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THIRD DIVISION

[G.R. Nos. 134573-75. October 23, 2003]

PEOPLE OF THE PHILIPPINES, *appellee, vs.* **VICENTE BINARAO, RUDY CANATA and JOSE COMBIS, JR.,** *appellants.*

SYNOPSIS

Appellants were found guilty of raping one 14- year old Emma and the Court found no reason to reverse the ruling of the trial court.

The testimony of the offended party pertaining to the sexual assaults on her was clear, positive and convincing. The fact of rape and the identity of appellants as malefactors were sufficiently established by the prosecution through the straightforward narration of the offended party. Further, rape was committed in conspiracy by the appellants. Appellants dragged the victim to an uninhabited house and thereafter perpetrated their criminal acts one after the other. That while each of the appellants was raping Emma, the other two appellants assisted him by cupping her mouth and holding her legs. Appellants also repeatedly threatened the victim after the rape incidents. Thus, appellants were individually sentenced to suffer the penalty of *reclusion perpetua* for each of the three counts of rape and each ordered to pay the victim jointly and solidarily the amount of ₱50,000 for each count of rape or a total ₱150,000 as civil indemnity and ₱50,000 for each count of rape or a total of ₱150,000 as moral damages.

SYLLABUS

1. **REMEDIAL LAW; EVIDENCE; CREDIBILITY OF WITNESSES; FINDINGS OF TRIAL COURT, RESPECTED.** — Considering the intrinsic nature of the crime of rape, usually no one can give a first-hand account of what transpired, if truth be told, except the actual participants in the sexual act. The testimony of the offended party is therefore crucial in determining the guilt of the accused. Indeed, it must be received with great caution, since the conviction or acquittal of the accused in rape

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indubitably depends on complainant's testimony. However, if the lone testimony of the offended party is found credible, it has been held sufficient to sustain a conviction. After a careful review of the records, we find no reason to deviate from the settled rule that the Court will not alter the findings of the trial court on the credibility of witnesses, unless there are circumstances which it overlooked that would change its findings or modify its conclusions. As a rule, appellate courts generally rely on the findings and observations of the trial judge who directly evaluated the demeanor of the witnesses on the stand and who was in a better position to decide the question. Emma never vacillated in her assertion that appellants forced her to have sexual intercourse with them. Indeed, we find that her testimony was consistent in all material points. Her testimony must therefore be given full faith and credit.

2. **ID.; ID.; ID.; NOT AFFECTED BY DELAY IN REPORTING THE CRIME.** — Appellants failed to rebut the clear and positive testimony of the offended party in all three criminal cases. It is doctrinal that when a woman testifies that she has been raped, she says, in effect, all that is necessary to show that rape has been committed, as long as her testimony meets the test of credibility. Emmas's credibility was not successfully assailed by appellants who cannot seek exculpation simply because the victim did not report the rape at once or because there was delay in the filing of the complaints. It is not uncommon for young girls to conceal the assault against their virtue because of the threat on their lives. Certainly, there is no standard human reaction to a traumatic experience. Many times a victim would rather suffer in silence than reveal her story. Barely out of childhood, Emma could easily be intimidated and cowed into silence even by the mildest threat against her. Thus her delay in reporting the rape ought not to be taken against her, nor used to weaken her credibility.

3. **ID.; ID.; ID.; NOT AFFECTED BY ALLEGED INDIFFERENT REACTION OF THE VICTIM AFTER THE RAPE.** — Assuming that Emma did not manifest any sign of trauma despite the rape, such cannot justify the reversal of appellants' conviction. How the victim comported herself after the incident was not significant as it had nothing to do with the elements of the crime of rape. Furthermore, different people react differently to a given situation. There is no standard form of behavior when

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one is faced with a distressing incident. "The workings of the human mind when placed under emotional stress are unpredictable." In *People v. Luzorata,* this Court held: "This Court indeed has not laid down any rule on how a rape victim should behave immediately after she has been abused. This experience is relative and may be dealt with in any way by the victim depending on the circumstances, but her credibility should not be tainted with any modicum of doubt."

