Supreme Court E-Library

THIRD DIVISION

[G.R. Nos. 138650-58. April 22, 2003]

PEOPLE OF THE PHILIPPINES, *appellee, vs.* **IGNACIO SINORO,** *appellant.*

SYNOPSIS

Appellant was found guilty of nine (9) counts of rape. Hence, this appeal.

While appellant alleged delay in reporting the crime, the Court ruled that the same did not affect the credibility of the victim or her mother. Appellant also alleged the sweetheart theory, but the same was not sufficiently established and was in contradiction to appellant's defense of denial which, nevertheless, was unsubstantiated and cannot prevail as against the positive testimony of the victim. Appellant also alleged the conflicting medical reports, yet the medical examination of the victim was not indispensable to the successful prosecution of rape, as it was merely corroborative. At any rate, as only two of the nine rape charges were sufficiently established, appellant was held guilty of only two counts of rape punishable by *reclusion perpetua* for each count and in addition, appellant should pay ₱50,000 as civil indemnity and another ₱50,000 as moral damages.

SYLLABUS

1. REMEDIAL LAW; EVIDENCE; CREDIBILITY OF WITNESSES; NOT IMPAIRED BY DELAY IN REPORTING THE CRIME.— The initial reluctance of a rape victim to publicly reveal the assault on her virtue is neither unknown nor uncommon. It is quite understandable for a young girl to be hesitant or disinclined to come out in public and relate a painful and horrible experience of sexual violation. The same may be said of her mother. She is placed in the difficult predicament of deciding whether to obtain justice for her daughter or to suffer the outrage in silence, if only to protect the latter's dignity and honor. Indeed, the vacillation of a rape victim in making a criminal accusation does

Supreme Court E-Library

not necessarily impair her credibility as a witness. Delay in reporting the crime neither diminishes her credibility nor undermines her charges, particularly when the delay can be attributed to a pattern of fear instilled by the threats of one who exercises moral ascendancy over her. A perusal of the records of the case clearly shows that after the first rape, appellant constantly warned the victim that he would kill her and her family, should anyone else find out about it. In the face of constant threats of physical violence and death, her belated exposition of the sexual abuses she suffered cannot be taken against her.

2. **ID.; ID.; ID.; TESTIMONY ON THE RAPE COMMITTED, UPHELD.**— Indubitably, the fact of rape and the identity of appellant as the perpetrator were sufficiently established by the prosecution on the basis of the victim's clear, coherent and candid narration of the first incident. Verily, the testimony of the complainant deserves utmost credence. No woman in her right mind would admit to having been raped, allow an examination of her private parts, and expose herself or her family to the humiliation and the shame concomitant with a rape prosecution, unless the charges are true. Moreover, no mother would subject her own daughter, a child of tender years, to the rigors and the humiliation of a public trial for such crime, if she was not driven by an honest desire to have her daughter's transgressor punished accordingly.

3. **ID.; ID.; ID.; STRAIGHTFORWARD TESTIMONY UPHELD IN THE ABSENCE OF ILL WILL.**— Settled is the rule that a candid narration by a victim of how she was raped bears the earmarks of credibility, especially if no ill will motivates her to testify falsely against the accused. If her testimony is straightforward and unflawed by any material or significant inconsistency, it deserves full faith and credit. For it is a truism that when a woman says that she was violated, she says in effect all that is necessary to show that rape has been inflicted on her. Moreover, so long as her testimony meets the test of credibility, the accused may be convicted on the basis thereof.

4. **ID.; ID.; ID.; SWEETHEARTS THEORY; NOT APPRECIATED IN THE ABSENCE OF SUFFICIENT EVIDENCE THEREOF AND PRESENCE OF CONTRADICTING ALLEGATION OF DENIAL TO THE COMMISSION OF RAPE.** — The "sweethearts theory"

Supreme Court E-Library

appellant proffers is effectively an admission of carnal knowledge of the victim and consequently places on him the burden of proving the supposed relationship by substantial evidence. To be worthy of judicial acceptance, such a defense should be supported by documentary, testimonial or other evidence. Other than his self-serving statements, he failed to present even a speck of evidence to establish or suggest that a love relationship between him and the victim did in fact exist. In any case, his reference to a supposed relationship with the victim completely contradicts his defense of denial, which he has persistently pursued both before the lower court and this Court. His reliance on these two conflicting theories at the same time renders both defenses all the more unbelievable and unavailing. Certainly, he cannot be allowed to utilize diametrically opposed defenses. To do so would make a mockery of established precepts in criminal jurisprudence.

5. **ID.; ID.; DENIAL; CANNOT PREVAIL OVER POSITIVE TESTIMONY.**— In the case before us, appellant's denial is unsubstantiated by clear and convincing evidence. Considering that denial is negative and self-serving, it does not deserve much weight in law in the presence of positive testimony. Indeed, between the clear and categorical declarations of the victim on the one hand and the bare denial of the accused on the other, the former generally prevails. In rape cases, the accused may be convicted on the sole basis of the victim's testimony, provided it is credible, natural, convincing and consistent with human nature and the normal course of things. Indeed, even the testimony of a lone witness is sufficient to support a conviction, especially when the testimony enjoys the badges of sincerity and veracity.

