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evidence which a reasonable mind might accept as adequate to justify a conclusion.[17] The evidence relied upon by the Court of Appeals in affirming the NLRC's decision failed to establish the fact that respondent was illegally dismissed.

WHEREFORE, in view of the foregoing, the instant petition for review is *GRANTED*. The Decision of the Court of Appeals dated October 18, 2001 and the Resolution dated January 25, 2002 in CA-G.R. SP No. 63143 which affirmed the decision and resolution of the National Labor Relations Commission dated October 27, 2000 and December 28, 2001, respectively are *REVERSED* and *SET ASIDE*. The decision dated April 2, 1998 of Labor Arbiter Jose G. De Vera in NLRC-NCR Case No. 00-02-01363-95, dismissing respondent's complaint for illegal dismissal for lack of merit, is *REINSTATED*.

SO ORDERED.

Davide, Jr., C.J., Panganiban, Carpio and *Azcuna, JJ.*, concur.

FIRST DIVISION

[G.R. No. 153219. December 1, 2003]

PEOPLE OF THE PHILIPPINES, *appellee, vs.* **EDGAR MOLLEDA *y* PONTANES @ Medy,** *appellant.*

SYNOPSIS

For feloniously having carnal knowledge, through force and intimidation, with Juana Bernaser Bucad, accused-appellant was charged, tried and subsequently found guilty of the crime of rape and was sentenced to *reclusion perpetua*. In convicting

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[17] *Aklan Electric Cooperative, supra.*

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appellant, the Regional Trial Court of Sta. Cruz, Laguna, gave credence to the testimony of the victim, which it found to be credible and convincing and rejected appellant's defense of alibi. Hence, this appeal where appellant questioned the credibility of the victim. He alleged that the prosecution failed to prove the element of force in the commission of the crime.

After reviewing the evidence on record of the case, the Supreme Court saw no cogent reason to disturb the trial court' findings. It has been held in a long line of cases that the findings of the trial court on the credibility of witnesses and their testimonies are accorded great respect. Moreover, the victim's acts of immediately narrating the incident to her live-in partner, reporting it to the police authorities and undergoing medical examination bolster her charge of rape. No woman would openly admit that she was raped and consequently subject herself to an examination of her private parts, undergo the trauma and humiliation of a public trial, and embarrass herself with the need to narrate in detail the manner of its commission. Thus, appellant's defense of alibi cannot prevail over his positive identification by the victim. Furthermore, while there may not have been proof of use of force, the Court found the appellant guilty of rape committed through intimidation. When appellant threatened the victim with a gun during the sexual intercourse, intimidation, as an element of rape, was present. It is not necessary that force and violence be employed. Threatening the victim with a knife was enough to render her incapable of offering any resistance because of fear for her life. The Court affirmed *in toto* the decision of the trial court.

SYLLABUS

1. **REMEDIAL LAW; EVIDENCE; GUIDING PRINCIPLES IN REVIEW OF RAPE CASES.**— Rape is essentially an offense of secrecy, not generally attempted except in dark or deserted and secluded places away from prying eyes, and the crime usually commences solely upon the word of the offended woman herself and conviction invariably turns upon her credibility, as the prosecution's single witness of the actual occurrence. In the review of rape cases, therefore, we are guided by the following principles: (1) an accusation for rape can be made with facility: it is difficult to prove but more difficult for the person accused,

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though innocent, to disprove it; (2) in view of the intrinsic nature of the crime of rape where two persons are usually involved, the testimony of the complainant must be scrutinized with extreme caution; and (3) the evidence for the prosecution must stand or fall on its own merits, and cannot be allowed to draw strength from the weakness of the evidence for the defense.

2. **ID.; ID.; CREDIBILITY OF WITNESSES; ACCUSED MAY BE CONVICTED SOLELY ON TESTIMONY OF RAPE VICTIM IF CREDIBLE, NATURAL, CONVINCING, AND CONSISTENT WITH HUMAN NATURE AND THE NORMAL COURSE OF THINGS.**— The determination of the guilt of the appellant depends primarily on the credibility of the victim, Juana Bernaser Bucad. Her testimony alone, if credible, would render the appellant's conviction inevitable. It has been held in a long line of cases that the findings of the trial court on the credibility of witnesses and their testimonies are accorded great respect. It is the trial judge who sees the behavior and demeanor of the witness in court. The evaluation or assessment made by the trial court acquires greater significance in rape cases because from the nature of the offense, the only evidence that can oftentimes be offered to establish the guilt of the accused is the victim's testimony. It is settled that a person accused of rape can be convicted solely on the testimony of the victim if the trial court finds said testimony to be credible, natural, convincing, and consistent with human nature and the normal course of things. In the case at bar, the trial court found the testimony of the victim to be credible and convincing. After reviewing the evidence on record of the case, we see no cogent reason to disturb its findings.