4. ID.; ID.; ID.; UPHELD IN THE ABSENCE OF ILL MOTIVE. — Appellants likewise failed to establish that Emma had any ill motive to falsely testify against them. It has been consistently held that the witness' testimony deserves full faith and credit where there exists no evidence to show any dubious reason or improper motive why she should testify falsely against the accused or why she should implicate the accused in a serious offense.

5. ID.; ID.; ID.; DENIAL AND ALIBI; CANNOT PREVAIL OVER POSITIVE TESTIMONIES. — Indeed, Emma's testimony could not be struck down by appellants' bare defenses of denial and alibi. The positive assertions of Emma could not be overcome by the mere denial by appellants of their participation in the crime or by the mere alibi that they were not in the crime scene during the rape incident. Alibi as basis for acquittal must be established by clear and convincing evidence. Appellants failed to convincingly demonstrate that it was physically impossible for them to be at the scene of the crime at the time of its commission. On the other hand, the victim herself positively identified appellants as the perpetrators of the crime. Thus, the defense of alibi must fail. Time-tested is the rule that between the positive assertions of the prosecution witness and the negative averments of the accused, the former undisputedly deserves more credence and is entitled to greater evidentiary value. Thus, the trial court was correct in convincing appellants of the crimes charged.

6. CRIMINAL LAW; RAPE; PROPER PENALTY. — The Revised Penal code defines and penalizes rape as follows: "ART. 335. *When and how rape is committed.* — Rape is committed by having carnal knowledge of a woman under any of the following circumstances: 1. By using force or intimidation; 2. When the woman is deprived of reason or otherwise unconscious; and

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3. When the woman is under twelve years of age or is demented. The crime of rape shall be punished by *reclusion perpetua*." The essence of rape is carnal knowledge of a woman against her will. In all three cases, appellants failed to show that Emma consented to have sexual intercourse with them. On the contrary, the evidence showed that the carnal acts were against her will.

7. ID.; ID.; WHERE CONSPIRACY PRESENT. — The trial court failed to note the existence of conspiracy among appellants in raping Emma. They dragged her to an uninhabited house and thereafter perpetrated their criminal acts one after the other. The evidence sufficiently demonstrated that, while each of the appellants was raping Emma, the other two appellants assisted him by cupping her mouth and holding her legs. Appellants also repeatedly threatened her after the rape incidents. Certainly, the acts of appellants before, during and after the commission of the crimes, taken together, were enough to show that they had a commonality of criminal design. From the circumstances narrated, it was evident that there was a community of purpose on the part of appellants. Thus, the act of one was the act of all. Consequently, appellants should be meted the appropriate penalty for each count of rape and therefore penalized for three counts of rape each.

8. ID.; ID.; CIVIL PENALTIES; PROPER CIVIL INDEMNITY AND MORAL DAMAGES. — The amount of ₱50,000 is hereby awarded to Emma as civil indemnity for each count of rape or a total of ₱150,000 for the three counts of rape, from each appellant. Thus, appellants as conspirators should be jointly and severally liable for the amount of ₱150,000 each, as civil indemnity. It must also be noted that, in crimes of rape, moral damages should be awarded to the victim without need for pleading or proof. The fact that complainant has suffered the trauma of mental, physical and psychological sufferings which constitute the bases for moral damages are too obvious to still require the recital thereof at the trial by the victim, since the Court itself even assumes and acknowledges such agony on her part as a gauge of her credibility. Accordingly, for appellant's conviction in the three criminal cases filed against them by complainant, the latter is entitled to moral damages in the amount of ₱150,000 from each appellant.

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APPEARANCES OF COUNSEL

Solicitor General for appellee.
Public Attorney's Office for appellants.

D E C I S I O N

CORONA, *J.*:

On appeal is the decision[1] dated August 20, 1997 of the Regional Trial Court, Branch 18 of Tabaco, Albay in Criminal Case Nos. T-2361, T-2362, T-2363, which convicted herein appellants Vicente Binarao, Rudy Canata and Jose Combis, Jr. of rape against then 14-year-old Emma Clapis and sentenced them to suffer the penalty of *reclusion perpetua*.