6. **ID.; ID.; CREDIBILITY OF WITNESSES; FINDINGS OF TRIAL COURT, RESPECTED.**— In criminal jurisprudence, when the issue is the credibility of witnesses, appellate courts will generally not disturb the findings of the trial court. After all, the latter was in a better position to decide the question, having heard the witnesses and observed their deportment and manner of testifying during the trial.

7. **CRIMINAL LAW; RAPE; MEDICAL EXAMINATION, NOT INDISPENSABLE.**— A medical examination of the victim is not indispensable to the successful prosecution of rape. Expert testimony is merely corroborative in character and not essential to conviction.

Supreme Court E-Library

8. ID.; ID.; NOT ESTABLISHED BY GENERAL DECLARATION.— A *general* declaration that the victim was raped does not satisfy the demands of proof beyond reasonable doubt, or warrant a conviction. Verily, the vital content of her narration should, at the very least, confirm the fact of sexual penetration as defined and established by law and jurisprudence. Considering that carnal knowledge is the central element in the crime of rape, it must be proven beyond reasonable doubt. The victim's broad and unsubstantiated statements with respect to the other rapes are undisputedly insufficient to establish the guilt of the accused with moral certainty.

9. ID.; ID.; CIVIL PENALTY; MORAL DAMAGES IN ADDITION TO CIVIL INDEMNITY, PROPER.— Finally, we note that the trial court erred in awarding only civil indemnity. In rape cases, moral damages are automatically awarded to the victim without need of proof inasmuch as the mental, physical and psychological trauma she suffered is quite obvious. Accordingly, the victim should be awarded an additional ₱50,000 for each act of rape committed against her.

APPEARANCES OF COUNSEL

The Solicitor General for appellee.
Jocon C. Espino for appellant.

D E C I S I O N

PANGANIBAN, *J.*:

Delay in reporting a rape to the police does not taint the credibility of the victim. In the face of constant and credible threats of violence and death, the offended party may be excused for her tardiness in reporting her ravishment.

The Case

Ignacio Sinoro appeals the December 7, 1998 Decision[1] of the Regional Trial Court (RTC) of Iloilo City, Branch 36, in

[1] *Rollo*, pp. 29-48. The Decision was penned by Judge Quirico G. Defensor.

Supreme Court E-Library

Criminal Case Nos. 40309-40317. The RTC found him guilty beyond reasonable doubt of nine (9) counts of rape and imposed on him the penalty of *reclusion perpetua* for each count. In these cases, the dispositive portion of the challenged Decision was uniformly worded — except for the case number — as follows:

"*WHEREFORE*, in the light of the foregoing considerations, the Court hereby renders judgment, as follows:

'In Criminal Case No. x x x:

'Finding the accused Ignacio Sinoro *GUILTY* beyond reasonable doubt of the crime of Rape, as defined and penalized under Article 335 of the Revised Penal Code and sentencing him to suffer the penalty of *Reclusion Perpetua* and all the accessory penalties provided for by law; to indemnify the offended party Ligaya Sonido, the sum of ₱50,000.00 and to pay the costs.

x x x x x x x x x.'

"The property bond posted by the accused for his provisional liberty is ordered cancelled pursuant to Supreme Court Administrative Circular No. 12-94. Consequently, the property subject of the bond is ordered released and the [bondsman] likewise released of his/her obligations appurtenant thereto.

"Let the corresponding *mittimus* or commitment order issue immediately after promulgation of sentence."[2]

In nine (9) separate criminal Complaints[3] all dated April 13, 1993, appellant was accused of raping Ligaya Sonido on June 19; July 4, 11 and 18; September 11 and 12; October 5; November 2; and December 5, 1992, allegedly as follows:

"That on or about x x x, in the Municipality of Sta. Barbara, Province of Iloilo, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with deliberate intent and by use of force and intimidation, did then and there willfully,

---

[2] Assailed Decision, pp. 16-18; *rollo*, pp. 46-48.

[3] *Rollo*, pp. 11-19.

Supreme Court E-Library

unlawfully and feloniously have sexual intercourse with the complainant, without her consent and against her will."

During his arraignment on July 28, 1993, appellant, assisted by his counsel *de parte*,[4] pleaded not guilty to the charges.[5] After trial in due course, he was convicted of nine (9) counts of rape.

The Facts

Version of the Prosecution

In its Brief, the Office of the Solicitor General (OSG) narrates the factual antecedents of the case as follows:

"In 1992, private complainant Ligaya Sonido was 14 years old. She did not yet have her monthly menstruation. She was skinny. As a medico-legal officer described her, she is febrile. Appellant at that time was in his 50's.

"Around 2:00 in the afternoon of June 19, 1992, private complainant Ligaya Sonido was on the hill at the back of the house of appellant in Barangay Tigtig, Santa Barbara, Iloilo. She was unknotting the goat tied to a mango tree. The mango tree was about 50 meters from the house of Sonido and about 30 to 35 meters from the house of appellant.

"While Sonido was untying her goat, appellant came from behind her and put a scythe on her neck. Sonido cried. Appellant threatened to kill her if she would shout.