3. **ID.; ID.; ID.; VICTIM'S ACTS OF IMMEDIATELY REPORTING THE INCIDENT TO THE POLICE AUTHORITIES AND UNDERGOING MEDICAL EXAMINATION BOLSTER HER CHARGE OF RAPE.**— Moreover, the victim's acts of immediately narrating the incident to her live-in partner, reporting it to the police authorities and undergoing medical examination bolster her charge of rape. No woman would openly admit that she was raped and consequently subject herself to an examination of her private parts, undergo the trauma and humiliation of a public trial, and embarrass herself with the need to narrate in detail the manner of its commission.

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4. **ID.; ID.; DEFENSE OF ALIBI; TO PROSPER, THE REQUIREMENTS OF TIME AND PLACE MUST BE SATISFIED.**— Appellant's defense of alibi cannot hold water because it failed to satisfy the requirements of time and place. For alibi to prosper, appellant must prove not only that he was somewhere else when the crime was committed but also that it was physically impossible for him to be at the *locus criminis* at the time of the alleged crime. In the case at bar, it was established that the house of Norman delos Reyes, where appellant claimed he was at the time of commission of the crime, was just a one-hour walk from Juana and Felipe's house and there were jeepneys plying the area. Furthermore, appellant's defense of alibi cannot prevail over his positive identification by Juana.

5. **CRIMINAL LAW; RAPE; ELEMENT OF INTIMIDATION; PRESENT WHERE ACCUSED THREATENED THE VICTIM WITH A GUN DURING THE SEXUAL INTERCOURSE.**— While there may not have been proof of use of force, we hold that appellant was guilty of rape committed through intimidation. Intimidation must be viewed in light of the victim's perception and judgment at the time of the commission of the crime and not by any hard and fast rule. It is enough that it produces fear — fear that if the victim does not yield to the bestial demands of appellant, something would happen to her at that moment or even thereafter, as when appellant threatened to kill her if she reported the incident. When appellant threatened the victim with a gun during the sexual intercourse, intimidation, as an element of rape, was present. It is not necessary that force and violence be employed. Intimidation is sufficient, and this includes the moral kind, *i.e.*, threatening the victim with a gun. When this kind of intimidation exists and the victim is cowed into submission as a result thereof, thereby rendering resistance futile, it is unreasonable to expect her to resist with all her might and strength. Such intimidation, in this particular case, was enough to render Juana incapable of offering any resistance because of fear for her life.

6. **ID.; ID.; IMPOSABLE PENALTY.**— Therefore, appellant is guilty beyond reasonable doubt of rape. Under Articles 266-A and 266-B of the Revised Penal Code, where the rape was committed through force, threat or intimidation, the penalty

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shall be *reclusion perpetua*. Hence, the penalty imposed by the trial court on appellant is correct.

7. **CIVIL LAW; DAMAGES; CIVIL INDEMNITY; AUTOMATICALLY GRANTED ONCE THE FACT OF RAPE HAD BEEN ESTABLISHED; AWARD OF MORAL DAMAGES, PROPER.**— The trial court was also correct in awarding to the complainant the amount of ₱50,000.00 as civil indemnity, conformably with prevailing jurisprudence. Civil indemnity is automatically granted once the fact of rape had been established. For her shame, as well as mental anguish, fright, serious anxiety, besmirched reputation, moral shock and social humiliation which rape necessarily brings to the offended party, she is entitled to recover ₱50,000.00 as moral damages under Article 2219 in relation to Article 2217 of the Civil Code.

APPEARANCES OF COUNSEL

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

D E C I S I O N

YNARES-SANTIAGO, *J.*:

This is an appeal from the decision[1] of the Regional Trial Court of Sta. Cruz, Laguna, Branch 28, in Criminal Case No. SC-7259, finding appellant Edgar Molleda *y* Pontanes guilty beyond reasonable doubt of the crime of Rape, and sentenced him to suffer the penalty of *reclusion perpetua*, and ordered him to pay the offended party the amounts of ₱50,000.00 as civil indemnity and ₱50,000.00 as moral damages.

On May 2, 1999, appellant Edgar Molleda *y* Pontanes was charged with rape in an Information which reads:

That on or about January 25, 1999, in the municipality of Kalayaan, Province of Laguna and within the jurisdiction of this Honorable Court, the above named accused, with lewd design and by means of

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[1] Penned by Judge Fernando M. Paclibon, Jr.

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force and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of Juana Bernaser Bucad against her will and consent and to her damage and prejudice.

CONTRARY TO LAW.[2]

The victim, Juana Bernaser Bucad, has ten children by her deceased husband, Guillermo Bucad. At the time of the incident, she was living with her common-law husband, Felipe Roma.