Appellants were charged in three separate Informations for allegedly committing three counts of rape, the accusatory portions of which similarly read:

"That on or about the 16th day of November, 1991 at about 6:30 o'clock in the evening, more or less, at Barangay Dapdap, Municipality of Tiwi, Province of Albay, Philippines and within the jurisdiction of this Honorable Court, the above-named accused with deliberate intent to violate the law by means of force and intimidation by using a fan knife, without the consent and against the will of EMMA CLAPIS, did then and there wilfully, unlawfully and feloniously conspire, confederate and mutually helping one another, while Vicente Binarao was sexually assaulting Emma Clapis the other co-accused helped in holding the offended party's body to subdue resistance and succeeded in having carnal knowledge with the latter, to her damage and prejudice."[2]

Appellants pleaded not guilty to the charges. The prosecution presented its version of the facts through the testimonies of complainant Emma Clapis, Segundina Clapis, Dr. Leonides Cruel and P/SI Benjamin B. Berdin.

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[1] Penned by Judge Mamerto M. Buban, Jr..

[2] Record, Volume I, p. 1; record, Volume II, p. 1.

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According to Emma Clapis, at around 6:30 p.m. on November 16, 1991, she was sent by her parents to buy *ibangot* (seasoning). After buying the *ibangot* from the store of one Rosemiña Base, Emma headed home. Along the way, she saw appellants Vicente Binarao, Jose Combis, Jr. and Rudy Canata with Rodwin Langasa and Anthony Cope. Appellants suddenly held her while Langasa and Cope left and went home.[3]

Appellants dragged Emma to an uninhabited house owned by one Aurora Colar. Upon reaching the house, appellants forcibly undressed Emma and took turns raping her. Binarao was the first who had carnal knowledge of Emma. While Binarao was having sexual intercourse with her, Canata was covering her mouth with his hands and Combis, Jr. was holding her legs. After Binarao satisfied his lecherous desires, Combis, Jr. and Canata followed. Appellants also took turns in holding down Emma to frustrate any resistance from the latter. Binarao raped the victim for a second time after Combis, Jr. and Canata were done raping her.[4]

Afterwards, the appellants allowed Emma to leave but only after threatening her not to reveal the incident to anybody, otherwise, they would kill her. They repeatedly threatened her each time their paths crossed. Emma sealed her lips for some time because of fear.[5]

In April 1992 or five months after the incident, however, Emma complained of pain in the stomach.[6] Segundina Clapis, Emma's mother, brought her to Dr. Bernardo Corral who discovered that she was pregnant. For the first time, she told her mother what appellants did to her. Consequently, they went to the *barangay* captain and reported the incident. The *barangay* captain referred Emma's case to the PNP of Tiwi, Albay.[7]

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[3] TSN, January 13, 1994, pp. 4-6.

[4] TSN, January 13, 1994, pp. 6-11.

[5] TSN, January 13, 1994, pp. 12-13.

[6] TSN, January 12, 1994, p. 29.

[7] TSN, January 13, 1994, p. 13; TSN, January 12, 1994, pp. 28-33.

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The incident was recorded in the police blotter and was later read by P/SI Benjamin B. Berdin in open court.[8]

Dr. Leonides Cruel, Municipal Health Officer of Tiwi, Albay thereafter conducted a physical examination on Emma on April 15, 1992. Dr. Cruel subsequently issued a "LIVING CASE REPORT" which, in part, stated:

"FINDINGS:

I — External . . .	1.	No signs of physical injuries noted.
	2.	Further physical examinations revealed that the victim is on her fifth month of pregnancy.
II — Internal . . .	1.	Hymen revealed healed shallow tear at 4:00 o'clock, deep healed lacerations at 6:00 o'clock and 9:00 o'clock respectively before the face of a watch.
	2.	Vaginal orifice admits one finger with ease.
III — Conclusion . . .		Physical virginity on the person of EMMA CLAPIS has been lost."[9]

Emma gave birth on June 16, 1992 or seven months after the incident.