"While holding the scythe close to the neck of Sonido, appellant pushed her towards the bushes. When they reached the bushes, appellant took off the shorts and panty of Sonido, while still holding the scythe close to her neck. Sonido cried but could not do anything. Appellant pushed Sonido to the ground. Appellant pushed down his pants and brief up to his knees and placed himself on top of Sonido. Appellant inserted his penis in the sex organ of x x x Sonido. Appellant made push and pull movements with his penis for about fifteen (15) to twenty (20) minutes. Sonido felt severe pain in her

---

[4] Atty. Jocon Espino.

[5] See Order dated July 28, 1993; records, Vol. I, p. 83.

Supreme Court E-Library

vagina, while appellant was making the push and pull movements. Appellant's left hand held her right hand, while his right hand held the scythe. Appellant told Sonido not to tell anybody otherwise he would kill her and her family.

"After appellant was through, he let Sonido stand up. Sonido saw blood in her sex organ. She also saw the semen of appellant. Appellant told Sonido to put on her panty and shorts and then he dressed up himself. Appellant told Sonido to go home and repeated his warning not to tell anybody, otherwise he would kill her and her family.

"When Sonido reached home she cried. She washed herself. Only her grandmother, who was seventy (70) years old, was at home. She did not tell her grandmother about the incident because she was afraid. She also did not report the matter to her mother because she was afraid and because of appellant's threat.

"During the month of July 1992, appellant raped Sonido three times. About 2:00 o'clock in the afternoon of July 4, 1992, appellant raped Sonido near the bamboo groves in the hill in the lower portion of Sonido's house. About 1:00 in the afternoon of July 11, 1992, appellant raped Sonido in the banana plantation of the same hill. About 1:00 in the afternoon of July 18, 1992, appellant raped Sonido in the same hill. In these three instances, appellant placed a scythe close to the neck of Sonido. Sonido could not shout because she was afraid appellant would kill her. She did not report these incidents to her mother because she was afraid of the threat of appellant to kill her and her family. Appellant would often come to see Sonido in her house and warn her not to tell anybody otherwise he would kill her.

"Sonido was raped by appellant five more times, on September 11 and 12, October 5, November 2 and December 5, 1992. About 2:00 to 3:00 in the afternoon on September 11, 1992, appellant raped Sonido in the hill in the lower portion of her house. She was told by appellant to go to the hill otherwise he would kill her. Appellant placed a scythe on her neck and threatened her. About 2:00 to 3:00 in the afternoon of September 12, 1992, Sonido was preparing to feed the pigs. Appellant approached her and placed a scythe on her neck. Appellant raped Sonido in the lower portion of her house. Sonido did not report the incidents to her mother, her relatives or the police because she was afraid of the threats of appellant.

"On October 4, 1992, appellant told Sonido to go to the bamboo groves on the hill near her house on the next day, otherwise he would

Supreme Court E-Library

kill her. Sonida did not resist the order of the appellant because she was afraid. About 1:00 in the afternoon of October 5, 1992, appellant raped her near the bamboo grove on the hill near her house.

"Around 9:00 in the morning of November 2, 1992, Sonido was on her way to the house of her aunt but appellant stopped her. Appellant again raped her in the lower portion of the hill. Sonido went home after she was raped but did not tell her mother about it.

"On December 5, 1992, Sonido was at the back of their house weeding grass. Appellant approached her and placed a scythe at her throat and told her to go with him. Appellant again brought Sonido to the bushes where appellant undressed her. Appellant took off his clothes and mounted Sonido. At the same time, appellant placed a scythe close to her throat. Appellant then inserted his penis into the sex organ of Sonido.

"After the rape incident on December 5, 1992, Sonido cried and finally told her mother about the rape incidents because she could not longer bear the beastly acts of appellant. Sonido's mother reported the matter to the Barangay Captain and to the police authorities, who had the incidents entered in the police blotter."[6] (Citations omitted)

Version of the Defense

On the other hand, appellant relates his version of the facts thus:

"The evidence of the prosecution and defense show that in the morning of January 30, 1992[,] Mrs. Perina Sonido complained to the Barangay Captain of their Barangay Tigtig, Sta. Barbara, Iloilo regarding a 'rumor' existing in their *barrio* regarding the relationship of her daughter Ligaya Sonido with herein accused Ignacio Sinoro. Mrs[.] Perina Sonido was alone in lodging that complaint arising from 'rumor' allegedly existing in their community regarding the 'relationship' existing between her daughter Ligaya Sonido and Ignacio Sinoro. This Perina Sonido when asked by the Barangay Captain what was really her complaint answered that she heard much talk or rumor in the community regarding that alleged relationship. And she further added in her narration to the Barangay Captain that Ignacio Sinoro

---

[6] Appellee's Brief, pp. 3-8; *rollo*, pp. 113-118. This was signed by Assistant Solicitor General Carlos N. Ortega, Assistant Solicitor General Nestor G. Ballacillo and Solicitor Fidel Thaddeus I. Borja.