On January 25, 1999, at around 7:30 p.m., appellant Edgar "Medy" Molleda arrived at their house in the mountainous area of Purok 7, Longos, Kalayaan, Laguna. He told Felipe that a member of the New People's Army (NPA) wanted to talk to him by the creek some 1,000 meters away from the house. Felipe noticed a bulge in appellant's waist. After Felipe left the house, appellant told Juana that he wanted to talk to her at the *camote* plantation 12 meters away from their house, but she insisted that they talk inside their house. However, appellant dragged her to the *camote* plantation. When they got there, appellant pointed a gun at Juana and ordered her to undress. She removed her shorts and panties and sat on the ground. Appellant then took off his clothes, lay on top of her and inserted his penis into her vagina. He made thrusting motions that lasted for two minutes. When he was done, appellant warned Juana not to reveal the incident to anybody, otherwise he would kill her. He got up, put on his short pants and briefs, and left.

Meanwhile, Felipe found nobody by the creek and returned to the house. Moments later, Juana arrived and told him that appellant had raped her. Felipe got angry and looked for appellant outside, but did not find him. Juana went to the house of Marites Oco, Felipe's daughter by a previous relationship. She cried as she recounted her ordeal. She told Marites that she felt so ashamed of herself.

The next morning, Felipe accompanied Juana to the police station to report the incident. She executed a written statement wherein she positively identified appellant as her rapist.

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[2] Records, p. 2.

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Dr. Olivia Jo Ann C. Tobias, Medical Officer III of the Provincial Health Office of Sta. Cruz, Laguna, conducted the examination on the victim and found the following:

> Vaginal exam: labia majora gaping
> Vagina admits two fingers with ease
> Hymen-old healed laceration at 3 o'clock, 6 o'clock, 10 o'clock and 12 o'clock position
> Internal exam: cervix closed, firm, non tender
> x x x x x x x x x
> Specimen taken for sperm analysis-result — Negative[3]

Appellant was arrested on January 29, 1999 and formally charged in court.

In his defense, appellant denied the accusation. He claimed that at 6:00 p.m. of January 25, 1999, he was in the house of his best friend's son, Norman Delos Reyes, at Barangay Longos, Kalayaan, Laguna. Norman's father had asked appellant to watch over his children since he had to leave for Bicol that afternoon. Appellant stayed in Norman's house the whole night until 8:00 the following morning.

On August 24, 2001, the trial court rendered judgment, the decretal portion of which reads:

> WHEREFORE, IN THE LIGHT OF ALL THE FOREGOING CONSIDERATIONS, the Court finds the accused Edgar Molleda *y* Pontanes guilty beyond reasonable doubt as principal of the offense of rape under Art. 335 of the Revised Penal Code and as charged in the information and hereby sentences him to suffer the penalty of *RECLUSION PERPETUA* and to pay the offended party Juana Bernaser Bucad the sum of ₱50,000.00 as civil indemnity and ₱50,000.00 as moral damages.
>
> SO ORDERED.[4]

Hence, this appeal based on the following assignment of errors:

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[3] Rape Case Report, Records, p. 12.

[4] Records, p. 96, *Rollo*, p. 28.

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I

THE COURT *A QUO* GRAVELY ERRED IN GIVING CREDENCE TO THE INCREDIBLE TESTIMONY OF THE PRIVATE COMPLAINANT.

II

THE COURT *A QUO* GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIME CHARGED.[5]

The appeal lacks merit.

Rape is essentially an offense of secrecy, not generally attempted except in dark or deserted and secluded places away from prying eyes, and the crime usually commences solely upon the word of the offended woman herself and conviction invariably turns upon her credibility, as the prosecution's single witness of the actual occurrence.[6]

In the review of rape cases, therefore, we are guided by the following principles: (1) an accusation for rape can be made with facility: it is difficult to prove but more difficult for the person accused, though innocent, to disprove it; (2) in view of the intrinsic nature of the crime of rape where two persons are usually involved, the testimony of the complainant must be scrutinized with extreme caution; and (3) the evidence for the prosecution must stand or fall on its own merits, and cannot be allowed to draw strength from the weakness of the evidence for the defense.[7]

The determination of the guilt of the appellant depends primarily on the credibility of the victim, Juana Bernaser Bucad. Her testimony alone, if credible, would render the appellant's conviction inevitable.

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[5] *Rollo*, p. 45.

[6] *People v. Domingo*, 226 SCRA 156, 166 (1993).

[7] *People v. Lucas*, 232 SCRA 537, 546 (1994).