The defense offered its version of the incident through the testimonies of appellants, Rudy Rangasa, Rustico Base, Dr. Bernardo Corral, Elena L. Celo, Lourdes Dacoba and Amado Colina.

According to appellant Canata, on November 16, 1991 at about 6:30 p.m., he was at Coro-Coro, Tiwi, Albay performing his duties as caretaker of the summer house of one Pedro Rañeses. He was required to stay at the summer house during the period of his employment as caretaker. He only went home twice, in December 1991 and in January 1992.[10]

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[8] TSN, January 13, 1994, p. 41.

[9] Record, Volume III, p. 3.

[10] TSN, March 25, 1994, pp. 18-23.

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Rudy Rangasa supported Canata's alibi. He narrated that, on November 16, 1991, he saw Canata at Rañeses' house. Before he left past 5:00 p.m., he saw Canata preparing his supper.[11]

According to appellant Binarao, on November 16, 1991, he was on duty at the Tiwi Agro-Industrial School feeding the chickens. He said that it was impossible for him to be friends with Canata as the latter was still very young then.[12]

Appellant Combis, Jr. testified that he was at the Tiwi Agro-Industrial School on November 16, 1991, attending his classes. He narrated to the trial court that he could not have had the courage to rape Emma as the latter was his cousin. He suggested that she was impelled by an improper motive in filing the complaint against him. According to him, his and Emma's parents were not in good terms.[13]

Rustico Base, a former *barangay* captain of Dapdap, Tiwi, Albay, testified that Emma and her mother Segundina asked for his help to find out who fathered her (Emma's) child. When Rustico questioned Emma about the identity of the father, the latter retorted that there were several men who had sexual intercourse with her in different places and on different dates. Appellants were among those who had sexual intercourse with her.

Base also described to the trial court the everyday life of the locals in their area. According to him, at 6:30 p.m., there were still a lot of people who frequented the place where Emma was allegedly abducted. However, nobody ever mentioned, until after the cases were filed against the appellants,[14] that Emma or anybody for that matter was abducted and raped on November 16, 1991.

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[11] TSN, March 25, 1994, pp. 6-16.

[12] TSN, November 13, 1995, pp. 5-8.

[13] TSN, November 13, 1995, pp. 30-39.

[14] TSN, October 17, 1994, pp. 4-12.

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Dr. Bernardo Corral, a physician in Tiwi, Albay, testified that on April 13, 1992, Emma consulted him about the pain in her stomach. When he examined her, he discovered that she was six to seven months pregnant.[15]

Elena L. Celo, the government midwife assigned at the Rural Health Unit at Misibis, Tiwi, Albay, testified that she assisted in the delivery of Emma's child on June 16, 1992. According to her, she delivered a full-term baby boy.[16]

The defense also offered in evidence a document signed by 130 allegedly disinterested inhabitants, which stated that no rape incident happened on November 16, 1991 in their *barangay*. Lourdes Dacoba and Amado Colina, two of the 130 signatories, testified in open court to substantiate their statement.[17]

The trial court convicted the appellants on August 20, 1997:

"ACCORDINGLY, we find from the totality of the evidence, oral and documentary, unfolded before us that the GUILT of the accused, Vicente Binarao in Criminal Case No. T-2361, of accused, Rudy Canata in Criminal Case No. T-2362 and that of accused, Jose Combis, Jr. in Criminal Case No. T-2363, for the crime of Rape alleged and recited in the three (3) Informations have been proved beyond reasonable doubt; consequently, accused, Vicente Binarao, Rudy Canata and Jose Combis, Jr. are hereby sentenced to suffer the penalty of *RECLUSION PERPETUA* and to jointly and solidarily indemnify EMMA CLAPIS the amount of ₱50,000.

Costs against accused."[18]

Appellants came to this Court and appealed the trial court decision. However, they subsequently filed a "Motion to Withdraw Appeal" on the ground that they wanted "to apply for executive clemency, considering that they had already satisfied the required minimum service in prison which would qualify them for a

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[15] TSN, February 8, 1995, pp. 4-6.

[16] TSN, March 22, 1995, pp. 6-9.