Supreme Court E-Library

used to give her daughter money to keep secret that continuing relationship. In the afternoon of that day January 30, 1992, Ignacio Sinoro, together with his wife, responding to summon of Barangay Captain, arrived at [the] house of Barangay Captain which served as his [o]ffice, and when asked regarding that alleged relationship he vehemently denied that alleged relationship. When Ligaya Sonido arrived she was asked repeatedly regarding that relationship and each time she was asked she vehemently and loudly answered 'NO' to all those repeated questions. These questions directed to Ligaya Sonido and her negative answers were done in the presence of the mother Lydia Sonido and her aunt. Then, after these questions x x x were asked to her, Ignacio Sinoro likewise was asked by Barangay Captain and he answered in the negative. Then after that the mother of Ligaya Sonido kept on insisting regarding that relationship while Ligaya Sonido and Ignacio Sinoro kept on denying the so-called relationship. Then the Barangay Captain Ignacio Subong in order to solve their predicament told her, referring to Mrs. Perina Sonido, to bring her daughter to the hospital for examination in order to determine whether there was really [a] sexual relationship between her daughter and Ignacio Sinoro. Mrs. Perina Sonido brought her daughter to Ramon Tabina Memorial Hospital where she was examined in said hospital by the Chief of Hospital in the person of Dra. Restituta Kilay[k]o. The said Doctor issued a Medical Certificate exhibited as Exhibit 1 finding her x x x 'negative' of having undergone sexual intercourse at the time she was examined. In court, the doctor concerned testified at the lower court and at the RTC that her finding is that Ligaya Sonido has not undergone sexual intercourse as borne by her examination. This doctor is an Obstetrician-[Gynecologist], besides, she was the Chief of the Hospital at the time of her examination of Ligaya Sonido. Besides, it was the first examination of the subject Ligaya Sonido. Mrs. Perina Sonido did not submit the findings of the examining doctor to the *barangay* captain despite her promise. She brought the said Medical Certificate to Station Commander Soldevilla of Sta. Barbara National Police. The Station Commander told her that Medical Certificate containing negative findings would not support their case for Rape against Ignacio Sinoro. She advised her to proceed to NBI in order that Ligaya Sonido would be examined for the second time. The Station Commander upon request of Perina Sonido prepared a letter to be sent to NBI requesting for the examination of Ligaya Sonido. Ligaya Sonido was examined by Dr. Jaboneta in his clinic at [the] NBI headquarters. According to Perina Sonido and Ligaya Sonido before the examination was conducted

Supreme Court E-Library

the second time they separately informed Dr. Jaboneta and the NBI that the first examination was already conducted by Dr[a]. Kilay[k]o, a government doctor and chief of the hospital but Dr. Jaboneta and Agent No. 1 Lim testified that they were never informed that Ligaya Sonido was ever examined before her examination was conducted by Dr. Jaboneta of the NBI. The NBI doctor even testified that had he known the fact that if only he knew that Ligaya Sonido was examined already by another government doctor he would not have conducted the second examination without the written request by a prosecutor. And, it should noted [sic] that in this particular incident there was no written request on the part of any prosecutor. And it should be further noted that just imagine the first doctor to examine was the Chief of the Hospital, the examination was done in the hospital, the examination was done by Obstetrician-[Gynecologist], and it was the first examination. Immediately after securing the Medical [C]ertificate of the NBI, the Station Commander and Perina Sonido saw to it that nine cases of rape were filed against the herein Accused Ignacio Sinoro. Regarding the Medical Certificate issued by Dr[a]. Kilay[k]o the same was conveniently hidden by the Station Commander Soldevilla in the steel cabinet and it was only through the insistence of the Honorable Judge of Honorable Municipal Circuit Judge of Sta. Barbara, Iloilo, which caused the said Exhibit 1 to be taken out of the [Archive] where it was kept by the Station [Commander] upon request of Perina Sonido who was obsessed in accusing Ignacio Sinoro despite her original Complaint regarding alleged 'rumor' of relationship of her daughter and Ignacio Sinoro. Thus, after Exhibit 1 or the [M]edical [C]ertificate was conveniently hidden in the alleged steel cabinet at the office of the Station Commander the prosecution filed the nine cases of Rape at the Municipal Circuit Trial Court based at Sta. Barbara. Thereafter; after Preliminary Investigation conducted at said court, the Honorable Municipal Circuit Court issued a Resolution declaring the existence of a *prima facie* evidence of Rape and recommending a bond of ₱70,000.00 and sending the records to office of the Provincial Prosecutor."[7]

Ruling of the Trial Court

Rejecting appellant's denial, the RTC ruled that the victim's testimony was credible and sufficiently corroborated by other

---

[7] Appellant's Brief, pp. 3-6; *rollo*, pp. 63-66. This was signed by Atty. Jocon C. Espino.

Supreme Court E-Library

witnesses and the medical findings. According to the court *a quo*, the victim rendered a clear and convincing narration of how appellant had committed the dastardly acts by using force and intimidation.

Hence, this appeal.[8]

The Issues

In his Brief, appellant submits the following errors allegedly committed by the RTC:

"I

The lower court erred in not finding that prosecution miserably failed to prove the guilt of the accused beyond reasonable doubt in nine (9) cases of rape.

"II

The lower court erred in not acquitting the herein defendant-appellant."[9]

Simply put, the issue is whether the prosecution succeeded in proving the charges beyond reasonable doubt.

