bail application.* — At the hearing of an application for admission to bail filed by any person who is in custody for the commission of an offense punishable by *reclusion perpetua* to death, the prosecution has the burden of showing that evidence of guilt is strong. The evidence presented during the bail hearings shall be considered automatically reproduced at the trial, but upon motion of either party, the court may recall any witness for additional examination unless the witness is dead, outside of the Philippines or otherwise unable to testify. (7a)[43]

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[39] *People vs. Nuñes*, 310 SCRA 168 (1999).

[40] 301 SCRA 84 (1999).

[41] Took effect January 1, 1994.

[42] 363 SCRA 621 (2001).

[43] *Supra*.

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The trial court was mandated, in resolving a motion or petition for bail, to do the following:

1. In all cases, whether bail is a matter of right or discretion, notify the prosecutor of the hearing of the application for bail or require him to submit his recommendation (Section 18, Rule 114 of the Rules of Court, as amended);
2. Where bail is a matter of discretion, conduct a hearing of the application for bail regardless of whether or not the prosecution refuses to present evidence to show that the guilt of the accused is strong for the purpose of enabling the court to exercise its sound discretion; (Sections 7 and 8, *supra*)
3. Decide whether the guilt of the accused is strong based on the summary of evidence of the prosecution;
4. If the guilt of the accused is not strong, discharge the accused upon the approval of the bail bond (Section 19, *supra*). Otherwise, the petition should be denied.[44]

In this case, the appellant filed his motion for bail on May 8, 1992. There was no specific date and time for the hearing of said motion. And yet, on the same day that the motion was filed, the trial court granted the said motion and fixed the bail bond for the provisional liberty of the appellant in the amount of ₱50,000.00 without any factual basis therefor stated in the order. Even when the public prosecutor prayed the court on June 17, 1992, for the cancellation of the property bond of the appellant on the ground that the trial court granted his motion for bail without even affording the prosecution a chance to be heard thereon and adduce its evidence in opposition thereto, the trial court held in abeyance resolution thereof and even allowed the appellant to remain free on his bond in the amount of only ₱50,000.00. Patently, the prosecution was deprived of its right to due process. In *Go vs. Judge Bongolan, et al.*,[45] this Court emphasized that:

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[44] *Tabao vs. Judge Espina*, 309 SCRA 273, 289 (1999).

[45] 311 SCRA 99 (1999).

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A bail application does not only involve the right of the accused to temporary liberty, but likewise the right of the State to protect the people and the peace of the community from dangerous elements. These two rights must be balanced by a magistrate in the scale of justice, hence, the necessity for hearing to guide his exercise of jurisdiction.[46]

The presiding judge of the trial court thus exposed his gross ignorance of the law. As a consequence, the appellant jumped bail and managed to elude arrest for six years, to the prejudice of the administration of justice.

WHEREFORE, premises considered, the decision appealed from is hereby AFFIRMED with MODIFICATION. Appellant Alex Manallo is found guilty beyond reasonable doubt of rape under Article 335 of the Revised Penal Code as amended and is hereby meted the penalty of *reclusion perpetua*. He is ordered to pay to the victim Rosaldiza Nabor ₱50,000 as civil indemnity; ₱50,000 as moral damages and ₱25,000 as exemplary damages.

Costs *de oficio*.

SO ORDERED.

Bellosillo (Chairman), Mendoza, Quisumbing, and *Austria-Martinez, JJ.*, concur.

FIRST DIVISION

[G.R. No. 152404. March 28, 2003]

RODOLFO ARZAGA and FRANCIS ARZAGA, *petitioners, vs.* **SALVACION COPIAS and PRUDENCIO CALANDRIA,** *respondents.*

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[46] *Supra*, p. 110.