[17] TSN, July 11, 1995, pp. 5-9; TSN, October 11, 1995, pp. 4-5.

[18] Record, Vol. I, p. 120.

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commutation of their sentence." [19] We denied appellants' motion in a resolution dated July 25, 2001.

Thus, the present appeal with appellants alleging that:

"THE TRIAL COURT ERRED IN FINDING THE THREE (3) ACCUSED GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF RAPE."[20]

According to appellants, complainant's long delay in reporting the incident cast serious doubt on her credibility.

Likewise, the prosecution failed to present Langasa and Cope who were allegedly with appellants before the latter raped the victim. They could have bolstered the theory of the prosecution. Despite their availability, however, the prosecution did not call them to testify to corroborate Emma's claim.

Appellants further argue that, if Emma really became pregnant because of that rape incident, she could not have delivered a full-term baby in June 1992, given that only seven months had lapsed after the alleged rape on November 16, 1991.

Appellants aver that the behavior of Emma, particularly her conduct after the incident, negated her claim of rape. She did not exhibit any sign of trauma, quite unnatural of a troubled woman who just went through the nerve-wracking experience of being forcibly stripped of her honor.

On the other hand, appellants claim that their defense of alibi was perfectly credible. It was not possible for appellants to be friends and thus act as a group because of their age gap. Besides, they were in different places at the time of the incident. And 130 disinterested inhabitants in their area attested that no rape took place therein on the said date.

Appellants thus claim that the test of moral certainty or standard of proof beyond reasonable doubt required for conviction in criminal cases was not satisfactorily hurdled.

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[19] *Rollo*, p. 172.

[20] *Rollo*, p. 100.

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Appellants' arguments fail to persuade this Court.

Considering the intrinsic nature of the crime of rape, usually no one can give a first-hand account of what transpired, if truth be told, except the actual participants in the sexual act.[21] The testimony of the offended party is therefore crucial in determining the guilt of the accused. Indeed, it must be received with great caution,[22] since the conviction or acquittal of the accused in rape indubitably depends on complainant's testimony.[23] However, if the lone testimony of the offended party is found credible, it has been held sufficient to sustain a conviction.[24]

After a careful review of the records, we find no reason to deviate from the settled rule that the Court will not alter the findings of the trial court on the credibility of witnesses,[25] unless there are circumstances which it overlooked that would change its findings or modify its conclusions. As a rule, appellate courts generally rely on the findings and observations of the trial judge who directly evaluated the demeanor of the witnesses on the stand and who was in a better position to decide the question.[26]

The records bear out that the testimony of the offended party pertaining to the sexual assaults on her was clear, positive and convincing. The fact of rape and the identity of appellants as the malefactors were sufficiently established by the prosecution through the straightforward narration of the offended party. Without doubt, Emma's testimony revealed that she was forced and intimidated by appellants to have sexual intercourse with them:

"Q After buying that "*ibangot*" from the store of Base, was there any unusual incident that happened to you?
A On my way home, I saw five men in a group.

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[21] *People vs. Sagun*, 303 SCRA 382 [1999].

[22] *People vs. Domogoy*, 305 SCRA 75 [1999].

[23] *People vs. Tipay*, 329 SCRA 52 [2000].

[24] *People vs. Reñola*, 308 SCRA 145 [1999].

[25] *People vs. Alvarez*, 267 SCRA 266 [1997].

[26] *People vs. Manalo*, G.R. Nos. 144989-90, January 31, 2003; *People vs. Glabo*, G.R. No. 129248, December 4, 2001; *People vs. Navida*, 346 SCRA 821 [2000]; *People vs. Lopez*, 302 SCRA 669 [1999].

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Q Do you know these five men?
A Yes, sir.

Q Will you please tell us the names of those five men whom you saw that evening?
A Vicente Binarao, Jose Combis, Jr., Rudy Canata, Rodwin Langasa and Anthony Cope.

Q After that, what happened next?
A I did not expect these men to hold me.

COURT:
Do not narrate.

ATTY. LELIS:

Q What happened after being held by these men?
A After holding me, they brought me at the back of an uninhabited house.