The Court's Ruling

The appeal has no merit.

Main Issue:
Sufficiency of the Prosecution's Evidence

Assailing his conviction on all nine (9) counts of rape, appellant alleges that the trial court gave undue credence to the testimony of the offended party. According to him, the delay or reluctance of the victim and her mother in reporting the alleged rapes at

---

[8] This case was deemed submitted for resolution on July 16, 2001, upon receipt by this Court of appellee's Brief. Appellant's Brief was received by this Court on March 7, 2001. The filing of a Reply Brief was deemed waived, as none was submitted within the reglementary period.

[9] Appellant's Brief, p. 6; *rollo*, p. 66. Original in upper case.

Supreme Court E-Library

the soonest possible opportunity, as well as the conflicting medical findings, renders their account of the rape incidents highly suspect.

Delay in Reporting the Rape Incidents

Appellant argues that the victim waited too long before telling her mother of the rape incidents. In turn, the mother reported the crime to the *barangay* captain only on January 28, 1993, after her daughter had informed her of the incidents sometime in December 1992. He further claims that the mother complained about the alleged ravishment only after rumors of a supposed love relationship between him and her daughter had already cropped up. We are not persuaded.

At the outset, we note that the initial reluctance of a rape victim to publicly reveal the assault on her virtue is neither unknown nor uncommon.[10] It is quite understandable for a young girl to be hesitant or disinclined to come out in public and relate a painful and horrible experience of sexual violation. The same may be said of her mother. She is placed in the difficult predicament of deciding whether to obtain justice for her daughter or to suffer the outrage in silence, if only to protect the latter's dignity and honor.

Indeed, the vacillation of a rape victim in making a criminal accusation does not necessarily impair her credibility as a witness.[11] Delay in reporting the crime neither diminishes her credibility nor undermines her charges, particularly when the delay can be attributed to a pattern of fear instilled by the threats of one who exercises moral ascendancy over her.[12]

A perusal of the records of the case clearly shows that after the first rape, appellant constantly warned the victim that he would kill her and her family, should anyone else find out about

---

[10] *People v. Dagpin*, 346 SCRA 860, December 4, 2000.

[11] *People v. Edem*, G.R. No. 130970, February 27, 2002.

[12] *People v. Marcellana*, G.R. Nos. 137401-03, February 6, 2002.

Supreme Court E-Library

it. In the face of constant threats of physical violence and death, her belated exposition of the sexual abuses she suffered cannot be taken against her.[13]

Indubitably, the fact of rape and the identity of appellant as the perpetrator were sufficiently established by the prosecution on the basis of the victim's clear, coherent and candid narration of the first incident as follows:

"WITNESS:

> On June 19, 1992 when I was untying the rope of our goat entangled in the mango tree there was somebody at my back and there was a scythe that was placed on my neck.

ATTY. FACON:

> Were you able to identify the person who placed the scythe on your neck?

WITNESS:

> Yes, sir.

ATTY. FACON:

> Who was that person?

WITNESS:

> Ignacio Sinoro.

INTERPRETER:

> The witness pointed to the person sitting at the accused bench and when this person was asked his name he answered that he is Ignacio Sinoro.

ATTY. FACON:

> Is he the same Ignacio Sinoro the accused in this case?

WITNESS:

> Yes sir.

---

[13] *People v. Watimar*, 338 SCRA 173, April 16, 2000.

Supreme Court E-Library

ATTY. FACON:

Now can you please illustrate to this Honorable Court how Ignacio Sinoro placed his scythe to your neck?

INTERPRETER:

The witness making the body of the interpreter as reference is showing that she was hogtied at the back and the accused pointed the scythe on her neck and the left hand of the accused is holding both arms of the victim and with the scythe placed on her neck.

ATTY. FACON:

On that situation what did you do?

WITNESS:

I cried sir.

ATTY. FACON:

Did you not shout for help?

WITNESS:

If I would shout he threatened to kill me by cutting my throat.

ATTY. FACON:

Now on that situation was there any word coming from the accused Ignacio Sinoro?

WITNESS:

Yes sir.

ATTY. FACON:

What did he say?

WITNESS:

He told me, don't shout if you will shout I will kill you.

ATTY. FACON:

Did you make a response on that statement?

WITNESS:'

I only cried.

Supreme Court E-Library

ATTY. FACON:

After that, what happened?

WITNESS:

He brought me to the house.

ATTY. FACON:

What was your position when the accused brought you to the bushes, will you please illustrate to the Honorable Court?

WITNESS:

The witness acting as the accused making the interpreter as reference (victim) is demonstrating the way she was brought by the accused to the bushes, her left hand was placed in her side and was held by the accused and the accused's right hand holding the scythe was placed on the throat of the victim and they proceeded while she was being pushed towards the bushes.

ATTY. FACON:

Were you able to reach the bushes?

WITNESS:

Yes sir.

ATTY. FACON:

While reaching on that place, what did the accused Ignacio Sinoro do?

WITNESS:

He took-off my short pants and my panty.

x x x x x x x x x

ATTY. FACON:

Was the accused able to take off your shorts and panty?