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It has been held in a long line of cases that the findings of the trial court on the credibility of witnesses and their testimonies are accorded great respect. It is the trial judge who sees the behavior and demeanor of the witness in court. The evaluation or assessment made by the trial court acquires greater significance in rape cases because from the nature of the offense, the only evidence that can oftentimes be offered to establish the guilt of the accused is the victim's testimony. It is settled that a person accused of rape can be convicted solely on the testimony of the victim if the trial court finds said testimony to be credible, natural, convincing, and consistent with human nature and the normal course of things.[8]

In the case at bar, the trial court found the testimony of the victim to be credible and convincing. After reviewing the evidence on record of the case, we see no cogent reason to disturb its findings.

Moreover, the victim's acts of immediately narrating the incident to her live-in partner, reporting it to the police authorities and undergoing medical examination bolster her charge of rape.[9] No woman would openly admit that she was raped and consequently subject herself to an examination of her private parts, undergo the trauma and humiliation of a public trial, and embarrass herself with the need to narrate in detail the manner of its commission.[10]

Appellant's defense of alibi cannot hold water because it failed to satisfy the requirements of time and place. For alibi to prosper, appellant must prove not only that he was somewhere else when the crime was committed but also that it was physically impossible for him to be at the *locus criminis* at the time of the alleged crime.[11]

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[8] *People v. Fabian*, G.R. Nos. 148368-70, 8 July 2003.

[9] *People v. Esperida*, G.R. Nos. 139637-38, 22 January 2003.

[10] *People v. Bagaua*, G.R. No. 147943, 12 December 2003.

[11] *People v. Escaño*, G.R. Nos. 140218-23, 13 February 2002, citing *People v. Hinto*, G.R. Nos. 138146-91, 28 February 2000.

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In the case at bar, it was established that the house of Norman delos Reyes, where appellant claimed he was at the time of commission of the crime, was just a one-hour walk from Juana and Felipe's house and there were jeepneys plying the area. Furthermore, appellant's defense of alibi cannot prevail over his positive identification by Juana.

Appellant contends that the prosecution failed to prove the element of force in the commission of the crime of rape. He argues that, based on the victim's narration, it appears that she voluntarily went with him to the *camote* plantation and she did not exhibit any sign of resistance when she was allegedly ordered to take off her clothes.

While there may not have been proof of use of force, we hold that appellant was guilty of rape committed through intimidation. Intimidation must be viewed in light of the victim's perception and judgment at the time of the commission of the crime and not by any hard and fast rule. It is enough that it produces fear — fear that if the victim does not yield to the bestial demands of appellant, something would happen to her at that moment or even thereafter, as when appellant threatened to kill her if she reported the incident.[12]

When appellant threatened the victim with a gun during the sexual intercourse, intimidation, as an element of rape, was present. It is not necessary that force and violence be employed. Intimidation is sufficient, and this includes the moral kind, *i.e.*, threatening the victim with a gun. When this kind of intimidation exists and the victim is cowed into submission as a result thereof, thereby rendering resistance futile, it is unreasonable to expect her to resist with all her might and strength.[13] Such intimidation, in this particular case, was enough to render Juana incapable of offering any resistance because of fear for her life.

Therefore, appellant is guilty beyond reasonable doubt of rape. Under Articles 266-A and 266-B of the Revised Penal

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[12] *People v. Pamor*, 237 SCRA 462, 472 (1994).

[13] *People v. Salazar*, G.R. Nos. 98121-22, 5 July 1996.

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Code, where the rape was committed through force, threat or intimidation, the penalty shall be *reclusion perpetua*. Hence, the penalty imposed by the trial court on appellant is correct.

The trial court was also correct in awarding to the complainant the amount of ₱50,000.00 as civil indemnity, conformably with prevailing jurisprudence. Civil indemnity is automatically granted once the fact of rape had been established. For her shame, as well as mental anguish, fright, serious anxiety, besmirched reputation, moral shock and social humiliation which rape necessarily brings to the offended party, she is entitled to recover ₱50,000.00 as moral damages under Article 2219 in relation to Article 2217 of the Civil Code.

WHEREFORE, in view of the foregoing, the Decision of the Regional Trial Court of Sta. Cruz, Laguna, Branch 28, in Criminal Case No. SC-7259, finding appellant Edgar Molleda *y* Pontanes guilty beyond reasonable doubt of rape, sentencing him to suffer the penalty of *reclusion perpetua* and ordering him to pay complainant Juana Bernaser Bucad the amounts of ₱50,000.00 as civil indemnity and ₱50,000.00 as moral damages, is *AFFIRMED in toto*.

Costs *de oficio*.

SO ORDERED.

Davide, Jr., C.J., Panganiban, Carpio and *Azcuna, JJ.*, concur.

FIRST DIVISION

[G.R. No. 157860. December 1, 2003]

GOVERNMENT SERVICE INSURANCE SYSTEM (GSIS), *petitioner, vs.* **THE PROVINCE OF TARLAC,** *respondent.*