Q Who are these men who held you?
A Vicente Binarao, Rudy Canata and Jose Combis, Jr.

Q How about the two, what were they doing?
A Rodwin told Anthony that they might as well go home because they were suspecting some trouble.

Q After these three accused held you, what did they do, if any?
A They undressed me.

Q If these three people are here in Court, will you please point to them?
A Yes, sir.

Q Will you please point to Vicente Binarao?
A (Witness pointing to a man dressed in striped pink T-shirt who acknowledged to the identification as Vicente Binarao).

Q How about Rudy Canata?
A (Witness pointing to a man dressed in Lavender T-shirt who acknowledged to the identification as Rudy Canata).

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Q How about Jose Combis, Jr.?
A (Witness pointing to a man dressed in white T-shirt and blue denim pants who acknowledged to the identification as Jose Combis, Jr.)

Q Are the two companions of these three accused present in Court now?
A They are not here.

Q What did these Vicente Binarao, Rudy Canata and Jose Combis, Jr. do to you after being held by them in their arms?
A Vicente raped me.

Q When Vicente Binarao raped you, what was Rudy Canata doing?
A Rudy Canata was cupping his hands on my mouth.

Q How about Jose Combis, Jr.?
A He was holding my legs.

Q After Vicente Binarao was through in raping you, what happened next?
A Jose Combis, Jr. also took turn (*sic*) in having carnal knowledge with me.

Q When Jose Combis, Jr. was raping you, what was Vicente Binarao doing?
A He was holding me.

Q In what part of your body was he holding you?
A In my legs.

Q How about Rudy Canata?
A In my mouth.

Q After Jose Combis, Jr. was through in raping you, what happened next?
A It was the turn of Rudy Canata.

Q What was Vicente Binarao doing when Rudy Canata was raping you?
A He was holding me.

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Q In what part of your body?
A In my legs.

Q How about Jose Combis, Jr.?
A In my mouth.

Q After you were raped by these three, what happened next?
A Vicente Binarao took another turn in raping me.

Q When this Vicente Binarao raped you for the second time, what was Rudy Canata doing?
A He was holding me.

Q How about Jose Combis, Jr.?
A He was holding me.

xxx xxx xxx

ATTY. LELIS:

Q While these three accused were raping you, what were you doing?
A I could not free myself because they were holding me.

Q Were you not able to call for any help?
A I could not, because they were covering my mouth and I was already scared.

Q After that, what happened next?
A After having carnal knowledge with me, the three accused, before leaving, threatened me not to reveal it to anybody because they will kill me.

Q How many times have you been threatened by these accused?
A Almost everytime.

Q Did you reveal that to your parents after this incident?
A No, sir.

Q Why did you not reveal it to your parents immediately after the incident?
A Because of the threat they have made on me.

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Q Why is it that it took five (5) months till your parents were able to know that you were pregnant, only when you were brought to the doctor?
A Because I did not reveal anything yet to my parents.

Q Why did you not reveal anything yet for the past five months?
A Because every time these three accused would see me, they always threatened me not to inform my folks about it, or they will kill me."[27]

Emma never vacillated in her assertion that appellants forced her to have sexual intercourse with them. Indeed, we find that her testimony was consistent in all material points. Her testimony must therefore be given full faith and credit.[28]

On the other hand, appellants failed to rebut the clear and positive testimony of the offended party in all three criminal cases. It is doctrinal that when a woman testifies that she has been raped, she says, in effect, all that is necessary to show that rape has been committed, as long as her testimony meets the test of credibility.[29]

Emma's credibility was not successfully assailed by appellants who cannot seek exculpation simply because the victim did not report the rape at once or because there was delay in the filing of the complaints. It is not uncommon for young girls to conceal the assault against their virtue because of the threat on their lives.[30] Certainly, there is no standard human reaction to a traumatic experience. Many times a victim would rather suffer in silence than reveal her story.[31] Barely out of childhood, Emma could easily be intimidated and cowed into silence even by the mildest threat

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[27] TSN, January 13, 1994, pp. 5-13.