WITNESS:

Yes sir.

Supreme Court E-Library

ATTY. FACON:

After the accused was able to take-off your shorts and panty, what did he do?

WITNESS:

He let me lie on the ground.

x x x x x x x x x

ATTY. FACON:

After the accused was able to pin you on the ground, what did he do?

WITNESS:

He undressed himself. He took off his clothes.

x x x x x x x x x

ATTY. FACON:

Now after the accused was able to take off his pants and brief and lower it to his knee, what happened?

WITNESS:

He placed himself on top of me.

ATTY. FACON:

On that situation, what happened?

WITNESS:

He inserted his penis on my sex organ.

x x x x x x x x x

ATTY. FACON:

Now what happened next?

WITNESS:

I felt pain when his penis entered my organ and then there was blood on my sex organ.

ATTY. FACON:

After the penis of the accused was able to insert in your organ, what did the accused do?

Supreme Court E-Library

WITNESS:

> He told me not to tell anybody because if I am going to tell anybody he will kill me and my family."[14]

Verily, the testimony of the complainant deserves utmost credence. No woman in her right mind would admit to having been raped, allow an examination of her private parts, and expose herself or her family to the humiliation and the shame concomitant with a rape prosecution, unless the charges are true.[15] Moreover, no mother would subject her own daughter, a child of tender years, to the rigors and the humiliation of a public trial for such crime, if she was not driven by an honest desire to have her daughter's transgressor punished accordingly.[16]

As an incident to the alleged delay and indecisiveness of the victim and her mother in reporting the rape incident, appellant boldly insinuates that no rape was ever committed, because he and the victim were sweethearts. He further implies that the mother knew about the relationship. We quote the pertinent portion of his Brief:

"x x x. Because if you consider the facts presented by the prosecution you will readily conclude that no rape or rapes was ever committed but at most what took place [was] x x x indeed a relationship [that] existed between the parties. x x x.[17]

The "sweethearts theory" he proffers is effectively an admission of carnal knowledge of the victim and consequently places on him the burden of proving the supposed relationship by substantial evidence.[18] To be worthy of judicial acceptance, such a defense should be supported by documentary, testimonial or other evidence.[19] Other than his self-serving statements, he

---

[14] TSN, July 27, 1994, pp. 7-13.

[15] *People v. Sampior*, 327 SCRA 31, March 1, 2000.

[16] *People v. Gopio*, 346 SCRA 408, November 29, 2000.

[17] Appellant's Brief, p. 8; *rollo*, p. 68.

[18] *People v. Baldosa*, GR No. 138614, May 7, 2002.

[19] *People v. Sabredo*, 331 SCRA 663, May 11, 2000.

Supreme Court E-Library

failed to present even a speck of evidence to establish or suggest that a love relationship between him and the victim did in fact exist.

In any case, his reference to a supposed relationship with the victim completely contradicts his defense of denial, which he has persistently pursued both before the lower court and this Court. His reliance on these two conflicting theories at the same time renders both defenses all the more unbelievable and unavailing. Certainly, he cannot be allowed to utilize diametrically opposed defenses. To do so would make a mockery of established precepts in criminal jurisprudence.

The victim presented a vivid and definitive depiction of the last rape committed by appellant. We quote from her testimony as follows:

"ATTY. FACON:

> You likewise mentioned that you were raped on December 5, 1992, can you tell this Honorable Court how you were raped by the accused in this case?

WITNESS:

> I was at the back of my house weeding. He went near me and placed a scythe on my throat and told me to go with him.

ATTY. FACON:

> Did you go with him?

WITNESS:

> Yes sir.

ATTY. FACON:

> Where did he go?

WITNESS:

> To the bushes.

ATTY. FACON:

> At the bushes, what did he do?.

Supreme Court E-Library

WITNESS:

He took off my clothes.

ATTY. FACON:

After taking off your clothes?

WITNESS:

After taking off my clothes he was still placing the scythe on my throat at the same time he was undressing himself and positioned himself on top of me.

ATTY. FACON:

While there on top of you, what did he do?

WITNESS:

He inserted inside my sex organ his penis.

ATTY. FACON:

Now where did this happened?

WITNESS:

He brought me to Brgy. Tigtig, to the bushes.

ATTY. FACON:

Now after December 5 when accused Ignacio Sinoro raped, what did you do?

WITNESS:

After that incident on December 5, I cried and I cannot take anymore the beastly attitude so I told my mother."[20]

Settled is the rule that a candid narration by a victim of how she was raped bears the earmarks of credibility, especially if no ill will motivates her to testify falsely against the accused.[21] If her testimony is straightforward and unflawed by any material or significant inconsistency, it deserves full faith and credit.[22]

---

[20] TSN, July 27, 1994, pp. 28-30.

[21] *People v. Pailanco*, 322 SCRA 790, January 20, 2000.

[22] *People v. Penaso*, 326 SCRA 311, February 23, 2000.

Supreme Court E-Library

For it is a truism that when a woman says that she was violated, she says in effect all that is necessary to show that rape has been inflicted on her. Moreover, so long as her testimony meets the test of credibility, the accused may be convicted on the basis thereof.[23]

In the case before us, appellant's denial is unsubstantiated by clear and convincing evidence. Considering that denial is negative and self-serving, it does not deserve much weight in law in the presence of positive testimony.[24] Indeed, between the clear and categorical declarations of the victim on the one hand and the bare denial of the accused on the other, the former generally prevails.[25]

In rape cases, the accused may be convicted on the sole basis of the victim's testimony, provided it is credible, natural, convincing and consistent with human nature and the normal course of things.[26] Indeed, even the testimony of a lone witness is sufficient to support a conviction, especially when the testimony enjoys the badges of sincerity and veracity.[27]

In criminal jurisprudence, when the issue is the credibility of witnesses, appellate courts will generally not disturb the findings of the trial court. After all, the latter was in a better position to decide the question, having heard the witnesses and observed their deportment and manner of testifying during the trial.[28]

Conflicting Medical Reports

Appellant likewise alleges a discrepancy between the medical findings of Dra. Restituta Kilayko, an obstetrician-gynecologist;

---

[23] *People v. Dedace*, 328 SCRA 679, March 22, 2000.

[24] *People v. Virtucio Jr.*, 326 SCRA 198, February 22, 2000.

[25] *People v. Cambi*, 333 SCRA 305, June 8, 2000.

[26] *People v. Bayona*, 327 SCRA 190, March 2, 2000.

[27] *People v. Alagon*, 325 SCRA 297, February 10, 2000.

[28] *People v. Mendoza*, 332 SCRA 485, May 31, 2000.

Supreme Court E-Library

and Dr. Ricardo Jaboneta, a medicolegal officer of the National Bureau of Investigation (NBI). According to appellant, the initial physical examination conducted by Dra. Kilayko on January 30, 1990 yielded no indication that the victim had already experienced sexual intercourse. He argues that this finding effectively negated the possibility of rape. He adds that the second medical examination conducted by Dr. Jaboneta on February 8, 1993, which positively showed that the victim had had multiple sexual intercourse, did not coincide with the earlier findings of Dra. Kilayko.

However, a careful review of the testimony of Dra. Kilayko belies appellant's claim. Her medical report merely stated a negative finding on the presence of spermatozoa. In fact, she admitted in her testimony that the victim's hymen was no longer intact, and that this condition might have resulted from sexual intercourse. The doctor testified on the matter as follows:

"PROS. GONZALES:

> What was the condition of the hymen at the time of your examination?

WITNESS:

> *The hymen was no longer intact*, that is the reason why my finger easily entered the vagina.

PROS. GONZALES:

> Considering that the hymen was no longer intact there was already a previous intercourse?

WITNESS:

> *It is possible.*"[29]

As can be gleaned from the foregoing testimony, the result of the physical examination conducted by Dra. Kilayko is not in conflict with the subsequent findings of Dr. Jaboneta, insofar as previous sexual intercourse is concerned. Verily, the purported

---

[29] TSN, November 15, 1995, p. 14.

Supreme Court E-Library

divergence between the results of the two medical examinations is more imagined than real.

In any event, a medical examination of the victim is not indispensable to the successful prosecution of rape.[30] Expert testimony is merely corroborative in character and not essential to conviction.[31]

Proper Penalty

A thorough review of the testimony of the victim reveals that the rapes allegedly committed on July 4, 11 and 18; September 11 and 12; October 5 and November 2, 1992 were not established with reasonable certainty. At best, the testimony only described how appellant had approached and threatened her on the said dates. While it mentioned where and what time the supposed rapes were committed, it did not contain any statement that appellant had forced coitus on her. As a matter of fact, he made no reference on whether he had taken off his clothes, undressed her, or inserted his penis into her sexual organ.

The testimony of the victim with regard to the first rape on June 19, 1992 and the last one on December 5, 1992 were positive and descriptive. In contrast, her testimonial account of the other alleged rapes that supposedly occurred between those dates are wanting in details, particularly on the very act of sexual intercourse — details that are the cornerstone of every rape prosecution. This fact is quite evident from her testimony, which we quote:

"ATTY. FACON:

> After June 19, 1992, was there any other time that the accused rape you?

WITNESS:

> Yes sir.

---

[30] *People v. Licanda*, 331 SCRA 357, May 4, 2000.

[31] *People v. Baltazar*, 329 SCRA 378, March 31, 2000; *People v. Lerio*, 324 SCRA 76, January 31, 2000.

Supreme Court E-Library

ATTY. FACON:

When was that?

WITNESS:

On July.

ATTY. FACON:

What date of July if you can recall?

WITNESS:

July 4, 11 & 18, 1992.

ATTY. FACON:

You mean to tell this Honorable Court that you were raped in July 1992 for three times?

WITNESS:

Yes sir.

ATTY. FACON:

Where did this rape in July 4, 11 & 18. Where did this happened?

WITNESS:

In our hill in the bamboo groves.

ATTY. FACON:

Where is this hill and the bamboo groves located?

WITNESS:

In the lower portion of our house.

x x x x x x x x x

ATTY. FACON:

Now who raped you on July 4, 11 & 18?

WITNESS:

Ignacio Sinoro.

ATTY. FACON:

Is he the same Ignacio Sinoro, the accused in this case?