[28] *People vs. Bonghanoy*, 308 SCRA 383 [1999] citing *People vs. Perez*, 296 SCRA 17 [1998].

[29] *People vs. Antido*, 278 SCRA 425 [1997].

[30] *People vs. Balmoria*, 344 SCRA 723 [2000]; *People vs. Escala*, 292 SCRA 48 [1998].

[31] *People vs. Lucban*, 322 SCRA 313 [2000].

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against her. [32] Thus her delay in reporting the rape ought not to be taken against her, nor used to weaken her credibility.[33]

Emma's credibility cannot also be impugned on the basis of appellants' allegation that she delivered a full-term baby despite the lapse of only seven months after the rape. Appellants' claim has no merit. It must be noted that when Dr. Corral, testifying for the defense, examined Emma on April 13, 1992, he never issued any certificate attesting to the fact that Emma was already six to seven months pregnant, as maintained by appellants. Dr. Corral's testimony therefore could not prevail over the evidence of the prosecution that Emma was only five months pregnant in April 1992. The medical report issued by Dr. Cruel amply supported the claim of the prosecution. Dr. Corral's testimony, on the other hand, remained an unsubstantiated allegation. Although appellants presented a certificate issued by government midwife Elena Celo, attesting to the alleged fact that Emma delivered a full-term child, the certificate appeared dubious considering that the certificate was issued only on March 24, 1993 or a year after the victim gave birth. Elena even revealed in her testimony that the certificate was requested by no less than the mother of appellant Vicente Binarao.[34]

But assuming that Emma did not manifest any sign of trauma despite the rape, such cannot justify the reversal of appellants' conviction. How the victim comported herself after the incident was not significant as it had nothing to do with the elements of the crime of rape. Furthermore, different people react differently to a given situation. There is no standard form of behavior when one is faced with a distressing incident. "The workings of the human mind when placed under emotional stress are unpredictable."[35] In *People vs. Luzorata*,[36] this Court held:

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[32] *People vs. Ortega*, G.R. No. 137824, September 17, 2002.

[33] *People vs. Montefalcon*, 305 SCRA 169 [1999].

[34] TSN, March 22, 1995, p. 9.

[35] *People vs. Sagun*, 303 SCRA 382 [1999].

[36] 286 SCRA 487 [1998].

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"This Court indeed has not laid down any rule on how a rape victim should behave immediately after she has been abused. This experience is relative and may be dealt with in any way by the victim depending on the circumstances, but her credibility should not be tainted with any modicum of doubt."

The failure of the prosecution to present Langasa and Cope who were allegedly with appellants before the rape did not matter at all. Langasa's and Cope's testimonies would have served only to corroborate the testimony of Emma. It must be emphasized that Emma's testimony, standing alone, was already very credible. The document signed by 130 allegedly disinterested residents attesting that no rape took place on the stated date was not sufficient to destroy the victim's credibility. Furthermore, as defense witness Colina testified, he was merely asked to sign the document by one of the *barangay* officials. Obviously, the allegedly disinterested inhabitants were not aware of the purpose and implications of affixing their signatures thereon. It must be noted that, in fact, the *barangay* chairman at that time was the uncle of one of the appellants, Jose Combis, Jr.[37]

Appellants likewise failed to establish that Emma had any ill motive to falsely testify against them. It has been consistently held that the witness' testimony deserves full faith and credit where there exists no evidence to show any dubious reason or improper motive why she should testify falsely against the accused or why she should implicate the accused in a serious offense.[38] Moreover, if it were true that Emma's complaint was merely spawned by ill will, why did not she implicate Langasa and Cope who were with appellants just before the incident? Appellants failed to give any plausible explanation why they were specifically singled out by Emma to answer for the bestial acts done to her. She was clear and positive in imputing guilt to appellants. Injustice was done against her person and her honor; thus her motives could not be doubted.

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[37] TSN, November 13, 1995, p. 45.

[38] *People vs. Lomerio*, 326 SCRA 530 [2000]; *People vs. Merino*, 321 SCRA 199 [1999].