Supreme Court E-Library

WITNESS:

Yes sir.

ATTY. FACON:

Now what did Ignacio Sinoro do when he raped you?

WITNESS:

He did the same. He placed a scythe on my throat when I was getting firewood.

x x x x x x x x x

ATTY. FACON:

Now after July 4, 11 & 18, was there any other time that the accused raped you?

WITNESS:

Yes sir.

ATTY. FACON:

When was that?

WITNESS:

September 11 & 12, October 5, November 2 and December 5.

ATTY. FACON:

Now on September 11, 1992, where were you raped by Ignacio Sinoro?

WITNESS:

In our hill because he told me to go there and if I will not go there he will kill me.

ATTY. FACON:

How did the accused Ignacio Sinoro ráped you on September 11, 1992?

WITNESS:

He placed a scythe on my neck and at the same time threatened me.

x x x x x x x x x

Supreme Court E-Library

ATTY. FACON:

How about on September 12, 1992, can you tell this Honorable Court how Ignacio Sinoro raped you?

WITNESS:

When I was preparing food "*palawan*" for our pigs he went to me and again placed a scythe on my throat.

x x x x x x x x x

ATTY. FACON:

After September 11 & 12, 1992, you mentioned awhile ago that you were raped on October 5, 1992 my question is; [w]here did this happened?

WITNESS:

At the bamboo groves in our hill because he told me to go there and if I will not see him he will kill me.

x x x x x x x x x

ATTY. FACON:

After October 5, 1992[,] you mentioned that you were likewise raped on November 2, 1992, my question is; [w]here is this rape happened?

WITNESS:

I was about to go to the [house] of my aunt and he stopped me on my way.

x x x x x x x x x

ATTY. FACON:

Were you able to reach the house of your aunt?

WITNESS:

No sir.

ATTY. FACON:

Why?

Supreme Court E-Library

WITNESS:

> Because he stopped me and raped me so I did not proceed to the house of my aunt. So I went home after he raped me."[32]

Certainly, a *general* declaration that the victim was raped does not satisfy the demands of proof beyond reasonable doubt, or warrant a conviction. Verily, the vital content of her narration should, at the very least, confirm the fact of sexual penetration as defined and established by law and jurisprudence. Considering that carnal knowledge is the central element in the crime of rape, it must be proven beyond reasonable doubt. The victim's broad and unsubstantiated statements with respect to the other rapes are undisputedly insufficient to establish the guilt of the accused with moral certainty.[33]

Finally, we note that the trial court erred in awarding only civil indemnity. In rape cases, moral damages are automatically awarded to the victim without need of proof inasmuch as the mental, physical and psychological trauma she suffered is quite obvious.[34] Accordingly, the victim should be awarded an additional ₱50,000 for each act of rape committed against her.

WHEREFORE, the appealed Decision is hereby ***AFFIRMED*** with the following ***MODIFICATIONS***.

(1) In Criminal Case Nos. 40309 and 43010, appellant is found guilty of two counts of rape and is sentenced to two terms of *reclusion perpetua*, one for each count; he is further ***ORDERED*** to pay the victim, for each count of rape, ₱50,000 as civil indemnity and another ₱50,000 as moral damages.

(2) In Criminal Case Nos. 40311-40317, appellant is ***ACQUITTED*** on reasonable doubt.

No pronouncement as to costs.

---

[32] TSN, July 27, 1994, pp. 18-28.

[33] *People v. De Leon*, 319 SCRA 743, December 3, 1999.

[34] *People v. Arofo*, GR No. 139433, April 11, 2002; *People v. Fernandez*, GR No. 140203, January 31, 2002.

Supreme Court E-Library

SO ORDERED.

Puno (Chairman), Sandoval-Gutierrez, Corona, and *Carpio Morales, JJ.,* concur.

THIRD DIVISION

[G.R. No. 140707. April 22, 2003]

NORGENE POTENCIANO and Spouses MANUEL JAYME and NATIVIDAD ZAFRA-JAYME, *petitioners, vs.* **DWIGHT "IKE" B. REYNOSO, CARLOS B. REYNOSO, MA. LOURDES B. REYNOSO, FELIPE B. REYNOSO, CLAREBELO B. REYNOSO, VERONICA B. NEBRES and the COURT OF APPEALS,** *respondents.*

SYNOPSIS

In 1979, the late Felipe Pareja, allegedly executed a Deed of Absolute Sale covering a certain parcel of land in favor of his illegitimate son, appellant Manuel Jayme. Thereafter, Jayme sold the land to Potenciano, who then filed an ejectment case against appellee Reynosos. The Reynosos, who claim that they are likewise illegitimate children of Felipe, raised the issue of forgery of Felipe's signature in the Deed of Sale.

The Court of Appeals affirmed the decision of the RTC that the signature of Felipe on the Deed of Sale had been forged. Both courts gave more weight to the scientific examination of the expert witness as opposed to the testimony of the Deed's notary public who is counsel to petitioner Potenciano and was an interested party. Consequently, the forged Deed of Sale did not transfer any rights from Pareja to Jayme to Potenciano. To these conclusions of the trial and appellate courts, the Court found no reason to reverse.