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Indeed, Emma's testimony could not be struck down by appellants' bare defenses of denial and alibi. The positive assertions of Emma could not be overcome by the mere denial by appellants of their participation in the crime or by the mere alibi that they were not in the crime scene during the rape incident. Alibi as basis for acquittal must be established by clear and convincing evidence. Appellants failed to convincingly demonstrate that it was physically impossible for them to be at the scene of the crime at the time of its commission. On the other hand, the victim herself positively identified appellants as the perpetrators of the crime. Thus, the defense of alibi must fail.[39] Time-tested is the rule that between the positive assertions of the prosecution witness and the negative averments of the accused, the former undisputedly deserves more credence and is entitled to greater evidentiary value.[40] Thus, the trial court was correct in convicting appellants of the crimes charged.

The Revised Penal Code[41] defines and penalizes rape as follows:

"ART. 335. *When and how rape is committed.* — Rape is committed by having carnal knowledge of a woman under any of the following circumstances:

1. By using force or intimidation;

2. When the woman is deprived of reason or otherwise unconscious; and

3. When the woman is under twelve years of age or is demented.

The crime of rape shall be punished by *reclusion perpetua.*"

The essence of rape is carnal knowledge of a woman against her will. In all three cases, appellants failed to show that Emma

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[39] *People vs. Luzorata, supra.*

[40] *People vs. Monteron*, G.R. No. 130709, March 6, 2002; *Tecson vs. Sandiganbayan*, 318 SCRA 80 [1999].

[41] Before the effectivity of the Anti-Rape Law of 1997.

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consented to have sexual intercourse with them. On the contrary, the evidence showed that the carnal acts were against her will.[42]

However, while this Court affirms the conviction of appellants, the trial court decision must be modified.

For one, the trial court failed to note the existence of conspiracy among appellants in raping Emma. They dragged her to an uninhabited house and thereafter perpetrated their criminal acts one after the other. The evidence sufficiently demonstrated that, while each of the appellants was raping Emma, the other two appellants assisted him by cupping her mouth and holding her legs. Appellants also repeatedly threatened her after the rape incidents. Certainly, the acts of appellants before, during and after the commission of the crimes, taken together, were enough to show that they had a commonality of criminal design.[43] From the circumstances narrated, it was evident that there was a community of purpose on the part of appellants. Thus, the act of one was the act of all.[44] Consequently, appellants should be meted the appropriate penalty for each count of rape and therefore penalized for three counts of rape each.

We also note that the award of damages by the trial court appears to be improper. While the trial court awarded the amount of ₱50,000 in favor of complainant, it was not clear what it represented. Nonetheless, the amount of ₱50,000 is hereby awarded to Emma as civil indemnity for each count of rape or a total of ₱150,000 for the three counts of rape, from each appellant. Thus, appellants as conspirators should be jointly and severally liable for the amount of ₱150,000 each, as civil indemnity. It must also be noted that, in crimes of rape, moral damages should be awarded to the victim without need for pleading or proof.

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[42] *People vs. Caratay*, 316 SCRA 251 [1999].

[43] *People vs. Pacificador*, G.R. No. 126515, February 6, 2002.

[44] *People vs. Padilla*, 132 SCRA 682 [1984].

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The fact that complainant has suffered the trauma of mental, physical and psychological sufferings which constitute the bases for moral damages are too obvious to still require the recital thereof at the trial by the victim, since the Court itself even assumes and acknowledges such agony on her part as a gauge of her credibility.[45]

Accordingly, for appellants' conviction in the three criminal cases filed against them by complainant, the latter is entitled to moral damages in the amount of ₱150,000 from each appellant.

WHEREFORE, the decision of the trial court is hereby *MODIFIED* as follows:

(a) appellants are individually sentenced to suffer the penalty of *reclusion perpetua* for each of the three counts of rape;

(b) appellants are each hereby ordered to pay the complainant jointly and solidarily the amount of ₱50,000 for each count of rape or a total of ₱150,000 as civil indemnity and ₱50,000 for each count of rape or a total of ₱150,000 as moral damages.

Costs against appellants.

SO ORDERED.

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

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[45] *People vs. Mostrales*, 294 SCRA 701 [1998].